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BOOK REVIEW / KİTAP DEĞERLENDİRMESİ

Sixty Years of the European Integration: How Resilient is the European Integration Project against the backdrop of Global Power Shifts?

Avrupa Entegrasyonu'nun Altmış Yılı: Avrupa Entegrasyon Projesi Küresel Güç Değişimleri Karşısında Ne Kadar Dirençli?

Julien Chaisse (ed), *Sixty Years of European Integration and Global Power Shifts: Perceptions, Interactions and Lessons* (Hart Publishing, 2019), 538 p, 9781509933723.

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The book, edited by Professor Julien Chaisse, discusses the most important topics of the present and future of the European integration project which, as Chaisse states accurately, has transformed the European continent and the world since its inception.¹ The European integration project is currently embodied in the European Union (EU), so the book aims to assess the EU's role in global governance.

There is no doubt that the prospects regarding this topic are highly important for Turkey as a member of Customs Union, the European Council, and a candidate for membership of the EU. Particularly, the Turkish decision-makers and academics must be well aware of the ongoing challenges and future prospects for the European integration project. This fact

1 Julien Chaisse (ed), *Sixty Years of European Integration and Global Power Shifts : Perceptions, Interactions and Lessons* (Hart Publishing, 2019) p. 1.

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inevitably draws our attention to Chaisse's work examining its subject matter from various aspects, which will be introduced later.

It is apparent that various global crises in recent years have shaken the global system and the EU is not an exception in this regard. Even though the EU is one of the greatest regional cooperation models in history, probably the best one, it is now in decline. Even during the COVID-19 pandemic crisis, the capabilities of the EU have frequently been questioned.

In spite of all doubts about the role that the EU can play in responding to the current crises, it is still true and crucial that the EU has the capacity to turn diverging interests of its member states into common policies, even if some fields such as foreign and military policies often fall outside the scope of its current capacity. The EU is the only supranational body in the international community with a solid institutional architecture. Furthermore, the EU's governance system involves multiple actors other than the member states which integrates public and private domains into the decision-making process. Therefore, Chaisse describes the EU as a "*fantastic laboratory for building a new form of political unity despite its weaknesses*" in the contemporary global system.² It is a "*true community of nations, dedicated to ensuring the security and prosperity of its members*".³ Therefore, Chaisse does not hesitate to present the EU as a model of governance for the world.

The book has twenty chapters written by distinguished experts and academics across the world. After the introductory first chapter, the editor divides the book into three parts, namely "European Legal Integration: Process, Difficulties and Achievements", "The European Union as a Global Actor: Issues and Partners" and "European Union's Trade Policy: Global and Regional Trade Challenges."

In the first chapter, Chaisse highlights the importance of the EU as an unprecedented political entity and explains its role in the global governance system. Accordingly, the EU's integration has a progressive character which can be defined as "*functional integration*".⁴ According to this theory of integration, the more the authority of an organization increases, the less power the states will have. Chaisse also underlines the main weakness of the EU as an "*economic giant but political dwarf*".⁵ That said, the fact that he connects those weaknesses with the historical background of the EU definitely gives the reader a better comprehension of the topic.

2 Ibid, p. 2.

3 Ibid

4 Ibid, p. 11.

5 Ibid, p. 3.

In the first part of the book, which starts with the second chapter, there are eight chapters which handle the issue of the integration of EU. In the second chapter of the first part, Judge Ian Forrester addresses the role of rule of law in the integration of EU. Forrester draws attention to the success of the EU which established treaties to make war impossible. Also, he points out the significance of one of the main actors of the continental legislation process which is the Court of Justice of the EU (CJEU). The CJEU that has decisions on many different fields such as trade, equality, data protection, and fundamental rights also gave the right to EU citizens that they could invoke EU law rather than inconsistent national laws before their respective national courts. Although the EU has been facing one of its worst crises right now and losing enthusiasm among its members, it can not be denied that the member states aim to ensure at least minimum living standards for their citizens and they are still in strong cooperation in many fields.

In chapter three, Rostam J. Neuwirth tries to state why Euroscepticism turned into a stagnate process by mentioning oxymoronic concepts that took place in the process of EU integration. According to the Neuwirth, the EU was born as an oxymoronic concept but was perceived as a contested project. It has matured since then, shifting from contestation to contradiction. To overcome this situation, Neuwirth argues that the EU should adopt an EU Constitution. Therefore, the apparently contradictory tensions within the EU can mutually enhance each other to set off a mutually beneficial virtuous cycle toward a peaceful destiny for the entire Union.

In chapter four, Manfred Weiss analyses the social dimension of the EU. At the beginning, although gaining a European character to the social policy and labour law was not on the EU's bucket list, vigorous problems have arisen over the course of time and the EU started to take precautions against them by amending important treaties, charters, and legislations. However, these steps did not reach the level of hard law. Weiss, therefore, presents some possible strategies to overcome this situation.

