

Solidarity within the European Union: political foundations

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Tribune based on a speech given at the College of Europe in Bruges in November 2011 (see programme of the conference in annex)¹.

Introduction – A test for European solidarity

The solidarity that has been put in place within the European Union is currently being exposed to a series of tensions and discussions that are so intense that it is particularly appropriate to put them in context, as this seminar invites us to do. I'm happy to be able to contribute to this joint "brainstorming" by referring to work done by Notre Europe as part of a project entitled "[A test for European Solidarity](#)"², launched during the "[European forum of think tanks](#)" that we organised in Barcelona in autumn 2010³.

As requested, I will focus on an analysis of the "political foundations" of European solidarity, i.e. on identifying principles and compromises that have legitimised the establishment of fairly broad solidarity mechanisms and tools. I will then not cover the concrete modalities of these various forms of European solidarity, which other speakers will have time to raise. Nor would I be so bold as to analyse the legal foundations of this European solidarity as Jean-Paul Jacqué has just given us a brilliant expose on that issue⁴.

I will stick to the challenge of analysing the reasons for tools as varied as those put in place as part of the common agricultural policy, cohesion policy, economic and monetary union, the Schengen area, etc. I will do it in a modest way based on an overview that is by its nature too fast but whose aim is to bring out some significant elements for consideration. That will lead me first to trace the general political framework within which European solidarity is exercised before referring to the two big "matrices" that have allowed it to take shape, namely the four freedoms of movement on the one hand and the possibilities of crises on the other.

1 – Solidarity versus "subsidiarity"

First of all I must point out that the solidarity in the EU is being rolled out within an original political framework that was put in place by "European integration" in a little over half a century. European solidarity, which mainly concerns the member states of the EU and occasionally its citizens directly, was not a given as it tends to be within smaller communities, such as at the national level, that solidarity between people and communities is exercised first of all. This European solidarity has

¹ Proceedings of the conference will soon be available on the website of the College of Europe (www.coleurope.eu).

² The underlined words refer to documents available on the website of Notre Europe (www.notre-europe.eu).

³ See Elvire Fabry, "[European solidarity: where do we stand? Should we foster it and how?](#)", Synthesis of the 2010 edition of the European Forum of think Tanks, Notre Europe, June 2011.

⁴ See also Karine Abderemane, "La solidarité : Un fondement du droit de l'intégration de l'Union européenne" [Solidarity: a basis for the EU integration law], PhD Thesis, Law Faculty in Poitiers, 2010.

therefore undergone a gradual development in a universe dominated by the principle of subsidiarity, i.e. by the idea that "Europe" must only intervene in precise and limited conditions. In that sense, it is interesting to note that the etymology of the word "subsidiarity" refers to the notion of "subsidy", i.e. aid, which can give concrete shape to European solidarity. It is with these elements of context in mind that I will restrict myself to three main comments to try to identify the political foundations of "European solidarity".

1.1. Geopolitical foundations

I will firstly underline the "geopolitical" foundations of this solidarity, such as the ones of the European integration in the broad sense.

The fact that European integration was launched and the EU today has substantial policies and tools, including in the area of solidarity, is first of all due to an international context that pushed European countries to come together, to establish peace and because "strength comes from union". Beyond the technical debates relating to the intrinsic qualities of such a solidarity policy or such a solidarity tool, we must always remember that this solidarity is the obverse of a political reality that gains all its meaning from an external point of view, in an EU that has broadly diplomatic foundations.

Of course we may wonder if these geopolitical and diplomatic foundations are still as solid today. At first sight, we would reply in the affirmative in that European countries are experiencing a fairly marked demographic, economic and political decline relative to the US and a number of emerging countries. At the same time, we see that "globalisation" can also generate social and political tensions and withdrawal reflexes from states and citizens, with such reflexes not tending towards the expression of European solidarity.

1.2. Foundations established within a "Federation of nation states"

My second remark leads me to point out that European solidarity is being rolled out within a "Federation of nation states" as Jacques Delors put it, i.e. a community of States and citizens "united in their diversity": its political foundations must therefore be looked for via compromises made by these "nation states" under the gaze and control of their respective citizens.

While generalising, I would say that, from the point of view of the "nations", "internal" solidarity is more obvious than "international" solidarity. It is, for example, within nations that solidarity mechanisms are deployed in terms of social protection and not at the EU level – the example of Belgium shows us that these mechanisms can be criticised when national cohesion is itself at stake. As Jérôme Vignon⁵ points out, European solidarity is in any case "non emotional" and is essentially based on "well understood interests" that are often perceived and defined by the member states.

