



**European Post Graduate School of
International & Development Studies**

Programme: **Executive Master in International Politics**

Title of the master thesis:

**Evolution of Values of the European Union in the Treaties:
A Comparative Analysis**

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September 2018

Acknowledgements

I would like to thank Thomas Van Caekenberghe for his persistent support during the realisation of this project.

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1 Chapter One: General Introduction

Tracing the nature of the European Union (also referred to in this study as the Union and the EU) without oversimplifying has been a challenging enterprise for scholars in their attempt to analyse the development of the EU through various Treaties that characterise and inform its development. These days, capturing the essence of the European Union remains a major debate for academics.

In his attempt to explain why the EU is difficult to project on the international scene, Zielonka (2011) notes that: *‘It has no effective monopoly over the legitimate means of coercion. It has no clearly defined centre of authority. Its territory is not fixed. Its geographical, administrative, economic and cultural borders diverge. It is a polity without a coherent demos, a power without an identifiable purpose, and a geopolitical entity without defined territorial limits’*¹. On the other hand, Davies (2016) points out that: *‘The distinctiveness of the EU is that it has a uniquely encompassing constitution, in which not just principles but policy structures and even policy directions are entrenched’*². Kagan (2003) on his part presents a different perspective of tendencies in Europe, in his essay captioned ‘Of Paradise and Power’. He observes that: *‘Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiations and cooperation. It is entering a post-historical paradise of peace and relative*

¹ Zielonka, Jan. ‘The EU as an International Actor: Unique or Ordinary?’, *European Foreign Affairs Review* (Vol. 16, 2011), p. 282.

² Davies, Gareth. ‘The European Union Legislature as an Agent of the European Court of Justice’, *Journal of Common Market Studies* (Vol. 54, No. 4, 2016), p. 858.

*prosperity, the realization of Immanuel Kant's 'perpetual peace' "*³. Put together, the observations of Zielonka (2011), Davies (2016) and Kagan (2003) help to illustrate and highlight the difficulty involved in depicting with precision what the EU is.

In trying to explain the EU, there are a number of ways of tackling it that one has to consider: one might attempt a historical overview of key events that characterised the process of European integration, use the ordinary legislative procedure to denote the institutional structure of the EU, or give examples of the Union legislation or projects funded by the Union – the impact the EU makes in the daily lives of its citizens. Each of these aspects is important to explore in order to understand how the EU works; nevertheless, that does not necessarily bring one closer to what the EU is about, what it stands for.

In 2016, citizens of the EU were asked in a Special Eurobarometer of the European Parliament, which elements constitute the European identity. The most popular answer was '*the values of democracy and freedom*' with 50 percent of the respondents⁴. In political discourse too, European values tend to be brought up every now and then, however, unlike in a multiple-choice Eurobarometer, often in a nonspecific sense, open to interpretation. Nevertheless, it is fundamental to question, if such an apparently important characteristic as European values can be used as a key concept to explain, what the EU stands for. A related legitimate question is, if it is possible to have a clear idea what the European values are.

³ Kagan, Robert. *Of Paradise and Power. America and Europe in the New World Order* (Alfred A. Knopf, 2003), p. 3.

⁴ Nancy, Jacques. *Parlemeter 2016. Analytical overview*, Special Eurobarometer of the European Parliament (European Parliamentary Research Service, November 2016), p. 35.

Fortunately, after the entry into force of the Treaty of Lisbon (2007), the Treaty on the European Union (the TEU) offers at least a definition of the values on which the Union is founded. In this study, I elaborate on that definition – how it evolved to include the values of respect for human dignity, freedom, democracy, equality, the rule of law, human rights and minority rights. This might not help conceptualise something as elusive as the European identity or provide an exhaustive answer to what the European values are, nevertheless it could provide a starting point for explaining the EU with an insight to the nascence of the values of the Union – to its foundation. To achieve that, I shall trace the origins of the relevant provisions in the Treaties and, based on past dynamics, underline distinct tendencies and make some predictions.

1.1 Definition of the values of the Union

In the context of this study ‘values’ should be understood in their legal sense as *‘the significance, desirability, or utility of something’*⁵, which is different from ‘principles’, for example: *‘a basic rule, law, or doctrine’*⁶. I focus on the definition of the values from the perspective of the Union in the exact wording of Article 2 of the TEU following the entry into force of the Treaty of Lisbon (2007).

Article 2 of the TEU underlines that: *‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.*

⁵ Garner, Bryan A. (ed.). Black’s Law Dictionary, Eight Edition (West, a Thomson business, 2004), p. 1586.

⁶ Ibid., p. 1231.

*These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail*⁷.

Initially Article I-2 of the Draft Treaty establishing a Constitution for Europe⁸ (the Constitutional Treaty, 2004), the text was recycled unchanged to point 3 of Article 1 of the Treaty of Lisbon as a new Article 1a of the TEU⁹. The premise of this thesis is that it was not *creatio ex nihilo* (creation from nothing), but a stage in a lengthy process of consolidation of a concept that would state the essence of the EU.

I go through the genesis of this provision as well as cross-referenced provisions in the Treaties by comparing relevant parts of the texts of four consolidated versions of the Treaties that were compiled following the Treaty of Maastricht¹⁰ (1992), the Treaty of Amsterdam¹¹ (1997), the Treaty of Nice¹² (2001) and the Treaty of Lisbon¹³ (2007). I chose to build my arguments around the definition of the values of the Union as presented in Article 2 of the TEU, because it is the only definition recognised by all the EU Member States and there are four distinct junctures where similar provisions can be compared. Whether the definition of the values of the Union in the Treaties translates to the values and beliefs of a majority of the citizens of the Union or not is a question for a

⁷ Consolidated version of the Treaty on the European Union (OJ C 202, 7.6.2016, p. 17).

⁸ Treaty establishing a Constitution for Europe (OJ C 310, 16.12.2004, p. 11).

⁹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (OJ C 306, 17.12.2007, p. 11).

¹⁰ Treaty on European Union, together with the complete text of the Treaty establishing the European Community (OJ C 224, 31.8.1992, p. 1).

¹¹ Consolidated version of the Treaty on European Union (OJ C 340, 10.11.1997, p. 145). Consolidated version of the Treaty establishing the European Community (OJ C 340, 10.11.1997, p. 173).

¹² Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community (OJ C 321 E, 29.12.2006, p. 1).

¹³ OJ C 202, 7.6.2016, p. 1.

different study. This study is a comparative analysis of the texts of the Treaties that map out the evolution of the EU.

1.2 Problem Statement

The EU has been in the process of perpetual reform and the entry into force of the Treaty of Lisbon (2007) on the 1st of December 2009 marked the end of a tempestuous stage in the integration of the Union. What had started with the Laeken Declaration of 2001 – decision of the European Council to convene the European Convention to examine the further constitutional development of the Union, soon took the form of the Constitutional Treaty that was signed in 2004. Following the negative results of the referendums in France and in the Netherlands in 2005 and a subsequent ‘reflection period’, the Berlin Declaration of 2007 aimed at ‘*placing the European Union on a renewed common basis*’¹⁴.

The Constitutional Treaty of the EU was reworked into the Treaty of Lisbon (2007) that was signed on 13 December 2007 and that reshaped the constitutional basis of the Union. The TEU was first signed in Maastricht in 1992. It retained its name, while the Treaty establishing the European Community (the TEC) that was first signed in Rome in 1957 as the Treaty establishing the European Economic Community was renamed the Treaty on the Functioning of the European Union (the TFEU).

According to Dumont (2011), one of ten major innovations of the Treaty of Lisbon (2007) was the enhancement of the values and objectives of the Union¹⁵.

¹⁴ Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome, 25.3.2007.

¹⁵ Dumont, Hugues. ‘Présentation générale des changements induits par le traité de Lisbonne’ in Nicolas de Sadeleer, Hugues Dumont, Pierre Jadoul and Sébastien Van Droogenbroeck (eds.), *Les innovations du traité de Lisbonne* (Bruylant, 2011), p. 3.

Although values had been mentioned in the Treaties before, a comprehensive definition of the values of the Union in Article 2, widely cross-referenced in other provisions, would be a somewhat different element in the Treaties, compared to the previous list of ‘founding principles’, and would therefore need to be studied. Tracing the lineage of this concept in the Treaties and collating relevant corresponding provisions in the four editions of the Treaties will enable an assessment of the significance of this innovation and give an idea of the general constitutional evolution of the Union.

1.3 Research Question

This study seeks to answer the following research question:

‘How have the values of the EU evolved in the course of the four main treaties that characterise the evolution of the Union?’

The aforementioned question implies that values have been present in various editions of the Treaties that can be compared and assessed, thus the comparative nature of this study. It should be noted that the term ‘values of the Union’ is only a product of the Treaty of Lisbon (2007); however, the inclusion of ‘founding principles’ as proto-values is essential for the analysis.

In order to effectively address this question, one has to consider various aspects that have characterised the changes in the wording on the values in the Treaties, such as their frequency, the extent of the changes and their contents. I would suggest that another noticeable characteristic of the change is its trend; whether the change can be described as more or less linear or gradual increase or decrease, or whether the change is volatile.

1.4 Research Hypothesis

In the course of the analysis, I shall be testing the following hypothesis:

‘The values of the EU have evolved with each edition of the Treaties.’

Considering the nature of the values of the Union, which are essentially human and civil rights, the EU earns its legitimacy before its citizens by upholding its values. Borrowing from Rawls (1995), the values of the Union that are ‘*basic liberties*’ have been ‘*incorporated into the constitution and protected as constitutional rights*’¹⁶. As such, each revision of the Treaties has affixed values in an improved position compared to the previous edition. Once the Union has granted certain rights and freedoms, any attempt to roll them back would undermine its legitimacy. Therefore, it has been a one-way process, namely from one fixed position to another and a more evolved state.

A parallel of natural evolution with European integration would not be arbitrary: the failure of the EU to build on past progress when adapting to a changing political environment could lead to stagnation if not extinction. The process of European integration has been mostly driven by rational actors, it has not been allowed to veer off the track despite several obstacles on its way.

1.5 Significance of the Study

On the one hand, when I started researching on the subject of this study, I was surprised to find out that very little has been written about the values of the Union. The values of the Union may seem self-evident, reflecting the constitutional traditions of the Member States, or they may be considered

¹⁶ Rawls, John. ‘Political Liberalism: Reply to Habermas’, *The Journal of Philosophy* (Vol. 92, No. 3, March 1995), pp. 157–158.

declarative and abstract, while the Union is built on something more tangible – ‘*concrete achievements*’¹⁷ in the words of Schuman (1950). Nevertheless, the values of the Union have a prominent place in the Treaties, after all ‘*the Union is founded on the values...*’¹⁸.

At a time when established liberal values are highlighted more often than ever by some political actors, only to be questioned and challenged by others, it would be useful to take a deeper look into the values that are enshrined in the Treaties of the EU in order to highlight what those values are and where they came from. By so doing, I hope to contribute to more detailed understanding of a key concept in the European integration.

1.6 Methodology

In this study, I apply the Comparative Method to enable me conduct a comparative analysis of the evolution of the values of the EU in the Treaties. Lijphart (1971) notes that: ‘*Among the several fields or subdisciplines into which the discipline of political science is usually divided, comparative politics is the only one that carries a methodological instead of a substantive label. The term ‘comparative politics’ indicates the how but does not specify the what of the analysis*’¹⁹. He continues by explaining the difference between the comparative method and the statistical method: ‘*The comparative method resembles the statistical method in all respects but one. The crucial difference is that the number of cases it deals with is too small to permit systematic control by means of partial correlations. The comparative method should be resorted to when the number of cases available for analysis is so small that cross-tabulating them*

¹⁷ Schuman, Robert. Declaration on 9th of May 1950, 9.5.1950.

¹⁸ OJ C 202, 7.6.2016, p. 17.

¹⁹ Lijphart, Arend. ‘Comparative Politics and the Comparative Method’, *The American Political Science Review* (Vol. 65, No. 3, Sep. 1971), p. 682.

*further in order to establish credible controls is not feasible*²⁰. That holds true with the subject of this study.

This study is a comparative analysis of the consolidated texts of the Treaties following the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Treaty of Lisbon (2007), focussing on the Article setting out the values of the Union as well as cross-references to other relevant provisions in the Treaties. Keeping in mind the number of provisions in the Treaties that address the values of the Union, I consider the comparative method an adequate choice.

