

Treaties of the European Union

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The **Treaties of the European Union** are a set of international treaties between the European Union (EU) member states which sets out the EU's constitutional basis. They establish the various EU institutions together with their remit, procedures and objectives. The EU can only act within the competences granted to it through these treaties and amendment to the treaties requires the agreement and ratification (according to their national procedures) of every single signatory.

Two core functional treaties, the *Treaty on European Union* (originally signed in Maastricht in 1992) and the *Treaty on the Functioning of the European Union* (originally signed in Rome in 1958 as the Treaty establishing the European Economic Community), lay out how the EU operates, and there are a number of satellite treaties which are interconnected with them. The treaties have been repeatedly amended by other treaties over the 65 years since they were first signed. The consolidated version of the two core treaties is regularly published by the European Commission.

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Content

The two principal treaties on which the EU is based are the *Treaty on European Union* (TEU; Maastricht Treaty, effective since 1993) and the *Treaty on the Functioning of the European Union* (TFEU; Treaty of Rome, effective since 1958). These main treaties (plus their attached protocols and declarations) have been altered by amending treaties at least once a decade since they each came into force, the latest being the Treaty of Lisbon which came into force in 2009. Lisbon also made the Charter of Fundamental Rights legally binding, though that is not a treaty *per se*. The troubled ratification of Lisbon has meant there is little climate for further reform in the next

Treaties of the European Union



Front page of an EU document containing the consolidated treaties and documents which comprise the legal basis of the EU

Location Italian Ministry of Foreign Affairs

Purpose Establishing the laws and principles under which the European Union is governed

few years beyond accession treaties, which merely allow a new state to join.

Treaty on European Union

Following the preamble the treaty text is divided into six parts.^[1]

Title 1, *Common Provisions*

The first deals with common provisions. Article 1 establishes the European Union on the basis of the European Community and lays out the legal value of the treaties. The second article states that the EU 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." The member states share a "society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".

Article iii then states the aims of the EU in six points. The first is simply to promote peace, European values and its citizens' well-being. The second relates to free movement with external border controls are in place. Point 3 deals with the internal market. Point 4 establishes the euro. Point 5 states the EU shall promote its values, contribute to eradicating poverty, observe human rights and respect the charter of the United Nations. The final sixth point states that the EU shall pursue these objectives by "appropriate means" according with its competences given in the treaties.

Article 4 relates to member states' sovereignty and obligations. Article 5 sets out the principles of conferral, subsidiarity and proportionality with respect to the limits of its powers. Article 6 binds the EU to the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights. Article 7 deals with the suspension of a member state and article 8 deals with establishing close relations with neighbouring states.

Title 2, *Provisions on democratic principles*

Article 9 establishes the equality of national citizens and citizenship of the European Union. Article 10 declares that the EU is founded in representative democracy and that decisions must be taken as closely as possible to citizens. It makes reference to European political parties and how citizens are represented: directly in the Parliament and by their governments in the Council and European Council – accountable to national parliaments. Article 11 establishes government transparency, declares that broad consultations must be made and introduces provision for a petition where at least 1 million citizens may petition the Commission to legislate on a matter. Article 12 gives national parliaments limited involvement in the legislative process.

Title 3, *Provisions on the institutions*

Article 13 establishes the institutions in the following order and under the following names: the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank and the Court of Auditors. it obliges co-operation between these and limits their competencies to the powers within the treaties.

Article 14 deals with the workings of Parliament and its election, article 15 with the European Council and its president, article 16 with the Council and its configurations and article 17 with the Commission and its appointment. Article 18 establishes the High Representative of the Union for Foreign Affairs and Security Policy and article 19 establishes the Court of Justice.

Title 4, *Provisions on enhanced cooperations*

Title 4 has only one article which allows a limited number of member states to co-operate within the EU if others are blocking integration in that field.

