

"Essential EU Law in Charts" and "Essential EU Law in Text"



Bibliography

- 1) Christa Tobler and Jacques Beglinger, *Essential EU Law in Charts*, 2nd Lisbon edition, Budapest: HVG-ORAC Publishing House Ltd 2010, ISBN 978-963-258-086-9
- 2) Christa Tobler and Jacques Beglinger, *Essential EU Law in Text*, Budapest: HVG-ORAC Publishing House Ltd 2010, ISBN 978-963-258-087-6
- 3) Combination of both books, shrinkwrapped in one package: ISBN 978-963-258-088-3

2010 "Lisbon" edition - What's new:

The new 2010 edition (Lisbon edition) of "Essential EU Law in Charts" is out, this time together with a brief companion text called "Essential EU Law in Text". Together, the two books reflect a modular approach to studying and teaching EU law. They allow to use the two materials side-by-side **over a broad range of study programmes**, including in particular undergraduate law studies and studies in fields other than law.

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Further developments:

The books reflect the state of the law on 1 December 2009 (entry into force of the Lisbon Treaty). Updates in the form of postings and/or additional charts will be placed on the companion website to the books (**WebCompanion**, <http://www.eur-charts.eu>).

Comments or criticisms:

As part of the author's effort to achieve legal accuracy they would appreciate any comments or criticisms pertaining to the works from interested readers (via <http://www.eur-charts.eu>).

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The *EUR-Charts* – EU Law in Charts Project

In a changing world, teaching and knowledge-sharing methods must cater for the needs of a new generation:

- *Generation Internet*: the 'generation internet' expects to find the most relevant information on one single page and then to follow hyperlinks to suit individual needs.
- *Generation iPod*: students of the 'generation iPod' are used to exercise control through hierarchic menus and thus understand and memorise graphic structures faster than mere text.
- *Generation Executive summary*: the business community expects short and concise documents with easy presentation of the most relevant information.
- *Generation Global village*: graphic representations use less language and are therefore more suitable to use for cross-border communication.

EUR-Charts give some idea of what the blueprint of the edifice of European Union law would look like. Not unlike architecture, the basic concepts seem misleadingly simple. The challenge lies in making the right connections.

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Textbooks on EU law often consist of several hundred pages, in some cases even of more than a thousand pages. That is too much in particular for beginners in EU law as well as for students from fields other than law who study EU law. With this group in view, the project team prepares comparatively short texts on the most important matters covered by the Charts. The texts differ from usual 'nutshell' texts on EU law in that they are linked to the charts, i.e. the texts contain the references to the charts that are relevant in the context of the subject matter discussed. In this way, the charts and the text can be used together.

The Charts method adopts a modular approach. It thus allows using the same materials side-by-side **over a broad range of studies**.

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ESSENTIAL EU LAW IN TEXT

Christa Tobler
Jacques Beglinger

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EUR-Charts – The *EU Law in Charts* Project

B. THE DEVELOPMENT OF THE EUROPEAN UNION

I. European integration against the global background

Under the influence of *repeated and devastating wars in Europe*, in particular between Germany and France, renewed efforts were made after the Second World War to bring the European countries closer to each other in order to prevent further wars and to guarantee stability and the welfare of the people [Chart 2/1]. These specifically European efforts have to be seen against the broader background of the development of international cooperation on the global level. After the Second World War, a number of important international organisations were founded, including in particular the UN (United Nations) in the political field, the GATT (General Agreement on Trade and Tariffs) and the OECD (Organisation for Economic Co-operation and Development) in the economic field and the NATO (North Atlantic Treaty Organization) in the field of defence and security [Chart 2/2].

In 1945, the UN was set up as the successor to the rather unsuccessful League of Nations (which had notably not been able to prevent the Second World War). Global trade saw the setting up of the GATT in 1947 (which today is part of the larger World Trade Organization, WTO). In 1948, the Organization for European Economic Co-operation (OEEC) was set up as the organisational framework for the post-war aid of the USA to Europe (Marshall Plan). Later, it became what is today the broader OECD. On the military plane, the North Atlantic Treaty Organisation (NATO) was founded in 1949.

II. Early steps of integration in Europe: the European Communities

In Europe, some countries aimed at a strong form of integration. This was attempted in three areas, namely politics, defence and economy [Chart 2/2, Chart 2/3]. However, in the 1950s only the latter succeeded. In the field of economic integration, suggestions made by eminent politicians such as Jean Monnet, Robert Schuman and Paul-Henri Spaak led to tangible results.

On 9 May 1950, the French foreign minister, Robert Schuman, presented the so-called Schuman Plan, a proposal for the creation of a single authority to control the production of coal and steel (the industries necessary for warfare at the time) of France and Germany, through an international organisation with membership open to other European countries. The author of the content of this plan was Jean Monnet, then head of France's General Planning Commission.

In 1956, the Intergovernmental Committee on European Integration headed by the Belgian statesman, Paul-Henri Spaak, presented the so-called Spaak Report. The report contained an action plan for bringing the nuclear industry under one supervisory authority and for the creation of a general common market.

Based on these plans, *three European Communities* were established, namely the European Coal and Steel Community (ECSC) in 1951, the European Atomic Energy Community (commonly referred to as "Euratom") in 1957, and the European Economic Community (EEC), as it was called at the time, also in 1957 [Chart 2/4]. (The EEC was later renamed "European Community", EC).³ These three European Communities represented the beginning of what would later become the European Union [Chart 2/5].

Of the three Communities, the third Community (i.e. the EEC) was the most important because it covered a much broader field than the others (namely economic integration in general, rather than integration in certain specific fields only). As it could not regulate everything on the Treaty level, the EEC Treaty was set up as a mere "*traité-cadre*" (French for "framework treaty", or: "*traité-fondation*", i.e. "foundation treaty", or "*traité-constitution*", i.e. "constitutional treaty"). In addition to the Treaty (which made up the main part of so-called primary law, that is, law directly made by the Member States), there was a need for legislation on a lower level (secondary law, that is, law made by the Community institutions). Accordingly, the law of this third Community was much more than just the Treaty.

The *founding countries* of the three Communities were France, Germany, Italy, Belgium, the Netherlands and Luxembourg. Through this, they achieved a particularly strong form of economic integration whereby considerable powers were transferred to the Communities, where Community law was of immediate relevance

³ See PART 1, B. III. 1.

to individuals (natural persons as well as companies and firms) and where the system of enforcement was very well developed (the so-called supranational approach).

Other European countries at the time opted for *initiatives that went less far* (the so-called intergovernmental approach, i.e. mere cooperation of the governments of the participating States) [Chart 2/6]. This led to the founding of the EFTA (European Free Trade Association) and, much later, to the setting up of the EEA (European Economic Area).

The EFTA, founded in 1960, represents a much looser form of economic integration than the Communities with their common markets. With time, many EFTA countries became Community (and later EU) Member States. Following a major revision in 2001, the EFTA Agreement is now much broader in terms of substance matter than it was when it was originally set up.

The EEA comprises the EU and the EFTA States with the exception of Switzerland. The EEA Agreement was signed in 1992. In terms of intensity of economic integration, the EEA is on a higher level than the EFTA but on a lower level than the EU.

The intergovernmental approach is also reflected in other European organisations that were set up after the Second World War, most notably the Council of Europe and the WEU (Western European Union) [Chart 2/3].

On the political plane, the Council of Europe was founded in 1949 in order to develop common and democratic principles in Europe. Today, it unites 47 Member States, including all Member States of the European Union. Its most important and most powerful instrument is the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). After having exhausted national remedies, individuals whose rights under the ECHR have been infringed can bring actions to the Court of Human Rights in Strasbourg, France.

On the defence plane (military and security), the WEU was founded in 1948 as a defence treaty and revised in 1954.

As a result of this development, different European organisations reflect different approaches to integration.

III. From the Communities to the larger construct of the EU

1. The creation of the EU through the Maastricht Treaty

Much later, the three European Communities were taken as the starting point for a larger construct, namely the *European Union* (EU) [Chart 2/5]. The EU was set up through the revision of Maastricht ("Maastricht Treaty", signed in 1992 and in force since 1 November 1993) [Chart 2/7]. At the same time, the Maastricht Treaty provided for amendments to the pre-existing Community Treaties. In this context, the name of the third Community was changed from "European Economic Community" (EEC) to the shorter "*European Community*" (EC) [Chart 2/8].

The deletion of the component "economic" was intended to reflect substantive developments over the past decennia that had made this third Community much more than an enterprise of *economic* integration (e.g. environmental law, consumer protection and social law). At the same time, it meant that there were now three European Communities, one of which was called "the European Community".

The EU as set up through the Maastricht Treaty was a complex international organisation. The picture often used for describing its structure following the Maastricht Treaty was a *temple with three pillars* [Chart 2/9]. In this metaphor, the pre-existing Communities with their separate Treaties formed the first and strongest (supranational) pillar of the EU.

The metaphor was based on the third section of Art. A of the EU Treaty which stated: "The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty [...]."

Note that under the Maastricht Treaty, the EU did not replace the Communities. Rather, the Communities continued to exist alongside the EU. They remained international organisations in their own right.

To the pre-existing Communities, which formed the EU's first pillar, *two new fields of action* were added, namely "Common Foreign and Security Policy" (CFSP; second pillar) and "Cooperation in the Fields of Justice and Home Affairs" (JHA; third pillar; this pillar later changed its name). The instruments and decision making procedures used in the second and third pillars differed from those used in the first pillar.⁴ More generally, in terms of intensity of integration the second and the third pillars were much weaker (intergovernmental approach) than the first pillar (supranational approach).

