

Cambridge University Press 978-1-108-83005-8 — The Politics of Legal Expertise in EU Policy-Making Päivi Leino-Sandberg Table of Contents More Information

Contents

Fo	rewor	d		
M	ARK I	DAWSON, LAURENCE GORMLEY		
AND JO SHAW				
Acknowledgements				
Table of Cases				
Та	ble of	Treaties, Legislation and Institutional Sources	xxviii	
1	Int	roduction	1	
	1.1	Why Legal Advisers Matter	1	
	1.2	Is EU Law Special?	4	
	1.3	Defending the Integrity of the Law	9	
		Chapter-by-Chapter Overview	13	
		Methodology	17	
2	Who Are EU Legal Advisers?		25	
	2.1	A Community of Lawyers	25	
		2.1.1 Legal Advisers in the EU Institutions	25	
		2.1.2 The Legal and Regulatory Framework for EU		
		Lawyers	27 35	
		2.1.3 Legal Advisers as EU Officials2.1.4 Recruitment and Careers in the Legal Services		
	2.2	Profile of an EU Legal Adviser	42	
		Legal Advisers and EU Legal Scholarship	47	
		Ideology: Why This Job?	53	
	4.4	ideology. Willy This Job!	33	
3	What Do EU Legal Advisers Do?			
	3.1	Tasks	58	
		3.1.1 Interpreting Rules and Giving Advice	62	
		3.1.2 Mastering Legislative Technique	76	
		3.1.3 Litigation	80	

xi



Cambridge University Press 978-1-108-83005-8 — The Politics of Legal Expertise in EU Policy-Making Päivi Leino-Sandberg Table of Contents More Information

xii CONTENTS

		Legal Advisers Working for the Member States A Unique Professional Community	88 93
4		afidentiality of Legal Advice	99
•	4.1	•	99
		Access to Legal Advice: Whose Public Interest?	101
		Legal Advice and Litigation	116
		The Politics of Confidentiality: Exploring the	110
	7.7	Institutional Mindset	124
	45	Whose Advice?	135
5		Commission Legal Service	137
		Introduction	137
	5.2	In the Service of the European Interest	140
		5.2.1 Between the Political and the Technocratic	140
		5.2.2 A Sui Generis Bureaucracy5.2.3 General Interest	143 146
		5.2.4 Collegiality and Confidentiality	148
	5.3	The Legal Underworld: Lawyers in the	
		Commission	151
		5.3.1 Legal Service: Basic Tasks and Functions	151
		5.3.2 Lawyers in the DGs	157
		5.3.3 Lawyers in the Cabinets	161
	5.4	The Legal Service as Part of Commission	
		Decision-Making	163
		Litigation	173
	5.6	The Emergence of the 'New' Political	
		Commission	181
		5.6.1 Introduction	181
		5.6.2 The (Selective) Guardian of the EU Treaties5.6.3 'Selmayrgate'	185 189
	57	Conclusion	194
6	_	al Advice in Council Decision-Making	197
		Introduction	197
		The Legal Service and Council Decision-Making	201
		Inside the Legal Service	211
	6.4	Tasks	219
		6.4.1 Problem-Solver in Council Negotiations	219
		6.4.2 Litigation: Defending Council Interests6.4.3 Intergovernmental Conferences: The Platform	224
		for the Council Jurisconsult	231
	6.5	Legal Advice in a Political Landscape	236



Cambridge University Press 978-1-108-83005-8 — The Politics of Legal Expertise in EU Policy-Making Päivi Leino-Sandberg Table of Contents More Information

		CONTENTS	xiii
	6.6	Safeguarding Credibility	246
	6.7	Conclusion	254
7	Leg	al Advice in the European Parliament	257
	7.1	Introduction	257
	7.2	The Evolution of the Parliament Legal Service:	
		From Ideological to Professional Legal	
		Expertise	260
	7.3	The Legal Service and Its Functions	265
	7.4	A Free Market of Legal Advice	273
	7.5	The Client's Wish List	280
	7.6	Conclusion	285
8	Epi	logue	288
Bił	oliogra	арһу	308
Ind	ndex		