



EU Law:

1. Introducing the EU

Today's Lecture

Information about the module

Aspects of studying EU law

The meaning and development of the EU

Teaching Team (LL2007, LL3001)

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Module Structure – Term 1

Week	Lecture	Seminar
30/09	Introduction to the EU	None
7/10	EU Legislative Process and Democracy	Introducing and Contextualising the EU
14/10	EU Legal System: Supremacy	The EU Institutions and Law-making
21/10	EU Legal System: Direct Effect, Indirect Effect	Supremacy
28/10	Preliminary References	Direct Effect and Indirect Effect
4/11: READING WEEK		
11/11	Annulment Action	Preliminary References
18/11	Charter of Fundamental Rights	Annulment Action
25/11	The Internal Market; Free Movement of Goods 1: Article 30 TFEU, Article 110 TFEU, Tariffs and Taxation	Charter of Fundamental Rights
2/12	Free Movement of Goods 1: Article 34 TFEU, Article 36 TFEU, Restrictions on Imports	The Internal Market, Article 30 TFEU, Article 110 TFEU
9/12	Consolidation	Free Movement of Goods, Article 34 TFEU

Assessment Information

- Summative Assessment/Term 1:
 - Coursework due January 2025
- Summative Assessment/Term 2:
 - Exam in the Summer Exam Period
- Don't forget, feedback opportunities:
 - Formative assessment in Term 1 (now available)
 - Seminars
 - Interactive Exercises in Lectures
- Check Assessment Information tab on module's Moodle page for more details

Textbooks and other academic sources

Textbooks available online via [Oxford Law Trove](#):

- Barnard and Peers, *European Union Law* (4th edition, 2023)
- Costa and Peers, *Steiner and Woods EU Law* (15th edition, 2023)
- Craig and Gráinne de Búrca, *EU Law: Text, Cases, and Materials UK Version* (8th edition, 2024)
- Schütze, *An Introduction to European Law* (4th edition, 2023)

Journals:

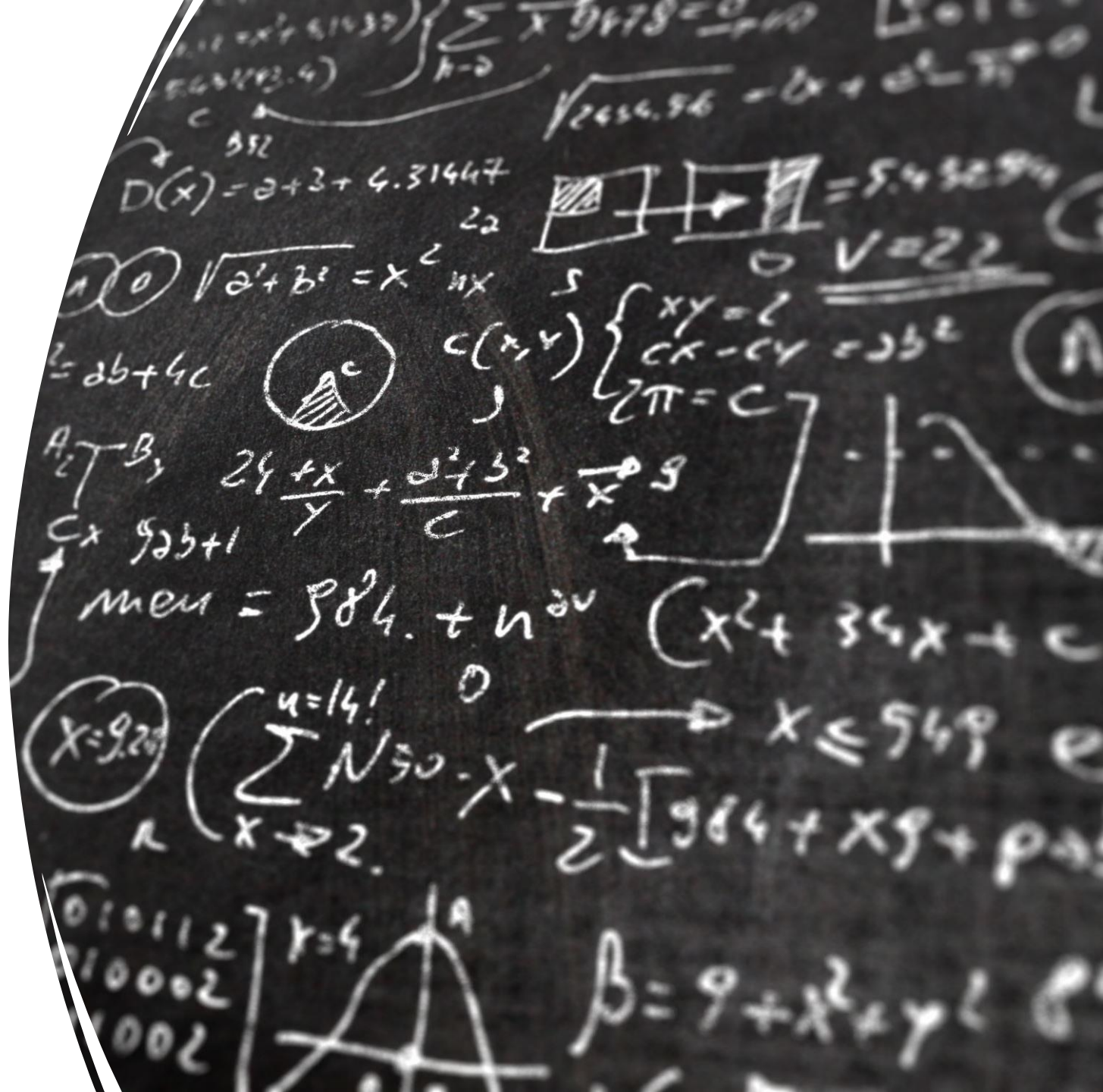
- Common Market Law Review, European Law Review, European Law Open, European Constitutional Law Review, Yearbook of European Law, Cambridge Yearbook of European Legal Studies, Journal of Common Market Studies, European Papers, etc.

