



- ▶ “The Community shall have as its task ... the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States” and
- ▶ “The European Parliament shall hold an annual session. It shall meet, without requiring to be convened, on the second Tuesday in March”

Protocols and Declarations might supplement the main text of a treaty, the former being legally binding on the Member States to which it applies, the latter having no legal force. Secondary legislation - most notably in the form of Decisions, Directives and Regulations - is based on the Treaties. (Treaties are also signed in the context of the Union’s international agreements with non-member countries and with international organisations.)

Major treaties

European Coal and Steel Community Treaty (ECSC Treaty)

Common name: Treaty of Paris

In force: July 1952

Uniquely, this Treaty was established for only 50 years and expired in July 2002.

European Economic Community Treaty (EEC Treaty - later renamed EC Treaty)

Common name: Treaty of Rome

In force: January 1958

European Atomic Energy Treaty

Common name: Euratom Treaty

In force: January 1958

Treaty Establishing a Single Council and a Single Commission of the European Communities

Common name: Merger Treaty

In force: July 1967

Single European Act (SEA)

In force: July 1987

Treaty on European Union (TEU)

Common name: Maastricht Treaty

In force: November 1993

Treaty of Amsterdam (AD)

In force: May 1999

Finding out about...

the treaties*

With the prospect of a new ‘Reform Treaty’ being agreed by the end of this year, it seems timely to revisit the topic of treaties - what they are and where to find them.

Treaties are legal agreements between the Member States. They are the European Union’s primary legislative texts, setting out its aims and

establishing the structures, powers and processes which it uses to achieve them.

Paradoxically, treaties can be both general and particular, setting out broad aims and objectives alongside specific requirements. Thus, for example, Articles 2 and 196 of the EC Treaty read, respectively:

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Information sources

The 'Treaties and law' page on Europa (europa.eu/abc/treaties/index_en.htm) lists significant treaties, giving the dates of both their signing and their entry into force, and brief notes on their significance. The page also includes links to complete texts and to explanatory materials.

Texts can also be accessed via the 'Treaties' page on EUR-Lex (eur-lex.europa.eu/en/treaties/index.htm) which has links to: consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community (both published in OJ C321E, 29.12.06); the Treaty of Nice [OJ C80, 10.03.01]; and the Treaty establishing a Constitution for Europe [OJ C310, 16.12.04]. There are also links to 'Founding treaties', 'Accession treaties', and 'Other treaties and protocols'.

Useful background material can be found in the 'Institutional affairs' chapters of the 'Summaries of legislation' pages (previously SCADPlus; go to europa.eu/scadplus/leg/en/s90000.htm). The booklet 'How the European Union works: Your guide to the EU institutions' (available via ec.europa.eu/publications/booklets/index_en.htm) has a short section on the treaties.

Section 1.1 of *European Parliament Fact Sheets* 'Historical evolution of European integration' [2004 edition] covers 'The first Treaties', 'Developments up to the Single European Act', 'The Maastricht and Amsterdam Treaties', and 'Current perspectives for the European Union: the Treaty of Nice and the Convention on the future of Europe'. It is available online at www.europarl.europa.eu/facts_2004.

Progress with the Reform Treaty can be tracked via the current Presidency website (a list can be found via the 'Council' tab on the Council's website at consilium.europa.eu).



Treaty of Nice

In force: February 2003

Accession treaties

Every enlargement of the original Communities has an associated Accession Treaty. The latest 'Treaty of Accession' was signed in Luxembourg on 25 April 2005, between Bulgaria, Romania and the 25 existing EU Member States.

The text of the Treaty, together with associated resolutions, decisions, protocols and acts, was published in the *Official Journal of the European Union* (OJ) L157, of 21 June 2005. It entered into force on 1 January 2007, though allowance was made for a 12 month postponement should it be required.

Although accession is a complex affair - the texts published in OJ L157 alone amount to 395 pages - Article 1 of the Treaty simply reads: "The Republic of Bulgaria and Romania hereby become members of the European Union."

The 'Athens Treaty' of 16 April 2003, concerning the 'big bang' accession of 1 May 2004 was published in *Official Journal* L236 of 23 September 2003, which ran to 988 pages.

Each Accession Treaty must be ratified by those concerned within a specified time. The Athens Treaty, for example, had to be "ratified by the High Contracting Parties in accordance with their respective constitutional requirements" and the relevant "instruments of ratification" were to be "deposited with the Government of the Italian Republic by 30 April 2004." (Ireland held the Presidency of the Council of the EU for the first half of 2004, but Italy was designated because it held the Presidency at the time the Treaty was adopted.)

The Reform Treaty

The European Council of 21-22 June decided that an Intergovernmental Conference (IGC) should be convened by the incoming Portuguese Presidency to agree the text of a new treaty aimed at reforming the way the EU works. Presenting his country's Presidency programme on 27 June, Prime Minister José Sócrates announced that the IGC will open on 23 July.