The pillar structure of the Union as based on the Maastricht Treaty was reflected in the structure of the EU Treaty **[Chart 2/10]**.

First pillar: Titles II, III and IV of the EU Treaty, containing changes to the Community Treaties. (It should be remembered that each Community had its own treaty).

Second pillar: Title V in the EU Treaty, containing provisions on the Common Foreign and Security Policy.

Third pillar: Title VI in the EU Treaty, containing provisions on Justice and Home Affairs.

The common provisions (roof) could be found in Titles I and VII. Titles I and VII described the larger framework of the Union (e.g. the idea behind the EU, its objectives and foundations, amendment of the Treaty, accession of new Member States, languages of EU law).

The EU as created through the Maastricht Treaty *united elements of the original three strands* in which integration was attempted in the 1950s, namely economy (formerly the first pillar), defence/security (formerly the second pillar) and politics (formerly the third pillar as well as the overall structure of the EU). Further, the EU's top political institution, namely the European Council (Art. 13 TEU), has informal origins that date back to the time when the founding of a European Political Community had failed **[Chart 2/3]**.

2. Subsequent changes in the structure of the EU

a) The EU after the Amsterdam Treaty

The *structure of the EU changed* somewhat with the Amsterdam revision ("Amsterdam Treaty", signed in 1997 and in force since 1 May 1999) **[Chart 2/11]**. Through this revision, part of the original third pillar of the EU was moved into its first pillar (more specifically: into the EC Treaty, where it became Title IV of Part Three) **[Chart 2/12]**. This caused the first pillar to grow and the third pillar to shrink. As a result of this operation, the reduced third pillar was renamed as "Police and Judicial Cooperation in Criminal Matters" (PJCCM). The name of the second pillar remained the same, namely "Common Foreign and Security Policy". Further, the Amsterdam revision introduced a new title on "closer cooperation" into the EU Treaty **[Chart 2/13, Chart 1/7]**.

"Closer cooperation" gives the Member States the option of pursuing integration at "different speeds". This means that not all Member States necessarily share the same EU law; there may be differences. This is a fact that developed historically even before Title VII was introduced into the Treaty. Examples are the common currency of the EU, the euro (which is not shared by all Member States),⁵ the so-called Schengen law on the abolition of border controls for persons (not all Member States are part of the Schengen area), and the former Social Agreement, which led to the adoption of certain social law measures (these measures were not then binding on the UK; they have since become binding on the UK).⁶

Again, the pillar structure of the EU as based on the Amsterdam Treaty was reflected in the structure of the EU Treaty **[Chart 2/10]**.

As compared to the previous structure, there were two differences: first, the common part (roof) included a new title, namely Title VII on closer cooperation. Second, the third pillar had a new name, namely "Police and Judicial Cooperation on Criminal Matters" (rather than the previous "Justice and Home Affairs").

⁴ PART 1, D. III. 1. a).

⁵ See PART 1, C. IV. 1.

⁶ See PART 3, A. II.

b) A failed attempt: the Constitutional Treaty

In 2001, the so-called Laeken Declaration (officially “Declaration on the Future of the European Union”) committed the EU to becoming more democratic, transparent and effective. In this context, the Member States decided to revise the Treaties in order to simplify the complex structure of the EU and to adapt the institutions and the workings of the EU to the enlarged Union. A draft text for the *Constitutional Treaty* was prepared by the so-called Convention, a body specially designed to consider the next Treaty revision. In its draft text, the Convention suggested far-reaching changes notably in the structure of the EU and the EC, namely the merging of the EU and of the EC, as well as the merging of the two Treaties into a single Treaty. This draft Treaty also provided for constitutional symbols such as a European flag, anthem and motto. It also suggested that certain legislative acts of the EU should be called “European laws”. The Member States signed the Constitutional Treaty in 2004 in Rome. However, the Treaty did not enter into force, due in particular to negative popular votes in France and in the Netherlands in 2005 [Chart 2/15].

c) The EU after the Lisbon Treaty

To date the latest revision that has entered into force is the *Lisbon revision* (“Lisbon Treaty”, signed in 2007 and in force since 1 December 2009). After the failure of the Constitutional Treaty, the Member States signed a new revising treaty in Lisbon, which, in terms of its content, is largely based on the Constitutional Treaty (minus the elements pointing to a “constitution”) [Chart 2/16]. The Lisbon Treaty contains the changes to the pre-existing Treaties (both the EU Treaty and the Community Treaties, i.e. the EC Treaty and the Euratom Treaty) brought about by the Lisbon revision [Chart 2/17]. The Lisbon Treaty transforms the fundamental documents of the EU [Chart 2/18]. First, it fundamentally revises the EU Treaty (TEU). Second, it revises and renames the EC Treaty, which is now called the Treaty on the Functioning of the European Union (TFEU). Third, it transforms the Charter of Fundamental Rights⁷ into a binding document and gives it the same legal value as the Treaties.

These changes have had consequences for the *structure of the EU*. Most notably, through the Lisbon revision, the EC has been incorporated into the EU and therefore has ceased to exist under this name. The only remaining Community, namely Euratom, continues to exist alongside the EU, though in a more detached form (i.e. less closely linked to the EU than was formerly the case). In its revised form, the TEU no longer reflects a pillar structure in the way that it used to do it before the Lisbon revision [Chart 2/19]. Except for the provisions on the Common Foreign and Security Policy, the TEU no longer contains provisions on specific areas of activities but focuses instead on constitutional issues. The detailed provisions on the institutions, substantive law and other provisions on the various areas of activity of the EU, including the provisions on judicial cooperation in criminal matters and on police cooperation, can be found in the TFEU [Chart 2/20].

The rules on decision-making in the field of Common Foreign and Security Policy are somewhat different from the other fields [Chart 7/8]. In that sense, the former second pillar of the EU has kept its intergovernmental nature. In contrast, the former third pillar of the EU has been adapted to follow the mechanisms and rules of what used to be Community law.

As a result of these far-reaching changes, the traditional metaphor of a temple with three pillars no longer appears appropriate for the European Union. The metaphor now suggested instead is that of a large planet around which Euratom circles like a satellite [Chart 2/21, Chart 2/22]. In this metaphor, the three fundamental texts of the EU, namely the TEU, the TFEU and the Charter of Fundamental Rights, can be compared to the core, the mantle and the crust of the planet [Chart 2/23].

IV. Changing the reach and content of the Treaties

Over time, the reach and content of the original Treaties (both the Community Treaties and the EU Treaty) were changed in two ways, first through the accession of new Member States and second, through formal Treaty revisions.

⁷ See PART 2, A. III. 1. a) i.

1. EU membership

According to Art. 49 TEU, any European State that respects the fundamental principles of the EU may apply *to become a member of the Union*. On a general level, the accession criteria have been further explained by the Member States (as the so-called Copenhagen Criteria). On an individual level, negotiations with the interested State are carried out by the European Commission (which is one of the institutions of the EU).⁸

The Copenhagen Criteria result from the Copenhagen meeting of the European Council (which is also one of the institutions of the EU)⁹ held in June 1993, and which were strengthened by the Madrid Council meeting held in December 1995. According to Art. 49 TEU, any European State which respects the principles set out in Art. 6(1) TEU may apply to become a member of the European Union. The Copenhagen Council specified that in order to join the EU, a new Member State must meet three specific criteria: political criteria (stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities), economic criteria (existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union) and acceptance of the Union *acquis* (ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union). The pre-accession strategy and accession negotiations provide the necessary framework and instruments. The Copenhagen Council decided that in order to make a decision to open accession negotiations, the political criterion must be satisfied.

Through the course of time, membership of the European Communities, and later of the European Union, has grown from six to the present 27 Member States. Further states have applied to become members [Chart 2/25].

The present Member States are: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the UK.

Official candidate states at present are: Turkey, Croatia and Macedonia.

A number of further countries have applied for membership but have not yet reached the stage of official candidates, namely Albania, Montenegro, Iceland and, most recently, Serbia. In 1992, Switzerland applied for membership to the then three European Communities. However, as a consequence of political developments (negative popular vote on membership in the less far-reaching European Economic Area), the application was in effect frozen and remains in suspense to this day.

2. Changing the content of the Treaties

a) Treaty revisions

Even before the Lisbon revision, the Community and EU Treaties had been *revised on various occasions* [Chart 2/26]. This led to important changes on the substantive level and on the level of the institutional system, but also on the level of the very structure of the EU, as already mentioned.¹⁰

The process of Treaty revision is described in the TEU. Unlike prior to the Lisbon revision, the TEU makes a distinction between the ordinary revision procedure (Art. 48(1)-(5) TEU), on the one hand, and simplified revision procedures (Art. 48(6) and (7) TEU), on the other hand. In the case of the *ordinary revision procedure*, a so-called Convention and an intergovernmental conference of representatives of the governments of the Member States must be convened in order to determine the amendments. Treaty revisions through the ordinary procedure require the unanimous vote of all Member States as well as ratification within the individual Member States according to their own national laws. Unless all Member States ratify it, a revising treaty (or indeed any treaty) cannot enter into force (Art. 48 TEU). Experience up to and including the Lisbon revision has shown that ratification is not always easy. In particular, popular votes (referenda) may be decisive in this context.

Whether there are referenda on Treaty revisions depends upon the respective national law of, or the political decisions in, the various Member States. At present, only the national law of Ireland requires a popular vote on Treaty revisions. The votes held in France and in the Netherlands in respect of the Constitutional Treaty were of a merely consultative nature. However, their political weight was so considerable that the Constitutional Treaty was doomed as a consequence.

