

INDEX

bold locators indicate box features and tables

abortion and Charter of Fundamental Schengen acquis, incorporation of, Rights, 155-6 170, 193 accelerator mechanism, 184, 185, 187, services of general economic 190 interest, 313 Accession Act (1995), 217 on social policies, 309 'Aceh Monitoring Mission', 271 Stability and Growth Pact, 304 advocates-general of ECJ, 45, 233 structure of Lisbon Treaty and, 64, Afghanistan, ESDP operations and missions in, 268, 272 annulment actions, ECI jurisdiction agreements. See treaties, declarations, over, 231 and agreements 'Artemis', 269 agriculture and fisheries Ashton, Catherine, 245, 324, 325 budget revenue, agricultural duties asylum issues, 178-9 as, 289 'Atalanta', 270 budgetary procedures regarding, Austria 317 Constitutional Treaty, authorisation CAP, 316-17 of, 24 decision-making procedures ECJ jurisdiction on preliminary regarding, 317 rulings, acceptance of, 172 Albania, 'European perspective' of, police data, exchange of, 174 109 QMV/double majority voting, 222, alcohol, 320 223 'Althea', 269 Schengen acquis, signatory of, 169 Amato, Giuliano, 15 on UK rebate, 291 'AMIS EU Supporting Action', 270 Amsterdam Leftovers, 10, 10 Balkan states, Western, 109. See also Amsterdam Treaty (1997), 9 specific countries democratic legitimacy of EU and, Balkenende, Jan Peter, 32 112 Barre, Raymond, and Barre Plan, 302 ESDP under, 266 Barroso, José Manuel, 119, 120, 126, fraud prevention and prosecution 227, 251, 324 provisions, 187 Bayrou, François, 30 on JHA, 170-2 Belgium national parliaments, role of, Constitutional Treaty, authorisation 124 of, 24



INDEX

criminal records, interconnection of, ECJ jurisdiction on preliminary rulings, acceptance of, 172 national parliament of, 128 police data, exchange of, 174 QMV, 215 Schengen acquis, signatory of, 169 on social policies, 310 Berlin Declaration (2007), xv, 29, 29, Berlin-plus Agreement (2001), 267, 269 Berlin Wall, fall of, 8 'Bill of Rights', Charter of Fundamental Rights as, 160 Blair, Tony, 32, 50 borders external, 178-9 internal. See Schengen acquis Bosnia and Herzegovina ESDP operations and missions, 268, 269, 271 recognised 'European perspective' of, 109 brake-accelerator mechanism, 184, 185, 187, 190, 310 Bretton Woods system of fixed exchange rates, implosion of, Britain. See United Kingdom budget, 288-301 agricultural spending, 317 annual budget procedure, 296-300 compulsory and non-compulsory expenditure, abolition of distinction between, 297 Conciliation Committee, 297–9 Council, powers of, 288, 292, 297–9 deficit, not allowed to be in, 291 discharge procedure, 292, 301 of EEAS, 254 European Commission, powers of, 288, 298, 299 European Parliament's powers regarding, 120, 288, 300, 296-300 expenditures, 291-2

405 Financial Perspectives. See Financial Perspectives Financial Regulation, 292, 300 fraud prevention and prosecution provisions, 301 historical background, 288-94 implementation of, 292 as legislative act, 299 Lisbon Treaty provisions, 295-301 MFF, 295-6 Own Resources Decision, 289-90, 301 QMV, 288 revenue, 289-90 under Rome Treaty, 288 subsidiarity and proportionality not applicable to, 299 Bulgaria admission to EU, 109, 116 drafting of Lisbon Treaty, 45 IGC approving Constitutional Treaty, observers at, 17 QMV/double majority voting, 222 Schengen acquis, opt-out from, 173, CAP (Common Agricultural Policy), 316-17 Carlier, J.-Y., 333 Central African Republic, ESDP operations and missions in, 269 Central and Eastern Europe, enlargement of EU to include, 10, 109. See also specific countries CFSP. See Common Foreign and Security Policy Chad, ESDP operations and missions in, 269 'Charlemagne', The Economist, 336 Charter of Fundamental Rights, 146-63

as 'Bill of Rights', 160

in, 148–50 content of, 151-4

categories of rights under, 152

competences of EU and, 150, 151,

Constitutional Treaty, incorporated



406 INDEX

Charter of Fundamental Rights (*cont.*) democratic legitimacy of EU and, 136, 144 drafting of, 148 drafting of Lisbon Treaty and, 37, 42 ECHR and, 166 'Explanations' relating to, 149 German Constitutional Court on, 144, 146 health care, access to, 158 legal status of, 148, 158-9, 164 life, right to, 155-6 minorities, rights of, 149 origins of, 146-8 principles versus rights in, 149, 153 - 4Protocol on application of Charter to Poland and UK, 160-3 ratification of Lisbon Treaty and, 61 references in Lisbon Treaty to, 148-60 religion, freedom of, 156-7 services of general economic interest, 314 social values of Lisbon Treaty and, 311 - 12strike, right to, 157-8 checks and balances, system of, 141, 216, 237 citizens' initiative, 133-4, 139 Civil Military Cell under ESDP, 273 civil protection, 323 Civilian Aspects of Crisis Management, Committee for, 267 codecision procedure asylum, immigration, and external borders, 178-9 CFSP, 68 civil matters, judicial cooperation in, 179 - 80criminal matters, 180-6 European Parliament, increased powers of, 8, 9 European Parliament's role in, 115, 118 - 19

as ordinary legislative procedure, 95 passerelles, 107-9 cohesion, economic, social, and territorial, 323 Cold War, 2, 8 comitology, 98-104 Constitutional Treaty, proposed reform in, 100 European Parliament, powers of, 120 before Lisbon Treaty, 101, 98-102 in Lisbon Treaty, 101 PRAC, 100 Commission. See European Commission Commission delegations, 255 Committee of the Regions, 138, 235 common accord, list of existing legal bases still using, 386 Common Agricultural Policy (CAP), 316-17 common commercial policy. See trade Common Foreign and Security Policy (CFSP), 256-65. See also High Representative 'common strategies' in, 205 competences related to, 77 consistency and stability of application of, 257–8 decision-making procedures, 260–1 drafting of Lisbon Treaty, 38, 42, 43, 45 ECJ and, 80, 231, 263 ESDP as part of, 66, 274 establishment of, 8 European Commission, limited powers of, 262 European Parliament, limited powers of, 262 international agreements, single procedure for, 259-60. See also international agreements legal instruments used by, 264-5 under Lisbon Treaty, 67–8, 69 under Maastricht Treaty, 240 national parliaments, role of, 131