I compare the texts of the consolidated versions of the Treaties for practical reasons, as the original amending Treaties are quite illegible for the purpose of this study. For example, the Treaty of Lisbon (2007) itself consists of seven articles and the changes to the Treaties are mostly contained in the 61 points of Article 1 (amendments to the TEU) and the 295 points of Article 2 (amendments to the TEC)²¹. In this study I refer mostly to provisions in the consolidated versions of the Treaties, however, I indicate clearly, when I refer to actual amending Treaties. Consolidated versions of the Treaties are also renumbered, which makes it easier in some cases to trace the origins of the provisions. After the adoption of the Treaty of Lisbon (2007) several consolidated versions of the Treaties have been published to reflect minor amendments that do not require ratifications, such as the establishment of the European Stability Mechanism or the accession of Croatia to the EU. In this study I have used the most up to date version of the Treaties published in the Official Journal (OJ) in 2016.

²⁰ Ibid., p. 684.

²¹ OJ C 306, 17.12.2007, p. 1.

With that analysis, I intend to highlight qualitative and quantitative changes regarding values in the Treaties. I study how the substance of the values has evolved, how the number of individual values in Article 2 of the TEU and its predecessors has changed and how the proportion of provisions that concern values has evolved in the Treaties. Those variables help me assess the change of the values in the Treaties in terms of their significance. In the comparative analysis of the subject of this study, I take into account substantial, procedural and linguistic changes, putting those in a political context. For the purpose of comparison, I have tabulated the corresponding provisions in a four-column table, indicating the additions, deletions and modifications.

1.7 Scope of the Study

To analyse the subject of this study, I have restricted my analysis to the texts of the Treaties that were adopted, ratified, and that eventually entered into force, although I will be touching upon initiatives that contributed to the formulation of the values of the Union, such as the work of the Convention on the Future of Europe (the European Convention, 2001-2003) and the resulting Constitutional Treaty (2004).

The Charter of Fundamental Rights of the European Union (the Charter, 2007), adopted alongside with the Treaty of Lisbon (2007), is not included in the comparison. Despite having the same legal value as the Treaties, it constitutes a separate document with a short, yet colourful history, but strictly speaking it is not a part of the Treaties proper. Created in year 2000, it does not have corresponding parts to the Treaties and, therefore, would not contribute much to the endeavour of this study. Nevertheless, it shall be discussed in the analysis of Article 6 of the TEU.

1.8 Structure of the Study

This study consists of three chapters. In Chapter One I have introduced the concept of the values of the Union, stated the problem and research question as well as the hypothesis. I have also explained the significance of the study, the methodology and defined the scope of the study. In Chapter Two I have compared the texts of the provisions that relate to the values of the Union in the consolidated versions of the Treaties following the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Treaty of Lisbon (2007). The comparative analysis includes ten provisions of the TEU, three provisions of the TFEU and Protocol No 24.

In Chapter Three I have presented the observations obtained from the preliminary analysis in Chapter Two. In Chapter Three, I have interpreted the dynamics of the values of the Union in four editions of the Treaties. I have also offered a prediction of the fate of the values of the Union in future editions of the Treaties. I have concluded Chapter Three by validating the hypothesis and presenting the main findings of this study. I have discussed the significance of the findings of this study and contemplated the role of the values of the Union in the bigger picture.

In the Annex of this study I have presented the Tables of Comparison that I have used to compare the fourteen provisions of the Treaties in four editions of the consolidated versions of the Treaties. While tabulating whole provisions, where only some clauses relate to the values of the Union, changes to other clauses of those provisions also surfaced, providing fascinating insights to the constitutional evolution of the EU.

2 Chapter Two: Evolution of Values in the Treaties

2.1 Introduction

This chapter provides an overview of the ‘reflection period’ that followed the failed attempt to ratify the Constitutional Treaty (2004) of the EU. It is important to understand, why the Constitutional Treaty (2004) was not shelved after its rejection through referenda in France and the Netherlands in 2005 and why most of it was recycled into the Treaty of Lisbon (2007), including the values of the Union. Most of this chapter is however dedicated to the comparative analysis of the provisions in the Treaties that discuss the values of the Union. In this chapter I have compared the relevant texts in the consolidated versions of the Treaties following the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Treaty of Lisbon (2007), by closely examining and exploring the Treaties provision by provision, highlighting major significant changes in the texts from the perspective of the values of the Union.

2.2 Remarks on the Constitutional Treaty (2004)

The values of the Union were introduced with the Constitutional Treaty (2004) that was intended to consolidate the patchwork of Treaties and reform the Union to cope with the increased membership in the EU. After the failure to ratify the Constitutional Treaty in 2005, a ‘reflection period’ followed, during which some efforts were made to reformulate the values also. Phinnemore (2013) describes one such attempt as follows: *‘A grand and somewhat optimistically titled ‘Sound of Europe’ conference followed in late January 2006 at which various public intellectuals, artists and politicians were invited to hold ‘a meaningful and open exchange of views’ on matters such as ‘the role of values and of the arts for Europe’s future ... Europe’s identity and global position [and] ... ideas,*

suggestions and concrete proposals ... to foster the idea of Europe' (Austrian Council Presidency, 2006a)'²².

Ventilating ideas was insufficient, as the Union was going through its greatest enlargement and the constitutional basis needed to be reformed to facilitate the enlargement process. On 26th of January 2007 in Madrid it was put out more concretely that the Constitutional Treaty should not be abandoned: '*... gathering's organizers emphasized the ways in which the Constitutional Treaty could help ensure that the EU moved beyond being simply a single market to become a genuine political actor, how it could promote core values and solidarity; how it could be a 'Europe of citizens with its citizens'; and how it could become more effective, more transparent and more democratic*'²³.

It was the occasion of the 50th anniversary of the signature of the Treaties of Rome (1957) that was chosen by the Council to announce its plans. '*The intended declaration would set out 'Europe's values and ambitions' and confirm EU leaders 'shared commitment to deliver them' (Council of the European Union, 2006c: 49)*'²⁴. The Berlin Declaration of 25th of March 2007 by the Presidents of the European Parliament, the Council and the Commission concluded that: '*The European Union will continue to promote democracy, stability and prosperity beyond its borders*'²⁵.

When negotiating the Reform Treaty in 2007 there were some, who '*wished to see a clearer enunciation of the EU's values, a stronger statement on the*

²² Phinnemore, David. *The Treaty of Lisbon. Origins and Negotiation* (Palgrave Macmillan, 2013), p. 24.

²³ Ibid., p. 62.

²⁴ Ibid., p. 30.

²⁵ Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome, 25.3.2007.

primacy of EU law, and a clearer delimitation of the implications of legal personality for the EU's competences'²⁶. The European Commission expected that *'the EU would have a 'refreshed and reformed' democratic infrastructure that would be 'update[d] ... to reflect the need for the enlarged Union to adapt policies to a fast-moving world' and would reinforce the EU as being based on 'rights and values, solidarity and security'*'²⁷.

The Treaty of Lisbon was signed on the 13th of December 2007 and it entered into force on the 1st of December 2009 with the Article on the values of the Union that was identical to that of the Constitutional Treaty (2004).

It could be said that if the 'reflection period' had led to a different conclusion, it would have been unthinkable to be looking into the values of the Union in this study. The fact that the values of Union survived the negotiations on the Treaty of Lisbon (2007) tells that they are not a negligible element in the Treaties. Following the redrafting of the Treaties, the values of the Union have retained their original wording of Article I-2 of the Constitutional Treaty²⁸ (2004) in Article 2 of the TEU. Therefore, values of the Union deserve to be studied in greater detail.

2.3 Comparative Analysis

To effectively carry out a comparative analysis of the four editions of the Treaties, I have tabulated corresponding provisions in four-column tables in the Annex of this thesis. I have only presented Article 2 of the TEU in this format in the text, because it embodies the definitive provision of the values of the

²⁶ Phinnemore, D. (2013), p. 118.

²⁷ Ibid., p 149.

²⁸ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (OJ C 306, 17.12.2007, p. 11).

Union. Due to the length of the four-column tables, the tables that compare other relevant provisions have not been integrated in the text and those can be consulted in the Annex. The consolidated texts of the four editions of the Treaties have been referenced in the Introduction and the relevant parts have equally been reproduced in the Annex.

The Tables of Comparison uses the following marking, when read from left to right in chronological order:

Table 1: Markings Used in Tabulation

‘Regular text’	text has not been deleted or modified with the subsequent Treaty
‘ Strikethrough ’	text has been deleted or modified with the subsequent Treaty
‘ <i>Bold italic</i> ’	text has been added or modified with the relevant Treaty
‘ <i>Bold italic strikethrough</i> ’	text has been added or modified with the relevant Treaty and deleted or modified with the subsequent Treaty
‘—’	provision does not apply to the relevant Treaty
‘(<i>Italic in brackets</i>)’	comments

The Tables of Equivalences annexed to the Treaty of Lisbon (2007) and to the Treaty of Amsterdam (1997) have been helpful in this analysis to some extent. Nevertheless, the Tables of Equivalences should be treated as re-numbering exercises, as paragraph 1 of Article 5 of the Treaty of Lisbon (2007) reads: ‘*The articles, sections, chapters, titles and parts of the Treaty on European Union and of the Treaty establishing the European Community, as amended by this*

*Treaty, shall be renumbered in accordance with the tables of equivalences set out in the Annex to this Treaty, and which form an integral part of this Treaty*²⁹. In Article 12 of the Treaty of Amsterdam (1997) there is a similar provision³⁰. In cases, where articles have been split or a section has been restructured, I have compared provisions that address the same subject and follow a recognisably similar sentence structure.

2.3.1 Analysing Article 2 of the TEU

Article 2 of the TEU lists the values of the Union and describes the society that the Member States constitute. Although in the Tables of Equivalences of the Treaty of Lisbon (2007) it has been listed as a new article, it unmistakably follows the sentence structure of paragraph 1 of Article 6 of the Treaties of Nice (2001) and Amsterdam (1997) and that of paragraph 1 of Article F of the Treaty of Maastricht (1992).

Initially, paragraph 1 of Article F of the Treaty of Maastricht (1992) stood as a safeguard to the national identities of the Member States, provided that the Member States adhere to the principles of democracy. The Treaty of Amsterdam (1997) turned paragraph 1 around by laying down the principles on which the Union is founded and by moving the respect of national identities of the Member States to a new paragraph. As a result, paragraph 1 of Article F started to take the current shape of Article 2 of the TEU, although it was discussing principles instead of values. This provision was not amended by the Treaty of Nice (2001) and it was the Treaty of Lisbon (2007) that replaced ‘principles’ with ‘values’.

²⁹ OJ C 306, 17.12.2007, p. 134.

³⁰ OJ C 340, 10.11.1997, p. 78.

Table 2: Tabulation of Article 2 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article F	<i>Article 6</i> (ex Article F)	Article 6	<i>Article 2</i>
1. The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy.	1. The Union <i>is</i> founded on the principles of <i>liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.</i>	1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law; principles which are common to the Member States.	The Union is founded on the <i>values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member</i>
(Paragraphs 2 and 3 (Maastricht (1992)) and paragraphs 2, 3 and 4 (Amsterdam (1997), Nice (2001)) of this Article are compared to Article 6 (Lisbon (2007)) and are not reproduced here).			States <i>in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.</i>

Dumont (2011) states that the enhancement of the values and objectives of the Union is an indication of a more generalist and less economic orientation of the new EU. Dumont also points out that although the list of values was extended, the notions of ‘pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men’ are not included in the list, instead, they are added to characterise the European society. Nevertheless, he emphasises that the values of the Union — prominently placed after Article 1 that establishes the Union — are not only for the institutions and Member States of the Union to respect, when applying the Union law. Most importantly, Dumont highlights that the values should be taken into account in all political aspects of the Union and its Member States³¹.