⁸ See PART 1, C. II. 4.

⁹ See PART 1, C. II. 1.

¹⁰ See PART 1, B. III. 2. c).

In the cases of the Maastricht, Nice and Lisbon Treaties, difficulties in the ratification process were eventually overcome [Chart 2/7, Chart 2/16].

The Maastricht Treaty led initially to a negative popular vote in Denmark. Similarly, the Nice Treaty led initially to a negative referendum in Ireland. In the case of both referenda, a second vote was held which led to a positive outcome. In addition, the compatibility of the Maastricht Treaty with the German Constitution was challenged before the German constitutional court (the *Bundesverfassungsgericht*). This led to the carefully crafted and now famous “Maastricht Judgment”, in which the German constitutional court found the Maastricht Treaty to be compatible with the German constitution.

In the case of the Lisbon Treaty, the process of ratification was particularly difficult. Most notably, the people in Ireland rejected the revision in a vote in 2008. After certain concessions had been granted to Ireland (namely the assurance that it would continue to be able to send an Irish member to the Commission), a second referendum was held on 2 October 2009, which led to a positive outcome. As in the case of the Maastricht Treaty, the compatibility of the Lisbon Treaty with the German constitution was challenged before the German *Bundesverfassungsgericht*. In June 2009, this court handed down an important decision that will probably be termed the “Lisbon Judgment”, in which it essentially held that the Lisbon Treaty is compatible with the German constitution, provided that the German national law introduce certain safeguards, notably in relation to the role of the German parliament. The German national law was changed accordingly in 2009. In the end, the completion of the ratification process was delayed by a second challenge in the Czech Constitutional (which had ruled already on the Treaty revision in 2008). The court gave its judgment in early November 2009. Essentially, it held that the Lisbon Treaty is consistent with the Czech constitutional order. That, together with the granting of an opt-out for the Czech Republic from the Charter of Fundamental Rights¹¹ cleared the way for completing the ratification process. In November 2009, the Czech Republic ratified the Treaty as the last of the 27 Member States to do so.

Post-Lisbon, the TEU also provides for *simplified revision procedures* in two contexts: first, a simplified procedure applies for revising all or part of the provisions of Part Three of the TFEU relating to the internal policies and action of the EU. In this case, the European Council – which is the top political institution of the EU¹² – acts by unanimity after consulting certain other institutions of the EU. The decision by the European Council must be approved by the Member States in accordance with their respective constitutional requirements. Second, a simplified procedure also applies for certain changes of the procedures to adopt secondary acts, including voting in the Council (of Ministers). In this case, the European Council acts by unanimity after obtaining the consent of the European Parliament. National Parliaments may express their opposition, in which case the revising decision shall not be adopted.

b) Renumbering of the Treaties

On a practical note, the Amsterdam revision (1997/1999) led to a major *renumbering of the Treaties* [Chart 2/14], as did the Lisbon revision (2007/2009) [Chart 2/24]. In the course of the Amsterdam revision, old and otherwise irrelevant provisions were deleted and the remaining provisions renumbered. The ECJ at the time made suggestions as to how to refer to the Articles of the Treaties in their various versions.

The Lisbon revision led not only to a change in the numbers of many Treaty provisions, but – as already mentioned – also to a change in the name of one particular Treaty, namely the (revised) EC Treaty. Following the Lisbon revision, it is called “Treaty on the Functioning of the European Union” (TFEU). The name of the “Treaty on European Union” (TEU) remains.

In the present text, the following citations are used:

Pre-Amsterdam: “Art. A of the EU Treaty”, post-Amsterdam: “Art. 1 EU”, post-Lisbon: “Art. 1 TEU”.

Pre-Maastricht: “Art. 1 of the EEC Treaty”, post-Maastricht but pre-Amsterdam: “Art. 1 of the EC Treaty”, post-Amsterdam: “Art. 1 EC”, post-Lisbon: “Art. 1 TFEU”.

For practical purposes, the old numbers remain relevant for two reasons in particular. First, they appear in the preambles of secondary measures (e.g. regulations, directives) where their legal basis is mentioned, if these measures were adopted under a previous version of a particular Treaty. Second, old numbering is used in the ECJ’s case law relating to previous versions of the Treaties, including in particular the landmark cases. An illustrative example is provided by the *Van Gend en Loos* case.¹³

¹¹ See PART 2, A. III. 1. a) i.

¹² See PART 1, C. II. 1.

¹³ See PART 1, E. III. 2. a).

V. The global background of European integration revisited

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 level of activities [Chart 2/28]. The relevant Treaty that applies in a given case will depend on the subject matter and on the countries involved.

Besides the EU, the Member States of the EU are also signatories to numerous other international treaties, both on the global and on the regional (i.e. European) level. Accordingly, they are bound by these global rules.

In the field of trade, an illustrative example is provided by the dispute on the (regional) EU banana import regime against the background of the (global) WTO law. In the case of the WTO, not only are the EU Member States signatories, but also the EU itself (through its succession of the EC, which was the original signatory). The EC had set up rules on the importation of bananas from third countries into the EU in 1993. This regime was examined in the framework of the WTO dispute resolution mechanism. In 1997, the WTO ruled that the system infringed the GATT/WTO rules because it favoured certain importing countries (former colonies of some EU Member States) over others. In fact, it was only in 2009 that this dispute (the longest-running trade dispute in history so far) ended based on a compromise agreement between the EU and the Latin-American countries involved in the dispute.

Another example of a “multi-level” field is human rights law, where there is important international law on several levels, including in particular several UN Conventions and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of the Council of Europe. Before the Lisbon revision, neither the EU nor the EC were signatories to these Conventions, but their Member States were (and still are). The Lisbon Treaty envisages that the EU will become a signatory to the ECHR.

Further, the Treaties make (direct or indirect) *reference to other specific international organisations*, both global and European, that were set up earlier in the fields of politics and defence/security.¹⁴ These include in particular the Council of Europe, the UN, the OECD, NATO and the WEU. In Part Four, the TFEU contains a general title on the Union’s relations with international organisations and third countries and also on Union delegations (Title VI).

The following are some examples:

References to the Council of Europe can be found in different contexts. Most notably, according to Art. 6 TEU the Union shall respect fundamental rights, as guaranteed, among others, by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Further, Art. 151 TFEU in the chapter on social policy refers to the European Social Charter of 1961, which is also an instrument of the Council of Europe.

Regarding the UN, the TEU contains several references to “the principles of the United Nations Charter” which need to be respected, for example in Art. 3(5) TEU on the EU’s relations with the wider world. According to Art. 21 TEU, the EU “shall promote multilateral solutions to common problems, in particular in the framework of the United Nations”. Further, Art. 34 TEU refers to the work of the UN Security Council, and Art. 220(1) TFEU mentions the cooperation of the EU with the organs of the United Nations and its specialised agencies.

In the same context, Art. 220(1) TFEU also mentions the OECD and the Organization for Security and Co-operation in Europe (OSCE), an international forum that includes European and non-European countries.

NATO is mentioned in Art. 42 TEU, in the part of the TEU on the Common Foreign and Security Policy.

Regarding the WEU, Arts. 42 and 43 TEU incorporate the so-called “Petersberg tasks”, which were set out in the Petersberg Declaration adopted at the Ministerial Council of the WEU in 1992 [Chart 7/8]. The Petersberg tasks cover humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. The WEU itself is mentioned in Protocol No 11 on Article 42 of the Treaty on European Union.

In contrast, the Treaties do not contain any explicit reference to the World Trade Organization (WTO) as the most important international economic organisation. However, according to Art. 206 TFEU the EU “shall contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers”. As was already stated, the EC was a signatory to the WTO. Since the EU has succeeded the EC, it has taken its place.

¹⁴ See PART 1, B. I.

VI. Exercises

1. There is a (not very serious) booklet with the title “Bluff your way in the EEC, EC, EU”, in which both the words “EEC” and “EC” are crossed out. Using this title, please explain briefly the development from the EEC to the EU in legal terms.
2. In a letter to the editor published in the news magazine “The Economist” of 14 May 2005, a reader wrote the following: “I believe that the citizens of the European Union would be best served if the next expansion of the EU was not to the east but rather to the west, to incorporate Canada [...]. The advantages for both parties are too significant to ignore.” What do you think about the chances of applications for membership from countries such as Canada, Ukraine and Israel, in the event that they should wish to apply?