Title 5, *General provisions on the Union's external action and specific provisions on the Common Foreign and Security Policy*

Chapter 1 of this title includes articles 21 and 22. Article 21 deals with the principles that outline EU foreign policy; including compliance with the UN charter, promoting global trade, humanitarian support and global governance. Article 22 gives the European Council, acting unanimously, control over defining the EU's foreign policy.

Chapter 2 is further divided into sections. The first, common provisions, details the guidelines and functioning of the EU's foreign policy, including establishment of the European External Action Service and member state's responsibilities. Section 2, articles 42 to 46, deal with military cooperation (including mutual defence).



Title 6, Final provisions

Article 47 establishes a legal personality for the EU. Article 48 deals with the method of treaty amendment; specifically the ordinary and simplified revision procedures. Article 49 deals with applications to join the EU and article 50 with withdrawal. Article 51 deals with the protocols attached to the treaties and article 52 with the geographic application of the treaty. Article 53 states the treaty is in force for an unlimited period, article 54 deals with ratification and 55 with the different language versions of the treaties.

Treaty on the functioning of the European Union

The Treaty on the functioning of the European Union goes into deeper detail on the role, policies and operation of the EU. It is split into seven parts;^{[1][2]}

Part 1, Principles

In principles, article 1 establishes the basis of the treaty and its legal value. Articles 2 to 6 outline the competencies of the EU according to the level of powers accorded in each area. Articles 7 to 14 set out social principles, articles 15 and 16 set out public access to documents and meetings and article 17 states that the EU shall respect the status of religious, philosophical and non-confessional organisations under national law.^[2]

Part 2, Non-discrimination and citizenship of the Union

The second part begins with article 18 which outlaws, within the limitations of the treaties, discrimination on the basis of nationality. Article 19 states the EU will "combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". Articles 20 to 24 establishes EU citizenship and accords rights to it; to free movement, consular protection from other states, vote and stand in local and European elections, right to petition Parliament and the European Ombudsman and to contact and receive a reply from EU institutions in their own language. Article 25 requires the Commission to report on the implementation of these rights every three years.^[2]

Part 3, Union policies and internal actions

Part 3 on policies and actions is divided by area into the following titles: the internal market; the free movement of goods, including the customs union; agriculture and fisheries; free movement of people, services and capital; the area of freedom, justice and security, including police and justice co-operation; transport policy; competition, taxation and harmonisation of regulations (note Article 101 and Article 102); economic and monetary policy, including articles on the euro; employment policy; the European Social Fund; education, vocational training, youth and sport policies; cultural policy; public health; consumer protection; Trans-European Networks; industrial policy; economic, social and territorial cohesion (reducing disparities in development); research and development and space policy; environmental policy; energy policy; tourism; civil protection; and administrative co-operation.^[2]

Part 4, Association of the overseas countries and territories

Part 4 deals with association of overseas territories. Article 198 sets the objective of association as promoting the economic and social development of those associated territories as listed in annex 2. The following articles elaborate on the form of association such as customs duties.^[2]

Part 5, External action by the Union

Part 5 deals with EU foreign policy. Article 205 states that external actions must be in accordance with the principles laid out in Chapter 1 Title 5 of the Treaty on European Union. Article 206 and 207 establish the common commercial (external trade) policy of the EU. Articles 208 to 214 deal with cooperation on development and humanitarian aid for third countries. Article 215 deals with sanctions while articles 216 to 219 deal with procedures for establishing international treaties with third countries. Article 220 instructs the High Representative and Commission to engage in appropriate cooperation with other international organisations and article 221 establishes the EU delegations. Article 222, the *Solidarity clause* states that members shall come to the aid of a fellow member who is subject to a terrorist attack, natural disaster or man-made disaster. This includes the use of military force.^[2]

Part 6, Institutional and financial provisions



Part 6 elaborates on the institutional provisions in the Treaty on European Union. As well as elaborating on the structures, articles 288 to 299 outline the forms of legislative acts and procedures of the EU. Articles 300 to 309 establish the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank. Articles 310 to 325 outline the EU budget. Finally, articles 326 to 334 establishes provision for enhanced co-operation.^[2]

