

# **EU VALUES**

GENERAL INTRODUCTION EU LAW AND BEYOND

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## OVERVIEW

# EU VALUES

1. Historic development
2. EU general values
3. EU values in specific fields

EU values

# GUIDING QUESTIONS



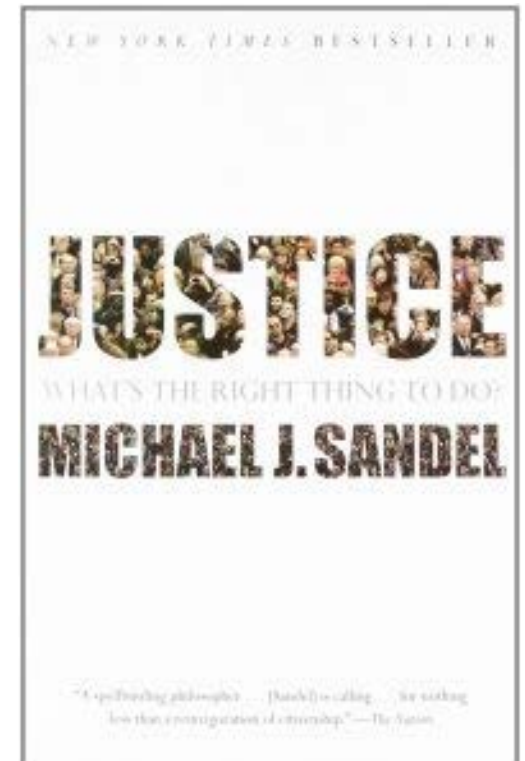
- Do values pertain to the legal or to the philosophical field?
- Has the EU embraced values right from the beginning?
- Which consequence do values have on the relationship of EU Member States?
- Which 'legal quality' to values have in EU law?
- In EU law, are there specific values for specific fields?

EU values

# Similar objectives | values as a bridge

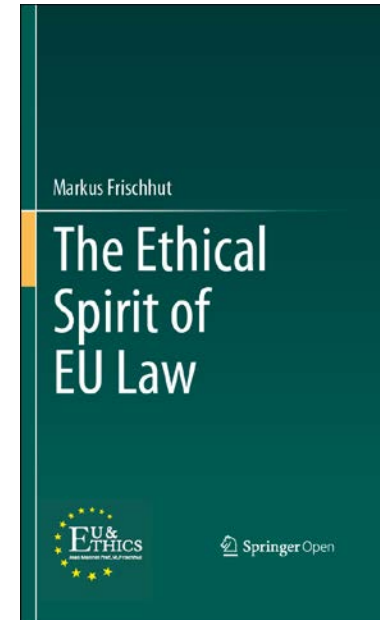
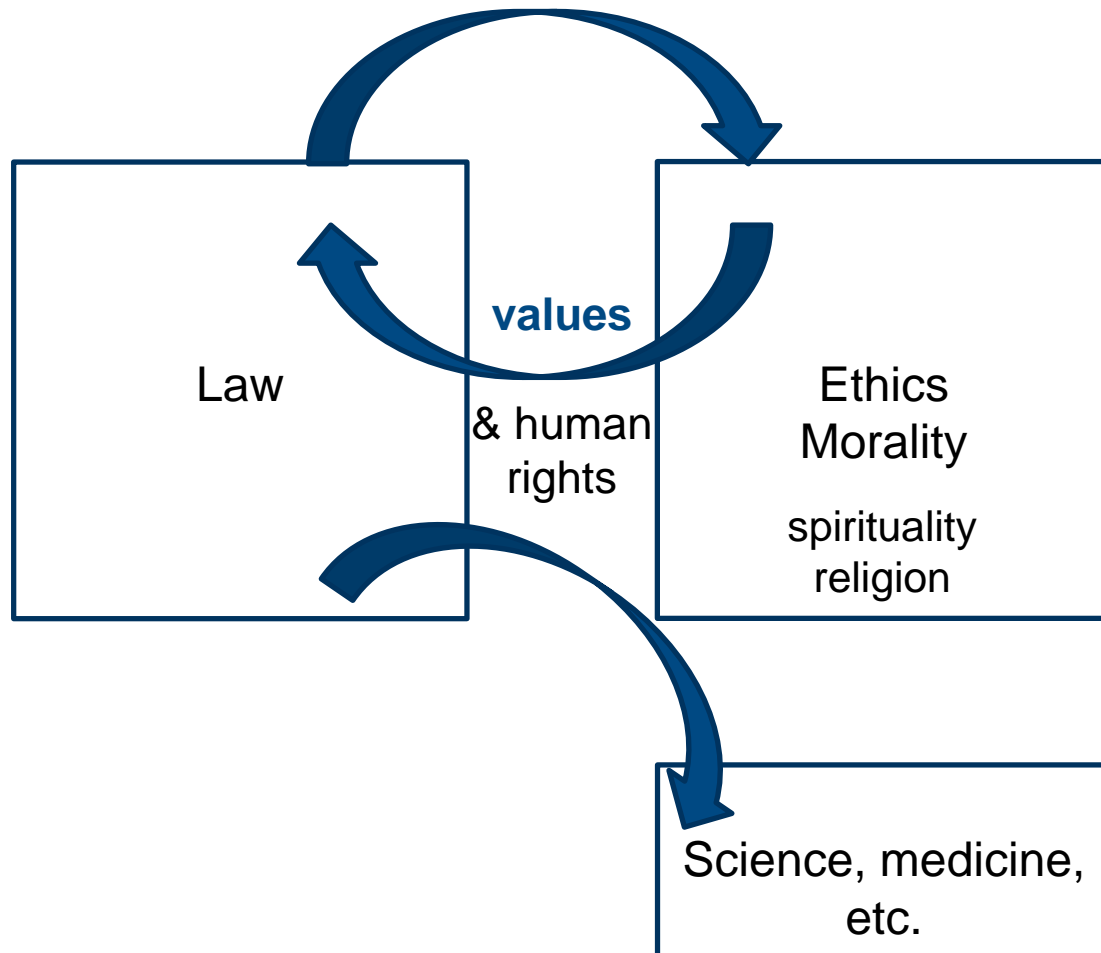
“These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, **justice**, solidarity and equality between women and men prevail.” (Article 2 para. 2 TEU)

