

The EU: an 'Ode to Joy' or a pyre for sovereignty?

Sovereignty as a lever of power to break
Europe's deadlock.

The threats confronting Europe today are erga omnes in character: both internal and external, they touch the fundamental collective interests of European societies and of the international order itself. Within Europe, the erosion of the rule of law in certain Member States, the rise of illiberal regimes, political polarisation and the spread of hate speech all weaken the shared values of democracy, pluralism and minority protection. Beyond its borders, the Union faces Russia's aggression against Ukraine, systemic tensions with China and an uncertain reshaping of the transatlantic relationship, developments that threaten both the continent's security and the multilateral architecture founded on the United Nations Charter. At the same time, the European Union must reduce its digital, energy, technological and security dependencies, even as climate change, cyber-attacks, information interference and the erosion of universal human-rights standards compound its vulnerabilities. Together, these trends threaten the Union and its legal order, founded on the primacy of European law and mutual respect for the decisions of its courts, while weakening its ability to

speak and act with one voice on the international stage. They turn the defence of the rule of law, democracy and the climate into challenges that are simultaneously domestic and global: failure to address them affects not merely individual European states, but the international community as a whole.

At a time when the European Union is confronting this succession of crises and challenges, sovereignty has returned to the centre of public debate, invoked by opposing political forces and too often reduced to caricature. Against this backdrop, and with forthcoming elections liable to become referendums for or against the Union itself, this article addresses several fundamental questions. First, what does it still mean for a European state to be 'sovereign' in the twenty-first century, and how can shared sovereignty within the EU enhance, rather than diminish, the capacity of nations to act? Second, how can Europe overcome the paralysis of 'veto-ocracy' and conflicts over sovereignty-political as well as jurisdictional in order to make the EU both more effective and more legitimate in the eyes of its citizens? Finally, what combina-

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Blinded flag by Banksy
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tion of voluntary differentiation, enhanced cooperation and institutional reform might allow Europe to move towards a 'federation of nation-states', reconciling national autonomy, pooled resources and democratic accountability?

By casting light on these questions, this article seeks to contribute to the European electoral debate and to show that sovereignty is not the exclusive preserve of anti-Europeans. Embraced as a form of shared European sovereignty, it can instead become the essential instrument of a stronger Europe and more influential nations, without effacing their distinct cultural identities.

I • The Paradox of Sovereignty in the European Age

Let us set aside for a moment the old distinction taught in political science between internal and external sovereignty. Within the EU, the concept of sovereignty operates in three key dimensions that drive the debate: firstly, as a cognitive framework, to better identify common challenges and devise solutions; secondly, as a strategic tool, whereby states convert their national strengths into European influence; and finally as a symbol of legitimacy, to rally support for or challenge public policy decisions, from the local to the international level. This evolution, which stems from the process of European integration, makes sovereignty an everyday practice rather than an abstract dogma. Yet it leaves a legal vacuum that the European institutions and Member States – as well as national supreme courts – are now filling in their own ways, generating inevitable friction.

Politically, however, the debate over sovereignty is harder for the public to grasp. The benefits of sovereignty shared or pooled between the Member States and the European Union are not always clearly understood, still less made tangible – partly because national and European political leaders have too often failed to explain them convincingly.

Published two years ago and now a central reference in the European debate, the Draghi report stresses the need for greater European strategic autonomy while preserving the continent's democratic and social model – a goal that, in turn, calls for a qualitative leap towards federalism.

To this end, Europe should transform its vulnerabilities into strengths by fostering 'mutual interdependencies' between Member States, to regain lost autonomy and recover control over its destiny in critical areas such as: autonomous defence vis-à-vis the United States; the reduction of strategic dependencies (food, health, energy); digital, technological and industrial sovereignty; leadership in the green transition; and the protection of the democratic model against foreign interference¹. Otherwise, the EU and its Member States risk nothing less than becoming vassals.

Although recent polls suggest that European citizens broadly support this vision and place greater trust in the Union than in their national governments, the challenge is now political. Member States must agree to pool certain sovereign powers if they are to build a Europe that is powerful, resilient and capable of establishing itself as a major actor in the emerging world order. Such power, however, must rest on a strengthened and renewed European democracy capable of commanding durable public support.