Part 7, General and final provisions

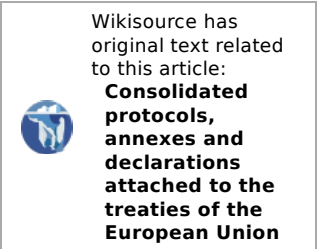
Part 7 deals with final legal points, such as territorial and temporal application, the seat of institutions (to be decided by member states, but this is enacted by a protocol attached to the treaties), immunities and the effect on treaties signed before 1958 or the date of accession.^[2]

Protocols, annexes and declarations

There are 37 protocols, 2 annexes and 65 declarations that are attached to the treaties to elaborate details, often in connection with a single country, without being in the full legal text.^[1]

Protocols;^[3]

- 1: on the role of National Parliaments in the European Union
- 2: on the application of the principles of subsidiarity and proportionality
- 3: on the statute of the Court of Justice of the European Union
- 4: on the statute of the European System of Central Banks and of the European Central Bank
- 5: on the statute of the European Investment Bank
- 6: on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union
- 7: on the privileges and immunities of the European Union
- 8: relating to Article 6(2) of the Treaty on European Union on the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms
- 9: on the decision of the Council relating to the implementation of Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union between 1 November 2014 and 31 March 2017 on the one hand, and as from 1 April 2017 on the other
- 10: on permanent structured cooperation established by Article 42 of the Treaty on European Union
- 11: on Article 42 of the Treaty on European Union
- 12: on the excessive deficit procedure
- 13: on the convergence criteria
- 14: on the Euro Group
- 15: on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland
- 16: on certain provisions relating to Denmark
- 17: on Denmark
- 18: on France
- 19: on the Schengen acquis integrated into the framework of the European Union
- 20: on the application of certain aspects of Article 26 of the Treaty on the Functioning of the European Union to the United Kingdom and to Ireland
- 21: on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice
- 22: on the position of Denmark
- 23: on external relations of the Member States with regard to the crossing of external borders



- 24: on asylum for nationals of Member States of the European Union
- 25: on the exercise of shared competence
- 26: on services of general interest
- 27: on the internal market and competition
- 28: on economic, social and territorial cohesion
- 29: on the system of public broadcasting in the Member States
- 30: on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom
- 31: concerning imports into the European Union of petroleum products refined in the Netherlands Antilles
- 32: on the acquisition of property in Denmark
- 33: concerning Article 157 of the Treaty on the Functioning of the European Union
- 34: on special arrangements for Greenland
- 35: on Article 40.3.3 of the Constitution of Ireland
- 36: on transitional provisions
- 37: on the financial consequences of the expiry of the ECSC treaty and on the Research fund for Coal and Steel

Annexes^[4]

- Annex I lists agricultural and marine produce covered by the Common Agricultural Policy and the Common Fisheries Policy.
- Annex II lists the overseas countries and territories associated with the EU.

Declarations^[5]

There are 65 declarations attached to the EU treaties. As examples, these include the following. Declaration 1 affirms that the charter, gaining legal force, reaffirms rights under the European Convention and does not allow the EU to act beyond its conferred competencies. Declaration 4 allocates an extra MEP to Italy. Declaration 7 outlines Council voting procedures to become active after 2014. Declaration 17 asserts the primacy of EU law. Declaration 27 reasserts that holding a legal personality does not entitle the EU to act beyond its competencies. Declaration 43 allows Mayotte to change to the status of "outermost region".

Euratom

As well as the two main treaties, their protocols and the Charter of Fundamental Rights; the Treaty Establishing a European Atomic Energy Community (Euratom) is still in force as a separate treaty.