The Development of European Integration

The historical background

Chart 2 | 1

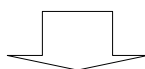
Topic:

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

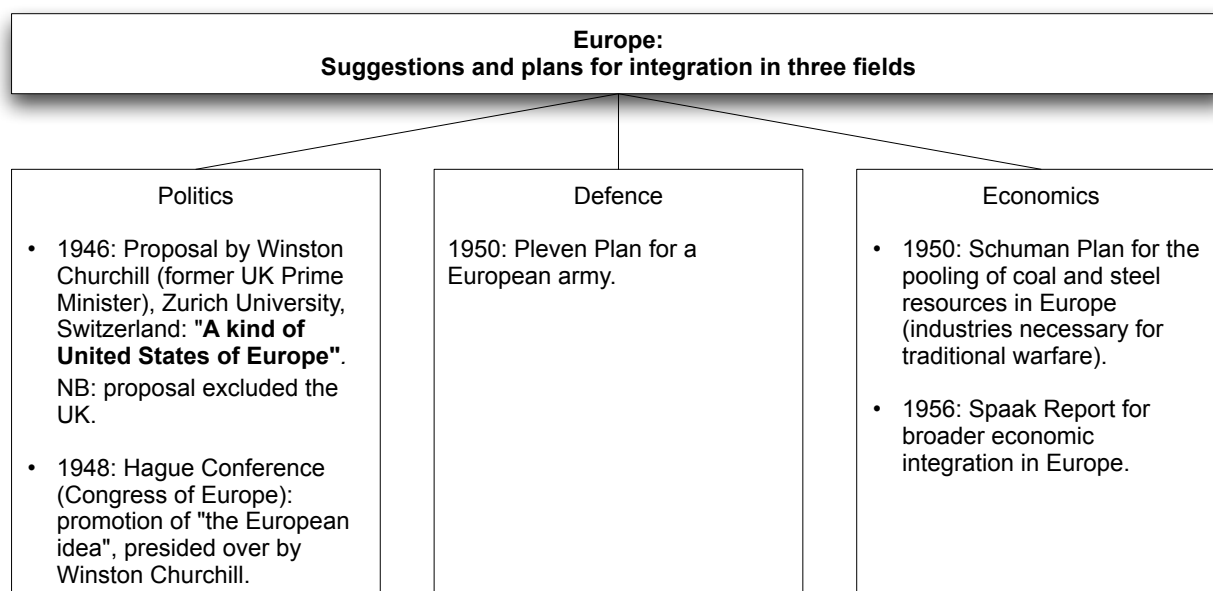
The Development of European Integration

International cooperation and plans for European integration

Chart 2 | 2

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.

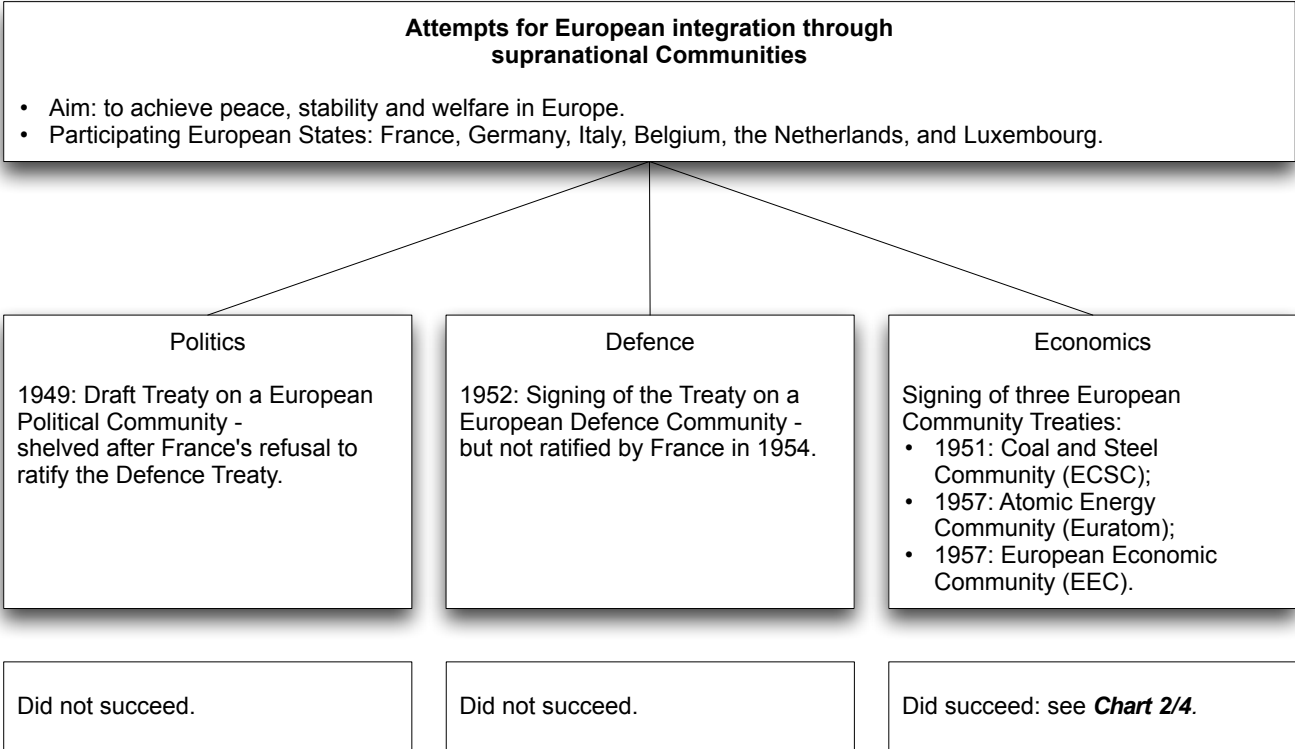


The Development of European Integration

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.



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.

The Development of European Integration

Three European Communities

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

	European Coal and Steel Community (ECSC)	European Atomic Energy Community (Euratom)	European Economic Community (EEC)
Signature and entry into force	<ul style="list-style-type: none">Signed in 1951 in Paris("Paris Treaty");Entry into force on 24 July 1952.	<ul style="list-style-type: none">Signed in 1957 in Rome ("Rome Treaty");Entry into force on 1 January 1958.	<ul style="list-style-type: none">Signed in 1957 in Rome ("Rome Treaty");Entry into force on 1 January 1958.
Content	Common rules on coal and steel	Common rules on atomic energy	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.
Nature	Detailed treaty (so-called " <i>traité-loi</i> ", i.e. "law treaty")	Detailed treaty (" <i>traité-loi</i> ", i.e. "law treaty")	Due to its broad scope a mere framework treaty (" <i>traité-cadre</i> ", i.e. "framework treaty"). Basic rules only, to be fleshed out/complemented by secondary law.
Duration	Concluded for 50 years Expired 23 July 2002 Matters formerly covered by this Treaty were then covered by the EC Treaty and are now covered by the TEU and the TFEU.	Concluded for an unlimited period Still in existence	Concluded for an unlimited period As of 1 December 2009 integrated into the EU See Chart 2/16

The Development of European Integration

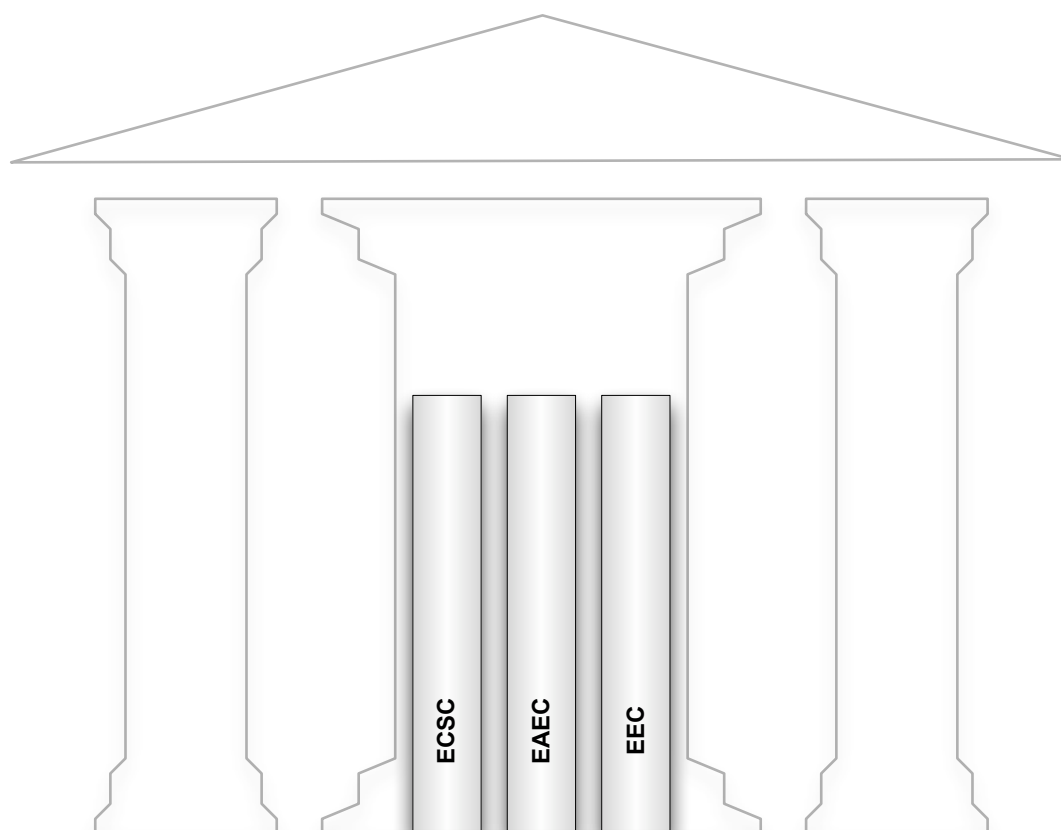
Groundwork for the subsequent European Union

Chart 2 | 5

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



ECSC:	European Coal and Steel Community
EAEC ("Euratom"):	European Atomic Energy Community
EEC:	European Economic Community

Treaties:

