

京都大学法科大学院・公共政策大学院

2022年度後期

EU法【担当：濱本正太郎】

2022年10月4日講義資料

この資料は濱本ウェブサイトでダウンロードできます。

<http://www.hamamoto.law.kyoto-u.ac.jp>

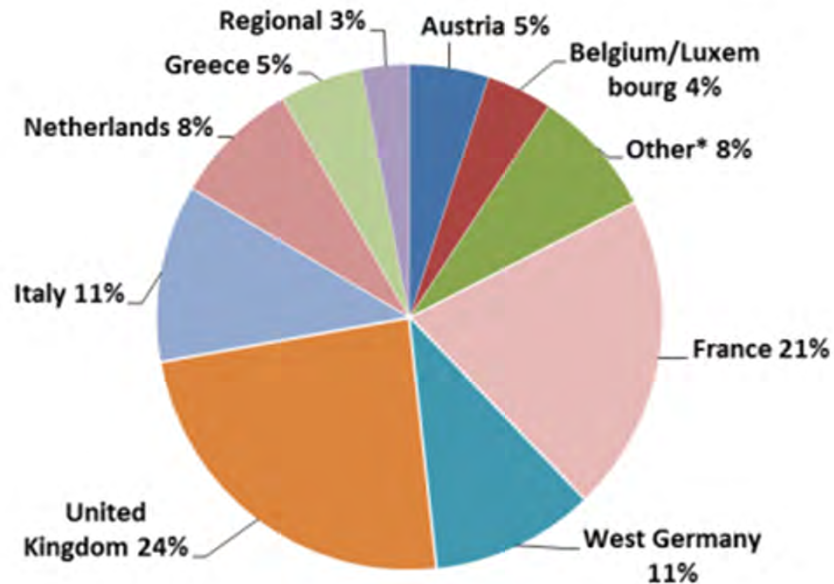
第二次世界大戦後

- 仏 独の復興阻止
- 米 反共防波堤としての独
西欧諸国の共産化阻止
- ベネルクス3国
貿易相手国としての独
- 英
大陸との距離・米との「特別な関係」



Under the Marshall Plan, between 1948 and 1951, the United States provided \$13.3 billion (\$150 billion in 2017 dollars) in assistance to 16 European countries ([Figure 1](#)). The 1949 appropriation alone represented roughly 12% of the U.S. federal budget.

Figure 1. Country Allocations of Marshall Plan Aid



Source: U.S. Agency for International Development, November 16, 1971.

Note: Other* = Denmark, Iceland, Ireland, Norway, Portugal, Sweden, Turkey.

戦争で破壊され、荒廃した西欧の経済社会を復興し、共産主義を封じ込め、西欧諸国の崩壊を防ぐことがアメリカにとって必須の戦略的課題であった。寒さと飢え、失業者と難民であふれた欧州の救済のためアメリカは1947年に緊急援助を実施したあと、48年から52年にかけて116億ドルを贈与の形で、18億ドルを借款の形で、西欧に供給した。

——上川孝夫・矢後和彦(編)『国際金融史』(有斐閣、2007年)115頁。

A brief history

The forerunner of the OECD was the Organisation for European Economic Co-operation (OEEC), which was formed to administer American and Canadian aid under the Marshall Plan for the reconstruction of Europe after World War II.

The Convention transforming the OEEC into the OECD was signed at the Chateau de la Muette in Paris on 14 December 1960 and entered into force on 30 September 1961.

この受け皿として欧州経済協力機構(OEEC)が設立された。ソ連・東欧圏と切り離されるなかで西欧の国際分業関係を再編成し、域内の貿易自由化を進め、加盟各国に硬貨圏との貿易に必要な希少なドルを割り当て、節約を図り、多角的決済制度を構築した。こうしたアメリカの援助や、朝鮮戦争の影響もあって西欧諸国や日本はめざましい経済復興をとげた。

——上川孝夫・矢後和彦(編)『国際金融史』(有斐閣、2007年)115-116頁(一部省略)。

Congrès de l'Europe de La Haye (1948)





COUNCIL OF EUROPE

The Council of Europe in brief

Who we are

What we do

Our history

Our member States

How to distinguish us

Videos

Official logo

Visits

You are here: COE en bref

Who we are



These builders of Europe were the people who launched the process of European construction by founding the Council of Europe in 1949



See videos about us



PRACTICAL INFOS

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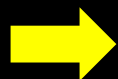
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イギリス案



フランス案



→ ↺ ↻ 🔒 https://www.coe.int/en/web/about-us/structure

Structure

Secretary General



The Secretary General is elected by the Parliamentary Assembly for a five-year term at the head of the Organisation. She is responsible for the strategic planning and direction of the Council's work programme and budget. She leads and represents the Organisation.

[Visit Secretary General Website](#)



The Deputy Secretary General is also elected for a five-year term by the Parliamentary Assembly, in an election separate to the one held for the Secretary General.

[Visit Deputy Secretary General Website](#)

Committee of Ministers



This is the Council's decision-making body and is made up of the ministers of foreign affairs of each member state or their permanent diplomatic representatives in Strasbourg. The Committee of Ministers decides Council of Europe policy and approves its budget and programme of activities.

[Visit Committee of Ministers Website](#)

Parliamentary Assembly (PACE)



The Parliamentary Assembly consists of 324 members of parliament from the 47 member states; the Assembly elects the Secretary General, the Human Rights Commissioner and the judges to the European Court of Human Rights; it provides a democratic forum for debate and monitors elections; its committees play an important role in examining current issues.