Title one outlines the tasks of Euratom. Title two contains the core of the treaty on how cooperation in the field is to take place. Title three outlines institutional provisions and has largely been subsumed by the European Union treaties. Title four is on financial provisions and title five on the general and title six is on final provisions.^[6]

Amendment and ratification

The treaties can be changed in four different ways. The ordinary revision procedure is essentially the traditional method by which the treaties have been amended and involves holding a full inter-governmental conference. The simplified revision procedure was established by the Treaty of Lisbon and only allows for changes which do not increase the power of the EU. While using the passerelle clause does involve amending the treaties, as such, it does allow for a change of legislative procedure in certain circumstances.



Wikisource has original text related to this article:

**Protocol
Amending the
Protocol on
Transitional
Provisions**



Wikisource has original text related to this article:

**Consolidated
version of the
Treaty
establishing the
European Atomic
Energy
Community**

The **ordinary revision procedure** for amending treaties requires proposals from an institution to be lodged with the European Council. The President of the European Council can then either call a European Convention (composed of national governments, national parliamentarians, MEPs and representatives from the Commission) to draft the changes or draft the proposals in the European Council itself if the change is minor. They then proceed with an Intergovernmental Conference (IGC) which agrees the treaty which is then signed by all the national leaders and ratified by each state.^[7]

While this is the procedure that has been use for all treaties prior to the Lisbon Treaty, an actual European Convention (essentially, a constitutional convention) has only been called twice. First in the drafting of the Charter of Fundamental Rights with the European Convention of 1999–2000. Second with the Convention on the Future of Europe which drafted the Constitutional Treaty (which then formed the basis of the Lisbon Treaty). Previously, treaties had been drafted by civil servants.

The **simplified revision procedure**, which applies only to part three of the Treaty on the Functioning of the European Union and cannot increase the powers of the EU, sees changes simply agreed in the European Council by a decision before being ratified by each state.^[7] The amendment to article 136 TFEU makes use of the simplified revision procedure due to the small scope of its change.

Any reform to the legal basis of the EU must be ratified according to the procedures in each member state. All states are required to ratify it and lodge the instruments of ratification with the Government of Italy before the treaty can come into force in any respect. In some states, such as Ireland, this is usually a referendum as any change to that state's constitution requires one. In others, such as Germany, referendums are constitutionally banned and the ratification must take place in its national parliament.

On some occasions, a state has failed to get a treaty passed by its public in a referendum. In the cases of Ireland and Denmark a second referendum was held after a number of concessions were granted. However, in the case of France and the Netherlands, the treaty was abandoned in favour of a treaty that would not prompt a referendum. In the case of Norway, where the treaty was their accession treaty (hence, their membership), the treaty was also abandoned.

Treaties are also put before the European Parliament and while its vote is not binding, it is important; both the Belgian and Italian Parliaments said they would veto the Nice Treaty if the European Parliament did not approve it.^[8]

Minor amendments not requiring ratification

The treaties contain a **passerelle clause** which allows the European Council to unanimously agree to change the applicable voting procedure in the Council of Ministers to QMV and to change legislation adoption procedure from a special to the ordinary legislative procedure, provided that no national parliament objects. This procedure cannot be used for areas which have defence implications.^[7]

