The Development of European Integration

The historical background

Topic:
European integration needs to be seen against its historical background: devastating wars and the ensuing need for peace and stability.

Need for integration as a consequence of armed conflicts

The historical starting point:
Europe's extreme political fragmentation...

... resulting in devastating conflicts and wars.

Early on: idea for European integration
E.g. William Penn's idea of a European Parliament (1693).

Conflicts culminating in World Wars I and II

"The shadow of war factor"
Prompts integration attempts in three fields in particular, on both the global and regional (i.e. European) levels; see Chart 2/2, Chart 2/28.

Politics

Defence / security

Economics
The Development of European Integration

International cooperation and plans for European integration

Topic:
After World War II, tangible cooperation happened first on the global level. While suggestions and plans were also made on the European level, what was in mind here was more than mere cooperation.

International cooperation on the global level
Various international organisations and fora for international cooperation in different fields, including in particular:

Politics

Defence / security
• 1949: North Atlantic Treaty Organization (NATO).
• Subsequently, 1973: Conference for Security and Co-operation in Europe (CSCE), since 1995 the broader Organization for Security and Co-operation in Europe (OSCE), including non-European countries. The OSCE is not an international organisation but merely an international forum.

Economics
• 1945: International Monetary Fund (IMF).
• 1947: General Agreement on Tariffs and Trade (GATT); since 1995 part of the World Trade Organization (WTO).
• 1948: Organisation for European Economic Co-operation (OEEC); since 1960 the broader Organisation for Economic Co-operation and Development (OECD).

Europe: Suggestions and plans for integration in three fields

Politics
• 1946: Proposal by Winston Churchill (former UK Prime Minister), Zurich University, Switzerland: "A kind of United States of Europe". NB: proposal excluded the UK.
• 1948: Hague Conference (Congress of Europe): promotion of "the European idea", presided over by Winston Churchill.

Defence

Economics
• 1950: Schuman Plan for the pooling of coal and steel resources in Europe (industries necessary for traditional warfare).
The Development of European Integration

Attempts to create European Communities in different fields

**Topic:**
In the 1940/1950s, concrete plans for European integration were made in the fields of defence, politics and economics. At the time, only the third succeeded.

---

**Attempts for European integration through supranational Communities**

- **Aim:** to achieve peace, stability and welfare in Europe.
- **Participating European States:** France, Germany, Italy, Belgium, the Netherlands, and Luxembourg.

---

**Politics**

- Did not succeed.

---

**Defence**

- Did not succeed.

---

**Economics**
Signing of three European Community Treaties:
- 1951: Coal and Steel Community (ECSC);
- 1957: Atomic Energy Community (Euratom);
- 1957: European Economic Community (EEC).

- Did succeed: see Chart 2/4.

---

**Instead in the fields of politics and defence:**
Traditional intergovernmental cooperation

- As of the 1960s: informal meetings of Heads of State and Government, eventually called "European Political Cooperation". Subsequently to become the European Council, a political institution of the EU, Art. 13 TEU; see Chart 3/1.
- 1949: Council of Europe, with the European Convention on Human Rights (the latter is mentioned in Art. 6 TEU; see Chart 7/11).

---

1953: Western European Union
Later to become important due to the so-called "Petersberg tasks", which were incorporated into Art. 43 TEU.
### Topic:

In the 1950s, three European Communities were set up. Two of these concerned economic integration in specific fields, while one was general in nature. The lifetime of one Community was limited to a specific term of years.

### 1950s: three European Communities

<table>
<thead>
<tr>
<th>European Coal and Steel Community (ECSC)</th>
<th>European Atomic Energy Community (Euratom)</th>
<th>European Economic Community (EEC)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Signature and entry into force</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Content</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common rules on coal and steel</td>
<td>Common rules on atomic energy</td>
<td>Originally: Common rules on economic matters other than those covered by the two specific Treaties. Since the expiry of the ECSC Treaty also coal and steel matters.</td>
</tr>
<tr>
<td><strong>Nature</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detailed treaty (so-called &quot;traité-loi&quot;, i.e. &quot;law treaty&quot;)</td>
<td>Detailed treaty (&quot;traité-loi&quot;, i.e. &quot;law treaty&quot;)</td>
<td>Due to its broad scope a mere framework treaty (&quot;traité-cadre&quot;, i.e. &quot;framework treaty&quot;). Basic rules only, to be fleshed out/complemented by secondary law.</td>
</tr>
<tr>
<td><strong>Duration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concluded for 50 years</td>
<td>Concluded for an unlimited period</td>
<td>Concluded for an unlimited period</td>
</tr>
<tr>
<td>Expired 23 July 2002</td>
<td>Still in existence</td>
<td>As of 1 December 2009 integrated into the EU</td>
</tr>
<tr>
<td>Matters formerly covered by this Treaty were then covered by the EC Treaty and are now covered by the TEU and the TFEU.</td>
<td></td>
<td>See Chart 2/16</td>
</tr>
</tbody>
</table>
The Development of European Integration

Groundwork for the subsequent European Union

Topic:
The three European Communities represented the beginning of what would subsequently become the European Union in its original form.

