

## Essentials of EU Law

Students new to the study of EU law can find knowing what questions to ask to be as much of a challenge as answering them. This book clearly sets the scene: it explores the history and institutions of the EU, examines the interplay of its main bodies in its legislative process, and illustrates the role played by the EU courts and the importance of fundamental rights. The student is also introduced to the key principles of the internal market, in particular the free movement of goods and the free movement of workers. In addition a number of other EU policies, such as the Common Agricultural Policy, Environmental Protection, and Social Policy are outlined, while a more detailed inquiry is made into European competition law. This book is an essential first port-of-call for all students of European law.

AUGUST REINISCH is Professor of International and European Law and Dean for International Relations of the Law School at the University of Vienna.

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## Preface

This book owes its existence to a number of factors, most importantly the persistent requests of my students both at the Bologna Center of Johns Hopkins University and at Bocconi University in Milan for a simple and readable, and preferably short, introduction to the law of the European Union. It was, and remains, a particular challenge to teach EU law in institutions with mostly economics and political science students, who are not always wholly enthusiastic about learning the law. That made me realise that there is a lack of available academic resources for this particular purpose. Of course, there are the excellent treatises such as *EU Law* by Craig and De Burca, now already in its fifth edition (2011), and the second edition of *European Union Law* by Chalmers, Hadjiemmanuil, Monti and Tomkins (2010), as well as a number of other first-rate law books – needless to say, not always a light fare even for law students. The students at my home law school at the University of Vienna equally demanded access to learning the law in a most time-efficient manner.

Being brief on EU law is, of course, like squaring the circle, with the additional, hermeneutic complication that it is almost impossible to understand anything fully without first understanding everything, at least a little. This book has been written against all these odds. It aims at explaining the most important institutional aspects of the European Union, the interplay of its main bodies in the process of European legislation, the control of legality exercised by the two EU courts, the importance of fundamental rights in this context and the role of the EU as an international actor. It equally tries to familiarise

the reader with the most important aspects of so-called substantive EU law, that is, the law of the four freedoms, in particular, the free movement of goods in the internal market and the freedom rights of EU citizens as workers, self-employed and family members. In addition, a number of other EU policies, such as the Common Agricultural Policy (CAP), environmental and consumer protection, Social Policy and Police and Judicial Cooperation in Criminal Matters (PJCC) are outlined, while a more detailed inquiry is made into European competition law.

In all these areas, the main principles stemming from the original 1957 Rome Treaty Establishing the European Community (TEC) to the most recent amendments after the Lisbon Treaty 2009, are outlined and discussed together with the major rules contained in EU legislation. When discussing the law, particular emphasis is laid on the case law of the Court of Justice (ECJ) and the General Court, which should make the sometimes rather tedious rules and principles livelier and more accessible.

The specific Questions and Answers format was deliberately chosen in order to move away from the usual textbook structure and provide easy access to the core issues of EU law. Instead of lengthy footnotes or endnotes and ample indices and tables of cases, instruments, etc., a light system of cross-references will guide the users through this book, remind them of content they have already read in earlier chapters, or alert them to further explanations in subsequent chapters. Additionally, bold print is used where necessary in order to indicate the most important terms and concepts used in EU law.

Thanks go to many friends and colleagues who advised me and gave helpful comments. I am particularly grateful to Christina Knahr and Jakob Wurm for their assistance in preparing the first edition of this book under the name of *Essential Questions in EU Law*. Equally, Melanie Fink's help in updating the book was of crucial value. Last, but not least my thanks go to Sinead Moloney at CUP for accompanying this project since its beginning.



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A final disclaimer is warranted: do not use this little book as a substitute for further and more detailed study of EU law! It is intended only to provide a first and general introduction into a fascinating and ever growing body of law and should encourage the reader to do so. If it does, it has been successful.

August Reinisch  
Vienna, January 2012

# Abbreviations

ACP	African, Caribbean and Pacific
ALDE	Alliance of Liberals and Democrats for Europe
BvE	Decision on constitutional disputes between federal organs (German Constitutional Court)
BvR	Decision on complaint of unconstitutionality (German Constitutional Court)
CAP	Common Agricultural Policy
CCP	Common Commercial Policy
CFI	Court of First Instance
CFR	Charter of Fundamental Rights of the European Union
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CMLR	Common Market Law Reports
COREPER	Permanent Representatives Committee
CSFR	Czech and Slovak Federal Republic
DG	Directorate-General
EC	European Community
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOFIN	Council for Economic and Financial Affairs
ECR	European Court Reports
ECR	European Conservatives and Reformists Group
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
EEA	European Economic Area
EEC	European Economic Community
EESC	European Economic and Social Committee

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EFD	Europe of Freedom and Democracy Group
EFTA	European Free Trade Agreement
EHRR	European Human Rights Reports
EMU	European Monetary Union
EP	European Parliament
EPC	European Political Cooperation
EPP	Group of the European People's Party – Christian Democrats
ERTA	European Road Transport Agreement
ESC	Economic and Social Committee
ESDP	European Security and Defence Policy
EU	European Union
EURATOM	European Atomic Energy Community
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GNP	Gross national product
GUE/NGL	Confederal Group of the European United Left/ Nordic Green Left
JHA	Cooperation in Justice and Home Affairs
Les Verts/EFA	Group of the Greens/European Free Alliance
MEP	Member of European Parliament
NATO	North Atlantic Treaty Organization
OECD	Organization for Economic Cooperation and Development
OEEC	Organization for European Economic Cooperation
OJ	Official Journal
PJCC	Police and Judicial Cooperation in Criminal Matters
QMV	Qualified majority voting
S&D	Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
SEA	Single European Act
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRIPs	Agreement on Trade Related Intellectual Property Rights

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LIST OF ABBREVIATIONS

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UNCTAD	United Nations Conference on Trade and Development
VAT	Value added tax
WEU	Western European Union
WLR	Weekly Law Reports
WTO	World Trade Organization