Justice:  
**What’s the Right Thing to Do?**  
 (Sandel, 2010)



EU values

# EU law & ethics | values as a bridge

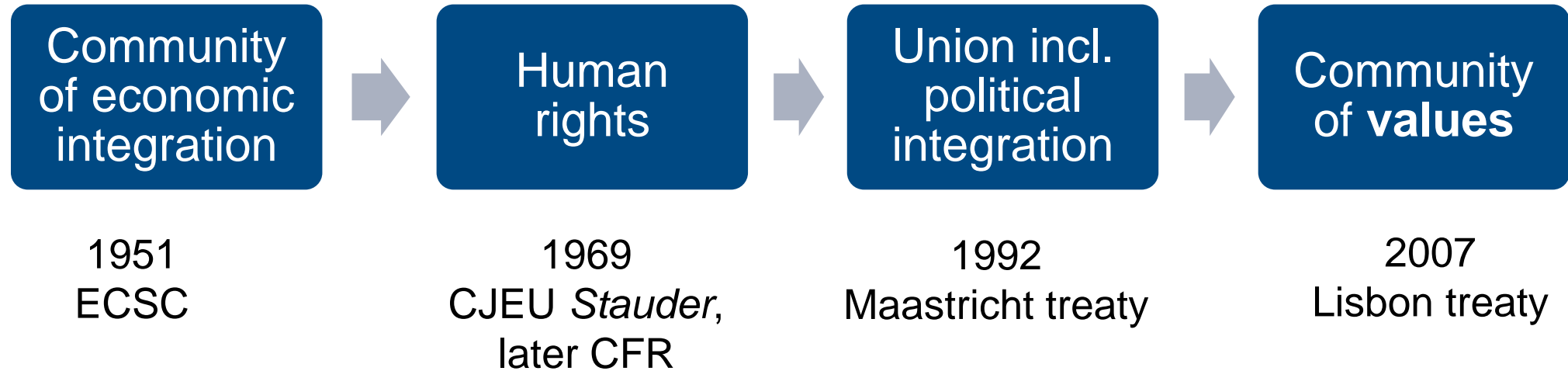


Source: Frischhut,  
2019

EU values

# EU integration | genesis

Aim: to safeguard peace



- Harmonization of national law (positive integration)
- Fundamental freedoms (negative integration)
- **N.B.** Positive and negative not in the sense of 'good' or 'bad'

## EU values | general ones | Art. 2 TEU

### *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.

EU values

## EU values | general ones | mutual trust

“EU law is thus based on the **fundamental premiss** that each Member State shares with all the other Member States, and recognises that they share with it, a **set of common values on which the EU is founded**, as stated in Article 2 TEU. That premiss implies and justifies the existence of **mutual trust** between the Member States that those values will be recognised, and therefore that the law of the EU that implements them will be respected. [...].”

CJEU judgment of 6 March 2018, *Achmea*, C-284/16, EU:C:2018:158, para. 34



Picture source: Frischhut

“However, that principle of **mutual trust**, with respect to, inter alia, compliance with the right to an effective remedy before an independent tribunal, is **not applicable in relations** between the Union and a **non-Member State**.”

