

EC INTERNAL MARKET LAW

Additional material 2

The fundamental values and the policy objectives of the European Union

A. The fundamental values

- the legally binding political-philosophical foundations of the Union
- binding upon the Union (once including the European Community) and the member states
- specified and concretized in the *Charter of Fundamental Rights*, concisely formulated and systematized in its preamble:
"... the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law."

I. According to the previous law: see art. 6(1) EU Treaty (Nice version)

"The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."

- the most important article in the founding treaties
- not a fundamental value but a specific principle for the field of economic policy: the principle of an open market economy with free competition (art. 4(1), 98 EC Treaty / 119 FEU Treaty)

II. According to the Treaty of Lisbon: see art. 2 EU Treaty (Lisbon version)

"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."

- note that now human dignity and solidarity (social coherence, principle of the "social state") are explicitly mentioned.

B. The policy objectives

- pursuit *only within the framework set by the fundamental values*
- legally binding principles, serving as guidances for the balancing of interests, the interpretation and the (judicial) development of law

I. According to the previous law

1) The general objectives of the European Union (art. 2 EU Treaty [Nice version])

2) The general objectives of the European Community (art. 2 EC Treaty)

"... a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States."

3) Special policy objectives in particular fields of activities

a) The objectives of the Common Foreign and Security Policy (art. 11(1) EU Treaty [Nice version])

b) The objectives of the Judicial Cooperation in Criminal Matters (art. 29 EU Treaty [Nice version])

c) The objectives of the Economic and Monetary Union (art. 4 EC Treaty)

- in particular price stability (art. 4(2) EC Treaty)

- see also the *principle of an open market economy with free competition* (art. 4(1), 98 EC Treaty), the guiding structural principle for the Economic and Monetary Union

d) Special objectives for individual Community policies (Part three EC Treaty)

- see, for example, art. 131(1), 136, 149 et seq., 152, 153, 163(1), 174, 177 EC Treaty

e) The objectives of the European Atomic Energy Community (art. 1 EURATOM Treaty)

II. According to the Treaty of Lisbon

- 1) The general objectives of the European Union (art. 3 EU Treaty [Lisbon version])
- 2) The general objectives according to the general provisions in art. 7 et seq. FEU Treaty
 - in particular elimination of inequalities, social protection, environmental protection, consumer protection (art. 8, 9, 11, 12 FEU Treaty)
 - also objectives that are not necessarily of economic relevance, e.g. the combat of discrimination based on sex, racial or ethnic origin, disability or sexual orientation (art. 10 FEU Treaty)
- 3) Special policy objectives in particular fields of activities
 - a) The objectives of the Union's External Action (new art. 21 EU Treaty [Lisbon version])
 - b) Special objectives for individual Community policies (Part Three of the FEU Treaty)
 - c) The objectives of the European Atomic Energy Community (art. 1 EURATOM Treaty)