Yet recent events have repeatedly cast doubt on European unity and prompted citizens to question the added value of shared sovereignty – if not its very rationale. Among the most striking examples are:

- the conclusion of the EU-US trade agreement, perceived by the public as a humiliating capitulation and a betrayal by the European Commission;
- the Commission's decision to send a European Commissioner to Donald Trump's Peace Council without a mandate from the Council;

1 See the article by Sylvie Matelly and Agathe Cagé, 'The new weapons of European sovereignty' https://institutdelors.eu/publications/les-nouvelles-armes-de-la-souverainete-europeenne/?utm_source=flipboard&utm_content=EUD2014%2Fmagazine%2FDefence+and+Security+Union+in+motion

- the EU's divisions laid bare following the Israeli-US attack on Iran;
- Viktor Orbán's resounding veto of the 90 billion loan to Ukraine and the disclosure of sensitive information to Russia – a country openly hostile to the EU – which amounts to high treason.

At a time when Europe faces unprecedented internal and external pressures-geopolitical rivalry involving China, the United States and Russia; a crisis of democracy; questions of identity; and the resurgence of nationalism-the episodes cited above weaken the European Union's credibility in the eyes of a substantial part of public opinion.

Yet the EU presents itself as the guardian of democracy and the rule of law-principles it has made a mantra of its Common Foreign and Security Policy (CFSP)-while simultaneously aspiring to become a power in its own right and defining itself as a global security actor. It describes the war in Ukraine as a war against Europe without deploying a single soldier; meanwhile, it remains largely a spectator as others debate the future security architecture of Europe in relation to Ukraine and as conflicts in the Middle East become graveyards of international law. Such developments and positions inevitably raise profound and legitimate questions among citizens, whether pro - or anti-European.

These doubts and frustrations nourish extremist movements and reinforce nationalist tendencies, while the episodes described above risk further destabilising a continent already under strain, on the eve of major elections that may themselves become referendums for or against the European Union.

II • The Rise and Fall of National and Shared Sovereignty

Caught between the mirage of national independence and the dizzying promise of the common project, Europe is still searching for itself-not as an answer, but as a question ceaselessly posed anew.

At the heart of the European project lies a tension that the Treaties have never entirely resolved, and that official discourse takes

great care not quite to name. It is the tension between what is relinquished and what is gained: between the sovereignty ceded to Brussels and the collective power that is supposed to be obtained in return. Seventy years after the Treaties of Rome, that bargain remains, for many Europeans, an unfulfilled promise.

Criticism is plentiful, and it comes from every quarter. On the right, the Europhobe invokes the nation-state as the only arena of genuine sovereignty: one people, one territory, one identity-an inheritance that Brussels is accused of diluting through multiculturalism and free trade. On the left, the same technocracy is denounced, but in the name of social justice, allegedly sacrificed to an integration that levels standards downwards. From both sides comes the same indictment: an unelected elite, opaque decision-making, a 'theft' sanctioned by governments that never truly sought the consent of their peoples-and, ultimately, government by judges.

There is some truth in each of these grievances. The EU lacks fully assumed sovereign powers: no common army, no unified tax system, and recurring difficulties in reaching common positions on foreign and security policy. It remains dependent on the US NATO umbrella for its security, paralysed by national vetoes on certain decisions, and powerless in the face of major powers that recognise only the balance of power. The European Union would thus be condemned to being insufficiently sovereign for federalists, and already far too sovereign for sovereignists. Perhaps this is its fate: to disappoint everyone with equal consistency?

Yet intellectual honesty requires us to look at the other side of the ledger. Shared sovereignty has produced concrete, sometimes spectacular results that individual states could scarcely have achieved on their own.

Take the pandemic, for example. When Covid-19 swept across the continent, the EU had no explicit competence in public health matters. Yet it took the initiative, centralising vaccine procurement for 450 million Europeans and negotiating with seven pharmaceutical companies with a collective voice that countries such as Hungary or Bulgaria could never have mustered on their own.