The concept of ‘democracy’ is the only value of the Union that has been invariably present in this provision throughout the Treaties. The Treaty of Amsterdam (1997) introduced several principles that have come through the current list of values, save one — ‘liberty’, but this was quite likely a stylistic and linguistic modification. The French version of the Treaties after the Treaty of Amsterdam (1997), for example, came across somewhat repetitive with ‘*la liberté*’ (liberty) and ‘*des libertés fondamentales*’ (fundamental freedoms) in the same sentence and the two seem to have been merged to ‘*liberté*’ (freedom). The Treaty of Lisbon (2007) expanded the list of values by adding ‘human dignity’, ‘equality’ and ‘minority rights’ to already present ‘human rights’, ‘freedom’ and ‘the rule of law’³².

Perhaps one of the most debated additions of the Treaty of Lisbon (2007) was the word ‘equality’. Lombardo (2007) provides an overview of the problems that

³¹ Dumont, H. (2011), pp. 17–18.

³² OJ C 202, 7.6.2016, p. 17.

had to be overcome in the negotiations of the Constitutional Treaty to add ‘equality’ to the values of the EU by pointing out that: *‘From the presentation of the first sixteen Articles of the Draft Constitutional Treaty in October 2002 it appeared that the concept of gender equality of the Constitutional Convention was not so broad as to include equality among the values of the Union as expressed in Article 2 TCE. After months of intense lobbying on the part of a great number of conventionnels (among whom were female members and alternates Lone Dybkjaer, Sylvia-Yvonne Kaufmann, Pervenche Berès and Anne van Lancker), actors of civil society, the EP Committee on Women’s Rights, and gender experts, ‘equality’ (but not between women and men) was added to the values of the European Union in one of the very last drafts of the Constitutional Treaty (CONV 797/03) in June 2003. The fact that the value of equality had to be fought for instead of being taken for granted shows that the Constitutional Convention had embraced a remarkably limited concept of gender equality’*³³.

Lombardo (2007) concludes that: *‘The Convention experiment succeeded in maintaining the existing acquis communautaire on gender equality, adding ‘equality’ to the values of the Union, and incorporating the Charter into the Constitutional Treaty’*³⁴.

In the Treaty of Maastricht (1992) ‘democracy’ was in a secondary position, describing the systems of governments of the Member States. Similarly, in the Treaty of Lisbon (2007) the notions of ‘pluralism’, ‘non-discrimination’, ‘tolerance’, ‘justice’, ‘solidarity’ and ‘equality between women and men’ add a secondary layer on the values of the Union, describing the Member States that

³³ Lombardo, Emanuela. ‘Gender Equality in the Constitution-Making Process’ in Castiglione, Dario, Schönlau, Justus, Longman, Chris, Lombardo, Emanuela, Pérez-Solórzano Borragán, Nieves, Aziz, Miriam (eds.), *Constitutional Politics in the European Union. The Convention Moment and its Aftermath* (Palgrave Macmillan, 2007) p. 142.

³⁴ Ibid., p. 150.

constitute a society with those qualities in common. The word ‘equality’ is mentioned twice in this provision; first, as a value in its broadest sense; and secondly, as a characteristic referring in particular to gender equality.

Craig (2010) makes the following claims about Article 2 TEU following the Treaty of Lisbon (2007): *‘Article 2 TEU did not have a direct forbear in the pre-existing Treaties. The values listed nonetheless replicate in part those found in what was Article 6 TEU, which referred to the EU being founded upon liberty, democracy, rights, and the rule of law. Article 2 TEU now makes express reference to equality, rights of minorities, and the values listed in the second sentence, which include those having a more ‘social’ orientation’*³⁵.

It is true that the substance of Article 2 of the TEU has been altered beyond recognition, if one compares the texts in the first and the fourth columns of Table 2 — the wording of the Treaty of Maastricht (1992) and of the Treaty of Lisbon (2007) — or trusts the Tables of Equivalences. However, the cue phrases ‘the Union’, ‘founded on’ and ‘democracy’ run like Ariadne’s thread through the four editions of the Treaties and point to its origins. Furthermore, the changes in the provision mark a gradual transformation with a number of elements repeated in consecutive editions of the Treaties so that the genealogy of Article 2 of the TEU becomes evident.

Nevertheless, it is remarkable that a paragraph underlining the respect of national identities in the Treaty of Maastricht (1992) has been transformed into one laying down the values of the Union in the Treaty of Lisbon (2007) and that ‘democracy’ has been upgraded from a descriptive principle to a definitive

³⁵ Craig, Paul. *The Lisbon Treaty. Law, Politics, and Treaty Reform* (Oxford University Press, 2010) pp. 311–312.

value. In addition to a qualitative shift, there has been a quantitative one: next to ‘democracy’ there are six other values accompanied by another six characteristics. It should also be pointed out that this provision has been brought significantly forward, past the institutions as well as the objectives, and it is now positioned in the TEU just after Article 1 establishing the Union.

It could even be argued that this paragraph illustrates a more general shift from an intergovernmental organisation to a somewhat federal entity that has turned its focus from national identities to common values. Lombardo (2007) remarks: *‘Article 2, listing the values of the Union, has a definite liberal-cosmopolitan flavour, with a little non-religious communitarianism added (‘solidarity’ and the mention of ‘a society’ in which member states are situated)’*³⁶.

2.3.2 Analysing Article 3 of the TEU

Article 3 of the TEU is the provision that addresses the objectives of the Union and with the Treaty of Lisbon (2007) it was rewritten in its entirety. Initially, it was composed of an introductory phrase, five indents listing the objectives and an unnumbered paragraph referring to the principle of subsidiarity, all written in a sober language, treating a number of concrete issues within the competence of the Union. The Treaty of Amsterdam (1997) supplemented the promotion of economic and social progress by advocating for ‘a high level of employment’ allowing ‘sustainable development’, introduced the concept of ‘an area of freedom, security and justice’ and made some cosmetic changes³⁷, while it was left untouched by the Treaty of Nice (2001).

³⁶ Lombardo, E. (2007), p. 198.

³⁷ OJ C 340, 10.11.1997, p. 152.

The Treaty of Lisbon (2007) changed the tone significantly, by pointing out that *‘The Union’s aim is to promote peace, its values and the well-being of its peoples’*³⁸. The paradigm shift from a list of administrative and policy objectives to a philosophical *raison d’être* is unmistakable. The Union placed values at the heart of its existential goals. Divided into six paragraphs, Article 3 of the TEU further echoes in paragraph 3 the values and qualities of Article 2 of the TEU by noting that the Union is to *‘combat social exclusion and discrimination’*, to *‘promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child’* as well as to *‘respect its rich cultural and linguistic diversity’*³⁹. Here also the language is very different from the dry tone of the previous editions of this provision, emphasising the role of the Union in protecting and promoting the rights of its citizens.

Paragraph 5 of Article 3 of the TEU deals with the external relations of the Union and reads thus: *‘In its relations with the wider world, the Union shall uphold its values and interests and contribute to the protection of its citizens’*⁴⁰. The earliest mention of values in the Treaties was in Article J.1 of the Treaty of Maastricht (1992) also in the context of a common foreign and security policy, where the values were *‘safeguarded’* alongside with the *‘fundamental interests and independence of the Union’*⁴¹. At that time ‘the common values’ were an abstract concept, whereas after the Treaty of Lisbon (2007) they are clearly defined.

³⁸ OJ C 202, 7.6.2016, p. 17.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ OJ C 224, 31.8.1992, p. 94.

In previous editions of the Treaties, one of the objectives of the Union was ‘*to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy*’⁴², which, therefore, tacitly involved safeguarding the common values even before they were defined as such. As a result of the Treaty of Lisbon (2007), upholding and promoting the values of the Union is explicitly mentioned as an objective, emphasising in particular ‘*the protection of human rights*’⁴³.

2.3.3 Analysing Article 6 of the TEU

With the exception of paragraph 1, Article 6 of the TEU has retained its original place in the Treaties. With the Treaty of Lisbon (2007) two paragraphs were added; one on the Charter and another on the foreseen accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR, 1950)⁴⁴.

The Charter (2007) was adopted on the 12th of December 2007, a day before the signing of the Treaty of Lisbon (2007), and it has the same legal value as the Treaties. In the Constitutional Treaty (2004) it was intended to be an integral part of the Treaties; however, one of the compromises of the Reform Treaty was its exclusion from the Treaties, while maintaining its legal value. The Charter (2007) presents another variation on the values of the Union, stating that: ‘*Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law*’⁴⁵.

⁴² OJ C 321 E, 29.12.2006, p. 11.

⁴³ OJ C 202, 7.6.2016, p. 17.

⁴⁴ Ibid., p. 19.

⁴⁵ Charter of Fundamental Rights of the European Union (OJ C 202, 7.6.2016, p. 393).

Compared to the Treaties, the field of application of the Charter (2007) is more restricted: *‘The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law’* and *‘The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties’*⁴⁶.

Regarding the ECHR (1950), it should be noted that the European Court of Justice has deemed paragraph 2 of Article 6 of the TEU incompatible with the Union’s law⁴⁷ and the accession to the ECHR has not been completed. Although the EU is not a party to the ECHR (1950), all its Member States are. Paragraph 3 of Article 6 of the TEU addresses fundamental rights, as guaranteed by the ECHR (1950), nevertheless, the Treaty of Lisbon (2007) rephrased it by underlining that the Union shall not only respect fundamental rights, but fundamental rights shall constitute general principles of the Union’s law. That is also the final paragraph of this Article after the Treaty of Lisbon (2007), but after the Treaty of Amsterdam (1997) it had two more paragraphs. First, there was a paragraph on the respect of national identities that was moved there from the initial paragraph 1. Secondly, there was a paragraph on the provision of means necessary to attain the objectives and carry through the policies of the Union. As a result of the Treaty of Lisbon (2007), Article 6 only addresses the issue of fundamental rights and the matters of national identities and financial means of the Union would have seemed out of place in that context. Reference to the respect of national identities has been moved to Article 4 of the TFEU.

⁴⁶ Ibid., p. 404.

⁴⁷ Opinion of the European Court of Justice of 18 December 2014. Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms – Compatibility of the draft agreement with the EU and FEU Treaties (ECLI:EU:C:2014:2454).

2.3.4 Analysing Article 7 of the TEU

Article 7 of the TEU only appeared in the Treaty of Amsterdam (1997) as Article F.1 that was renumbered to Article 7 in the consolidated version and the provision was devised to foresee a course of action in case of ‘*a serious and persistent breach*’ of the principles that were listed in paragraph 1 of Article 6 of the TEU⁴⁸. The mandate of this Article has not changed, but as it was first linked to the principles and subsequently to the values of the Union, it now has a wider scope. When it has been ascertained that a Member State has breached the values of the Union, ‘certain of the rights’ deriving from the application of the Treaty or Treaties may be suspended.

In substance, there have been some modifications to this Article. With the Treaty of Nice (2001), a paragraph was added on a preventive mechanism in case of ‘a clear risk of a serious breach’. Essentially, that would allow the Council to address recommendations to the Member State concerned on how to prevent triggering the sanctioning mechanism. Initially, the preventive mechanism also allowed the Council to request independent persons to submit reports on the situation in the Member State concerned, however, this possibility was discarded with the Treaty of Lisbon (2007).

With the changing political climate in the EU, the Commission has put in place ‘A new EU framework to strengthen the rule of law’⁴⁹. Within the said framework the Commission would engage in dialogue with the Member State concerned, assess the situation and issue rule of law recommendations even before starting the procedure of Article 7 of the TEU.

⁴⁸ OJ C 340, 10.11.1997, p. 9.

⁴⁹ Communication of 19 March 2014 from the Commission to the European Parliament and to the Council on A new EU Framework to strengthen the Rule of Law (COM(2014)158).

The reasoning behind the Commission's initiative could be related to the fact that even to launch the preventive mechanism a majority of four fifths is required in the Council as well as the consent of the European Parliament. With 28 Member States represented in the Council it would mean that if more than five of them object, excluding the Member State concerned, Article 7 of the TEU will not be triggered. Following the Treaties of Amsterdam (1997) and Nice (2001) this Article also covered the voting arrangements for the Council and the European Parliament, while after the Treaty of Lisbon (2007) it refers to Article 354 of the TFEU.

On 20 December 2017 the Commission adopted a reasoned proposal for a Council Decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law⁵⁰, triggering Article 7 of the TEU for the first time. A second such reasoned proposal followed on 12 September 2018, when the European Parliament adopted a resolution on '*a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded*'⁵¹.