[Visit Parliamentary Assembly Website](#)



The Council of Europe
ABOUT US

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? Did you know?
Eurimages, set up in 1988, is the first European cinema support fund.

PRACTICAL INFOS

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Achievements



Abolition of the death penalty

The Council of Europe played a pioneering role in the struggle for the abolition of capital punishment, which it regards as having no place in democratic societies. In April 1983 it adopted Protocol No. 6 to the European Convention on Human Rights abolishing the death penalty, followed in May 2002 by Protocol No. 13 on

abolition in all circumstances.

The Council of Europe has made abolition of the death penalty a precondition for accession. No executions have been carried out in any of the Organisation's 47 member states since 1997.

[European Day against the Death Penalty](#)



Strengthening of human rights

Every country which joins the Council of Europe agrees to be subject to independent monitoring mechanisms which assess its compliance with human rights and democratic practices.

One example is the Council of Europe's Committee for the Prevention of Torture, which regularly makes unannounced visits to places of detention in the 47 member states (prisons, police stations, holding centres for foreign nationals) in order to evaluate the way in which people deprived of their liberty are treated.

For its part, the European Committee of Social Rights verifies that the rights to housing, health, education, employment and freedom of movement guaranteed by the European Social Charter are implemented by the countries concerned.

Another example is the Group of States against Corruption (Greco), which identifies deficiencies in national anti-corruption policies and encourages states to carry out the necessary legislative, institutional or administrative reforms. Its evaluation is based on the relevant Council of Europe conventions.



? Did you know?

In 1964, the Committee of Ministers of the Council of Europe declared 5 May [Europe Day](#).

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COUNCIL OF EUROPE

The Council of Europe in brief

Who we are

What we do ▾

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Our member States ▾

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Official logo ▾

Visits ▾

You are here: COE en bref

Who we are



Council of Europe Conseil de l'Europe

The Council of Europe is the continent's leading human rights organisation.



The Council of Europe
ABOUT US



See videos about us ➔

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You are here: [Conventions](#)

Complete list of the Council of Europe's treaties

No.	Title	Opening of the treaty	Entry into Force	E.	N.	U.
224	Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence	12/05/2022		E.	N.	
223	Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223)	10/10/2018		E.	N.	
222	Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 222)	22/11/2017		E.	N.	
221	Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221)	19/05/2017	01/04/2022	E.	N.	
220	Council of Europe Convention on Cinematographic Co-Production (revised) (CETS No. 220)	30/01/2017	01/10/2017	E.	N.	U.

013	European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors (ETS No. 013)	11/12/1953	01/07/1954	E.	N.	
012A	Protocol to the European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors (ETS No. 012A)	11/12/1953	01/10/1954	E.	N.	
012	European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors (ETS No. 012)	11/12/1953	01/07/1954	E.	N.	
010	Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 010)	06/11/1952	11/07/1956			
009	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 009)	20/03/1952	18/05/1954			
005	Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005)	04/11/1950	03/09/1953			U.
002	General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 002)	02/09/1949	10/09/1952			
001	Statute of the Council of Europe (ETS No. 001)	05/05/1949	03/08/1949			

You are here: [Portal](#)

War in Ukraine, Covid-19 and climate change key challenges for national minorities

ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (FCNM) | STRASBOURG | 27 SEPTEMBER 2022

National minorities in Europe faced multiple threats during the past two years, says a new report...

[See all news](#)

MORE NEWS



Minority Languages promotion in Switzerland backed by expert report



Ireland must step up its fight against human trafficking



Migration and Refugees : Poland fact-finding mission

Following the [decision](#) of the Committee of Ministers on 16 March 2022 the Russian Federation is no longer a member of the Council of Europe. This website is therefore being updated. Translation of new content into Russian has been discontinued.



European Court of Human Rights

Cour européenne des droits de l'homme

Council of Europe | Search HUDOC

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[Information visits](#)

Due to the interruption of the international postal services to and from the Russian Federation and where the only means of delivery of the Court's decisions and judgments to the applicants is by post, the Court has exceptionally decided to notify the applicants about decisions and judgments adopted by its Chamber and Committee judicial formations after 1 March 2022 in respect of applications against the Russian Federation only via its [HUDOC database](#).

Chamber hearing concerning Poland



27/09/2022

The Court held a Chamber hearing in the case of **Pietrzak v. Poland and Bychawska-Siniarska and Others v. Poland**.

The case concerns the compatibility of the national legislation authorising secret surveillance by the police and intelligence services in respect of communications, and data collection about those communications ("metadata"), regarding the right to respect for private and family life and the right to an effective

[remedy](#).

[Press release](#)
[Webcast of the hearing](#)
[Factsheet: Mass surveillance](#) [Country profile - Poland](#)

Decisions

Inadmissibility decision concerning Romania

29/09/2022



The Court has declared inadmissible the application in the case of **Năstase v. Romania**. ...

Other Information

Third-party intervention requests in an inter-State case

23/09/2022

Twenty-three Governments and one non-governmental organisation have requested leave to intervene as third parties in the proceedings concerning the inter-State case ...