The European Communities: the beginning of an important edifice

<table>
<thead>
<tr>
<th>ECSC</th>
<th>EAEC</th>
<th>EEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Coal and Steel Community</td>
<td>European Atomic Energy Community</td>
<td>European Economic Community</td>
</tr>
</tbody>
</table>

Treaties:
Individual treaties for the individual Communities: ECSC Treaty, Euratom Treaty, EEC Treaty respectively.
**The Development of European Integration**

**Different approaches to European integration**

**Topic:**

Upon their creation, the three European Communities represented a particularly strong and at the time original form of integration. Countries that did not agree with this supranational approach opted for less far-reaching alternatives.

---

**Different approaches to integration and cooperation**

Approaches in the European Communities, EEA and EFTA

---

**The European Communities** (ECSC, Euratom, EEC)

Signed in 1951 in Paris (ECSC) and in 1957 in Rome (Euratom, EEC); see Chart 2/4

- **Supranational approach:**
  - Strong international law, as expressed in e.g.:
    - The powers given by the Member States to the Communities; see Chapter 4;
    - The legal personality of the Communities;
    - A sophisticated enforcement system based on cooperation between national courts and the European Court of Justice; see Chapter 12;
    - The effect of EC law in the legal orders of the Member States; see Chapter 6.

---

**The European Economic Area** (EEA)

Signed in 1992 in Oporto

- **Mixed approach:**
  - Weaker than the EC but stronger than the EFTA
  - As far as goods are concerned, "a fundamentally improved free trade area"; EFTA Court in Maglite (1997)

---

**The European Free Trade Association** (EFTA)

Signed in 1960 in Stockholm ("Stockholm Convention")

Revised 2001 in Vaduz ("Vaduz Convention"), adding some new areas of cooperation (including e.g. free movement of persons)

- **Intergovernmental approach:**
  - Comparatively weak public international law; mere cooperation
The Development of European Integration

From the Communities to the Union

Topic:

In 1992 the Member States revised the existing Community Treaties and concluded a new Treaty on European Union. The EU was created as an overarching structure over the three Communities and included two new areas of cooperation.

### The Maastricht Treaty (1992/1993)

**1992: Signing of the Treaty on European Union in Maastricht, the Netherlands ("Maastricht Treaty")**

Art. A of the EU Treaty: "The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty."

New policies and forms of cooperation:
- Common Foreign and Security Policy (CFSP);
- Cooperation in the Fields of Justice and Home Affairs (JHA; name subsequently changed; see Chart 2/11).

Renaming of the EEC into the more general EC; see Chart 2/8.

Thus:
- 1 European Union including, among other parts, 3 European Communities;
- 4 Treaties (1 x EU, 3 x EC);
- ECs with, but EU without explicit legal personality.

**Challenges to the EU Treaty in some Member States, e.g.:**
- Initially negative popular vote in Denmark (led to renegotiations and special deals);
- The Maastricht Judgment (1993) of the German Constitutional Court.

**Entry into force on 1 November 1993**
The Development of European Integration

What's in a name? From the "EEC" to the "EC"

Topic:
Through the Maastricht Treaty, the European Economic Community (EEC) was renamed European Community (EC) in order to reflect the corresponding broadening of the aims of the Community.

1957/1958: The “European Economic Community” (EEC)

1957/1958: Focus on economic integration
Market-oriented approach: integration through the establishment of a common market and the progressive approximation of the economic policies of the Member States (Art. 2 of the EEC Treaty).

Though early on it contained certain social side aspects; e.g.:
- The right of migrant workers and the self-employed to bring family members to the host Member State;
- Rights of family members of migrant workers;
- The right to remain in the host Member State after retirement;
- The development of social law at a time when the EEC had no explicit competence in this field.

See Chart 7/20, Chart 7/21, Chart 10/3

Later no longer purely economic in nature
Development through treaty revisions (see Chart 2/26), secondary law and case law; e.g.:
- Residence rights for persons independent of their status as economic agents; see Chart 7/20;
- Environmental law;
- Much stronger social law; see Chapter 10;
- Human rights; see Chart 1/11.

1992/1993 new name: The "European Community" (EC)

Maastricht Treaty (1992/1993); see Chart 2/7
The Development of European Integration

The metaphor of a temple with three pillars

Topic:

The original EU was often compared to a temple whose roof rested on three pillars.

