



## EU AND LEGAL SYSTEM

### The EU; an assembly chosen by the Member States which is far more than an international treaty

The European Union is more than a geographic area.

It is an institutional place which has its own legal but also legislative, executive and justice system, like a country.

The best known legal acts are the Regulations (directly applicable) and the Directives (to be necessarily transferred in the internal legal order of the Member State).

But this legal system is independent of the one from the Member States and is imposed to them in the framework of their adhesion to the EU. Europe has a Central Bank (monetary policy), has a legal personality, possess a permanent presidency and a High Representative for foreign policy and European security charged with the external action.

The law is at the basis of this system: ***all of it is based on the Treaties negotiated over time with the Member States.*** These treaties link the institutions and the Member States which wanted to join the European project.

The European Commission is the keeper of the good application of said treaties by the Member States (not by citizens or companies). This does not stop some Member States of scrupulously disrespecting their obligations or to contribute to abuses and/or corruptions... see below the diagram of the functioning of the institutions.

### The Treaties... from Rome to Lisbon through Maastricht, Amsterdam and Nice

*Let's talk about the Treaties:*

The **first treaties** were about the creation of own-resources for the functioning of the Community, about the reinforcement of budgetary powers of the European Parliament, about the election of MEPs by direct universal suffrage and about the establishment of the European Monetary System. The unique European Act will attempt to reinforce the European integration with the creation of a large internal market.

**Maastricht** creates a European Union based on three pillars in particular the Common Foreign Security Policy (CFSP) and the cooperation in the fields of justice, but it also implements the EURO system.

The **Amsterdam treaty** has introduced the necessary adaptations to ensure a more efficient functioning of the union in the framework of the enlargement that will happen starting in 2004. The **Nice treaty** will finalize the elements helping to manage the enlargement.

### The importance of the Lisbon Treaty (TEU) and the Treaty on the Functioning of the European Union (TFEU)



*Knowing better these two helps to understand what we want or what we can expect from the EU. Too much Europe, not enough Europe, a better harmonisation, more national sovereignty are questions that were raised during our meetings.*

The Lisbon treaty organises and clarifies the competences of the Union.

There are 3 categories that we'll find in the very first articles of the TFEU (2 to 6):

- Exclusive competences: the EU can legislate alone, the Member States must implement the European legislation;
- Shared competences: which allow the Member States to adopt legally binding acts when the union does not: social policy, economic, social and territorial cohesion, environment, customers' protection for example are shared competences. We can see here the importance of acts/initiatives of the Member States...
- Supporting competences: under which the Union adopt measures intended to support or complete the policies of the Member States.

This distribution explains why the EU does not everything we would want in the social field and does not act in fields such as workers' wages, European minimum wage, unemployment compensation, access to healthcare with an harmonized level for the 28 Member States...

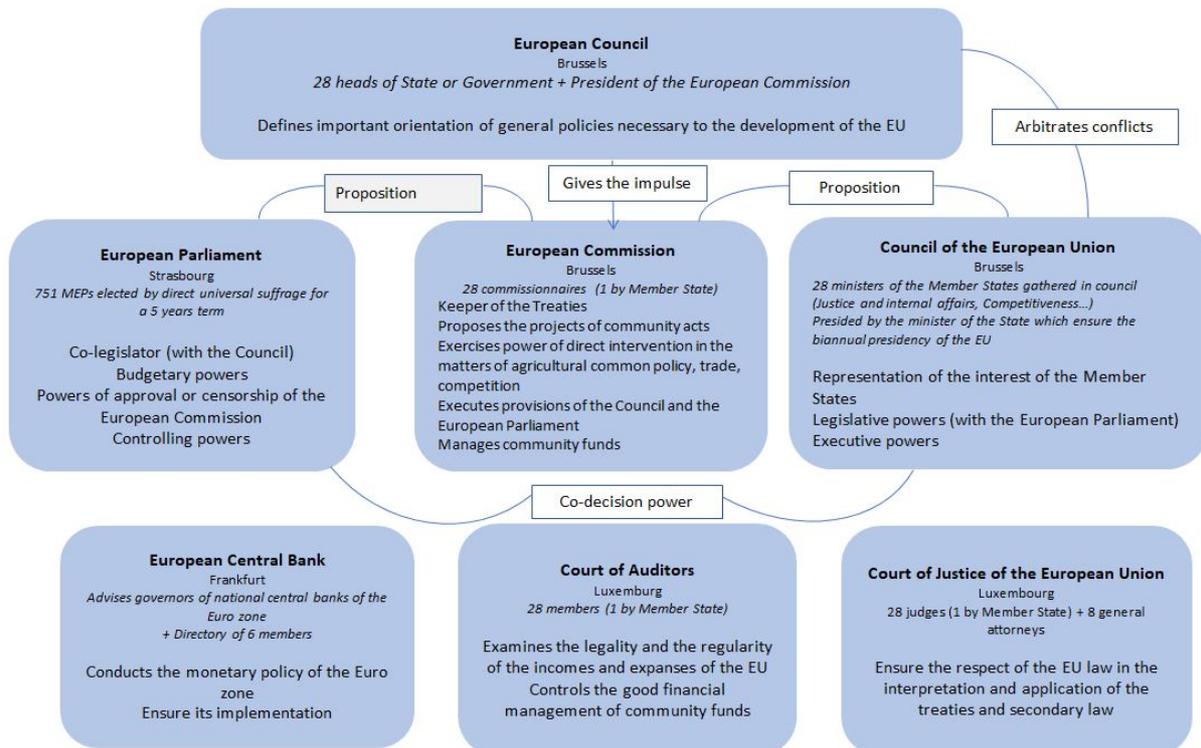
The question is thus: should we not have more Europe? Should we not give Europe more competences to really reach its objectives which are: (see TEU article 3)

- To offer to its citizens an area of freedom, security and justice without internal borders, in which free movement of persons is guaranteed;
- To work for the sustainable development of Europe based on a balanced economic growth and on the stability of prices, a social market economy highly competitive, which tends to the full employment and to social progress, and a high level of protection and improvement of the quality of the environment;
- To fight against social exclusion and discriminations;
- To promote justice and social protections, gender equity, intergenerational solidarity, protection of children's rights, economic, social and territorial cohesion and solidarity between Member States.



## European Institutions and their competences

The principal institutions of the European Union



source : <https://www.diploweb.com/UE-Schema-des-institutions.html>