

京都大学法科大学院・公共政策大学院

2024年度後期

EU法【担当：濱本正太郎】

2024年10月1日講義資料

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

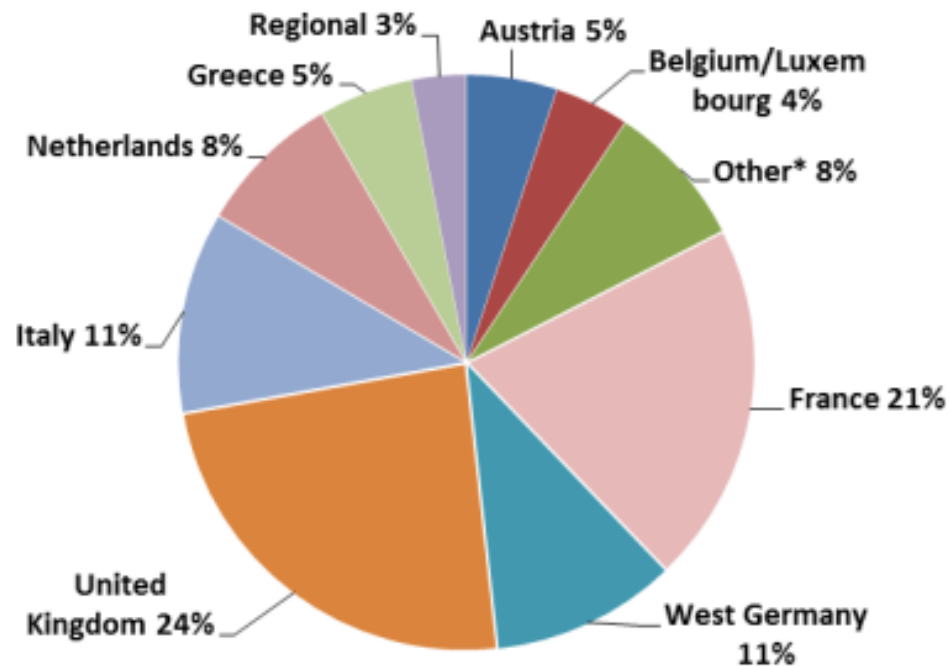
# 第二次世界大戦後

- 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 ▾

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## 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



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# 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 306 members of parliament from the 46 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](#)



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**Did you know?**

Eurimages, set up in 1988, is the first European cinema support fund.

### PRACTICAL INFOS

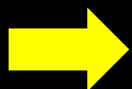
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イギリス案



フランス案



# Statute of the Council of Europe \*

London, 5.V.1949

## Chapter I – Aim of the Council of Europe

### Article 1

- a The aim of the Council of Europe is to achieve a greater **unity between its members** for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.
- b This aim shall be pursued through the organs of the Council by discussion of questions of common concern and **by agreements** and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.



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HUMAN RIGHTS DEMOCRACY RULE OF LAW

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## Treaty Office

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## Complete list of the Council of Europe's treaties

No.	Title	Opening of the treaty	Entry into Force	E.	N.	U.
225	<a href="#">Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law</a>	05/09/2024		E.	N.	U.
224	<a href="#">Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (CETS No. 224)</a>	12/05/2022		E.	N.	
223	<a href="#">Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223)</a>	10/10/2018		E.	N.	
222	<a href="#">Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 222)</a>	22/11/2017		E.	N.	
221	<a href="#">Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221)</a>	19/05/2017	01/04/2022	E.	N.	
220	<a href="#">Council of Europe Convention on Cinematographic Co-Production (revised) (CETS No. 220)</a>	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	<u>E.</u>	<u>N.</u>	
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	<u>E.</u>	<u>N.</u>	
012	European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors (ETS No. 012)	11/12/1953	01/07/1954	<u>E.</u>	<u>N.</u>	
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>U.</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			

227 treaties found

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You are here: [The Council of Europe in brief](#) > [Who we are](#)

# Who we are



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



The Council of Europe  
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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 46 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 46 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.

[Independent monitoring mechanisms](#)



The Council of Europe  
**ABOUT US**



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### Did you know?

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

### PRACTICAL INFOS



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[Visit the Strasbourg Liaison](#)





# European Court of Human Rights Cour européenne des droits de l'homme

Council of Europe | ECHR-KS |

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## Grand Chamber judgment concerning San Marino

In the case of *Fabbri and Others v. San Marino* the Court held that there had been no violation of Article 6 § 1 of the Convention as concerned one of the applicants and declared inadmissible the complaints brought by the other applicants.

The case concerned three individuals who participated in criminal proceedings as victims. They complained that they could not have their civil claims adjudicated in those proceedings as the investigations had led to the alleged offences becoming time-barred in 2020.

[more...](#)

## Chamber News

### Judgment concerning Switzerland

17/09/24

In the case of *P.J. and R.J. v. Switzerland* the Court held that there had been a violation of the right to respect for private and family life.

[more ...](#)

### Judgment concerning the Russian Federation

03/09/24

In the case of *Shlosberg v. Russia* the Court held that

## Grand Chamber News

### Referral to the Grand Chamber

24/09/24

The Court has accepted the referral to the Grand Chamber of the case *Tsaava and Others v. Georgia*.

The case concerns the dispersal of a protest in 2019 from

[more ...](#)