The "temple" according to the Maastricht Treaty (1992/1993)

CFSP: Common Foreign and Security Policy
ECSC: European Coal and Steel Community
EAEC ("Euratom"): European Atomic Energy Community
EC: European Community (formerly "European Economic Community")
JHA: Justice and Home Affairs (name later changed)

Treaties:
For the EU as a whole: The EU Treaty
Specifically for the ECs: The three EC Treaties

Nature:
First pillar: Supranational
Second and third pillar: Intergovernmental in principle
### Topic:
The original EU Treaty contained: 1) provisions amending the three pre-existing Community Treaties, 2) provisions on the new areas of cooperation and 3) common provisions for the entire EU structure.

<table>
<thead>
<tr>
<th>Structure of the original EU Treaty (1992/1993)</th>
</tr>
</thead>
</table>

#### The temple's roof

| Titles I and VII | Provisions common to all three pillars |

#### The temple's pillars

<table>
<thead>
<tr>
<th>Pillar</th>
<th>Titles</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pillar 1</td>
<td>II, III, IV</td>
<td>Amendments to the pre-existing Community Treaties</td>
</tr>
<tr>
<td>Pillar 2</td>
<td>V</td>
<td>Common Foreign and Security Policy</td>
</tr>
<tr>
<td>Pillar 3</td>
<td>VI</td>
<td>Cooperation in the fields of Justice and Home Affairs</td>
</tr>
</tbody>
</table>
The Development of European Integration

The Amsterdam revision

Topic:
Through the Amsterdam revision, parts of the third pillar of the EU were moved into the first pillar and thereby given a stronger legal footing (“communitarisation”).

Structural changes through the Amsterdam revision

The Amsterdam Treaty (1997/1999)
Brings about important structural changes

Action:
Moving part of Title VI (third pillar) into Title II (first pillar); so-called "communitarisation".

Result:
• New name for the now smaller third pillar: “Provisions on Police and Judicial Cooperation in Criminal Matters” (PJCCM);
• Enlarged first pillar: new Title IV in Part Three of the EC Treaty concerning visa, asylum and immigration (“an area of freedom, security and justice”).

Further:
New title on “Closer cooperation”, allowing for variable geometry/specific law for (groups of) Member States instead of uniform law for all; see Chart 1/7. Provides a formal mechanism for introducing specific law. This title allows (groups of) Member States to introduce further harmonising law amongst themselves but within the framework of the EU.

Note:
Not used so far in practice. In fact, Member States have actively sought to avoid using this procedure; e.g. the Prüm Convention (building on the Schengen law) was concluded outside the EU Treaty framework as an ordinary treaty under public international law.

Entry into force on 1 May 1999
The Development of European Integration

The temple after the Amsterdam revision

Topic:
The Amsterdam revision resulted in an enlarged first pillar and in a smaller third pillar. The latter was given a new name.

CFSP: Common Foreign and Security Policy
ECSC: European Coal and Steel Community
EAEC (“Euratom”): European Atomic Energy Community
EC: European Community
PJCCM: Police and Judicial Cooperation in Criminal Matters

Note:
No structural changes came about as a result of the Nice Treaty (signed in 2001, entry into force on 1 February 2003); see Chart 2/26.
The Development of European Integration

Structure of the EU Treaty after the Amsterdam revision

Topic:

The updated version of the EU Treaty after the Amsterdam revision contained: 1) provisions amending the three pre-existing Community Treaties, 2) new provisions on the two areas of cooperation, 3) provisions on closer cooperation and 4) common provisions on the entire EU structure.

---

**Structure of the EU Treaty after the Amsterdam revision (1997/1999)**

**The temple's roof**

<table>
<thead>
<tr>
<th>Titles I and VIII</th>
<th>Provisions common to all three pillars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title VII</td>
<td>Provisions on closer cooperation</td>
</tr>
</tbody>
</table>

**The temple's pillars**

<table>
<thead>
<tr>
<th>Pillar 1</th>
<th>Titles II, III, IV</th>
<th>Amendments to the pre-existing Community Treaties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pillar 2</td>
<td>Title V</td>
<td>Common Foreign and Security Policy</td>
</tr>
<tr>
<td>Pillar 3</td>
<td>Title VI</td>
<td>Police and Judicial Cooperation in Criminal Matters</td>
</tr>
</tbody>
</table>
The Development of European Integration

Amsterdam renumbering

Topic:
In the course of the Amsterdam revision, the Member States decided to create consolidated versions of the Treaties, containing only the valid articles and using consecutive numbers for these provisions. Consequently, different numberings may be distinguished according to the time at which they became valid as Treaty provisions.

"Cleaning up" and renumbering the Treaties in the course of the Amsterdam revision

Substance:
Deletion of provisions that were no longer relevant (e.g. provisions valid only during the transitional period at the beginning, such as Art. 13 of the EEC Treaty).

