

# EU Law

- Info on EU - [www.europa.eu](http://www.europa.eu)
- [www.eu-law.ru](http://www.eu-law.ru) \ [www.eulaw.ru](http://www.eulaw.ru)
- [CourtofJustice.EU](http://CourtofJustice.EU)
- [www.justis.com/titles/celex-book.html](http://www.justis.com/titles/celex-book.html)
- [www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home)
- European Environmental law - [www.asser.nl](http://www.asser.nl)

# EU Law

**European Union law** (also called  
**European Community law**):

a body of treaties, law and court judgements  
which operates alongside the legal systems  
of the European union's member states.

# EU Law

## Integration directivity

Unifying rules of behavior in many areas of life, judicially providing for “**an ever closer union of the people of Europe**”

All provisions for the Common Market operation, Monetary laws, EU institutions status, EU business enterprise jurisdiction, EU police issues, EU Schengen Visa provision and many more.

# EU Law

■ Domestic Law: N/A

■ International Public Law  
N/A



# EU Law

Belgium	23 July 1952
France	23 July 1952
Germany	23 July 1952
Italy	23 July 1952
Luxembourg	23 July 1952
Netherlands	23 July 1952
Denmark	1 January 1973
Ireland	1 January 1973
UK	1 January 1973
Greece	1 January 1981
Portugal	1 January 1986
Spain	1 January 1986

Austria	1 January 1995
Finland	1 January 1995
Sweden	1 January 1995
Cyprus	1 May 2004
Czech Republic	1 May 2004
Estonia	1 May 2004
Hungary	1 May 2004
Latvia	1 May 2004
Lithuania	1 May 2004
Malta	1 May 2004
Poland	1 May 2004
Slovakia	1 May 2004
Slovenia	1 May 2004
Bulgaria	1 January 2007

# EU Law

Subject of law – those who bear the rights and duties imposed by this law.

- EU citizens,
- Legal entities in the territory of EU, including the “European Enterprises”
- EU member states and their bodies
- EU as a whole and its institutions

# EU Law

Subject matter of law – the social relations it governs

## ■ Institutional law

*EU as a whole  
Institution status*

*For example, law  
regulating procedures of  
EuroParliament formation*

## ■ Substantive law

*Relations between citizens,  
legal entities, member states*

*For example, Criminal law  
or Customs law*

# EU Law

## Regulating methods

### ■ Unification

*Single rules of behavior  
throughout the EU*

### ■ Harmonization

*Basic legislation creation  
in order to “bring  
together” different legal  
systems*





# EU Law Language



- All languages of member states are official
- The Official Journal and European Court Report are published in all languages and have equal legal power
- The Court decisions are made in one language, but translated into all.
- General rules: “The plaintiff chooses”, “Member state defendant” and “Prejudicial inquiry”

# EU Law publications

- Official Journal of the European Union  
(once\several times)
  - "L" – “Legislation”
  - "C" – “Communications”
- European Court Reports (ECR)
- All above

# EU Law Structure

- Primary Law
- Secondary Law
- Case Law



# EU Law

## Primary law

*the ECSC Treaty of 1951 (Treaty of Paris)*

*the EEC Treaty of 1957 (Treaty of Rome, Treaty on the Functioning of the European Union)*

*the EURATOM Treaty of 1957 (Treaty of Rome)*

*the Merger Treaty of 1965*

*the Acts of Accession of the United Kingdom, Ireland and Denmark (1972)*

*the Budgetary Treaty of 1970*

*the Budgetary Treaty of 1975*

*the Act of Accession of Greece (1979)*

*the Acts of Accession of Spain and Portugal (1985)*

# EU Law

## Primary law

*the Single European Act of 1986*

*the Treaty of Maastricht of 1992 (Treaty on European Union)*

*the Acts of Accession of Austria, Sweden and Finland (1994)*

*the Treaty of Amsterdam of 1997*

*the Treaty of Nice of 2001*

*the Treaty of Accession 2003*

*the Treaty of Accession 2005*

*the Treaty of Lisbon of 2007*

# EU Law

## Primary law – The Tree Pillars

- The European Communities pillar.

Aims - Economic, social and environmental policies.

It consisted of the European Community (EC), the European Coal and Steel Community (ECSC, until its expiry in 2002), and the European Atomic Energy Community (EURATOM).

- The Common Foreign and Security Policy (CFSP) pillar.
- Police and Judicial Co-operation in Criminal Matters (PJCC).

# EU Law

## Primary law – The Lisbon treaty

- “The temple of the three pillars” structure is transformed into a “locomotive” of European integration.”
- “Locomotive” the European Union is the body, resting on the “platform”(or foundation), which consists of the Member States and the peoples of the Union (citizens).