### Forthcoming ruling

17/09/24

The Court will be delivering a Grand Chamber ruling in the

## Other News



Visit by a delegation of the  
Administrative Commission

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COUNCIL OF EUROPE

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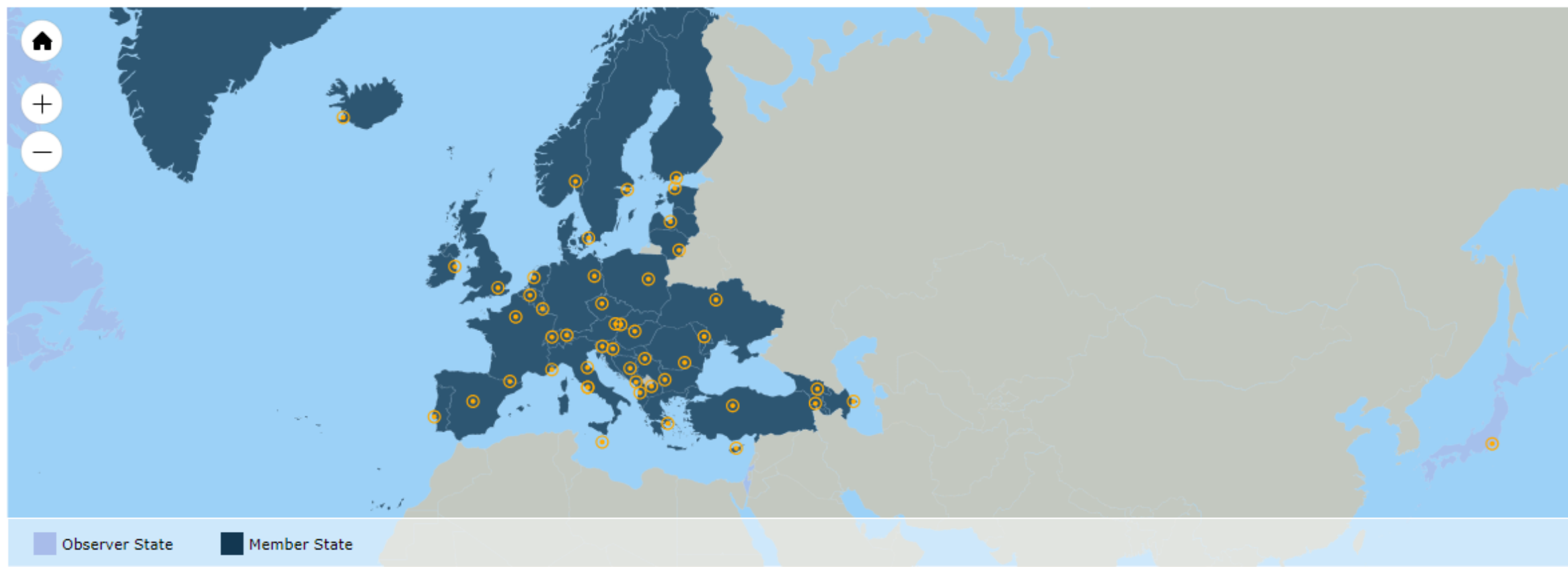
English

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# 46 Member States



Treaty list for a specific State

> State or International Organisation:  Japan

> Status as of 01/10/2024

No.	Title	Dating of the treaty	Entry into force	E.	N.	U.
225	Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law	05/09/2024		E.	N.	U.
224	Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (CETS No. 224)	12/05/2022		E.	N.	
	Signature: 12/05/2022	Ratification: 10/08/2023				
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.

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			

27 treaties found

## 報道発表

### 「協力及び電子的証拠の開示の強化に関する サイバー犯罪に関する条約の第二追加議定書」への署名

令和4年5月12日

ツイート

シェアする 1

メール

- 1 5月12日（現地時間同日）、フランス・ストラスブールに所在する欧州評議会本部において、「協力及び電子的証拠の開示の強化に関するサイバー犯罪に関する条約の第二追加議定書」の署名開放式典が行われ、日本を代表して赤松武駐ストラスブール総領事が21か国の代表とともに署名しました。
- 2 この議定書は、日本が2012年に締結した「サイバー犯罪に関する条約」の追加議定書であり、2021年11月17日の欧州評議会閣僚委員会において採択されました。この議定書は、容易に国境を越えるサイバー犯罪対策のための枠組みとして、他の締約国から、より迅速かつ円滑な手続による電子的形態の証拠の収集を可能にすること等を目的とするとともに、個人情報等の保護のための保障措置及び条件を規定しており、電子的形態の証拠の収集を推進することに伴い侵害されるおそれのある日本国民のプライバシー等の権利利益を保護することにも資するものです。
- 3 日本は、アジア地域において唯一の欧州評議会のオブザーバー国として、この議定書の起草作業に貢献してきました。日本がこの議定書に署名することは、この議定書の趣旨及び目的への賛意を国際社会に示し、各国と協調したサイバー犯罪対策の一層の強化に向けた強い決意を国内外に示すという大きな意義を有しています。

（参考1）サイバー犯罪に関する条約について

[サイバー犯罪に関する条約](#)

[サイバー犯罪](#)

（参考2）この議定書の条文

「協力及び電子的証拠の開示の強化に関するサイバー犯罪に関する条約の第二追加議定書」 ([和文（仮訳文）（PDF）](#)) / [英文（PDF）](#)

（注）和文は、今後の国会提出に向けた作業において変更される可能性があります。



# Do not get confused



## Council of Europe

International organisation, based in Strasbourg, which was created in 1949 and now includes 46 European countries. Set up to promote democracy, human rights and the rule of law. Home to the European Convention on Human Rights and the European Court of Human Rights – among many other things!



## European Council

Institution of the 27-member European Union, composed of representatives of the 27 EU member states. Defines the general political direction and priorities of the EU.

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# The European flag



Assembly unanimously approved the emblem of a circle of gold stars on a blue background. On 9 December 1955 the organisation's Committee of Ministers adopted the star-studded flag, which was launched officially on 13 December of the same year in Paris.

## A symbol for the whole of Europe

In 1983 the European Parliament in turn adopted the flag devised by the Council of Europe and recommended that it become the European Communities' emblem. The European Council gave its approval in June 1985. The European Union's institutions began to use the flag in 1986.



The European flag has since become synonymous with a shared political project which unites all Europeans, transcending their diversity.

Against the background of blue sky, the stars form a circle, symbolising union. The number of stars is fixed, twelve being the symbol of perfection and completeness and bringing to mind the apostles, the sons of Jacob, the labours of Hercules, the months in the year, etc.

From its foundation in 1949 the Council of Europe was aware of the need to give Europe a symbol with which its inhabitants could identify. On 25 October 1955 the Parliamentary

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### Did you know?

The Council of Europe [Anti-Doping Convention](#) adopted in 1989 is the only international legal instrument in this area to date.