Form:
Renumbering of the remaining provisions.

Changes in the numbers of the Treaty Articles

Citing Articles of the EU Treaty
Originally letters, now figures; e.g.:
- Art. A of the EU Treaty = Art. 1 EU.
- Art. J.17 of the EU Treaty = Art. 27 EU.

Citing Articles of the EC Treaty; e.g.:
- Art. 7a of the EC Treaty = Art. 14 EC.
- Art. 13 of the EEC Treaty = (provision now deleted).

As of 1 January 1958
(Rome Treaty) "of the EEC Treaty"

Until 31 October 1993
As of the Maastricht Treaty "of the EC Treaty"

Until 30 April 1999
As of the Amsterdam Treaty until the Lisbon Treaty "EC" (Chart 2/24)

Guidelines on the citation used by the ECJ following the Amsterdam renumbering: OJ 1999 C 246/1.
The Development of European Integration

**The Constitutional Treaty**

### Topic:

The Constitutional Treaty was meant to modify the structure of the EU and the content of the existing Treaties. While the Constitutional Treaty was signed by all of the Member States, it did not in fact enter into force.

#### Modified structure:

- One EU, with explicit legal personality, based on one Treaty (merging the EU and the EC Treaties);
- Euratom remains.

#### Institutional reform:

- New formula for qualified majority voting by the Council (of Ministers) (no weighting of votes);
- New formula for representation in the European Parliament;
- New formula for the composition of the Commission (after a transitional period there would no longer be one Commissioner per Member State);
- Fixed European Council Presidency for 2.5 years;
- New Foreign Policy Ministry.

#### Content:

- Codification of important principles (e.g. primacy);
- Explicit provisions on the division of competence and on different kinds of competences;
- Making the Charter of Fundamental Rights a binding instrument;
- Policing of the principle of subsidiarity by the national parliaments.

---

**But: not entered into force (and therefore a dead letter)**

- 2005: ratification refused by France (56% "non") and the Netherlands (61.6% "nee") in (consultative) popular votes.
- Subsequently a "period of reflection".
- State of ratification in April 2007: ratification by 18 Member States.
- 21/22 June 2007, Brussels European Council: "The constitutional concept [...] is abandoned."
The Development of European Integration

The Lisbon revision

Topic:
In October 2007, the Intergovernmental Conference (IGC 2007) agreed on a Reform Treaty, which was formally signed on 13 December 2007 in Lisbon ("Lisbon Treaty"). In terms of content, the Lisbon Treaty is largely based on the Constitutional Treaty.


Background:
- In its meeting of 21 and 22 June 2007 in Brussels, the European Council gave the Portuguese Presidency of the European Union the mandate to convene an Intergovernmental Conference (IGC) before the end of July 2007, with the task of drafting a so-called "Reform Treaty".
- The IGC 2007 discussed a draft Reform Treaty drawn up by the Portuguese Council Presidency. Political agreement was reached on 18 October 2007.
- The Reform Treaty was signed on 13 December 2007 in Lisbon (hence: "Lisbon Treaty").

Most important aspects

Modified structure of the EU:
- The EU is based on two treaties: the Treaty on European Union and the "Treaty on the Functioning of the European Union" (new name for the EC Treaty). The EU replaces and succeeds the EC (see Chart 2/21);
- Euratom remains.

Institutional reform:
Based on the Constitutional Treaty (see Chart 2/15), with certain modifications, including in particular:
- Qualified majority voting within the Council (of Ministers): no weighting of votes in principle as of 1 November 2014; see Chart 5/7;
- New High Representative for Foreign Affairs and and Security Policy (rather than a "Minister"); see Chart 3/3.

Content:
Based on the Constitutional Treaty (see Chart 2/15), with the modifications specified in the Draft Mandate for the IGC 2007. Important: there are no references to "Constitution".

Challenges to the revision in some Member States; e.g.:
- Initially negative popular vote in Ireland (which led to concessions);
- The "Lisbon Judgment" of the German Constitutional Court: Dr. G. and Others (2009);
- The "Lisbon Judgments" of the Czech Constitutional Court (2008 and 2009).

