

# Part I: Introduction

## § 1 Basics of the European Union

### I. The European Union in the world order of states

#### 1) International cooperation and integration in the world order of states

- Diagram 1: Forms of international cooperation, supranational cooperation and integration

#### 2) The history of European supranational integration (overview)

- 1952/1958: start of the three European Communities (ECSC / EEC, EURATOM)
- 1987: entry into force of the Single European Act (SEA - first major reform)
- 1993: entry into force of the Treaty of Maastricht (TEU), emergence of the *EU*
- 1999: entry into force of the Treaty of Amsterdam; introduction of the Euro (€)
- 2003: entry into force of the Treaty of Nice
- 2004: Eastern enlargement of the EU (10 new member states)
- 2005: failure of the Treaty establishing a Constitution for Europe
- 2008: start of the deep economic crisis in many EU member states
- 2009: entry into force of the Treaty of Lisbon (last reform)
- 2015: break up of the European Union???

#### 3) The legal nature of the European Union

- the EU as a "Staatenverbund" ["compound of states"], "Staaten- und Verfassungsverbund" ["compound of states and constitutions"] or *supranational union*?

#### 4) The state as a member of the European Union

##### a) The unaffected sovereignty of the state

- unlimited public power
- unlimited legal capacity at public international law
- ultimate responsibility [Letztverantwortung]

##### b) The member states as the "masters of the treaties" ["Herren der Verträge"]

##### c) The rights and duties of the member state

- basic rights and duties of membership
- loyalty within the Union
- right to share in the decision-making process about fundamental changes of the Union

##### d) The right to secession (art. 50 EU Treaty)

##### e) The possibility to be expelled in case of material breach of treaty

- by the other member states, under art. 60(2) lit. a Vienna Convention

### II. The institutional framework of the European Union

#### 1) The European Council (art. 15 EU Treaty, 235 et seq. FEU Treaty)

- with **President of the European Council** with own competences (art. 15(5,6) EU Treaty)

#### 2) The Council of the European Union (art. 16 EU Treaty, 237 et seq. FEU Treaty)

- 3) **The European Parliament** (art. 14 EU Treaty, 223 et seq. FEU Treaty)
- 4) **The European Commission** (art. 17 EU Treaty, 244 et seq. FEU Treaty)
  - with **President of the European Commission** and **High Representative for Foreign Affairs and Security Policy**.with own competences (art. 17(6), 18 EU Treaty)
- 5) **The Court of Justice of the European Union** (art. 19 EU Treaty, 251 et seq. FEU Treaty, Statute of the Court of Justice)
  - **European Court of Justice**, General Court and Civil Service Tribunal
- 6) **The European Central Bank** (art. 282 et seq. FEU Treaty)
- 7) **The European Court of Auditors** (art. 285 et seq. FEU Treaty)
- 8) **The advisory bodies**
  - The **Economic and Social Committee** and the **Committee of the Regions** (art. 301 et seq., 305 et seq. FEU Treaty)

### III. The competences of the European Union

- 1) **The principle of specific attribution of powers [principle of conferral] and its relativizations** (art. 5(1,2) EU Treaty)
  - the competence of competences of the member states
  - the practical impact of "implied powers", "effet utile", art. 352 FEU Treaty
- 2) **Categories of competences of the Union**
  - exclusive, shared, coordinating, supporting and supplementing competences (art. 2 et seq. FEU Treaty)
- 3) **Important competences of the Union (overview)**
- 4) **The limitation of the use of competences by the principles of subsidiarity and proportionality** (art. 5 (1,3,4) EU Treaty)

### IV. The fundamental values of the European Union

- 1) **The importance of common fundamental values in a supranational union**
  - the need of homogeneity of the value systems in a supranational union
  - the need of legally binding political-philosophical foundations of the supranational union
- 2) **The fundamental values of the European Union** (art. 2 EU Treaty)
  - "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."
- 3) **The defence of the common fundamental values against threats in the member states** (art 7 EU Treaty)
  - the exclusion of member states turning away from the common values as last resort

## **V. The citizen in the European Union**

- Diagram 2: The rights of the citizens of the European Union

### **1) The citizenship of the Union**

### **2) The economic fundamental freedoms (overview)**

### **3) Fundamental rights in the European Union**