# Communauté européenne du charbon et de l'acier (1951)

Membres fondateurs  
de la CECA



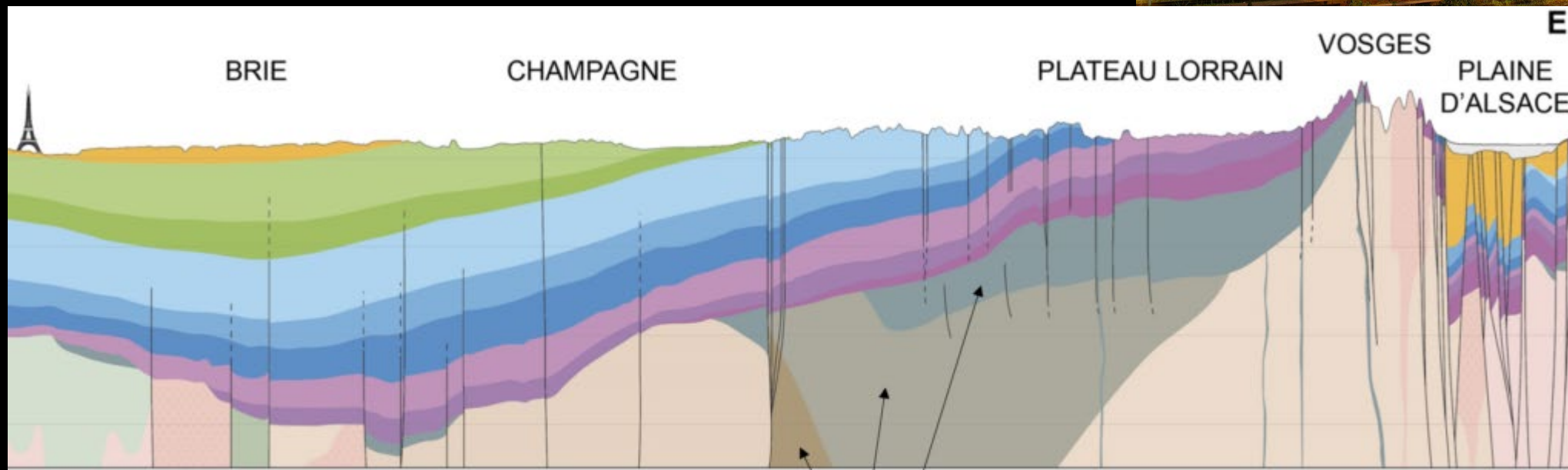
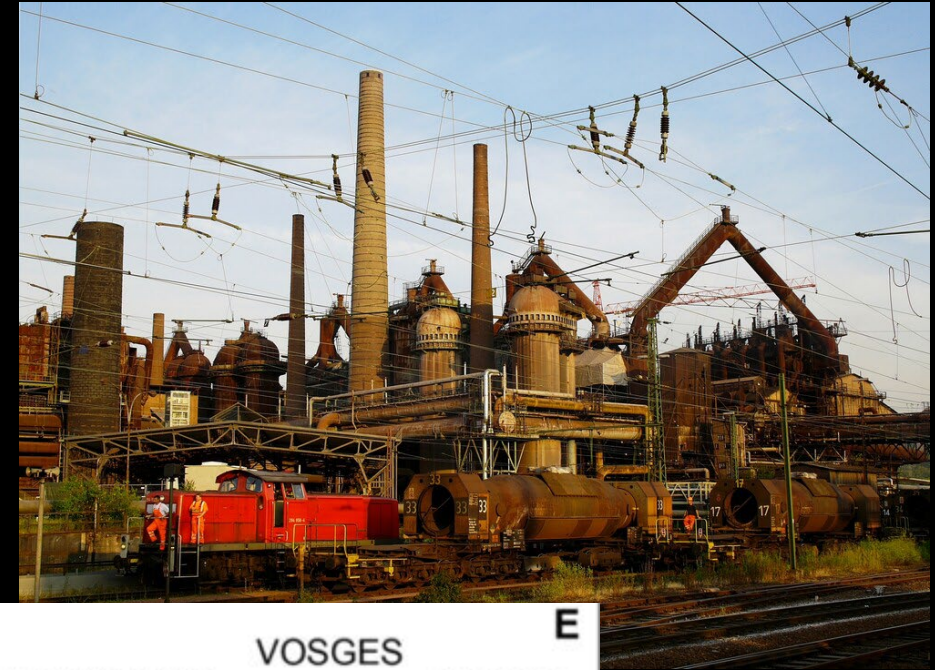
ヨーロッパ石炭鉄鋼共同体設立条約に署名する  
シューマン外相(1951年4月18日)

<[https://www.lemonde.fr/international/article/2021/07/09/robert-schuman-sur-le-chemin-de-la-beatification\\_6087623\\_3210.html](https://www.lemonde.fr/international/article/2021/07/09/robert-schuman-sur-le-chemin-de-la-beatification_6087623_3210.html)>

<<https://bibnum.sciencespo.fr/s/catalogue/ark:/46513/sc16fz7b#?c=&m=&s=&cv=&xywh=-292%2C-12%2C1756%2C1000>>



Völklingen製鉄所  
<<https://whc.unesco.org/en/documents/131639>>



	Permien / Permian
	Stéphanien / Stephanian
	Namurien et Westphalien / Namurian and Westphalian

