

# LAW & DATA

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*University of Padova*

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# APPLICATION FOR EU MEMBERSHIP

## ART. 2 TEU

«any European state which **respects the common values of the Member States** and undertake to promote them may apply to become a member of the Union. These **values** include **human dignity, freedom, democracy, equality, the rule of law and respect for human rights**, including the rights of persons belonging to minorities»

## ART. 49 TEU

«any European State which respects the **values referred to in Article 2** and **is committed to promoting them** may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State **shall address its application to the Council**, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the **subject of an agreement between the Member States and the applicant State**. This agreement shall be submitted for **ratification** by all the contracting States in accordance with their respective constitutional requirements»



# COPENAGHEN CRITERIA FOR EU ACCESSION

## - Political

stability of institutions guaranteeing democracy, the **rule of law**\*<sup>1</sup>, **human rights** and respect for and protection of minorities

## - Economic

a functioning market economy and the capacity to cope with competition and market forces

## - Administrative and institutional capacity

to effectively implement the **acquis communautaire**\*<sup>2</sup> and ability to take on the obligations of EU membership

# \*1 RULE OF LAW

ALL PUBLIC POWERS MUST ACT  
WITHIN THE **CONSTRAINTS** SET OUT BY LAW

- **LAW-MAKING PROCESS**: transparent, accountable, democratic and pluralistic
- **JUDICIAL PROTECTION**: effective → access to justice, independent and impartial courts, separation of powers
- **EQUAL PROTECTION**: everyone enjoys equal protection under the law and prevents the arbitrary use of power by governments.
- **POLITICAL AND CIVIL RIGHTS**: protection of basic political and civil rights, civil liberties



# **\*2 ACQUIS COMMUNAUTAIRE**

**BODY OF COMMON RIGHTS AND OBLIGATIONS  
BINDING UPON EU MEMBER STATES**

# **HIERARCHY OF SOURCES OF EUROPEAN UNION LAW**

## **PRIMARY LAW**

### **INTERNATIONAL AGREEMENTS**

## **SECONDARY LAW**

## **SUPPLEMENTARY LAW**

<https://eur-lex.europa.eu/homepage.html>

