

Preface

The increasing influence of European Union law is all around us. Those daily immersed in EU activities may absorb the terminology and revised Treaty paragraph numbering, become familiar with the dynamics and issues, osmotically. But others need a copy of the two, inter-dependent Treaties fashioned by the Treaty of Lisbon—the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU)—and, above all, a good commentary.

The present work amply satisfies this latter need. It contains a wide-ranging, well-informed and stimulating set of contributions by expert contributors. Together, they explain the origins and effect of the Treaty of Lisbon, and they bring the story up to date with an account of subsequent developments in law and thinking.

The area covered starts with the replacement of the EC and EU by the single EU with redefined competences, and the consequent (merciful) release from ‘three pillar talk’. It goes on to include the relationships between different EU institutions, between the EU and national parliaments and between the EU, the Charter of Fundamental Rights, and the European Convention on Human Rights—including the implications of the EU’s potential accession to the Convention. Practitioners will find particular value in the examination of the role and jurisprudence of the Court of Justice, Parliamentarians in the chapter on the evolving relationship of the European and national parliaments. Both will be interested in the discussion of subsidiarity. One notable feature of the Lisbon Treaty has been its stimulus to national parliaments to review and strengthen their own procedures for scrutinizing EU legislative proposals—an area in which even serving members of the Judicial Committee of the House of Lords once had a role, before constitutional purity intervened.

In addition to this wealth of material, there are chapters focusing on a wealth of individual topics. These include EU competence in criminal law—a sensitive field where the Court of Justice produced controversial jurisprudence before the Treaty of Lisbon, bypassing the unanimity rule of the former third pillar in a manner which Treaty subscribers had probably never envisaged; the position is undoubtedly improved under the new Treaties, although the relevant chapter shows there may still, unhappily, be unresolved issues here about the possibility of different bases of EU criminal law competence outside the conventional basis of the provisions on Freedom, Security and Justice. Other important areas addressed include the Common Foreign and Security Policy (CSFP), the Common Commercial Policy, Energy and Competition Policy.

The contributors and editors are to be congratulated on combining to produce so accessible, penetrating and up to date a compilation, which it is a pleasure both to introduce and to commend.

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Lord Mance