<<https://regalor.univ-lorraine.fr/gaz-de-charbon/>>



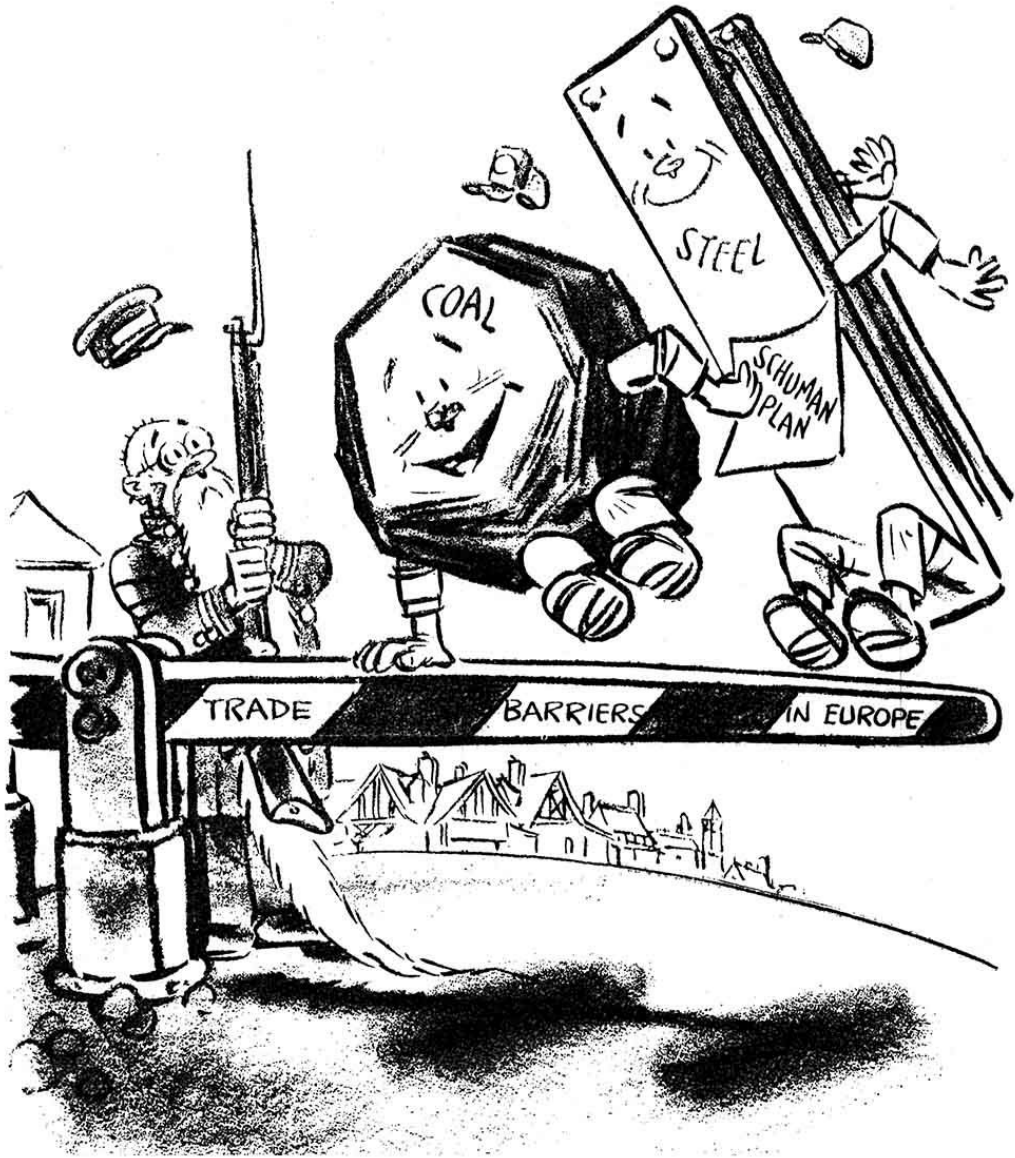


- 仏 西独の石炭を利用し、鉄鋼業の近代化を図る
- 西独 仏と対等な立場で国際社会へ復帰

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

- 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

“One Side, Bud — We’re Citizens of Europe Now”



<https://www.europeana.eu>



le Boulet

<http://lemmings.unblog.fr/2017/03/17/la-ceca/>

CONVAINCUS que la contribution qu'une Europe organisée et vivante peut apporter à la civilisation est indispensable au maintien de relations pacifiques;

CONSCIENTS que l'Europe ne se construira que par des réalisations concrètes créant d'abord une solidarité de fait, et par l'établissement de bases communes de développement économique;

SOUCIEUX de concourir par l'expansion de leurs productions fondamentales au relèvement du niveau de vie et au progrès des œuvres de paix;

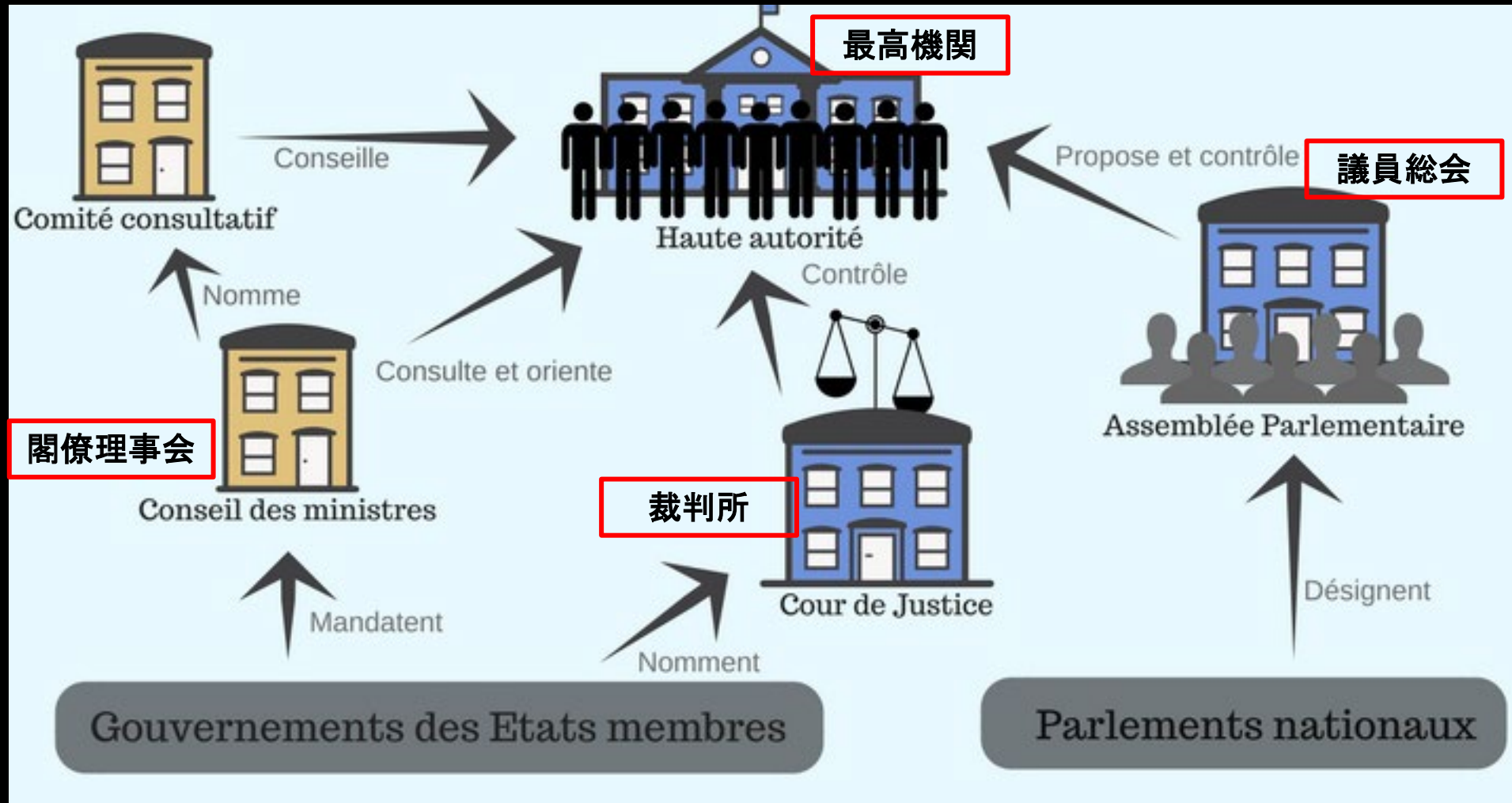
RÉSOLUS à substituer aux rivalités séculaires une fusion de leurs intérêts essentiels, à fonder par l'instauration d'une communauté économique les premières assises d'une communauté plus large et plus profonde entre des peuples longtemps opposés par des divisions sanglantes, et à jeter les bases d'institutions capables d'orienter un destin désormais partagé,

Traité instituant la Communauté européenne du charbon et de l'acier (ヨーロッパ石炭鉄鋼共同体設立条約)