Above all, this joint procurement of vaccines enabled the EU to secure a very large volume of doses at a relatively stable price, to guarantee access for all Member States, and to demonstrate political solidarity by preventing a bidding war between European countries. It was a remarkable institutional improvisation – imperfect and, in some respects, belated, but genuine nonetheless.

Since 1993, the single market has forged an economic interdependence that has enriched consumers, opened up markets to SMEs, and made Europe a region of prosperity unrivalled in the continent's history.

The euro-despite the structural weaknesses so painfully exposed in 2010-has become the world's second-largest reserve currency, providing a measure of protection against the speculative storms that national currencies would otherwise have had to weather alone.

And then there is Schengen: 425 million people crossing borders almost as effortlessly as one crosses a street, within an area of free movement that would have seemed utopian to a European in 1945.

Then came Paris in 2015: COP21. Speaking with one voice, the Union carried enough weight to help secure a global climate agreement that no European nation acting alone could have achieved-further evidence that the national level is no longer sufficient for confronting global challenges.

Yet the failures are there, just as telling, and stand as so many scars on history.

In 1954, the European Defence Community collapsed in the French National Assembly under the combined weight of Gaullist and communist opposition. The prospect of an integrated European army had aroused deep fears, being seen as an intolerable surrender of sovereignty to a supranational entity under American influence. Its rejection pushed political Europe back towards a horizon that has seemed to recede ever since.

In 1965, de Gaulle imposed the French 'empty chair crisis' on the Council for six months in protest against qualified majority voting. He imposed the Luxembourg Compromise

– a de facto veto on national 'vital interests' – thereby enshrining the primacy of state sovereignty for decades. We are still paying the price for this today – yesterday through the Hungarian deadlock, tomorrow through the same use of the veto by other Member States? – in every negotiation, held hostage by governments that have realised that unanimity is the most formidable of weapons.

The euro crisis of 2010 revealed another wound: the impossibility of building a monetary union without a fiscal union. Greece, placed under the supervision of the Troika, saw its budgetary sovereignty effectively suspended – not in the interests of genuine European solidarity, but of austerity imposed from outside. By calling on the IMF, the EU broke with the principle of solidarity, which is nevertheless enshrined at the heart of the European project.

Faced with these failures of shared sovereignty, some may be tempted to retreat into a hard conception of 'national sovereignty' and to elevate the nation into an unsurpassable ideal. To them one might reply that Brexit offers perhaps the starkest lesson in how sovereignty can be lost in the very act of claiming to recover it. A country may choose to 'take back control' and discover, in the end, that it has become less sovereign than before.

This thought experiment became reality in the United Kingdom: a full-scale laboratory of misguided sovereignty that has turned into a tragedy. In June 2016, 51.9 per cent of British voters chose to 'take back control', but in doing so sacrificed concrete interests to an alluring promise. After four years of chaotic negotiations, a fractured Parliament and a country divided across generations, nations and classes, the United Kingdom secured an agreement only at the price of major concessions-including the intractable Irish question, which continues to haunt Westminster. Since then, the economic slowdown has been well documented, labour shortages have become a reality, and trade with the EU has contracted. Scotland continues to look towards independence, while the promises-£350 million a week for the NHS (National Health Service) and renewed diplomatic clout-have evaporated in the face of political and economic reality.

What the history of European integration reveals is that sovereignty is not a fixed arithmetical quantity that one either possesses or loses. It is, above all, a capacity to act-and in a world of continental blocs, economic empires and global crises, that capacity is rarely built alone. Europe has learnt this by trial and error, advancing through successive crises, sometimes retreating for decades only to return with renewed force.

Europe remains an unfinished project. Its 'vetocracy' paralyzes it; its democratic deficit weakens it; its strategic dependencies leave it exposed. Yet its achievements-the single market, the single currency, Schengen, the vaccine roll-out and climate diplomacy-point to a truth its detractors prefer to overlook: no form of purely national sovereignty is any longer sufficient to meet the challenges of this century. What remains, in varying degrees, are different ways of organising solitude.

For all its imperfections, Europe remains a serious attempt to organise that solitude differently. That may not be everything; but it is already a great deal.