Entry into force on 1 December 2009
The Development of European Integration

Content of the Lisbon Treaty

| Topic: | The Lisbon Treaty contains changes to the pre-existing Treaties as well as a number of Protocols and Declarations. |

| Articles 1 and 2 | Amendments to the Treaty on European Union and to the Treaty establishing the European Community |
| Article 3 | "This Treaty is concluded for an unlimited period." |
| Article 4 | Content of the Protocols annexed to the Lisbon Treaty:  
| | • Protocol No 1: amendments to the pre-existing protocols;  
| | • Protocol No 2: amendments to the Treaty establishing the European Atomic Energy Community. |
| Article 5 | Renumbering of the Treaties; see Chart 2/24 |
| Article 6 | Ratification and entry into force |
| Article 7 | 23 Languages of the Lisbon Treaty; see Chart 1/13; deposition of the Treaty in the archives of the Government of the Italian Republic |

Protocols to be annexed to the TEU, to the TFEU and, where applicable, to the Treaty establishing the European Atomic Energy Community

Protocols to be annexed to the Treaty of Lisbon (see above, Article 4)

Annex: tables of equivalences referred to in Article 5 of the Lisbon Treaty

Final act by the Intergovernmental Conference;  
Annex to the Final act: Declarations adopted by the Intergovernmental Conference

Note:  
The Development of European Integration

The Treaties before and after the Lisbon revision

Topic:
The Lisbon Treaty transforms the pre-existing Treaties as well as the Charter of Fundamental Rights. It also changes the name of the "EC Treaty" into the "Treaty on the Functioning of the European Union".

The effect of the Lisbon Treaty on the pre-existing Treaties and the Charter of Fundamental Rights

<table>
<thead>
<tr>
<th>EU Treaty</th>
<th>EC Treaty</th>
<th>Charter</th>
<th>Euratom Treaty</th>
<th>ECSC Treaty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treaty on European Union</td>
<td>Treaty establishing the European Community</td>
<td>Charter of Fundamental Rights (soft law)</td>
<td>Treaty establishing the European Atomic Energy Community</td>
<td>Treaty establishing the European Coal and Steel Community</td>
</tr>
</tbody>
</table>

Lisbon Amendments

Reforms effected through the Lisbon Treaty

- Treaty on European Union (TEU)
- Treaty on the Functioning of the European Union (TFEU)
- Charter of Fundamental Rights (binding document)
- Treaty establishing the European Atomic Energy Community
- Euratom
The Development of European Integration

Structure of the EU Treaty following the Lisbon revision

**Topic:**

The Lisbon Treaty radically alters the structure of the EU Treaty. The revised TEU contains the constitutional law of the Union, plus provisions on the Common Foreign and Security Policy (former second pillar). The law on the former third pillar has been moved out of the TEU and into the TFEU.

<table>
<thead>
<tr>
<th>Title</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title I</td>
<td>Common provisions</td>
</tr>
<tr>
<td>Title II</td>
<td>Provisions on democratic principles</td>
</tr>
<tr>
<td>Title III</td>
<td>Provisions on the institutions</td>
</tr>
<tr>
<td>Title IV</td>
<td>Provisions on enhanced cooperation</td>
</tr>
<tr>
<td>Title V</td>
<td>General provisions on the Union's external action and <strong>specific provisions on the Common Foreign and Security Policy</strong> (i.e. the former second pillar of the EU; see <em>Chart 2/12</em>).</td>
</tr>
<tr>
<td>Title VI</td>
<td>Final provisions</td>
</tr>
</tbody>
</table>
### The Development of European Integration

#### Structure of the Treaty on the Functioning of the EU following the Lisbon revision

**Topic:**

The Lisbon Treaty also alters the structure of what used to be the EC Treaty, now called the Treaty on the Functioning of the European Union. Among others, the revised TFEU contains provisions on judicial cooperation in criminal matters and on police cooperation (former third pillar).

<table>
<thead>
<tr>
<th>Part One</th>
<th>Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part Two</td>
<td>Non-discrimination and citizenship of the Union</td>
</tr>
</tbody>
</table>
| Part Three | Union policies and internal actions (see *Chapter 7*)  
*In particular now includes provisions on judicial cooperation in criminal matters and police cooperation* (i.e. the former third pillar of the EU; see *Chart 2/12*). |
| Part Four | Association of the overseas countries and territories |
| Part Five | External action by the Union |
| Part Six | Institutional and budgetary provisions |
| Part Seven | Final provisions |

**Note:**

According to Art. 1(11) of the Lisbon Treaty, the provisions of Title II of the original EU Treaty (previous changes to the EC Treaty, *i.e.* the former first pillar of the EU; see *Chart 2/12*) are incorporated into the Treaty on the Functioning of the European Union.
The Development of European Integration

The European Union before and after the Lisbon revision

Topic:
The Lisbon Treaty does away with the European Union's traditional pillar structure.

The effect of the Lisbon Treaty on the structure of the EU

The EU before the Lisbon Treaty:
Three Treaties (Nice versions):
• The EU Treaty (overall structure);
• The EC Treaty (first pillar);
• The Euratom Treaty (first pillar).

The Lisbon Treaty (Reform Treaty) contains the changes to the present Treaties.

The Lisbon Treaty does away with the EU's traditional pillar structure. The Union is no longer based on the European Communities. The EC is replaced and succeeded by the EU. Euratom exists outside the framework of the EU Treaty.