イギリスは参加していないため条約正文に英語版はない



# 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

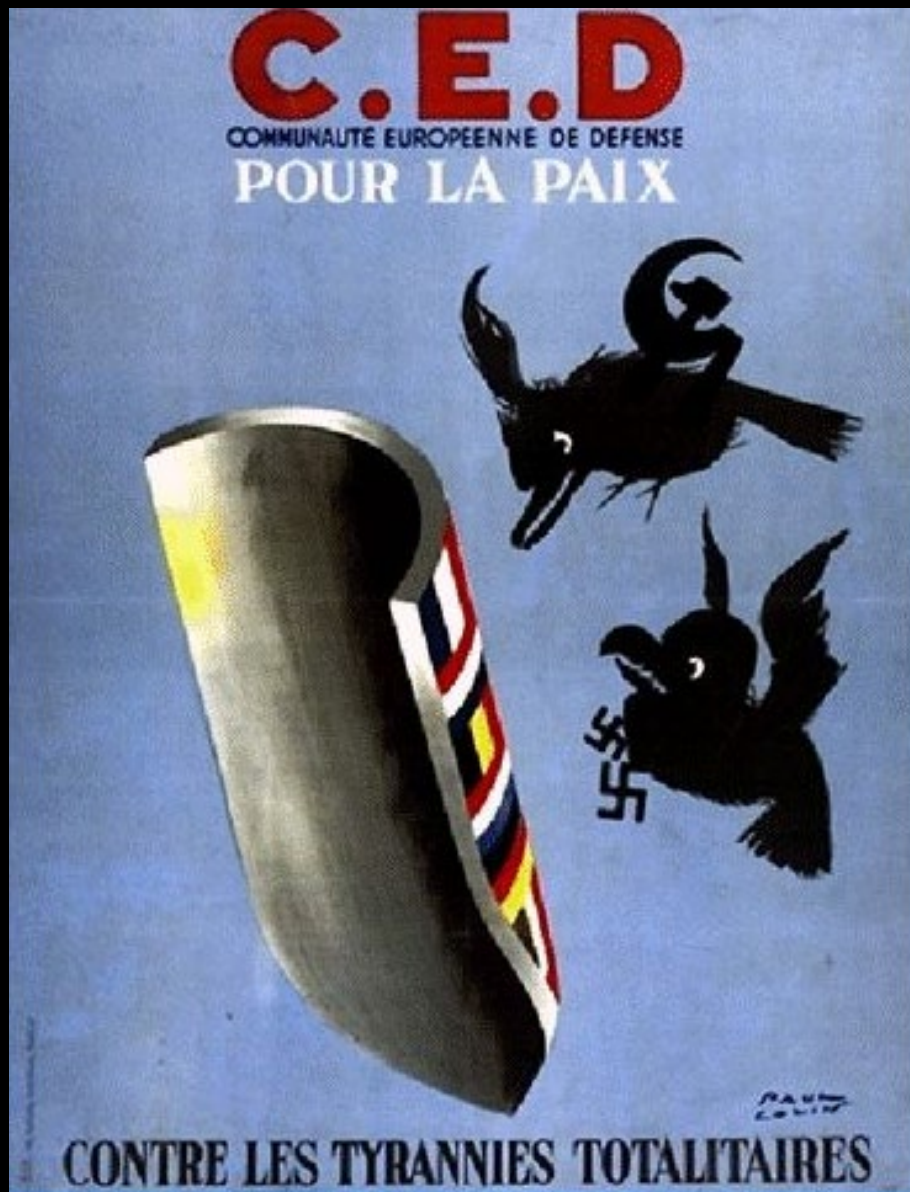
最高機関は、本条約により与えられた任務を本条約に定められた条件の下で遂行するため、決定をなし、勧告を行い、意見を表明する。

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



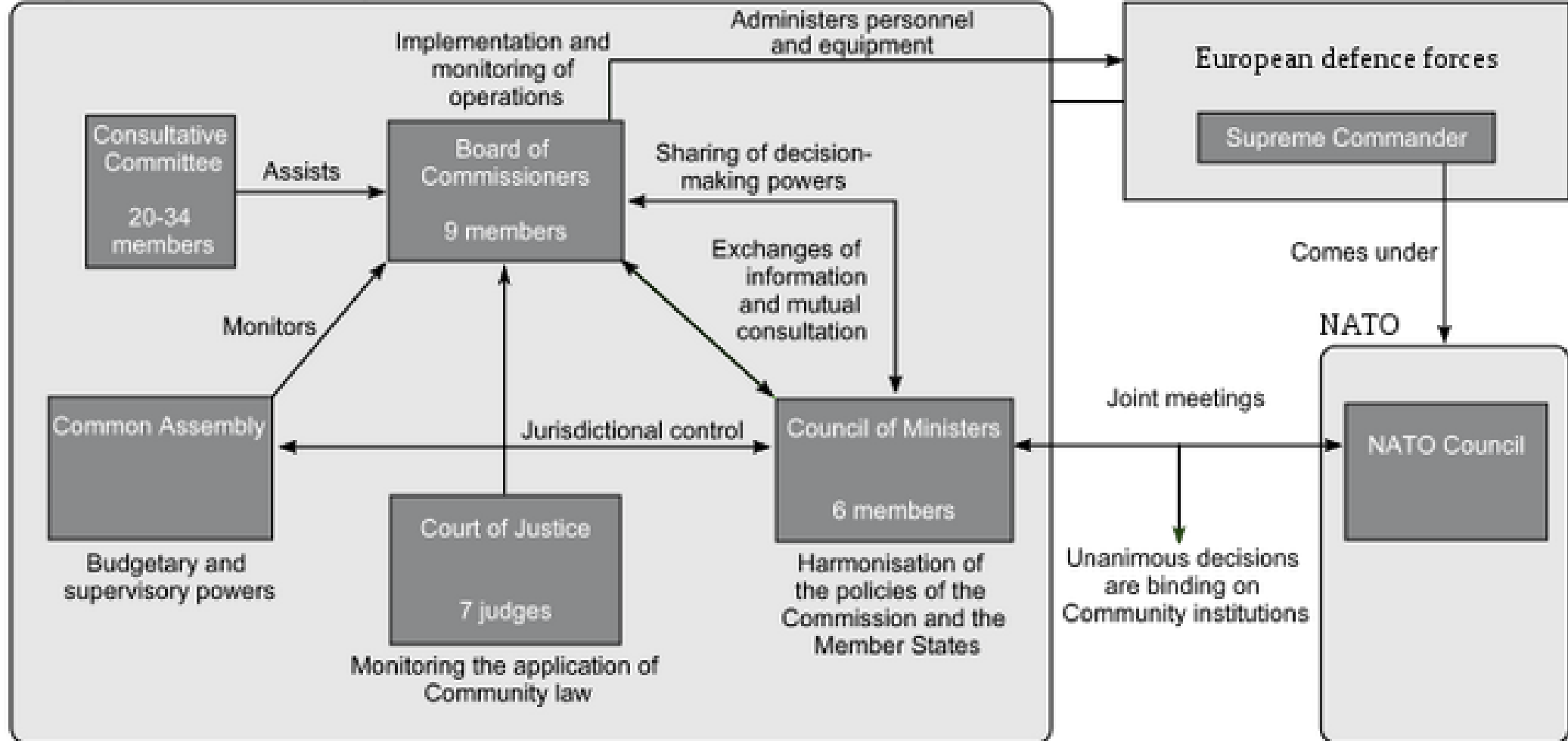
<http://www.cndp.fr/>



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



## European Defence Community



[https://stringfixer.com/fr/Treaty\\_establishing\\_the\\_European\\_Defence\\_Community](https://stringfixer.com/fr/Treaty_establishing_the_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しまっている。