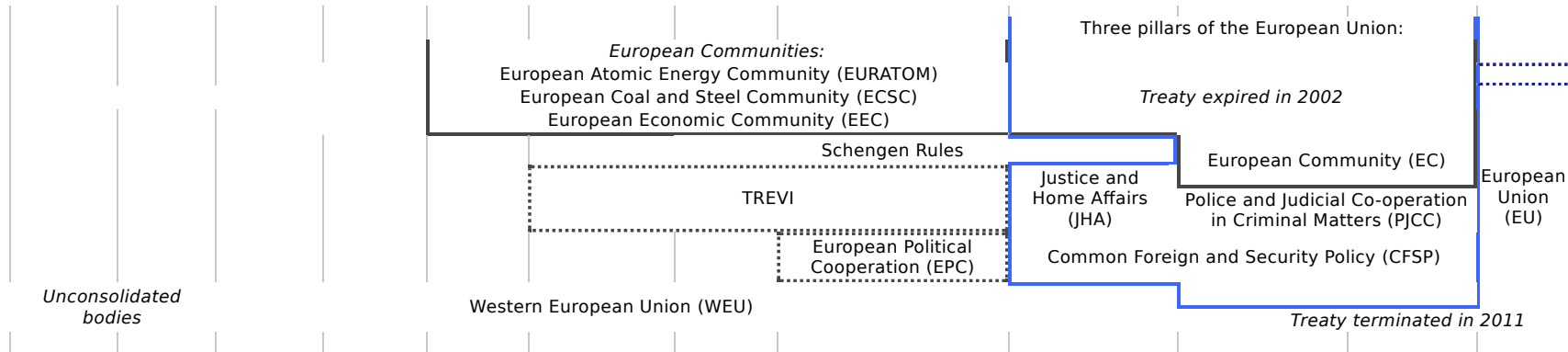
The fourth amendment procedure is for **changing status** of some of the special member state territories. The status of a French, Dutch and Danish overseas territories can be changed more easily, by no longer requiring a full treaty revision. Instead, the European Council may, on the initiative of the member state concerned, change the status of an overseas country or territory (OCT) to an outermost region (OMR) or vice versa.^[9] This provision doesn't apply to special territories of the other member states.

Legend for below table: [Amending] – [Membership]

European Council decision type	Established/Amended	Agreed in	Agreed on	Effective from	Ceased
Changing status of French territory ^[10]	Withdrawal of Saint-Barthélemy (OMR to OCT)	Brussels, BE	29 October 2010	1 January 2012	<i>in force</i>
Changing status of French territory ^[11]	Enlarged to Mayotte (OCT to OMR)	Brussels, BE	11 July 2012	1 January 2014	<i>in force</i>

Ratified treaties

Signed In force	1948	1951	1954	1957	1965	1975	1985	1986	1992	1997	2001	2007
Document	Brussels Treaty	Paris Treaty	Modified Brussels Treaty	Rome treaties	Merger Treaty	European Council conclusion	Schengen Treaty	Single European Act	Maastricht Treaty	Amsterdam Treaty	Nice Treaty	Lisbon Treaty



Legend for below table: [Founding] - [Amending] - [Membership]