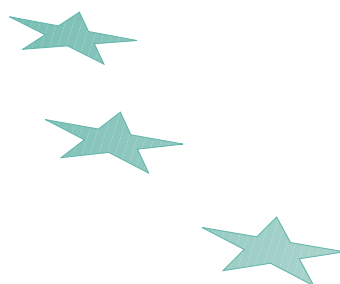
What will the new Treaty be? Prime Minister Sócrates made it clear that "the idea of adopting a Constitutional Treaty has been abandoned in favour of a return to the tradition of amending existing Treaties. The new Treaty will be more of an International Treaty as opposed to a constitutional treaty and is not intended to totally substitute the Treaties in force."

A draft text has yet to be presented, but some elements of the Reform Treaty are already known. Amongst those mentioned by Mr Sócrates are:

- ▶ giving the Union a single legal personality and thus abolishing the 'pillar structure'
- ▶ recognising the European Union Charter of Fundamental Rights as legally binding (except in the United Kingdom)
- ▶ strengthening of the role of national parliaments (which would be able to object to a Commission initiative on the grounds of subsidiarity)

"A mandate is not a Treaty" he said, "But we are starting out confidently. We are ready to conduct the work of the Intergovernmental Conference so that Europe gets a new Treaty, fit for new times."

The timetable currently requires a draft text to be presented in sufficient time for it to be adopted at an informal Summit on 18-19 October. According to the Presidency Conclusions of the June European Council, the IGC is to complete its work "as quickly as possible, and in any case before the end of 2007, so as to allow for sufficient time to ratify the resulting Treaty before the European Parliament elections in June 2009." If ratified, the Reform Treaty could enter into force in June 2009 - in time for the next European Parliament elections. ■



* Based on an article originally published in the April 2004 issue of *Focus* - 'Finding out about ... the Treaties and the *acquis*'

Understanding the arguments

Much of the discussion over the proposed Treaty might seem arcane, but as providers of information about the EU and how it works, we should have at least some familiarity with the main points - including, for example, that the Reform Treaty will rename the current Treaty on European Union (TEU), the 'Treaty on the Functioning of the European Union' (TFEU).

Reading the draft text for ourselves is not, however, likely to be particularly conducive to a greater understanding of its significance and impact. What we need are commentary and analysis - ideally from informed sources. As the 2007 Intergovernmental Conference gets under way and the arguments for and against the Treaty hot up, here are some sources you might like to use - or to direct your enquirers to:

Statewatch has provided an excellent analysis of the text, courtesy of Professor Steve Peers at the University of Essex. He has set out the full texts of the existing Treaty on European Union (TEU) and Treaty establishing the European Community (TEC), showing how they would change under the draft Treaty.

His analysis is presented in three main sections, sub-divided into a total of 11 main parts:

- ▶ Analysis 1 - Justice and Home Affairs
- ▶ Analysis 2 - the amended text of the TEU, divided into the non-foreign policy part of the Treaty and the foreign policy part of the Treaty
- ▶ Analysis 3 - the amended text of the TEC, divided into seven parts "more or less following the structure of the Treaty" and including non-discrimination and citizenship, the internal market and competition, and institutional rules.



A further section looks at British and Irish opt-outs from provisions on Justice and Home Affairs (JHA).

This excellent resource (which will be updated in line with developments) is at www.statewatch.org/euconstitution.htm.

EurActiv takes a different approach, putting the new Treaty in an historical context, highlighting key elements (e.g. a table showing 'Main changes to the institutional framework'), and providing links to relevant pages from selected government, industry, NGO and other websites.

From www.euractiv.com, follow 'Future EU' - 'Constitutional Treaty - key elements'.

Europe Media Monitor (EMM) is a computer-generated news service provided by the Commission's Joint Research Centre and DG Communication. It trawls the world's electronic media for news items and presents them by

theme. 'Latest News - European Constitution' is one such section. Whilst this service lacks any overall analysis, it does have the advantage of bringing together a wide range of sources and opinions.

The main EMM News Brief page is at <http://emm.jrc.it/NewsBrief>; the Treaty-related news is at <http://emm.jrc.it/NewsBrief/alertedition/en/EuropeanConstitution.html>.

Other news sources worth looking at include the **Financial Times**, which has long had an excellent reputation for its EU coverage. Informed commentary and analysis can be found on its 'Brussels' pages at www.ft.com/world/europe/Brussels. **EUobserver** offers its own views on the Treaty text (including 'The revised EU constitution explained') and relevant developments (e.g. 'Barroso says EU is an 'empire'). Access via <http://euobserver.com> - 'Institutional Affairs' section. ■