

Lecture Notes 2010- 2011 (Code: EU.01.02-v4-10.10)

European Union Law

Topic 1 (of 4): **Genesis, Development and transition of the EEC → EC → EU.**

Lecture 2 (of 3):

The European Community and its Evolution within the Superstructure of the European Union.

Aim: To focus on some of the principal amendments made to the EC Treaty, 1993 - 2003.

Objectives:

After carefully studying the following notes and other readings relevant to this lecture you should be able to:

1. Discuss some of the factors that brought about the perceived need for further European integration even before the SEA was ratified;
2. Discuss the significance of the principles of subsidiarity and citizenship as introduced by the TEU and incorporated into the EC Treaty (as amended);
3. Discuss: (a) the structure of the EU; (b) the changes made to, and associated with, Arts.2 - 4b EC, as amended by the TEU; (c) the significance of the Treaty of Amsterdam 1997.

The Single European Act and the perceived need for another amending Treaty

The attempt to regenerate the Community via enactment of the *Single European Act* wasn't seen as a success by a number of critics. For example, in *The Government And Politics Of The European Union*, 4/e, (1999) **Nugent** stated that:

Many of the Community's decision-making elites - both in Community institutions and in member states - were disappointed with the 1986 Single European Act (SEA). It did not, they believed, sufficiently advance the process of integration. In consequence, even before the SEA was ratified, the view was being expressed in many influential quarters that further integration would soon be necessary.

In the second half of the 1980s a number of factors combined to give weight and force to this body of opinion. These factors were both internal and external in kind.

The internal factors were mostly associated with the stimulus to further integration which stemmed from the 're-launching' of the Community in the 1980s. This re-launching, which was embodied in the *Single European Market* (SEM) programme and in the SEA, contained its own integrationist logic in that it

gave greater urgency to some long-standing but unresolved issues facing the Community and it also served to bring new issues onto the Community's agenda.

Nugent then asserts that *internal* factors that were of particular importance included:

- (i) the belief of the majority of member states that the maximum beneficial effects of the SEM could be attained only if positive action was taken to implement the commitment made in the SEA to progress to *Economic and Monetary Union* (EMU) and a single currency.
- (ii) The belief that a 'social dimension' was required to counterbalance some of the de-regulatory implications of the SEM.
- (iii) The creation of a single internal market would bring with it the need for greatly improved procedures and co-operation between Member States in respect of issues such as cross-border crime, drug trafficking, international terrorism and, perhaps, mass migration of people from Eastern Europe and North Africa to Western Europe.
- (iv) The desire to rectify the long-standing issue of the 'democratic deficit', an issue not properly addressed by the SEA. That is, there was a desire to eradicate the anomaly of exercising increasing Community competence within a political context in which the decision-makers were not democratically accountable.

With regard to the *external* factors, it would appear that they arose principally from the break-up of both the Soviet bloc and the Soviet Union. *Nugent* refers to, *inter alia*:

- (i) The uncertainty of the future nature and the stability of Europe following the break-up of the Soviet Union in 1991. This led to calls for the strengthening of the Community's policy and institutional capacities; and
- (ii) The fear of a German-dominated EC following the unification of Germany in October 1990. Many commentators thought it preferable for there to be 'a European Germany rather than a German Europe.'

Whereas the outcome of these internal and external factors was expressed in a widely held belief that fundamental reforms of the EC were required, the approach to reform was not uniform. However, the reforms that were brought about were the conclusion of a three-stage process, viz; intergovernmental conferences on: (i) economic and monetary union; (ii) political union; followed by (iii) ratification of a new treaty by the Member States – a prolonged process, particularly in relation to Denmark, the UK and Germany. The outcome resulted in a ***Treaty on European Union*** signed in Maastricht in February 1992 and given the force of law as from 1st November 1993.

The Treaty on European Union.

The essence of the Treaty on European Union (TEU) was in the creation of a new organisation, the ***European Union***, which was founded on (i) legally constituted Communities and (ii) *political cooperation*. Thus, the structure of the European Union was based on three pillars: the central pillar was composed of the *ECSC* [until July 2002], *Euratom* and what was the *EEC*, now renamed by ***Art.G(I) TEU***, the ***European Community (EC)***; the other (political) pillars being those of a ***Common Foreign and Security Policy (Title V)***; and [the then-named] ***Cooperation in the fields of Justice and Home Affairs (Title VI)***.