Credible Online Resources:

- <http://eulawanalysis.blogspot.com>
- <https://eulawlive.com>
- <https://www.europeanlawblog.eu>

Don't forget the primary sources!

- Treaties, the Charter of Fundamental Rights of the EU and secondary EU legislation (Regulations, Directives, etc):
 - <https://eur-lex.europa.eu/homepage.html>
- CJEU judgments:
 - <https://curia.europa.eu/juris/recherche.jsf?language=en>



What is the European Union?

"The European Union is a unique partnership between 27 European countries, known as Member States, or EU countries. Together they cover much of the European continent. The EU is home to around 447 million people, which is around 6 % of the world's population. Citizens of the EU countries are also EU citizens."

(https://op.europa.eu/webpub/com/eu-and-me/en/WHAT_IS_THE_EUROPEAN_UNION.html)

"The European Union (EU) is an economic and political union of 27 countries. It operates an internal (or single) market which allows free movement of goods, capital, services and people between member states." (<https://www.gov.uk/eu-eea>)





The EU as a
geographical, conceptual
and legal space

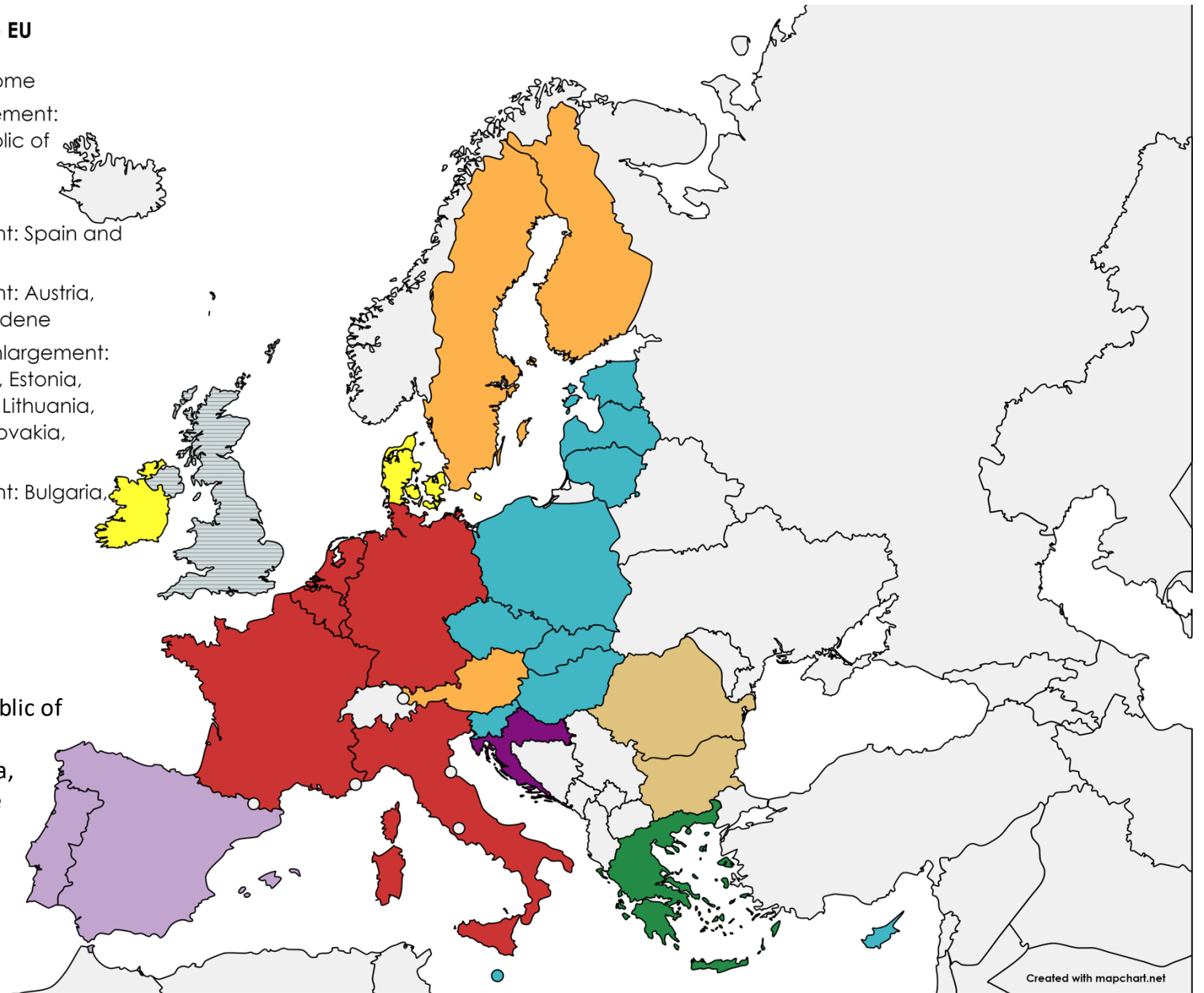
EU as a geographical space

The Evolution of the EU

- 1957 Treaty of Rome
- 1972 First Enlargement: Denmark, Republic of Ireland, UK
- 1981 Greece
- 1986 Enlargement: Spain and Portugal
- 1995 Enlargement: Austria, Finland and Sweden
- 2004 Big Bang Enlargement: Cyprus, Czechia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland Slovakia, Slovenia
- 2007 Enlargement: Bulgaria, Romania
- 2013 Croatia
- 2020 Brexit

Official Candidate

Countries: Albania, Moldova, the Republic of North Macedonia, Montenegro, Serbia, Turkey and Ukraine



The *idea of Europe*

- WWII and its aftermath: United Europe as response to nationalism & focus on economic integration
- [Schuman Declaration 1950](#): peace, integration, and power within Europe and the world: 'The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations ... A united Europe was not achieved and we had war ... The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany'.
- Nobel Prize Peace Prize 2012: 'The union and its forerunners have for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe'.
- Rights for EU citizens: Case C-184/99 *Grzelczyk*, [31]: 'Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for'.




‘Ever Closer Union’ – a misunderstood phrase?

Article 1 TEU:

‘By this Treaty, the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION ... Member States confer competences to attain objectives they have in common ... This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen’.

