

Overview of lecture:

- European integration
- European Communities and European Union
- Enlargement procedures and EU law
- EC and EU Institutions
- Sources of EU law



Geographical consistency
Social consistency, standards
Religion
Common enemies
Education



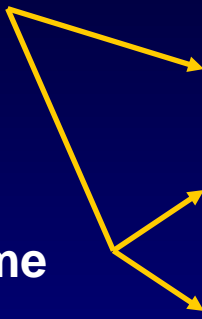
Languages
Social inconsistency, standards
Religion
Nationalism

European communities

Postwar Europe – peaceful coexistence of nations (Monet, Schumann)



Control of strategic resources (officially cooperation)



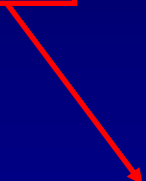
Treaties of Rome



1952 - European Coal and Steel Community (ECSC)

1958 - European Atomic Energy Community (EURATOM)

1958 - European Economic Community (EEC)



1967 Commission Council

1993 – Treaty of Maastricht – EEC to EC, est. of EU



European communities - treaties

1951 - Treaty establishing the European Coal and Steel Community

1958 - Treaties of Rome (EEC, EURATOM)

1965 – Merger treaty (Brussels – Commission, Council)

1992 – Maastricht treaty (EEC to EC, EU)

1997 – Amsterdam treaty (renumb. EC, EU, cons.)

2001 – Treaty of Nice (reform, merger of treaties)

2007 – Lisbon Treaty (Reform Treaty)

European communities - enlargement

1973: Denmark, Ireland, United Kingdom 1981: Greece

1986: Spain, Portugal

1995: Austria, Finland, Sweden

2004: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia.

2007: Bulgaria, Romania

?: Croatia, Turkey, Serbia

European communities - enlargement



Lisbon Treaty

EC – subject of international law
EU – virtual organization

Integration – 1st pillar
Cooperation – 2nd, 3rd pillar

Integration - enforceable
Cooperation – developing policies



EU – subject of international law

Exclusive powers
Shared powers (subsidiary)
Support, coordination

Co-decision – ordinary legislative procedure

Less unanimous procedures

Amendments of the treaties - easier

Charter of Fundamental Rights of the European Union



EU - Institutions

**legislative,
executive
(general)**

**Council of EU
European Commission
European Parliament**

**executive
special**

**European Economic and Social Committee
Committee of the Regions
European Investment Bank, European Investment Fund
European Central Bank
European Ombudsman
European Data Protection Supervisor
Office for Official Publications
European Personnel Selection Office
(European Administrative School)**

judiciary

**Court of Justice
Court of Auditors**

international

**President of the European Council
High Representative for Foreign Affairs and Security Policy
European External Action Service**



Foreign and security policy

- European Defence Agency (EDA)
- European Union Institute for Security Studies (EUISS)
- European Union Satellite Centre (EUSC)

Police and judicial cooperation

- European Agency for the Management of Operational Coordination at the External Borders of the Member States of the EU (AMOCCEB) – set up
- The European Police College (CEPOL)
- Europol
- Eurojust

Executive agencies, EURATOM

- specialist bodies – particular programmes

EU – Institutions – community agencies

- European Centre for the Development of Vocational Training (Cedefop)
- European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)
- European Environment Agency (EEA)
- European Training Foundation (ETF)
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
- European Medicines Agency (EMA)
- **Office for Harmonisation in the Internal Market (OHIM)**
- European Agency for Safety and Health at Work (EU-OSHA)
- Community Plant Variety Office (CPVO)
- Translation Centre for the Bodies of the European Union (CdT)
- European Monitoring Centre on Racism and Xenophobia (EUMC)
- European Agency for Reconstruction (EAR)
- European Food Safety Authority (EFSA)
- European Maritime Safety Agency (EMSA)
- European Aviation Safety Agency (EASA)
- European Network and Information Security Agency (ENISA)
- European Centre for Disease Prevention and Control (ECDC)
- European Railway Agency ERA

Role:

- representing states and their interests
- main body (most decision making powers)
- attended by government representatives (mostly ministers)

Responsibilities:

- **lawmaking (with EP)**
- **economic policies coordination**
- **international agreements**
- **budget (with EP)**
- develop common foreign and security policy
- co-ordination of co-operation in criminal matters

Configurations (agenda):

- **Summit (European Council)**
- **General Affairs and External Relations**
- Economic and Financial Affairs (ECOFIN)
- Justice and Home Affairs (JHA)
- Employment, Social Policy, Health and Consumer Affairs
- Competitiveness
- Transport, Telecommunications and Energy
- Agriculture and Fisheries
- Environment
- Education, Youth and Culture

Permanent Representatives Committee (COREPER)

- Consisting of member states ambassadors to EU
- Prepares meetings of Council
- Special Committee on agriculture (exception)

Role:

Representing EU

Members are independent on states

Main executive body of EU

Responsibilities:

Lawmaking – proposals

Implementing and enforcing EU policies and budget

Enforcing EC law

Representing EU on the international stage

Role:

Representing EU interests

Members are directly elected (highest legitimacy)

Shared powers – growing importance

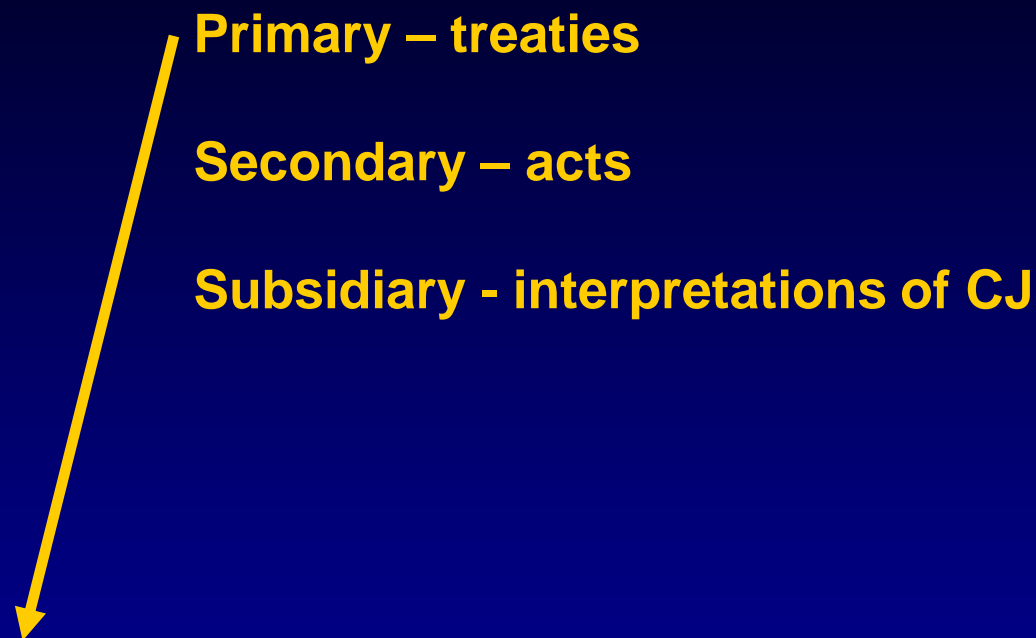
Responsibilities:

Lawmaking – together with council

Approving commission

Reviewing activities and reports from commission

Approving budget



1951 - Treaty establishing the European Coal and Steel Community

1958 - Treaties of Rome (EEC, EURATOM)

1965 – Merger treaty (Brussels – Commission, Council)

1992 – Maastricht treaty (EEC to EC, EU)

1997 – Amsterdam treaty (renumb. EC, EU, cons.)

2001 – Treaty of Nice (reform, merger of treaties)

Secondary sources of law – EU treaty, 288 (ex 249)

In order to carry out their task and in accordance with the provisions of this Treaty, the European Parliament acting jointly with the Council, the Council and the Commission shall make regulations and issue directives, take decisions, make recommendations or deliver opinions.

A **regulation** shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A **directive** shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety upon those to whom it is addressed.

Recommendations and opinions shall have no binding force.

Direct applicability – EC treaty (decision 26-62) – Van Gend en Loos

THE CONCLUSION TO BE DRAWN FROM THIS IS THAT THE COMMUNITY CONSTITUTES A **NEW LEGAL ORDER OF INTERNATIONAL LAW** FOR THE BENEFIT OF WHICH THE STATES HAVE LIMITED THEIR SOVEREIGN RIGHTS, ALBEIT WITHIN LIMITED FIELDS, AND THE SUBJECTS OF WHICH COMPRISE NOT ONLY MEMBER STATES BUT **ALSO THEIR NATIONALS** . INDEPENDENTLY OF THE LEGISLATION OF MEMBER STATES, COMMUNITY LAW THEREFORE NOT ONLY IMPOSES OBLIGATIONS ON INDIVIDUALS BUT IS ALSO INTENDED TO CONFER UPON THEM RIGHTS WHICH BECOME PART OF THEIR LEGAL HERITAGE . THESE RIGHTS ARISE NOT ONLY WHERE THEY ARE EXPRESSLY GRANTED BY THE TREATY, BUT ALSO **BY REASON OF OBLIGATIONS WHICH THE TREATY IMPOSES IN A CLEARLY DEFINED WAY** UPON INDIVIDUALS AS WELL AS **UPON THE MEMBER STATES AND UPON THE INSTITUTIONS OF THE COMMUNITY.**

Direct applicability – Directives (developed case law)

- Directly applicable directive?
- Directive imposing direct duties on member states?
- Directive imposing direct duties on individuals?

- 9/70
- 41/74 (Van Duyn)
- 148/78
- 80/86
- 9/90
- ...

- Duty to save the directive
- Duty not to sanction national law being contrary
- Duty not to sanction directive not being transposed
- Duty to fulfill obligations (responsibility) – !State!