<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

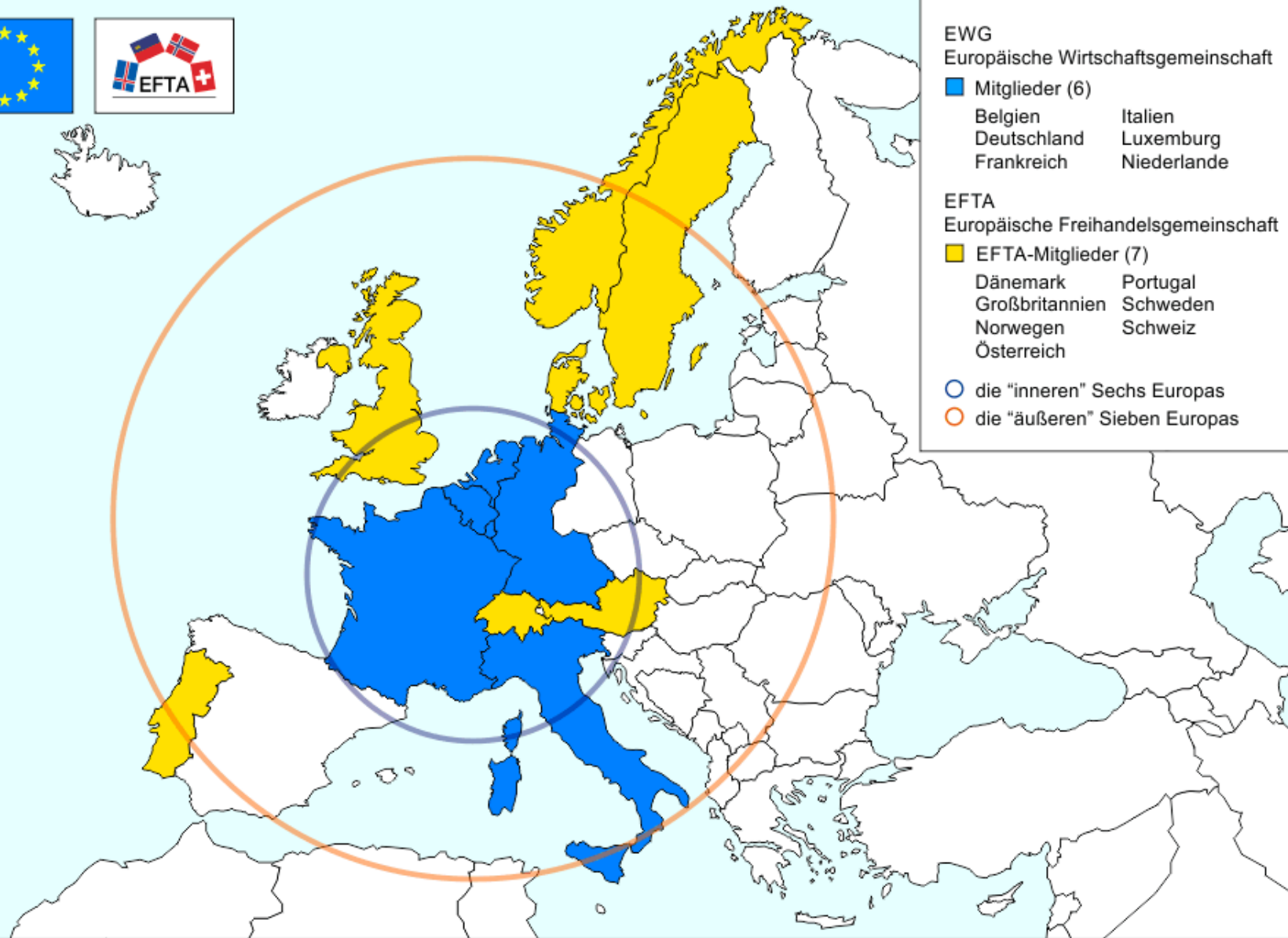
法の適用  
「違憲立法審査」







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/>>

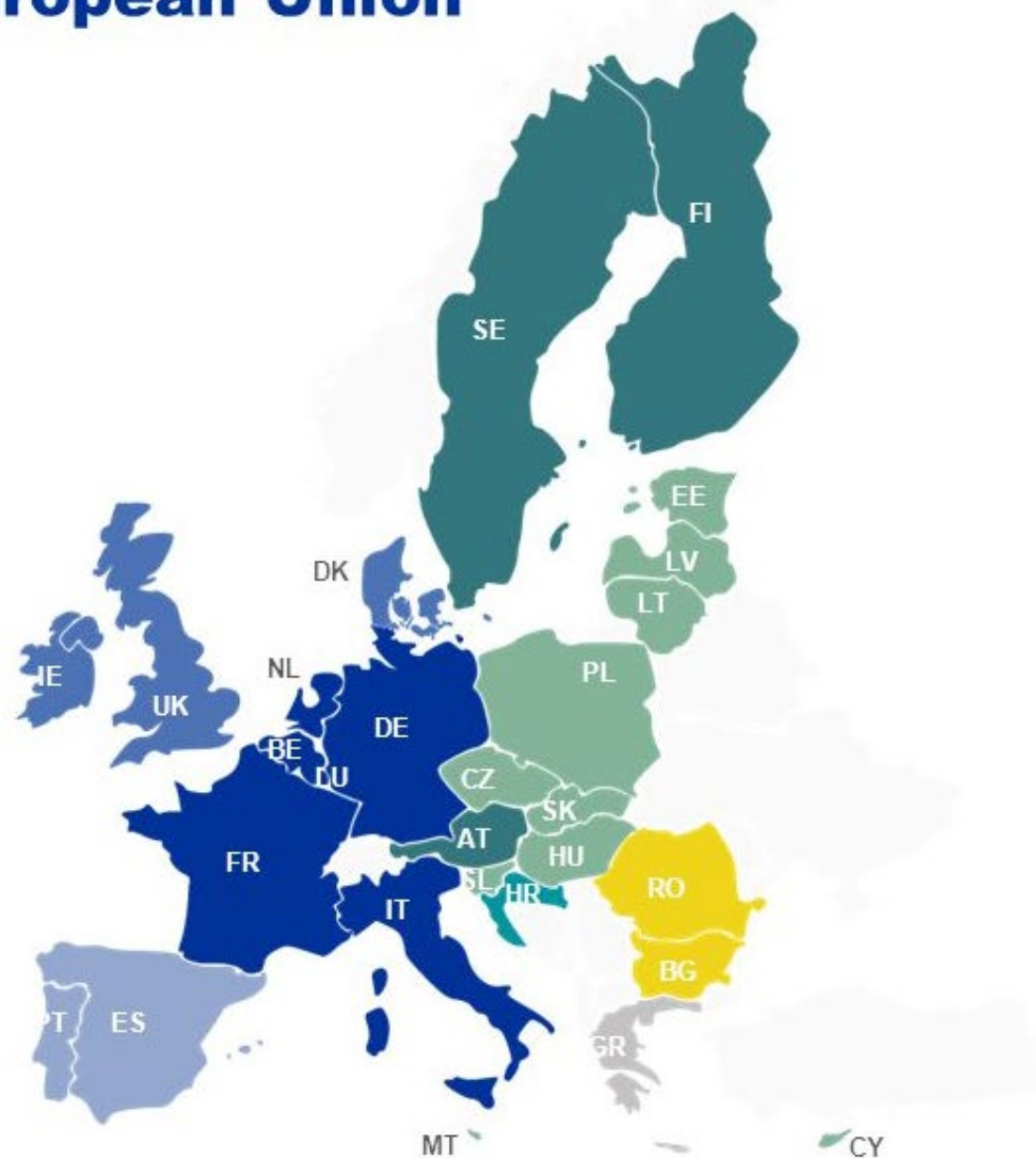
1973



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

# Enlargement of the European Union

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





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Word of the week: Fundamental rights

⏸ Pause ○ ● ○ ○

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International agreements

