

**EUROPEAN UNION
LAW
SUMMARY**



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SAMPLE

The History of the European Union

The Treaty of Paris Establishing the European Coal and Steel Community, 1951

The European Union is a unique economic and political partnership between 27 European countries. The EU was created in the aftermath of the Second World War. The first steps were to foster economic cooperation: countries that trade with one another are economically interdependent and will thus avoid conflict.

The Treaty of Paris establishing the European Coal and Steel Community was signed in Paris in 1951 and brought France, Germany, Italy and the Benelux countries (Belgium, Luxembourg and the Netherlands) together in a Community with the aim of organising free movement of coal and steel and free access to sources of production. This choice was not only economic but also political, as these two raw materials were the basis of the industry and power of the two countries (France and Germany). The underlying political objective was to strengthen Franco-German solidarity, banish the spectre of war and open the way to European integration. The Treaty expired on 23 July 2002.

Treaty of Rome, 1957

Establishment of the European Atomic Energy Community

The six founding States (Belgium, France, Germany, Italy, Luxembourg and the Netherlands) looked to nuclear energy as a means of achieving energy independence. Since the costs of investing in nuclear energy could not be met by individual States, the founding States joined together to form Euratom. The general objective of the Euratom Treaty is to contribute to the formation and development of Europe's nuclear industries, so that all the Member States can benefit from the development of atomic energy, and to ensure security of supply. At the same time, the Euratom Treaty guarantees high safety standards for the public and prevents nuclear materials intended principally for civilian use from being diverted to military use. It is important to note that Euratom's powers are limited to peaceful civil uses of nuclear energy.

The objective of the Euratom Treaty is to pool the nuclear industries of Member States. In this context, it applies only to certain entities (Member States, physical persons, and public or private undertakings or institutions) which carry out some or all of their activities in an area

covered by the Treaty, i.e. special fissile materials, source materials and the ores from which source materials are extracted.

According to the Treaty, the specific tasks of Euratom are:

1. to promote research and ensure the dissemination of technical information:

The Commission calls upon Member States, persons or undertakings to communicate to it their programmes relating to nuclear research. At regular intervals, the Commission publishes a list of the sectors of nuclear research, which it considers to be insufficiently explored. It has also established a joint nuclear research centre. The Joint Research Centre (JRC) has grown into one of the leaders in nuclear research in the Community and in research in fields such as the environment and food safety. Member States, persons or undertakings have the right, on application to the Commission, to obtain non-exclusive licences under patents, provisionally protected patent rights, utility models or patent applications owned by the Community.

2. to establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied:

Each Member State lays down the appropriate provisions, whether by legislation, regulation or administrative action, to ensure compliance with the basic standards which have been established by the Treaty, including the necessary measures with regard to teaching, education and vocational training. Legislation has also been adopted on medical applications, research, the maximum permissible levels of radioactive contamination in food and the health protection measures to be taken in the event of a radiological emergency. Each Member State is required to provide the Commission with the general data relating to any plan for the disposal of radioactive waste. At the same time, the assent of the Commission is required where these plans are liable to affect the territories of other Member States.

3. to facilitate investment and ensure the establishment of the basic installations necessary for the development of nuclear energy in the EU:

The Commission regularly publishes illustrative nuclear programmes indicating, in particular, nuclear energy production targets and the investment required for their attainment. Persons and undertakings engaged in the industrial activities listed in Annex II to the Treaty are required to notify the Commission of any investment projects.

4. *to ensure that all users in the EU receive a regular and equitable supply of ores and nuclear fuels:*

Supplies of ores, source materials and special fissile materials are ensured by means of a common supply policy based on the principle of equal access to sources of supply. In this context, the Treaty:

- a. prohibits all practices designed to secure a privileged position for certain users;
- b. establishes The Euratom Supply Agency with a right of option on ores, source materials and special fissile materials produced in the territories of Member States and an exclusive right to conclude contracts relating to the supply of ores, source materials and special fissile materials coming from inside the Community or from outside. The Euratom Supply Agency has a legal personality and financial autonomy and is under the supervision of the Commission, which issues directives to it and possesses a right of veto over its decisions. Member States are required to submit an annual report to the Commission on the development of prospecting and production, on probable reserves and on investment in mining, which has been made or is planned in their territories.

5. *to make certain that civil nuclear materials are not diverted to other (particularly military) purposes:*

The Euratom Treaty introduces an extremely comprehensive and strict system of safeguards to ensure that civil nuclear materials are not diverted from the civil use declared by the Member States. The EU has exclusive powers in this domain, which it exercises with the aid of a team of 300 inspectors who enforce the Euratom safeguards throughout the EU.

The Commission must ensure that, in the territories of the Member States:

- a. source materials and special fissile materials are not diverted from the intended uses declared by users;
- b. the provisions relating to supply are complied with, together with any particular commitments to ensure access to the best available techniques by means of a common market in materials, equipment, etc.

The Commission may send inspectors into the territories of Member States. These inspectors have access at all times to all places and data and to all persons who, because of their occupation, deal with materials, equipment or installations subject to the safeguards.

The Euratom safeguards are applied in conjunction with those of the International Atomic Energy Agency (IAEA) under tripartite agreements concluded between the Member States, the Community and the IAEA.

In the event of infringement of these obligations, the Commission may impose sanctions on the persons or undertakings responsible. These sanctions can range from a simple warning to the total or partial withdrawal of source materials or special fissile materials, and also include the withdrawal of special benefits (such as financial or technical assistance) or the placing of the undertaking under the administration of a person or a board.

6. *to exercise the right of ownership conferred upon it with respect to special fissile materials.*
7. *to foster progress in the peaceful uses of nuclear energy by working with other countries and international organisations:*

The International Atomic Energy Agency is an autonomous organisation based in Vienna (Austria) which cooperates with the United Nations (UN). Its objectives are, on the one hand, to foster peaceful uses of nuclear energy and, on the other hand, to ensure that the aid, which it provides, is not used for military purposes.

The Commission negotiates and concludes agreements governing nuclear cooperation with third countries. However, conclusion of such agreements is subject to approval by the Council. The Member States are required, for their part, to notify the Commission of any draft agreements or contracts with a third State, an international organisation or a national of a third State. Currently, there are Euratom agreements with many countries, including the USA, Australia and Canada.



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