Integrationism following the TEU

Whereas significant judicial developments in the initial transition period of the EEC (in particular, *Direct Effect* and *Supremacy of Community law*) and the introduction of QMV in the *Single European Act* had provided the impetus for *deepening integrationism*, in the latter case by enabling decision-making to move from an inter-governmentalist model (unanimity in decision-making) to supranationalist, *the TEU*, via its core of legally-based Communities flanked by its political pillars, was now *widening* the ambit of the EU with a retrograde-like step of embracing *inter-governmentalist* policies along with its move to an ever-closer Union. Indeed:

Maastricht is like Janus. It faces both ways: towards *inter-governmentalism*, and towards some kind of “*federal vocation*”. It is as ambiguous as the oracle of Delphi; as the Community itself. It reflects the extent to which the States are, and are not, able to agree^{1, 2}.

Structure of the TEU

The TEU was composed of seven Titles, 17 Protocols and 33 Declarations. The Titles and Articles [which were lettered, not numbered, pre-*Treaty of Amsterdam*] were:

Title I Common Provisions, Arts.A - F

Title II Provisions amending the Treaty establishing the EEC with a view to establishing an EC, *Arts. G - G86*

Title III Provisions amending the Treaty establishing the ECSC, Arts.H - H21

Title IV Provisions amending the Treaty establishing Euratom, Arts.I - I29

Title V Provisions on a *Common Foreign & Security Policy*, Arts.J - J11

Title VI Provisions on *Cooperation in the Fields of Justice and Home Affairs*, Arts K- K9

Title VII Final Provisions, Arts L - S

In *Title I, Article A TEU* provided that:

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 closely as possible to the citizen*.

The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its task shall be to organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.

By contrast with the EC, the *European Union* (EU) did **NOT** have legal personality [at least, not fully recognized as such prior to the *Treaty of Lisbon*, signed in December 2007, being ratified and in force as from 1st December 2009].

¹ *McAlister, R. From EC to EU. A Historical and Political Survey*, 1997. London: Routledge, p225.

² See, also, p6, *infra*.

An Objective of the EU: *Acquis Communautaire*.

The objectives of the European Union were set out in **Art.B TEU**. One of the stated objectives was “to maintain in full the ‘*acquis communautaire*’”. However, the lack of a formal definition of this term leads to uncertainty in its interpretation. Nevertheless, **Tillotson** was of the opinion that it entailed acceptance of “the existing body of EC law, which includes the contents of the Treaties, including Maastricht, all legislation adopted in implementation of the Treaties, all adopted declarations and resolutions and all international agreements.” In other words, it extended beyond the formal acceptance of Community law to include rules that have no binding force. This is indicative of the term having more of a political than a legal meaning. There is no doubt that the construction of a European Union, based on the political pillars of Common Foreign and Security Policy and Cooperation on Justice and Home Affairs, has brought about the need to ensure that the Member States work closely together through *intergovernmentalism* as well as *supranationalism*.

Aims and Activities of the EC (As the Legal Successor of the EEC).

Underpinning the objectives of the *EU* were the aims and activities of the **EC** as provided for in Arts.2 & 3 of the Treaty of Rome as amended.

Art.2 EC as amended provided that the task of the Treaty was, in part:

... to promote throughout the Community a harmonious and balanced development of economic activities, *sustainable and non-inflationary growth respecting the environment*, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

There were two general means by which these aims were to be achieved, viz;

- (i) Establishing a common, or ***Internal***³, market and an economic and monetary union (EMU); and
- (ii) Implementing the common policies or activities referred to in Arts.3 and 3a.

Economic and Monetary Union

Art.3a provided for the Community’s policies relating to economic and monetary union, including the creation of a single currency, [then called the ECU]. **Shaw** (1996, p52) noted that:

The provisions on EMU (within the EC Treaty and additional protocols) la[id] down *the timetable for the achievement of monetary union* and the *convergence conditions* for national economies which would be needed to be satisfied if the shift to irrevocably fixed exchange rates was not to be accompanied by damage to some of the Community economies.

³ See references to the Internal Market in Arts.3(c) and 7a, for example.