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Case-law

Reports of cases

Directory of case-law

## National law and case-law

National transposition

National case-law

JURE case-law

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**

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TITLE VII	— Final provisions .....	63



## 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':

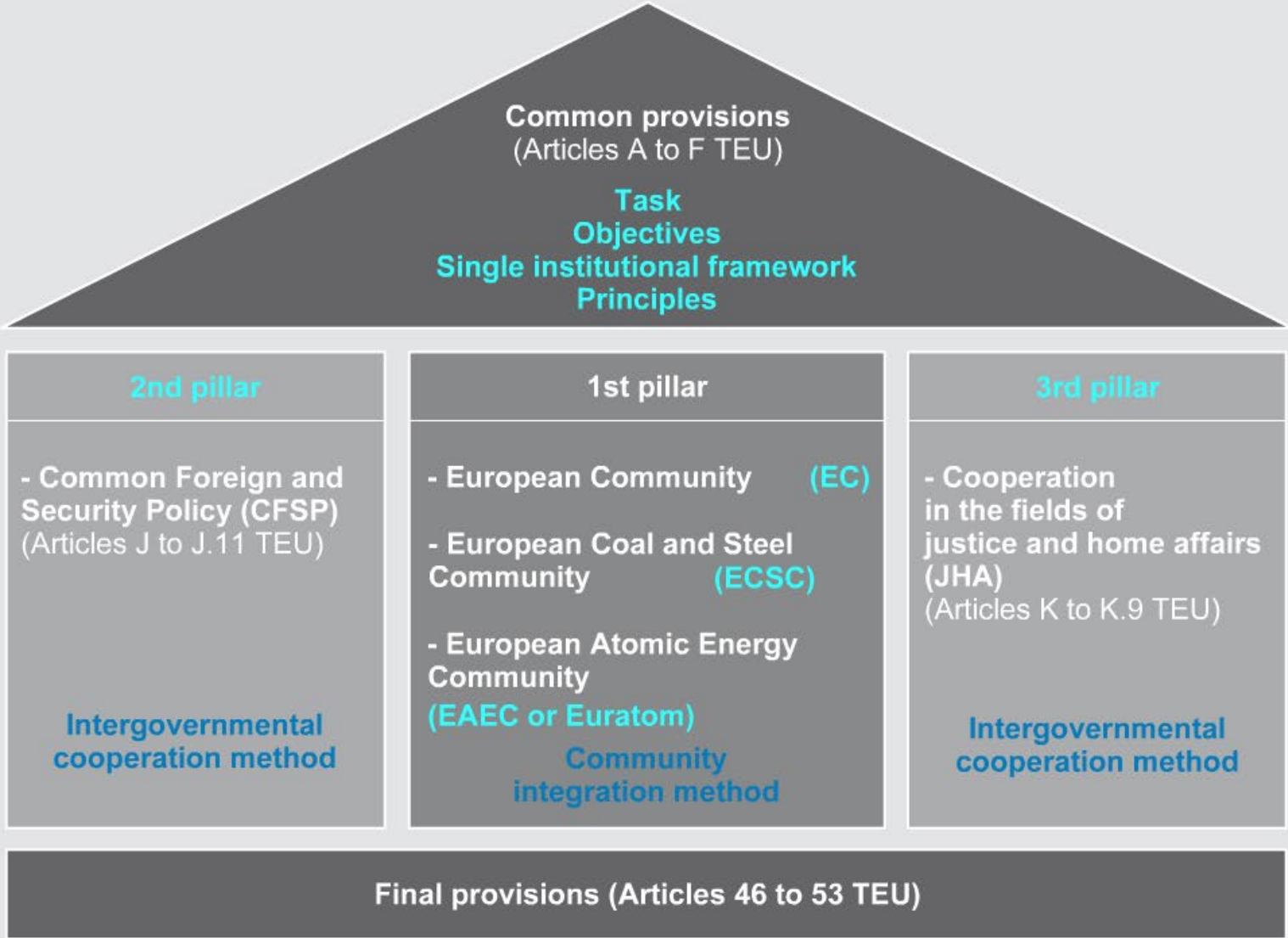
- 2) Article 2 shall be replaced by the following:

