



THE EU TREATIES

A USER'S VIEW

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DISCLAIMER

**THE VIEWS EXPRESSED DURING MY PRESENTATION DO NOT NECESSARILY REFLECT
THE OFFICIAL POSITION OF THE EUROPEAN COMMISSION**





THE EU TREATIES

- ☐ The European Union is based on the rule of law.
- ☐ Every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU countries.
- ☐ The treaties lay down the objectives of the European Union, the rules for EU institutions, how decisions are made and the relationship between the EU and its Member States.





THE EU TREATIES

- ❑ The **Treaty of Paris**, establishing the European Coal and Steel Community, was signed in Paris on 18 April 1951 and entered into force in 1952. It expired in 2002.
- ❑ The **Treaties of Rome**, establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom), were signed in Rome on 25 March 1957 and came into force in 1958.
- ❑ The **Single European Act** (SEA) was signed in February 1986 and came into force in 1987. It amended the EEC Treaty and paved the way for completing the single market.
- ❑ The **Treaty on European Union** (TEU) — the Maastricht Treaty — was signed in Maastricht on 7 February 1992 and came into force in 1993. It established the European Union, gave the Parliament more say in decision-making and added new policy areas of cooperation.
- ❑ The **Treaty of Amsterdam** was signed on 2 October 1997 and came into force in 1999. It amended previous treaties.
- ❑ The **Treaty of Nice** was signed on 26 February 2001 and entered into force in 2003. It streamlined the EU institutional system so that it could continue to work effectively after the new wave of Member States joined in 2004.





THE EU TREATIES

- ❑ The **Treaty of Lisbon** was signed on 13 December 2007 and came into force in 2009.
- ❑ The Treaty of Lisbon contains two substantive parts that amended respectively:
 - ✓ the "Treaty on European Union" (EU Treaty or TEU);
 - ✓ the "Treaty on the Functioning of the European Union" (TFEU).
- ❑ The two Treaties have the same legal value.





THE EU TREATIES

- ❑ The Treaty of the European Union has six titles dealing respectively with
 - I - COMMON PROVISIONS
 - II - PROVISIONS ON DEMOCRATIC PRINCIPLES
 - III - PROVISIONS ON THE INSTITUTIONS
 - IV - PROVISIONS ON ENHANCED COOPERATION
 - V - GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY
 - VI - FINAL PROVISIONS





THE TREATY OF THE EUROPEAN UNION COMMON PROVISIONS

- ❑ *This Treaty marks a new stage in the process of creating **an ever closer union** among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen. (Art. 1, 2nd par.)*
- ❑ *The Union's aim is to promote **peace, its values** and the **well-being of its peoples**. (Art. 3.1)*
- ❑ *The limits of Union competences are governed by the **principle of conferral**. The use of Union competences is governed by the principles of **subsidiarity and proportionality**. (Art. 5.1)*





THE TREATY OF THE EUROPEAN UNION PROVISIONS ON DEMOCRATIC PRINCIPLES

- ❑ *Not less than **one million citizens who are nationals of a significant number of Member States** may take the initiative of inviting the European Commission...to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. (Art. 11.4)*

<http://ec.europa.eu/citizens-initiative/public/welcome>

- ❑ ***National Parliaments contribute actively** to the good functioning of the Union (Art. 12)*





THE TREATY OF THE EUROPEAN UNION PROVISION ON INSTITUTIONS

The Union's institutions shall be:

- *the European Parliament,*
- ***the European Council,***
- *the Council,*
- *the European Commission (hereinafter referred to as 'the Commission'),*
- *the Court of Justice of the European Union,*
- ***the European Central Bank,***
- *the Court of Auditors.*

(Article 13)





THE TREATY OF THE EUROPEAN UNION

PROVISION ON INSTITUTIONS

- ❑ ***The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions... (Art. 14.1)***
- ❑ ***The European Council shall provide the Union with the **necessary impetus** for its development and shall define the **general political directions and priorities** thereof. It shall not exercise legislative functions. (Art. 15.1)***
- ❑ ***The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions... (Art. 16.1)***





THE TREATY OF THE EUROPEAN UNION PROVISION ON INSTITUTIONS

- ❑ *The Council shall act by a **qualified majority** except where the Treaties provide otherwise. (Art. 16.3)*
- ❑ *As from 1 November 2014, a **qualified majority** shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union.*

A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained.