- ‘Confer competences’ – limited powers
- ‘High Parties’, ‘Member States’ – sovereign?
- ‘The peoples of’ – plural – not single ‘people’
- Intergovernmentalism vs supranationalism



The EU's Objectives: Article 3 TEU

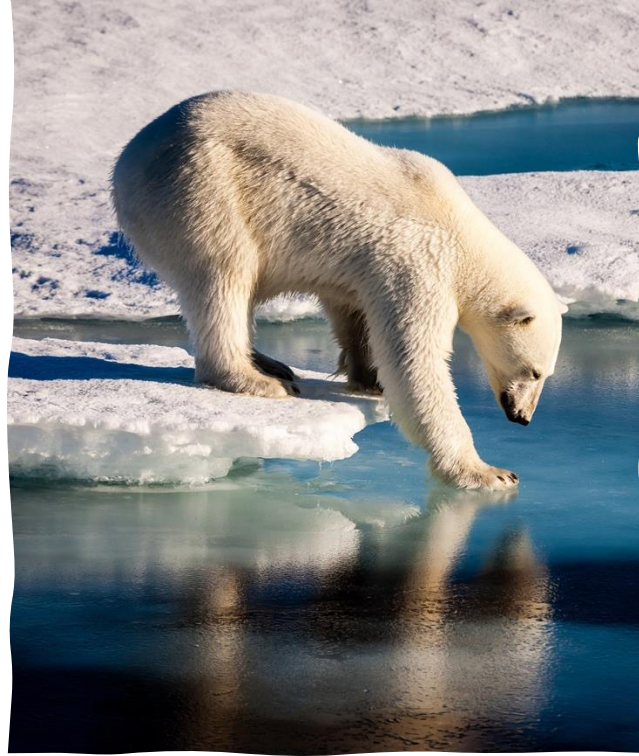
Article 3 (ex Article 2 TEU)

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.
4. The Union shall establish an economic and monetary union whose currency is the euro.
5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.



The EU as a *global power*

Common Commercial Policy: exclusive EU competence in e.g. trade agreements

Humanitarian aid and development policies

Environmental policy

Enlargement

Common Foreign and Security Policy

EU Humanitarian Air Bridge to deliver emergency aid to Haiti following earthquake



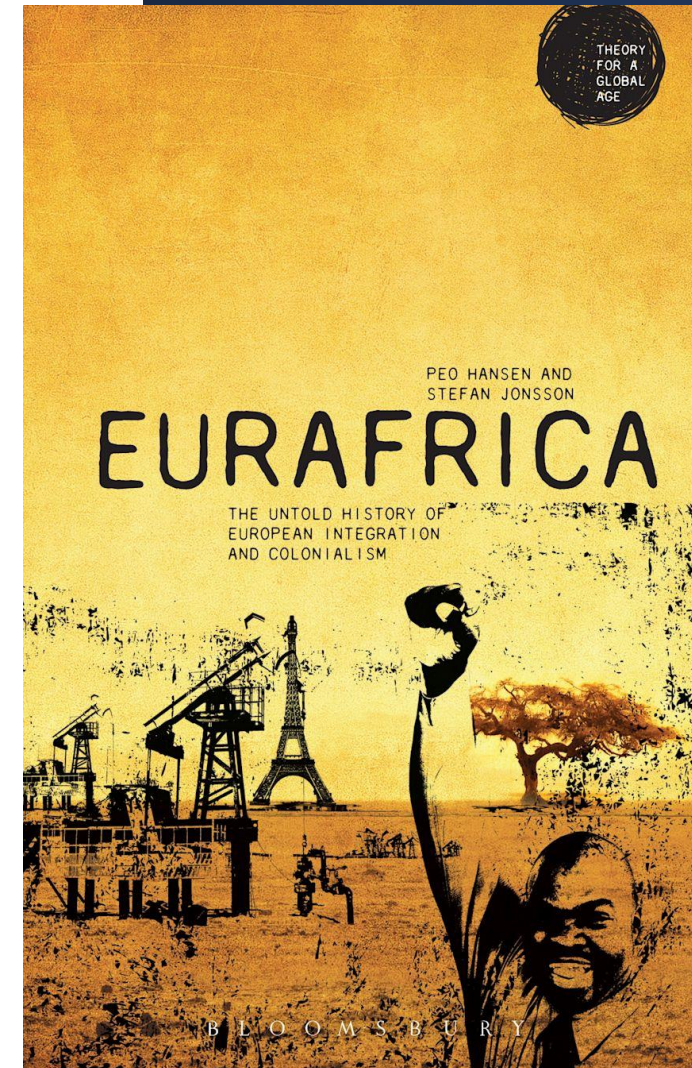
The *Brexit*
dimension



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An alternative reading of the beginning of the European project