Treaty list for a specific State

> State or International Organisation:  Japan

> Status as of 30/09/2022

No.	Title	Opening of the treaty	Entry into Force	E.	N.	U.
224	Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence	12/05/2022		E.	N.	
	Signature: 12/05/2022					
221	Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221)	19/05/2017	01/04/2022	E.	N.	
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)	22/10/2015	01/07/2017	E.	N.	U.
216	Council of Europe Convention against Trafficking in Human Organs (CETS No. 216)	25/03/2015	01/03/2018	E.	N.	U.
215	Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215)	18/09/2014	01/09/2019	E.	N.	U.
211	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)	28/10/2011	01/01/2016	E.	N.	U.
210	Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)	11/05/2011	01/08/2014	E.	N.	U.
208	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (CETS No. 208)	27/05/2010	01/06/2011	E.	N.	
	Signature: 03/11/2011 Ratification: 28/06/2013 Entry in force: 01/10/2013					
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes (CETS No. 203)	27/11/2008	01/07/2018	E.	N.	U.
201	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)	25/10/2007	01/07/2010	E.	N.	U.
200	Council of Europe Convention on the avoidance of statelessness in relation to State succession (CETS No. 200)	19/05/2006	01/05/2009	E.	N.	
198	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)	16/05/2005	01/05/2008	E.	N.	U.
197	Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)	16/05/2005	01/02/2008	E.	N.	U.

196	Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)	16/05/2005	01/06/2007	E.	N.	U.
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (CETS No. 195)	25/01/2005	01/09/2007	E.	N.	U.
189	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189)	28/01/2003	01/03/2006	E.	N.	
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin (ETS No. 186)	24/01/2002	01/05/2006	E.	N.	U.
185	Convention on Cybercrime (ETS No. 185)	23/11/2001	01/07/2004	E.	N.	
	Signature: 23/11/2001 Ratification: 03/07/2012 Entry in force: 01/11/2012					
180	Convention on Information and Legal Co-operation concerning "Information Society Services" (ETS No. 180)	04/10/2001		E.	N.	U.
174	Civil Law Convention on Corruption (ETS No. 174)	04/11/1999	01/11/2003	E.	N.	U.
173	Criminal Law Convention on Corruption (ETS No. 173)	27/01/1999	01/07/2002	E.	N.	U.
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings (ETS No. 168)	12/01/1998	01/03/2001	E.	N.	U.
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167)	18/12/1997	01/06/2000	E.	N.	
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164)	04/04/1997	01/12/1999	E.	N.	U.
127	Convention on Mutual Administrative Assistance in Tax Matters (ETS No. 127)	25/01/1988	01/04/1995	E.	N.	
	Signature: 03/11/2011 Ratification: 28/06/2013 Entry in force: 01/10/2013					
112	Convention on the Transfer of Sentenced Persons (ETS No. 112)	21/03/1983	01/07/1985	E.	N.	
	Ratification: 17/02/2003 Entry in force: 01/06/2003					

26 treaties found

平成十六年二月

サイバー犯罪に関する条約の説明書

外務省

一 概説

1 条約の成立経緯

(1) 情報技術分野の急速な発達、コンピュータ・ネットワークの発展によつて、世界中で電子メールの幅広い利用、インターネットを通じて各種サイトへのアクセス、電子商取引等が可能となった。このような情報技術の発展は、社会の一層の発展のための大いなる可能性を秘めているが、一方で、コンピュータ・システムを攻撃するような犯罪及びコンピュータ・システムを利用して行われる犯罪（いわゆるサイバー犯罪）が出現するようになった。

(2) サイバー犯罪は、犯罪行為の結果が国境を越えて広範な影響を及ぼし得るという特質を備えていることから、その防止及び抑制のために国際的に協調して有効な手段をとる必要性が高く、そのために法的拘束力のある国際文書の作成が必要であるとの認識が欧州評議会において共有されるようになった。

(3) このような状況の下、欧州評議会において、サイバー犯罪を取り扱う専門家会合が設置され、平成九年（千九百九十七年）以降、同会合においてこの条約の作成作業が行われてきた。その結果、平成十三年（二千一年）九月に行われた欧州評議会閣僚委員会代理会合においてこの条約の案文について合意が成立し、同年十一月八日に行われた欧州評議会閣僚委員会会合において正式に採択された。