The other arrangements governing the qualified majority are laid down in Article 238(2) of the Treaty on the Functioning of the European Union. (Art. 16.4)



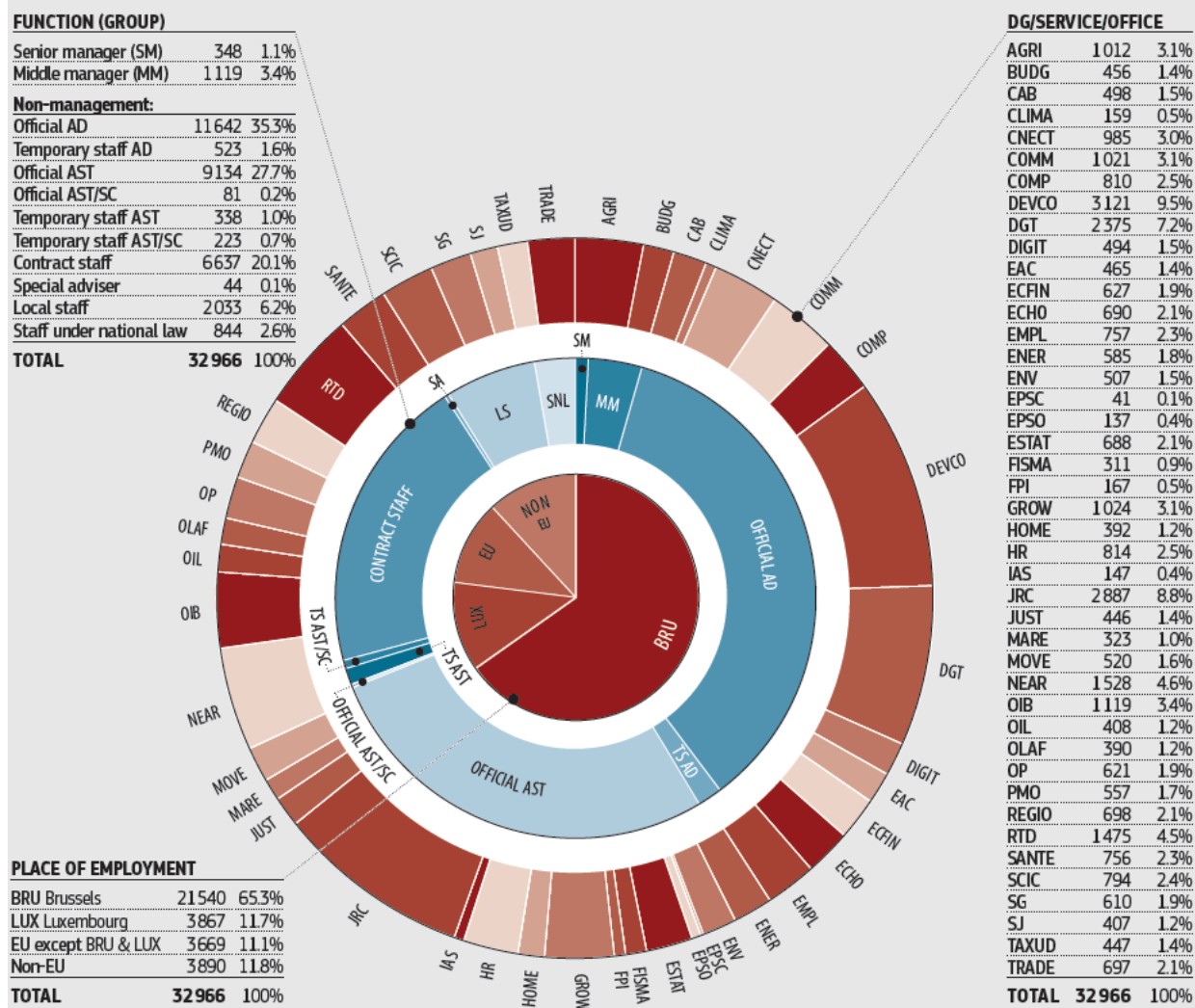
THE TREATY OF THE EUROPEAN UNION PROVISION ON INSTITUTIONS

The Commission shall...

- ☐ ***take appropriate initiatives...***
- ☐ ***ensure the application of the Treaties...***
- ☐ ***oversee the application of Union law ...***
- ☐ ***execute the budget and manage programmes.***
- ☐ ***it shall ensure the Union's external representation*** (*With the exception of the common foreign and security policy, and other cases provided for in the Treaties*)

(Article 17.1)







THE TREATY OF THE EUROPEAN UNION PROVISION ON INSTITUTIONS

- ❑ *Taking into account the elections to the European Parliament...*
- ❑ ***the European Council... shall propose to the European Parliament a candidate for President of the Commission.***
- ❑ *This candidate shall be elected by the European Parliament by a majority of its component members.*

(Art. 17.7)





THE TREATY OF THE EUROPEAN UNION PROVISION ON INSTITUTIONS

- ❑ *The European Council...shall appoint the **High Representative of the Union for Foreign Affairs and Security Policy**. (Art. 18.1)*
- ❑ *The High Representative **shall conduct the Union's common foreign and security policy**...(Art. 18.2)*
- ❑ *The High Representative shall be **one of the Vice-Presidents of the Commission**...(Art. 18.4)*





THE TREATY OF THE EUROPEAN UNION PROVISIONS ON ENHANCED COOPERATION

- ❑ *Member States which wish to establish **enhanced cooperation** between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Treaties.*
... (Art.20.1)