III • European 'Vetocracy': A Gaullist Legacy, or When the Veto Becomes a Weapon

To save the European project, we must begin with a clear and precise diagnosis of the ills that are eroding it, in particular the paralysis of decision-making – often at times of emergency or crisis – imposed by the rule of unanimity² in the European Council. This rule compels the 27 Member States to systematically seek the lowest common denominator – that is, the weakest possible agreement to satisfy everyone. The result? Recurring deadlocks that undermine European solidarity and prevent the EU from acting with the necessary speed and efficiency in the face of the global crises it must tackle.

Some, however, even within the inner circle of Josep Borrell, the former High Representative for the Common Foreign and Security Policy (CFSP), have argued that the right of veto had not been an obstacle to important decisions such as those taken to support Ukraine's war effort – at least until recently... That may be so, but it is equally true that the European Union suffers from a structural ailment that political scientists have dubbed 'vetocracy': a pathological state in which the ability to block decisions consistently takes precedence over the ability to make them. Viktor Orbán's Hungary has become the most glaring example of this, although it was not the first to adopt this approach.

It is no exaggeration to say that the Luxembourg Compromise is the direct forerunner of European vetocracy, even though the term did not exist at the time. The 1966 compromise created a de facto right of veto whenever a Member State invokes 'very important' national interests, even when the Treaty legally provides for a qualified majority. In practice, this undefined political clause allows any government- -to block or indefinitely delay a decision, which already reflects a logic of 'vetocracy' where the ability to block takes precedence over the formal voting rule.

Historians and political scientists speak of a 'culture of the veto' born of the Luxembourg Compromise, which paralysed decision-making within the Communities for nearly twenty years and fuelled the 'Euroclerosis' of the 1970s. Even without clear legal standing, this compromise functioned as a powerful informal norm, prompting the Council to systematically seek unanimity for fear of a veto, to the detriment of the majority-based approach provided for in the treaties.

On a political and institutional level, the current 'veto-ocracy' as practised by Viktor Orbán and others continues this tradition: the tool remains the same (blocking by a single state), but it is being used in a

2 Within the EU, the following areas are governed by the unanimity rule: taxation, the Common Foreign and Security Policy (CFSP), social protection and the protection of workers, the accession of new Member States, EU finances (the Union's own resources and the multiannual financial framework), European citizenship (the granting of new rights), justice and home affairs (police and judicial cooperation in criminal matters), and 'passerelle' clauses (mechanisms allowing a switch from unanimity to qualified majority voting).

27-member EU, with systemic crisis issues (Ukraine, energy, the rule of law) that amplify its effects.

Originally, the unanimity rule was intended as a defensive measure: to protect national sovereignty on certain politically sensitive issues or those considered vital. It was not designed as a tool for negotiating across the board. Yet that is precisely what it has become in the hands of Viktor Orbán and others. The Hungarian Prime Minister has methodically transformed this right of veto into a systematic bargaining chip on issues such as Ukraine, sanctions against Russia, the taxation of multinationals and enlargement in the Balkans, in order to extract concessions on European funds and weaken oversight of the rule of law in his own country.

Unanimity was intended as an exceptional democratic safeguard. Under certain conditions, however, it has become the principal means by which the smallest Member State can paralyse the other twenty-six.

The repetition of these deadlocks creates a vicious circle. Every successful veto encourages the next, erodes the principle of solidarity enshrined in Article 2 of the Treaty on European Union, and undermines the effectiveness of the Union's external action at the worst possible moments, just as geopolitical crises are multiplying.

The 'Orbán strategy' is worrying not only because of its immediate effects, but also because it serves as a replicable blueprint. It demonstrates in concrete terms how to 'take over Brussels' by combining three levers: the misappropriation of structural funds, populist sovereignist rhetoric, and the aggressive use of the right of veto.

In response to this drift, the other Member States and the European Parliament have launched a series of counter-measures: freezing conditional funds, politically isolating the Hungarian government in informal forums, and renewed consideration of invoking Article 7³ of the Treaty on European Union.

Vetocracy is fuelling a debate on institutional reform that is taking firm root in European capitals. Viktor Orbán's recent defeat in the Hungarian general election has not put an end to this debate. Three approaches are regularly put forward: extending qualified majority voting to more areas (taxation, foreign policy); creating circles of differentiated integration for states determined to move forward; or devising an 'EU 2.0' capable of institutionally circumventing recurrent obstructionists.

