

Volume 6 - Issue 3, 2006 - EU News

Rule of Law

Author

Sonja Planitzer

Editor European Affairs

EUROPE@EMCEUROPE.COM

The European Union is based on the rule of law. This means that everything that it does is derived from treaties, which are agreed on voluntarily and democratically by all Member States.

The most important treaties are

'Treaty of Nice

– signed on 26 February 2001, entered into force on 1 February 2003. It dealt mostly with reforming the institutions so that the Union could function efficiently after its enlargement to 25 Member States.

'Treaty of Amsterdam

– signed on 2 October 1997, entered into force on 1 May 1999. It amended and renumbered the EU and EC Treaties. Consolidated Versions of the EU and EC Treaties are attached to it. The Treaty of Amsterdam changed the articles of the Treaty of the European Union.

'Treaty of the European Union

– which was signed in Maastricht on 7 February 1992, entered into force on 1 November 1993. The so-called "Maastricht Treaty" changed the name of the European Economic Community to simply "the European Community". It also introduced new forms of cooperation between Member State governments – for example on defence, and in the area of Justice and Home Affairs.

'Treaty of Rome

– established the European Economic Community (EEC), signed in Rome on 25 March 1957, and entered into force on 1 January 1958. The Treaty establishing the European Atomic Energy Community (Euratom) was signed at the same time and the two are therefore jointly known as the Treaties of Rome.

'Treaty establishing the European Coal and Steel Community

– was signed on the 18 April 1951 in Paris and entered into force on 23 July 1952. It expired on 23 July 2002.

From these treaties (or the EU's primary law) derive what we call 'secondary law'. This includes three types of legislation:

'Regulations - these become directly part of the national law of the Member States, with no further legal act being required by the Member States

'Directives - these have to be implemented by national laws

'Decisions - these address a specific problem and can apply only to specified states

Fight for Simplified EU Law

In October last year the European Commission has taken the step to modernise EU legislation and cut unnecessary red tape and over-

© For personal and private use only. Reproduction must be permitted by the copyright holder. Email to copyright@mindbyte.eu.

regulation. It presented a three-year programme to simplify the existing thousands of pages of EU legislation (the “acquis communautaire”, which is translated in all twenty EU languages) adopted since 1957. The Commission will repeal, codify, recast or modify 222 basic legislations (all in all more than 1,400 related legal acts) in the next three years. It kicks off with the most heavily regulated sectors, such as cars, waste and construction – and other sectors like foodstuffs (including the notorious EU directive on bananas and cucumbers!), cosmetics, pharmaceuticals or services will follow soon. Commission President José Manuel Barroso said: “Simpler EU legislation is one of the main elements of our better regulation programme. It will boost the competitiveness of our companies.”

Not to be Mixed Up!

Sometimes the many expressions at European level are confusing. Important to note is that the “European Court” or the “Court of the European Union” have nothing to do with the “European Court of Human Rights” (ECHR). The ECHR is situated in Strasbourg in France and is therefore often called ‘Strasbourg Court’. This Court has nothing to do with the EU. The ECHR is an institution of the Council of Europe and was created to systematise the hearing of human rights complaints from Council of Europe member states. The Court’s mission is to enforce the Conventions for the protection of human rights and fundamental freedom.



Published on : Fri, 30 Jun 2006