# EU Law

## Primary law – The Lisbon treaty

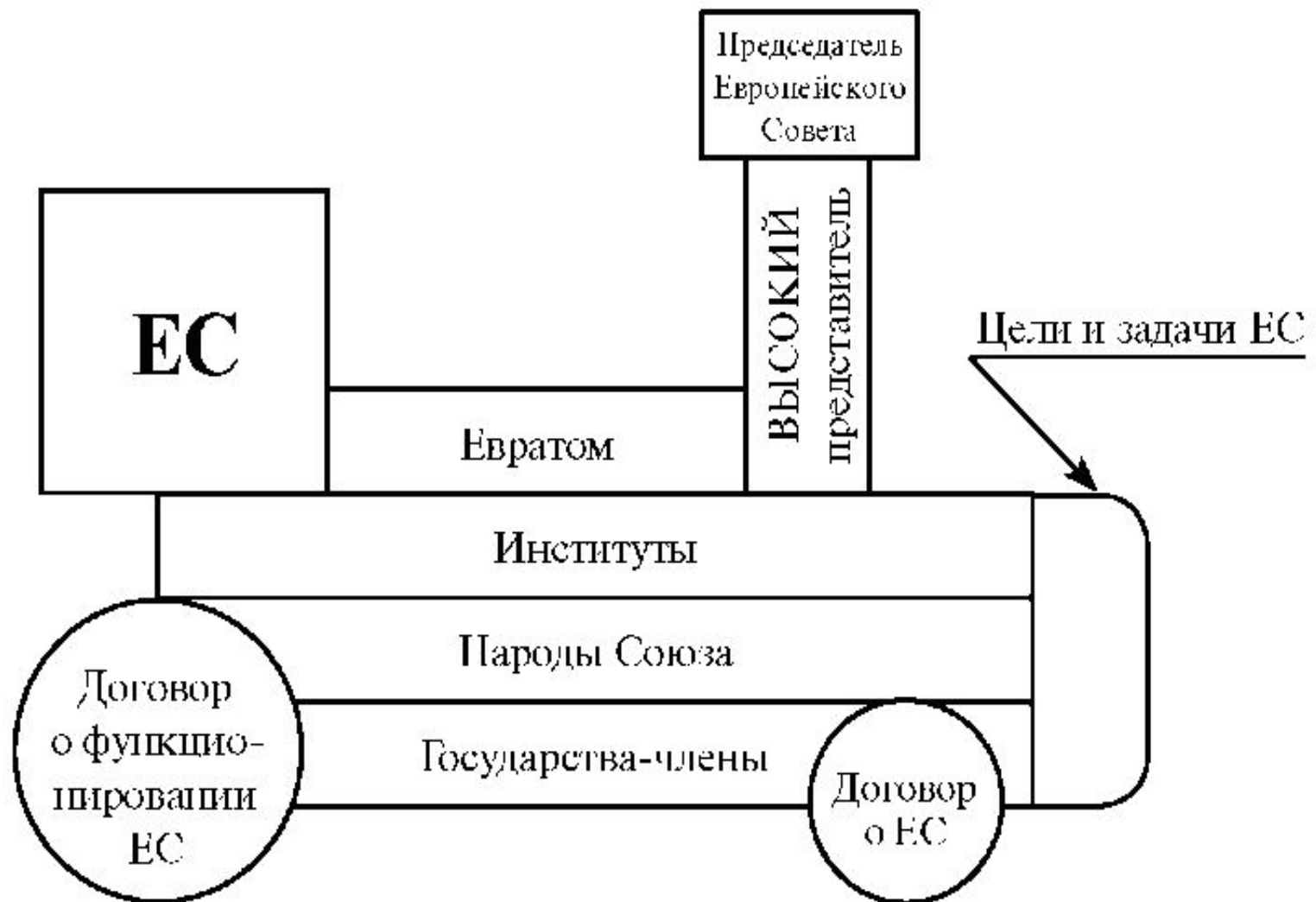
Two-pronged agreement (essentially of constitutional nature):

- a shortened and updated **Treaty on European Union 1992**
- a more voluminous and detailed **Agreement on the functioning of the European Union** (formerly known as the Treaty establishing the European Community (EC, 1957)).



# EU Law

## Primary law – The Lisbon treaty



# EU Law

## Secondary law

- Institutions legislation
- Framework decisions, regulations, directives and other legal acts by supranational institutions.
- Over 10000 documents
- 100 legal units per week
- CELEX

# EU Law

## Case law

- The cases of Union Court system are considered to be obligatory for all national law enforcement bodies in the EU.