origins and development of, 240-1

'orange card', 129

existing legal bases switched to, 365



INDEX 407

primacy of EU law and, 80 as 'second pillar', 66, 242, 260 voting processes, 261–2 common law Member States, special needs of, 192 Community Charter of the Fundamental Social Rights of Workers (1989), 152 competences classification of, 75, 74-8 conferral of, 45, 82-4 energy policy, **319**, 318–19 fundamental rights and, 146-7, 150, 151, 158 limitation of, 328-9 public health, 320-1 trade policy limits regarding, 282–3 scope of competences in, 281 competition in internal market, 77, 308, 307-9, 334 Conciliation Committee, 297-9 'Concordia', 269 Conference of Community and **European Affairs Committees** of Parliaments of the EU (COSAC), 124, 125, 128, 131 Congo, ESDP operations and missions in, 268, 269, 270, 271, 272 consensus list of existing legal bases still using, list of new legal bases in Council, constitutional terminology, Lisbon Treaty's abandonment of, 326–7 Constitutional Treaty (2004), 6, 15–25 Charter of Fundamental Rights incorporated in, 148-50 comitology, proposed reform of, 100 content of, 20-3 Convention proposing, 15–17 discussions by European Council on ratification process, 24, 25, 24 - 5EEAS, concept of, 250 ESDP under, 273-4 European Commission, size and composition of, 228–9

external affairs under, 241-2 failed ratification of, 23-5 on free competition in internal market, 308 IGC approval of, 17–19 JHA/FSJ under, 175-7 legal instruments under, 93 Lisbon Treaty compared, 6, 325–7 planned replacement of existing treaties with, 20-2 on primacy of EU law, 80-2 QMV/double majority voting in, 19, 213, 214, 221-5 services of general economic interest, 314 as treaty between sovereign states, 22 - 3US Constitutional Convention, compared to, 31 Working Party of Legal Experts, 18 conventions. See treaties, declarations, and agreements co-operation enhanced, 89-90, 326 inbuilt closer, 90-1 legal principle of sincere co-operation, 84–5 between national parliaments, 124, 125, 128 national security arrangements, 191 permanent structured, 91-2, 276 - 8Co-operationists drafting of Lisbon Treaty, points won and lost in, 46-8 retention in Lisbon Treaty of elements important to, 328 terminological usage, 46 Copenhagen Criteria, 10 COREU, 240 Corsepius, Uwe, 30 COSAC (Conference of Community and European Affairs Committees of Parliaments of the EU), 124, 125, 128, 131 COSI, 191, 276 Costa v. Enel (1964), 79, 144 costs. See budget; economic issues



408

Cambridge University Press 978-0-521-14234-2 - The Lisbon Treaty: A Legal and Political Analysis Jean-Claude Piris Index More information

> Council, 209-25 drafting of Lisbon Treaty, 31, 45 budget powers of, 288, 296, ECJ jurisdiction on preliminary 297–9 rulings, acceptance of, 172 configurations of, 209-12 ratification of Lisbon Treaty, 62, effect of Lisbon Treaty on, 236 60-3, 359-60 euro and euro zone, 305-6 Schengen area extended to, 173 Presidency of, 210, 209-12, Darfur region of Sudan, ESDP 237 voting system in, 212-21. See also operations and missions in, 270 data protection, EU Directive on, 153 double majority voting; qualified majority voting; Davignon report, 240 decisions, as legal instruments, 94 unanimity Council of Europe, 2 declarations. See treaties, declarations, Court of Human Rights. See European and agreements Court of Human Rights defence. See Common Foreign and Court of Justice of the European Security Policy; European Union. See European Court of Security and Defence Policy Justice (ECJ) deficit, budget not allowed to be in, 291 Cowen, Brian, 53, 54, 55 Dehaene, Jean-Luc, 15 criminal justice. See Freedom, Security, delegated powers, European and Justice Parliament's control over, 120 delegations, EU, 255 Croatia, accession negotiations with, Delors Committee, 303 Crotty case (Crotty v. Taoiseach, 1987), democratic legitimacy of EU, 112-45 checks and balances, system of, 141, cultural and linguistic diversity, respect 216, 237 citizens' initiative, 133-4, 139 for, 136 culture, policies regarding, 323 Committee of the Regions, 138 equality of citizens versus equality of customs duties, as budget revenue, Member States, 217 European Commission, size and Cyprus Constitutional Treaty, authorisation composition of, 226-7 European Parliament, 114-22. See of, 24 enlargement of EU to include, 10 also European Parliament ESDP and, 279 explicit incorporation of, 112, 114 FSJ, democratic controls for, 188 in euro zone, 303 German Constitutional Court on, Schengen acquis, opt-out from, 173, 114, 141-5, 354 193 Czech Republic imbalances and asymmetries

> > regarding, 334-7

at, 336-7

parliaments openness and transparency,

Member States, powers of, 139

national parliaments, role of,

national level, solution to be found

122-33. See also national

commitment to, 135-6

INDEX

© in this web service Cambridge University Press

Charter of Fundamental Rights

Protocol on application to Poland

Constitutional Treaty, suspension of

criminal records, interconnection of,

ratification of, 24, 25, 31

on democratic deficit in EU, 114

competences of EU and,

and UK, 160



INDEX 409

public meeting requirements European Council, 137–8 European Parliament, 135 right to good administration, 138 Denmark Constitutional Treaty referendum, drafting of Lisbon Treaty, 31, 33 EDA, 278 ESDP, opt-out from, 91 euro zone, opt-out from, 303 FSJ opt-out Protocol, 186, 194-5 Maastricht Treaty referendum, 8, 13, national parliament of, 123, 125 ratification of Lisbon Treaty, 49 Schengen *acquis* and, 169, 173, 194 UK rebate and, 291 development co-operation policy, 286 DG (Directorates General), 249, 251 directives, as legal instruments, 94 Directorates General (DG), 249, 251 discharge procedure, budget, 292, 301 diversity, linguistic and cultural, respect for, 136 documentation. See records and record keeping Doha Round, WTO, 239 double majority voting, 37, 214, 213-14, 220, 221-5, 288, drafting of Lisbon Treaty, 25-48 as amending rather than replacement treaty, 32 constitutionalisation, renunciation of, 32 content of new treaty, 30-2 on economic issues, 304 European Commission, size and composition of, 228–9 external affairs and, 242–3 Group of Legal Experts, 41-4 IGC, terms adopted by, 40–8 Integrationists and Co-operationists, points won and lost by, 46-8 JHA/FSJ under, 175-7 Jurist-linguists, review by, 46 outline for new treaty, 32-40

QMV/double majority voting, 221 - 5timing of new treaty, 26-9 transformation of EU into state, deletion of terms suggesting, 32 Dutch. See Netherlands EAEC (European Atomic Energy Community or Euratom), 3, 6, 7, 21, 65 Eastern and Central Europe, enlargement of EU to include, 10, 109. See also specific countries EC (European Community), 3, 6, 8, 64, 65-6,85ECB (European Central Bank), 234, 306 ECHR (European Convention for the Protection of Human Rights and Fundamental Freedoms; 1950), 149, 152, 153, 155, 163-6 ECJ. See European Court of Justice economic and monetary union (EMU) development of concept of, 302-4 imbalances and asymmetries in, 332 modifications of Lisbon Treaty regarding, 304-7 unique nature of, 307 economic issues. See also budget; Financial Perspectives; trade policy cohesion, economic, 323 competences related to, 77 decision-making procedures, 306 in drafting of Lisbon Treaty, 304 ECB, 234, 306 ECU, 303 EMS, 303 ESDP operations, start-up fund for, European Public Prosecutor's Office to protect financial interests, 186-7 fixed exchange rates, implosion of Bretton Woods system of, 302 free competition in internal market, 77, 308, 307-9, 334