- Independence movements and fall of empires
- Early Treaty negotiations shaped by colonial politics
- European integration to foster colonial co-operation?
- Association of overseas territories but exclusion of most individuals living there from legal benefits and representation
- Eurafrica as ‘the “compromise” of decolonization’
- For more see:
 - [Eurafrica: The Untold History of European Integration and Colonialism](#)
 - [European public law after empires](#)
 - [Peoples, Inhabitants and Workers: Colonialism in the Treaty of Rome](#)



The EU as a legal space: what are the *legal structures of* European Union?

What is the *law* with which we are concerned?

Two international Treaties: the Treaty on European Union (TEU) and Treaty on the Functioning of the European Union (TFEU). They have equal legal value: Art 1(2) TEU. (Also the Euratom Treaty)

Charter of Fundamental Rights of the European Union

EU Legislation: Regulations, Directives, Decisions.

Rulings of the Court of Justice of the European Union (CJEU) set out the definitive meaning of EU law (Article 19 TEU).

Soft Law

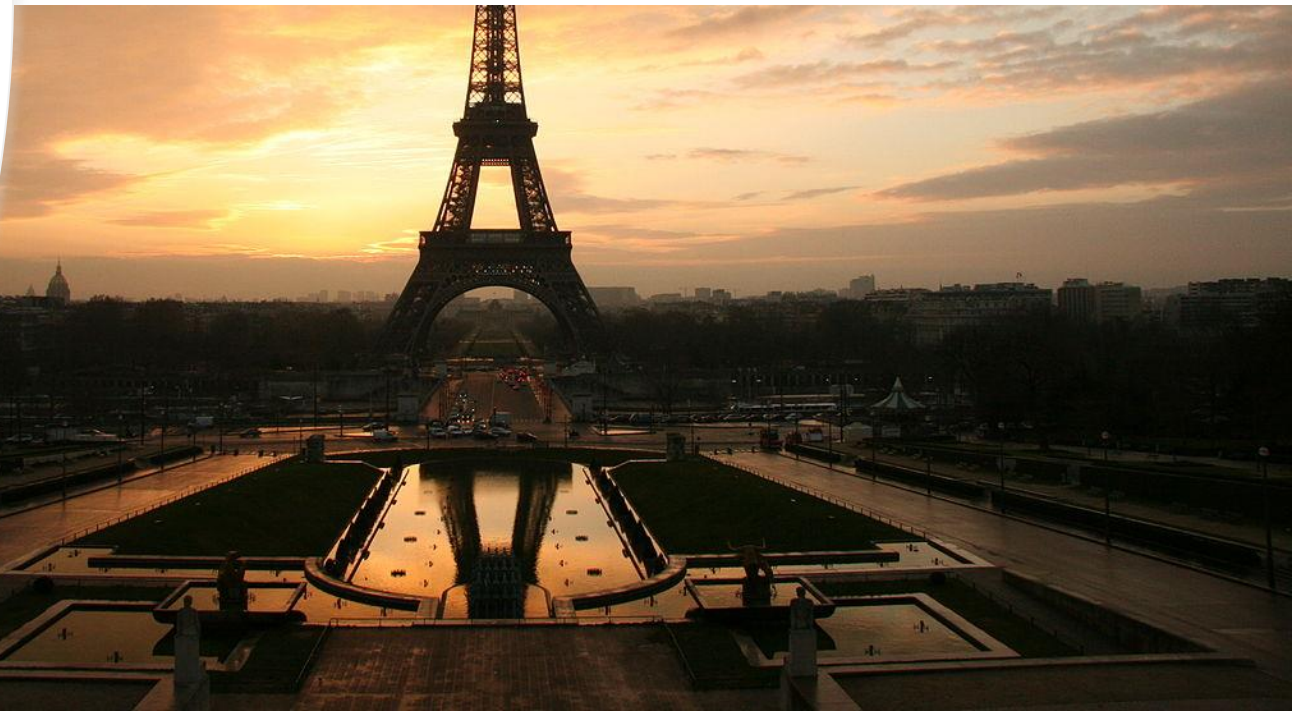
The EU has developed over time, from 1952 or 1957 depending on how you count it. Several Treaties, amendments, developments in that period. An ongoing legal project