CJEU opinion of 30 April 2019, *Opinion 1/17 [CETA]*, EU:C:2019:341, para. 129



EU values

## EU values | specific fields | excerpt

	health	non-financial reporting	sports	digitalization
year	2006	2014	<ul style="list-style-type: none"> <li>• 2017</li> <li>• 2018</li> </ul>	2018
legal status	soft-law (conclusions of health ministers)	binding (amendment to EU directive)	soft law: <ul style="list-style-type: none"> <li>• EP resolution (2017)</li> <li>• Council conclusions (2018)</li> </ul>	soft-law (advisory opinion)
application or distinct values	(mainly) distinct values	(mainly) application	<ul style="list-style-type: none"> <li>• Promotion of EU values, plus distinct values</li> <li>• (mostly) distinct values</li> </ul>	(mainly) application

# EU values | specific fields | 1. health

22.6.2006

EN

Official Journal of the European Union

C 146/1

I

(Information)

COUNCIL

Council Conclusions on Common values and principles in European Union Health Systems

(2006/C 146/01)

- **Overreaching values:**  
universality, access to good quality care, equity, and solidarity
- **Operating principles:**  
quality, safety, care that is based on evidence and ethics, patient involvement, redress, privacy and confidentiality

Source: Council Conclusions on Common values and principles in European Union Health Systems, OJ. 2016 C 146/1.

EU values

# EU values | specific fields | 2. non-financial reporting

Source: Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ. 2014 L 330/1.

Source:  
<https://www.ecogood.org/de/gemeinwohlbilanz/gemeinwohlmatrix>

# EU values | specific fields | 3. sports | EP

P8\_TA(2017)0012

**An integrated approach to Sport Policy: good governance, accessibility and integrity**

European Parliament resolution of 2 February 2017 on an integrated approach to Sport Policy: good governance, accessibility and integrity (2016/2143(INI))

- “whereas sport is not only a growing economic reality, but also a social phenomenon which makes an important contribution to the European Union’s strategic objectives, and to social values such as **tolerance**, **solidarity**, **prosperity**, **peace**, respect for **human rights** and **understanding** among nations and cultures” (recital D)
- “Welcomes transnational sporting events [...] insofar as they contribute to the promotion of key shared values of the EU such as **pluralism**, **tolerance**, **justice**, **equality** and **solidarity** [...]” (pt. 45)
- “to promote core values such as **respect**, **friendship**, **tolerance** and **fair play**” (pt. 31)
- “Believes that investing in sports will help us build united and inclusive societies, move barriers and enable people to respect each other by building bridges across cultures and across ethnic and social divides, and to promote a positive message of shared values, such as **mutual respect**, **tolerance**, **compassion**, **leadership**, **equality** of opportunity and the **rule of law**” (pt. 44)

# EU values | specific fields | 3. sports | Council

8.6.2018

EN

Official Journal of the European Union

C 196/23

**Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on promoting the common values of the EU through sport**

(2018/C 196/06)

- „All major international organisations dealing with sport, such as Unesco, the Council of Europe, the International Olympic Committee, the International Paralympic Committee and the World Anti-doping Agency, acknowledge that sport can teach **values such as fairness, teambuilding, democracy, tolerance, equality, discipline, inclusion, perseverance** and **respect** that could help to promote and disseminate common values of the EU.“ (pt. 14)
- „Sport can reinforce values in a natural way and in a positive atmosphere. Values such as **mutual respect, fair play, friendship, solidarity, tolerance** and **equality** should be natural to all those involved in sport in clubs, schools, in recreational sport and in professional sport.“ (pt. 17)

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# EU values | specific fields | 4. digitalization



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Source: Ethics Advisory Group. (2018). Towards a digital ethics: Report by the Ethics Advisory Group established by the European Data Protection Supervisor, the EU’s independent data protection authority. Retrieved from [https://edps.europa.eu/sites/edp/files/publication/18-01-25\\_eag\\_report\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/18-01-25_eag_report_en.pdf).

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## Literature mentioned on slides



- Frischhut, M. (2019). *The Ethical Spirit of EU Law*. Springer International Publishing.
- Sandel, M. J. (2010). *Justice: What's the right thing to do?* Farrar, Straus and Giroux.



- ❑ Do values pertain to the legal or to the philosophical field?**

  - ✓ They can be seen as a bridge between those two disciplines.
- ❑ Has the EU embraced values right from the beginning?**

  - ✓ No, from a purely economic integration, it has moved on to also including human rights, later on including also a political dimension, and, since the Lisbon Treaty, also developed into a 'Community of values'.
- ❑ Which consequence do values have on the relationship of EU Member States?**

  - ✓ Common values lead to mutual trust between Members States.
  - ✓ To be discussed: if values in the field of digitalization can also led to trust in relation not to Member States, but to individuals (i.e. citizens and companies).





- ❑ Which 'legal quality' to values have in EU law?
  - ✓ General ones: EU primary law
  - ✓ Specific ones: partly 'soft law', partly EU Secondary law.
- ❑ In EU law, are there specific values for specific fields?
  - ✓ Partly yes (e.g. in the field of health care), partly the same ones (e.g. in the field of non-financial reporting).