> INDEX 410 economic issues (cont.) EU delegations, 255 global financial crisis of 2008-10, EU Military Committee (EUMC), 267 EU Military Staff (EUMS), 249, 253, 304, 307 historical background, 301-4 267, 279 humanitarian aid, funding for, 286 'EU NAVFOR Somalia', 270 Maastricht Treaty on, 303 'EU SSR Guinea-Bissau', 270 modifications of Lisbon Treaty 'EUFOR RD Congo', 269 regarding, 304-7 'EUFOR Tchad/RCA', 269 policy, economic and monetary, 'Eujust Lex', 271 301 - 7'EULEX Kosovo', 272 Rome Treaty on, 301 'EUMM Georgia', 273 services of general economic 'EUPAT', 272 interest, 315, 313-16 'EUPM', 271 Single European Act on, 303 'EUPOL Afghanistan', 272 Stability and Growth Pact, 304, 306 'EUPOL COPPS', 271 ECRIS, 174 'Eupol Kinshasa', 271 ECSC (European Coal and Steel 'Eupol Proxima', 271 'EUPOL RD Congo', 272 Community), 2, 6, 7, 265 ECU (European Currency Unit), 303 euro and euro zone EDA (European Defence Agency), 278 Cyrillic spelling of euro, 45 Edinburgh Decision (1992), 8, 56, 58 imbalances and asymmetries in, 332 education and training, 310, 322 improved decision-making and EEAS. See European External Action representation for, 305-6 Service in-built closer co-operation, as case EEC (European Economic Maastricht Treaty, introduced by, Community), 2, 3, 7 emergency brake system, 184, 185, 187, 190, 310 modifications of Lisbon Treaty employment policies, 77, 309–13 regarding, 304-7 EMS (European Monetary System), participating States, 303 303 Euro-enthusiasts. See Integrationists EMU. See economic and monetary Euro-sceptics. See Co-operationists union 'euro zone of defence', 276-8 energy policy, 319, 318–19, 319, 319 Euroatom (European Atomic Energy enhanced co-operation, 89–90, 326 Community or EAEC), 3, 6, 7, environmental protection, criminal 21,65 Eurodac, 202 penalties related to, 183 equality Eurogroup, 209, 305 between citizens, 217 Eurojust, 181, 182, 183, 188 between Member States, 85-6, 217 Europe Erhard, Ludwig, 73 defining, 1 ESDP. See European Security and political history of, 1-3 Defence Policy European Affairs Committees, 123 Estonia European Anti-Fraud Office (OLAF), Constitutional Treaty, authorisation European Atomic Energy Community Schengen area extended to, 173 (EAEC or Euratom), 3, 6, 7, 21, 'EU BAM Rafah', 272



INDEX 411

European Central Bank (ECB), 234, 306	Presidency of, 206–9, 210 , 237, 325
European Coal and Steel Community	status of institution, legal
(ECSC), 2, 6, 7, 265	consequences of, 205–6
European Commission, 225–30	strategic guidelines, role in defining,
budget powers of, 288, 298, 299	188
CFSP, limited powers regarding,	European Court of Human Rights
262	ECJ case law, discrepancies with,
Constitutional Treaty and, 228-9	164
counterbalancing powers of, 216	as final arbiter of human rights law
democratic legitimacy of, 226–7	in EU, 166
drafting of Lisbon Treaty and,	on fundamental rights and primacy
228–9	of EU law, 147
effect of Lisbon Treaty on, 236	removal, expulsion, or extradition,
European Parliament, relationship	protection in cases of, 153
to, 115, 119, 137	European Court of Justice (ECJ), 230-4
executive powers, 139	on abortion, 156
external affairs, role in, 230	advocates-general, number of, 45,
High Representative, 229-30	233
intergovernmentalism, fears of,	amendment of statute by QMV, 233
226–7	under Amsterdam Treaty, 171-2
Nice Treaty and, 227	annulment actions, 231
powers of, 4, 225	CFSP and, 80, 231, 263
Presidency, 229–30	Committee of the Regions' right to
size and composition of, 226–9	bring actions before, 235
timing of Lisbon Treaty before 2009	composite parts of, 232
appointment of new	European Court of Human Rights
Commission, 28	case law, discrepancies with,
European Community (EC), 3, 6, 8, 64,	164
65–6, 85	external affairs principles,
European Convention for the	development of, 239
Protection of Human Rights	on fundamental rights, 146
and Fundamental Freedoms	JHA/FSJ, jurisdiction over, 66, 68,
(ECHR; 1950), 149, 152, 153,	171–2, 175, 188–9, 230
155, 163–6	judges, 232
European Council, 205–8	jurisdiction of, 230–2
ECB appointments made by,	legality of EU acts, right to review,
306	130
effect of Lisbon Treaty on, 236	name of, 232
executive powers, 139	powers of, 4
'impetus role' of, 205	on primacy of EU law, 79
legislative powers, absence of, 139,	on sport, 322
205	European Currency Unit (ECU), 303
list of articles enabling decisions	European Defence Agency (EDA), 278
with legal effect by, 379	European Defence Community, 240,
list of new legal bases where QMV,	265
unanimity, or consensus will	European Economic Community
apply, 369	(EEC), 2, 3, 7