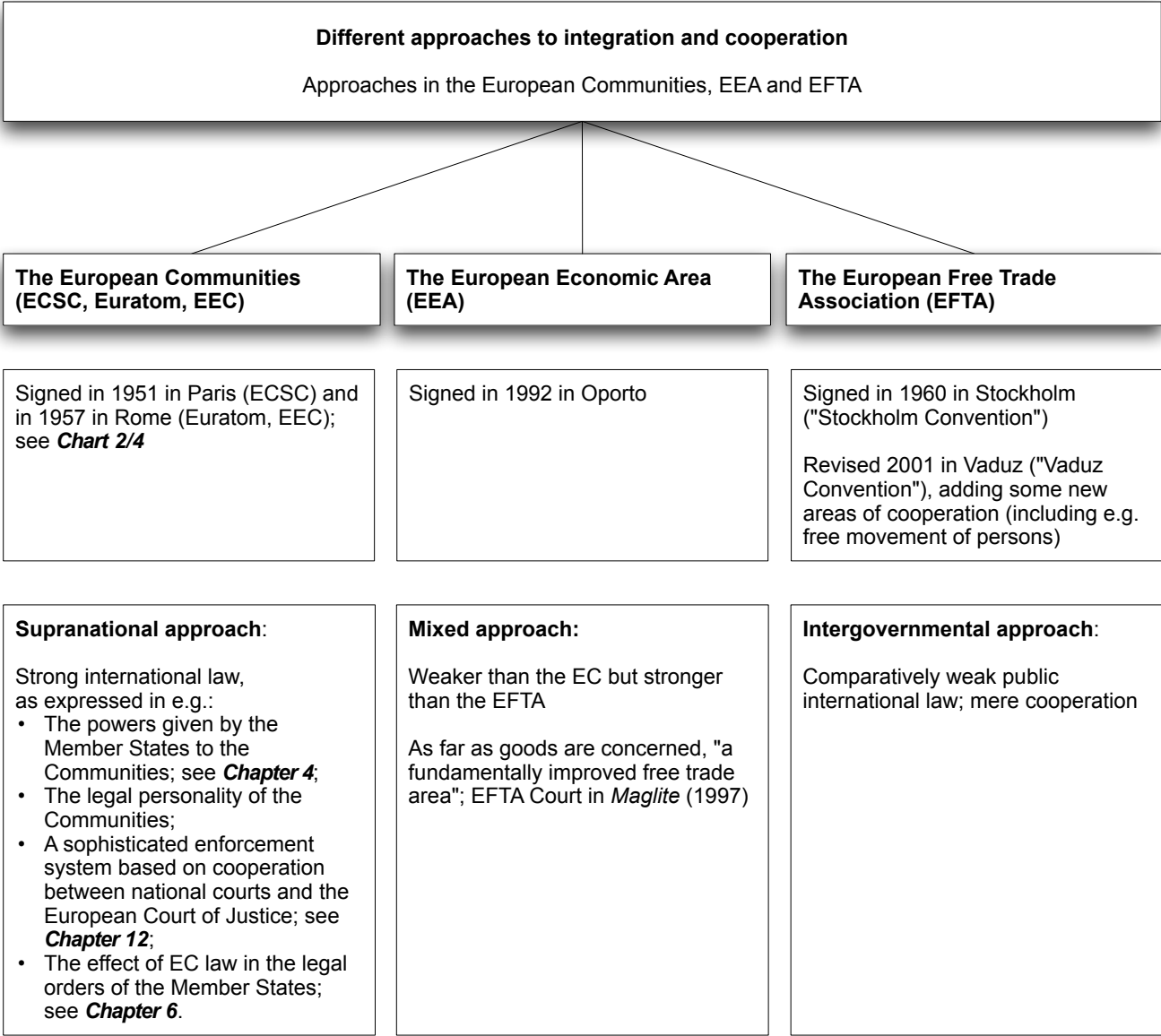
Individual treaties for the individual Communities: ECSC Treaty, Euratom Treaty, EEC Treaty respectively.

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.



The Development of European Integration

From the Communities to the Union

Chart 2 | 7

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"

Chart 2 | 8

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**

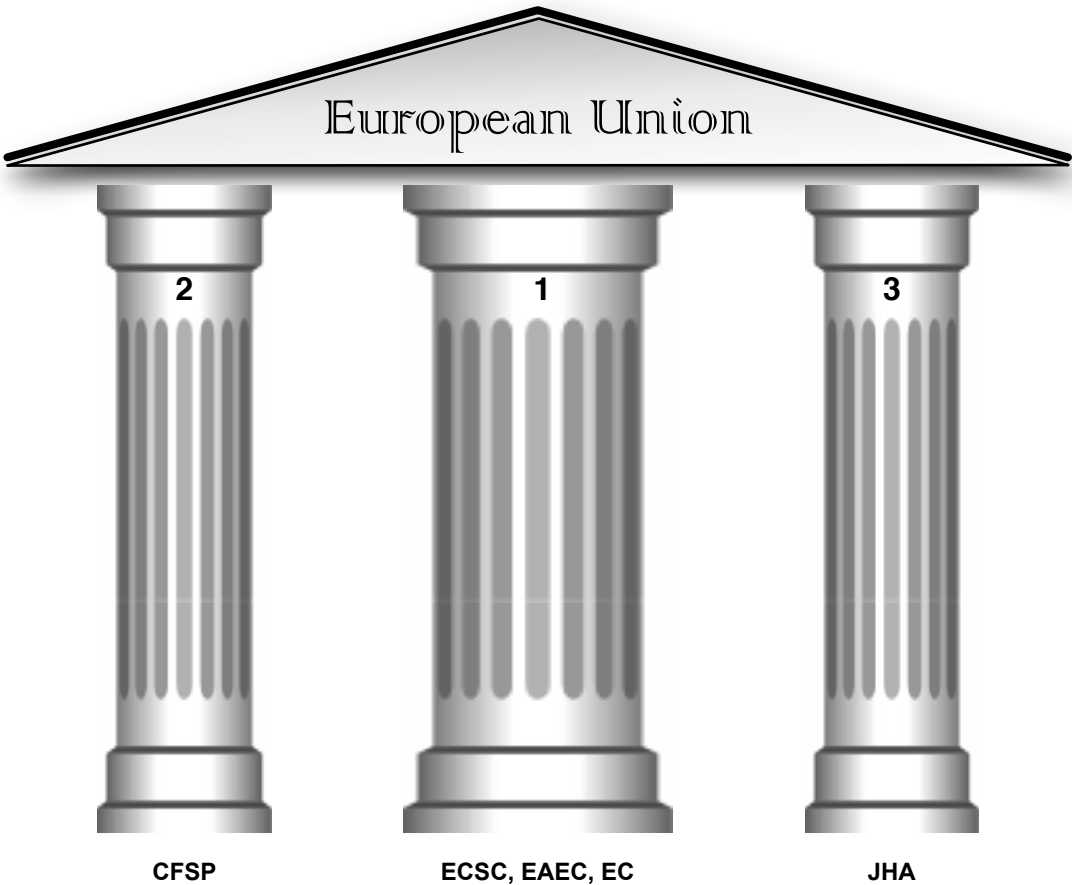
The Development of European Integration

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:

ECSC:

EAEC ("Euratom"):

EC:

JHA:
- Common Foreign and Security Policy

European Coal and Steel Community

European Atomic Energy Community

European Community (formerly "European Economic Community")

Justice and Home Affairs (name later changed)
- Treaties:

For the EU as a whole:

Specifically for the ECs:
- The EU Treaty

The three EC Treaties
- Nature:

First pillar:

Second and third pillar:
- Supranational

Intergovernmental in principle

The Development of European Integration

Structure of the original EU Treaty

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.

Structure of the original EU Treaty (1992/1993)

The temple's roof

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

The temple's pillars

Pillar 1	Titles II, III, IV	Amendments to the pre-existing Community Treaties
Pillar 2	Title V	Common Foreign and Security Policy
Pillar 3	Title VI	Cooperation in the fields of Justice and Home Affairs