A History of Europe in 6 (+1) Treaties

The European Coal and Steel Community (1952-2002)

- ‘... Franco-German production of coal and steel as a whole be placed under a **common High Authority, within the framework of an organization open to the participation of the other countries of Europe. The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims. The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible**’: Schuman Declaration 1950
- Supranational elements distinguishing it from other organisations based on international law → carried over in the EEC/EC/EU
- Failed proposals for European Defence Community and European Political Community



The Treaty of Rome 1957: The European Economic Community (EEC)

The "official" start of the EU

In many respects, this reflects the
EU as we know it today

Idea of common market and
'Four freedoms' established:
goods, persons, services, capital

Concepts originating in the Treaty
of Rome still the basis of much
EU law



The Single European Act 1987

1970s was a time of 'Eurosclerosis'.

The EEC was finding it difficult to pass legislation needed for the internal market to function properly, mainly due to **MS veto power** and a **lack of EEC powers**.

A shift towards supranationalism in order to promote this – especially a move to 'qualified majority voting'.

Increased democratic issues?

1988 Mrs Thatcher gives the 'Bruges Speech': 'We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level with a European super-state exercising a new dominance from Brussels'

But she also said: 'The European Community is a practical means by which Europe can ensure the future prosperity and security of its people in a world in which there are many other powerful nations and groups of nations'

The Maastricht Treaty 1993

- A significant turning-point.
- The European Union is created. Three pillars:
 - European Communities (EC, ECSC, Euratom)
 - Common Foreign and Security Policy
 - Justice and Home Affairs
- EU citizenship created
- Foundations of Euro and EMU
- Development of competences, e.g. environmental law; new competences
- Further empowerment of European Parliament: 'co-decision'; more qualified majority voting
- 'Subsidiarity'



Treaty of Amsterdam 1999

- Intended to boost legitimacy of EU
- Changes to institutional structures, ie qualified majority voting, co-decision
- EU objectives alter to include 'promotion of human rights'; Copenhagen (Accession) Criteria formalized.
- Treaty re-numbering ...
- Immigration and asylum moved to 'first pillar'



Treaty of Nice 2003

- Institutional changes in light of planned enlargement from 15 to 25+ Member States
- Big questions linger about EU structure, competences, balance of power between supranational and intergovernmental (i.e. EU vs Member States)
- Approval of the non-binding Charter of Fundamental Rights