2.3.5 Analysing Article 8 of the TEU

Article 8 of the TEU is an addition of the Treaty of Lisbon (2007) to the TEU reflecting the 2003 conception of the European Neighbourhood Policy: '*The Union shall develop a special relationship with neighbouring countries, aiming*

⁵⁰ Reasoned proposal of 20 December 2017 from the Commission in accordance with Article 7(1) of the Treaty on European Union regarding the rule of law in Poland for a Council Decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)835).

⁵¹ European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (P8_TA-PROV(2018)0340).

*to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation*⁵². It illustrates, how the Union is not only founded on values, but projects them to its neighbourhood. Although the situation has deteriorated in many European Neighbourhood Policy partner countries, such as Egypt, Libya, Syria and Ukraine, and the policy would probably not be called a success at this stage, this provision nevertheless demonstrates the ambition of the Union to take advantage of its leverage and act as a rule-maker in relations to third countries. The choice of the values of the Union as an element of conditionality also indicates their importance.

2.3.6 Analysing Article 13 of the TEU

The Union's institutions that were previously listed in the TEC were brought with the Treaty of Lisbon (2007) to paragraph 1 of Article 13 of the TEU and the first sentence of this provision now reads as follows: *'The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.'* Compared to the introductory phrase in previous editions on simply carrying out the tasks entrusted to the Community, the institutions of the Union now also serve to promote its values. The list of the Union's institutions only included the European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors before the Treaty of Lisbon (2007) — the European Council and the European Central Bank were subsequently added. There is even an implicit repetition in the first sentence of Article 13 of the TEU,

⁵² OJ C 202, 7.6.2016, p. 20.

as one of the objectives of the Union already is to promote its values, however, one may assume that it needed to be highlighted in that context as well.

2.3.7 Analysing Article 21 of the TEU

Safeguarding the common values was the first objective of a common foreign and security policy that was forged with the Treaty of Maastricht (1992). It retained its place in the list of objectives after the Treaty of Lisbon (2007). The Article no longer discusses a single policy, but ‘*action on the international scene*’ in the widest possible sense. Paragraph 1 of Article 21 of the TEU was added to reiterate the principles (*sic!*) that inspired the creation of the Union and that it wishes to promote: ‘*democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law*’⁵³. Curiously, those principles overlap with the values of the Union and only seem to have been reshuffled, slightly rephrased and complemented with some additional references. The second subparagraph deals with the nature of partnerships with third countries and organisations that share the same principles. It is another example of the rule-setting tendencies in the text of the Treaties, although it has not been followed through to the letter in practice.

The list of objectives on a common foreign and security policy consisted of five indents throughout the Treaties of Maastricht (1992), Amsterdam (1997) and Nice (2001) and, apart from some minor modifications of the Treaty of Amsterdam (1997), stayed intact. With the Treaty of Lisbon (2007), the indents were converted to points and three more objectives were added. The objective

⁵³

Ibid., p. 28.

on consolidating democracy, the rule of law and human rights was rephrased and moved from the last to the second place on the list. Paragraph 3 of Article 21 of the TEU insists on respecting the principles and pursuing the objectives set out in previous paragraphs, when carrying out its external action, and on ensuring consistency between its policies. Altogether, the Article is saturated with values both collectively and separately, directly and implicitly they are mentioned six times, while in pre-Lisbon (2007) texts they were referred to just twice. Although the objectives of the external action of the Union are not necessarily listed in a hierarchical order, the consolidation and support of some of the values of the Union seems to take a more prominent place now than it did in the past.

2.3.8 Analysing Article 32 of the TEU

In the Treaty of Maastricht (1992), there was a carefully phrased provision on consultations between Member States on matters of foreign and security policy, defining common positions and activities in international fora. As the title was restructured within the Treaty of Amsterdam (1997), it retained only the aspect on informing and consulting one another with the objective of ensuring *‘that the Union’s influence is exerted as effectively as possible by means of concerted and convergent action’*⁵⁴. In the Maastricht (1992) edition it still discussed the combined influence of the Member States instead of that of the Union.

The premise of Article 32 of the TEU is modified with the Treaty of Lisbon (2007) to omit ‘inform’ and add ‘the European Council’, but more significantly the purpose of consultations is determining ‘a common approach’, which does not seem much different from ‘a common position’ of the previous editions.

⁵⁴ OJ C 340, 10.11.1997, p. 157.

However, a major change is the addition of a clause committing Member States to consult the others before taking any action or entering any commitments that *‘could affect the Union’s interests’*⁵⁵. The paragraph continues by stating that *‘Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene’*⁵⁶. Whereas, the word pair ‘values and interests’ was cited in paragraph 5 of Article 3 of the TEU in the context of the Union’s objectives, it has now been reversed. Nonetheless, the Member States are warned against undermining the interests of the Union and they are encouraged to facilitate the interests and values of the Union.

2.3.9 Analysing Article 42 of the TEU

This controversial Article on the common security and defence policy of the EU has been extensively modified throughout the four editions of the Treaties. At first, Article J.4 of the Treaty of Maastricht (1992) linked the Western European Union to the architecture of the Union and with the Treaty of Amsterdam (1997) Article J.7 that was renumbered to Article 17 of the TEU also elaborated on further cooperation and the possible merger of the two organisations, while with the Treaty of Nice (2001) most of the text relating to the Western European Union was deleted. Currently, the Western European Union is still mentioned in Protocol No 11 on Article 42 of the Treaty on the European Union⁵⁷, although the Western European Union became defunct in 2011. The relationship with the North Atlantic Treaty Organisation has persisted in the Article and it has been further clarified after the Treaty of Lisbon (2007) in paragraph 7 of Article 42 of the TEU.

⁵⁵ OJ C 202, 7.6.2016, p. 34.

⁵⁶ Ibid.

⁵⁷ Ibid., p. 278.

It is paragraph 5 of Article 42 of the TEU, though, that the values come in: ‘*The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union’s values and serve its interests. The execution of such a task shall be governed by Article 44*’⁵⁸. While Article 44 of the TEU addresses the management of those tasks, reporting on progress and decision-making, Article 43 of the TEU specifies the type of tasks where the Union may use military and civilian means: ‘*joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories*’⁵⁹.

Article 42 of the TEU includes a wide array of tools that may be put to the service of the values of the Union, which is a major improvement compared to the pre-Lisbon editions of the Treaties. Just as the Union started projecting its values in external affairs, it took the military along to add credibility to its actions. The wording of those provisions is based on the Constitutional Treaty and at the time of the negotiations the memory of the Yugoslav Wars looming in the backyard of Europe was as recent as the failure of the Union to interfere there. The protection of the Union’s values has a distinct extraterritorial dimension in this context.

2.3.10 Analysing Article 49 of the TEU

According to the provisions of the Treaty of Maastricht (1992), every European state was eligible to apply for the membership of the Union. The Treaty of

⁵⁸ Ibid., p. 39.

⁵⁹ Ibid.

Amsterdam (1997) added the requirement to respect the principles of the Union. With the Treaty of Lisbon (2007) these principles were replaced by values and the commitment to promoting those values was affixed. Phinnemore (2013) traces those changes to the 2007 mandate for an intergovernmental conference and the draft Reform Treaty: *‘Also among the revisions to what had been agreed in the 2004 IGC were changes to Article 49 TEU on accession. The references to ‘principles’ would now be to ‘values’ and would-be member states would have to be committed to promoting them. There would be new language on notifying the EP and national parliaments of applications and, to satisfy the Dutch and French governments, a reference to conditions of eligibility determined by the European Council being taken into account when assessing an application’*⁶⁰.

As a result, what was a rather lenient geographic criterion, had undoubtedly become a political set of obligations. Furthermore, the location of a country can rarely be helped — save by conquest — while upholding the principles or values of the Union, and moreover their promotion, is a policy of choice. The transformation from an economic to a political Union manifested itself in the expectations from the applicant states.

Following the Treaty of Lisbon (2007), it was provided that the European Parliament and national Parliaments shall be notified of applications for membership, but this is mostly a formality. The European Parliament would anyhow be asked to consent to taking the process forwards and granting the applicant the status of a candidate country. Another addition, which is more substantial, is the reference to the conditions of eligibility agreed upon by the European Council, better known as ‘the Copenhagen criteria’. The conclusions of the European Council meeting of 21-22 June 1993 outline in general the

⁶⁰ Phinnemore, D. (2013), p. 141.

conditions that a successful applicant should meet: *‘Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union’*⁶¹.

The aforementioned reference may seem redundant at first, as it repeats a number of values already referred to in the first sentence of the sub-paragraph. However, it allows the European Council to update, extend or specify the conditions of eligibility, as was the case with the conclusions of the European Council meeting of the 15-16 of December 1995⁶² in Madrid. Curiously enough, the Copenhagen criteria underline ‘respect for and protection of minorities’ long before minority rights were introduced to the Treaties. The second sub-paragraph of Article 49 of the TEU has not been changed since the Treaty of Maastricht (1992).

2.3.11 Analysing Article 14 of the TFEU

Introduced by the Treaty of Amsterdam (1997) as Article 7d of the TEC, this provision discusses *‘the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion’*⁶³ in a somewhat opaque wording. The Article starts with the words ‘without prejudice to’ and refers to several provisions in the Treaties

⁶¹ Conclusions of the European Council meeting of 21-22 June 1993.

⁶² Conclusions of the European Council meeting of 15-16 December 1995.

⁶³ OJ C 340, 10.11.1997, p. 185.

that all relate to various aspects of services of general economic interest. ‘The shared values of the Union’ were inserted with this Article before the values of the Union were defined as such and unlike in case of the early ‘common values’ relating to the objectives of a common foreign and security policy, establishing a link to the values of Article 2 TEU might not be as straightforward. It is not clear what ‘the place occupied’ by services of general economic interest is with regard to the values of the Union, although one can argue that the supply of essential services to the citizens of the EU contributes to upholding the values of the Union.

2.3.12 Analysing Article 238 of the TFEU

Until the Treaty of Lisbon (2007), each Member State had a certain number of votes in the Council that was relative to its population. The votes were recalculated within the ambit of the Treaty of Amsterdam (1997) as well as of the Treaty of Nice (2001) in order to take into account the successive enlargements of the Union. A major reform of the Treaty of Lisbon (2007) was replacing the fixed number of votes with a more dynamic system that would not need to be renegotiated to reflect changes in the populations of Member States or accessions to, or withdrawals from the Union.

The definition in paragraph 4 of Article 16 of the TEU of a qualified majority would be applied with at least 55 percent of the members of the Council representing at least 65 percent of the population of the Union. A blocking minority would only be applied, if at least four members of the Council comprising at least 35 percent of the population oppose the act. For example, if three members of the Council representing 41,9 percent of the population voted

against, the act would still be adopted, as the blocking minority would not be attained⁶⁴.

Concerning the votes to suspend certain rights deriving from the application of the Treaties and on varying or revoking those measures, referred to in paragraphs 3 and 4 of Article 7 of the TEU, a reinforced qualified majority would be used as defined in point b of paragraph 3 of Article 238 of the TFEU. That is at least 72 percent of the participating members of the Council representing at least 65 percent of the population of these Member States. As Article 7 TEU excluded the Member State concerned from the vote, the phrase ‘participating members of the Council’ means the rest of the members of the Council and the majority would be calculated based on their number and size of population. A theoretical possibility remains, of course, that while the voting rights of a Member State are suspended, the suspension of another Member State’s voting rights is put to the vote. In such a scenario neither of the Member States concerned would be able to take part in the vote and the qualified majority would be recalculated accordingly. The use of a blocking minority is not foreseen. Following a decision to suspend the voting rights of a Member State, participating members of the Council would use the same qualified majority, when a provision of the Treaties requires it.

In case the Council acts on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, following the suspension of voting rights of a Member State, the qualified majority is set to at least 55 percent of participating members of the Council representing at least 65 percent of the population of these Member States. Apart from the exclusion of the Member State concerned, a curious difference from the

⁶⁴ Council of the European Union Voting Calculator.

qualified majority defined in paragraph 4 of Article 16 of the TEU is the blocking minority of at least 35 percent of the population of the participating Member States plus one Member State. With the current balance of power in the Union, it would not make much difference in practice, as the requirement of 35 percent of population cannot be met by combining the populations of any two Member States, while excluding another from the calculation. At least three Member States would have to vote against to reach 35 percent – plus one, so it would amount to four, as in paragraph 4 of Article 16 of the TEU.⁶⁵

It is worth emphasising that although the Member State concerned is excluded from the votes as well as from the calculation of the thresholds of qualified majorities, the simple majority votes are still calculated based on the number of component members of the Council. The Member State with suspended voting rights is not a participating member of the Council, although it remains a component member.