Treaty	Established/Amended	Signed in	Signed on	Effective from	Ceased
ECSC Treaty ^{source text}	European Coal and Steel Community	Paris, FR	18 April 1951	23 July 1952	23 July 2002 ^[12]
EEC Treaty (Treaty of Rome) ^{source text}	European Economic Community	Rome, IT	25 March 1957	1 January 1958	<i>in force</i>
Euratom Treaty ^{source text}	European Atomic Energy Community	Rome, IT	25 March 1957	1 January 1958	<i>in force</i>
Convention on certain institutions common to the European Communities ^[13]	Amended Previous	Rome, IT	25 March 1957	1 January 1958	1 May 1999 ^[14]
Netherlands Antilles Convention ^{source text}	OCT status for the Netherlands Antilles	Brussels, BE	13 November 1962	1 October 1964	<i>in force</i>
Merger Treaty ^{source text}	Amended Previous	Brussels, BE	8 April 1965	1 July 1967	1 May 1999 ^[14]
First Budgetary Treaty	Amended Previous	Luxembourg, LU	22 April 1970	1 January 1971	<i>in force</i>
Treaty of Accession 1972	Enlarged to	Brussels, BE	22 January 1972	1 January 1973	<i>in force</i>
Second Budgetary Treaty	Amended Previous	Brussels, BE	22 July 1975	1 June 1977	<i>in force</i>
Treaty of Accession 1979	Enlarged to Greece	Athens, GR	28 May 1979	1 January 1981	<i>in force</i>
Greenland Treaty ^{source text}	Withdrawal of Greenland	Brussels, BE	13 March 1984	1 January 1985	<i>in force</i>
Treaty of Accession 1985	Enlarged to Spain and Portugal	Madrid, ES Lisbon, PT	12 June 1985	1 January 1986	<i>in force</i>
Schengen Agreement	Established open borders	Schengen, LU	14 June 1985	26 March 1995	<i>in force</i>
Single European Act ^{source text}	Amended Previous	Luxembourg, LU The Hague, NL	17 February 1986 28 February 1986	1 July 1987	<i>in force</i>
Treaty of Maastricht ^{source text} (Treaty on European Union)	European Union Amended Previous	Maastricht, NL	7 February 1992	1 November 1993	<i>in force</i>
Treaty of Accession 1994	Enlarged to	Corfu, GR	24 June 1994	1 January 1995	<i>in force</i>
Treaty of Amsterdam ^{source text}	Amended Previous	Amsterdam, NL	2 October 1997	1 May 1999	<i>in force</i>
Treaty of Nice ^{source text}	Amended Previous	Nice, FR	26 February 2001	1 February 2003	<i>in force</i>
Treaty of Accession 2003	Enlarged to	Athens, GR	16 April 2003	1 May 2004	<i>in force</i>
Treaty of Accession 2005	Enlarged to Bulgaria and Romania	Luxembourg, LU	25 April 2005	1 January 2007	<i>in force</i>
Treaty of Lisbon ^{source text}	Amended Previous	Lisbon, Portugal	13 December 2007	1 December 2009	<i>in force</i>
Protocol on European Parliament seats ^{source text}	Amended Protocol 36	Brussels, BE	23 June 2010	1 December 2011 ^[18]	<i>in force</i>
TFEU ESM amendment ^{source text}	Amended TFEU Article 136	Brussels, BE	25 March 2011	1 May 2013 ^[19]	<i>in force</i>
Treaty of Accession 2011 ^{source text}	Enlarged to Croatia	Brussels, BE	9 December 2011	1 July 2013 ^[20]	<i>in force</i>
Irish protocol on the Lisbon Treaty	Formalising the Irish guarantees	Brussels, BE	16 May 2012 – 13 June 2012 ^[21]	1 December 2014 ^{[21][22]}	<i>in force</i>

Related treaties

Although not formally part of European Union law, several closely related treaties have been signed outside the framework of the EU and its predecessors between the member states because the EU lacked authority to act in the field. After the EU obtained such autonomy, the conventions were gradually replaced by EU instruments. Examples are the Brussels Convention of 1968^[23] (on jurisdiction in civil matters, replaced by the Brussels I Regulation^[24]), the Rome Convention on Contractual Obligations of 1980^[25] (on choice of law in contractual matters, replaced by the Rome I Regulation except in Denmark^[26]), the Dublin Convention of 1990^[27] (on asylum

seekers, replaced by the Dublin II Regulation^[28] as well as the Europol Convention of 1995^[29] (came under the EU's competence with the Lisbon Treaty^[30] and replaced by a Council Decision.^[31]) Furthermore, several treaties have been concluded between a subset of EU member states due to a lack of unanimity. The Schengen Treaty was agreed to in 1985 in this manner, but was subsequently incorporated into EU law by the Amsterdam Treaty, with the remaining EU member states that had not signed the treaty being given an opt-out from implementing it. More recently, the Prüm Convention and European Fiscal Compact were signed as intergovernmental treaties. However, both state that the intention of the signatories is to incorporate the treaty's provisions into EU structures and that EU law should take precedence over the treaty. As well, both agreements are open to accession by any EU member state. The Treaty Establishing the European Stability Mechanism was also signed and entered into force outside of the EU framework. However, a TFEU amendment was ratified which gives the ESM a legal basis in the EU treaties.