412

European External Action Service (EEAS), 249–56

budget, 254

development of, 250-4

EU delegations, 255

European Parliament's powers regarding, 120

scope of activity and services, 251

staffing, 254-5

stages in setting up, 256

sui generis nature of, 252, 254

European Monetary System (EMS),

European Omsbudsman, right to petition, 135

European Parliament, 114-22

agricultural spending, powers

regarding, 317

under Amsterdam Treaty, 9

Assembly, change of name from, 115

budget powers of, 120, 296-300, 300

CFSP, limited powers regarding,

262

codecision procedure, role in, 115,

118-19

composition of, 115-18

drafting of Lisbon Treaty on

members, 44

election turn-out numbers, 13, 14,

enhanced co-operation, approval

for, 90

euro and euro zone, 305

European Commission, relationship

to, 115, 119, 137

external affairs, extension of powers

over, 286

legislative powers, 139

under Maastricht Treaty, 8

national parliaments, MEPs

originally members of, 122

under Nice Treaty, 9

petitioning, 135

powers of, 4, 118-22, 139, 286, 317,

public meeting requirement, 135

timing of Lisbon Treaty and 2009 elections, 27, 117-18

INDEX

under Treaty of Rome, 7

as 'winner' under Lisbon Treaty, 235

European Political Community, 240

European Public Prosecutor's Office to protect financial interests,

186 - 7

European Security and Defence Policy

(ESDP), 265-79

aims of, 268, 274

under Amsterdam Treaty, 266

Berlin-plus Agreement, 267, 269

Civilian Aspects of Crisis

Management, Committee for,

under Constitutional Treaty, 273-4

crisis management tasks, 268, 275,

279

CSFP 'pillar', as part of, 66, 274

development prior to Lisbon Treaty,

265 - 73

drafting of Lisbon Treaty, 38

EDA, 278

effects of Lisbon Treaty on, 274-9

EUMC and EUMS, 249, 253, 267

headline goals, 267

inbuilt closer cooperation, as case of,

under Maastricht Treaty, 266

mutual assistance clause, 275-6

national parliaments, role of, 131

NATO and, 267, 268, 269, 279

under Nice Treaty, 273

operations and missions under, 268,

269, 276, 279

participation in military operations, imbalance of Member States

regarding, 334

permanent structured co-operation,

276 - 8

primacy of EU law and, 80

QMV, 274, 277, 278, 279

St-Malo Declaration and, 266

under Single European Act, 266

solidarity clause, 275-6

start-up fund for operations, 279

European Social Charter (1961), 152

European Social Model, 73

European Space Agency, 321



INDEX 413

European Union (EU) budget, 288-301. See also budget democratic legitimacy of, 112-45. See also democratic legitimacy of EU enlargements of, 3, 9 federalisation efforts, 4-6 growing heterogeneity of, 337 historical development of, 2-3, 7-14 imbalances and asymmetries, effect of Lisbon Treaty on, 332-8 implementation of EU law, 97-8. See also comitology importance of, 338–40 institutions of, 4 legal acts adopted by, 4 legal personality of, 85, 239 name changes, 3, 8 nature of, effect of Lisbon Treaty on, 328-31 primacy of EU law, 81, 79-82, 146-7 single legal personality created by Lisbon Treaty, 65 sui generis nature of, 217 withdrawal of Member State from, 109-11, 121, 329 European Voluntary Humanitarian Aid Corps, 286 Europol, 181, 182, 183, 188 'Eusec-RD Congo', 270 exclusive competences, 74, 75 executive powers Council and Commission, divided and shared between, 139 strict division of legislative and executive powers in EU, lack of, 95 external affairs, 238-87 border controls, 178-9 CFSP, 256-65. See also Common Foreign and Security Policy under Constitutional Treaty, 241-2 development co-operation policy, drafting of Lisbon Treaty and, 242-3 EEAS, 249–56. See also European External Action Service ESDP, 265-79. See also European Security and Defence Policy

European Commission's role in, 230 High Representative, 243–9. *See also* High Representative humanitarian aid, 286 under Maastricht Treaty, 239 under Nice Treaty, 239 under Rome Treaty, 238–9 under Single European Act, 239 trade, 279–86. *See also* trade policy

federalism and federalisation efforts, 4-6, 143, 328-31 Federalists. See Integrationists finances generally. See budget; economic issues Financial Perspectives, 292-4 2007-13, 291, **291**, **293** defined, 291 IIA creating, 292, 293 mid-term review of, 28, 292 multiannual budget, not regarded as, 294 Financial Regulation, 292, 300 Constitutional Treaty, authorisation of, 24 ECJ jurisdiction on preliminary rulings, acceptance of, 172 national parliament of, 125 OMV, 223 Schengen acquis, signatory of, 169 first pillar. See European Community fisheries. See agriculture and fisheries fixed exchange rates, implosion of Bretton Woods system of, 302 flexibility clause, 68, 121, 308, 330 Foreign Affairs Council, 245, 257–8 foreign direct investment, 281 Former Yugoslav Republic of Macedonia (FYROM). See Macedonia Fouchet Plan, 240, 266 France advocate-general, 233 CAP, benefits from, 316 on Charter of Fundamental Rights, 154 - 7Constitutional Treaty referendum, 24, 25, 31, 81



414 INDEX

France (cont.) criminal records, interconnection of, drafting of Lisbon Treaty, 31, 32 ECJ jurisdiction on preliminary rulings, acceptance of, 172 on ESDP, 274 European Defence Community, rejection of, 265 federalised EU, opposition to, 4 on freedom of religion in secular State, 156-7 G 5/G 6, 174 Lisbon Treaty referendum, 1 national parliaments' role in EU and, 130-1, 188 NATO and, 279 police data, exchange of, 174 on Presidency of European Council, 207 presidential elections in, 30 QMV, 215, 220 ratification of Lisbon Treaty, 49 St-Malo Declaration, 266 Schengen acquis, signatory of, 169 on services of general economic interest, 314 on social policies, 310 UK rebate and, 291 fraud prevention and prosecution provisions, 186, 301 free competition in internal market, 77, 308, 307-9, 334 free movement of persons, 333. See also Schengen acquis Freedom, Security, and Justice (FSJ), 167-203 asylum, immigration, and external border controls, 178-9 brake-accelerator mechanism, 184, 185, 187, 190 civil matters, judicial co-operation in, 179-80 communitarisation of third pillar, 177-8, 201, 325 under Constitutional Treaty and drafting of Lisbon Treaty, 175-7

COSI, 191, 276 criminal matters, 180-6 criminal records, interconnection of, 174 democratic controls, 188 ECJ, jurisdiction of, 66, 68, 171–2, 175, 188–9, 230 environmental protection, criminal penalties related to, 183 Eurojust and Europol, 181, 182, 183, European Parliament, powers of, financial interests, European Public Prosecutor's Office to protect, functional improvements to, 188 G 5/G 6, 174 information exchange, improvements in, 202 initiative, right of, 191 international agreements between Member and non-Member States, 192 JHA, formerly known as, 66, 175. See also Justice and Home Affairs under Lisbon Treaty, 68-9, 177-92 mutual evaluation system, 191 national parliaments, role of, 130-1 national security arrangements, 191 opt-out protocols, 177, 184, 186, 189, 190, 194–200, 201 police data, exchange of, 174 QMV, switch from unanimity to, 170, 175 rights of individuals, protection of, simplified revision procedure, use of, 106 terrorism, freezing assets to fight, 186 transitional provisions, 200-1 unanimity, situations retaining, 190 variable geometry in, 174, 192–203 fundamental rights. See Charter of Fundamental Rights; rights funding. See economic issues



INDEX 415

FYROM (Former Yugoslav Republic of Macedonia). ESDP operations and missions in, 269, 271, 272 recognised 'European perspective' of, 109 G 5/G 6, 174 General Agreement on Trade in Services (GATS; 1995), 281 general economic interest, services of, **315**, 313–16 General Secretariat, 249, 251 Geneva Convention on Refugees (1951), 153Georgia ESDP operations and missions in, 268, 273 'European perspective' of, 109 Germany advocate-general, 233 CAP, benefits from, 316 Constitutional Court on democratic legitimacy of EU, 114, 141-5, 354 on fundamental rights, 144, 146, national parliament, increased powers of, 236 Constitutional Treaty, authorisation of, 24 criminal records, interconnection of, ECJ jurisdiction on preliminary rulings, acceptance of, 172 on ESDP, 274 G 5/G 6, 174 police data, exchange of, 174 on Presidency of European Council, 207 QMV, 215, 217, 220 ratification of Lisbon Treaty, 50, reunification of, 217 Schengen acquis, signatory of, 169 on UK rebate, 290, 291 in WEU, 266

