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Law of the European Union

Second Edition

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Preface and Acknowledgements

In response to the ever increasing volume of material on EC law, it was decided for this second edition to create two separate books on the law of the constitution and institutions of the EU, and on the social and economic law of the EU. As this book shows, it is not only the Court of Justice (and the Court of First Instance) which have been active in a law-making capacity since 1993 and the publication of the first edition. In addition, there are substantial bodies of institutional practice which have changed in order to absorb and respond to the novelties of the Treaty of Maastricht, and the institutions continue to be active in the legislative and 'soft-law-making' spheres. It is hoped that the approach taken here not only reflects the current 'new institutionalist' mantra that 'institutions matter' but also puts across the idea that 'institutions are interesting'. The book will have succeeded in its purpose if it continues to be used – like the first edition – across a range of disciplines and in countries with sharply differing legal systems and conceptions of the EU legal order.

This book is a greatly expanded and adjusted version of Chapters 1–10 of *European Community Law* (1993). New chapters have been added on EU constitutionalism, and by way of a conclusion. The material on the relationship between EC law and national law, and on the control of the EU institutions has been substantially expanded and updated and divided into additional chapters. As before, I have attempted to write an introductory text, which stimulates the reader and leads onto additional reading (of cases and of secondary literature), rather than to make a definitive statement of the law. The approach is in general terms 'contextual', and is influenced by the development of a larger body of work which considers EC law and EU institutions from an interdisciplinary perspective.

A number of colleagues and friends have continued to be a source of support. They are too numerous to mention individually, but I would like to thank in particular Kenneth Armstrong, Gráinne de Búrca, Tammy Hervey and Gillian More. I would like to thank Jo Hunt for diligent proofreading. As ever I owe a great debt to Sally Wheeler, never one of nature's Europhiles, but nonetheless consistently supportive of my endeavours. However, she was not on hand when Leo Shaw's school was closed by flooding after Easter. Leo showed remarkable (but not perfect) patience as I struggled with producing the final manuscript. I would also like to thank my parents for their practical assistance and support. Finally I would like to dedicate this book to the memory of Brian Wilkinson, a good friend and sadly missed.

JO SHAW

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List of Abbreviations

AC	Appeal Cases
<i>AJCL</i>	<i>American Journal of Comparative Law</i>
AJIL	<i>American Journal of International Law</i>
<i>All ER</i>	<i>All England Law Reports</i>
BEUC	Bureau Européen des Unions Consommateurs
CAP	Common Agricultural Policy
CCT	Common Customs Tariff
CE	Compulsory expenditure
CEDEFOP	European Centre for the Development of Vocational Training
CEEP	Comité Européen des Entreprises Publiques
CFSP	Common Foreign and Security Policy
CJHA	Cooperation in Justice and Home Affairs
<i>CMLR</i>	<i>Common Market Law Reports</i>
<i>CMLRev.</i>	<i>Common Market Law Review</i>
<i>Col. LRev.</i>	<i>Columbia Law Review</i>
<i>Comp. Pol. Studs.</i>	<i>Comparative Political Studies</i>
COPA	Confederation of Professional Agricultural Organizations
COREPER	Committee of Permanent Representatives
CREW	Centre for Research on European Women
DG	Directorate General
DTEU	Draft Treaty establishing a European Union
<i>EBLR</i>	<i>European Business Law Review</i>
EC	European Community
ECB	European Central Bank
ECHR	European Convention on Human Rights
<i>ECLR</i>	<i>European Competition Law Review</i>
ECOSOC	Economic and Social Committee
<i>ECR</i>	<i>European Court Reports</i>
ECSC	European Coal and Steel Community
EDC	European Defence Community
EEA	European Economic Area
EEC	European Economic Community
EEIG	European Economic Interest Grouping
EFTA	European Free Trade Association
EIB	European Investment Bank
<i>EJIL</i>	<i>European Journal of International Law</i>

<i>ELJ</i>	<i>European Law Journal</i>
<i>ELRev.</i>	<i>European Law Review</i>
EMI	European Monetary Institute
EMS	European Monetary System
EMU	Economic and Monetary Union
EPC	European Political Corporation
<i>EPL</i>	<i>European Public Law</i>
ERM	Exchange Rate Mechanism
<i>ERPL</i>	<i>European Review of Private Law</i>
ERTA	European Road Transport Agreement
ESCB	European System of Central Banks
ETUC	European Trade Union Confederation
EU	European Union
EUI	European University Institute
Euratom	European Atomic Energy Community
<i>Eur. J. Pol. Res.</i>	<i>European Journal of Political Research</i>
<i>Eur. Pub. L</i>	<i>European Public Law</i>
FAO	Food and Agriculture Organization (of UN)
<i>FSR</i>	<i>Fleet Street Reports</i>
FYROM	Yugoslav Republic of Macedonia
GATT	General Agreement on Tariffs and Trade
GNP	Gross National Product
<i>ICLQ</i>	<i>International and Comparative Law Quarterly</i>
IGC	Intergovernmental Conference
<i>ILJ</i>	<i>Industrial Law Journal</i>
<i>Intl. Aff.</i>	<i>International Affairs</i>
ILO	International Labour Organization
<i>IO</i>	<i>International Organization</i>
<i>IRLR</i>	<i>Industrial Relations Law Reports</i>
<i>JBL</i>	<i>Journal of Business Law</i>
<i>JCMS</i>	<i>Journal of Common Market Studies</i>
<i>JEPP</i>	<i>Journal of European Public Policy</i>
<i>JSWFL</i>	<i>Journal of Social Welfare and Family Law</i>
LIEI	Legal Issues of European Integration
<i>LQR</i>	<i>Law Quarterly Review</i>
<i>LS</i>	<i>Legal Studies</i>
MCAs	Monetary Compensatory Amounts
MEP	Member of the European Parliament
<i>MJ</i>	<i>Maastricht Journal of European and Comparative Law</i>
<i>MLR</i>	<i>Modern Law Review</i>
NCE	Non-compulsory expenditure
<i>NILQ</i>	<i>Northern Ireland Legal Quarterly</i>
OECD	Organization for Economic Cooperation and Development
OEEC	Organization for European Economic Cooperation
<i>OJ</i>	<i>Official Journal</i>
<i>OJLS</i>	<i>Oxford Journal of Legal Studies</i>

OOPEC	Office of Official Publications of the European Communities
<i>PL</i>	<i>Public Law</i>
QMV	Qualified Majority Voting
SEA	Single European Act
TEU	Treaty on European Union
UN	United Nations
UNICE	Union of Industries of the European Community
VAT	Value Added Tax
WEU	West European Union
<i>W. Eur. Pols.</i>	<i>West European Politics</i>
WTO	World Trade Organisation
<i>YEL</i>	<i>Yearbook of European Law</i>