
European Union Law Guide

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Volume 1

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Preface

The *European Union Law Guide* is a comprehensive compilation of the legal instruments of the European Union that relate to business. For reasons of space, this does not include agriculture or fisheries. The *Guide* also contains some commentaries on the law of a particular area as well as three monographs on the evolution and structure of the European Union.

Primary Union law comprises the treaties upon which the Union is founded. The *Guide* also contains other basic instruments relating to the structure and functioning of the Union and the various accession treaties.¹ Secondary Union law, which comprises those instruments enacted pursuant to the treaties by the Council, the Council in conjunction with the European Parliament or the Commission. These instruments take the form of regulations, directives, decisions and recommendations.

Regulations are directly applicable throughout the Union without the need for national implementing legislation. *Directives* are essentially instructions issued by the Union to all Member States requiring them to enact or modify national laws in accordance with the terms of the directive. Although they are not directly applicable, the provisions of directives can be directly enforced even in the absence of national implementing legislation as long as they create rights and are unconditional and precise and the time for their implementation has passed. *Decisions* have the same effect as regulations but are intended to be used for legislative acts directed at specific persons, undertakings or Member States. However, a number of decisions have general application although, unlike regulations, they are often limited in the length of their validity. *Recommendations* have no binding force, and only those of particular importance are included in the *Guide*.

With the exception of some important bilateral agreements and the GATS schedules of the European Union, the *Guide* does not include international agreements to which the Union is a party. These agreements belong to the realm of international commercial law rather than the internal law of the European Union. On the other hand, conventions between the Member States on matters within the scope of the *Guide* are included.

The secondary legislation of the Union that is included in the *Guide* is divided into areas of practice familiar to lawyers. This is a

¹ The original six members—Belgium, France, Germany, Italy, Luxembourg and the Netherlands—do not have accession treaties.

more user-friendly method of presentation than that of following the lay-out of the European Community Treaty. These areas of practice include the following:

- Public Procurement
- Banking
- Insurance
- Securities
- Transport
- Communications
- Corporate Law and Accounting
- Intellectual Property
- Personal Mobility and Services
- Economic and Monetary Law
- Employment and Social Law
- Indirect Taxation
- Direct Taxation
- Foreign Trade
- Anti-Trust Law
- Consumer Protection and Public Health and Safety
- Commercial Law
- Environmental Law
- Industrial Law
- Energy

For reasons of space, only the more important legislative acts are reproduced. Likewise, it is not always possible to include all the annexes to a particular instrument, but this is clearly indicated. On the other hand, all legislative acts relating to particular area of law are listed in the Table of Contents. If available, consolidated versions of acts are used where an instrument has been subject to several important amendments.

About the Author

Philip Raworth initially studied modern languages at universities in England and Germany. After immigrating to Canada, he studied law and was admitted to the bar of the Province of Alberta in 1978. The same year, he received the Duff-Rinfret Scholarship from the Canadian government in order to complete his LL.M.

Since 1979, Professor Raworth has taught international commercial law at the Universities of Ottawa and Alberta in Canada and the Tec de Monterrey in Mexico. He has also practiced law both in Canada and Europe in the area of European Union and international commercial law. He is the author of numerous articles and books in these areas of law.

In 2002, Professor Raworth retired from the University of Alberta and was made a professor emeritus. He now lives in France and continues to practice law.

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