

PREFACE
to
VOLUME ONE and VOLUME TWO

The importance of European law in its effect on the Member States of the European Union should not be underestimated. The Treaties, taken together, form the primary legislation, and are in effect the “constitution”, of the Community and they provide the legal basis for all secondary legislation made by the institutions of the Community, which comprise regulations, directives and decisions. Essentially, the Treaties produce obligations for the Community institutions and the Member States and rights for individuals and legal persons. Following the Treaty of Amsterdam, this relationship has developed to encompass the concept of the European Union as being an area of security for individuals and legal persons.

The structure and the provisions of the combined treaties are becoming increasingly complex, with Nice being the seventh European treaty since 1951. The Treaty of Nice follows the format of the previous Treaties (the Single European Act, the Maastricht Treaty and the Treaty of Amsterdam) in being a series of amendments and additions to the Treaty of Rome.

As such, Nice is not a treaty in its own right, but is the successor to the Treaty of Amsterdam and the Maastricht Treaty in the development of the European treaties, which collectively form ‘*The Treaty on European Union*’. As each treaty becomes law, it is incorporated into the existing treaties, which together form the consolidated Treaty on European Union; as a result, the changes and amendments made by each successive treaty become increasingly difficult to follow.

The Treaty of Nice was signed on 26 February 2001. All the Member States have to ratify the Treaty by their respective legislative procedures for it to become law. The Treaty is expected to come into force by the end of 2002. The delay is due to the different national legislative procedures and the number of national elections taking place.

Only the Republic of Ireland is required to hold a referendum on the Treaty. This was held on 7 June 2001 and the result was a rejection of the Treaty. In theory, this means that the Treaty is void and cannot now become law. However, as in the circumstances surrounding the referendum in Denmark on the Maastricht Treaty in 1992, where a second referendum was held after certain amendments had been made to that Treaty, it is probable that a second referendum will be held in Ireland, after a number of changes have been made to accommodate the concerns of the Irish.

The general format of this book follows ‘*The Maastricht Treaty in Perspective – Consolidated Treaty on European Union*’ and ‘*The Treaty of Amsterdam in Perspective – Consolidated Treaty on European Union*’, both published by the British Management Data Foundation. The general approach is that the new provisions introduced by each successive Treaty should be placed in the context of the preceding Treaties and the differences highlighted in order that the implications can be fully understood and how the fundamental law of the Community has been altered and developed.

Owing to the number of pages and to help the reader, this book has been separated into two volumes.

Volume One contains the analysis of the treaties: an analysis of the Treaty of Nice, a summary of the legislative procedures including the articles that would be under qualified majority voting after Nice is ratified, a discussion on the single currency and a five-column analysis of the development of competences from the Treaty of Rome to the Treaty of Nice.

Volume Two contains the text of the consolidated Treaty on European Union and the Treaty establishing the European Community, together with all of the existing protocols once the ratification of Nice is complete, the text of the Treaty of Nice and its attached declarations.

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