From the point of view of these states, solidarity actions must be combined with the exercise of their sovereignties. The EU can be an instrument of solidarity allowing these states to reach agreements deemed to be balanced and acceptable overall because they include European aid that mean significant financial transfers between member states – I will come back to this in a moment. But the EU can also be perceived with mistrust if it appears that the interventions that it makes in the name of solidarity challenge the distribution of powers between the community, national and even regional levels – the recent controversies about the "food aid programme for the most deprived" are an illustration of that – I will come back to that later too.

⁵ Jérôme Vignon, "[Solidarity and responsibility in the European Union](#)", Policy Brief No. 27, Notre Europe, June 2011.

1.3. A gradual legitimisation of European solidarity

As "European solidarity" is not a given but a construction, identifying its political foundations has to be done by drawing up the "family tree" of the different steps that allowed it to take shape. Jacques Delors, who was behind several major steps forward in European solidarity, tended to point to an explanatory "trptych": "Competition that stimulates, cooperation that strengthens and solidarity that unites". This "trptych" was at the heart of the "Delors package" 1 (1980s) and 2 (1990s), both broadly focused around commercial and monetary integration and which were overall compromises of which solidarity was a key element.

We need to look up and downstream of these two fundamental "packages" to analyse the way in which European interventions in terms of solidarity have been legitimised. This historic look allows us to confirm that the "common" and then "single" market is the political "matrix" within which European solidarity has been rolled out. It also leads us to identify the management of crisis situations as the other matrix that could provide European solidarity with more or less solid political foundations – as we will see later on.

2 – European solidarity, corollary of the "four freedoms": "structural" political foundations

It is the establishment of a "common" and then "single" market which has provided the main political foundations of solidarity established in the EU. The implementation of the "four freedoms" of movement of goods, services, capital and workers has given rise to negotiations and concessions of which the community budget has been the main receptacle. It conferred on this budget a redistribution function which has grown in several stages and remains structural to the extent that attempts to make it the vector of a competitiveness strategy (the "Lisbon" then "EU 2020" strategy) with other foundations proved in vain and are no doubt likely to remain so, given the fact that competitiveness policies are mostly based on compromises and choices which are first and foremost national.

2.1. The common market, the customs union and the CAP

The first stage leading to the implementation of European solidarity is directly linked to the signature of the Treaty of Rome. It was mainly about setting the bases of a common market and a customs union which was to facilitate the free movement of products between the member states. This liberalisation was to be profitable in overall terms for the six founding countries of the "EEC" but several of them, first and foremost France, considered that such as liberalisation would favour German industrial products. In exchange, they ensured that the EEC adopted measures of support for farm production, which would lead to the gradual implementation of the "CAP" during the 1960s. As Nadège Chambon points out in a recent Notre Europe⁶ Policy Paper, this "CAP" was to be realised via support mechanisms for farmers (aid to income thanks to guaranteed prices) but also via the establishment of a more implicit solidarity via the imposition of customs duties that *de facto* made buying foreign farm products more expensive.

Proclaimed by the Treaty of Rome, this agriculture solidarity is sometimes seen in a bad light by such and such an EU member state, and particularly by the UK, which goes as far as to challenge the principle of such a community policy. Its concrete modalities are also feeding a lively debate, particularly about the more or less fair distribution of farm aid between producers and between countries – which is an indirect way of arguing for a fairer policy and is therefore more loyal to the original principle of solidarity. All in all, one has to note that, while it has undergone various reforms

⁶ Nadège Chambon, "[Is the CAP a ground for European solidarity or disunion?](#)", Policy Paper No. 45, Notre Europe, June 2011.

since it was created, the "CAP" seems to be based on sufficiently solid diplomatic foundations to remain one of the main European policies in the medium term.

The recent questioning of the "European food aid programme for the most deprived"⁷ paradoxically confirms the legitimacy of EU interventions in agriculture. It flows from a decision by the EU's Court of Justice, in particular seized by the German authorities, concluding that, in the absence of surpluses, the programme could not be financed through the CAP for a social purpose. But this ruling of the Court also indicated that the use of farm stocks related to the CAP and for the benefit of deprived European citizens continued to be fully legitimate. Whatever one may think of how politically well-founded this decision was, it has to be noted that it confirms that European solidarity in terms of agriculture is compatible – under certain conditions – with the principle of subsidiarity and therefore consolidates its foundations.