What 'vetocracy' ultimately exposes is a profound imbalance: an institutional system designed for states acting in good faith is confronted with the strategic exploitation of its rules by an illiberal government determined to maximise its power of obstruction. The result is a growing sense, among citizens in other Member States, that democratic choice itself is being frustrated.

What the 'vetocracy' ultimately reveals is a profound imbalance: an institutional system designed for states acting in good faith, confronted with its strategic exploitation by an illiberal government determined to maximise its power to block decisions – a situation which fuels a sense of democratic denial amongst the public in other Member States across Europe.

IV • The legal and constitutional standoff: the CJEU versus national courts

This political paralysis is accompanied by a deeper legal conflict between the Court of Justice of the European Union (CJEU) and national constitutional courts—a conflict that goes to the heart of the primacy of European law over national law.

The CJEU imposes irreversible integration: since the *Costa v ENEL* judgment (1964), it has proclaimed the absolute primacy of European law over national law, with direct effect (citizens can invoke directives directly) and a ratchet effect (every transfer of soverei-

3 Article 7 of the TEU is intended to be used as a last resort to safeguard the EU's founding values. It allows for the suspension of rights deriving from EU membership, including voting rights within the Council of the EU and the European Council, if a country seriously and persistently breaches the principles on which the Union is founded. These values are set out in Article 2 of the TEU.

gnty is definitive). This creates a dynamic of continuous integration, often perceived as being imposed from above by a ‘government of judges’.

National courts are resisting: the German Constitutional Court in Karlsruhe established an ‘ultra vires’ shield⁴ in the PSPF judgement (2020) concerning the ECB’s bond-buying programme. It protects Germany’s constitutional identity (budgetary balance, secularism, public services) against European overreach. The Karlsruhe ruling marked an important milestone in the relationship between national and European courts, affirming a Member State’s right to challenge the validity of an EU act.

However, the crisis was managed pragmatically, avoiding an open rift. The CJEU did not endorse the German conclusions and reiterated in a statement that its preliminary rulings are binding on national courts, but it did not directly address the substance of the German decision. Thus, the conclusions of the German judgement have not been endorsed by the CJEU, which maintains its initial position; however, the dispute has, above all, highlighted the limits of judicial dialogue and the need to strike a balance between national sovereignty and European integration.

The French position is more nuanced: the Council of State has adopted a pragmatic approach. In the French Data Network case (2021), it tolerated a temporary ‘legal breach’ (a violation of the GDPR by a European directive), but continues to emphasise the limits set out in the Conseil d’État’s 1989 Nicolo judgment⁵: the national court reviews the compatibility of treaties with the Constitution. This judgement represents a bold interpretation, asserting that European law cannot compromise constitutional requirements (national security) provided that equivalent protection is ensured.

For some, this tension creates a perception of ‘imposed uniformity’, which would lend credence to the idea of the erosion of national diversity whilst fuelling sovereignist resentments.

V • What Is the Way Forward? Towards Voluntary Differentiation, Variable Geometry and Enhanced Cooperation

One of the answers certainly lies in **voluntary differentiation**, whereby states freely choose the degree of integration according to their priorities:

Area	National sovereignty	Shared sovereignty	Concrete examples
Trade and the Internal Market	Impossible on its own or very limited (reduced leverage)	Common trade policy / the EU negotiates access to third-country markets on behalf of 450M people,	CETA and EU-Mercosur agreements, European preference, Completion of the Internal Market
Defense	National armed forces + NATO	Enhanced and differentiated cooperation / European pillar of NATO / Pooling of procurement, financial instruments and coordination of rearmament plans	PSC / Battlegroup / EDA / EDIP / Crisis management (ESDP) / EDF / EPF ⁶

⁴ In short, the ‘ultra vires’ principle is a mechanism for safeguarding national sovereignty against what is deemed to be an excessive interpretation of European competences.

⁵ The Nicolo judgement, handed down by the Council of State on 20 October 1989, is a landmark decision in French public law establishing the primacy of international treaties over national laws, even where the latter were enacted subsequently. It marks the abandonment of the ‘screen law’ theory and enables administrative courts to review the conformity of domestic law with international law, thereby reinforcing the primacy of European Union law.

