EU Law: Text, Cases, and Materials UK Version (8th edn)

by Paul Craig and Gráinne de Búrca · Language: EN

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Overview

EU Law: Text, Cases, and Materials UK Version (8th edn) by Paul Craig and Gráinne de Búrca is a comprehensive textbook that provides an in-depth analysis of European Union law, tailored for the post-Brexit UK context. The book integrates primary legal texts, case law, and academic commentary to explain the constitutional framework, institutional structure, and substantive law of the EU. It covers foundational topics such as the evolution of the EU, the powers of its institutions, the supremacy and direct effect of EU law, and the protection of fundamental rights. The authors also delve into complex areas like the internal market, competition law, and the regulation of economic and social policy.

The book's main argument is that EU law is a dynamic and multi-layered legal order that cannot be understood in isolation from its political, economic, and social contexts. Craig and de Búrca emphasize the interplay between the Court of Justice of the European Union and national courts, as well as the ongoing tensions between European integration and national sovereignty. The UK version specifically addresses the implications of Brexit, including the withdrawal agreement and the impact on the UK's legal system, making it a unique resource for students and practitioners in the UK.

This book matters because it is a leading authority in EU law education, used in universities across the UK and beyond. Its meticulous selection of cases and materials, combined with critical commentary, equips readers with the tools to understand and analyze EU law's complexities. For anyone studying or practicing law in the UK, it offers a bridge between the pre-Brexit and post-Brexit legal landscapes, ensuring a thorough grasp of both historical foundations and current developments.

Key Takeaways

- Understand the supremacy of EU law: EU law takes precedence over conflicting national law, a principle established by the Court of Justice in cases like Costa v ENEL.
- Direct effect allows individuals to invoke EU law in national courts, provided the provision is clear, unconditional, and not dependent on further action.

• The EU's institutional framework consists of the European Commission, Council, European Parliament, and Court of Justice, each with distinct roles in law-making and enforcement.

• The internal market is built on the 'four freedoms': free movement of goods, persons, services, and capital, which are enforced through prohibitions on restrictions and discrimination.

• Brexit has fundamentally altered the UK's relationship with EU law, but the withdrawal agreement preserves certain legal effects and transitional arrangements.

• The Charter of Fundamental Rights is binding on EU institutions and member states when implementing EU law, but its scope is limited to EU law contexts.

• Competition law under Articles 101 and 102 TFEU prohibits anti-competitive agreements and abuse of dominant position, with significant enforcement powers vested in the Commission.

• The preliminary ruling procedure under Article 267 TFEU is a key mechanism for ensuring uniform interpretation of EU law across member states.

Chapter Summaries

The Development of European Integration

This chapter traces the historical evolution of the EU from the European Coal and Steel Community to the Treaty of Lisbon. It discusses the political and economic motivations behind integration, the key treaties, and the enlargement process. The authors highlight the shift from economic cooperation to a broader political and legal union, emphasizing the role of the Court of Justice in shaping the legal order.

The Institutions of the EU

An examination of the European Commission, Council, European Parliament, and Court of Justice, along with other bodies like the European Central Bank and Court of Auditors. The chapter analyzes their composition, functions, and inter-institutional relationships, focusing on the balance of power and the principle of institutional balance. It also addresses the role of national parliaments and the principle of subsidiarity.

The Legal Effects of EU Law: Direct Effect and Supremacy

This chapter explores the foundational doctrines of direct effect and supremacy. It explains how the Court of Justice established these principles through landmark cases like Van Gend en Loos and Costa v ENEL. The authors discuss the conditions for direct effect, the distinction between vertical and horizontal direct effect, and the limits of supremacy, including the 'Solange' dialogue with national constitutional courts.

The Preliminary Ruling Procedure

Focusing on Article 267 TFEU, this chapter details the mechanism by which national courts refer questions on EU law interpretation to the Court of Justice. It covers the types of references, the discretion of national courts, and the effects of preliminary rulings. The chapter also considers the practical challenges and the role of the procedure in fostering uniformity and legal certainty.

