

A Brief and Practical Guide to EU Law

Third Edition

David Medhurst

Barrister, Temple



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PREFACE

In the third edition of this book I have maintained the aims of the first. I have written a book for lawyers who did not study European Union law as students, or who have since forgotten about it, and who need to familiarise themselves rapidly with the subject. For these the major textbooks are too fraught with new fangled jargon to approach without a simple introduction and practical guidance. I have therefore not tried to say anything grave and weighty, but have endeavoured to write something short and intelligible. To this end I have tried to leave out as much as I dared, rather than cram in as much as I could. I have written in plain English, explaining jargon wherever it appears, and avoiding acronyms.

A chapter on how to look up the law and read cases has been included, and there are answers to questions you dare not ask, such as: 'Where is the European Court?', 'How do I start an action?', 'What is the Advocate General?' or 'What kinds of document do I have to prepare?'.

Since the last edition of this book in 1994 there have been a number of developments that have made a new edition essential. The Amsterdam Treaty was not so profound a development as the Union Treaty, but it did result in a consolidation and renumbering of the tattered text of the Treaty of Rome. The Social Charter has been incorporated into the Treaty. A directive on parental leave, and the eradication of time limits instanced by the *Seymour-Smith* case are but some of the new terrors heaped on employers. In the area of free movement, the *Keck* case has put a gloss on the rule in *Dassonville*, and the *Silhouette* case has clarified the jurisprudence on trade mark protection. Competition law has been modernised, and this is reflected in a new single regulation on vertical agreements, and, at a domestic level, in the Competition Act 1998. The Agenda 2000 reforms have improved the Common Agricultural Policy. The *Factortame* saga has finally ended in the House of Lords, leaving us with clear guidance on when and how our national courts will award damages against the state if it fails to implement EU law.

I have not described every new development, but I have provided

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enough information for the reader to understand the significance of changes as they occur.

At the time of writing the European Union was preparing the final stages of its intergovernmental conference for the year 2000. The purpose of this conference will be to lay the foundations for the expansion of the European Union. There are 13 applicant countries, Bulgaria, Cyprus, Estonia, Hungary, Latvia, Malta, Lithuania, Poland, the Czech Republic, Romania, Slovenia, Slovakia and Turkey. The enlargement will take place in stages and it is possible the first new Member States may join as soon as 2003. The European Parliament is proposing changes in the institutional framework of the Union, in particular that the president of the Commission should be chosen by Parliament. It has also proposed a simplification of the Union Treaty, by dividing it into two parts, one dealing with the Union's objectives, fundamental rights, institutions and decision-making procedures, and the second concentrating on policies. This would be welcome, but irritating for lawyers who have barely become used to the Amsterdam consolidation. But, the main principles, the 'acquis' as the European lawyers would call it, will remain the same.

David Medhurst
July 2000

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