Stages in Economic and Monetary Union

The *TEU* envisaged economic and monetary union being achieved via a three-stage process. The Transitional Provisions referred only to stages two and three: it was assumed that the first stage, as provided for by the *Single European Act*, viz., *increased cooperation among the Member States within the framework of the European Monetary System*, was already in place.

At the start of the *second stage*, 1 January 1994, a *European Monetary Institute* (EMI), a body having legal personality, was created, its inaugural session being held on 11 January 1994 in Frankfurt, the seat of this new institution. The functions of the EMI included:

- the strengthening of cooperation between the national central banks;
- the strengthening of the coordination of the monetary policies of the Member States, the aim being to ensure price stability; and
- monitoring the functioning of the European Monetary System.

The *third and final stage* created the *European System of Central Banks* (ESCB) and the *European Central Bank* (ECB), and adopted as the European Currency Unit, the *Euro*. (In a separate Protocol to the TEU, the U.K. reserved its right to notify the Council whether or not it intended to move to the third and final stage of EMU). The third stage began on 1st January 1999 when the ECB replaced the EMI and with trading in the Euro (€) initially being favourably received on the London Stock Exchange. (The Euro came into circulation as a currency on the 1st January 2002. 16 Member States⁴ - totaling 326 Million citizens - have adopted the Euro).

Other Activities of the Community

Art.3EC provided for 20 activities, *double the number provided for in the original EEC Treaty*. They included:

- (a) the elimination, as between Member States, of customs duties and quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect;
- (c) an internal market characterised by the abolition, as between Member States, of obstacles to the free movement of goods, persons, services and capital;
- (g) a system ensuring that competition in the internal market is not distorted;
- (k) a policy in the sphere of the *environment*;
- (o) a contribution to the attainment of a high level of health protection; and
- (t) measures in the spheres of energy, civil protection and tourism

Art.3b⁵: The Principle of Subsidiarity.

Art.3b provided that:

The Community shall act *within the limits of the powers conferred upon it* by this Treaty and of the objectives assigned to it therein.

⁴ The Euro is **NOT** in force in three 'pre-Euro' Member States: Denmark, Sweden and the UK. It is in force in only four of the 10 Member States that became members as from 1st May 2004: Slovenia, Slovakia, Cyprus and Malta.

⁵ Renumbered *Art.5EC* 'post-Amsterdam'.

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with *the principle of subsidiarity*, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.

The first paragraph of this Article confirmed that the only powers the Community is able to exercise are those conferred on it by 'this Treaty' and others establishing or amending the objectives assigned to it. Thus, the Community's competence in relation to a particular matter was *derived* from, or **conferred** on it by, the Treaty of Rome as amended by (principally) the Single European Act and the Treaty on European Union. This apportioning of powers between Member States and the flow of power from the States to the Community suggested that:

On balance the emerging European Union fits, in the light of the EEC Treaty as amended by the TEU, better into a federal than a confederal form.⁶

As a general rule, any action taken by the Community or by one of the Community's institutions, which extends beyond attributed competence, lacks a legal foundation.

With reference to the second paragraph, *Tillotson*⁷ said:

The principle of subsidiarity ... [was] designed to go to the heart of the question of transfers of sovereignty and the division of powers within the Community. It [was] essentially a response to the argument that the Community, in particular the Commission as initiator of Community policy, [had] acquired too much power, particularly in areas where Community-wide policies [were] considered to be unnecessary. It [was] to be seen as a countervailing force to the natural tendency of the centre to accumulate power.

Whereas 'subsidiarity' is a binding legal principle, it has not always been easy to establish the policy areas which are shared ('not within exclusive competence') and so subject to subsidiarity (doubts have been expressed over 'the environment' and 'social policy', for example); nor, indeed, is it clear that the principle of subsidiarity is justiciable.

Where subsidiarity applies, the EC has the onus to justify action at Community level as opposed to leaving it to the Member States. Where the EC has exclusive power to act, 'Any action [taken by it]' must be in proportion to the expected outcome; i.e., 'action must not go beyond what is necessary to achieve the objectives of the Treaty.' This is an aspect of the general *principle of proportionality*, a principle well established in Community law.

Art.8 - 8e⁸: Citizenship of the Union.

EMU and citizenship were new policy areas brought within the scope of the EC Treaty as amended. By contrast, (pre-ratification of the Treaty of Amsterdam, anyway) the policy areas

⁶ *Lasok and Bridge, Law and Institutions of the European Union*, 6/e. London: Butterworths, 1994, p27.