In chapter five, Trygve Ben Holland examines the EU rules regarding public procurement in terms of their geographical scope and diversity. It is known that the EU public procurement laws cover 28 member states and outermost regions especially overseas countries and territories. While elaborating his examination, Holland also refers to important agreements and regulations between member states and third states such as Canada, Chile, Israel, Japan, Korea, Mexico, Switzerland, Turkey, South Africa, and the USA which aim to ensure that there is impartiality and transparency in public procurement procedures.

In chapter six, Irene Sobrino Guijarro attempts to explain how cross-border healthcare operates in the EU. It is underlined that the CJEU, which created the

procedure through case law and treaty provisions regarding free movement of services, also promotes patient mobility in the EU. Guijarro also emphasizes the significance of the Directive 2011/24 which gave rise to interesting legal and policy related matters. Through this Directive, more advanced patient rights have been introduced from which both patients seeking healthcare across borders and patients receiving healthcare in their own member state of affiliation can benefit. However, Guijarro states that the current state of national diversity and inconsistencies among the specific transposition, transparency, and interpretations of the unification of cross-border healthcare mobility weaken the utility overall impact of the Directive.

In chapter seven, Panagiotis Delimatsis examines the Services Directive comprehensively. The Directive aims at the removal of barriers for the achievement of a single market for services. According to Delimatsis, it is not sufficient to establish a single market in services and its impact will depend on the member states' compliance with the single market principles and capacity of regulators to put trust on the table despite regulatory competition within the EU.

In chapter eight, Susana de la Sierra aims to find out the existence of the common understanding from a European perspective. One of the main achievements of the EU is clearly making itself a "*Community of Law*" which was also stated by the CJEU. Despite its weaknesses, the story of the EU is a success story in this aspect and de la Sierra develops this idea by focusing on some critical points such as the role of national judges, the role of national Supreme Courts and the system of preliminary rulings.

In the second part of the book, there are six chapters which focus on the role of the EU at the global level. In the chapter nine, Jan Wouters and Akhil Raina consider the conflicting policies of the EU which have contributed to multilateralism but also continue to pursue bilateral negotiations. According to the authors, the EU's support for multilateralism needs clarification and a well-coordinated strategy.

In chapter ten, Ernst-Ulrich Petersmann answers what should be understood from European constitutionalism for reforming multilevel governance of transnational public goods in Asia. Also, he states that European constitutional law offers some lessons for extending "*republican and cosmopolitan constitutionalism*" beyond national borders.

In chapter eleven, Helen E Hartnell focuses on the civil justice policy of the EU by considering the changing institutional environment in Brussels and its impact on civil justice matters. Besides, some current projects being mentioned and finally the author questions the significance of these developments in the civil justice era for the integration process.

In chapter twelve, Katharina L. Meissner, analyses the potential consequences that the EU is turning its face to the bilateral strategic partnership with Brazil rather than interregional negotiations with MERCOSUR. In this chapter it is highlighted that the EU shifted from interregionalism with MERCOSUR to bilateralism particularly with Brazil. When the EU was faced with mounting tensions and divergences within MERCOSUR, it switched its direction to a bilateral approach. Meissner states, thus, that the EU can deviate from its normative commitment to assist regional integration in other regions of the world when this strategy seems to be in conflict with its own material interests.

In chapter thirteen, Chien-Huei Wu looks at the EU – China relations in terms of EU-China Partnership and Cooperation Agreement (PCA) dated 2006 and its successor Comprehensive Investment Agreement (CAI). The strategic partnership between the EU and China, according to this chapter, represents the two great powers' efforts to engage with other major powers. Wu sheds light on the development of negotiations between two parties and the challenges they faced for the successful completion of the negotiations. He mentions that the divergences between the EU and China on the concepts of self-perception, national sovereignty, human rights and the global order introduce some serious challenges to this strategic partnership, especially in terms of PCA negotiations. This is why these great two powers decided to pursue the "Comprehensive Investment Agreement" (CAI) as an alternative for the Partnership Cooperation Agreement. Wu finally states, however, that the same difficulties that plagued PCA negotiators will plague the CAI negotiators if the European Parliament's human rights and sustainable development clauses are incorporated into the CAI's legal text. In conclusion, Wu states that the CAI will be unable to achieve the goal of improving the EU-China relations and sustaining the EU-China strategic partnership, in a way no different than PCA.