The EU and Euratom following the Lisbon Treaty:
Three Treaties (Lisbon versions):
• Two Treaties on the EU: the EU Treaty and the Treaty on the Functioning of the European Union (former EC Treaty);

See Chart 2/22, Chart 2/23
In the future, the EU may perhaps be compared to a large planet around which Euratom circulates like a satellite.

The European Union (as amended)

Based on two Treaties of equal value:

- The Treaty on European Union (TEU);
- The Treaty on the Functioning of the European Union (TFEU, i.e. the former EC Treaty, as amended through the Lisbon Treaty).

Euratom (as amended)

Based on the Euratom Treaty. Changes to the present Euratom Treaty can be found in Protocol No 2 attached to the Lisbon Treaty.
The Development of European Integration

Three fundamental texts of equal value

Topic:
Following the Lisbon revision, there are three fundamental EU texts of equal value, namely two Treaties (the Treaty on European Union and the Treaty on the Functioning of the European Union) and one Charter (the Charter of Fundamental Rights). In the picture of a planet, they represent the core, the mantle and the crust of the planet.

Three texts of equal value: the core, the mantle and the crust of the planet

Art. 1(3) TEU:
"The Union shall be founded on the present Treaty and on the Treaty on the Functioning of the European Union [...]. Those two Treaties shall have the same legal value."

Art. 6(1) TEU:
The Charter of Fundamental Rights of 7 December 2000, as adapted on 12 December 2007, "shall have the same legal value as the Treaties".

Note:
The Charter itself is not a Treaty, as it needed no ratification.
The Development of European Integration

Lisbon renumbering

## Topic:

The Lisbon Treaty provides for the renumbering of the articles, sections, chapters and parts of the Treaties. After the Amsterdam renumbering, this is the second comprehensive renumbering of the Treaty provisions.

### Renumbering the Treaties

Art. 5 of the Lisbon Treaty:

"The articles, sections, chapters, titles and parts of the Treaty on European Union and of the Treaty establishing the European Community, as amended by this Treaty, shall be renumbered in accordance with the tables of equivalence set out in the Annex to this Treaty, and which form an integral part of this Treaty."

**Note:** Through the Lisbon Treaty, the "Treaty establishing the European Community" is renamed "Treaty on the Functioning of the European Union".

### Changes to particularly important articles

<table>
<thead>
<tr>
<th>Subject matter</th>
<th>Before Lisbon</th>
<th>After Lisbon</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Important general provision:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solidarity clause</td>
<td>Art. 10 EC</td>
<td>Art. 4 TEU</td>
</tr>
<tr>
<td><strong>Secondary acts; important legal basis provisions:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary acts of the EC/EU</td>
<td>Art. 249 EC</td>
<td>Art. 288 TFEU</td>
</tr>
<tr>
<td>Legal basis for combating discrimination</td>
<td>Art. 13 EC</td>
<td>Art. 19 TFEU</td>
</tr>
<tr>
<td>General legal basis provision</td>
<td>Art. 94 EC</td>
<td>Art. 115 TFEU</td>
</tr>
<tr>
<td>General legal basis provision</td>
<td>Art. 95 EC</td>
<td>Art. 114 TFEU</td>
</tr>
<tr>
<td>General legal basis provision</td>
<td>Art. 308 EC</td>
<td>Art. 352 TFEU</td>
</tr>
<tr>
<td><strong>Important substantive provisions:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibition of discrimination on grounds of nationality</td>
<td>Art. 12 EC</td>
<td>Art. 18 TFEU</td>
</tr>
<tr>
<td>Movement and residence for EU citizens</td>
<td>Art. 18 EC</td>
<td>Art. 21 TFEU</td>
</tr>
<tr>
<td>Free movement of goods: customs duties</td>
<td>Art. 25 EC</td>
<td>Art. 30 TFEU</td>
</tr>
<tr>
<td>Prohibition of discriminatory and protective taxation of goods</td>
<td>Art. 90 EC</td>
<td>Art. 110 TFEU</td>
</tr>
<tr>
<td>Free movement of goods: quantitative restrictions</td>
<td>Arts. 28-30 EC</td>
<td>Arts. 34-36 TFEU</td>
</tr>
<tr>
<td>Free movement for workers</td>
<td>Art. 39 EC</td>
<td>Art. 45 TFEU</td>
</tr>
<tr>
<td>Freedom of establishment</td>
<td>Art. 43 EC</td>
<td>Art. 49 TFEU</td>
</tr>
<tr>
<td>Free movement of services</td>
<td>Arts. 49 and 50 EC</td>
<td>Arts. 56 and 57 TFEU</td>
</tr>
<tr>
<td>Free movement of capital</td>
<td>Art. 56 EC</td>
<td>Art. 63 TFEU</td>
</tr>
<tr>
<td>Competition law: collusive conduct of undertakings</td>
<td>Art. 81 EC</td>
<td>Art. 101 TFEU</td>
</tr>
<tr>
<td>Competition law: abuse of a dominant position</td>
<td>Art. 82 EC</td>
<td>Art. 102 TFEU</td>
</tr>
<tr>
<td>Competition law: state aid</td>
<td>Art. 87 EC</td>
<td>Art. 107 TFEU</td>
</tr>
<tr>
<td>Undertakings with a special position</td>
<td>Art. 86 EC</td>
<td>Art. 106 TFEU</td>
</tr>
<tr>
<td>Sex equality: equal pay, legal basis, positive action</td>
<td>Art. 141 EC</td>
<td>Art. 157 TFEU</td>
</tr>
</tbody>
</table>
The Development of European Integration

