



## Key EU Institutions

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- Can you name them?
    1. The Council of Ministers.
    2. The Commission.
    3. The EU Parliament.
    4. The ECJ.
- Which is the most important in terms of making laws?  
**Look for the democratic deficit!**

## The Commission- Executive

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- 27 commissioners. Take an oath of independence.
- The political face of the Union, they propose and implement EU law
- Also acts as a civil service with over 22,000 officials.



## Council of Ministers- legislature (and executive?)

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- 9 configurations- depending upon the topic under discussion.
- Decisions made by QMV, simple majority or unanimity.
- Powerful because of co-decision



## European Parliament- legislature II

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- 785 members (78 from UK) directly elected
- Weaker member in co-decision.
- Can reject the EU budget and dismiss the commission but these powers are rare.



## The Sources of EU Law – Primary ... **Treaties**

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- **Primary Sources – The Treaties**
  - Need to be incorporated into UK Law - Can you name any?
- The case below enables a Citizen to rely on the Treaty of Rome in the courts ...
- Van Duyn v Home Office [1974],

## Sources of EU Law – Secondary ...

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- **Regulations ...**
- One case that makes clear that UK is not supreme:  
Re Tachographs; Commission v UK (1979)
- This case established that regulations are automatically introduced into laws of Member States (there is no need for Parliament to introduce legislation).

## EU Sources - Directives

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- **Directives** require Member States to introduce laws that fulfil the aim and purpose of the Directive by a specific date.
- Two effects – Direct (Vertical) and Indirect (Horizontal).
- Marshall v Southampton AHA – Direct because the D was an arm of the state. Thus she could rely on the ETD 76/207

## Directives

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- However, look at Duke v GEC Reliance Ltd [1988].
- Complainant cannot rely on the Directive because D is a private company.
- However, the case of Marleasing [1992] confirms that domestic courts have a duty to interpret national law in light of the purpose of the Directive. [Van Colson 1984 confirms the same).

## How does the UK Parliament deal with EU directives?

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Most laws are introduced by a process of statutory instruments.

**Question: How do these operate?**

**Question: Does this mean that EU laws can be effectively imposed on Britain?**

## How does the UK Parliament scrutinise EU?

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**Question: Could the UK Parliament veto EU laws it does not like?**



## What is sovereignty?

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- **Question: Can you lose some sovereignty while at the same time gaining some?**

## Issue of Sovereignty is vital.

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- This issue frequently comes up in examinations. Essentially, it can be answered by a detailed discussion of the Factortame and Van Gend en Loos Cases.

### Van Gend en Loos [1963]

- o "Member States have limited their sovereignty, albeit within limited fields, and have thus created a body of law in which they bind their nationals and themselves".

**I relate the sovereignty issue to that of a contract of employment. ... While I work for the company, I must accept their rules and regulations.**

### Factortame – EU Law is supreme over UK Law.

- o Factortame [1990] This case involved Spanish Fishermen operating in UK waters. The Thatcher Government introduced legislation to limit such fishing to UK companies.

### Factortame – EU Law is supreme over UK Law.

It was held in this case that a state is liable to compensate for breaches of Community Law – this involved Spanish Fishermen and the Merchant Shipping Act 1988.

**Questions: Does this case illustrate that the Courts or Parliament is supreme? Is that democratic?**

### UKIP

- o The United Kingdom Independence Party believe that leaving the EU would benefit our economy.
- o Are they correct?



### The Royal Family ...

Suppose that Charles dies a few minutes before the Queen.

- o **Question: Who should be the next Monarch? Prince William or Princess Anne?**

Break up into pressure groups to discuss (see next slide for issues).

### Princess Anne and the EU

#### **What are the central issues?**

- o Who should be the next monarch?
- o Can Princess Anne rely on the ETD?
- o Is the ETD directly effective?
- o Is there employment?
- o Is the ETD supreme over the Act of Settlement?
- o The big issue - Sovereignty!