

**THE CASE C-301/06.  
THE RELATIONSHIP BETWEEN EC TREATY AND EU TREATY.  
THE NATURE OF THE EUROPEAN UNION.**

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**Abstract:** *The object of this paper is a case law decided by the European Union Court of Justice in which it has evaluated and judged the proper legislative act to be used by the EU legislator.*

*The Court has applied the principles of the matters division between EU Treaty and EU Treaty, stating that the chosen legal basis, Article 95 EC Treaty, was correct and the consequent act, the Directive, was the correct act to adopt. In my opinion this case law shows that it's impossible approach to problems by only a point of a view, because in the actual society problems are strictly interconnected. It also shows as the EC judge is still forced to find particular legal argumentation to fill the gap of a legal framework, the European Union legal system, which defines clearly itself.*

*The reasoning is that if the legal system does not define itself, this non-clarity affect the whole system functioning, also its formal aspects, blocking to deal with problems by different points of views. The integration of the European Union cannot come without understanding that the judicial authority must not be forced to build legal categories, but the Member States agreement is to do it.*

**Keywords:** *European Union Court of Justice, EU legislator, EU Treaty, EU Treaty.*

**JEL Classification:** KOO

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