⁶ PSC: Permanent Structured Cooperation, EDA: European Defence Agency, EDIP: Programme for the European Defence Industry, CSDP: Common Security and Defence Policy, EDF: European Defence Fund, EPF: European Peace Facility

Taxation	Finance Acts / National identity	Minimum harmonisation / Prevention of tax evasion and distortions	EU own resources, harmonised VAT, excise duties (alcohol, tobacco, energy), corporate taxation
Migration	Border control	Controls at the EU's external borders / Frontex / Burden-sharing	2024 Asylum and Migration Pact

As the saying goes, politics remains the art of the possible, and the question of how genuinely shared sovereignty might be organised within this framework remains unanswered. It is no longer simply a matter of juxtaposing national wills, but of embedding them within an institutional framework that enables disagreements to be resolved, decisions to be taken effectively, and collective responsibility for action to be assumed.

The first and most familiar approach would be to extend qualified-majority voting-55 per cent of Member States representing 65 per cent of the Union's population-to all EU policies except areas such as defence. Far from abolishing national sovereignty, such an extension would embed it within a common political space in which a minority, protected by demanding thresholds, could no longer hold the majority hostage indefinitely.

At the same time, the systematic development of coalitions of like-minded states would allow 'vanguard groups' to become a fully fledged instrument of integration. Pioneer states-like those that formed the eurozone or the Schengen Area ahead of others-could move further and faster, while more hesitant or less prepared partners joined later, according to a logic of differentiated integration. Variable geometry would thus cease to be merely a constraint on the Union and become instead a source of political momentum.

This practice would, however, benefit from being framed by the adoption of a genuine 'Treaty on Differentiation'. The purpose of such a treaty would be to enshrine in primary law an explicit framework for temporary alliances, designed to be absorbed back into the common framework once the objectives have been achieved. Such an instrument would provide a legal framework for differentiated statuses of membership and participation in the Union, rather than relying solely on the pragmatic and sometimes

chaotic application of existing mechanisms – opt-outs, enhanced cooperation, parallel treaties – which fragment without always providing clarity.

In areas at the heart of sovereign powers – such as defence and taxation – defence instruments, for example, make it possible to refine the various degrees of shared sovereignty, underlining the imperative need for a flexible approach. Let us consider a few concrete examples:

In areas lying at the heart of sovereign power-defence and taxation in particular-existing instruments show how different degrees of shared sovereignty can be calibrated, underscoring the need for a flexible approach. Consider a few concrete examples:

- Regarding the European Peace Facility (EPF), this new off-budget instrument, funded by voluntary contributions from the Member States, has made it possible to achieve what was previously impossible in terms of financing the EU's military expenditure. It is through this instrument that the EU is financing the war effort in Ukraine. We are seeing the pooling of financial and logistical resources for external actions, while the national sovereignty of the Member States is preserved.
- The European Defence Fund (EDF) promotes the pooling of industrial and technological capabilities through a strong transnational approach.
- The European Defence Agency (EDA) ensures both the coordination and pooling of capability priorities, though this remains dependent on the willingness of Member States to share their sovereignty.

These three instruments illustrate a form of sovereignty that is both shared through the coordination and pooling of resources, and preserved through respect for national

prerogatives. Their effectiveness depends on the balance struck between these two dimensions, whilst the Draghi report clearly calls for greater pooling in the interests of efficiency and competitiveness, against a backdrop of severely strained public finances in many EU countries.

With 27 Member States, inaction is all too often the norm. Fortunately, variable geometry can in many cases be a game-changer: it is not an admission of failure, but a lever for reconciling sovereignty and effectiveness. Enhanced cooperation allows a vanguard (defence, taxation) to move forward without waiting for the most reluctant members.

Opt-outs, such as Denmark's in the areas of monetary policy, justice and home affairs – having previously lifted its opt-out on defence – can act as safety valves that preserve national support for EU membership. However, whilst they create a knock-on effect, they also risk fragmentation if left unregulated. Even when holding back, these states often converge towards the core's standards so as not to lose their economic and diplomatic clout. This is a pragmatic management of interdependencies, paving the way for a geostrategic, federalist yet flexible EU.