**Membership**

**Topic:**
The original number of six EEC Member States has grown to the present 27 EU Member States. Further enlargement rounds are planned though none are scheduled. # check: new status??? Albania??? Ask Christophe!!!

---

### Member States of the European Communities and of the EU

#### Founding members of the European Communities

<table>
<thead>
<tr>
<th>Year</th>
<th>Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951/1957</td>
<td>ECSC, Euratom, EEC</td>
</tr>
<tr>
<td></td>
<td>France, Germany, Italy, three Benelux States (Belgium, the Netherlands, Luxembourg)</td>
</tr>
</tbody>
</table>

#### Enlargement
(in the case of some countries: moving from the EFTA to the E(E)C/EU)

<table>
<thead>
<tr>
<th>Year</th>
<th>Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>ECSC, Euratom, EEC</td>
</tr>
<tr>
<td></td>
<td>UK, Ireland, Denmark (negative popular vote in Norway)</td>
</tr>
<tr>
<td>1981</td>
<td>ECSC, Euratom, EEC</td>
</tr>
<tr>
<td></td>
<td>Greece</td>
</tr>
<tr>
<td>1986</td>
<td>ECSC, Euratom, EEC</td>
</tr>
<tr>
<td></td>
<td>Spain, Portugal</td>
</tr>
<tr>
<td>1995</td>
<td>EU (incl. ECSC, Euratom, EEC)</td>
</tr>
<tr>
<td></td>
<td>Austria, Sweden, Finland (negative popular vote in Norway)</td>
</tr>
<tr>
<td>2004</td>
<td>EU (incl. the two remaining Communities: Euratom and EC)</td>
</tr>
<tr>
<td></td>
<td>Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia</td>
</tr>
<tr>
<td>2007</td>
<td>EU (incl. Euratom and EC)</td>
</tr>
<tr>
<td></td>
<td>Bulgaria, Romania</td>
</tr>
</tbody>
</table>

#### Candidate States and applicants

<table>
<thead>
<tr>
<th>Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU (incl. Euratom and EC)</td>
</tr>
<tr>
<td>Candidate States: Turkey, Croatia, Macedonia</td>
</tr>
<tr>
<td>Applicant States: Albania, Montenegro, Iceland, Serbia (plus: a non-active application for membership by Switzerland)</td>
</tr>
</tbody>
</table>

#### Rejected as "non-European"

<table>
<thead>
<tr>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco (1987)</td>
</tr>
</tbody>
</table>

**Outside the EU: EFTA and EEA States**

- Remaining EFTA States: Iceland, Liechtenstein, Norway, Switzerland ...
- ... of whom some are also EEA States ("EEA EFTA States"): Iceland, Liechtenstein, Norway.
The Development of European Integration

**Important Treaty revisions**

**Topic:**
Over the decades, the Community Treaties and subsequently also the EU Treaty were repeatedly revised. The most recent revision dates from 2007/2009 (Lisbon revision).

### Important revisions of the Community and EU Treaties

#### Founding Treaties

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Signature / Entry into force</th>
<th>Main issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Euratom Treaty</td>
<td>Signed 1957, entry 1 January 1958</td>
<td></td>
</tr>
<tr>
<td>EEC Treaty</td>
<td>Signed 1957, entry 1 January 1958 (now: TFEU)</td>
<td></td>
</tr>
</tbody>
</table>