NO DUTIES TO INDIVIDUALS – 152/84



EU – Sources of Law

eur-lex.europa.eu

OFFICIAL JOURNAL

SIMPLE SEARCH

ADVANCED SEARCH

COLLECTIONS

- Treaties
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- Legislation in force
- Preparatory acts
- Case-law
- Parliamentary questions

■ **General search**

- ▶ Search terms
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- ▶ Author
- ▶ Classification headings
- ▶ Keywords (EUROVOC)

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- ▶ Treaties
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- ▶ Preparatory acts
- ▶ Case-law
- ▶ Parliamentary questions

■ **Search by document number**

- ▶ Natural number
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- ▶ Consolidated text

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- ▶ Official Journal
- ▶ European Court Reports

- ▶ 01. General, financial and institutional matters
- ▶ 02. Customs Union and free movement of goods
- ▶ 03. Agriculture
- ▶ 04. Fisheries
- ▶ 05. Freedom of movement for workers and social policy
- ▶ 06. Right of establishment and freedom to provide services
- ▶ 07. Transport policy

■ **Select one of the following document types**

- All legislation
- Regulation
- Directive
- Decision
- Other acts

■ **Enter the year (4 characters)**

■ **Enter the number (maximum 4 characters)**



Role:

Judiciary of EC and EU

Representing interests of EC law

Responsibilities:

Negative lawmaking

Legal interpretation (general)

Legality of EC law (particular)

Activity control

Composition:

Court of Justice

General Court (direct actions)

Civil Service Tribunal (civil service)

- Actions for **failure to fulfill** obligations
- Actions for **annulment**
- Actions for **failure to act**
- References to **preliminary rulings**
- **Appeals, Reviews**

Jurisdiction

- Direct actions against EU institutions (individuals, states)
- Damages (GC – community to citizens)
- Community trademarks

- **Civil service** (CST)

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CASE-LAW (since 17/06/1997) Earlier case-law is available on [EUR-Lex](#)

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Document required: ?

All courts

- Court of Justice
- General Court
- Civil Service Tribunal

Documents published in the ECR

- Judgments
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- Opinions
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- Summaries
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Documents not published in the ECR
(since 01/05/2004)

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Names of parties: ?

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Words in the text ?

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EU – Institutions – European Court of Justice

	Case	Date	Parties	Field	
	C-329/03	Judgment (OJ) OJ C 330, 24.12.2005, p. 2	2005-12-24	Trapeza tis Ellados	Free movement of capital
	C-160/05	Removal (OJ)	2005-12-09	Commission v France	Free movement of capital
	C-213/04	Judgment	2005-12-01	Burtscher	Free movement of capital
	C-512/03	Judgment (OJ) OJ C 281, 12.11.2005, p. 3	2005-11-12	Blanckaert	Free movement of capital
	C-292/04	Opinion	2005-11-10	Meilicke and Others	Free movement of capital
	C-298/05	Reference (OJ) OJ C 271, 29.10.2005, p. 14	2005-10-29	Columbus Container Services	Free movement of capital
	C-376/03	Judgment (OJ) OJ C 271, 29.10.2005, p. 4	2005-10-29	D.	Free movement of capital
	C-329/03	Judgment	2005-10-27	Trapeza tis Ellados	Free movement of capital
	C-160/05_1	Order	2005-10-04	Commission v France	Free movement of capital

Full text

Official Journal publication

Other languages



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Search in case-law

Options

All case-law

or a specific type

Court of Justice

- Judgment
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- Advocate General's opinion

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- Judgment
- Order

Civil Service Tribunal

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Party* Document date
From: To: 

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jurifast

National decision

Preliminary question
 Without preliminary reference

State
[dropdown]

Date
[dropdown] [dropdown] [dropdown]

until :

Words of the subject
[text input]

Community law

Type of provision
[dropdown]





Year No Article
[dropdown] [input] [input]

Words of the title of the provision
[text input]

[Clear search](#)

Results

- EC Treaty
- Directive
- Regulation
- Decision
- Merger
- Other OJ L

	Detail State and jurisdiction	Date
	Czech Republic - Městský soud v Praze	20/06/2005
	Subject	
02/01/2006 18:04	Application for asylum of national of other member state of the European Union; Direct effect of the Protocol on asylum for nationals of Member States of the European Union;	
<hr/>		
	Detail State and jurisdiction	Date
	Portugal - Supremo Tribunal Administrativo	05/04/2005
	Subject	
20/12/2005 17:59	Autorisation ou permis de construire un parc éolien pour la production d'électricité, dans une zone sensible au regard du droit national, relative à l'évaluation des incidences de certains projets publics et privés sur l'environnement - obligation d'évaluation des incidences sur l'environnement.	

EU – Institutions – Case Law

Preliminary question 3 C 40.01 08/11/2001 Germany - Bundesverwaltungsgericht Résumé Summary Court of Justice of the European Communities	Provision(s) of Community law 31978L0687 Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners Article(s) Art. 1
C-35/02 17/10/2003	National final decision(s) 3 C 39.03 29/01/2004 Germany - Bundesverwaltungsgericht Résumé Summary

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