2.2. Economic integration, "structural policies" and territorial solidarity

The second major stage in the rise in power of European solidarity is directly linked to the economic and geographical deepening of community integration. This deepening has led, *de facto*, to increasing competition within the internal market with the prospect of generating overall increases in growth and jobs but is also susceptible of increasing imbalances between countries and territories of the EU. As free movement of products and capital cannot alone bring about convergence between member states, it was deemed to be necessary to promote the latter via financial transfers organised at the community level.

It is in this context that European regional policy has emerged, after the first enlargement of the EEC; then structural policy during the third enlargement and the adoption of the Single European Act thanks to the "Delors package 1"; then structural and cohesion policy at the time of the launch of economic and monetary Union on the basis of the "Delors package 2"; finally the further intensification of the cohesion policy linked to the enlargement to Central and Eastern Europe countries.

This financial redistribution between states and regions, which is now the first item of the community budget, is based on clear political foundations that I have just pointed out and for which the negotiations on the revision of the post-2013 financial framework will probably confirm the solidity. Discussions will no doubt be held on the modalities of such a solidarity policy, for example about the effective or appropriate use of European aid, the amount of community co-financing or the distribution of funding between territories. However it is difficult to see how the principle of such a "territorial solidarity" can be challenged in the short or medium term.

2.3. Commercial liberalisation and solidarity towards workers

The third corollary of the commercial liberalisation established by European integration, community solidarity benefitting European workers, is of a limited scale because it seems to be based on more fragile political foundations.

However, the embryo of such a solidarity appears from the Treaty of Rome, which envisages in particular the implementation of the "European Social Fund" with its aim of financing training and retraining of workers, in the extension of mechanisms established by the "European Coal and Steel Community" Treaty. The reason for this first effort was to a considerable extent due to the presence of Italian workers, whose level of training and pay was very much lower than the community

⁷ Nadège Chambon, "[Subsidiarity versus Solidarity? The example of the European Food Aid Programme for the Most Deprived](#)", Policy Brief No. 30, Notre Europe, October 2011.

average, to an extent that it could constitute a competitive advantage considered as unfair⁸. The key part of the other financial transfers with a social aim remains, however, in the practically exclusive competence of the member states. And successive reforms of European structural policy have gradually enshrined the actions of the "European Social Fund" in a more territorial than "personal" perspective.

We had to wait until 2007 and the creation of the "European Globalisation Adjustment Fund" to see the EU intervene again directly for European workers. The political foundations of such an intervention are fairly clear: as the EU is the source of a commercial liberalisation that can lead to companies moving location and job losses, it seems logical that it contributes directly to compensating the workers who are victims of that. It is comparable set of reasoning that led the US Congress to adopt, in parallel and from 1964, a "Trade Promotion Act" and a "Trade Adjustment Act" so as to redistribute to the losers of trade liberalisation some of the gains that it generated. The principle of subsidiarity has for a long time been an obstacle to such an intervention by the EU, which its leaders finally authorised in a context marked by significant criticisms towards "liberal Europe". The EU is not able to help the workers concerned directly but it can now pay back states and public authorities that have financed the necessary training and retraining efforts. It does it in the context of an overall envelope at this stage limited to around 500 million euro per year but whose symbolic scope and political foundations deserve to be highlighted.

3 – European solidarity faced with the crises: "cyclical" political foundations?

We need to turn towards political foundations of another nature to identify the other main solidarity tools established in the EU. If one were to exaggerate, one could say that these political foundations are more "cyclical" as they led European solidarity to be triggered in a situation of crises and disasters, on the basis of more or less ancient and sophisticated mechanisms. Whether it concerns the Schengen area, economic and monetary union or proceeds from the exercise of "solidarity clauses" of a diverse nature, this European solidarity "of a second type" now occupies a growing place in the facts as well as in the debates.

3.1. The Schengen area: European solidarity faced with asymmetry?

The creation of the "Schengen area" has led to the setting up of a series of fairly unknown solidarity tools and whose political foundations are based on belonging to an area of free movement now equipped with "common" borders whose surveillance continues to be entrusted to each member state. As the flows of legal and illegal immigration directed towards these member states are distributed very unequally and "asymmetrically", the EU has set up several funds and mechanisms designed to help the most "exposed" countries.

This European solidarity goes via the use of four European funds⁹, of which each state receives a fixed share as well as a share proportional to its degree of exposure to migration flows. It is also expressed via the intermediary of the FRONTEX agency, which can offer technical assistance to member states facing strong migration pressure as well as finance for joint border control operations (for example "Rabit" or "Rapid Border Intervention Team"). This European solidarity can also be expressed in terms of hosting asylum-seekers as the "temporary protection" directive adopted in 2001 stipulates that, if a country receives a number of applications exceeding its hosting capacities, the neighbouring countries can take on a proportion of the applicants concerned.