2.3.13 Analysing Article 354 of the TFEU

It is important to recall that before the Treaty of Lisbon (2007) reordered the constitutional landscape of the Union, the two Treaties — the TEU and the TEC — were governing the same organisation. However, resulting from different origins, the two Treaties covered different ‘pillars’ and referred to the organisation respectively as ‘the Union’ and ‘the Community’. Such a separate Treaty basis is also the reason, why some provisions of Article 7 of the TEU were replicated in Article 309 (*ex* Article 236) of the TEC following the Treaty of Nice (2001). In case of possible breaches of the principles of the Union, this

⁶⁵

Ibid.

arrangement would have allowed the suspension of rights deriving from the application of either of the Treaties.

Article 354 of the TFEU replaced its precursor (*ex* Article 309 of the TEC) in its entirety and specified the voting arrangements referred to in Article 7 of the TEU instead. Most importantly, it excludes the Member State concerned from voting in the European Council and discounts abstentions on determining the existence of a serious and persistent breach of values of the Union. According to paragraph 2 of Article 7 of the TEU the European Council must act by unanimity for such a determination to be made and, of course, it would not be likely to pass with the Member State concerned at the table. That Member State is neither counted in the calculation of one third for making a reasoned proposal nor four fifths for triggering the preventive mechanism.

Article 354 of the TFEU further refers to Article 238 of the TFEU that defines the qualified majorities for the adoption of a decision suspending certain rights deriving from the application of the Treaties as well as for the adoption of any act from that point onward. There, a distinction is made, whether the Council acts on the basis of a provision of the Treaties or on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs, and therefore two different majorities are used. Although, the Member State concerned is excluded from the voting process in the Council leading to the suspension of voting rights, in the European Parliament the vote of consent is passed ‘*by a two-thirds majority of the votes cast, representing the majority of its component Members*’⁶⁶. In other words, Members elected from the Member State concerned would participate in the vote on determining a breach of the values of the Union. It is worth pointing out that according to paragraph 3 of

⁶⁶ OJ C 202, 7.6.2016, p. 197.

Rule 178 of the Rules of Procedure of the European Parliament ‘*in calculating whether a text has been adopted or rejected, account shall be taken only of votes cast for and against*’⁶⁷. This means that abstentions are not considered, while calculating the two-thirds majority in the European Parliament. The actual decision to suspend voting rights would only be taken in the Council and the European Parliament would not be voting on it.

2.3.14 Analysing Protocol No 24 on asylum for nationals of Member States of the European Union

The annexed 37 Protocols are an integral part of the Treaties. Among them features prominently Protocol No 24 on asylum for nationals of Member States of the European Union. It was first included in the Treaty of Amsterdam (1997) as a Protocol annexed to the Treaty establishing the European Community⁶⁸ at the same time as the provisions on breaches of principles of the Union were introduced in Article F.1 that became Article 7 of the TEU. In substance, the Protocol has not been changed much. The purpose of the Protocol is to address situations where nationals of a Member State would apply for asylum in another Member State.

Under normal circumstances all the Member States of the EU are considered safe countries and a citizen of one Member State would not be eligible to apply for asylum in another. The Protocol lists four exceptions in its Sole Article. An application of a citizen of a Member State may be taken into consideration or declared admissible, if it is due to war or other public emergency that a Member

⁶⁷ Rules of Procedure, 8th parliamentary term (European Parliament, January 2017), p. 106.

⁶⁸ OJ C 340, 10.11.1997, p. 103.

State is taking measures derogating from its obligations under the ECHR (1950) in accordance with Article 15 thereof⁶⁹.

The second and third exception both relate to Article 7 of the TEU and to the existence of a serious and persistent breach of the values of the Union. It should be noted that in the Treaty of Amsterdam (1997) the reference in point b of the Sole Article was to the sanctioning mechanism, but following the Treaty of Nice (2001) and the introduction of the preventive mechanism, it refers to the latter.

It is important to underline that since the coming into force of the Treaty of Nice (2001), a citizen of a Member State may apply for asylum in another Member State, once a reasoned proposal has been made by one third of the Member States, by the European Parliament or by the European Commission to determine a clear risk of a serious breach of the principles (pre-Lisbon) or values (post-Lisbon) of the Union by a Member State and before the Council has made its decision. Once the Council decides that the Member State has not committed a breach, the exception would not apply. According to the fourth exception, a Member State may decide unilaterally to handle the asylum application. Although the application shall be presumed unfounded, the ultimate decision on granting or refusing asylum would still be made by the Member State handling the asylum application.

2.4 Conclusion

In this chapter I have discussed the position of the Constitutional Treaty (2004) between the Treaty of Nice (2001) and the Treaty of Lisbon (2007) and analysed all the provisions in the Treaties that address the values of the Union. I have also

⁶⁹ Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14, Rome, 4.XI.1950, p. 5.

underlined various changes in the Treaties that have contributed to the evolution of the values of the Union as a concept over four editions of the consolidated versions of the Treaties.

3 Chapter Three: Observations and Predictions

3.1 Introduction

In this chapter I present the main findings of this study derived from the analysis of the provisions in the Treaties that address the values of the Union. The individual changes in each provision across the Treaties of Maastricht (1992), Amsterdam (1997), Nice (2001) and Lisbon (2007) may not seem that significant; nevertheless, the comparison of those provisions and the aggregate of all relevant modifications provided a solid base to make informed generalisations. Consequently, I have outlined a number of observations and predictions.

3.2 Observations and Predictions

There are five distinct tendencies regarding the values of the Union that I would like to highlight at this juncture, having compared the consolidated texts of the Treaties following the editions of Maastricht (1992), Amsterdam (1997), Nice (2001) and Lisbon (2007).

First, there are three separate sources of the values of the Union:

- 1) The original ‘principles of democracy’ that were expanded and eventually rebranded as ‘values’;
- 2) The undefined ‘common values’ of a common foreign and security policy in the Treaty of Maastricht (1992); and
- 3) ‘The shared values of the Union’, where ‘services of general economic interest’ occupy a particular place in the Treaty of Amsterdam (1997).

It was thanks to the breakthrough of the Treaty of Lisbon (2007) that the values, on which the Union is founded (Article 2 of the TEU), are understood as the same that it promotes as the first objective of the Union (Article 3 of the TEU) and of its institutions (Article 13 of the TEU); that the EU upholds, promotes and safeguards in its external action (Article 21 of the TEU); and that services of general economic interest cater for (Article 14 of the TFEU). Such a harmonisation of terminology across the Treaties is helpful for the coherence of the language used in various policy areas and bodies of the Union.

Furthermore, it brought the Treaties better in line with the principles of legislative technique that the European Parliament, the Council and the Commission have agreed upon in their Joint Practical Guide (2015):

‘The drafting of a legal act must be:

- *clear, easy to understand and unambiguous;*
- *simple and concise, avoiding unnecessary elements;*
- *precise, leaving no uncertainty in the mind of the reader’⁷⁰.*

By the start of the 21st century the European project was based on a patchwork of Treaties that had been drafted and amended at various times by many contributors, therefore the language of the Treaties had inevitably become inconsistent and fragmented within the three-pillar structure of the EU. Rosamond and Wincott (2006) explain the need for a treaty reform as follows: *‘Indeed, at one level the Constitutional Treaty, signed by the member states in October 2004, represents a simplification and rationalisation of the existing treaties together with an attempt to reorder the EU’s erstwhile ‘three pillar’*

⁷⁰ *Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of European Union legislation* (Publications Office of the European Union, 2015), p. 10.

*structure into a singular framework. While the text did offer a few innovations in the manner of all previous treaty revisions, much of the core matter found within the Constitutional Treaty – indeed much of its most vociferous critics latched on to – was already in situ well before the ratification debacle*⁷¹.

What the Constitutional Treaty (2004) failed to achieve, was accomplished with the Treaty of Lisbon (2007) and in addition to simplifying the workings of the EU, the language and terminology of the Treaties was harmonised. Although there are examples of general references to the values of the Union followed by references to individual values that may be considered redundant, at least there is no doubt to what the values of the Union are. Such repetition of individual values next to a direct or indirect reference to the values of the Union occurs in Article 13, Article 21 and Article 49 of the TEU.

Secondly, ‘the values of the Union’ or its variations are becoming an autonomous concept. They are mostly mentioned collectively without referring to Article 2 of the TEU. While the Treaty of Amsterdam (1997) referred to ‘principles mentioned in Article F(1)’ or ‘principles set out in Article F(1)’, in the Treaty of Lisbon (2007) ‘the values of the Union’, ‘Union’s values’ or ‘its values’ are more common. The change is not uniform, as in Article 7 of the TEU, Article 49 of the TEU and Protocol No 24 the old formulae persist and the values are presented alongside with reference to Article 2 of the TEU. Such specific reference style may be related to the subject matter of Article 7 of the TEU, Article 49 of the TEU and Protocol No 24, as they address the suspension of rights of a Member State, accession to the Union and asylum rights of the

⁷¹ Rosamond, Ben and Daniel Wincott. ‘Constitutionalism, European Integration and British Political Economy’, *British Journal of Politics & International Relations* (Vol. 8, Feb. 2006), p. 1.

citizens of the Union in the EU Member States. Nevertheless, the increasing use of possessive form, demonstrating that the values belong to the EU, might indicate a shift from contractual to constitutional language in the Treaties. The Union has assumed an identity with distinct characteristics, such as its values, and is less dependent on features attributed to it by the Member States.

Thirdly, the number of values mentioned in Article 2 of the TEU has increased compared to the predecessors of the provision and they have become more specific. They are seven after the Treaty of Lisbon (2007): respect for human dignity, freedom, democracy, equality, the rule of law, human rights and minority rights; and they are accompanied by seven qualities prevailing in the society of the Member States that include pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. Initially, the only descriptive quality in the Treaty of Maastricht (1992) was that the Member States' *'systems of government are founded on the principles of democracy'*⁷². According to the Treaties of Amsterdam (1997) and Nice (2001), the Union was founded on five principles that included liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. With the Treaty of Lisbon (2007) 'liberty' and 'respect for fundamental freedoms' were merged into 'freedom' and 'respect for human dignity', 'equality' and 'minority rights' were added. In Table 3 I have outlined the values of the Union in the order as they appeared in the Treaties.

⁷² OJ C 224, 31.8.1992, p. 6.

Table 3: Treaties and the values added

Treaty of Maastricht (1992)	Democracy
Treaty of Amsterdam (1997)	Liberty, respect for human rights and fundamental freedoms, the rule of law
Treaty of Nice (2001)	—
Treaty of Lisbon (2007)	Respect for human dignity, equality, rights of persons belonging to minorities (<i>liberty + respect for fundamental freedoms</i> = freedom)

Fourthly, the values of the Union have become a prominent element in the Treaties. The word ‘values’ alone has gone a long way from a single mention in relevant context in the Treaty of Maastricht (1992) to 15 explicit mentions following the Treaty of Lisbon (2007). The values of the Union are referred to in relation to the founding of the Union; its general objectives as well as its objectives *vis-à-vis* the wider world, especially in its neighbouring countries; its security and defence; its institutional framework and public services; national politics in its Member States; as well as its enlargement.

Previously, the founding principles of the EU were a part of the Article that also covered the respect of fundamental rights and national identities as well as provision of means to the Union. Following the Treaty of Lisbon (2007), Article 2 of the TEU is dedicated entirely to the values of the Union. What also adds to the prominence of the values of the Union, is the position of relevant provisions in the Treaties. Values have been moved ahead of the objectives of the Union, integrated to the top of these objectives as well as to the objectives of its institutions and its external action.

