

京都大学法科大学院・公共政策大学院

2017年度後期

EU法【担当：濱本正太郎】

2017年10月3日講義資料

署名／発効	基本法（一次法）をなす「条約」の名称
1951/1952	ヨーロッパ石炭鉄鋼共同体設立条約（2002年終了）
1952/----	ヨーロッパ防衛共同体設立条約
1957/1958	ローマ条約（ヨーロッパ経済共同体設立条約＋ヨーロッパ原子力共同体設立条約）
1965/1967	「合併条約」
1971/1972	イギリス・デンマーク・アイルランド（・ノルウェー）加盟協定
1976/1976	欧州議会直接選挙議定書
1979/1981	ギリシャ加盟協定
1985/1986	スペイン・ポルトガル加盟協定
1986/1987	欧州単一議定書
1991/1992	マーストリヒト条約（欧州連合に関する条約）
1994/1995	フィンランド・オーストリア・スウェーデン加盟協定
1997/1999	アムステルダム条約
2001/2003	ニース条約
2003/2004	キプロス・ハンガリー・ポーランド・チェコ・スロヴァキア・スロヴェニア・エストニア・ラトヴィア・リトアニア・マルタ加盟協定
2004/----	憲法条約
2005/2007	ブルガリア・ルーマニア加盟協定
2007/2009	リスボン条約
2012/2013	クロアチア加盟協定

Council of Europe Conseil de l'Europe

THE COUNCIL OF EUROPE IN BRIEF

ROLE

■ The Council of Europe works with its 47 member states to strengthen human rights, democracy and the rule of law throughout the continent and beyond.

” Did you know?

The Council of Europe has 47 member states, with a total population of more than 820 million people.

■ It has successfully developed a rights protection system, the best-known mechanism of which is the European Court of Human Rights. The Court was established under the European Convention on Human Rights which has been ratified by all the member states of the Council of Europe.

■ The Court oversees the implementation of the Convention in the 47 member states. Individuals can bring complaints of human rights violations to the Strasbourg Court once all possibilities of appeal have been exhausted in the member state concerned.

■ The abolition of the death penalty is among the Council of Europe's greatest achievements. Capital punishment has not been used in any of its 47 member states since 1997.

HISTORY

■ The Council of Europe pioneered the European integration process. It was set up in 1949, in the wake of the Second World War, to ensure the political reconstruction of Europe based on a set of fundamental values, the loss of which had brought the continent to its knees.

<<https://edoc.coe.int/en/an-overview/6966-the-council-of-europe-an-overview.html>>