(4) この条約の署名式典は、平成十三年（二千一年）十一月二十三日にハンガリーのブダペストにおいて開催され、我が国は、この条約に署名した。

Do not get confused



Council of Europe



European Council

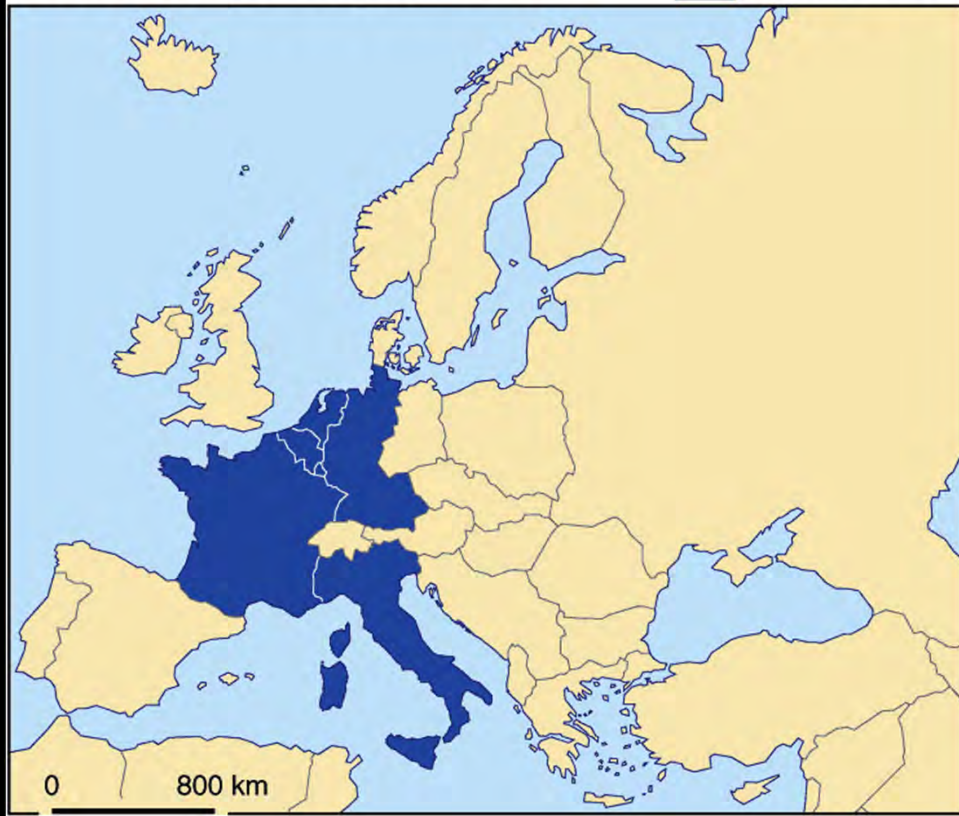


European Union (EU)

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

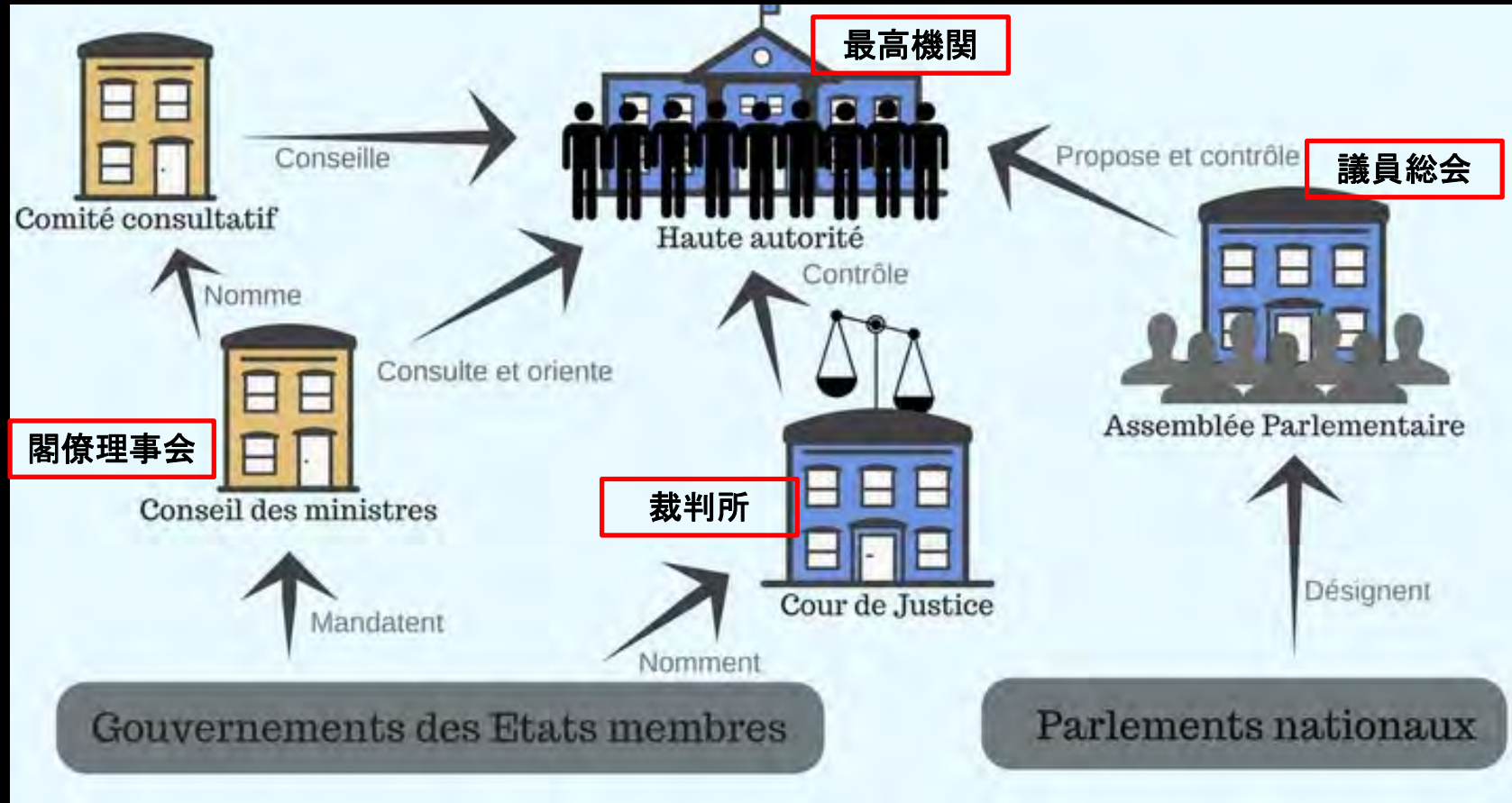


Pays membres



- 仏 西独の石炭を利用し、鉄鋼業の近代化を図る
- 西独 仏と対等な立場で国際社会へ復帰
- 伊 産業界は抵抗も「外圧」による合理化への期待
- Benelux 仏独支配に抵抗あるも、経済的に選択の余地なく、安全保障面からも仏独協力は望ましい
- 英 超国家的統合には反対

石炭鉄鋼共同体の機構的構造



<https://www.touteurope.eu/histoire/qu-est-ce-que-la-ceca/>

ARTICLE 9

La Haute Autorité est composée de neuf membres nommés pour six ans et choisis en raison de leur compétence générale.