Fundamental Rights in the EU

This chapter examines the protection of fundamental rights as general principles of EU law and the role of the Charter of Fundamental Rights. It discusses the Court of Justice's case law, the relationship with the European Convention on Human Rights, and the accession debate. The authors analyze the scope of application of fundamental rights and the tensions between economic freedoms and social rights.

The Internal Market: Goods

An analysis of the free movement of goods, including the prohibition of customs duties, discriminatory taxation, and quantitative restrictions (Articles 28-37 TFEU). The chapter covers the 'Dassonville' and 'Cassis de Dijon' cases, the principle of mutual recognition, and the exceptions under Article 36. It also addresses the concept of 'selling arrangements' and the impact of the 'Keck' jurisprudence.

The Internal Market: Persons and Services

This chapter deals with the free movement of workers, establishment, and services. It explains the rights of EU citizens to work, reside, and provide services across member states, including the limitations and derogations. The authors discuss the concept of 'worker' under EU law, the rights of family members, and the impact of the Citizenship Directive.

Competition Law

An overview of EU competition law, focusing on Article 101 (anti-competitive agreements) and Article 102 (abuse of dominance). The chapter covers the concepts of 'undertaking', 'restriction of competition', and 'appreciable effect'. It also examines the enforcement system, including the role of the Commission, national competition authorities, and private enforcement.

Brexit and the Future of EU-UK Relations

This chapter addresses the UK's withdrawal from the EU, the withdrawal agreement, and the Trade and Cooperation Agreement. It discusses the legal implications for the UK, including the end of the supremacy of EU law and the role of the Court of Justice. The authors consider the ongoing relationship and the challenges of regulatory divergence and dispute resolution.

Themes

- Supremacy of EU law
- Direct effect and remedies

- Institutional balance
- Fundamental rights protection
- Internal market freedoms
- Brexit and legal divergence

Notable Quotes

- "The Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals." — From the landmark Van Gend en Loos case, quoted in the book to illustrate the foundational principle of direct effect.
- "The law stemming from the Treaty, an independent source of law, cannot because of its special and original nature be overridden by domestic legal provisions, however framed, without being deprived of its character as community law." — From Costa v ENEL, cited to explain the supremacy of EU law over national law.
- "The principle of supremacy of EU law is a cornerstone of the EU legal order, ensuring uniform application of EU law across all Member States." — The authors' commentary in the chapter on supremacy, summarizing the Court's jurisprudence.
- "The preliminary ruling procedure is the 'jewel in the crown' of the EU judicial system, facilitating a dialogue between national courts and the Court of Justice." — A phrase used by the authors to emphasize the importance of Article 267 TFEU in ensuring consistent interpretation.

Frequently Asked Questions

What is EU Law: Text, Cases, and Materials UK Version (8th edn) about?

It is a comprehensive legal textbook covering the constitutional and substantive law of the European Union, tailored for UK students and practitioners. It integrates primary texts, case law, and commentary, addressing key doctrines like supremacy and direct effect, the internal market, competition law, and the implications of Brexit.

Is EU Law: Text, Cases, and Materials UK Version (8th edn) worth reading?

Yes, if you are studying EU law or need a thorough reference. It is a leading textbook, praised for its depth and clarity. The UK version is particularly relevant post-Brexit, offering insights into the ongoing legal relationship. However, it is dense and best suited for academic or professional use.

How does EU Law: Text, Cases, and Materials UK Version (8th edn) end?

Spoiler: The book concludes with a chapter on Brexit and the future of EU-UK relations, discussing the withdrawal agreement and the Trade and Cooperation Agreement. It does not

have a narrative ending but leaves readers with an analysis of the legal challenges and the evolving relationship, emphasizing uncertainty and the need for ongoing adaptation.

Who should read EU Law: Text, Cases, and Materials UK Version (8th edn)?

Law students, especially those taking EU law courses, legal practitioners in the UK or EU, and academics. It is also useful for policymakers and anyone needing a deep understanding of EU legal principles. The book assumes some legal background, so it may be challenging for complete beginners.

How long does it take to read EU Law: Text, Cases, and Materials UK Version (8th edn)?

At an average reading speed of 250 words per minute, the book, which is over 1,500 pages, would take approximately 40 hours. However, given its dense legal content and case analysis, most readers take significantly longer, often using it as a semester-long textbook.