

European Union Law



Part B: The Legal Environment

Presentation by: Duncan Bunce
 Edited by and @ of Dr Peter Jepson.

Requirements

- Turn off your mobile phone
- You should have read and précised Part B of the booklet or read chapter 9 of *GCSE Law* by Jacqueline Martin
- Take notes (annotate your pdf slides)
- Please raise your hand if you have a question.

European Union Key Areas

You only need to know four things:

1. **The institutions of the EU** – who sits in them, their role, how they operate etc.
2. **The Sources of EU Law.**
3. **How to refer issues to the ECJ.**
4. **Sovereignty/Supremacy issues.**

European Union Institutions

Can you name all four?

- The Council of Ministers.
- The Commission.
- The EU Parliament/The Assembly.
- The European Court of Justice (ECJ).

Note: the role of the Economic and Social Committee.

The Council of Ministers

Who Sits?

- A Minister from each Member State. The Member States take it in turn to provide the President of the Council.

Role?

- Main decision making body of the EU.

How do they operate?

- Meet twice a year at Summit and discuss issues of policy.

The Commission

Who Sits?

- A Commissioner for each Member State – currently 27.
- Note: Who is currently the UK's Commissioner?

Role?

- Proposes policy and presents drafts of legislation for the Council;
- Guardian of the treaties.

How do they operate?

- Each Commissioner is in charge of their own department of responsibility.

The EU Parliament/Assembly

Who Sits?

MEPs elected by the people of the Member States.

Role?

- Discuss Commission proposals;
- Report to Parliament for debate;
- To decide which countries joins the EU (assent).

How do they operate?

- Meet about once a month;
- Members form together via political allegiances, not national.

The European Court of Justice

Who sits?

- A judge from each Member State – but 11 sit for full court, 5 or 3 for chambers.

Role?

Ensures law is applied uniformly in Member States by -

- Hearing cases against Member States;
- Making preliminary rulings on points of EU Law referred by national courts under Art 234.

How do they operate?

- Court assisted by 9 Advocates General.

The Sources of EU Law – Primary ...Treaties

- **Primary Sources – The Treaties** – Need to be incorporated into UK Law - Can you name any?
- Can you name any cases that enable you to rely on the Treaty of Rome directly?
- *Van Duyn v Home Office [1974]*.

Sources of EU Law - Secondary

- **Regulations** ... Regulations are automatically introduced into laws of Member States.
- **Decisions** - specific to defined parties.

European Union Sources

- **Directives** require Member States to introduce laws that fulfil the aim and purpose of the Directive by a specific date.
- **Recommendation and Opinions** (these have no binding force).