VI • The Future: A Federation of Nation-States?

Breaking the deadlock requires moving beyond the false 'all-or-nothing' dilemma, at the risk of contradicting the Draghi report on the need for a federal leap – a move for which public opinion is unprepared, if not at times resistant. However, the Maastricht referendums and the Brexit vote have so far deterred even the most daring from reopening the debate on treaty reform. Yet Europe needs a clear vision, and quickly; two paths seem to be emerging: the 'cosmopolitan state', which 'erases' nations into a vague post-nationality; or the 'federation of nation-states', a fertile oxymoron in which powers are pooled to counter China, Russia and the United States, without relinquishing national legitimacy.

Shared sovereignty – or 'association-sovereignty' – combines the powers. Looking

ahead to 2030, three scenarios appear to be emerging:

1. the intergovernmental status quo, paralysed;
2. a hard core formed through systematic cooperation, driving the whole; or
3. a post-national constellation, where European citizenship takes precedence.

Everything will depend on Europeans' ability-and willingness-to reconcile effectiveness with democracy. That, today as in the past, is the dilemma at the heart of the European project.

Current events therefore seem to call for a reconciliation between Charles de Gaulle and Jean Monnet-something the two men never achieved in their lifetimes. Shared sovereignty is neither a theft, as sovereigntists claim, nor an end in itself, as pure federalists may suppose. It is a living and evolving compromise: one that requires less unanimity if Europe is to act swiftly, more democracy if it is to remain legitimate, and greater flexibility if diversity is to be respected. The task is to consolidate the gains of shared sovereignty before the next crisis. In a world of giants dominated by the United States, China and India, and against a backdrop of eroding international law, Europe has little choice but to unite-or risk disappearing as a power.

Beyond the essential unity of the Member States - a unity that cannot be conjured into existence by the mere invocation of principles - one of the most urgent priorities is to restore a frank and rigorous dialogue between national and European judges. Only such a dialogue can prevent jurisdictional clashes that are as spectacular as they are destructive, and that sow profound uncertainty about the legal framework supporting the entire European edifice.

A more effective Union cannot be built through the silent curtailment of state prerogatives or the surreptitious erosion of democratic legitimacy. The task, rather, is to rethink the modalities of integration and to articulate European powers and national sovereignties with greater precision, combining the capacity for joint action with respect for constitutional particularities.

Several concrete avenues deserve exploration. A first priority would be to establish a genuine Council of the Union dedicated to security and defence, resting on a clear political and strategic foundation and capable of pooling and channelling national contributions within a stable framework.

Such a body should be accompanied by an 'open' but realistic form of strategic autonomy: a Europe that remains integrated into global trade and committed to an open market economy, yet fully assumes responsibility for its vital sectors and critical technologies - the foundations of its freedom of judgement-including, where necessary, through restrictive measures.

It would also be appropriate, in the practical functioning of the Union, to restore the primacy of the source texts over purely normative dynamics whenever institutional interpretation or practice strays beyond the mandate conferred by the Treaties. This reaffirmation of the 'source text' should be accompanied by the possibility of a security exception, strictly construed and clearly enshrined in secondary legislation: a genuine 'shield clause' in directives and regulations, designed to protect national security and public order from the effects of standards ill-suited to the essential needs of Member States.

A European Union that aspires to political maturity must also secure an orderly pluralism of jurisdictions, in which the diversity of constitutional and supreme courts degenerates neither into interpretative anarchy nor into a de facto informal hierarchy, but rests instead on a common framework of loyal cooperation. In the same spirit, inter-institutional overreach must be curbed when an institution-first and foremost the Commission-ventures beyond its remit, particularly in matters relating to the Common Foreign and Security Policy (CFSP), sometimes at the expense of areas for which it bears primary responsibility, such as the internal market, whose completion remains unfinished.

The Union's credibility also depends on its ability to overcome internal deadlock.