Fifthly, the values of the Union are guaranteed by sanctions. The Treaty of Amsterdam (1997) introduced a sanctioning mechanism for ‘serious and persistent’ breaches of the ‘principles’ of the Union by any of its Member States. Although the relevant procedures as well as the voting arrangements are such that the sanctioning mechanism would not be triggered easily, it is essential to have it backing an otherwise abstract concept. The Treaties have gone to great lengths to specify under which conditions a breach procedure would be launched against a Member State, which institutions are involved, which majorities should be reached, and so on. ‘Certain of the rights’ that may be suspended, have not been spelled out and such ambiguity may, in fact, serve as a deterrent.

Concerning the future of the values, it seems that their nature — enshrined as basic liberties — holds that they are never retracted, if ‘the veil of ignorance’ applies to the collective decision-making process of the EU and it is led by a sense of justice. Rawls (1999) explained the idea in his *magnum opus* ‘A Theory of Justice’ by posing that: *‘The idea of the original position is to set up a fair procedure so that any principles agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of theory. Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations’*⁷³.

It would seem that if one of the values of the Union were to be cast aside, it would be perceived as unjust by a large part of the society. Furthermore, as there

⁷³ Rawls, John. *A Theory of Justice. Revised Edition* (Harvard University Press, 1999), p. 118.

are many individual values, the exclusion of one would imply that any of them could go the same way, if the list is revised. Therefore, there is not much incentive to subtract any of the values. It is more likely that additional and probably more specific values could appear among the values of the Union.

The credibility of the values of the Union will be put to the test as a procedure of Article 7 of the TEU is launched for serious breach of the values of the Union by a Member State. The procedural requirements i.e. the qualified majorities in the European Parliament and in the European Council, are such that the procedure of Article 7 of the TEU is not likely to be abused. The outcome of votes on launching either the preventive or the sanctioning procedure under Article 7 of the TEU depends highly on the political climate and the balance of power in the European Parliament and in the European Council, therefore, the use of Article 7 of the TEU procedure will have to be calculated carefully. Article 7 of the TEU procedure is the sort of tool that is meant to be used only in emergency.

Nevertheless, observing the precise mechanics of a procedure of Article 7 of the TEU would be highly instructive from the triggering of the procedure to the treatment of asylum applications of the citizens of the Member State concerned in accordance with Protocol No 24. The application of the provisions of the Treaty of Lisbon (2007) has led to some institutional battles ‘to claim the virgin land’, as in the case of the delegated and implementing acts. Christiansen and Dobbels note that; *‘We have observed that implementing the new treaty provisions has been a protracted affair, which has raised new questions and has given rise to new informal arrangements. The Lisbon Treaty has changed much, but some of the old challenges of great complexity, lack of transparency and limited accountability still remain, ensuring that developments in this area will*

*remain dynamic*⁷⁴. By analogy, similar reasoning could apply to the provisions that have not been tested yet.

The precedents that will be created in launching the procedure of Article 7 of the TEU would also become a yardstick for what constitutes a serious breach of the values of the Union and what does not. It is likely that those precedents would eventually add modalities to the application of the values of the Union. I do not think that a definition of a ‘serious breach of the values of the Union’ would be introduced to the Treaties or to the Union legislation, as it would limit the discretion of the Union to act. I do find, however, that each precedent of the procedure of Article 7 of the TEU would denote the pain threshold of the EU at that particular point and that this pain threshold would be likely to change according to the circumstances.

3.3 Conclusion

In this chapter I presented five main observations on the basis of a comparative analysis of the provisions on the values of the Union in the consolidated versions of the Treaties concerning:

- 1) The sources of the values of the Union;
- 2) The autonomous nature of the concept of the values of the Union;
- 3) The increased number of the values of the Union;
- 4) The increased prominence of the values of the Union;
- 5) The guarantees of the values of the Union.

⁷⁴ Christiansen, Thomas and Mathias Dobbels. ‘Delegated Powers and Inter-Institutional Relations in the EU after Lisbon: A Normative Assessment’, *West European Politics* (Vol. 36, No. 6, 2013), p. 1174.

From the foregoing analysis, I arrive at the following predictions on the future of the values of the Union:

- 1) The values of the Union are not likely to be reverted due to their nature that is rooted in basic liberties.
- 2) The application of the values of the Union will depend on the precedents of the use of the procedure of Article 7 of the TEU.

The observations made in this study and presented in this chapter have also confirmed the validation of the hypothesis of this study.

Conclusions

In the preliminary chapter of this study, I provided an overview of some problems of conceiving the EU and proposed that the prism of the values of the Union could be used to explain what the EU stands for. I introduced the definition of the values of the Union as embodied by Article 2 of the TEU and suggested that studying the evolution of values in the Treaties will also enable an evaluation of their significance. Chapter Two opened with remarks on the Constitutional Treaty (2004), followed by provision-by-provision comparative analysis of the consolidated texts of the Treaties. In Chapter Three I outlined the main findings of the comparative analysis and made a number of projections. The objective of this study was also stated in the beginning of the analysis. A meticulous analysis of the values in the Treaties enabled me to determine whether the values of the Union can be used as defining characteristics of the EU.

Based on the comparative analysis of provisions relating to values in the consolidated texts of the Treaties, following the 1992 Treaty of Maastricht, the 1997 Treaty of Amsterdam, the 2001 Treaty of Nice and the 2007 Treaty of Lisbon, as well as on the observations, the hypothesis adopted for this study has been validated: *‘The values of the EU have evolved with each edition of the Treaties.’*

The main conclusions derived from the study that also supported the validation of the hypothesis of this work can be summarised as follows:

- There has been a consolidation of the values of the Union over the years;
- The values of the Union have become an autonomous concept;
- The values of the Union have developed to include a greater number of elements that are more specific;
- The values of the Union have become more prominent; and
- There are sanctions backing the values of the Union and preventing regression.

The research question that was adopted for this study was: ‘*How have the values of the EU evolved in the course of the four main treaties that characterise the evolution of the Union?*’

I wish to emphasise by way of conclusion that the process leading to the emergence of ‘the values of the Union’ resembles an evolutionary process. The changes in the Treaties have occurred gradually and have been linked to one another.

The Treaty of Maastricht (1992) laid down the provisions with few and far between mentions of the values, the Treaty of Amsterdam (1997) added to and improved upon them, the Treaty of Nice (2001) specified them and the Treaty of Lisbon (2007) truly reformed them. The general direction of the changes relating to the values has been clearly that of consistent upgrading. I was unable to find examples of the regression of values in the sequence of the four editions of the Treaties.

The position of values in the Treaties has evolved to the extent that the values of the Union may be used as a characteristic to define the EU. The President of the Commission Jean-Claude Juncker underlined the necessity for ‘*A Union of Values*’ in his State of the Union address on the 13th of September 2017 by stating that: ‘*For me, Europe is more than just a single market. More than money, more than a currency, more than the euro. It was always about values*’⁷⁵. Similarly, Bonelli (2017) entitled his book review on recent political developments in the EU as follows: ‘*From a Community of Law to a Union of Values: Hungary, Poland, and European Constitutionalism*’⁷⁶. The values of the Union have come a long way from a solitary mention in the Treaty of Maastricht (1992) to a definitive concept resulting from the Treaty of Lisbon (2007), spilling over to the discourse on the EU integration and maturing into ‘A Union of Values’.

I began this study with the Latin expression ‘*nomen est omen*’ that could be interpreted as a self-fulfilling prophesy: things become what they are called. A ‘principle’ is a neutral, detached term, while a ‘value’ has a distinct charge. A ‘value’ is something that is inherently appreciated, and that is held in high regard. Semantically it makes a lot of difference, whether to use the term ‘principles’ or ‘values of the Union’ in the Treaties for a set of characteristics. Moreover, the language of the Treaties that has been transmitted through the language of politicians and academics to the citizens of the Union is likely to

⁷⁵ European Commission, President Jean-Claude Juncker’s State of the Union Address 2017, Brussels, 13 September 2017.

⁷⁶ Bonelli, Matteo. *From a Community of Law to a Union of Values: Hungary, Poland, and European Constitutionalism* – A. von Bogdandy and P. Sonnevend (eds.), *Constitutional Crisis in the European Constitutional Area - Theory, Law and Politics in Hungary and Romania* (Hart Publishing 2015); C. Closa and D. Kochenov (eds.), *Reinforcing Rule of Law Oversight in the European Union* (Cambridge University Press 2016); A. Jakab and D. Kochenov (eds.), *The Enforcement of EU Law and Values - Ensuring Member States’ Compliance* (Oxford University Press 2017), *European Constitutional Law Review*, (Vol. 13, No. 4, 2017), pp. 793-816.

affect the way citizens perceive the Union and the way they conceptualise the EU.

With that in mind, I think it is important to know how the values of the Union came to be: what they were before, what they no longer constitute, what they are today, and also what they are not. With this understanding, it is easier to analyse and assess the political discourse of European actors such as the Union's institutions, the Member States of the EU, the political parties, the private sector, the media and the civil society, and notice whether they 'take the name in vain', when discussing the values of the Union. This knowledge is also useful for putting the trends in European politics into perspective and devising future policies.

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Annex – Tables of Comparison

The Tables of Comparison use the following marking, when read from left to right in chronological order:

‘Regular text’	text has not been deleted or modified with the subsequent Treaty
‘ Strikethrough ’	text has been deleted or modified with the subsequent Treaty
‘ <i>Bold italic</i> ’	text has been added or modified with the relevant Treaty
‘ <i>Bold italic strikethrough</i> ’	text has been added or modified with the relevant Treaty and deleted or modified with the subsequent Treaty
‘—’	provision does not apply to the relevant Treaty
‘(<i>Italic in brackets</i>)’	comments

Article 2 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article F	Article 6 (ex Article F)	Article 6	Article 2
1. The Union shall respect; the national identities of its Member States, whose systems of government are founded on the principles of democracy.	1. The Union is founded on the principles of <i>liberty</i> , democracy, <i>respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.</i>	4. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law; principles which are common to the Member States.	The Union is founded on the <i>values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.</i>
(Paragraphs 2 and 3 (Maastricht (1992)) and paragraphs 2, 3 and 4 (Amsterdam (1997), Nice (2001)) of this Article are compared to Article 6 (Lisbon (2007)) and are not reproduced here).			

Article 3 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article B	Article 2 (ex Article B)	Article 2	Article 3 (ex Article 2 TEU)
—	—	—	1. The Union's aim is to promote peace, its values and the well-being of its peoples.
—	—	—	2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.</i>
—	—	—	<p>3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.</p> <p>It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.</p> <p>It shall promote economic, social and territorial cohesion, and</p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>solidarity among Member States. It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.</i>
—	—	—	<i>4. The Union shall establish an economic and monetary union whose currency is the euro.</i>
—	—	—	<i>5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.</i>
—	—	—	<i>6. The Union shall pursue its</i>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.</i>
<p>The Union shall set itself the following objectives:</p> <ul style="list-style-type: none"> – to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty; – to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence; 	<p>The Union shall set itself the following objectives:</p> <ul style="list-style-type: none"> – to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty; – to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with 	<p>The Union shall set itself the following objectives:</p> <ul style="list-style-type: none"> – to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty, – to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with 	—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
<p>– to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;</p> <p>– to develop close cooperation on justice and home affairs;</p> <p>– to maintain in full the ‘acquis communautaire’² and build on it with a view to considering, through the procedure referred to in Article N(2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.</p> <p>The objectives of the Union shall be</p>	<p><i>the provisions of Article 17;</i></p> <p>– to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;</p> <p>– <i>to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;</i></p> <p>– to maintain in full the <i>acquis communautaire</i> and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.</p> <p>The objectives of the Union shall be</p>	<p>the provisions of Article 17;</p> <p>– to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;</p> <p>– to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;</p> <p>– to maintain in full the <i>acquis communautaire</i> and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.</p> <p>The objectives of the Union shall be</p>	

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 3b of the Treaty establishing the European Community.	achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community.	achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community.	

Article 6 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article F	Article 6 (ex Article F)	Article 6	Article 6 (ex Article 6 TEU)
(Paragraph 1 of this Article is compared to Article 2 (Lisbon (2007)) and not reproduced here).			<p>1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties. The rights, freedoms and principles in the Charter shall be</p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<p><i>interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.</i></p> <p>2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.</p>
<p>2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.</p>	<p>2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.</p>	<p>2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.</p>	<p>3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.</p>
—	<p>3. The Union shall respect the national identities</p>	<p>3. The Union shall respect the</p>	—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<i>of its Member States.</i>	national identities of its Member States.	
3. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.	4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.	4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.	—

Article 7 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
—	<i>Article 7 (ex Article F.1)</i>	Article 7	Article 7 (ex Article 7 TEU)
	—	1. <i>On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1), and address appropriate recommendations to that State. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may call on</i>	1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it , acting in accordance with the same procedure.