Treaty	Establishing/Amending	Signed in	Signed on	Parties	Effective from	Ceased
Prüm Convention ^{source text}	Stepped up cross-border cooperation	Prüm, Germany	27 May 2005 ^[32]	14 EU states ^[32]	1 November 2006 ^[32]	<i>in force</i>
Treaty Establishing the European Stability Mechanism ^{source text}	European Stability Mechanism	Brussels, BE	2 February 2012 ^[33]	All 19 eurozone states ^[33]	27 September 2012 ^{[34][35]}	<i>in force</i>
European Fiscal Compact ^{source text}	Implemented fiscal rules in the eurozone	Brussels, BE	2 March 2012 ^[36]	25 EU states ^[36] EU non-parties: HR, CZ, UK	1 January 2013 ^[37]	<i>in force</i>


Signed treaties

The Agreement on a Unified Patent Court and Single Resolution Fund Agreement, although formally not part of the European Union treaties, were signed by 25 of the then 27 (Croatia has since acceded to the EU) and 26 of the 28 member states of the Union respectively and are undergoing ratification.

Treaties undergoing ratification					
Treaty	Establishing/Amending	Signed in	Signed on	Ratification	Planned
Agreement on a Unified Patent Court ^{source text}	Establishing the Unified Patent Court	Brussels, BE	19 February 2013 ^{[38][39]}	6 / 25	1 January 2014
Single Resolution Fund Agreement	The transfer of funds to the Single Resolution Fund	Brussels, BE	21 May 2014 ^{[40][41]}	2 / 26	1 January 2016

Unified Patent Court

After two regulations creating a European Union patent with unitary effect utilizing enhanced cooperation were approved for 25 participating states (all but Italy and Spain) by the European Parliament on 11 December 2012^{[42][43]} the documents were formally adopted as regulation E.U. 1257 and 1260 of 2012 on 17 December 2012, and entered into force in January 2013.^{[44][45]} However, the provisions will only apply once the related Agreement on a Unified Patent Court, which would create a common patent court for its members, enters into force. Due to a ruling by the Court of Justice of the European Union that the proposed Unified Patent Court (UPC) was not compatible with European Union law,^[46] the agreement calls for the court to be established by an intergovernmental treaty between the participating states outside the framework of the EU.^[47] The draft Agreement was published by the Council of the European Union on 11 January 2013,^[48] and was signed on 19 February 2013 by 24 EU member states, including all states participating in the enhanced cooperation measures except Bulgaria and Poland, while Italy, which did not join the enhanced cooperation measures, did sign the UPC agreement.^{[38][49]} The treaty is open for accession to all remaining EU member states, and Bulgaria subsequently signed the agreement on 5 March after finalizing their internal procedures.^{[38][50]} Meanwhile, Poland decided to wait to see how the new patent system works before joining due to concerns that it would harm their economy.^[51] While Italy is not participating in the unitary patent regulations, signing the UPC agreement will allow the new court to handle traditional European patents issued in the country.^[52] Entry into force for the UPC will take place after 13 states (including Germany, France and the United Kingdom as the three states with the most patents in force) have ratified the Patent Court agreement, but not before 1 January 2014.^{[38][42][53][54][55]}



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Agreement on a Unified Patent Court

Single Resolution Fund

President of the European Central Bank, Mario Draghi, released a report on 26 June 2012 which called for deeper integration in the eurozone, including the establishment of a banking union encompassing direct recapitalisation of banks from the ESM, a common financial supervisor, a common bank resolution scheme and a deposit guarantee fund.^[56] The Single Supervisory Mechanism (SSM) was enacted through two regulations in October 2013 to monitor the stability of banks.^[57] However, during negotiations for the Single Resolution Mechanism (SRM), which would be responsible for resolving failing banks and would establish a Single Resolution Fund (SRF) to fund their restructuring, concerns, especially by Germany, were raised that some of its provisions were incompatible with current EU treaties.^{[40][58][59]} As a result, the details of some aspects of the functioning of the SRF, including the transfer and mutualisation of funds from national authorities to the centralized fund, was split off from the Regulation to an Intergovernmental Agreement outside the framework of the EU.^{[40][58][59]} However, the treaty states that the intention of the signatories is to incorporate the treaty's provisions into EU structures within 10 years. The agreement was signed by 26 EU member states (all but Sweden and the United Kingdom) and is open to accession to any other EU member states.^[40] It will enter into force following the ratification by states representing 90% of the weighted vote of SSM and SRM participating states^[40] and will apply from 1 January 2016, provided that the SRM has entered into force, but only to SSM and SRM participating states.^[40]

Abandoned treaties

Treaty instituting a European Defence Community.