Giscard d'Estaing, Valéry, 15, 16, global financial crisis of 2008-10, 304, GNI (gross national income), budget revenue resource based on, 290, 289 - 90Great Britain. See United Kingdom Greece Constitutional Treaty, authorisation of, 24 ECJ jurisdiction on preliminary rulings, acceptance of, 172 in euro zone, 303 Schengen acquis, signatory of, 169 gross national income (GNI), budget revenue resource based on, 290, 289-90 Guinea-Bissau, ESDP operations and missions in, 270 Haas, E. B., 332 Haenel, H., 132 harmonisation of laws and regulations of Member States, 283, 321 headline goals, ESDP, 267 health care access to, 158, 310 public health as EU competence, 320 - 1Herzog, Roman, 148 High Representative, 243-9 Amsterdam Treaty, role created by, 9, appointment/removal of, 245-6 consistency and stability, providing, 257-8 drafting of Lisbon Treaty and, 43, 45 European Commission and, 229-30 European Council and Council, roles in, 207, 209 functions of, 246-8 relationship with Presidents of Commission and European Council, 245-6, 248

'triple-hatted' nature of, 243-5, 325

Holland. See Netherlands

Gide, André, 335



> 416 INDEX

horizontal social clause, 310 human rights. See Charter of Fundamental Rights; rights Human Rights and Biomedicine, Convention on (1997), 153 humanitarian aid, 286 Hungary on Charter of Fundamental Rights, Constitutional Treaty, authorisation of, 24 ECJ jurisdiction on preliminary rulings, acceptance of, 172 ratification of Lisbon Treaty, 49 Schengen area extended to, 173 Iceland

accession negotiations, 109 Schengen area extended to, 169, 173, 193

IIAs (interinstitutional agreements), 292, 293

immigration issues, 178-9, 311, 333 implementation of EU law, 97-8, 120. See also comitology

inbuilt closer cooperation, 90-1 indirect administration, principle of, 85, 97-8

Indonesia, ESDP operations and missions in, 271

initiative, right of, 191

institutions of EU, 4, 204-37. See also

European Commission; European Council; European Court of Justice; European Parliament; Council

checks and balances between, 237 Committee of the Regions, 138, 235

ECB, 234, 306

IIAs, 292, 293, 294 national parliaments' direct

relationship with, 127-30 relationships between, 235-7

right to petition, 135

streamlining procedures of, 95-8

Integrationists

drafting of Lisbon Treaty, points won and lost in, 46-8

limits on EU power in Lisbon Treaty preventing federalisation, 328–31

terminological usage, 46 'United States of Europe',

abandonment of concept of,

intellectual property rights, 281, 323

interinstitutional agreements (IIAs), 292, 293, 294

internal affairs, 288-323

agriculture and fisheries, 316-17. See also agriculture and fisheries

budget, 288-301. See also budget civil protection, 323

cohesion, economic, social, and territorial, 323

culture, 323

economic and monetary policy, 301-7. See also economic and monetary union; economic issues; euro and euro zone

energy policy, 319, 318-19 free competition in internal market, 77, **308**, 307–9, 334

health care

access to, 158, 310 public health as EU competence, 320 - 1

intellectual property, 281, 323

services of general economic interest, 315, 313-16

social policies, 77, 309–13

space policy, 321

sport, 322 tourism, 323

transport, 323

internal borders. See Schengen acquis international affairs generally. See external affairs

international agreements

Convention on Human Rights and Biomedicine (1997), 153

European Parliament's powers regarding, 120

GATS (1995), 281



INDEX 417

Geneva Convention on Refugees UK rebate and, 291 (1951), 153in WEU, 266 judicial co-operation agreements between Member and Jacqué, J. P., 72, 112, 148, 347 non-Member States, 192 Jean Monnet method, 2 under Lisbon Treaty, 86 JHA. See Justice and Home Affairs New York Convention on the Rights Joint Situation Centre (SitCen), 249, of the Child (1989), 153 single procedure for negotiating and judges of ECJ, 232 concluding, 259-60 Justice and Home Affairs (JHA), trade and commercial, 284-6 167-77 TRIPS Agreement, 281 borderless traffic. See Schengen international borders, 178-9 acquis Ioannina Decision (1994) and under Constitutional Treaty and Ioannina-bis Decision (2009), drafting of Lisbon Treaty, 37, 45, 221, **223**, **224**, 222–5 Iraq, ESDP operations and missions in, establishment of, 8 268, 271 FSJ, change of name to, 66, 175. See Ireland also Freedom, Security, and on Charter of Fundamental Rights **Justice** and right to life, 155 Maastricht Treaty on, 66, 169-70 Constitutional Treaty referendum, as third 'pillar', 66-7, 169-70 24, 25 UK position on, 34 drafting of Lisbon Treaty, 41 EDA, 278 Kaczynski, Lech, 51 FSJ opt-out Protocol, 186, 189, 190, Kerr, Sir John (now Lord Kerr of 195-200 Kinlochard), 16 Lisbon Treaty referendum. See under Klaus, Václav, 61, 63 ratification of Lisbon Treaty Köhler, Horst, 50 Nice Treaty referendum, 9, 13 Kosovo Schengen acquis, opt-out from, 172, ESDP operations and missions in, 192, 196-7, 198-9 266, 268, 272 recognised 'European perspective' Italy of, 109 advocate-general, 233 CAP, benefits from, 316 Constitutional Treaty, authorisation labour policies, 77, 309-13 of, 24 Laecken Declaration (2001), 12, 12, 15, drafting of Lisbon Treaty, 44 112, 113, 158, 164, 238 ECJ jurisdiction on preliminary languages rulings, acceptance of, 172 diversity, respect for, 136 European Parliament, composition into which Treaties may be translated, 136 of, 117 on fundamental rights and primacy Latvia of EU law, 147 Constitutional Treaty, authorisation G 5/G 6, 174 QMV, 215 ECJ jurisdiction on preliminary Schengen acquis, signatory of, rulings, acceptance of, 172 169 Schengen area extended to, 173