### *'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.'

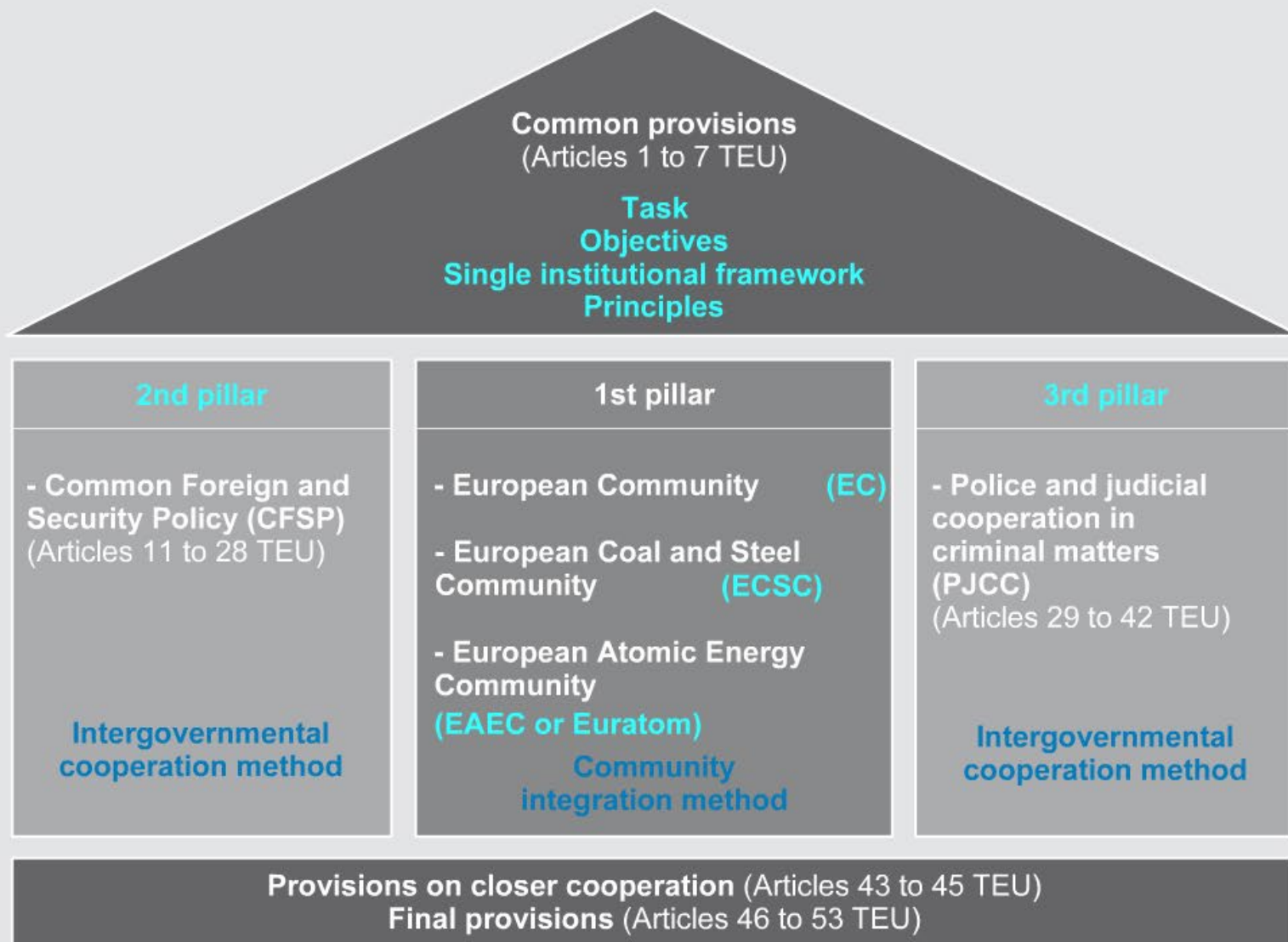
# The three pillars of the **European Union**

## Treaty on European Union (Maastricht, 7 February **1992**)



# The three pillars of the European Union

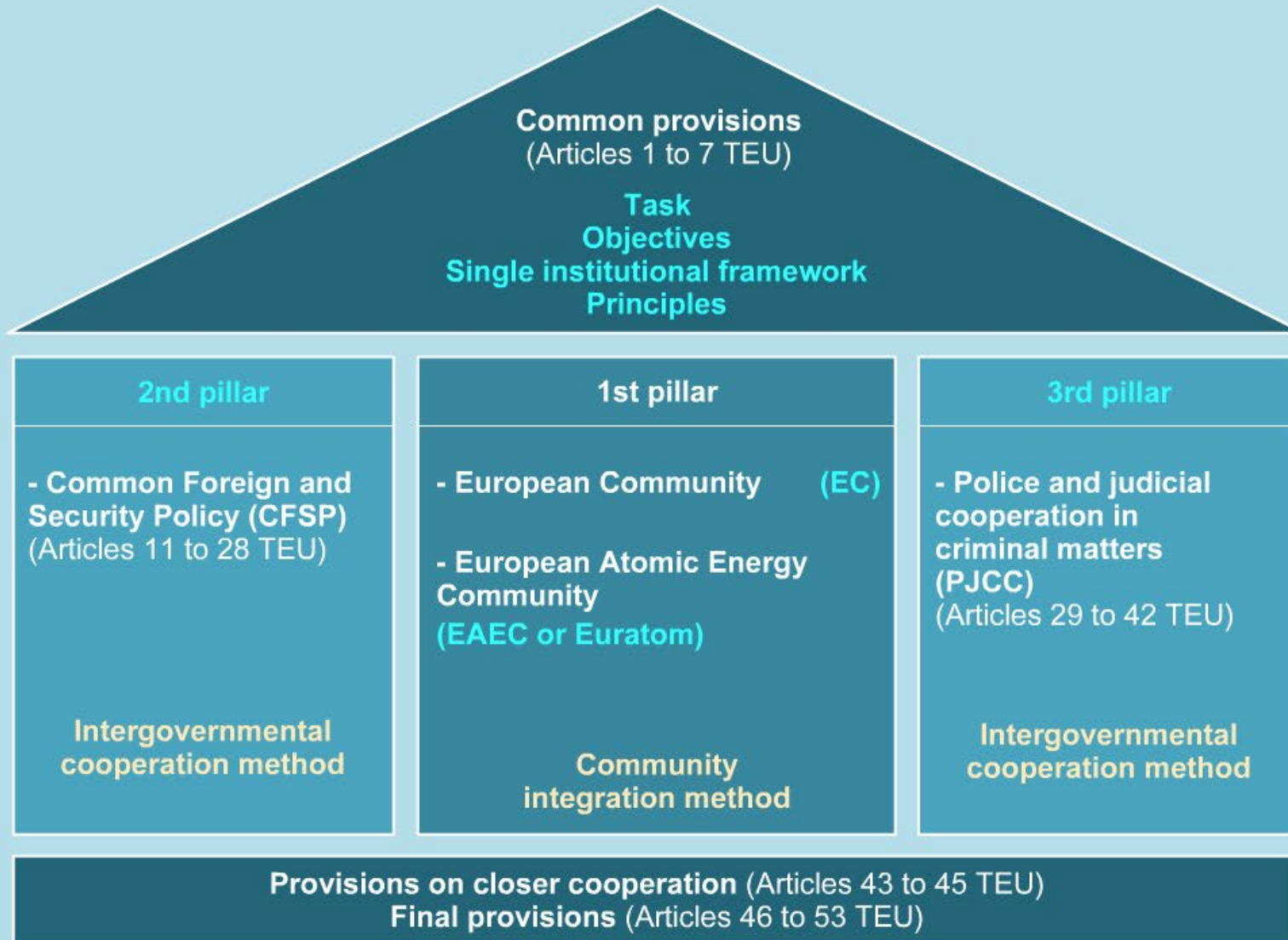
## Treaty on European Union (Amsterdam, 2 October 1997)





# The three pillars of the European Union

## Treaty on European Union (Nice, 26 February 2001)



# 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’.

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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.

TFEU. これ以外の条文はTEU.