⁷ *Tillotson, J. European Community Law: Text, Cases & Materials*. London: Cavendish, 1993, p54.

⁸ Renumbered as *Articles 17-22* by the *Treaty of Amsterdam*

relating to foreign and security policy and to justice and home affairs, i.e., the political pillars of the TEU, were outside the scope of the EC Treaty as amended.

Whereas Art.8 referred to ‘Citizenship of the Union,’ the rights conferred and the duties imposed were those that flowed from the EC Treaty. The TEU conferred citizenship on all natural persons holding the nationality of a Member State.

In essence, the rights of European Citizenship were made up of, *inter alia*: the right to move and reside freely within the territory of the Member States (**Art.8a(1)**); the right to vote and stand as a candidate in municipal elections and elections to the European Parliament anywhere in the Union under the same circumstances as a national of the State in which (s)he now resided (**Art.8b(1) & (2)**); and the right to petition the European Parliament (**Art.8d**).

{It is in relation to the Union being closer to its citizens, i.e., the perception of being less remote, that some of the most fundamental changes to the EC Treaty as amended by the Treaty of Amsterdam have been introduced (see infra)}.

The Political Pillars of the European Union.

The European Union was, and remains, ‘founded on the European Communities, supplemented by the policies and forms of co-operation established by th[at] Treaty.’⁹ The second and third ‘pillars’ of the EU are comprised of political co-operation on a **Common Foreign and Security Policy** (2nd pillar) and, ‘post-Amsterdam’, **Provisions on Police and Judicial Cooperation in Criminal Matters** – formerly Co-operation in the Spheres of Justice and Home Affairs (3rd pillar).

Common Foreign and Security Policy

Whereas the **SEA** had stated that Member States ‘shall *endeavour* jointly to formulate and implement a European Foreign Policy,’ the **TEU** was more forceful in providing that Member States ‘shall define and implement a common foreign and security policy ... covering all areas of foreign and security policy.’ Furthermore, the common policy ‘shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.’

In essence, there were three principal ways in which the European Union was to pursue the objectives of the CFSP:

- (i) by establishing systematic cooperation between Member States on any matter of foreign and security policy that was of general interest.
- (ii) by gradually implementing joint action in areas where the Member States had important interests in common; and
- (iii) by those Member States which were members of the **Western European Union (WEU)**¹⁰ developing the WEU, which is an integral part of the development of the Union as the defence component of the European Union.

⁹Art.A, 3rd para., TEU. (See, now, Art.1, para.3 of the consolidated version of the TEU, ‘post Treaty of Nice’).

¹⁰All pre-2004 Members except for Denmark and Ireland. Greece joined in 1992

Co-operation in the Spheres of Justice and Home Affairs.¹¹

Art.K(1) TEU identified nine areas of activity in which Member States had a ‘common interest’ in regard to ‘the treatment of third country nationals and aspects of law enforcement and the maintenance of public order.’¹² The nine areas were:

- (1) Aspects of the free movement of persons, such as an asylum policy;
- (2) Rules governing, and controls on, the crossing by persons of the external borders of the Member States;
- (3) Immigration policy and residence rights of third-country nationals;
- (4) Combating drug addiction;
- (5) Combating international fraud;
- (6) Judicial cooperation in civil matters;
- (7) Judicial cooperation in criminal matters;
- (8) Customs cooperation;
- (9) Police cooperation to combat terrorism, drug trafficking and other serious crime through an EU-wide police intelligence office (Europol).

Nugent noted that: “Any measures taken in regard to these matters must be in compliance with the European Convention on Human Rights.”¹³

1999: A ‘Fresh identity’ prior to an ‘Enlarged Europe.’

According to **Jaques Santer**, the *Intergovernmental Conference* that was convened in **Turin** in March 1996 (as provided for and required by ‘Maastricht’) and which concluded with a draft Treaty of Amsterdam on June 17 1997, bestowed upon the European Union ‘a fresh identity.’ This ‘fresh identity’ included a reduction in the democratic deficit, changes in the inter-Institutional balance of power, a greater role for national governments, greater freedom of movement for persons, an emphasis on compliance with the principle of subsidiarity (now in **Art.5EC**) and a greater emphasis on the protection of the environment. All this, and more, had been deemed necessary before the Community underwent its next enlargement [by 10 Member States on 1st May 2004].