⁸ It is in the same perspective that the principle of male-female equality was set down in the Treaty of Rome, with the idea that this equality will have to be achieved in terms of pay in particular, in order to increase the pay of female Italian workers.

⁹ External Borders Fund, European Fund for Refugees, European Fund for the Integration and Return Fund.

Several recent crises have shown the limits of this European solidarity. It can be invoked only if the threshold effects that could trigger European aid having been reached (counter-example of the influx of Tunisian immigrants on the Italian coasts). Above all, the exercise of such a solidarity supposes that each European country fully exercises its own responsibilities: in the current context, this takes place via serious and rigorous surveillance of common borders, scrupulous recording of applications for entry onto national territory as well as a balanced rate of acceptance of the formulated asylum applications. Experience seems to show that, if these conditions are not in place, the lack of mutual trust between states can weaken the political foundations of European solidarity put in place relating to migration.

3.2. Economic and monetary union: European solidarity between interdependence and "moral hazard"

The creation of an economic and monetary union has also fed an intense debate around the possible implementation of solidarity mechanisms. This debate starts from a simple question: what will become of states subject to specific difficulties and imbalances and now deprived of the adjustment instrument that the exchange rate of their currency represented? The initial answers given by the leaders of the EU were of two orders: we need to tell states that they will have to take on their responsibilities alone to encourage them to conduct their economic policies rigorously (this is the famous "no bail-out" clause of the Treaty of Maastricht); we need to strive to prevent the emergence of these imbalances (this is the spirit of the Stability Pact).

Without going into details, we can say that the recent financial crisis has led the EU to come back on these original answers by providing a very factual political foundation to significant European aid, committed in return for a greater effort at cleaning up their finances and rigour by the beneficiary countries. Faced with the emergencies imposed by the crisis, it was the deep interdependence of economic and financial systems of European countries that justified granting both the bilateral and multilateral (European Financial Stability Facility) aid with the aim of avoiding a default in payment by states in difficulty and to stop the crisis from spreading. One can of course consider that European efforts at solidarity granted so far have often been insufficient and too late. It is also true that they emanate from financial solidarity which was not initially envisaged on such a scale (even if Article 122 of the Treaty has provided a providential legal basis).

The conditions set for the granting of this aid shows that the risks of moral hazard that had led to ruling out any European solidarity have not disappeared: very high initial interest rates for loans, a demand for in-depth structural reforms, the reform of the Stability Pact envisaging a more rigorous monitoring and more automatic sanctions, reluctance towards the idea of the immediate creation of "eurobonds" and overly huge interventions by the ECB, which could take away from the responsibility of states that benefit from it... It is probable that, in the coming months, the pressure of events may lead to changing the new equilibrium established between European solidarity and national responsibilities again.

3.3. The "solidarity clauses": European solidarity to deal with disasters?

The "solidarity clauses" inserted in the Treaty of Lisbon proceed from a political logic that is the opposite of the one that prevailed until recently in the framework of economic and monetary union. It is about proclaiming the principle of solidarity between member states faced with crises from hazards that have nothing "moral". While, as we will see, the concrete scope of these "solidarity clauses" is very variable, they are all based on the idea that European cooperation and mutual aid can deal with crises that could affect all of them. No doubt this both political and moral affirmation broadly carries the traces of the work from the Convention that drew up the "Constitutional" Treaty which ended up being dropped, but a number of provisions of which were taken up in the Treaty of Lisbon.

This is the case for solidarity established in the case of natural disasters, planned from the middle of the 1980s, and which has gradually become a tangible reality, first on the basis of community programmes and then on the basis of successive decisions by the Council. This solidarity is based on the idea that it is both legitimate and efficient to help one another from a technical and financial point of view in such circumstances. It is translated in concrete terms by the existence of a European financial instrument for civil protection (equipped with about 20 million euro per year) and preparation and coordination tools (including the famous monitoring and information centre or "MIC") organising the intervention of European civil protection forces in the event of disasters. It is as disasters have happened that the resources committed in the European context have been gradually increased.

The proclamation of a solidarity clause in the event of a terrorist attack or armed aggression is the translation of a similar willingness for mutual aid, appearing in Article 5 of the Treaty of Lisbon. This clause directly echoes the provisions of mutual defence treaties such as the treaty that created NATO. At this stage, it is not however based on any strategic, political and military mechanism of the same kind and that would be susceptible of giving it a tangible effective scope. In addition, one can note that protocol 35 of the Treaty of Lisbon specifies that each member state remains free in its choices of collective defence – a protocol that may seem to affect the solidity of the political foundations of solidarity proclaimed by the Treaty itself.

