



Introduction to EU Substantive Law

European Union Law
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What is EU Substantive Law?

◆ **Primary legislation: the Treaties**

- Treaty on the European Union (EU)
- Treaty on the Functioning of the European Union (TFEU, former EC Treaty)

◆ **Secondary legislation**

◆ **Case Law of the European Courts**

◆ **General principles**

Recent developments in EU history

- ◆ Lisbon Treaty entered into force on 1 December 2009
- ◆ Van Rompuy elected first ever President of the European Council
- ◆ 2004 and 2007 Enlargements: EU of 27 Members
- ◆ **Ongoing process of integration**

The process of integration

- ◆ Treaty of Rome subject to various amendments by successive Treaties:
 - Single European Act 1986
 - Treaty of Maastricht 1992
 - Treaty of Amsterdam 1997
 - Treaty of Nice 2001
 - Treaty of Lisbon 2009

EEC/EC/EU terminology issues

- ◆ The EEC was renamed 'European Community' when the Maastricht Treaty came into force
- ◆ The European Communities was the term used to describe the three entities that emerged after the signing of the 1950s Treaties: ECSC, EEC, EURATOM
- ◆ The EU was created by the Maastricht Treaty and had a three-pillar structure until the Lisbon Treaty Reform
- ◆ Lisbon Treaty transferred legal personality of the EC to the EU and put an end to the three-pillar structure

Free Movement of Goods

- ◆ Various types of markets
- ◆ Economic integration schemes
- ◆ The EU customs union

Various types of markets

- ◆ Free trade area
- ◆ Customs union
- ◆ Common market
- ◆ European Economic Area (EEA)
- ◆ Economic union
- ◆ Political union

Economic integration schemes

Scheme	Free intra-scheme trade	Common commercial policy	Free factor mobility	Common monetary policy	One government
<i>Free trade area</i>	Yes	No	No	No	No
<i>Customs Union</i>	Yes	Yes	No	No	No
<i>Common market</i>	Yes	Yes	Yes	No	No
<i>Economic union</i>	Yes	Yes	Yes	Yes	No
<i>Political union</i>	Yes	Yes	Yes	Yes	Yes

What is the Single European Market all about?

- ◆ Internal market (ex common market post FEU)
 - Liberalisation of factors of production (4 freedoms)
 - Free movement of goods
 - Free movement of persons
 - Free movement of capital
 - Free movement of services
 - Plus** Agriculture, competition, social policy
- ◆ Single market: Refers exclusively to the four freedoms

The Internal Market

◆ Articles 3 TFEU

◆ Arts 28 -33 TFEU

◆ Arts 34-36, 45, 49, 56 & 57 TFEU

◆ Arts 18 & 19 TFEU

Article 26 TFEU

- ◆ (2) The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty.

The CM, SEM & Internal Market

- ◆ Phase I: up to 1985
- ◆ Phase II: 1985-1992
- ◆ Phase III: 1992-2009
- ◆ Phase IV: post 2010

The Single European Act 1987

- ◆ Cecchini Report
- ◆ 1985 White Paper
- ◆ New provisions in SEA to achieve goals

The European Economic Area

- ◆ The *acquis communautaire*
- ◆ Plus Transport & Competition
- ◆ Plus relevant market areas

The Treaty on EU

- ◆ European Monetary Union
- ◆ Concept of Citizenship
- ◆ 3-pillar structure

Further Treaties

- ◆ Treaty of Amsterdam
- ◆ Treaty of Nice
- ◆ The Treaty on the Functioning of the EU (TFEU)

Next Seminar

- ◆ Removal of Customs Duties Between Member States