In chapter fourteen, Shintaro Hamanaka contributes to the comparative studies of regional economic integration by taking into account the legislation of economic relations. In this chapter, Hamanaka points out the differences between the ASEAN and its Western equivalents in terms of legalisation processes. While the ASEAN accepts an informal method of problem solving formally, the Western world only informally accepts that the informal method is required to solve problems. The reason behind the fact that the ASEAN always puts the non-legal methods on the table is that it is in fact a security institution and prioritizes to solve problems in an amicable way. In a nutshell, the author underlines in this chapter that the legal and non-legal methods always go hand in hand in the ASEAN economic cooperation mechanisms.

In the last part of the book, there are six chapters which delve into the most important foreign policy of the EU: International trade policy. In chapter fifteen, Fernando Dias Simões successfully points out the importance of the transparency in the EU's trade policy. On the one hand, there has been a controversy regarding investment and trade

agreements, on the other hand, increasing anti-trade rhetoric in campaigns and political discourse, and the mobilization against agreements such Transatlantic Trade and Investment Partnership (TTIP) and Comprehensive Economic and Trade Agreement (CETA). Simões also discusses some specific challenges that Common Commercial Policy brings about for the European integration project. These discussions present a deeper understanding of the issues covering EU's commercial policy.

In chapter sixteen, Kirstyn Inglis and Daniele Bianchi examine investor-to-state dispute settlement (ISDS) mechanisms and make a comparison of evolving legal approaches in Brazil and Latin America with those in the EU. The authors try to find the answer for the question of whether the Latin American approach can be an alternative possibility for the modernization of ISDS system or if this approach would be insufficient.

In chapter seventeen, Olga Boltenko evaluates the Regional Comprehensive Economic Partnership (RCEP) which is a free trade agreement between the 10 ASEAN members. She addresses China's different positions in terms of RCEP. Boltenko also states that China will abandon its stance on traditional issues, which has had a negative impact on the RCEP negotiation process in the China-EU BIT negotiations and makes predictions regarding how the RCEP perspective will be reflected in this BIT. Boltenko points out that at least a RCEP-inspired expropriation provision which is intended to protect matters of public policies and a RCEP-inspired FET (fair and equitable treatment) standard will be included in the China – EU BIT.

In chapter eighteen, Sufian Jusoh examines what kind of impact that Comprehensive and Progressive Agreement for Trans-Pacific Partnership's (CPTPP) intellectual property provisions have over research and developments in the biotechnology. He also explains what can be learnt from the EU approach towards research in the biotechnology and prices of medicines it sets. The author presents useful data about the biotechnology in the EU.

In chapter nineteen, Danny Friedmann confronts the geographical indications in the EU, China, and Australia. Finally, in the last chapter, Debashis Chakraborty and Nilanjan Banik consider the lessons which India learnt from the negotiations with the EU with respect to its pharmaceutical sector, which is third largest in terms of volume and tenth largest in terms of value. The author emphasizes that India's aim is to become a global manufacturing hub and this goal requires the review of the protection of intellectual property rights in India.

As reviewed, the book presents important explanations and discussions over sixty years of the European integration process. The book touches upon the important aspects of the EU integration process by explaining how the integration process and the role of

the EU in global order have developed. The impact of EU's trade policy on the global and regional trade relations is also proven excellently. The book is particularly important today because it presents a detailed analysis of EU law, explains in detail how such a regional collaboration has been achieved and what challenges have been overcome to achieve it from different perspectives. Currently, not only the EU but the entire global order is facing many challenges such as trade wars and a global pandemic. All of these challenges have profound impacts on the interstate collaboration mechanism. Hence, analyzing the greatest international collaboration instance in history in terms of the level of its internal integration seems to be more meaningful at the moment.

Some points in this work can be criticized. First, the book does not focus on the impacts of Brexit on the EU as it should have. Second, the accession to the EU process might have been further discussed in the book. Countries such as Turkey have a long negotiation period and still ongoing. The implications of this accession process might have been elaborated. Third, even though there was a brilliant comparison between EU and Latin American relations in the ISDS mechanism, it might have been more specific by containing a separate chapter to demonstrate tensions between the ISDS regime and EU law. Especially after the Achmea case,⁶ the tension between the ISDS regime and EU law has never ceased and a chapter specific to the incompatibility between EU law and the ISDS regime might have raised interesting discussions for readers. Nevertheless, the book is a fresh contribution to literature on EU law with excellent discussions and suggestion as it is presented. The chapters present a comprehensive analysis of the issues, and the useful insights given in the book are illuminating to the readers.

In conclusion, Professor Julien Chaisse has edited the book so timely while the EU regulations and integration process is being questioned by some skeptical groups and politicians, especially after Brexit. By bringing together experts on each specific topic they examined, the book provides a comprehensive analysis of the EU integration process and power shifts over the recent trade war and developments in the world. Due to its importance and excellent discussions, Professor Chaisse's book is going to be consulted as a reference book on EU law and EU integration.

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