Do not get confused



Council of Europe




European Council

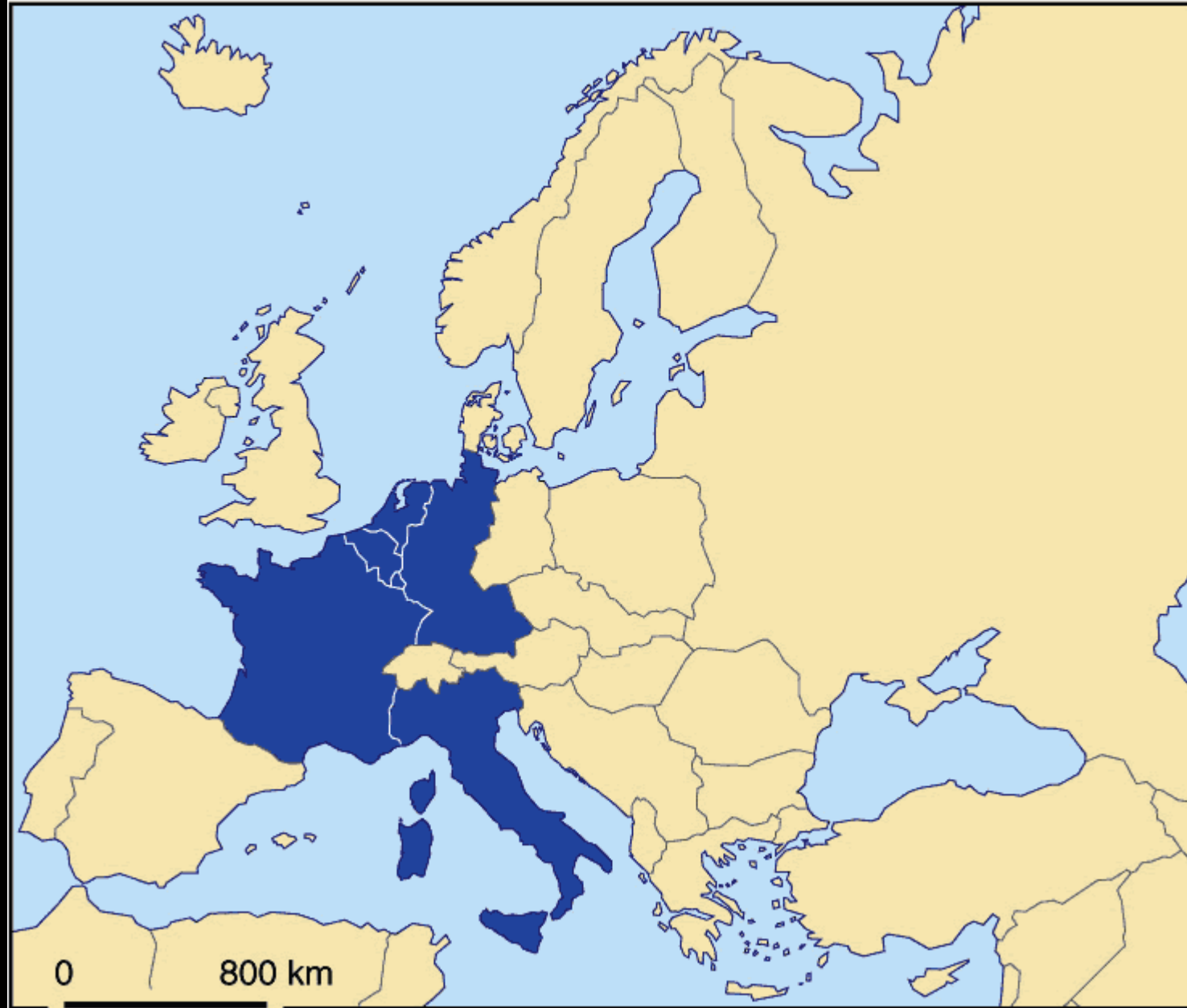


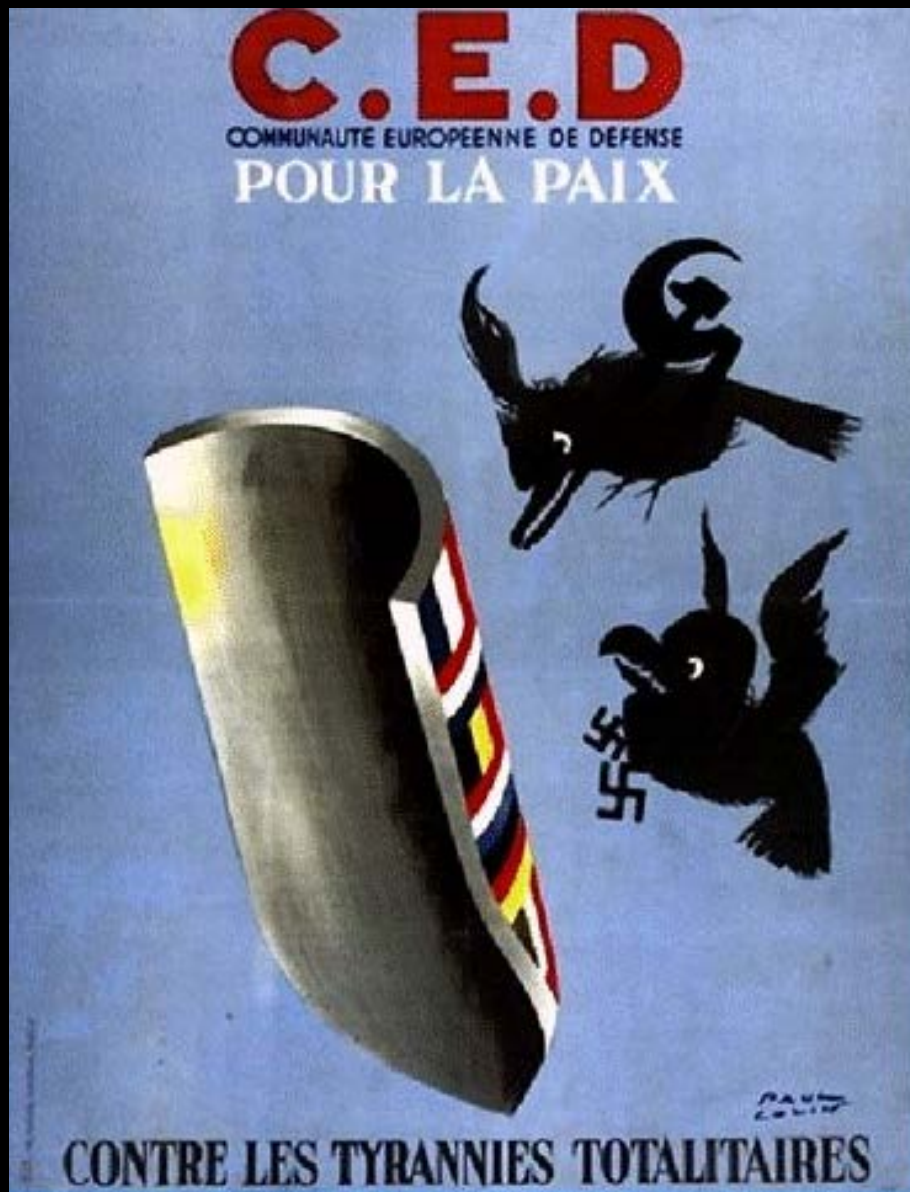
European Union (EU)

209	Third Additional Protocol to the European Convention on Extradition	10/11/2010	01/05/2012	E.	N.	
210	Council of Europe Convention on preventing and combating violence against women and domestic violence	11/05/2011	01/08/2014	E.	N.	U.
211	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	28/10/2011	01/01/2016	E.	N.	U.
212	Fourth Additional Protocol to the European Convention on Extradition	20/09/2012	01/06/2014	E.	N.	
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	24/06/2013				U.
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	02/10/2013				U.
215	Council of Europe Convention on the Manipulation of Sports Competitions	18/09/2014		E.	N.	U.
216	Council of Europe Convention against Trafficking in Human Organs	25/03/2015		E.	N.	U.
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	22/10/2015	01/07/2017	E.	N.	U.
218	Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	03/07/2016	01/11/2017	E.	N.	
219	Protocol amending the European Landscape Convention	01/08/2016		E.		
220	Council of Europe Convention on Cinematographic Co-Production (revised)	30/01/2017	01/10/2017	E.	N.	U.
221	Council of Europe Convention on Offences relating to Cultural Property	19/05/2017		E.	N.	

La Communauté Européenne du Charbon et de l'Acier (CECA) en 1951

 Pays membres





<http://www.cndp.fr/>



<http://les-yeux-du-monde.fr/>

Jeune Européen

La Communauté Européenne...

C'est-à-dire...