ECSC設立条約9条1段

最高機関は、その全般的能力に基づき選ばれ、6年の任期を有する9名の委員により構成される。

ARTICLE 10

Les Gouvernements des États membres nomment d'un commun accord huit membres. Ceux-ci procèdent à la nomination du neuvième membre, qui est élu s'il recueille au moins cinq voix.

10条1段

構成国政府は、合意により8名の委員を選任する。その8名の委員は9人目の委員を選任する。そのためには少なくとも5名の委員が賛成することを必要とする。

ARTICLE 14

Pour l'exécution des missions qui lui sont confiées et dans les conditions prévues au présent Traité, la Haute Autorité prend des décisions, formule des recommandations ou émet des avis.

Les décisions sont obligatoires en tous leurs éléments.

Les recommandations comportent obligation dans les buts qu'elles assignent, mais laissent à ceux qui en sont l'objet le choix des moyens propres à atteindre ces buts.

Les avis ne lient pas.

14条

最高機関は、本条約により与えられた任務を本条約に定められた条件の下で遂行するため、決定をなし、勧告を行い、意見を表明する。

決定は、そのすべての要素において義務的である。

勧告は、それが達成しようとする目的に関して義務的であるものの、その対象となっている者に対し、当該目的を達成するための手段の選択を委ねる。

意見は、非拘束的である。

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
2020/2020	イギリス脱退協定

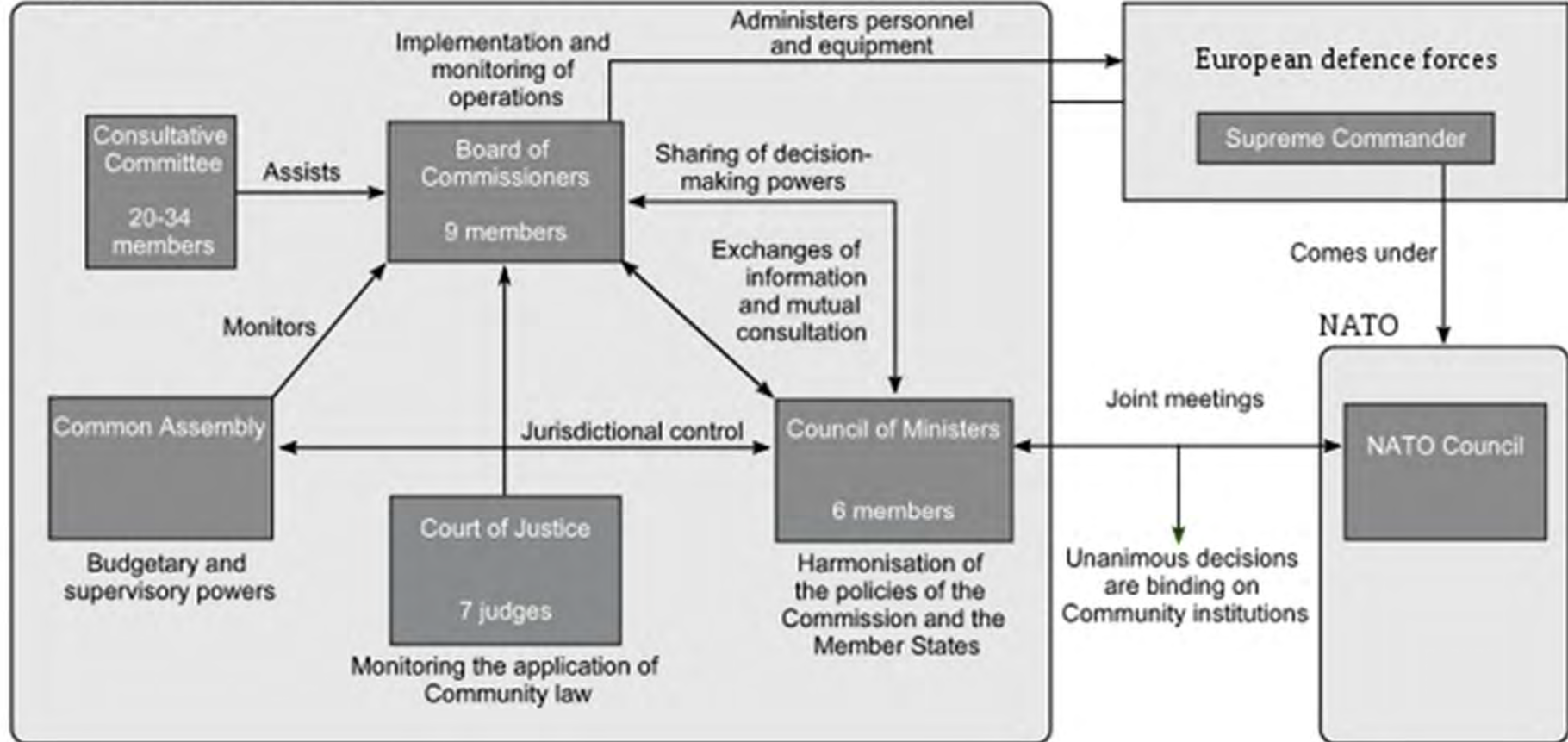


<http://www.cndp.fr/>



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

European Defence Community



COMITÉ INTERGOUVERNEMENTAL
CRÉÉ PAR LA CONFÉRENCE DE MESSINE

RAPPORT
DES CHEFS DE DÉLÉGATION
AUX
MINISTRES DES AFFAIRES ETRANGÈRES

Bruxelles, 21 avril 1956

SECRÉTARIAT

いわゆる「スパーク報告書」
Spaakはベルギー外務大臣

AVANT-PROPOS

Entre les Etats-Unis qui, presque dans chaque domaine, assurent à eux seuls la moitié de la production mondiale, et les pays qui, sous un régime collectiviste s'étendant au tiers de la population du globe, augmentent leur production au rythme de 10 ou de 15 % par an, l'Europe, qui avait autrefois le monopole des industries de transformation et tirait d'importantes ressources de ses possessions d'outre-mer, voit aujourd'hui ses positions extérieures s'affaiblir, son influence décliner, sa capacité de progrès se perdre dans ses divisions.