The Treaty of Amsterdam was ratified in March 1999 and came into force on the 1st May 1999. The amending provisions of the Treaty were incorporated into English law by the **European Communities (Amendment) Act 1998** which received Royal Assent in June 1998.

Amongst the changes made to the **TEU** by the Treaty of Amsterdam were the renumbering (instead of lettering) its provisions; and there was renumbering and some restructuring of the EC Treaty.

The general principles underlying the **European Union** were expanded to include the confirmation of the ... “attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law.” Moreover, this was followed by a specific undertaking, in **Art.6 TEU**, that the Union will respect the fundamental rights

¹¹ Now: ‘**Provisions on Police and Judicial Cooperation in Criminal Matters**’ ‘post-Amsterdam’.

¹² per **Wyatt & Dashwood**, *European Union Law*, 4/e. London: Sweet & Maxwell, 2000, p15.

¹³ *The Government and Politics of the European Union*, 4th edn., 1999. p75.

provided for by the *European Convention for the Protection of Human rights and Fundamental Freedoms* of 1950. A new paragraph in the preamble to the TEU also provided that the Union was committed to the fundamental social rights defined in the *European Social Charter*, Turin, 1961 and in the 1989 *Community Charter of the Fundamental Social rights of Workers*. These rights, which are incorporated in the TEU, were strengthened by a new **Art.13 EC** on the subject of *non-discrimination* ‘based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.’ This provision does not have direct effect, however.

What was made explicit in the EC Treaty, was the importance attached to *equality between men and women*. Indeed, what is now one of the tasks of the Community, as provided for in **Art.2 EC**, is also expressed in **Art.3(2)EC** as: “In all the activities referred to in this Article [**Art.3**], the Community shall aim to eliminate inequalities, and to promote equality, between men and women”, i.e., equality is a *task* provided for in **Art.2EC** and an *activity* specifically required to be pursued in **Art.3EC**.

Education now featured in the preamble to the EC Treaty via the signatories inserting a new paragraph promoting the development ‘of the highest possible level knowledge for their peoples through a wide access to education and through its continuous updating.’

A further focus on the ‘fresh identity’ of the European Union was found, first, in **Art.2 TEU** where the Union had set itself the objective of developing ‘as *an area of freedom, security and justice*, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.’ Secondly, a new **Title IV** had been inserted in the **EC Treaty** to deal with “Visas, Asylum, Immigration and other policies related to the Free Movement of Persons” (i.e., some provisions had been moved from the ‘Third pillar’ of the TEU to the EC Treaty). Related to this was the new provision of **Art.29 TEU** providing for *citizens of the Union to have a high level of safety within an area of freedom, security and justice* [via] the development of common action by the Member States in the fields of police and judicial cooperation in criminal matters and preventing and combating racism and xenophobia. A new European police force, *Europol*, established for this function, came into force on 1st October 1998.

Finally, the *Schengen acquis* (on border controls) was incorporated into the framework of the European Union via a Protocol and had immediate effect amongst the 13 Member States that signed the Schengen agreement.

Employment and Social Policy

The amending of **Art.2 TEU** by the Treaty of Amsterdam – ‘to promote economic and social progress and a high level of employment ...’ and the insertion of a similar provision as a task of the EC (**Art.2 EC**) was hailed as ‘a milestone in the process of European integration.’¹⁴

Whereas the new **Title VIII** of the **EC Treaty** was on ‘Employment’, the practical effect appeared to fall short of the initial impact given that its first provision (**Art.125 EC**)

¹⁴ Amsterdam Treaty: Report and Initial Evaluation by EP IGC Task Force, p10. The URL is: <http://www.europarl.eu.int/dg7/treaty/report/en/part1.htm>

referred, merely, to the Member States and the Community working ‘*towards developing a co-ordinated strategy for employment.*’ The promotion of improved living and working conditions are united with the promotion of employment in **Art.136 EC**.

Other Provisions as Amended by the Treaty of Amsterdam

The continuing increase in the significance attached to the provisions relating to the environment both in the TEU and the EC should be noted. Indeed, the requirement that ‘Environmental protection requirements must be integrated into the definition and implementation of Community policies, in particular with a view to promoting sustainable development’ now occupies an Article in Part One of the Treaty, ‘Principles’, - **Art.6EC**.