# EU Law

## Other law making techniques

- Citizen initiative - enables one million citizens being nationals of a “significant” number of Member States to directly bring forward an initiative of interest to them in an area of EU competence to the European institutions.
- Referenda

**“999, 997 more and we’re laughing...”**



Citizens' Initiative: What do you think?

# EU Law

## Lobbying

- *Lobbying—attempting to influence the outcome of legislation or administrative rules and regulations*
- 3000 groups of interest,
- 15000 lobbyists,
- 5000 – commercial lobbyists.
- “The European Institute for the activities of public authorities and lobbying”

# EU Law

## Lobbying

- European Confederation of Professional Unions (CES)
- Employers unions, Union of confederations of industry and employers of Europe (UNICE)
- Consumer and Ecology, European Environmental Bureau, European Bureau of Consumer Unions (BEUC)

# EU Law - Conditions

- Developed economies,
- Economic, social, political, legal and cultural environment proximity
- Small territory size emphasized the narrowness of national borders and internal markets
- Protection ideas

# EU Law – applicable history

## Deep Roots

1306 – Dubois, Christian Republic

1460s – Podenbrad, Union

1639 – Duke of Sully, Federation of European States

1693 – Penn, European Parliament, Army?

1814 – Sen-Simone, Union, EuroMonarchy, army

1878 – Bluntshly, EU, Federal Council and Senate







# EUROPE IN 1721

after the  
TREATIES OF UTRECHT & NYSTAD

English Miles

100 0 100 200 300





# EUROPE IN 1910.

English Miles  
200 100 0 100 200





# EU Law – applicable history

- **Coudenhove-Kalergi**, Brian, PanEuropean Union

Attempts to create “United States of Europe” on an economy basis  
– “federative connections in common market”.

Aims – economic growth and social welfare.

“an organization free of "nihilism, atheism and immoral  
consumerism“

“the only way of guarding against an eventual world hegemony by  
Russia”.

*Failure reasons:* Hitler, Fear of losing sovereignty, elite  
orientation.

# EU Law – applicable history

- After the WW2 – understanding gained by all.
- “Marshall Plan”
- The founding “fathers” – Monnet and Schumann
- The main idea – gradual integration on the basis of economic integration and merger of States inalienable interests.
- Goals – reconstruction, security system for avoiding wars, human rights

# EU Law – applicable history

## European Coal and Steel Community (ECSC)

### Recognizable features:

- Common Market (low prices and equal conditions, coordination of import and export duties, no discrimination with regard to origins)
- Common Goals (Cartel restriction, investment management)
- Common Supranational Institutes (Indirect regulation – SGB, SCM, Court, Consultative Committee)

# EU Law – applicable history

## European Defense Community (EDC)

An attempt to form a pan-European defense force as an alternative to W. Germany's proposed accession to NATO.

Did not pass the ratification in France.

# EU Law – applicable history

## European Economic Community (EEC)

A successful attempt to form a common market in all economy areas of participating states.

The main aim of the EEC was to "preserve peace and liberty and to lay the foundations of an ever closer union among the peoples of Europe“



# EU Law – applicable history

## European Economic Community (EEC)

- Common policies for agriculture, transport and trade
- The establishment of a customs union with a common external tariff
- Enlargement of the EEC to the rest of Europe

# EU Law – applicable history

## Achievements - Subsidiary Principle

- *“in areas which do not fall within its exclusive competence,*
- *the Union shall act only if and in so far*
- *as the objectives of the proposed action cannot be sufficiently achieved by the Member States,*
- *either at central level or at regional and local level,*
- *but can rather, by reason of the scale or effects of the proposed action,*
- *be better achieved at Union level”*

# EU Law – applicable history

## Four Freedoms of the Common Market

*Freedom of movement of goods*

*Freedom of movement of services*

*Freedom of movement of people*

*Freedom of movement of capital*

# EU Law – applicable history

1960 – European Political Cooperation

1975 – TREVI group

1986 – Single European Act

1992 - The Maastricht Treaty (EU creation)

1999 – The Amsterdam Treaty

2001 – The Nice Treaty

2009 – The Lisbon Treaty

# EU Law – possible futures

- No way out - Break apart
- The Union stays, but Eurozone shatters
- The Union stays, but Eurozone degrades
- LIFO
- ???

# EU Law – questions

- In your opinion, what are the advantages and downsides of having a EU?
- Many EU citizen say that the EU was good 50 years ago to prevent wars, but now it is too costly, bulky and slow to exist in modern reality. Comment.
- If CIS countries decide to make a union like EU, what would your advice be to them? Please explain your answer.

Thank you for your attention!