418 INDEX

legal instruments before and after Lisbon Treaty, 92-4 CFSP, used by, 264-5 legal principles of Lisbon Treaty, 78-86 legislative powers decision-making processes, 95-6 distinguishing legislative and non-legislative acts and procedures, 92, 94 harmonisation of laws and regulations of Member States, 283, 321 ordinary legislative procedure, 95. See also codecision procedure Parliament and Council, shared by, strict division of legislative and executive powers in EU, lack of, trade policy, decision-making procedures for adoption of internal acts regarding, 283-4 voting for legislation. See voting systems Liechtenstein, Schengen area extended to, 173, 193 life, right to, 155-6 Lisbon Treaty (2007) as amending rather than replacement treaty, 32, 63-4 basic legal principles of, 78-86 basic provisions of, budget provisions, 295-301. See also budget Charter of Fundamental Rights, references to, 148-60. See also Charter of Fundamental Rights comitology, 98-104. See also comitology competences. See competences constitutional terminology, abandonment of, 326-7 Constitutional Treaty compared, 6, 325 - 7co-operation under. See co-operation

drafting of, 25-48. See also drafting of Lisbon Treaty ECHR, EU accession to, 163-6 external affairs, 238-87. See also external affairs FSJ under, 68-9, 177-92. See also Freedom, Security, and Justice goals and objectives of, 72, 72-4 historical background, 1-6 imbalances and asymmetries of EU, effect on, 332-8 implementation as true test of, institutions of EU and, 4, 204-37. See also institutions of EU internal affairs, 288-323. See also internal affairs international agreements under, 86 legal instruments, streamlining, 92 - 4on legal personality of EU, 85 legislative and non-legislative acts and procedures, distinguishing, 92, 94 nature of EU, effect on, 328-31 ratification process, 49–63. See also ratification of Lisbon Treaty revision of Treaties, provisions for, 104-9, 361-3 structure of, 63-70. See also structure of Lisbon Treaty values of, 71, 71-2, 310 on withdrawal of Member State from EU, 109-11, 121, 329 Lithuania Constitutional Treaty, authorisation of, 24 ECJ jurisdiction on preliminary rulings, acceptance of, 172 Schengen area extended to, 173 London, 2005 terrorist attacks in, 276 Luxembourg Constitutional Treaty referendum, criminal records, interconnection of, ECJ jurisdiction on preliminary rulings, acceptance of, 172

of EU

democratic legitimacy and, 112-45.

See also democratic legitimacy



INDEX 419

police data, exchange of, 174 QMV, 215 Schengen *acquis*, signatory of, 169

Maastricht Treaty (1992), 8 CFSP under, 240 democratic principles of, 112 Edinburgh Decision in response to Danish referendum, 8, 56, 58 on EMU, 303 ESDP under, 266 establishment of EU by, 6 Europol, 182 external affairs under, 239 fraud prevention and prosecution provisions, 186 on fundamental rights, 146 JHA under, 66, 169–70 Lisbon Treaty as completion of, xv national parliaments, role of, 124 pillar structure created by, 53 on social policies, 309 subsidiarity principle in, 84 Madrid, 2004 terrorist attacks in, 276 Majone, G., 112, 335

Malta
Constitutional Treaty, authorisation
of, 24
enlargement of FLI to include 10

enlargement of EU to include, 10 in euro zone, 303 Schengen area extended to, 173

McAleese, Mary, 60

Members of European Parliament (MEPs). See European Parliament

Merkel, Angela, xv, 30, 33, 333, 335 Meyer-Landrut, Nikolaus, 30

MFF (Multiannual Financial Framework), 295–6

migrant workers, rights of, 310 military operations of EU. See

European Security and Defence Policy

Moldova, 'European perspective' of, 109

monetary issues. *See* economic issues; euro and euro zone

Monnet, Jean, 2

Montenegro, 'European perspective' of, 109 Moravcsik, A., 112, 139, 141, 332, 335

Multiannual Financial Framework (MFF), 295–6

mutual assistance clause, ESDP, 275–6 mutual evaluation system, 191

nation-state, comparison of EU to, 143 national parliaments, 122–33

CFSP-ESDP, 131

COSAC and co-operation between, 124, 125, 128

democratic legitimacy of EU and, 336–7

direct relationship with EU institutions, 127–30

ECJ, access to, 130

European Affairs Committees, 123

FSJ scrutiny, 130–1, 188

incorporation into EU

decision-making process,

123–6, **126**

Lisbon Treaty provisions for, 124–6,

MEPs originally members of, 122 'orange card', 129

revision of treaties, role in, 132

as 'winners' under Lisbon Treaty, 235, 327

'yellow card', 128

national security arrangements, 191

NATO (North Atlantic Treaty

Organization), 2, 267, 268, **269**, 279

Netherlands

Constitutional Treaty referendum, 24, 25, 31, 81

drafting of Lisbon Treaty, 31, 32 ECJ jurisdiction on preliminary

rulings, acceptance of, 172

police data, exchange of, 174 OMV, 215

ratification of Lisbon Treaty, 49

Schengen *acquis*, signatory of, 169 on services of general economic

interest, 314, 315 on UK rebate, **290**, **291**

on OK rebate, 290, 291



420 INDEX

Netherlands (cont.) 'yellow card' and 'orange card' systems, 129 New York Convention on the Rights of the Child (1989), 153 Nice Declaration (2000), 11, 11, 112, 148, 149, 158 Nice, Treaty of (2001), 9–10 on enlargement of EU, 28 ESDP under, 273 European Commission and, 227 external affairs under, 239 national parliaments, role of, 122, 124 QMV under, 213, 215, 220, 221 trade policy and, 280 non-legislative powers and procedures adoption of non-legislative acts, 96-7 distinguishing legislative and non-legislative acts and procedures, 92, 94 North Atlantic Treaty Organization (NATO), 2, 267, 268, **269**, 279 Norway, Schengen area extended to, 169, 173, 193 OEEC (Organisation for European Economic Co-operation, later OECD), 2 OLAF (European Anti-Fraud Office), Omsbudsman, European, right to petition, 135 openness and transparency, commitment to, 135-6 opinions, as legal instruments, 94 opt-outs Charter of Fundamental Rights, Protocol on application of, 160 - 3euro zone, 303 FSJ, 177, 184, 186, 189, 190, 194-200, 201 Schengen acquis, 172, 192, 194 social policies, 309

ordinary legislative procedure. See codecision procedure Organisation for European Economic Co-operation (OEEC, later OECD), 2 Own Resources Decision, 289–90, 301 Palestinian territories, ESDP operations and missions in, 271, 272 Paris Treaty (1952), 7 parliament. See European Parliament; national parliaments passerelles, 104, 107-9, 363 Patten, Chris, 328 permanent structured co-operation, 91-2, 276-8 personal data protection, EU Directive on, 153 Petersberg tasks, 266, 273, 275 pillar structure, Lisbon Treaty's removal of, 65-70 Piris, Jean-Claude, xv Poland advocate-general, 233 Charter of Fundamental Rights, Protocol on application of, 160 - 3Constitutional Treaty referendum, 24, 25, 31 drafting of Lisbon Treaty, 31, 45 federalised EU, opposition to, 4 G 6, 174 Ioannina Decision (1994) and Ioannina-bis Decision (2009), 37, 45, 221, **223**, **224**, 222–5 QMV/double majority voting, ratification of Lisbon Treaty, 51 Schengen area extended to, 173 police. See Freedom, Security, and Justice Policy Planning and Early Warning Unit, 249 Political and Security Committee (PSC), 247, 267, 273, 275 'political co-operation' under Single European Act, 240

