

BOOK REVIEW

Robert Schütze. (2015). An Introduction to European Law. Second Edition, Cambridge University Press, Cambridge, 321 pages, ISBN 978-1-107-11181-3.

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Robert Schütze is professor of European Law at Durham University and a constitutional scholar with a particular expertise in the law of the European Union and comparative federalism. He completed his doctorate at the European University Institute, and has been a trainee at the Legal Service of the European Commission, Germany's Permanent Representation at the EU and in the Chambers of former Advocate General Jacobs at the European Court of Justice. Schütze is the author of many publications. We underline the followings: “European Constitutional Law, “An Introduction to European Law.” His monograph “From Dual to Cooperative Federalism: The Changing Structure of European Law” received the Best Book award of the University Association for Contemporary European Studies.

The book reviewed in this paper “An Introduction to European Law” represents the second edition revised and updated of the first version published in 2012 at the same Publishing House – Cambridge University Press.

This book offers a classic introduction to European law. It addresses not only to professors and students, specialists and practitioners in the area of European Union law, but also to persons or researchers from other areas of interests, who want to have an understanding about the European Union system, and the way in which it is functioning. The work has a clear structural framework, which is also described and detailed by the author in the “Introduction” of the book and through a figure presented in this part it is realized an exhaustive description of the structure of the book. This gives the reader possibility to have an understanding about the logical structure of the book.

The book structured into three parts. These parts correspond to the three themes of which the author considers to be the main steps of evolution of the European law: the creation, the enforcement, and the substance. Each of the three parts of the work is divided in four chapters, each of them explaining a specific area of the European Law.

In the first part it is analyzed the creation of the European Union and implicitly the born of the European law. In the first chapter represents an overview of the four major Union institutions: the European Parliament, the Council, the Commission, and the European Court. In this chapter is presented in a table the evolution of the analyzed institutions according to the regulations of the treaties. The second chapter investigates

how these institutions cooperate in the creation of European legislation. It as described the decision making process and what after the Lisbon Treaty it is called the ordinary legislative procedure. There is also analyzed the role of the informal trialogoues in the decision making system. Chapters three and four look at two constitutional limits to Union legislation. Based on the principle of conferral, the Union must act within the scope of competences conferred upon it by the Member States. The scope of these competences – and their nature are discussed in the third chapter. In the last chapter of the first part it is analyses the second constitutional limit to the exercise of Union regarding the protection of human rights and the limitations of the Charter of Fundamental Rights.

The second part of the book is explaining how the European law is enforced of in the courts. The chapter five discuss about the direct effect of European law in the national legal order of the Member States. It also explained that European law establishes rights and obligations that directly affect individuals. There also made an explanation of the monist and dualist theories derivate from the international law. The 6th chapter is discussed the supremacy of the European law over the national law. European law is directly applicable in the Member States; it must be applied alongside national law by national authorities. And since European law may have direct effect, it might come into conflict with national law in a specific situation. These conflicts that can be created between the two legal order, as well as the solving of this conflict is also researched in this chapter. Chapters seven and eight look at the dual enforcement machinery within the Union legal order. Individuals will typically enforce their European rights in national courts. In order to assist these courts in the interpretation and application of European law, the Union envisages a preliminary reference procedure. The Union legal order has equally required national courts to provide effective remedies for the enforcement of European rights, and has even created a European remedy of state liability.

The third part analyses what the author consider to be “the substantive heart of European law”, that is: the law governing the internal market and European competition law. The author argument its affirmation trough the explanation that from the very beginning, the central economic task of the European Union was the creation of a common market. It was provided since 1957 by signing the Treaty of Rome. It provided a common market in goods and it equally required the abolition of obstacles to the free movement of persons, services, and capital. then investigates the legality of regulatory restrictions to. The chapter 9 refers at one of these for freedoms, the free movement of goods. The restrictions regarding these rights are also presented in a subsection of the chapter. The author states that these regulatory restrictions are not, unlike fiscal duties, pecuniary charges. They simply regulate access to the national market. Chapter 10 examines the free movement of persons, which is divided in the book in two main parts free movement of workers and free movement of establishment. In the Chapters 11 and 12 it is analyzed the two pillars of European competition law: Articles 101 and 102 of the Treaty regarding the Functioning of the European Union. The former deals with anti-competitive agreements, the latter prohibits the abuse of a dominant position by an undertaking. European competition law is thereby traditionally seen as a functional

complement to the internal market. It would – primarily – protect the internal market from private power.

The book “An Introduction to European Law” offers a concise and relevant documentation material for academia and students, specialists and to all interested by the European Union and who wants to become acquainted with the current reality and perspectives on the EU. Especially for practitioners the book can be very helpful through the exhaustive list of relevant case law which it contains and which represents an interesting combination between theory and practice.