まえがき

およそあらゆる分野において全世界生産量の半分を占めるアメリカ合衆国と、世界人口の3分の1を占め10%から15%の勢いで成長を続ける共産主義諸国との間で、かつて革新的産業を独占し、海外領土から膨大な資源を取り込んでいたヨーロッパは、今日、その対外的立場は弱体化し、影響力は低下し、内部での分断の故に進歩の可能性も失っている。



<http://martial.berthot.free.fr/>

- Benelux 拡大しつつある6か国間通商を制度化したい
- 仏 核エネルギー共同開発への期待、スエズ危機を経て米への「従属」からの脱却の必要性
- 独 制度化への経済的利益、ザール問題解決を経て仏との関係改善
- 伊 経済的利益への期待、「外圧」による国内改革

議会 Assembly→Parliament

間接選挙 → 直接選挙

当初は立法過程に意見を述べるのみ

委員会 Commission

数名(当初は9名)の委員＝閣僚級

立法提案

法の実施

理事会 Council

国家代表

政策決定

法案採択

裁判所 Court

数名(当初は7名)の裁判官

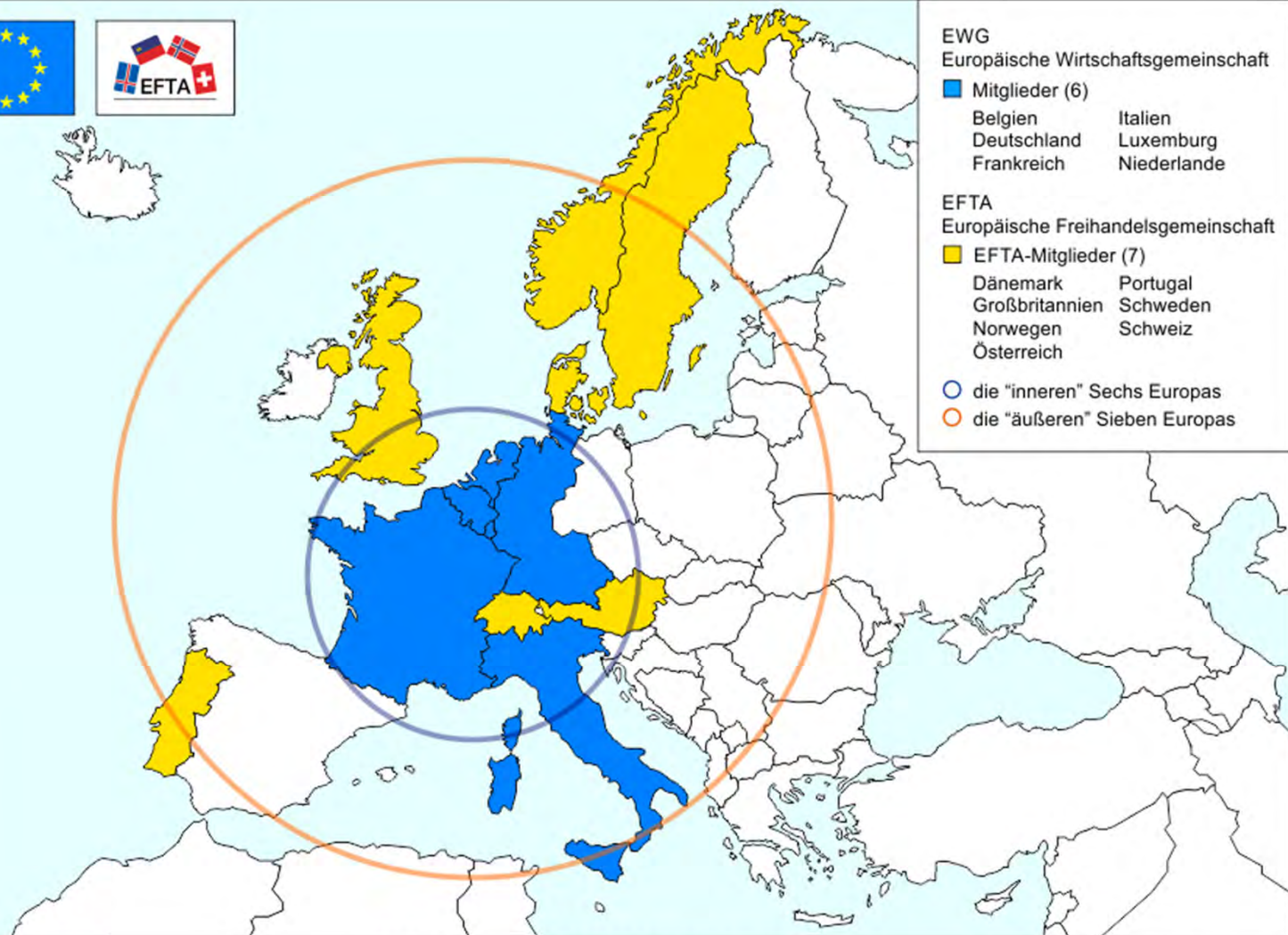
数名(当初は2名)のavocat général

法の適用

「違憲立法審査」



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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(TEU)**

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



Message to XML notice users: Changes in the XML notice will happen by the end of October 2022 at the earliest. IT systems using the XML notice need to be adapted.