The Development of European Integration

The Amsterdam revision

Chart 2 | 11

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

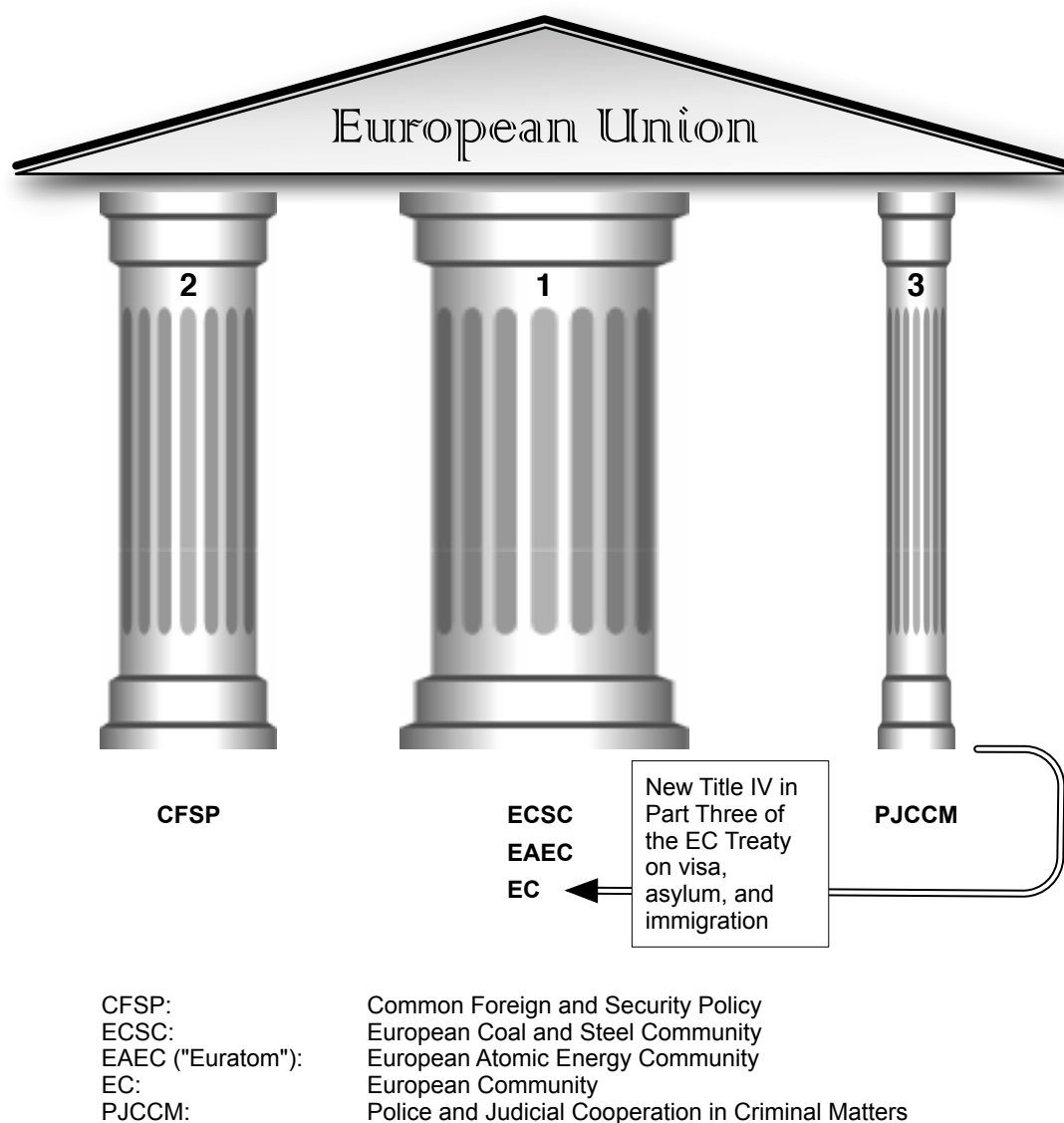
The temple after the Amsterdam revision

Chart 2 | 12

Topic:

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

The temple after the Amsterdam revision (1997/1999)



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

Titles I and VIII	Provisions common to all three pillars
Title VII	Provisions on closer cooperation

The temple's pillars

Pillar 1	Titles II, III, IV	Amendments to the pre-existing Community Treaties
Pillar 2	Title V	Common Foreign and Security Policy
Pillar 3	Title VI	Police and Judicial Cooperation in Criminal Matters

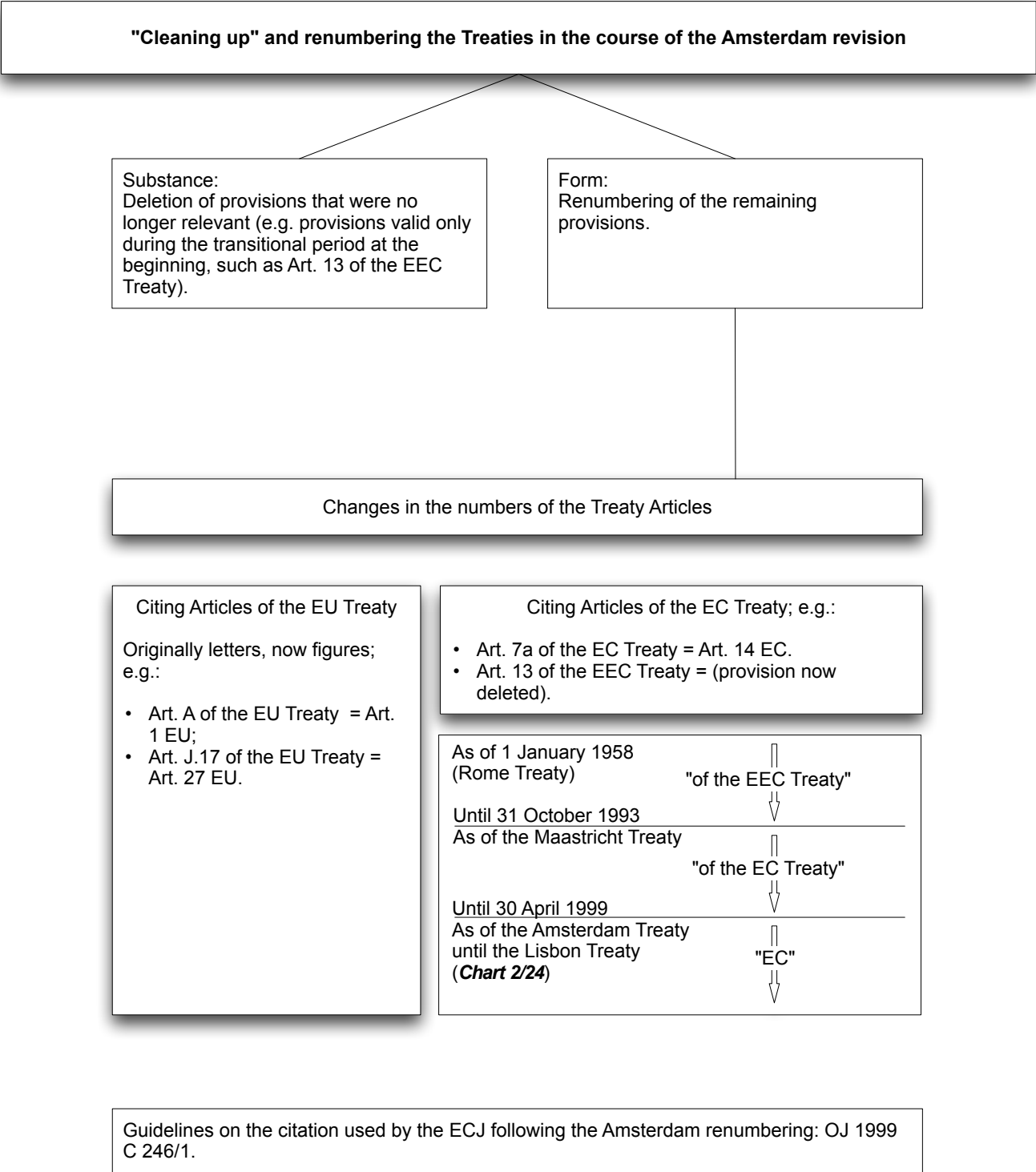
The Development of European Integration

Amsterdam renumbering

Chart 2 | 14

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.



The Development of European Integration

The Constitutional Treaty

Chart 2 | 15

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.

The Constitutional Treaty (2004/not entered into force)

Signed on 29 October 2004 in Rome

Most important aspects

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.
- 25 April 2007: Berlin declaration, on a new foundation for the EU by 2009.
- 21/22 June 2007, Brussels European Council: "The constitutional concept [...] is abandoned."

The Development of European Integration

The Lisbon revision

Chart 2 | 16

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.

The Lisbon Treaty (2007/2009)

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 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.

Content of the Lisbon Treaty

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: <ul style="list-style-type: none">• 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 "Treaty of Lisbon" as well as the "Final Act of the Intergovernmental Conference" are officially published in the Official Journal (OJ 2007 C 306/01 and OJ 2007 C 306/231, respectively; consolidated versions: OJ 2008 C 115).