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
		<p><i>independent persons to submit within a reasonable time limit a report on the situation in the Member State in question.</i></p> <p><i>The Council shall regularly verify that the grounds on which such a determination was made continue to apply.</i></p>	<p>The Council shall regularly verify that the grounds on which such a determination was made continue to apply.</p>
	<p>1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of The Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.</p>	<p>2. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.</p>	<p>2. The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, after inviting the Member State in question to submit its observations.</p>
	<p>2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving</p>	<p>3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of</p>	<p>3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of</p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<p><i>from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</i></p> <p><i>The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.</i></p>	<p>the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</p> <p>The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.</p>	<p>the rights deriving from the application of <i>the Treaties</i> to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</p> <p>The obligations of the Member State in question under <i>the Treaties</i> shall in any case continue to be binding on that State.</p>
	<p>3. <i>The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 2 in response to changes in the situation which led to their being imposed.</i></p>	<p>4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.</p>	<p>4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.</p>
	<p>4. <i>For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question.</i></p>	<p>5. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question.</p>	<p>5. <i>The voting arrangements applying to the European Parliament, the European Council and the Council for the purposes of this Article are laid down in Article 354</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<i>Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 1. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community. This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 2.</i>	Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community. This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.	of the <i>Treaty on the Functioning of the European Union</i> .
	5. For the purposes of this Article, the European Parliament shall act by a two thirds majority of the votes cast, representing a majority of its members.	6. For the purposes of paragraphs 1 and 2, the European Parliament shall act by a two thirds majority of the votes cast, representing a majority of its Members.	—

Article 8 of the TEU

1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.
2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and

obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

Article 13 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article 4 (TEC)	Article 7 (ex Article 4)(TEC)	Article 7 (TEC)	Article 13
<p>1. The tasks entrusted to the Community shall be carried out by the following institutions:</p> <p>– a European Parliament,</p> <p>– a Council,</p> <p>– a Commission,</p> <p>– a Court of Justice,</p> <p>– a Court of Auditors.</p> <p>Each institution shall act within the limits of the powers conferred upon it by this Treaty.</p>	<p>1. The tasks entrusted to the Community shall be carried out by the following institutions:</p> <p>– a EUROPEAN PARLIAMENT,</p> <p>– a COUNCIL,</p> <p>– a COMMISSION,</p> <p>– a COURT OF JUSTICE,</p> <p>– a COURT OF AUDITORS.</p> <p>Each institution shall act within the limits of the powers conferred upon it by this Treaty.</p>	<p>1. The tasks entrusted to the Community shall be carried out by the following institutions:</p> <p>– a EUROPEAN PARLIAMENT,</p> <p>– a COUNCIL,</p> <p>– a COMMISSION,</p> <p>– a COURT OF JUSTICE,</p> <p>– a COURT OF AUDITORS.</p> <p>Each institution shall act within the limits of the powers conferred upon it by this Treaty.</p>	<p>1. <i>The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions. The Union's institutions shall be:</i></p> <p>– <i>the</i> European Parliament,</p> <p>– <i>the European Council,</i></p> <p>– <i>the</i> Council,</p> <p>– <i>the European Commission (hereinafter referred to as ‘the Commission’),</i></p> <p>– <i>the</i> Court of Justice <i>of the European Union,</i></p> <p>– <i>the European Central Bank,</i></p> <p>– <i>the</i> Court of Auditors.</p> <p>2. Each institution shall act within the limits of the powers conferred on it <i>in the Treaties,</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation.</i>
—	—	—	3. The provisions relating to the European Central Bank and the Court of Auditors and detailed provisions on the other institutions are set out in the Treaty on the Functioning of the European Union.
2. The Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.	2. The Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.	2. The Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.	4. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

Article 21 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article J.1	Article 11 (ex Article J.1) ⁷⁷	Article 11	Article 21 (ex Article 11 TEU)
—	—	—	1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation,

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Title restructured.

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<p><i>development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.</i></p>
<p>1. The Union and its Member States shall define and implement a common foreign and security policy; governed by the provisions of this Title and covering</p>	<p>1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy,</p>	<p>4. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy,</p>	

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
all areas of foreign and security policy-			
<p>2. The objectives of the common foreign and security policy shall be:</p> <p>– to safeguard the common values, fundamental interests and independence of the Union;</p> <p>– to strengthen the security of the Union and its Member States in all ways;</p> <p>– to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;</p>	<p><i>the objectives of which shall be:</i></p> <p>– to safeguard the common values, fundamental interests, independence <i>and integrity</i> of the Union <i>in conformity with the principles of the United Nations Charter</i>;</p> <p>– to strengthen the security of the Union in all ways;</p> <p>– to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, <i>including those on external borders</i>;</p>	<p>the objectives of which shall be:</p> <p>– to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;</p> <p>– to strengthen the security of the Union in all ways;</p> <p>– to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;</p>	<p>2. The Union shall define and <i>pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:</i></p> <p>(a) safeguard <i>its</i> values, fundamental interests, <i>security</i>, independence and integrity;</p> <p>(b) <i>consolidate and support democracy, the rule of law, human rights and the principles of international law</i>;</p> <p>(c) preserve peace, <i>prevent conflicts</i> and strengthen international security, in accordance with the <i>purposes and</i> principles of the United Nations Charter, <i>with</i> the principles of the Helsinki Final Act and <i>with the aims</i> of the Charter of Paris, including those</p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
<p>– to promote international cooperation;</p> <p>– to develop and consolidate</p>	<p>– to promote international cooperation;</p> <p>– to develop and consolidate</p>	<p>– to promote international cooperation;</p> <p>– to develop and consolidate</p>	<p>relating to external borders;</p> <p><i>(d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;</i></p> <p><i>(e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;</i></p> <p><i>(f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;</i></p> <p><i>(g) assist populations, countries and regions confronting natural or man-made disasters; and</i></p> <p><i>(h) promote an international system based on stronger multilateral cooperation and good global governance.</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
democracy and the rule of law, and respect for human rights and fundamental freedoms.	democracy and the rule of law, and respect for human rights and fundamental freedoms.	democracy and the rule of law, and respect for human rights and fundamental freedoms.	
3. The Union shall pursue these objectives: —by establishing systematic cooperation between Member States in the conduct of policy, in accordance with Article J.2; —by gradually implementing, in accordance with Article J.3, joint action in the areas in which the Member States have important interests in common.	—	—	3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union's external action covered by this Title and by Part Five of the Treaty on the Functioning of the European Union, and of the external aspects of its other policies. The Union shall ensure consistency between the different areas of its external action and between these and its other policies.
4. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to	2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to	2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to	

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.	the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.	the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.	The Council <i>and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy</i> , shall ensure that <i>consistency and shall cooperate to that effect.</i>

Article 32 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article J.2	<i>Article 16</i> (ex Article J.6) ⁷⁸	Article 16	<i>Article 32</i> (ex Article 16 TEU)
4. Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action.	Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that <i>the Union's</i> influence is exerted as effectively as possible by means of concerted and convergent action.	Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action.	Member States shall consult one another within <i>the European Council and</i> the Council on any matter of foreign and security policy of general interest in order to <i>determine a common approach. Before undertaking any action on the international scene or entering into any</i>

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Title restructured.

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
2. Whenever it deems it necessary, the Council shall define a common position. Member States shall ensure that their national policies conform to the common positions.	Replaced, in substance, by Article 15 of the TEU ⁷⁹ (ex Article J.5 of the TEU).		<i>commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity. When the European Council or the Council has defined a common approach of the Union within the meaning of the first paragraph, the High Representative of the Union for Foreign Affairs and Security Policy and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council. The diplomatic missions of the Member States and</i>
3. Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the common positions in such fora. In international organizations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.	Replaced by Article 19 paragraph 1 of the TEU ⁸⁰ (ex Article J.9 of the TEU).		

⁷⁹ Article 15 of the TEU: ‘The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common positions.’

⁸⁰ Article 19 paragraph 1 of the TEU: ‘Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora.
In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.’

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach.</i>

Article 42 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article J.4	Article 17 (<i>ex Article J.7</i>) ⁸¹	Article 17	Article 42 (<i>ex Article 17 TEU</i>)
—	—	—	1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided

⁸¹

Title restructured.

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>by the Member States.</i>
1. The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.	1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, <i>in accordance with the second subparagraph,</i> which might lead to a common defence, <i>should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.</i>	1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.	2. The common <i>security and defence</i> policy shall include the progressive framing of a common Union defence policy. <i>This will</i> lead to a common defence, <i>when</i> the European Council, <i>acting unanimously, so decides.</i> It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.
2. The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications. The Council shall, in agreement with the institutions of the WEU, adopt the necessary practical arrangements.	The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional		

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<i>relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.</i>		
3. Issues having defence implications dealt with under this Article shall not be subject to the procedures set out in Article J.3.			
4. The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.	The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, <i>which see their common defence realised in the North Atlantic Treaty Organisation (NATO)</i> , under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.	The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.	The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<i>The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.</i>	The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.	
—	<i>2. Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making.</i>	2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.	—
	<i>3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications. The competence of the European Council to establish guidelines in accordance with Article 13 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU. When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in</i>		—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<p>paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision taking in the WEU.</p> <p>Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.</p>	<p>3. Decisions having defence implications dealt with under this Article shall be taken without prejudice to the policies and obligations referred to in paragraph 1, second subparagraph.</p>	
<p>5. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not</p>	<p>4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not</p>	<p>4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union (WEU) and NATO, provided such cooperation</p>	—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
run counter to or impede that provided for in this Title.	run counter to or impede that provided for in this Title.	does not run counter to or impede that provided for in this title.	
<p>6. With a view to furthering the objective of this Treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty, the provisions of this Article may be revised as provided for in Article N(2) on the basis of a report to be presented in 1996 by the Council to the European Council, which shall include an evaluation of the progress made and the experience gained until then.</p>	<p>5. With a view to furthering the objectives of this <i>Article</i>, the provisions of this Article <i>will</i> be <i>reviewed in accordance with</i> Article 48.</p>	<p>5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48.</p>	—
—	—	—	<p>3. <i>Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<p><i>Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as ‘the European Defence Agency’) shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.</i></p>
—	—	—	<p><i>4. Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate.</i>
—	—	—	<i>5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44.</i>
—	—	—	<i>6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such</i>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.</i>
—	—	—	<p><i>7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.</i></p> <p><i>Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.</i></p>

Article 49 of the TEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article O	Article 49 (ex Article O)	Article 49	Article 49 (ex Article 49 TEU)
Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.	Any European State <i>which respects the principles set out in Article 6(1)</i> may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.	Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.	Any European State which respects the <i>values referred to in Article 2 and is committed to promoting them</i> may apply to become a member of the Union. <i>The European Parliament and national Parliaments shall be notified of this application. The applicant State</i> shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the <i>consent</i> of the European Parliament, which shall act by a majority of its component members. <i>The conditions of eligibility agreed upon by the European Council shall be taken into account.</i>
The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement	The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement	The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement	The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
between the Member States and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements.	between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.	between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.	between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements

Article 14 of the TFEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
—	Article 16 (ex Article 7d)	Article 16	Article 14 (ex Article 16 TEC)
	<i>Without prejudice to Articles 73, 86 and 87, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions.</i>	Without prejudice to Articles 73, 86 and 87 , and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty , shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions.	Without prejudice to Article 4 of the Treaty on European Union or to Articles 93, 106 and 107 of this Treaty , and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Treaties , shall take care that such services operate on the basis of principles and conditions, particularly economic and

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>financial conditions</i> , which enable them to fulfil their missions. <i>The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Treaties, to provide, to commission and to fund such services.</i>