THE TREATY OF THE EUROPEAN UNION THE UNION'S EXTERNAL ACTION AND COMMON FOREIGN AND SECURITY POLICY

- ❑ The **European Council shall identify the strategic interests and objectives of the Union**
- ❑ The High Representative of the Union for Foreign Affairs and Security Policy, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council

(Article 22)





THE TREATY OF THE EUROPEAN UNION COMMON FOREIGN AND SECURITY POLICY

- ❑ *The High Representative shall be assisted by a **European External Action Service**. (Article 27.3)*
- ❑ *The Council shall adopt decisions which shall **define the approach of the Union** to a particular matter of a geographical or thematic nature. **Member States** shall ensure that their national policies **conform to the Union positions**. (Article 29)*
- ❑ ***Member States... shall uphold the Union's positions...** (Article 34.1)*





THE TREATY OF THE EUROPEAN UNION COMMON SECURITY AND DEFENCE POLICY

- ❑ *The **common security and defence policy** shall be an integral part of the common foreign and security policy.*
- ❑ *It shall provide the Union with an **operational capacity...***
- ❑ **...using capabilities provided by the Member States.**
- ❑ **...progressive framing of a common Union defence policy...**

(Article 42.1)





THE TREATY OF THE EUROPEAN UNION FINAL PROVISIONS

- ☐ The Union shall have legal personality (Article 47)
- ☐ Revision of the treaties (Article 48)
- ☐ Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements (Article 50)





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

- ❑ PART ONE: PRINCIPLES
- ❑ PART TWO: NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION
- ❑ PART THREE: UNION POLICIES AND INTERNAL ACTIONS (XXIV TITLES)
- ❑ PART FOUR: ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES
- ❑ PART FIVE: THE UNION EXTERNAL ACTION
- ❑ PART SIX: INSTITUTIONAL AND FINANCIAL PROVISIONS
- ❑ PART SEVEN: GENERAL AND FINAL PROVISIONS
- ❑ 37 PROTOCOLS, 2 ANNEXES, 65 DECLARATIONS





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PARTO ONE – TITLE I - CATEGORIES AND AREAS OF UNION COMPETENCE

❑ Exclusive and shared competences

Article 2

1. When the Treaties confer on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.

2. When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence.





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PARTO ONE – TITLE I - CATEGORIES AND AREAS OF UNION COMPETENCE

Article 3

1. The Union shall have exclusive competence in the following areas:
 - (a) customs union;
 - (b) the establishing of the competition rules necessary for the functioning of the internal market;
 - (c) monetary policy for the Member States whose currency is the euro;
 - (d) the conservation of marine biological resources under the common fisheries policy;
 - (e) common commercial policy.



THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PARTO ONE – TITLE I - CATEGORIES AND AREAS OF UNION COMPETENCE

- ❑ *Areas of shared competence :*
 - *(a) internal market;*
 - *(b) social policy, for the aspects defined in this Treaty;*
 - *(c) economic, social and territorial cohesion;*
 - *(d) agriculture and fisheries, excluding the conservation of marine biological resources;*
 - *(e) environment;*
 - *(f) consumer protection;*
 - *(g) transport;*
 - *(h) trans-European networks;*
 - *(i) energy;*
 - *(j) area of freedom, security and justice;*
 - *(k) common safety concerns in public health matters, for the aspects defined in this Treaty.*

(Article 4.2)





THE TREATY ON THE FUNCTIONING OF THE PARTO ONE – TITLE I - CATEGORIES AND AREAS OF UNION COMPETENCE

- ❑ *In the areas of **research, technological development and space**, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, **the exercise of that competence shall not result in Member States being prevented from exercising theirs.** (Article 4.3)*
- ❑ *In the areas of **development cooperation and humanitarian aid**, the Union shall have competence to carry out activities **and conduct a common policy**; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs. (Article 4.4)*





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PARTO ONE – TITLE I - CATEGORIES AND AREAS OF UNION COMPETENCE

- *The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be:*
- *(a) protection and improvement of human health;*
 - *(b) industry;*
 - *(c) culture;*
 - *(d) tourism;*
 - *(e) education, vocational training, youth and sport;*
 - *(f) civil protection;*
 - *(g) administrative cooperation.*
- (Article 6)*





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

- ❑ PART TWO: NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION
- ❑ PART THREE: UNION POLICIES AND INTERNAL ACTIONS (XXIV TITLES)
- ❑ PART FOUR: ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES
- ❑ PART FIVE: THE UNION EXTERNAL ACTION





THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PART FIVE - THE UNION EXTERNAL ACTION

- ☐ I – General Provisions of the Union External action
- ☐ II- Common commercial policy
- ☐ III - Cooperation with third countries and humanitarian aid
- ☐ IV - Restrictive Measures
- ☐ V- International agreements
- ☐ VI - The unions relations with International Organizations and third Countries and Union Delegations
- ☐ VII- Solidarity clause





THANK YOU FOR YOUR ATTENTION!

NEXT SEMINAR

WHO DOES WHAT IN THE EU

