

European Union Law

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The “widening “of the European integration

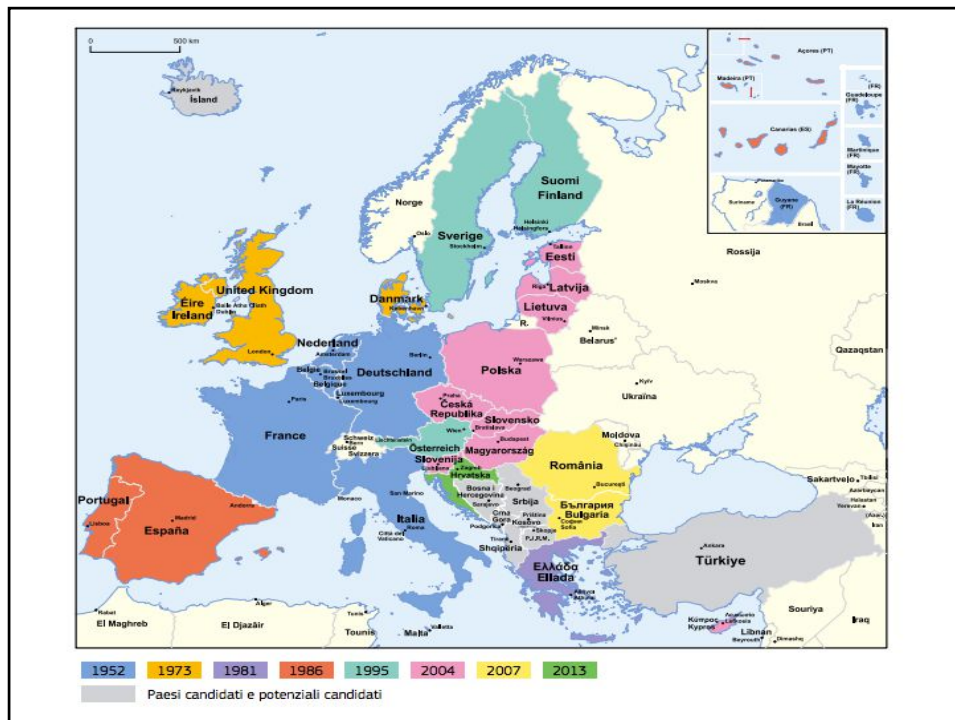
Lesson No 4

The task of an ever *closer* union of the peoples of Europe has been complemented by the idea of an ever *wider* union

THE UNION'S ENLARGEMENT 'POLICY'

From 6 to 28: the Enlargement 'Waves'

Founding MSs (1951-57)	Northern Enlargement (1973)	Southern Enlargement (1981-86)	EFTA Enlargement (1995)	Eastern Enlargement (2004)	Balkan Enlargement	(Potential) Candidates
France Germany Italy Netherlands Belgium Luxembourg	Britain Denmark Ireland	Greece Spain Portugal	Austria Finland Sweden	Cyprus Czech Republic Estonia Hungary Latvia Lithuania Malta Poland Slovakia Slovenia	Bulgaria Romania (2007) Croatia (2013)	Serbia Montenegro Bosnia & Herzegovina Kosovo Macedonia Albania Turkey Iceland



Interactive map of the European Union

<http://fdslive.oup.com/www.oup.com/orc/resources/law/eu/eulaw/resources/map/map.htm>

The entry into the European Club:
Who may become a member of the EU?
How may it enter?

ACCESSION TO THE EUROPEAN UNION

Article 49 TEU (Lisbon)

Any **European State** which **respects the values referred to in Art 2** and is committed to promoting them may apply to become a member of the Union.

The European Parliament and national Parliaments shall be notified of this application.

The applicant State shall address its application to the **Council**, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members.

The conditions of eligibility agreed upon by the European Council shall be taken into account.

Article 49 TEU (Lisbon)

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State.

This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

Pre-accession (who may enter): eligibility and admissibility

Art 49 TEU distinguishes between

- a) Certain 'constitutional' criteria determining the 'eligibility' of a candidate State and
- b) The 'political' criteria determining its 'admissibility' – the 'Copenhagen criteria'

‘Eligibility’ criteria

The candidate (applicant) State has

- i) to be a ‘European State’ and
- ii) to adhere to the values on which the Union is founded

→ Art 2 TUE – respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities

‘Admissibility’ criteria

- a) A new MS is expected to apply all the EU law as soon as it is admitted to the EU (save transitional period): the *acquis* is simply to be accepted – cp. Art 20(4) TEU
- b) A pre-accession process organised by the EU to assist candidate States to prepare for EU membership → **Copenhagen criteria** (21-22 June 1993):
 - i) Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities
 - ii) Functioning market economy and
 - iii) Ability to take on the obligations of membership

Accession agreement –
How to become a member? The procedure

Art 49 TEU distinguishes between

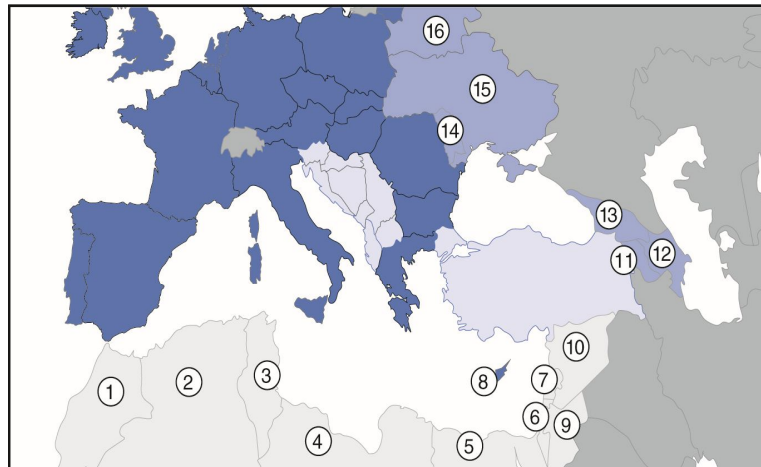
- a) 'Union (or institutional) phase' – the EU institutions must first decide on the admissibility of a candidate State
- b) Member State (or contractual) phase' – accession agreement

A dual consent – from the European Union and its Member States – is needed

ASSOCIATION WITH THIRD COUNTRIES

Art 217 TFEU

“The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure”.



Key 1 Morocco; 2 Algeria; 3 Tunisia; 4 Libya; 5 Egypt; 6 Israel; 7 Lebanon; 8 Cyprus; 9 Jordan; 10 Syria; 11 Armenia; 12 Azerbaijan; 13 Georgia; 14 Moldova; 15 Ukraine; 16 Belarus

ROBERT SCHÜTZE_Fig. 20.3

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