Following on from the success of the Treaty of Paris, efforts were made to allow West Germany to rearm within the framework of a European military structure in the form of a *European Defence Community*. The treaty was signed by the six members on 27 May 1952 and the Common Assembly began drafting a treaty for a European Political Community to ensure democratic accountability of the new army, but this treaty was abandoned when the Defence Community treaty was rejected by the French National Assembly on 30 August 1954.

1973 and 1995 Acts of Accession of Norway

Norway applied to join the European Communities/Union on two occasions. Both times a national referendum rejected membership, leading Norway to abandon their ratification of the treaty of accession. The first treaty was signed in Brussels on 22 January 1972 and the second in Corfu on 24 June 1994.

Treaty establishing a Constitution for Europe (the European Constitution)

The European Constitution was a treaty that would have repealed and consolidated all previous overlapping treaties (except the Euratom treaty) into a single document. It also made changes to voting systems, simplified the structure of the EU and advanced co-operation in foreign policy. The treaty was signed in Rome on 29 October 2004 and was due to come into force on 1 November 2006 if it was ratified by all member states. However, this did not occur, with France rejecting the document in a national referendum on 29 May 2005 and then the Netherlands in their own referendum on 1 June 2005. Although it had been ratified by a number of member states, following a "period of reflection", the constitution in that form was scrapped and replaced by the Treaty of Lisbon.

2011 European Stability Mechanism treaty

After the negotiations to amend Article 136 succeeded in March 2011, the leaders of the EU came to an agreement on a permanent stability fund for the eurozone called the European Stability Mechanism on 11 July 2011.^[60] It was decided that the ESM would have a size of 500 billion euros, by replacing the non-permanent European Financial Stability Fund and the European Financial Stability Mechanism. However, as the European sovereign debt crisis worsened, the leaders decided not to ratify the treaty as they planned several changes in the ESM, thus scrapping the original concept. The subsequent version of the ESM treaty was signed on 2 February 2012.

See also

- European Union law



The European Constitution failed due to negative votes in two member states



Wikisource has original text related to this article:

Treaty establishing a Constitution for Europe



Wikisource has original text related to this article:

Treaty Establishing the European Stability Mechanism (2011)

Notes

1. ^ **a b c** eur-lex.europa.eu: "ISSN 1725-2423 Official Journal of the European Union, C 115 Volume 51, 9 May 2008 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2008:115:TOC>), retrieved 1 Jun 2014
2. ^ **a b c d e f g h** Treaty on the Functioning of the European Union (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:EN:PDF>), Europa
3. ^ Protocols (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>), Europa
4. ^ Annexes (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0329:0334:EN:PDF>), Europa
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9. ^ The provision reads:

Article 311 shall be repealed. A new Article 311a shall be inserted, with the wording of Article 299(2), first subparagraph, and Article 299(3) to (6); the text shall be amended as follows:

[...]

(e) the following new paragraph shall be added at the end of the Article:

"6. The European Council may, on the initiative of the Member State concerned, adopt a decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 1 and 2. The European Council shall act unanimously after consulting the Commission."
10. ^ EUROPEAN COUNCIL DECISION of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:325:0004:0005:EN:PDF>)
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12. ^ Expired due to 50-year limit included in Treaty, absorbed by EU via Treaty of Nice.
13. ^ <http://www.cvce.eu/viewer/-/content/903872ca-002c-4ba4-b845-c25bbcb0f60f/en>
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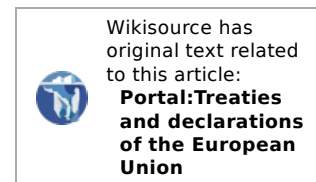
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