

Harmonisation

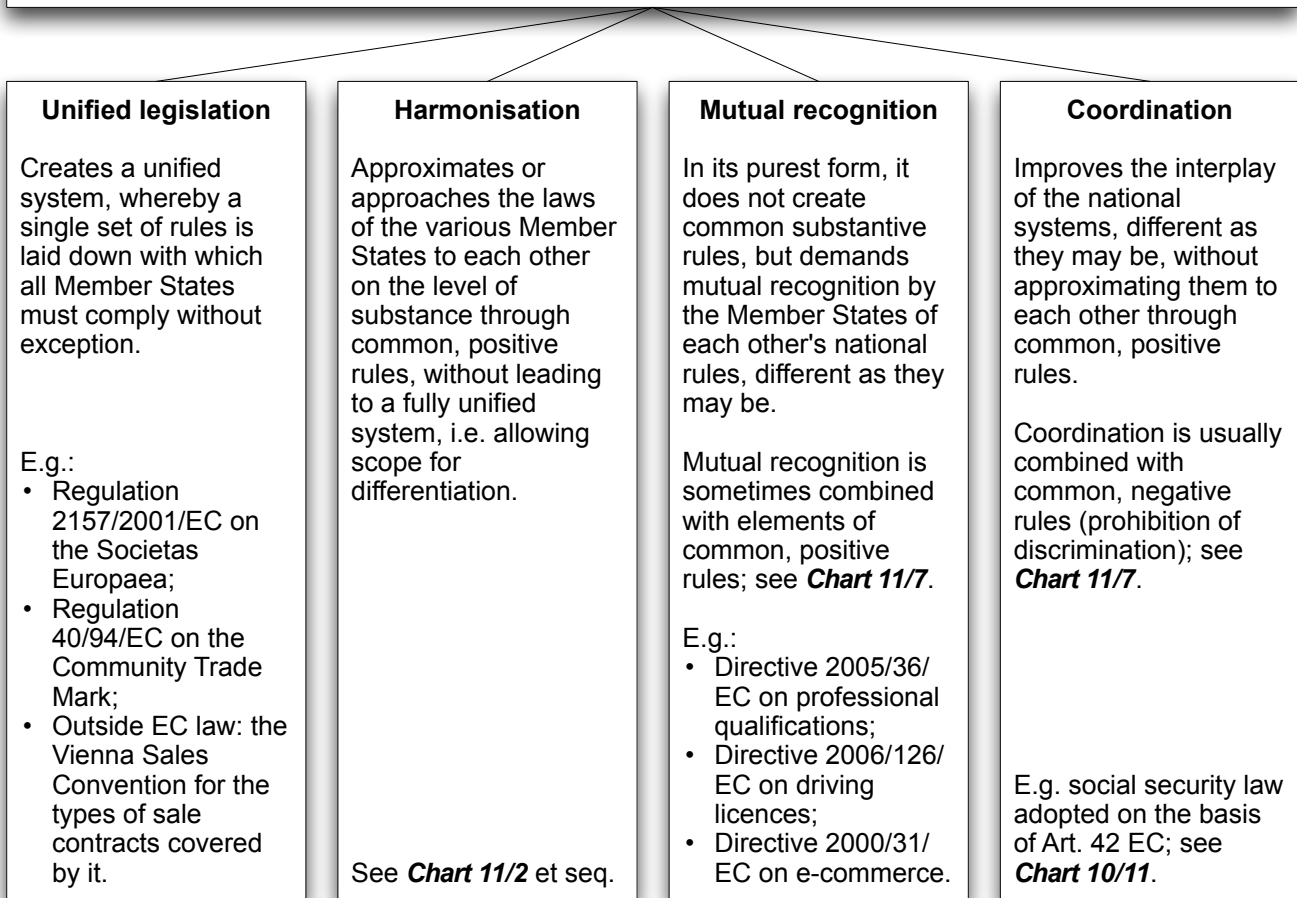
Integration techniques in the EC

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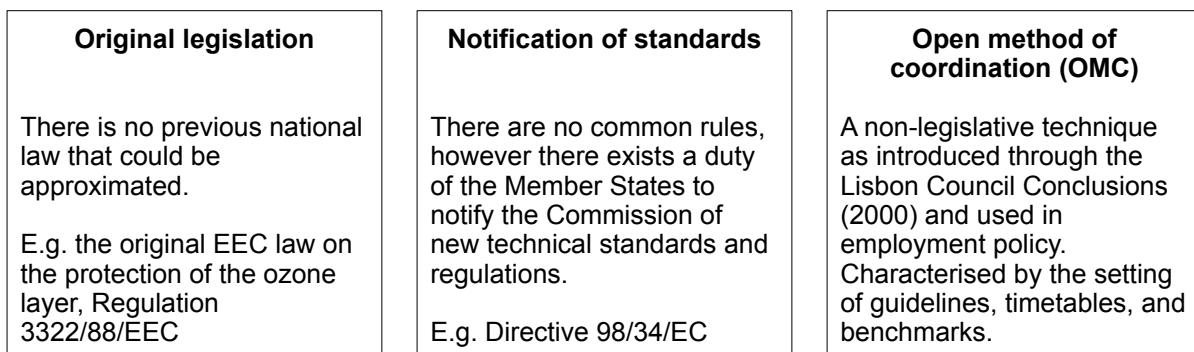
Topic:

In the EC, harmonisation through secondary law is the traditional, though not the only, method through which the laws of the Member States may be brought closer to each other. To harmonise means to approximate different national legal orders to each other on the substantive level.

The main types of integration techniques used in secondary law



Other integration techniques



Harmonisation rectified Chart 11|1: cut-out and replacement page



The main types of integration techniques used in secondary law

Unified legislation

Creates a unified system, whereby a single set of rules is laid down with which all Member States must comply without exception.

E.g.:

- Regulation 2157/2001/EC on the Societas Europaea;
- Regulation 40/94/EC on the Community Trade Mark;
- Outside EC law: the Vienna Sales Convention for the types of sale contracts covered by it.

Harmonisation

Approximates or approaches the laws of the various Member States to each other on the level of substance through common, positive rules, without leading to a fully unified system, i.e. allowing scope for differentiation.

See **Chart 11/2** et seq.

Mutual recognition

In its purest form, it does not create common substantive rules, but demands mutual recognition by the Member States of each other's national rules, different as they may be.

Mutual recognition is sometimes combined with elements of common, positive rules; see **Chart 11/7**.

E.g.:

- Directive 2005/36/EC on professional qualifications;
- Directive 2006/126/EC on driving licences;
- Directive 2000/31/EC on e-commerce.

Coordination

Improves the interplay of the national systems, different as they may be, without approximating them to each other through common, positive rules.

Coordination is usually combined with common, negative rules (prohibition of discrimination); see **Chart 11/7**.

E.g. social security law adopted on the basis of Art. 42 EC; see **Chart 10/11**.

Other integration techniques

Original legislation

There is no previous national law that could be approximated.

E.g. the original EEC law on the protection of the ozone layer, Regulation 3322/88/EEC

Notification of standards

There are no common rules, however there exists a duty of the Member States to notify the Commission of new technical standards and regulations.

E.g. Directive 98/34/EC

Open method of coordination (OMC)

A non-legislative technique as introduced through the Lisbon Council Conclusions (2000) and used in employment policy. Characterised by the setting of guidelines, timetables, and benchmarks.