'orange card', 129



INDEX 421

political legitimacy of EU. See Constitutional Treaty and, 19, 213, democratic legitimacy of EU 214, 221-5criminal matters, 180-6 Portugal on Charter of Fundamental Rights, double majority voting method of calculating, 37, 213-14, 214, Constitutional Treaty referendum, 220, 221-5, 288, 326 drafting of Lisbon Treaty and, 37, 45, ECJ jurisdiction on preliminary 221 - 5rulings, acceptance of, 172 ECJ Statute, amendment of, 233 on equality between Member States, enhanced co-operation and, 89–90 85-6 ESDP, 274, 277, 278, 279 Schengen *acquis*, signatory of, 169 European Commission's power and PRAC or Procédure de Réglementation switch to, 225 Avec Contrôle (regulatory evolution of, 218, 215-21 extension of, 212-13, 286 procedure with scrutiny), 100 international trade agreements, presidencies of Council, 210, 209-12, 237 JHA/FSJ provisions switched from of European Commission, 229-30 unanimity to, 170, 175 of European Council, 206-9, 210, list of existing legal bases switched 237, 325 to, 383 High Representative, relationship list of new legal bases where QMV with, 245-6, 248 applies, 369 relationship between, 237 national parliaments' role in primacy of EU law, 81, 79-82, 146-7 approving switch to, 132 Nice Treaty and, 213, 220, 221 principles versus rights in Charter of Fundamental Rights, 149, passerelles, 107-9 153 - 4PRAC, 101 Procédure de Réglementation Avec rotating presidency system, changes Contrôle or PRAC (regulatory procedure with scrutiny), 100 for sectoral policies, 322–3 proportionality, 84, 299 social policy issues switched to, Prüm Convention (2005), 174 310 - 13PSC (Political and Security trade policy, 239 Committee), 247, 267, 273, 275 public health as EU competence, 320-1 Rasmussen, Anders Fogh, 32 ratification of Constitutional Treaty, public meeting requirements failure of, 23-5 European Council, 137–8 European Parliament, 135 ratification of Lisbon Treaty, 49-63 by Czech Republic, 62, 60-3, qualified majority voting (QMV) 359-60 asylum, immigration, and external by Denmark, 49 by France, 49 borders, 178–9 budget, 288 by Germany, 50, 354 CFSP, 261-2 by Hungary, 49 civil matters, judicial co-operation by Ireland, 1 in, 179-80 Crotty case, interpreted as codification of, 96 requiring referendum, 51



422 INDEX

ratification of Lisbon Treaty (cont.) European Council package offered after first referendum, 57, 58, 55 - 60failed first referendum and responses, **52**, **54**, 51–5, **55** successful second referendum, by Netherlands, 49 by Poland, 51 by United Kingdom, 50 recommendations, as legal instruments, 94 records and record-keeping access to EU documents, 135 criminal records, interconnection of, 174 personal data protection, EU Directive on, 153 police data, exchange of, 174 regulations, as legal instruments, 94 regulatory procedure with scrutiny (Procédure de Réglementation Avec Contrôle or PRAC), 100 religion, freedom of, 156-7 religious associations and churches, openness to dialogue with, 135 revision of treaties European Parliament, powers of, national parliaments, role of, 132 provisions for, 104-9, 361-3 rights. See also Charter of Fundamental Rights; European Court of **Human Rights** diversity, linguistic and cultural, respect for, 136 ECHR, 149, 152, 153, 155, 163-6 FSJ area, protection of individual rights in, 189 as general principle of EU law, 162 to good administration, 138 Lisbon Treaty, human rights as major value of, 71 of petition to EU institutions, 135 primacy of EU law and, 146-7 simplified revision procedure for adding to or strengthening, 106

values of Lisbon Treaty regarding, **71**, 71–2, 310 Romania admission to EU, 109, 116 ECJ jurisdiction on preliminary rulings, acceptance of, 172 IGC approving Constitutional Treaty, observers at, 17 QMV/double majority voting, Schengen acquis, opt-out from, 173, Rome, Treaty of (1957), 7 budget under, 288 CFSP, origins of, 240 on economic and monetary policy, 301 external affairs under, 238–9 fiftieth anniversary of signing, xv, 29 QMV under, 216 social policies in, 309 Royal, Ségolène, 30 St-Malo Declaration (1998), 266 Sarkozy, Nicolas, 30, 32 Schengen acquis, 169 Amsterdam Treaty, incorporated into, 170, 193 Denmark and, 169, 173, 194 establishment of, 9 extensions of, 172-3 inbuilt closer co-operation, as case of, 91 mutual evaluation system, 191 opt-outs, 172, 192, 194 origins of, 168 participating states, 192 Single European Act, free movement provision of, 168 UK/Irish opt-out, 34, 41, 172, 192, 196–7, 198–9 variable geometry in, 192–4 Schengen Information System (SIS), 202 'Schengen of Defence', 276–8 Schönfelder, Wilhelm, 40 Schuman, Robert, 2



INDEX 423

scrutiny, regulatory procedure with	ECJ jurisdiction on preliminary
(Procédure de Réglementation	rulings, acceptance of, 172
Avec Contrôle or PRAC), 100	in euro zone, 303
second pillar. See Common Foreign	Schengen area extended to, 173
and Security Policy (CFSP);	smoking, 320
European Security and Defence	social cohesion, 323
Policy (ESDP)	social market economy, concept of, 73
secular state, freedom of religion in,	310
156–7	social policies, 77, 309–13
security	Solana, Javier, 241, 249, 251, 265
external. See Common Foreign and	Solange cases (1974, 1986), 146, 164
Security Policy; European	solidarity clause, ESDP, 275–6
Security and Defence Policy	Somalia, ESDP operations and
internal. See Freedom, Security, and	missions in, 270
Justice; Justice and Home	Sovereignists. See Co-operationists
Affairs	space policy, 321
Serbia, 'European perspective' of,	Spain
109	advocate-general, 233
services of general economic interest,	CAP, benefits from, 316
315 , 313–16	on Charter of Fundamental Rights,
services, trade in, 281	154
shared competences, 74, 75, 78	Constitutional Treaty referendum,
Siedentop, L., 336	24
Sielberberg, Rainer, 30	criminal records, interconnection of
sincere co-operation, principle of, 84–5	174
single currency. See euro and euro zone	ECJ jurisdiction on preliminary
Single European Act (1986), 8	rulings, acceptance of, 172
on economic and monetary policy,	G 5/G 6, 174
303	Madrid, 2004 terrorist attacks in,
on ESDP, 266	276
on European Parliament, 115	police data, exchange of, 174
on external affairs, 239, 240, 266	QMV/double majority voting, 217,
on JHA, 168	220, 221–2
on social policies, 309	Schengen acquis, signatory of, 169
single monetary policy. See economic	Spinelli, Altiero, 5
and monetary union	sport, 322
SIS (Schengen Information System),	Stability and Growth Pact, 304, 306
202	state, comparison of EU to, 143
SitCen (Joint Situation Centre), 249,	Strasbourg, Court of. See European
253	Court of Human Rights
Slovakia	strike, right to, 157–8
Constitutional Treaty, authorisation	structure of Lisbon Treaty, 63–70
of, 24	as amending rather than
in euro zone, 303	replacement treaty, 63–4
Schengen area extended to, 173	complexity of, 65
Slovenia	Declarations, 65
Constitutional Treaty, authorisation	new Protocols in, 64
of, 24	pillar structure, removal of, 65–70