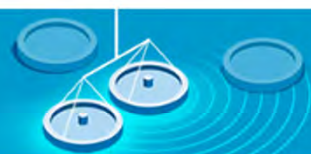
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European care strategy



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TREATY

establishing

T H E E U R O P E A N E C O N O M I C
C O M M U N I T Y

EEC設立条約の英訳

ARTICLE 1

By this Treaty, the High Contracting Parties establish among themselves a EUROPEAN ECONOMIC COMMUNITY.

ARTICLE 2

The Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it.

Official Journal

of the European Communities

ISSN 0378-6986

C 191

Volume 35

29 July 1992

Treaty on European Union, signed at Maastricht on 7 February 1992

TITLE I	— Common provisions	4
TITLE II	— Provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community	5
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TITLE V	— Provisions on a common foreign and security policy	58
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TITLE I

COMMON PROVISIONS

Article A

By this Treaty, the High Contracting Parties establish among themselves a European Union, hereinafter called 'the Union'.

Article B

The Union shall set itself the following objectives:

- 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;

- 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;
- to develop close cooperation on justice and home affairs;
- to maintain in full the 'acquis communautaire' 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.

TITLE II

PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY WITH A VIEW TO ESTABLISHING THE EUROPEAN COMMUNITY

Article G

The Treaty establishing the European Economic Community shall be amended in accordance with the provisions of this Article, in order to establish a European Community.

A. Throughout the Treaty:

- 1) The term 'European Economic Community' shall be replaced by the term 'European Community'.

B. In Part One 'Principles':

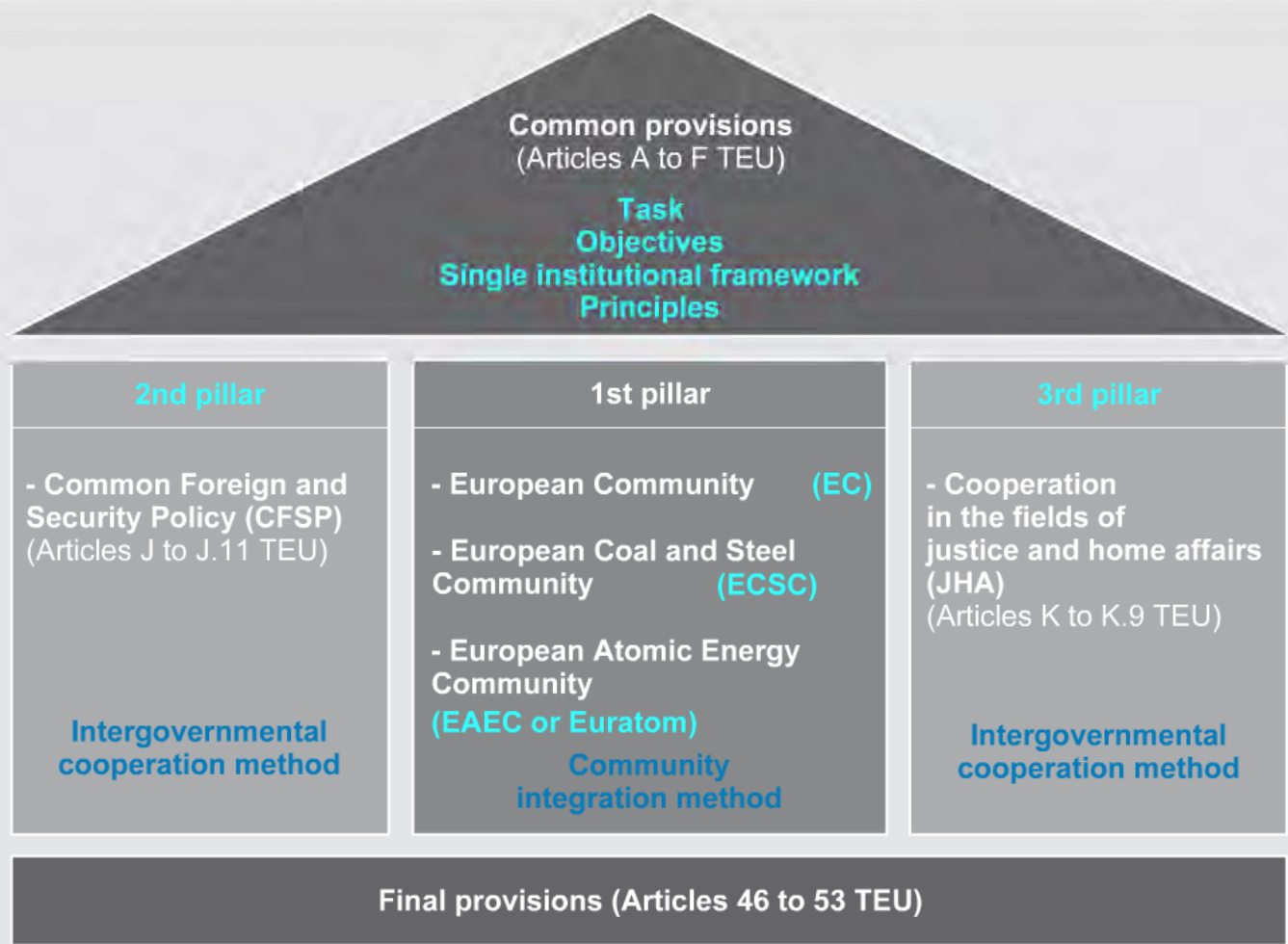
- 2) Article 2 shall be replaced by the following:

'Article 2

The Community shall have as its task, by establishing a common market and an economic and monetary union and by implementing the common policies or activities referred to in Articles 3 and 3a, to promote throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.'