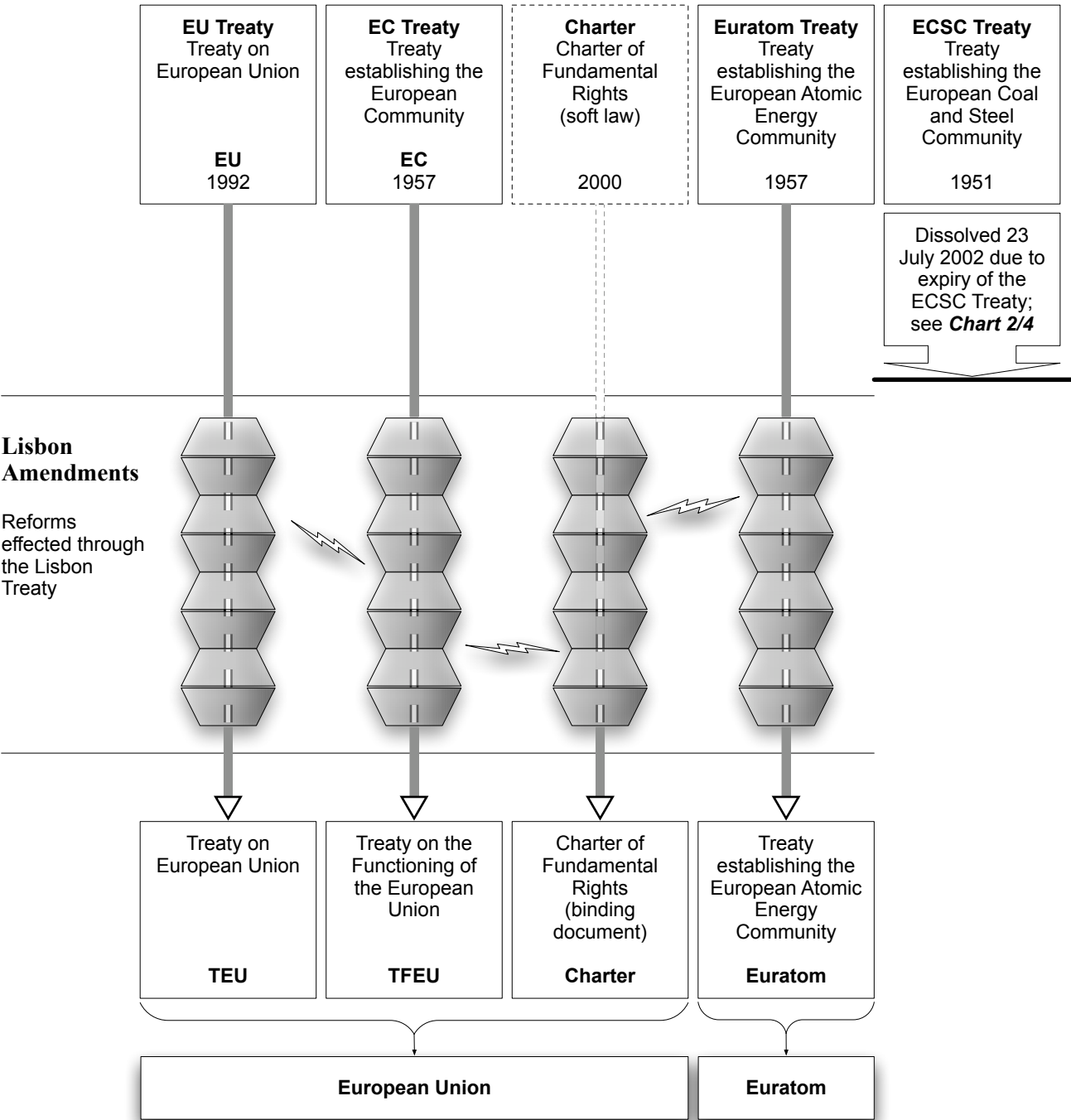
The Development of European Integration

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



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.

Structure of the EU Treaty after the Lisbon revision

Title I	Common provisions
Title II	Provisions on democratic principles
Title III	Provisions on the institutions
Title IV	Provisions on enhanced cooperation
Title V	General provisions on the Union's external action and <i>specific provisions on the Common Foreign and Security Policy</i> (i.e. the former second pillar of the EU; see Chart 2/12).
Title VI	Final provisions



The Development of European Integration

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).

Structure of the Treaty on the Functioning of the European Union
(former EC Treaty) after the Lisbon revision

Part One	Principles
Part Two	Non-discrimination and citizenship of the Union
Part Three	Union policies and internal actions (see <i>Chapter 7</i>) <i>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).</i>
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

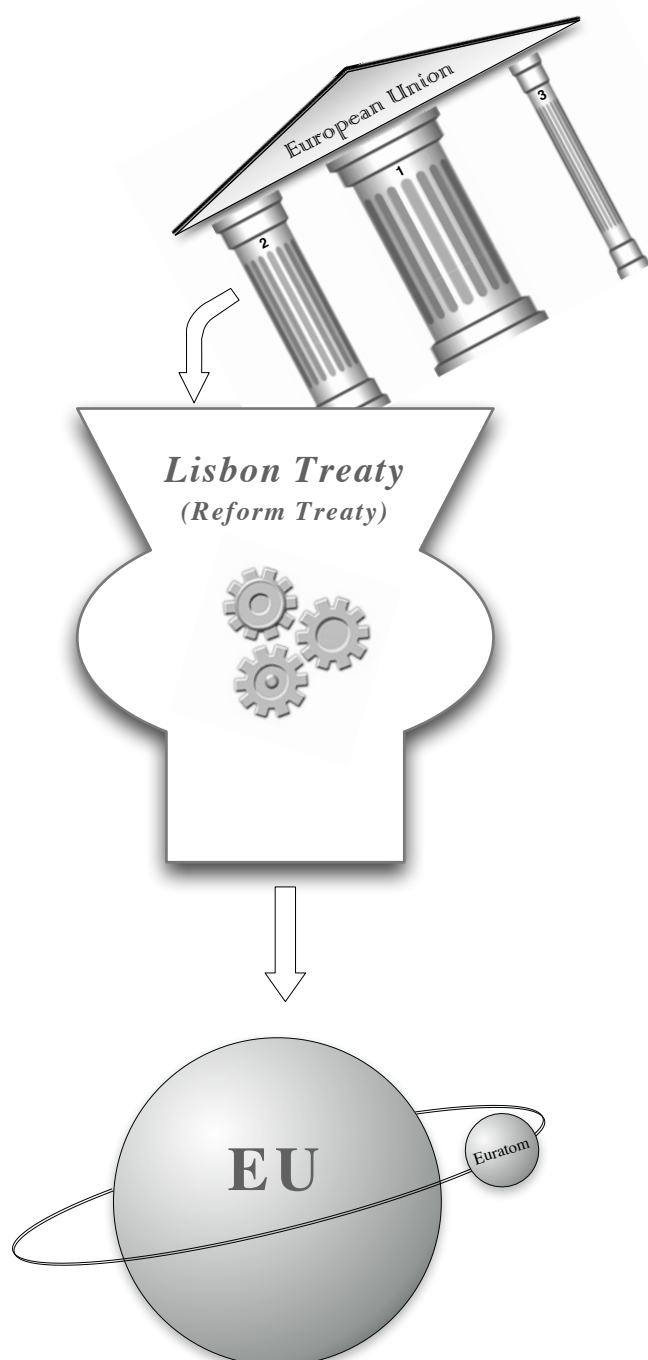
The European Union before and after the Lisbon revision

Chart 2 | 21

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);
- One Treaty on the Atomic Energy Community: the Euratom Treaty.

See **Chart 2/22**, **Chart 2/23**

The Development of European Integration

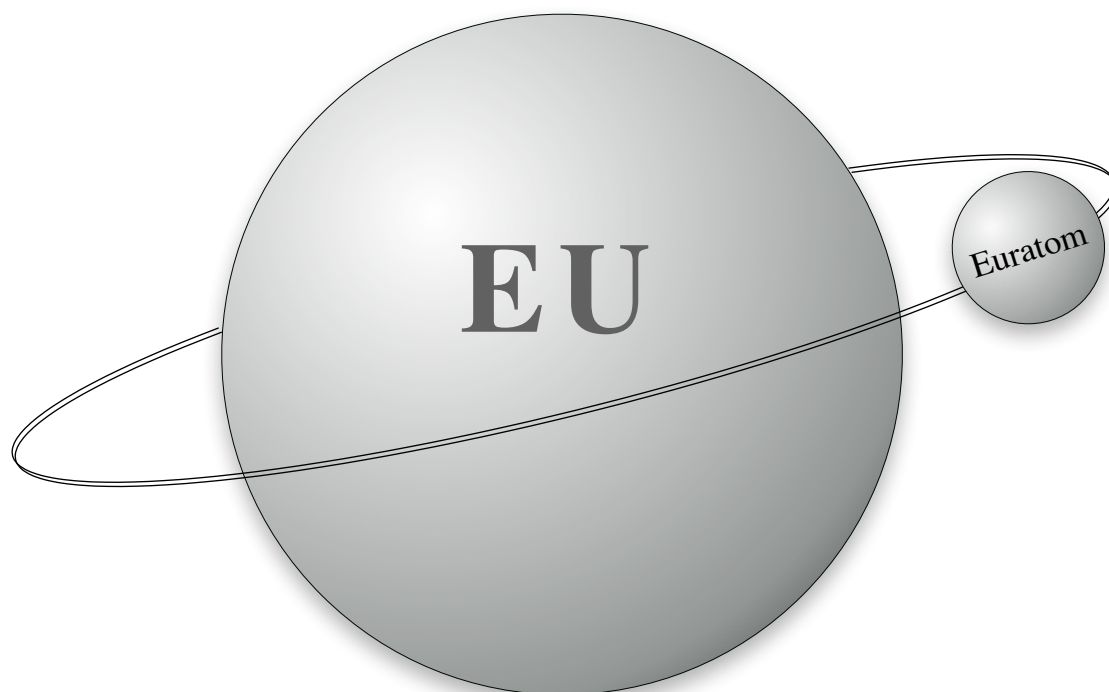
The EU following the Lisbon revision

Chart 2 | 22

Topic:

In the future, the EU may perhaps be compared to a large planet around which Euratom circulates like a satellite.

Structure of the EU following the Lisbon revision



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.

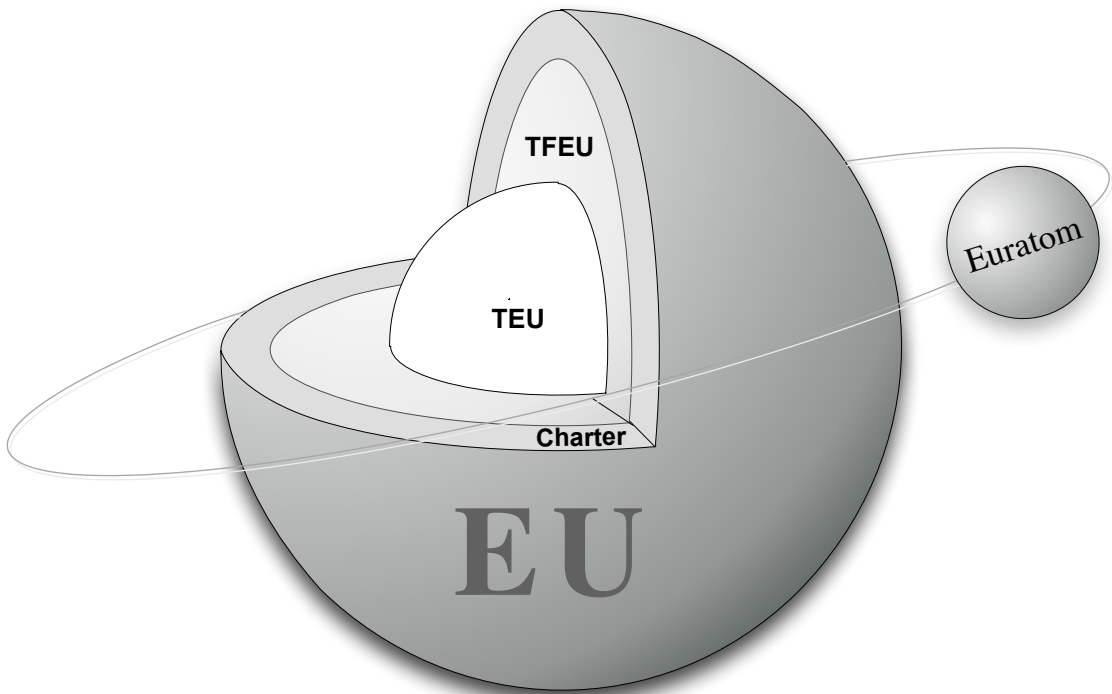
The Development of European Integration

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



TEU
Treaty on European Union

TFEU
Treaty on the Functioning of the European Union

Charter
Charter of Fundamental Rights

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

Chart 2 | 24

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

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

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

1951/1957	ECSC, Euratom, EEC	France, Germany, Italy, three Benelux States (Belgium, the Netherlands, Luxembourg)
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Enlargement
(in the case of some countries: moving from the EFTA to the E(E)C/EU)