424 INDEX

structure of Lisbon Treaty (cont.) single legal personality for EU under, TEU and TFEU, continuing validity of, 69-70 subsidiarity principle, 84, 97, 129, 130, Sudan, ESDP operations and missions in Darfur region of, 270 sui generis nature of EEAS, 252, 254 sui generis nature of EU, 217 supporting competences, 75, 75 Sweden Constitutional Treaty, suspension of ratification of, 24, 25 ECJ jurisdiction on preliminary rulings, acceptance of, 172 euro zone, outside, 303

national parliament of, 125 QMV, **223** Schengen *acquis*, signatory of, 169 on UK rebate, **291** Switzerland amendment of Constitution in, 143

Schengen area extended to, 173, 193

TEC (Treaty establishing the European Community), 35, 64 territorial cohesion, 323 terrorism

ESDP mutual assistance and solidarity clauses, 275 freezing assets to fight, 186 London, 2005 terrorist attacks in, 276

Madrid, 2004 terrorist attacks in, 276

TEU. See Treaty on the European Union

TFEU. See Treaty on the Functioning of the European Union

Thatcher, Margaret, **290** third countries, agreements with. *See* international agreements

third-country nationals, 311, 333 third pillar. *See* Freedom, Security, and Justice; Justice and Home Affairs tobacco use, 320
tourism, 323
trade policy (common commercial policy), 279–86
competences
limits on, 282–3
scope of competences in, 281
decision-making procedures for adoption of internal acts,

283–4
expansion of, 286
foreign direct investment, 281
free competition in internal market,
77, 308, 307–9, 334
intellectual property, 281
international agreements,

negotiation and conclusion of, 284–6 before Lisbon Treaty, 239 services, trade in, 281

TFEU Article 207, 280–1 Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, 281

training and education, 310, 322 transparency and openness,

commitment to, 135–6 transport policy, 323 treaties declarations and agrees

treaties, declarations, and agreements Amsterdam (1997). See Amsterdam Treaty

Berlin Declaration (2007), xv, 29, **29**, 30

Berlin-plus Agreement (2001), 267, 269

Charter of Fundamental Rights. See Charter of Fundamental Rights

Community Charter of the Fundamental Social Rights of Workers (1989), 152

Constitutional Treaty (2004). See Constitutional Treaty

ECHR (1950), 149, 152, 153, 155, 163–6

European Social Charter (1961), 152 IIAs, 292, **293**, 294



INDEX 425

Laecken Declaration (2001), 12, 12, 15, 112, **113**, 158, 164, 238 Lisbon Treaty (2007). See Lisbon Treaty Maastricht Treaty (1992). See Maastricht Treaty Nice Declaration (2000), 11, 11, 112, 148, 149, 158 Nice, Treaty of (2001). See Nice, Treaty of outside EU. See international agreements Paris Treaty (1952), 7 Prüm Convention (2005), 174 revision of. See revision of treaties Rome, Treaty of (1957). See Rome, Treaty of St-Malo Declaration (1998), 266 Single European Act (1986). See Single European Act Stability and Growth Pact, 304, 306 TEC, 35, 64 TEU. See Treaty on the European TFEU. See Treaty on the Functioning of the European Union Treaty establishing the European Community (TEC), 35, 64 Treaty on the European Union (TEU) Constitutional Treaty intended to replace, 23 continuing validity of, 69–70 drafting of Lisbon Treaty and, 35-40, 43, 46 European Council, list of Articles enabling decisions with legal effect by, 379 external affairs in, 242 as general principle of EU law in, ratification of Lisbon Treaty and, 62 structure of Lisbon Treaty and, 64, 66, 69-70 Treaty on the Functioning of the European Union (TFEU) continuing validity of, 69–70 drafting of Lisbon Treaty and,

European Council, list of Articles enabling decisions with legal effect by, 379 external affairs in, 242 ratification of Lisbon Treaty and, 62 structure of Lisbon Treaty and, 64, 66, 69-70 trade policy, 280-1 TREVI Group, 167 TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement, 281 Turkey accession negotiations with, 109 ESDP and, 279 freedom of religion in Charter of Fundamental Rights, 156 IGC approving Constitutional Treaty, observers at, 17 unanimity CFSP, 261-2 European Commission's power and switch to QMV from, 225 international trade agreements, 285 JHA/FSJ provisions retention of unanimity in certain areas, 190 switched to QMV from, 170, 175 list of existing legal bases still using, list of existing legal bases switched to QMV from, 383 list of new legal bases in Council, 369 United Kingdom advocate-general, 233 CAP, benefits from, 316 on CFSP, 260 on Charter of Fundamental Rights, 149, 150, 153, 154, 157–8 Charter of Fundamental Rights, Protocol on application of, 160 - 3Constitutional Treaty referendum, 24, 25, 31 drafting of Lisbon Treaty, 31, 32, 34,

35-40, 42-4, 46



426 INDEX

United Kingdom (cont.) on ESDP, 274 euro zone, opt-out from, 303 federalised EU, opposition to, 4 FSJ opt-out Protocol, 186, 189, 190, 195-200, 201 G 5/G 6, 174 London, 2005 terrorist attacks in, 276 national parliament, adaptation of, ratification of Lisbon Treaty, 50 rebate received by, 290, 290 St-Malo Declaration, 266 Schengen acquis, opt-out from, 34, 41, 172, 192, 196–7, 198–9 on social policies, 309, 310 United States Constitutional Treaty compared to Constitutional Convention of, NATO, 2, 267, 268, 269, 279 primacy of federal law in Constitution of, 80 'United States of Europe', abandonment of concept of, 46 values of Lisbon Treaty, 71, 71-2, Van Rompuy, Herman, 208, 324, 325 variable geometry enhanced co-operation, 89-90 ESDP missions entrusted to group of Member States, 276 imbalances and asymmetries of EU, effect of Lisbon Treaty on, 332-8

permanent structured co-operation, 91-2, 276-8 VAT resource, as budget revenue, 289 Verhofstadt, Guy, 11 Vienna Convention on the Law of Treaties (1969), 80 Visa Information System (VIS), 202 voluntary withdrawal of Member State from EU, 109-11, 121, 329 voting systems. See also codecision procedure; qualified majority voting; unanimity common accord, list of existing legal bases still using, 386 consensus list of existing legal bases still using, 386 list of new legal bases in Council, in Council, 212-21 for CSFP, 261-2 double majority voting, 37, 213-14, 214, 220, 221-5, 288, 326 weighted votes. See qualified majority voting Weiler, J. H. H., 112, 142 Werner Committee, 302 Western Balkan states, 109. See also specific countries Western European Union (WEU), 2, 266 withdrawal of Member State from EU, 109-11, 121, 329

World Trade Organisation (WTO), 239

development of EU, 2 'yellow card', 128

World Wars and historical

in JHA/FSJ, 174, 192–203