

EU Treaties

The EU is founded on a series of legal treaties between its member states. The first treaty, which established the European Economic Community (EEC), was signed in Rome in 1957. There have been five subsequent treaties – the Single European Act (1986), the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Treaty of Lisbon (2007). In 2003, the EU produced a draft Constitutional Treaty designed to replace all the existing treaties as the sole legal document governing the operation of the EU. However, following votes against it in referendums in France and the Netherlands in 2005, the Lisbon Treaty was drafted as a replacement. The new treaty was controversial because of its similarity to the failed EU constitution, and as such it was rejected at a referendum in Ireland in 2008. However, it was subsequently ratified following a second, successful referendum in Ireland, and the Lisbon Treaty came into force in December 2009.

The Treaty of Rome (1957)

The Treaty of Rome was the founding treaty of the European Economic Community, which later became the EU. The Treaty established four institutions – a Commission, a Council of Ministers, a European Parliament and a European Court of Justice. The Treaty focused overwhelmingly on economic co-operation. It tried to create closer co-operation on a range of economic and trade issues from agriculture to overseas aid, commerce to taxation, but it also set out a wider political vision for ‘an ever closer union’ to ‘eliminate the barriers which divide Europe’.

The Single European Act (1986)

The Single European Act (SEA) was the first attempt made by member states to amend the arrangements made under the Treaty of Rome. The SEA’s main effect was to set a deadline for the creation of a full single market by 1992. The SEA swept away restrictive practices in a range of areas of private enterprise, as well as in the public sector. It also pursued *deeper integration* by making it easier to pass laws, strengthening the EU Parliament and laying the basis for a European foreign policy.

The Treaty of Maastricht (1992)

The Maastricht Treaty pushed forward two broad processes: the widening of the European Community’s responsibilities and the deepening of integration. The Treaty amended the provisions of the Treaty of Rome while hugely advancing the agenda set out under the Single European Act for deepening ‘European Political Union’ (EPU), most notably in the areas of social policy and Economic and Monetary Union (EMU). It also introduced a new model for the Community based around three ‘pillars’ which, broadly speaking, covered economic relations, foreign policy, and justice and home affairs. It gave the EU Parliament greater influence in decision making through the co-decision procedure, developed the concept of European citizenship, and established the principle of *subsidiarity*. It also changed the organisation’s name to the ‘European Union’ (EU).

The Treaty of Amsterdam (1997)

The Treaty of Amsterdam was largely an exercise in tying up the loose ends left over from the Maastricht Treaty. The most symbolically important gesture of the Treaty of

Amsterdam was the framework laid down for the future accession of ten new member states, mainly from formerly communist Eastern Europe. It absorbed the Schengen Convention into EU law, creating open borders between 12 of the member states, and expanded the role of the Common Foreign and Security Policy (CFSP) by creating a High Representative to take overall responsibility for EU foreign affairs. Most significantly, however, it changed decision making in the EU by expanding the number of decisions covered by *Qualified Majority Voting* (QMV).

The Treaty of Nice (2001)

The Treaty of Nice represented a further attempt to find a workable means of moving forward the process of European integration. Much of the text of the Treaty was concerned with reforming the decision-making of the EU. It extended QMV in the Council of the EU; changed the way in which the Commission President was to be elected; gave the President the power to sack individual Commissioners, and set limits on the future numbers of Commissioners and MEPs. Finally, it declared that another Inter-governmental Conference should be set up to draft an EU constitution.

The Treaty of Lisbon (2007)

The Lisbon Treaty was drafted to replace the rejected EU Constitution. The Treaty clarified the role of European bodies and institutions, made explicit the aims of the EU and strengthened measures to achieve these goals. As such, it changed the way EU decisions are made and abolished the pillar structure set out in the Maastricht Treaty. It expanded the areas in which the Commission can propose legislation; made QMV the default voting method in the Council, and created two high profile posts: a High Representative of the Union for Foreign Affairs and Security Policy and a permanent EU President, whilst giving the EU greater legal independence to make new agreements. It brought the Charter of Fundamental Rights (CFR) into European law, which fixed human rights standards for all EU nations (Poland, the UK and the Czech Republic opted-out from the implications of the CFR). Ireland and the UK also secured the right to opt in or out of any policies in the entire field of justice and home affairs. Following Ireland’s rejection of the Lisbon Treaty in 2008, *protocols* were added to provide guarantees on Ireland’s military neutrality and ethical issues. Lastly, the Treaty outlined a procedure for states to end their membership of the EU for the first time.

Technical Terms

Deeper integration: the processes whereby member states develop co-operation on more areas of policy.

Subsidiarity: the principle that the EU should act only when member states cannot act.

Qualified Majority Voting: majority (as opposed to unanimous) voting procedure used in the Council for an increasing number of decisions.

Protocol: additions to a previous treaty which are not binding for all signatories.

Links:

http://europa.eu/abc/treaties/index_en.htm