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

Candidate States and applicants

EU (incl. Euratom and EC)	Candidate States: Turkey, Croatia, Macedonia Applicant States: Albania, Montenegro, Iceland, Serbia (plus: a non-active application for membership by Switzerland)
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Rejected as "non-European"

Morocco (1987)

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.
- Switzerland: negative popular vote on EEA membership in 1992.

The Development of European Integration

Important Treaty revisions

Chart 2 | 26

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

ECSC Treaty	Signed 1951, entry into force 24 July 1952 (expired in 2002)
Euratom Treaty	Signed 1957, entry into force 1 January 1958
EEC Treaty	Signed 1957, entry into force 1 January 1958 (now: TFEU)

Important Treaty revisions

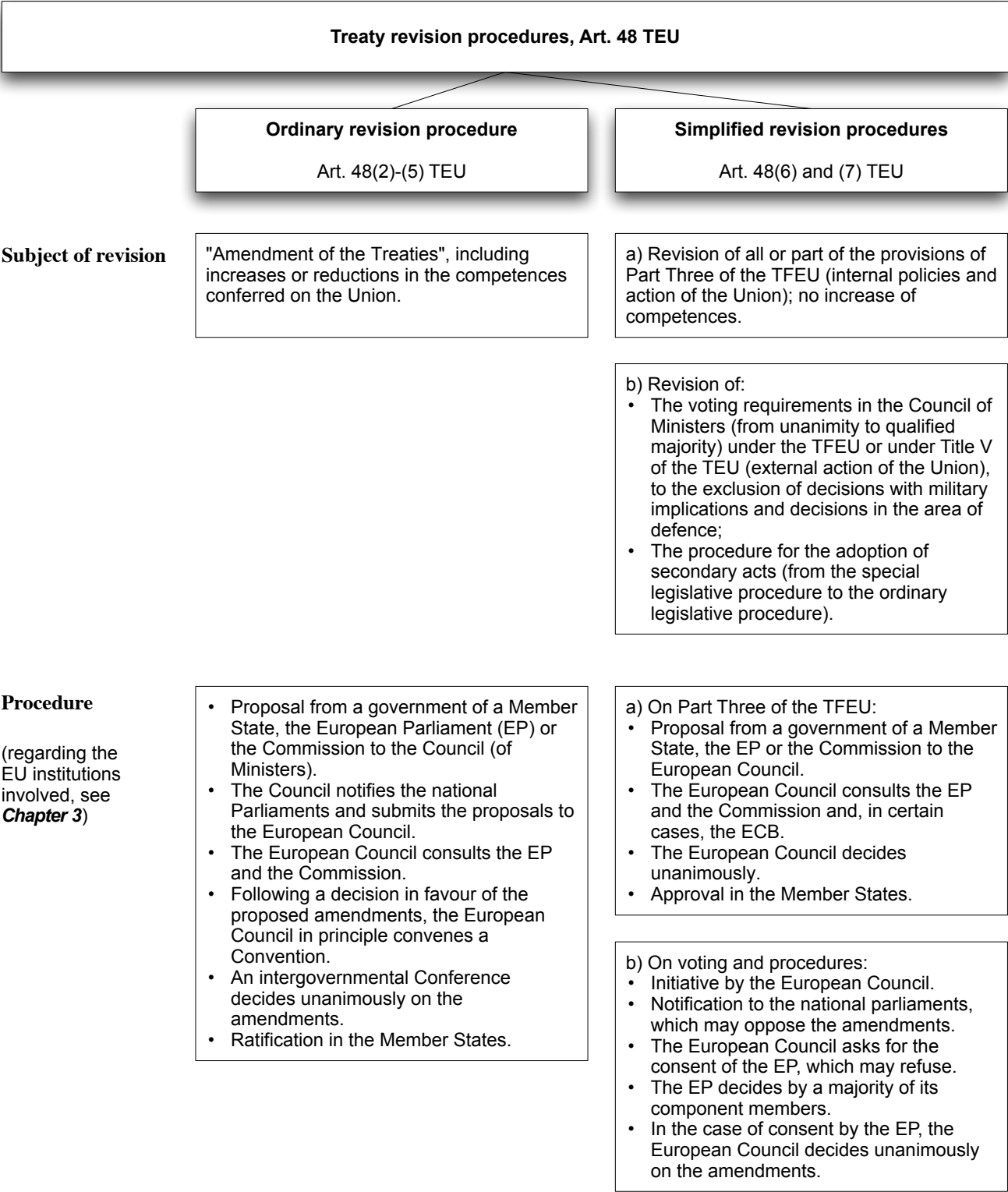
Name of Treaty	Year of signature / entry into force	Main issues
Merger Treaty	1965 / 1 July 1967	Introduction of a single institutional framework for the three Communities. Note: the Communities as such were not merged.
Act concerning the direct election of representatives of the European Parliament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

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.



The Development of European Integration

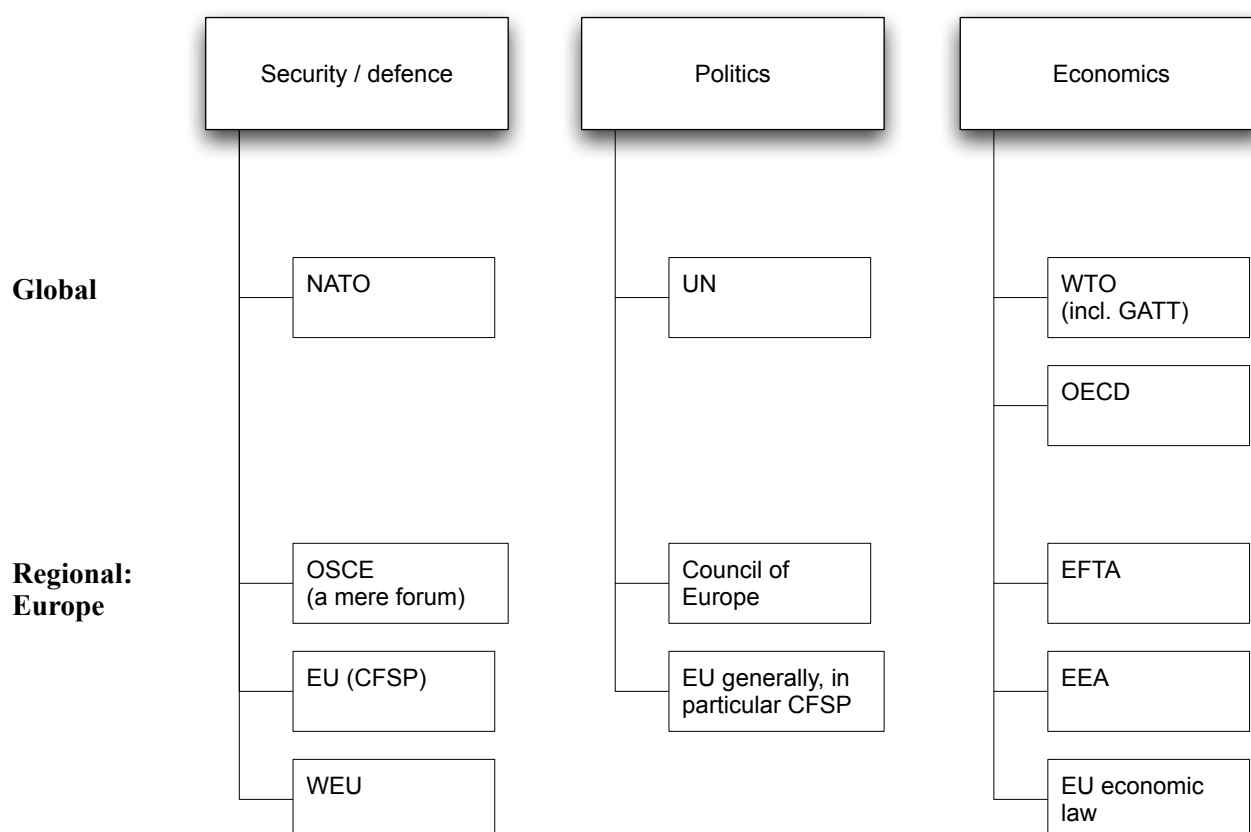
International cooperation and European integration: an overview

Chart 2 | 28

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



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).