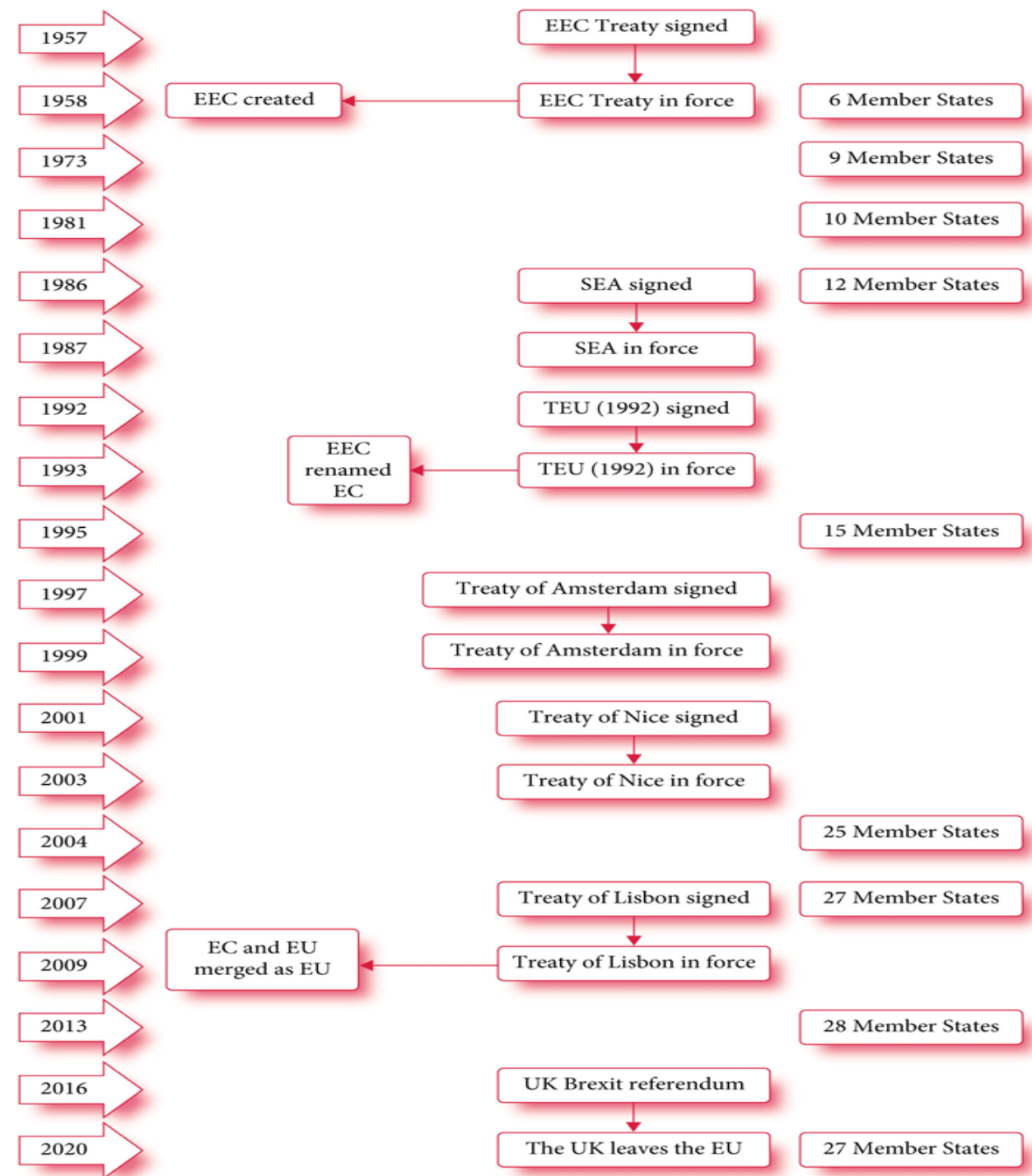
Treaty of Lisbon 2009

- Another BIG Treaty. We study the treaties as amended by it.
- 2005: Constitutional Treaty fails but still need to resolve significant issues.
- ‘Pillar System’ removed: all is EU now
- Ordinary Legislative Procedure becomes standard
- The Charter is now binding
- Article 50 TEU inserted
- Continued controversy around EU competences

Brexit

- First (and so far only) use of Article 50 TEU
- 2016 Referendum
- European Union (Notification of Withdrawal) Act 2017 → notice
- Negotiations for Withdrawal Agreement
- Formal exit date: 31 January 2020, but transitional period until 31 December 2020
- European Union (Withdrawal) Act 2018 as amended
- European Union (Withdrawal Agreement) Act 2020
- EU (Future Relations) Act 2020 → Trade and Co-operation Agreement
- Retained EU Law Act 2023
 - But not in full effect (see s6 regarding retained EU case law and the Retained EU Law (Revocation and Reform) Act 2023 (Commencement No. 2 and Saving Provisions) (Revocation) Regulations 2024)
- UK-EU relationship → ongoing process

A (packed!) timeline



Summary

- Definition of the European Union
- Objectives of the EU
- Development of the EU
- Expansion:
 - Competences/Powers, through Treaty amendments
 - Geographical, through enlargements
- Underpinning rationales and tensions
- Brexit



Any questions?

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