SUPERFICIE	1.165.000 Km ²
NOMBRE D'HABITANTS	165 millions
PARC AUTOMOBILE	7 millions

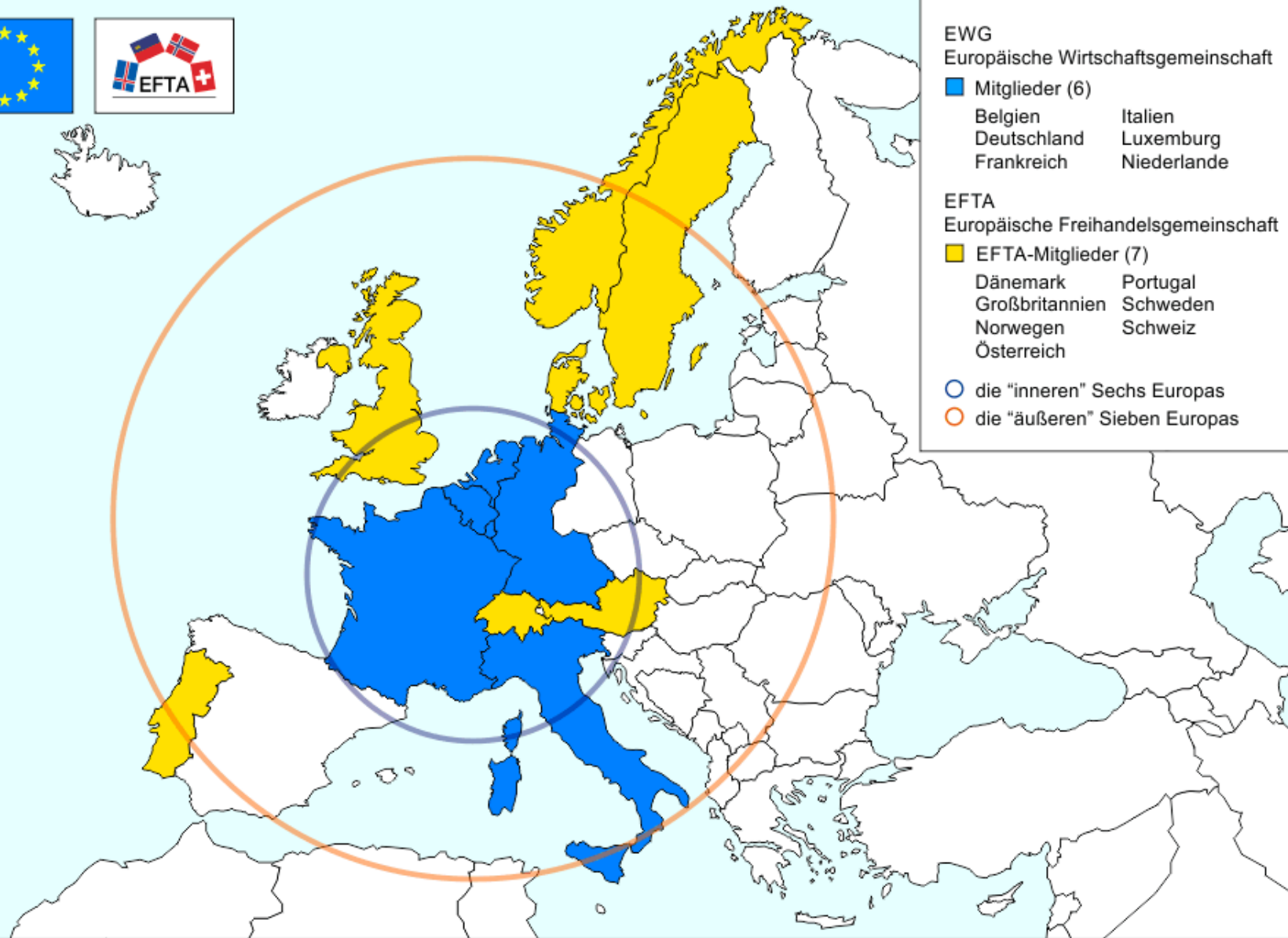
PRODUCTION DE :	CÉRÉALES	460 millions de quintaux
	ACIER	40 millions de tonnes
	CHARBON	250 millions de tonnes
	ELECTRICITÉ	200 milliards Kwh