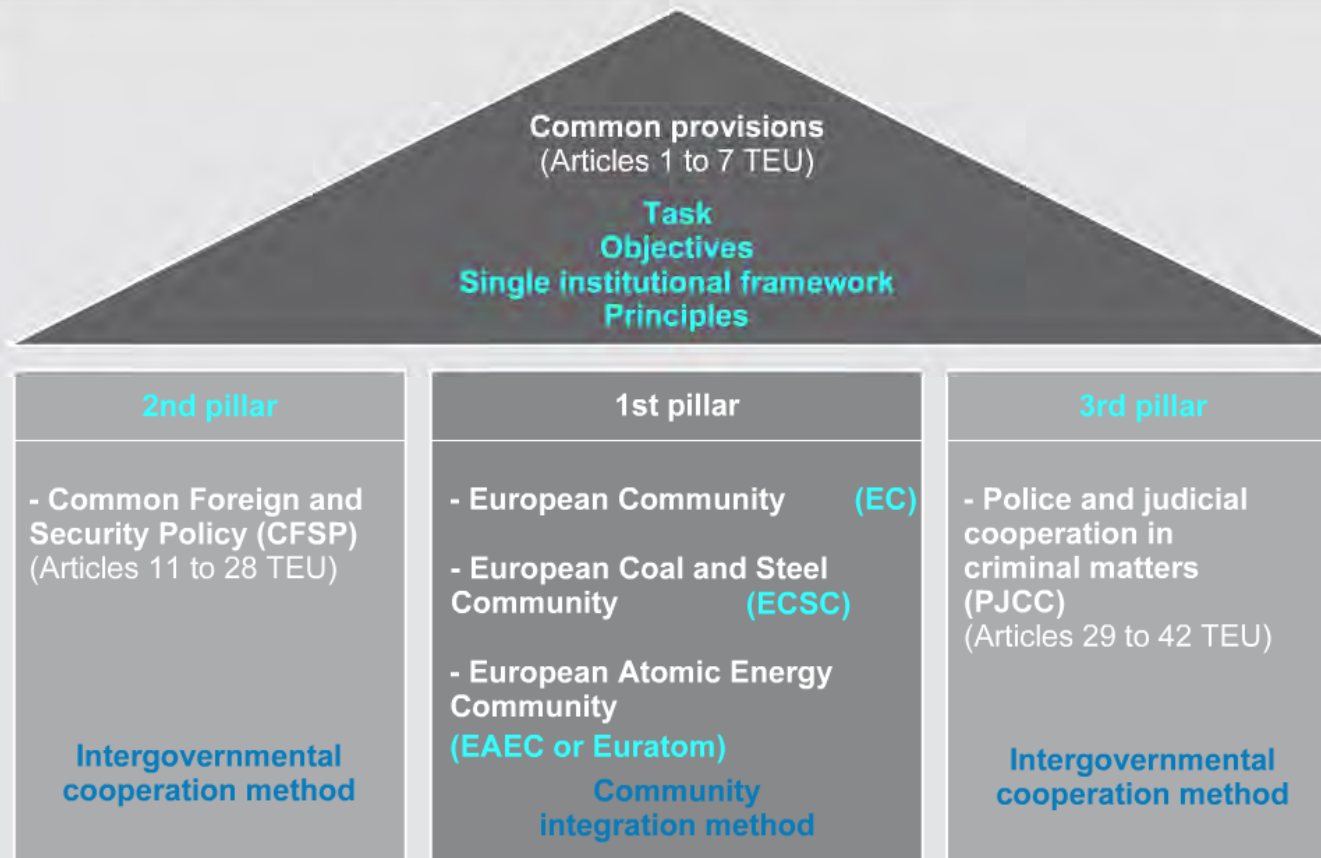
The three pillars of the European Union

Treaty on European Union (Maastricht, 7 February 1992)



The three pillars of the European Union

Treaty on European Union (Amsterdam, 2 October 1997)



Provisions on closer cooperation (Articles 43 to 45 TEU)
Final provisions (Articles 46 to 53 TEU)

The three pillars of the European Union

Treaty on European Union (Nice, 26 February 2001)



Common provisions
(Articles 1 to 7 TEU)

Task
Objectives
Single institutional framework
Principles

2nd pillar

- **Common Foreign and Security Policy (CFSP)**
(Articles 11 to 28 TEU)

Intergovernmental cooperation method

1st pillar

- **European Community (EC)**

- **European Atomic Energy Community (EAEC or Euratom)**

Community integration method

3rd pillar

- **Police and judicial cooperation in criminal matters (PJCC)**
(Articles 29 to 42 TEU)

Intergovernmental cooperation method

Provisions on closer cooperation (Articles 43 to 45 TEU)
Final provisions (Articles 46 to 53 TEU)

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

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

Article 2

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. 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.

リスボン条約で追加(憲法条約に含まれていた)

- TEU 49条 加入条件
- TEU 7条 除名の可能性

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.

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.

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 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.