The Member States' 'vetocracy' - illustrated recently by disputes over sanctions against Russia and the blocking of a loan to Ukraine - calls for tighter rules governing the use of the veto. The objective should be not so much to abolish it as to confine it to clearly defined circumstances, preventing any single government from paralysing the others indefinitely - notably by encouraging constructive abstention - while preserving robust safeguards where genuinely vital national interests are at stake.

Finally, the structure cannot be stabilised - particularly with a view to greater federalism - without a resolute strengthening of European democracy and, first and foremost, of the powers of the European Parliament. This requires enhancing its democratic legitimacy through the implementation of genuine European elections by direct universal suffrage, organised simultaneously across the entire territory of the Union, using a unified voting system. The introduction of transnational lists organised around genuine pan-European parties would make it possible to move beyond the current aggregation of purely national elections, giving rise to a European political space in its own right and thereby counterbalancing the weight of the intergovernmental approach, which currently holds sway. This framework must be complemented by a genuine right of initiative for the European Parliament. It is, in fact, entirely illusory to think that a move towards federalism and a genuine European 'demos'⁷ could come about without a democratic strengthening of the European Union and a concomitant extension of the powers of the European Parliament. These elements are a prerequisite for greater public support for the European project and for any future enlargement.

There is, however, little point in burying our heads in the sand: the obstacles to such reforms remain numerous, and the opposition formidable. The 'national-sovereigntist' shift in the balance of power within the European Parliament after the 2024 elections leaves federalist political groups with limited room to advance reforms towards greater democracy, even though the pro-European

7 Spector, Céline, *No Demos: Sovereignty and Democracy Put to the Test in Europe*, Seuil 2021

centre still holds an absolute majority in the Committee on Constitutional Affairs (AFCO). The general passerelle clauses in Article 48(7) of the Treaty on European Union (TEU) have never been activated, for want of unanimous political will among the Member States. Meanwhile, those states continue to compete fiercely to protect national champions and privilege commercial interests at home and abroad, often to the detriment of Europe's economic competitiveness and strategic autonomy.

Politically, it is also essential for pro-European parties to reclaim the discourse on a modernised concept of sovereignty⁸ in order to garner popular support, so as not to leave the monopoly on this issue to the anti-European extremes on the right and left, who capitalise on feelings of cultural and identity insecurity by sensationalising the debate on migration. Education and explanation are essential, for sovereignty in the 21st century is no longer that static collection of sovereign prerogatives that is jealously defended. It is a living, relational concept, a strategic tool at the heart of a subtle balance of powers. European integration does not erase it: it reveals it, by transforming the formal independence of Member States – often negligible in the face of global upheavals – into a very real capacity for collective action.

The concept of sovereignty has also evolved considerably among 'national-sovereigntist' parties and governments. Few now openly advocate leaving the EU, yet many remain trapped in contradictions of their own making, which erode their credibility even when they lead the polls. Oscillating between opportunistic, flexible forms of sovereignty and outright radicalisation, 'national sove-

reignty' within the EU has, over the past twenty-five years, shifted from a technical critique centred on opposition to transfers of power towards an ideological confrontation over identity, migration and values-culminating, in its most extreme form, in a strategy of seizing power by paralysing institutions and openly displaying transnational alliances.

Furthermore, the reconciliation of East and West after the fall of the Berlin Wall in 1989 left profoundly different understandings of the relationship between national and European sovereignty in the collective consciousness of their respective peoples. Having lived under Soviet domination until the collapse of the USSR in 1991, the countries of Central and Eastern Europe fought hard to recover their sovereignty and freedom. For some, delegating part of that sovereignty once again to the European level may therefore represent a psychological and political threshold more difficult to cross than it is for countries in the west of the continent; this difference in historical depth must be acknowledged. One point, however, seems increasingly clear to many members of this nascent 'European demos', in East and West alike: Europe must free itself from political, energy, technological, digital and security tutelage by the great blocs-Russian, Chinese or American-and assert its own political and strategic autonomy. Shared European sovereignty is the only credibility means of doing so.

Sovereignty, then, is not a relic of the past but an instrument of future power. Defended in isolation at national level, it withers; exercised boldly in common, it can forge both a stronger Europe and more influential nations.

8 See the book: Kahn, Sylvain, *Europe: A State Unaware of Itself*, CNRS Éditions 2026

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