



# Session 1

## Who does what in the EU?

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- Who has competence to act?
- The EU ?
- The member-states?
- Both?
- Where do we find the answers?
- Why do member states comply with EU rules?

# Key resource

- There are two Treaties since 2009.
  - The Treaty on EU (TEU).
  - The Treaty on the Functioning of the EU (TFEU).

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012M/TXT&from=EN>

- This is the official EU Treaties site.

You may be referred to it in order to read relevant rules not included in this ppt.

# How did the EU Treaties come about?

- Step 1: governments engage in lengthy and detailed negotiations to agree the text of the Treaties.
- Step 2 : all governments sign the agreed Treaties.
- Step 3: all national parliaments vote to accept the Treaties signed by their government.
- States are free to hold a referendum, if they so wish.



# Here is what the states agreed Article 1 TEU

- 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.
- 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.

# Explaining Article 1 TEU

- High Contracting Parties = formal words in international law meaning the states entering into a contract.
- Member states confer competences to the Union = give powers to the Union.
- This Treaty marks a new stage: the previous stages go back to the 1950s.

# QUESTION: why do the states confer competences to the Union?

To answer the question :

- Read carefully Article 1 paragraph 1.
- Click on the link below which will take you to the official site of the TEU. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012M/TXT&from=EN>
- Read Articles 2 & 3.

# Questions raised by Article 1

## What does it mean..

- ...ever closed union among the peoples of Europe ?
- Does it hint to a European federation?
- How are decisions to be taken as openly as possible?
- And as closely as possible to the citizen?

Answers to these questions are both complex and controversial.

We will come back to these as we progress.



# Member states – Union power delimitation.

- competences not conferred upon the Union in the Treaties remain with the Member States (Article 4 TEU).
- the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein (Article 5 TEU)

# What conclusions can we draw so far?

- How does the balance and limits of power between the member-states and the Union shape up?
- Who is in the driving seat when it comes to power in the EU?

# Standing of member states

- The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.
- It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.
- (Article 4 TEU)

# Principle of sincere cooperation between the Union and its member-states.

- ....the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.
- The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union.
- The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.  
(Article 4 TEU).

# Importance of sincere cooperation.

This principle is key in understanding why:

- member states apply EU law.
- they ensure that their national law does not contravene EU law.
- they comply with the judgments of the European Court of Justice.
- they pay heavy fines the Court has the power to impose on member states found in breach of EU law.

# Conclusion

The rules, principles and concepts presented in session1 are key for an in-depth understanding of EU issues.

In session 2 we will examine further rules on.

They also form the basis for an informed discussion and critique of EU governance. EU democracy and legitimacy