

CONTENTS

Preface	7
1. EUROPEAN UNION LAW.	9
1.1 The term European Union Law	9
1.2 The idea for European Integration	10
1.3 The Council of Europe	10
1.4 Establishing the European Communities	10
1.5 Generally about the European Union and the European Communities. . .	11
1.6 Changes of primary law	12
1.6.1 The Single European Act.	12
1.6.2 The Treaty on European Union.	13
1.6.3 The Treaty of Amsterdam	14
1.6.4 The Treaty of Nice	14
1.6.5 The Accession Treaty	14
1.6.6 The Lisbon Treaty	15
2. MEMBERSHIP IN THE EUROPEAN UNION.	18
2.1 Accession to the European Union.	19
2.2 Withdrawal from the European Union.	19
2.3 Sanction in EU law for member states – suspension of voting rights . . .	20
2.4 Solidarity Clause	22
2.5 Enhanced cooperation	22
2.5.1 The idea of the enhanced cooperation.	22
2.5.2 Legal regulation of the enhanced cooperation	22
2.5.3 The process for establishment of enhanced cooperation	24
3. COMPETENCES OF THE EUROPEAN UNION	26
3.1 The division of competences	27
3.1.1 Exclusive competences of the European Union	28
3.1.2 Shared competences of the European Union and the member states	28
3.1.3 Support, coordinate or supplement competences of the European Union	29
3.2 The flexibility clause – Article 352 TFEU	30
3.3 The principles of subsidiarity and proportionality	30
3.3.1 The principle of subsidiarity	30
3.3.2 Principle of proportionality	32
3.3.3 Report on application of the principles of subsidiarity and proportionality	32
3.4 Citizenship of the European Union.	32

4.	THE NATURE OF EUROPEAN UNION LAW AND ITS EFFECT.	34
4.1	EU Law – Independent Legal Order	.34
4.2	Direct applicability	.35
4.3	Direct effect	.36
4.4	Indirect effect	.39
4.5	Liability of a member state who failed to comply with EU law for damage caused to individual	.41
4.6	Primacy of EU law over national law	.44
5.	INSTITUTIONAL FRAMEWORK OF THE EUROPEAN UNION.	48
5.1	The European Parliament.	.49
5.1.1	Organization of the European Parliament.	.49
5.1.1.1	<i>President of the European Parliament</i>	.49
5.1.1.2	<i>Political Groups</i>	.50
5.1.1.3	<i>Parliamentary Committees</i>	.50
5.1.1.4	<i>Parliamentary Delegations</i>	.50
5.1.2	Powers of the European Parliament.	.51
5.1.3	Political Parties at European level	.51
5.1.4	Right of Petition and European ombudsman.	.55
5.1.5	Relations with other EU institutions.	.56
5.2	The European Council.	.56
5.2.1	The functions of the European Council	.56
5.2.2	President of the European Council	.57
5.3	The Council	.58
5.3.1	Composition and competences of the Council	.58
5.3.2	Presidency in the Council	.58
5.3.3	Voting in the Council	.59
5.3.4	Council configuration.	.61
5.3.5	The Committee for Permanent Representatives (COREPER)	.64
5.4	The European Commission.	.65
5.4.1	Functions of the European Commission	.65
5.4.2	Composition of the European Commission	.66
5.4.3	Members of the European Commission	.66
5.4.3.1	<i>Position and status of the Commissioners</i>	.66
5.4.3.2	<i>Creation of the European Commission</i>	.67
5.4.4	Departments of the European Commission.	.67
5.4.5	The High Representative of the EU for Foreign Affairs and Security Policy	.68
5.4.6	The European External Action Service	.69
5.5	Court of Justice of the European Union	.69
5.5.1	The role and function of the Court of Justice of the European Union	.69
5.5.2	Composition of the Court of Justice of the European Union	.70
5.5.2.1	<i>Composition of the Court of Justice</i>	.70
5.5.2.2	<i>Composition of the General Court</i>	.71

5.5.3	Criteria for appointment of the judges.	71
5.5.4	Organization of the Court of Justice of the European Union	72
5.5.5	Jurisdiction of the Court of Justice and the General Court	73
	5.5.5.1 <i>Jurisdiction of the Court of Justice</i>	73
	5.5.5.2 <i>Jurisdiction of the General Court</i>	74
5.5.6	Specialised courts – the European Union Civil Service Tribunal . . .	74
	5.5.6.1 <i>Composition of the European Union Civil Service Tribunal</i> . . .	75
	5.5.6.2 <i>Jurisdiction of the European Union Civil Service Tribunal</i> . . .	76
5.5.7	The importance of the case-law of EU courts.	76
	5.5.7.1 <i>Interpretation of EU law</i>	76
	5.5.7.2 <i>The importance of previous decisions</i>	77
5.5.8	Types of proceedings before the Court of Justice of the European Union	77
	5.5.8.1 <i>Reference for preliminary ruling</i>	77
	5.5.8.2 <i>Actions for failure to fulfil obligations</i>	79
	5.5.8.3 <i>Failure to fulfil the judgment</i>	80
	5.5.8.4 <i>Actions for annulment</i>	80
	5.5.8.5 <i>Actions for failure to act</i>	83
	5.5.8.6 <i>Other types of proceeding before the Court of Justice of the European Union</i>	84
5.6	European Central Bank	85
	5.6.1 European Central Bank.	85
	5.6.2 European System of Central Banks (ESCB).	85
	5.6.3 Eurosystem	85
	5.6.4 Bodies of the European Central Bank.	85
5.7	The Court of Auditors	86
	5.7.1 The role and functions of the Court of Auditors	86
	5.7.2 Composition of the Court of Auditors	87
5.8	Advisory Bodies of the European Union	87
	5.8.1 The European Economic and Social Committee	87
	5.8.1.1 <i>Composition of the EESC</i>	88
	5.8.2 The Committee of the Regions.	88
	5.8.2.1 <i>Composition of the Committee of the Regions</i>	89
5.9	The European Investment Bank.	89
6.	SOURCES OF EUROPEAN UNION LAW	91
6.1	Treaties	91
6.2	General Principles of EU law	92
6.3	Secondary legislation	93
	6.3.1 Regulations	94
	6.3.2 Directives	95
	6.3.3 Decisions.	95
	6.3.4 Recommendations and opinions	96
	6.3.5 International agreements	96

6.3.6	Soft law instruments96
6.3.7	Case law of the Court of Justice of the EU97
6.4	Legislative process97
6.4.1	Ordinary legislative procedure97
6.4.1.1	The course of the ordinary legislative procedure98
6.4.2	Special legislative procedure	100
6.4.2.1	<i>Consultation procedure</i>	101
6.4.2.2	<i>Budget Procedure</i>	101
6.4.2.3	<i>Consent procedure</i>	102
6.4.3	Legislative initiative	103
6.4.3.1	<i>Legislative initiative of the European Commission</i>	103
6.4.3.2	<i>Legislative initiative of the European Parliament</i>	103
6.4.3.3	<i>Legislative initiative of a group of member states and other institutions</i>	104
6.4.3.4	<i>Citizens' initiative</i>	104
6.4.4	Bridging clause.	105
6.4.5	Publication of EU act – Official Journal of the European Union . .	106
	Resume108
	Bibliography109
	About the author112