Article 238 of the TFEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
Article 148	<i>Article 205</i> (ex Article 148)	Article 205	<i>Article 238</i> (ex Article 205(1) and (2), TEC)
1. Save as otherwise provided in this Treaty, the Council shall act by a majority of its members.	1. Save as otherwise provided in this Treaty, the Council shall act by a majority of its members.	1. Save as otherwise provided in this Treaty, the Council shall act by a majority of its Members.	1. <i>Where it is required to act by a simple majority</i> , the Council shall act by a majority of its <i>component</i> members.
—	—	—	2. <i>By way of derogation from Article 16(4) of the Treaty on European Union, as from 1 November 2014 and subject to the provisions laid down in the</i>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>Protocol on transitional provisions, where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, the qualified majority shall be defined as at least 72 % of the members of the Council, representing Member States comprising at least 65 % of the population of the Union.</i>
2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:	2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:	2. Where the Council is required to act by a qualified majority, the votes of its Members shall be weighted as follows:	<i>3. As from 1 November 2014 and subject to the provisions laid down in the Protocol on transitional provisions, in cases where, under the Treaties, not all the members of the Council participate in voting, a qualified majority shall be defined as follows: (a) A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the</i>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<p><i>population of these States. A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained</i></p> <p><i>(b) By way of derogation from point (a), where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, the qualified majority shall be defined as at least 72 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.</i></p>
Belgium 5	Belgium 5	Belgium 12	
		Bulgaria 12 ⁸²	
		Czech Republic 12	
Denmark 3	Denmark 3	Denmark 7	
Germany 10	Germany 10	Germany 29	
		Estonia 4	
Greece 5	Greece 5	Greece 12	
Spain 8	Spain 8	Spain 27	
France 10	France 10	France 29	

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
<p>Ireland 3 Italy 10</p> <p>Luxembourg 2</p> <p>Netherlands 5</p> <p>Portugal 5</p> <p>United Kingdom 10</p> <p>For their adoption, acts of the Council shall require at least:</p> <p>– fifty-four votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,</p> <p>– fifty-four votes in favour, cast by at least eight members, in other cases.</p>	<p>Ireland 3 Italy 10</p> <p>Luxembourg 2</p> <p>Netherlands 5 <i>Austria 4</i></p> <p>Portugal 5</p> <p><i>Finland 3</i> <i>Sweden 4</i></p> <p>United Kingdom 10.</p> <p>For their adoption, acts of the Council shall require at least:</p> <p>– 62 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission;</p> <p>– 62 votes in favour, cast by at least 10 members, in other cases.</p>	<p>Ireland 7 Italy 29 Cyprus 4 Latvia 4 Lithuania 7 Luxembourg 4 Hungary 12 Malta 3 Netherlands 13 Austria 10 Poland 27 Portugal 12 Romania 14⁸³ Slovenia 4 Slovakia 7 Finland 7 Sweden 10 United Kingdom 29</p> <p><i>Acts of the Council shall require for their adoption at least 232 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.</i></p> <p><i>In other cases, for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two thirds of the members.</i></p>	<p>(replaced, in substance, by Article 16(4) TEU⁸⁴).</p>

⁸³ As amended by the 2003 Act of Accession.

⁸⁴ Article 16 paragraph 4 of the TEU: ‘As from 1 November 2014, a qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union. A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained. The other arrangements governing the qualified majority are laid down in Article 238(2) of the Treaty on the Functioning of the European Union.’

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
3. Abstentions by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.	3. Abstentions by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.	3. Abstentions by Members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.	4. Abstentions by Members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.
—	—	4. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.	—

Article 354 of the TFEU

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
—	Article 309 (ex Article 236)	Article 309	Article 354 (ex Article 309 TEC)
	—	—	For the purposes of Article 7 of the Treaty on European Union on the suspension of certain rights resulting from Union membership, the member of the European Council or of the Council

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<p><i>representing the Member State in question shall not take part in the vote and the Member State in question shall not be counted in the calculation of the one third or four fifths of Member States referred to in paragraphs 1 and 2 of that Article. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2 of that Article. For the adoption of the decisions referred to in paragraphs 3 and 4 of Article 7 of the Treaty on European Union, a qualified majority shall be defined in accordance with Article 238(3)(b) of this Treaty. Where, following a decision to suspend voting rights adopted pursuant to paragraph 3 of Article 7 of the Treaty on European Union, the Council acts by a qualified majority on the basis of a provision of the Treaties, that qualified majority shall be defined in accordance with</i></p>

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
			<i>Article 238(3)(b) of this Treaty, or, where the Council acts on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 238(3)(a). For the purposes of Article 7 of the Treaty on European Union, the European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component Members.</i>
	<i>1. Where a decision has been taken to suspend the voting rights of the representative of the government of a Member State in accordance with Article 7(2) of the Treaty on European Union, these voting rights shall also be suspended with regard to this Treaty.</i>	1. Where a decision has been taken to suspend the voting rights of the representative of the government of a Member State in accordance with Article 7(2) of the Treaty on European Union, these voting rights shall also be suspended with regard to this Treaty.	—
	<i>2. Moreover, where the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1) of the Treaty on European</i>	2. Moreover, where the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1) of the Treaty on European Union has been	—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<p><i>Union has been determined in accordance with Article 7(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</i></p> <p><i>The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.</i></p>	<p>determined in accordance with Article 7(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</p> <p>The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.</p>	
	<p><i>3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken in accordance with paragraph 2 in response to changes in the situation which led to their being imposed.</i></p>	<p>3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken in accordance with paragraph 2 in response to changes in the situation which led to their being imposed.</p>	—
	<p><i>4. When taking decisions referred to in paragraphs 2 and 3, the Council shall act without taking into account the votes of the</i></p>	<p>4. When taking decisions referred to in paragraphs 2 and 3, the Council shall act without taking into account the votes of the</p>	—

Maastricht (1992)	Amsterdam (1997)	Nice (2001)	Lisbon (2007)
	<p><i>representative of the government of the Member State in question. By way of derogation from Article 205(2) a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2). This paragraph shall also apply in the event of voting rights being suspended in accordance with paragraph 1. In such cases, a decision requiring unanimity shall be taken without the vote of the representative of the government of the Member State in question.</i></p>	<p>representative of the government of the Member State in question. By way of derogation from Article 205(2) a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2). This paragraph shall also apply in the event of voting rights being suspended in accordance with paragraph 1. In such cases, a decision requiring unanimity shall be taken without the vote of the representative of the government of the Member State in question.</p>	

Protocol No 24 on asylum for nationals of Member States of the European Union

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
—	<i>Protocol on asylum for nationals of Member States of the European Union</i>	Protocol (No 29) on asylum for nationals of Member States of the European Union ((1997))	PROTOCOL (No 24) ON ASYLUM FOR NATIONALS OF MEMBER STATES OF THE EUROPEAN UNION
—	<i>THE HIGH CONTRACTING PARTIES,</i>	THE HIGH CONTRACTING PARTIES;	THE HIGH CONTRACTING PARTIES,
—	—	—	<i>WHEREAS, in accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights,</i>
—	<i>WHEREAS pursuant to the provisions of Article 6(2) of the Treaty on European Union the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;</i>	WHEREAS pursuant to the provisions of Article 6(2) of the Treaty on European Union the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;	WHEREAS pursuant to Article 6(3) of the Treaty on European Union, fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, <i>constitute part of the Union's law as general principles,</i>
—	<i>WHEREAS the Court of Justice of the European</i>	WHEREAS the Court of Justice of the European	WHEREAS the Court of Justice of the European Union

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The text of the Protocol was not reproduced in the consolidated version, therefore, the references to provisions in the Treaties have not been renumbered.

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
	<i>Communities has jurisdiction to ensure that in the interpretation and application of Article F(2) of the Treaty on European Union the law is observed by the European Community;</i>	Communities has jurisdiction to ensure that in the interpretation and application of Article 6 (2) of the Treaty on European Union the law is observed by the European Community ;	has jurisdiction to ensure that in the interpretation and application of Article 6, <i>paragraphs (1) and (3)</i> of the Treaty on European Union the law is observed by the European <i>Union,</i>
	<i>WHEREAS pursuant to Article Ø of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the principles set out in Article F(1) of the Treaty on European Union;</i>	WHEREAS pursuant to Article 49 of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the principles set out in Article 6 (1) of the Treaty on European Union;	WHEREAS pursuant to Article 49 of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the <i>values</i> set out in Article 2 of the Treaty on European Union,
	<i>BEARING IN MIND that Article 236 of the Treaty establishing the European Community establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those principles;</i>	BEARING IN MIND that Article 309 of the Treaty establishing the European Community establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those principles ;	BEARING IN MIND that Article 7 of the <i>Treaty on European Union</i> establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those <i>values,</i>
	<i>RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member</i>	RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in	RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
	<i>States in accordance with the provisions of Part Two of the Treaty establishing the European Community;</i>	accordance with the provisions of Part Two of the Treaty establishing the European Community ;	accordance with the provisions of Part Two of the <i>Treaty on the Functioning of the European Union</i> ,
	<i>BEARING IN MIND that the Treaty establishing the European Community establishes an area without internal frontiers and grants every citizen of the Union the right to move and reside freely within the territory of the Member States;</i>	BEARING IN MIND that the Treaty establishing the European Community establishes an area without internal frontiers and grants every citizen of the Union the right to move and reside freely within the territory of the Member States;	BEARING IN MIND that the <i>Treaties establish</i> an area without internal frontiers and grant every citizen of the Union the right to move and reside freely within the territory of the Member States,
	<i>RECALLING that the question of extradition of nationals of Member States of the Union is addressed in the European Convention on Extradition of 13 December 1957 and the Convention of 27 September 1996 drawn up on the basis of Article K.3 of the Treaty on European Union relating to extradition between the Member States of the European Union;</i>	RECALLING that the question of extradition of nationals of Member States of the Union is addressed in the European Convention on Extradition of 13 December 1957 and the Convention of 27 September 1996 drawn up on the basis of Article 31 of the Treaty on European Union relating to extradition between the Member States of the European Union;	—
	<i>WISHING to prevent the institution of asylum being resorted to for</i>	WISHING to prevent the institution of asylum being resorted to for purposes alien to	WISHING to prevent the institution of asylum being resorted to for purposes alien to

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
	<i>purposes alien to those for which it is intended;</i>	those for which it is intended;	those for which it is intended,
	<i>WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees;</i>	WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees;	WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees,
	<i>HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community,</i>	HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community,	HAVE AGREED UPON the following provisions, which shall be annexed to the <i>Treaty on European Union and to the Treaty on the Functioning of the European Union:</i>
	<i>Sole Article</i>	Sole Article	Sole Article
	<i>Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member</i>	Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:	Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
	<p><i>State only in the following cases:</i></p> <p>(a) <i>if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;</i></p> <p>(b) <i>if the procedure referred to in Article F-1(1) of the Treaty on European Union has been initiated and until the Council takes a decision in respect thereof;</i></p> <p>(c) <i>if the Council, acting on the basis of Article F-1(1) of the Treaty on European Union, has determined, in respect of the Member State which the applicant</i></p>	<p>(a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;</p> <p>(b) if the procedure referred to in Article 7(1) of the Treaty on European Union has been initiated and until the Council takes a decision in respect thereof;</p> <p>(c) if the Council, acting on the basis of Article 7(1) of the Treaty on European Union, has determined, in respect of the Member State which the applicant is a</p>	<p>(a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;</p> <p>(b) if the procedure referred to in Article 7(1) of the Treaty on European Union has been initiated and until the Council, or, where appropriate, the European Council, takes a decision in respect thereof with regard to the Member State of which the applicant is a national;</p> <p>(c) if the Council has adopted a decision in accordance with Article 7(1) of the Treaty on European Union in respect of the Member State of which the applicant is a national or if the</p>

Maastricht (1992)	Amsterdam (1997) ⁸⁵	Nice (2001)	Lisbon (2007)
	<p><i>is a national, the existence of a serious and persistent breach by that Member State of principles mentioned in Article F(1);</i></p> <p><i>(d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision making power of the Member State.</i></p>	<p>national, the existence of a serious and persistent breach by that Member State of principles mentioned in Article 6(1);</p> <p>(d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State.</p>	<p><i>European Council has adopted a decision in accordance with Article 7(2) of that Treaty in respect of the Member State of which the applicant is a national;</i></p> <p>(d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State.</p>

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament.