

European Union Law

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The “deepening” of the European integration: a) the European Union

Lesson No 3

The relevant chronology

- 1992 – Treaty of Maastricht (old EU)
- 1997 – Treaty of Amsterdam
- 2001 – Treaty of Nice
- 15-12-2001 – Laeken declaration on “The future of the European Union (European Council)
- 2004 – Rome ‘Constitutional Treaty’ (failed)
- 2007 – Treaty of Lisbon (new EU)

From Maastricht to Nice

THE (OLD) EUROPEAN UNION

Intergovernmental developments outside EEC

Since the 1970s, MSs began to cooperate in other important fields, but not within the institutional framework of the EEC:

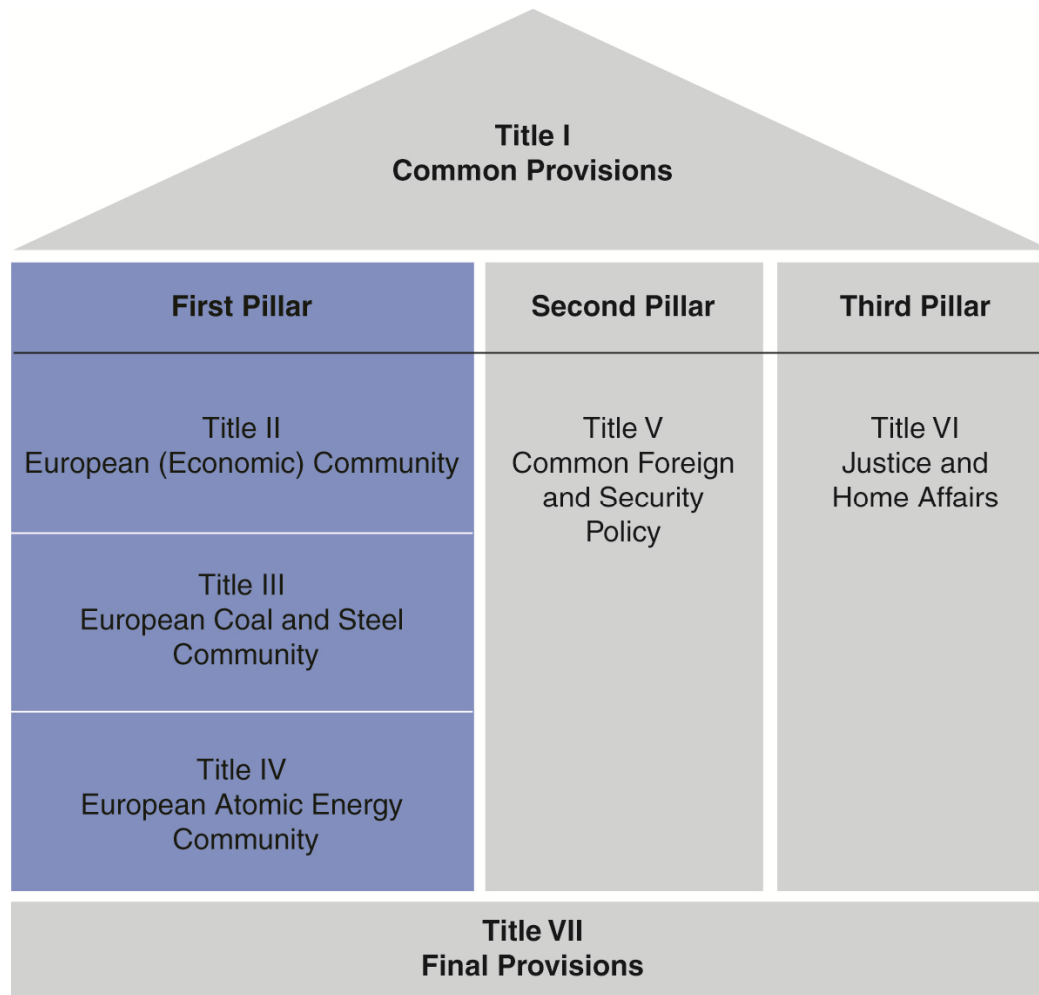
- i) Summit meetings (Heads of State or Government) → European Council
- ii) Monetary union – Werner Report
- iii) European Political Cooperation → MSs' foreign Ministers had to regularly meet
- iv) Police and judicial cooperation in criminal matters → 'TREVI' mechanism

Maastricht Treaty: a constitutional compromise

- Two parallel intergovernmental conferences:
 - a) EMU; b) deeper political union
- What constitutional arrangement?
 - A) Placing new policies into the supranational structure of the European Communities? NO, with the sole exception of EMU (price: differential integration), Union citizenship ...
 - B) Establishing a separate international organisation – the European Union: a common legal roof → the ‘Temple Structure’

Art A TEU (Maastricht)

- By this Treaty, the High Contracting Parties establish among themselves a European Union, hereinafter called 'the Union'.
- ...
- The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty
 - i) Common Foreign and Security Policy (CFSP);
 - ii) Justice and Home Affairs (JHA)



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Homogeneity components in the old EU

a) The **ROOF** of the Union ‘temple’ – the common provisions of the TEU

- Common objectives – Art B TEU
- Single institutional framework – Art C TEU
- Common principles – Art F TEU

b) The **BASE** of the Union ‘temple’ – the final provisions of the TEU

- Determining the relationship between the pillars – Art M TEU
- Common rules for their amendment – Art N TEU
- Common rules for the accession of new MSs – Art O TEU

Art B TEU (Maastricht)

- The Union shall set itself the following objectives:
- - to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- - to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;
- - to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- - to develop close cooperation on justice and home affairs;
- - to maintain in full the 'acquis communautaire' and build on it with a view to considering, through the procedure referred to in Article N(2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

Art C TEU (Maastricht)

- The Union shall be served by a **single institutional framework** which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the 'acquis communautaire'.
- The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers.

From Nice to Lisbon

THE (NEW) EUROPEAN UNION

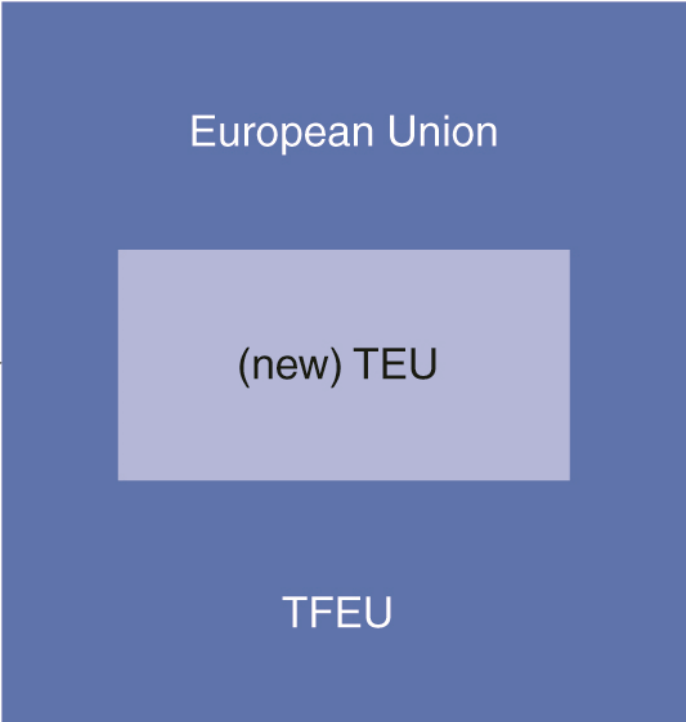
Dual Treaty Basis before Lisbon

European Union
(old) TEU

European Community
TEC



Dual Treaty Basis after Lisbon



ROBERT SCHÜTZE_Fig. 1_3

Art 1 TEU (Lisbon)

By this Treaty, the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION, hereinafter called 'the Union', on which the Member States confer competences to attain objectives they have in common.

...

The Union shall be founded on the present Treaty and on the Treaty on the Functioning of the European Union (hereinafter referred to as 'the Treaties'). Those two Treaties shall have the same legal value. The Union shall replace and succeed the European Community.

Art 1 TFEU (Lisbon)

1. *This Treaty organises the functioning of the Union and determines the areas of, delimitation of, and arrangements for exercising its competences.*
2. *This Treaty and the Treaty on European Union constitute the Treaties on which the Union is founded. These two Treaties, which have the same legal value, shall be referred to as 'the Treaties'.*

Art 6 TEU (Lisbon)

1. The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

...