

## European Constitutional Law

The European Union has existed for over half a century. Having started as the 'Europe of the Six' in a specific industrial sector, the Union today has twenty-seven Member States and acts within almost all areas of social life. The Union's constitutional structures have evolved in parallel with this immense growth. Born as an international organisation, the Union has developed into a constitutional Union of States. This new textbook analyses the constitutional law of the European Union after Lisbon in a clear and structured way. Examining the EU in a classic constitutional perspective, it explores the central themes of the subject: the history and structure of the Union, the powers and procedures of its branches of government, and the rights and remedies of European citizens. A clear three-part structure and numerous illustrations will facilitate understanding. Critical and comprehensive, this is required reading for all students of European constitutional law.

**Robert Schütze** is a Reader in Law at Durham University.

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ROBERT SCHÜTZE



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## Preface

The European Union has existed for over half a century. Having started in 1952 as ‘the Europe of the Six’ in a specific industrial sector, the Union today has twenty-seven Member States and acts within almost all areas of social life. The Union’s constitutional structures have evolved in parallel with its vivid growth. Born as an international organisation, the Union has developed into a mature federation of States. The European Union thereby underwent its greatest ‘transformation’ in the first decade of the twenty-first century. This fundamental reform started in 2001 with the Laeken Declaration on the Future of the European Union and would – despite the failure of the 2004 ‘Treaty establishing a Constitution for Europe’ – find its way into the 2007 Reform (Lisbon) Treaty. And the Union after Lisbon is not the Union that it was before. This book presents the structures and powers of this ‘renewed’ Union in ‘renewed’ constitutional terms. It is the fruit of my lectures and writings during the – tumultuous – last decade. Thanks go to many a colleague and friend, and especially to Antonis Antoniadis, Amandine Garde, Konrad Lachmayer, as well as Dieter and Isolde Schütze. On the editorial side, I profoundly thank Sinéad Moloney of Cambridge University Press for her boundless patience and professionalism. The book is dedicated to Pierre Pescatore – the greatest twentieth century ‘painter’ of the European Union.

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- Case 9/56, *Meroni & Co, Industrie Metallurgische, SpA v. High Authority of the European Coal and Steel Community*, [1958] ECR 133 234, 235
- Case 1/58, *Stork & Cie v. High Authority of the European Coal and Steel Community*, [1958] ECR 17 412
- Case 20/59, *Italy v. High Authority*, [1960] ECR 325 283
- Case 30/59, *De Gezamenlijke Steenkolenmijnen in Limburg v. High Authority of the European Coal and Steel Community*, [1961] ECR 1 163
- Joined Cases 36, 37, 38/59 and 40/59, *Geitling Ruhrkohlen-Verkaufsgesellschaft mbH, Mausegatt Ruhrkohlen-Verkaufsgesellschaft mbH and I. Nold KG v. High Authority of the European Coal and Steel Community*, [1959] ECR 423 413
- Case 6/60, *Humblet v. Belgium*, [1960] ECR 559 397
- Case 10/61, *Commission v. Italy*, [1962] ECR 1 353
- Joined Cases 16–17/62, *Confédération Nationale des Producteurs de Fruits et Légumes and others v. Council*, [1962] ECR 471 270, 317, 318

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- Case 25/62, *Plaumann v. Commission*, [1963] ECR 95 272, 279  
 Case 26/62, *Van Gend en Loos v. Netherlands Inland Revenue Administration*, [1963] ECR (Special English Edition) 1 19, 133, 296, 307, 308, 310, 312, 315  
 Joined Cases 28–30/62, *Da Costa et al. v. Netherlands Inland Revenue Administration*, [1963] ECR 31 292, 296, 299  
 Joined Cases 31/62 and 33/62, *Lütticke et al. v. Commission*, [1962] ECR 501 279  
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 Joined Cases 18 and 35/65, *Gutmann v. Commission*, [1965] ECR 103 266  
 Case 34/67, *Firma Gebrüder Luck v. Hauptzollamt Köln-Rheinau*, [1968] ECR 245 355, 357  
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