Weaknesses of the Treaty of Amsterdam: More Amendments via Nice

The Treaty of Amsterdam had failed to make the institutional changes many deemed necessary if the EU was to enlarge to 25+ States, principally by extending into Eastern Europe. Accordingly, a further amendment to the Treaty of Rome was required to bring about such changes. This was the principal task of the next and, (to date) last major amendment: that brought about by the **Treaty of Nice**, signed in 2001 and in force from the 1st February 2003.

Whereas the provisions of the **Treaty of Nice** were agreed on in Nice, in December 2000, and signed by the Member States on 26th February 2001, it did not come into force until February 1st 2003. This was because it was rejected by the Irish electorate in their first referendum, in June 2001, and not approved by them until October 2002. However, amongst the changes made by the ToN to the EC Treaty and the TEU were:

- The EC Treaty being amended to accommodate up to 27 Member States;
- **Art.11EC** was amended to refer to ‘*enhanced cooperation*’ [as opposed to the pre-Nice position of ‘*closer cooperation*’];
- **Art.7 TEU** being amended to permit the Council of Ministers, voting by a four-fifths majority of its membership, to suspend a Member State’s Treaty rights where there has been a ‘*serious and persistent*’ breach of the Art.6(1) TEU principles (i.e., those that relate to liberty, democracy, respect for human rights and the rule of law);
- The **European Judicial Cooperation Unit (Eurojust)** – a body comprised of national prosecutors and magistrates (or police officers of equivalent competence) who are detached from each Member State – will have a greater role in the application of provisions from the ‘*third pillar*’ (*Provisions on Police and Judicial Cooperation in Criminal Matters*); and,
- **Articles 43-45** (Title VII) **TEU** (& see **Art.11EC**, above) were substantially amended to require that a minimum of eight Member States (**Art.43(g) TEU**) [previously ‘*a majority of Member States*’] must establish enhanced cooperation [previously ‘*closer cooperation*’] amongst themselves if they are to use the institutions, procedures and mechanisms of the TEU and EC Treaty [though while the extent to which this is likely to occur will probably be relatively insignificant. However, any instances of enhanced cooperation will need only to ‘*respect*’ the competences, rights and obligations of the Member States’ which do not participate therein, as opposed to the pre-Nice position of ‘*not affecting*’ them].

Next Lecture

A brief review of provisions of the *Treaties of Amsterdam* and *Nice* will place in context the reasons adduced for further amendments and the annexing to the Treaty of Nice of a *Declaration on the Future of Europe*, the ensuing *Convention on the Future of Europe* and its product: the *Treaty Establishing a Constitution for Europe*. It concludes with a brief review of the changes brought about by the *Treaty of Lisbon* following the abandonment of the pursuit of ratifying the *Treaty Establishing a Constitution for Europe*.

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Workshop Questions

1. Given that there was a fixed-term transitional period in the Treaty of Rome for achieving the common market, why was there a need for a 're-launch' more than 25-years after the Community it created came into force?
2. Explain the principal changes made to the original Treaty of Rome by the Single European Act, and the further amendments made by the Treaty on European Union and the Treaty of Amsterdam, respectively.

[Now compare questions 3 and 4, below: did the Treaty of Amsterdam bring about 'important' changes to the EC Treaty or were they merely 'superficial'??]

3. What do you consider to be six of the most important changes the Treaty of Amsterdam has made in bestowing a fresh identity on the European Union?

4. The changes to the EC brought about by the enactment of the Treaty of Amsterdam are far more superficial than they are substantive. Accordingly, the amended Treaty must be viewed as something of a disappointment and no more than a stop-gap pending further amendment when new Member States accede to the founding Treaties as modified.

Discuss.

5. Explain the meanings and ramifications of: (a) *acquis communautaire*; (b) the principle of subsidiarity; (c) attributed powers; and (d) Citizenship of the Union.
6. Why was it necessary for the Member States of the EC to agree on a new Treaty in Nice, 2001, and what are the principal features of this Treaty?
7. Discuss when, if ever, the provisions of 'old' Art.7 TEU, as amended by the Treaty of Nice, might have been invoked. (Clue: events in Austria, early 2000).