Does the last important example, the energy solidarity clause inserted into the Treaty of Lisbon¹⁰, suffer from the same structural defect? One can at least note that the world of energy is today largely structured by the expression of wishes for "national energy independence" and the competition of big national energy groups. In this context, the insertion of a solidarity clause is a lot due no doubt to problems of supply encountered with Russia – it had not been envisaged by the Convention and was established later on. This clause also makes concrete the wish to promote a European policy that is no longer based only on economic considerations but also on taking account of security imperatives (as well as environmental objectives). As such, it will only be able to have a concrete scope if solid European cooperation can be put in place: on the one hand at the operational level via the construction of infrastructure making it possible to distribute supplies efficiently in cases of emergency or shortage; on the other at the diplomatic level via the adoption of common positions in negotiations held with supplier countries (Russia but also Arab countries).

Conclusion – European solidarity, member states and citizens

I will conclude this analytical but overly rapid overview by stressing that, while European solidarity is based on political foundations that are both "structural" and "cyclical", it will continue to be broadly determined by the compromises reached between EU member states.

In this respect, the legitimacy of European solidarity will continue to be no doubt fragile for as long as it is not based on a feeling of belonging and identification that is as strong as that which exists at the national level. It is for this reason that the debates on the content, the practical modalities and the concrete effects of such or such an aspect of this solidarity will continue to affect their very principle.

We can see that a number of the debates underway, in particular concerning solidarity mechanisms in terms of agriculture, within the eurozone or in the framework of the Schengen area, are likely to continue to hit the headlines in the coming months. The fact that they are now taking place under the gaze of European citizens both demanding and sceptical is normal and legitimate – but it goes without saying that it makes the content of these debates all the more complex and their outcome all the more uncertain.

¹⁰ See Article 194 of the Treaty on the Functioning of the European Union.



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CONFERENCE PROGRAMME

The Principle of Solidarity in the European Union: Challenges and Opportunities



Brugge, 10 November 2011

College of Europe, Verversdijk 16, 8000 Brugge

European Political and Administrative Studies
College of Europe

09:30 Registration and welcome coffee

10:00 Opening of the conference

Prof. Dr. Paul DEMARET, Rector of the College of Europe

10:15 Introduction

Prof. Dr. Jörg MONAR, Director of European Political and Administrative Studies, College of Europe

10:30 Solidarity as a constitutional and political principle of the European Union

Chair: **Prof. Dr. Dominik HANF**, Director of European General Studies and Professor of European Legal Studies, College of Europe

Prof. Dr. Jean-Paul JACQUÉ, University of Strasbourg / College of Europe
«*Le principe de solidarité, un principe juridique?*»

Mr. Yves BERTONCINI, Secretary general of the Think Tank «Notre Europe», Paris

«*La solidarité au sein de l'UE: fondements politiques*»

Prof. Dr. William PATERSON, OBE, Aston University
“*Solidarity versus Sovereignty - The British View*”

Discussant: **Dr. Thomas FISCHER**, Head of the Brussels Office of the Bertelsmann-Stiftung

12:30 Lunch

13:30 Policy areas I

Chair: **Prof. Dr. Michele CHANG**, European Political and Administrative Studies, College of Europe

Economic and Financial Solidarity: **Prof. Dr. Alain BUZELAY**, University of Nancy

«*La solidarité économique et financière en Europe: une valeur devenue précaire?*»

Energy Policy: **Matthew HULBERT**, Senior Researcher, Netherlands Institute of International Relations, Clingendael
“*The strange death of a diversified Europe*”

15:00 Key-note speech:

His Excellency Jerzy BUZEK, President of the European Parliament
“The Principle of Solidarity in the EU: Challenges and opportunities”

15:45 Coffee break

16:00 Policy areas II

Chair: **Prof. Dr. Jörg MONAR**, Director of European Political and Administrative Studies, College of Europe

Asylum and migration policy: **Dr. Yves PASCOUAU**, Senior Policy Analyst at the European Policy Centre, Brussels

«Principe de solidarité et politique migratoire»

Disaster management and responses to terrorist attacks: **Dr. Mark RHINARD**, Senior Research Fellow, Swedish Institute of International Affairs

“The application of the principle of solidarity to disaster management and terrorist attacks”

17:30 General discussion

18:00 End of conference