...prépare pour toi un avenir meilleur



CRP-Infotec



EWG
Europäische Wirtschaftsgemeinschaft

■ Mitglieder (6)

Belgien	Italien
Deutschland	Luxemburg
Frankreich	Niederlande

EFTA
Europäische Freihandelsgemeinschaft

■ EFTA-Mitglieder (7)

Dänemark	Portugal
Großbritannien	Schweden
Norwegen	Schweiz
Österreich	

○ die "inneren" Sechs Europas

○ die "äußeren" Sieben Europas

Stand: 01.07.1960

EWG und EFTA im Jahr 1960

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<<https://crp-infotec.de/>>

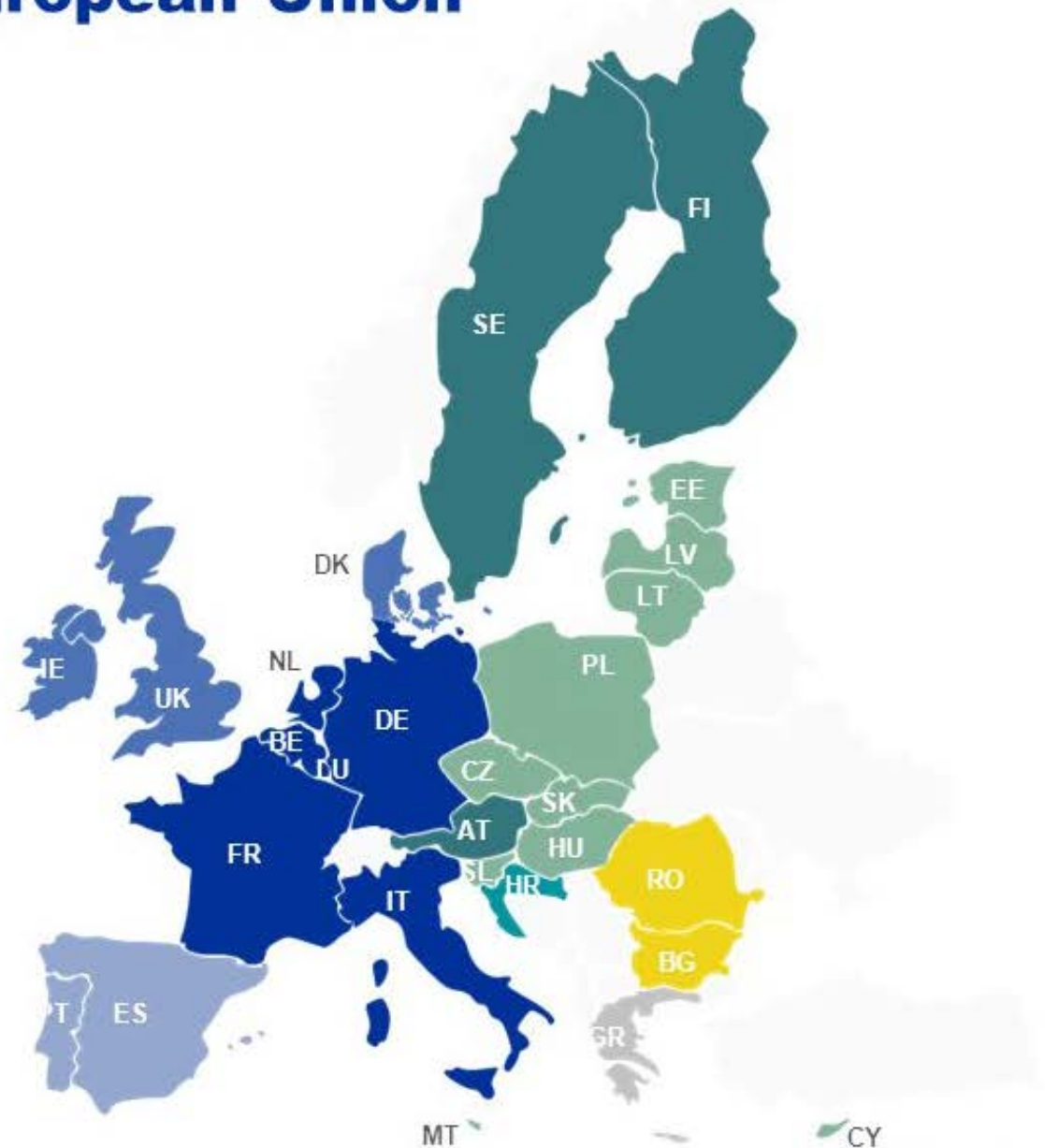
1973



<http://www.bbc.com/>

Enlargement of the European Union

1952	Belgium	2004	Czech Rep.
■	Germany	■	Estonia
	France		Cyprus
	Italy		Latvia
	Luxembourg		Lithuania
	Netherlands		Hungary
			Malta
1973	Denmark		Poland
■	Ireland		Slovenia
	United Kingdom		Slovakia
1981	Greece	2007	Bulgaria
■		■	Romania
1986	Spain	2013	Croatia
■	Portugal	■	
1995	Austria		
■	Finland		
	Sweden		



EEC設立条約



(加盟条約による修正)



欧州単一議定書による修正



マーストリヒト条約による修正

EC設立条約に改称



アムステルダム条約による修正



ニース条約による修正



リスボン条約による修正

TFEUに改称

マーストリヒト条約による**EU条約**創設



アムステルダム条約による修正



ニース条約による修正



リスボン条約による修正

TREATY OF LISBON

AMENDING THE TREATY ON EUROPEAN UNION AND THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Article 2

The Treaty establishing the European Community shall be amended in accordance with the provisions of this Article.

- 1) The title of the Treaty shall be replaced by ‘Treaty on the Functioning of the European Union’.

CONSOLIDATED VERSIONS

OF THE TREATY ON EUROPEAN UNION

AND

THE TREATY ON THE FUNCTIONING

OF THE EUROPEAN UNION

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 appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
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.

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.

It shall promote economic, social and territorial cohesion, and 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.

4. The Union shall establish an economic and monetary union whose currency is the euro.

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.

6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.

CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION

PREAMBLE

TITLE I COMMON PROVISIONS

TITLE II PROVISIONS ON DEMOCRATIC PRINCIPLES

TITLE III PROVISIONS ON THE INSTITUTIONS

TITLE IV PROVISIONS ON ENHANCED COOPERATION

TITLE V GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND
SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY
POLICY

Chapter 1 General provisions on the Union's external action

Chapter 2 Specific provisions on the common foreign and security policy

Section 1 Common provisions

Section 2 Provisions on the common security and defence policy

TITLE VI FINAL PROVISIONS

CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

PREAMBLE

PART ONE PRINCIPLES

PART TWO NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION

PART THREE UNION POLICIES AND INTERNAL ACTIONS

PART FOUR ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES

PART FIVE THE UNION'S EXTERNAL ACTION

PART SIX INSTITUTIONAL AND FINANCIAL PROVISIONS

PART SEVEN GENERAL AND FINAL PROVISIONS

Article 13

1. 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:

- the European Parliament,
- the European Council,
- the Council,
- the European Commission (hereinafter referred to as 'the Commission'),
- the Court of Justice of the European Union,
- the European Central Bank,
- the Court of Auditors.

Article 16

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Treaties.

Article 17

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

Article 19

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.

Article 288

(ex Article 249 TEC)

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force.

TFEU. これ以外の条文はTEU.

Article 9

In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

Article 10

1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament.

Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.
4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.

Article 6

(ex Article 6 TEU)

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 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.

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.

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.