#### Important Treaty revisions

<table>
<thead>
<tr>
<th>Name of Treaty</th>
<th>Year of signature / entry into force</th>
<th>Main issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merger Treaty</td>
<td>1965 / 1 July 1967</td>
<td>Introduction of a single institutional framework for the three Communities. Note: the Communities as such were not merged.</td>
</tr>
<tr>
<td>Act concerning the direct election of representatives of the European Parliament</td>
<td>1976 / first applied in 1979</td>
<td>Establishment of direct elections to the European Parliament</td>
</tr>
<tr>
<td>Single European Act</td>
<td>1986 / 1 July 1987</td>
<td>A new timetable for the internal (common) market, institutional reform</td>
</tr>
<tr>
<td>Maastricht Treaty</td>
<td>1992 / 1 November 1993</td>
<td>Revision of the three Communities, setting up of the EU; see Chart 2/7</td>
</tr>
<tr>
<td>Amsterdam Treaty</td>
<td>1997 / 1 May 1999</td>
<td>Revision of the EU and of the Communities; see Chart 2/11</td>
</tr>
<tr>
<td>Nice Treaty</td>
<td>2001 / 1 February 2003</td>
<td>Revision of the EU and of the Communities, Amsterdam &quot;left-overs&quot;, enlargement</td>
</tr>
<tr>
<td>Constitutional Treaty</td>
<td>2004 (not entered into force)</td>
<td>Abolition of the EC, reform of the EU; see Chart 2/15</td>
</tr>
<tr>
<td>Lisbon Treaty</td>
<td>2007 / 1 December 2009</td>
<td>Saving parts of the Constitutional Treaty; incorporation of the EC into the EU; see Chart 2/16</td>
</tr>
</tbody>
</table>
The Development of European Integration

Treaty revision procedures

**Topic:**

Following the Lisbon revision, the TEU and the TFEU can be revised either through an ordinary revision procedure or through simplified revision procedures.

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### Treaty revision procedures, Art. 48 TEU

#### Ordinary revision procedure

Art. 48(2)-(5) TEU

- "Amendment of the Treaties", including increases or reductions in the competences conferred on the Union.

#### Simplified revision procedures

Art. 48(6) and (7) TEU

- a) Revision of all or part of the provisions of Part Three of the TFEU (internal policies and action of the Union); no increase of competences.

- b) Revision of:
  - The voting requirements in the Council of Ministers (from unanimity to qualified majority) under the TFEU or under Title V of the TEU (external action of the Union), to the exclusion of decisions with military implications and decisions in the area of defence;
  - The procedure for the adoption of secondary acts (from the special legislative procedure to the ordinary legislative procedure).

---

### Procedure

(Regarding the EU institutions involved, see Chapter 3)

- Proposal from a government of a Member State, the European Parliament (EP) or the Commission to the Council (of Ministers).
- The Council notifies the national Parliaments and submits the proposals to the European Council.
- The European Council consults the EP and the Commission.
- Following a decision in favour of the proposed amendments, the European Council in principle convenes a Convention.
- An intergovernmental Conference decides unanimously on the amendments.
- Ratification in the Member States.

- a) On Part Three of the TFEU:
  - Proposal from a government of a Member State, the EP or the Commission to the European Council.
  - The European Council consults the EP and the Commission and, in certain cases, the ECB.
  - The European Council decides unanimously.
  - Approval in the Member States.

- b) On voting and procedures:
  - Initiative by the European Council.
  - Notification to the national parliaments, which may oppose the amendments.
  - The European Council asks for the consent of the EP, which may refuse.
  - The EP decides by a majority of its component members.
  - In the case of consent by the EP, the European Council decides unanimously on the amendments.
The Development of European Integration

International cooperation and European integration: an overview

Topic:
As a result of their historical development, the global as well as the European "legal landscapes" are rather complex, with different levels of cooperation and integration within the various levels of activities. The relevant treaty that applies in a given case will depend on the subject matter and on the countries involved.

Important international organisations/fora in the fields of security/defence, politics and economics

<table>
<thead>
<tr>
<th>Security / defence</th>
<th>Politics</th>
<th>Economics</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATO</td>
<td>UN</td>
<td>WTO (incl. GATT)</td>
</tr>
<tr>
<td>OSCE (a mere forum)</td>
<td>Council of Europe</td>
<td>OECD</td>
</tr>
<tr>
<td>EU (CFSP)</td>
<td>EU generally, in particular CFSP</td>
<td>EFTA</td>
</tr>
<tr>
<td>WEU</td>
<td></td>
<td>EEA</td>
</tr>
</tbody>
</table>

Regional: Europe

Examples:
Relevant multilateral European treaty regarding trade issues when the following countries are involved:
- Malta and Ireland: TFEU;
- Finland and Norway: EEA Agreement;
- Switzerland and Iceland: EFTA Agreement.

Note:
There are also bilateral Treaties; e.g.:
- Customs Union between Switzerland and Liechtenstein (1923 - relevant for the EEA);
- Customs Union between France and Monaco (1963 - relevant for the EU);
- Free Trade Agreement between the EEC and Switzerland (1972 - relevant for the EU);
- Customs Union between the EC and Turkey (1995 - relevant for the EU).