

European Union Law

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**Introduction to the course.
The history of the European integration**

Lesson No 1

**First of all, some food for
thought ...**

Too much Europe?

Does EU interfere with too many
aspects of our lives, as many
people seem to believe?

Is EU really proposing to standardise toilet flush
across Europe?

THE STORY ABOUT THE 'EUROFLUSH'

How the story was told by the
English newspapers
(31 october 2013, before Brexit)

Daily Mail
The Times

Daily Mail

The headline:

*“Bog standard: **Brussels** demands the same toilet flush across the Continent after discovering Brits use the most water”*

See: <https://www.dailymail.co.uk/news/article-2480829/Bog-standard-Brussels-demands-toilet-flush-Continent-discovering-Brits-use-water.html>

How are facts reported?

People in Britain must stop flushing their toilets so often, the EU has declared.

Brussels wants to impose a new bog standard flush across the continent to reduce water use after splashing out £72,000 on a study into toilet habits in 26 countries.

The bizarre edict on cistern size from Eurocrats suggests David Cameron’s hopes of cutting unnecessary regulations has gone down the pan.

Brussels wants to standardise toilet flushes across the EU.

What reactions are reported (Eurosceptic):
UKIP condemns 'preposterous waste of money' on 'latrine etiquette'

Paul Nuttall said:

“The bottom line is they are talking about red-tape all the time but instead we are spending two and a half years on a 60-page report to tray and harmonise loo behaviour amongst the peoples of Europe.

“Surely what goes on behind the bathroom door should be left to the people who are behind it. It is money down the pan.

But, only in the last lines of the article ...

An EU spokesman said: ‘We will propose next week criteria under which Member States can award Ecolabel status to products, in this case toilets and urinals.

'Eco-label criteria help consumers, businesses, local authorities etc, who want to buy green products, know which product to choose.’

So, does Europe aim at imposing one and the same standard for lavatory flushes across the Continent or, instead, at allowing producers to use the eco-label if they wish?

The Times

The headline:

“EU’s ideal standard for lavatory flushing”

See: <https://www.thetimes.co.uk/article/eus-ideal-standard-for-lavatory-flushing-8x0fvj7ck9s>

How is the story told?

“Not even the smallest and most private room in the house can escape the long arm of the European Union. And yesterday it inched uncomfortably close to your bathroom cistern.

After research lasting almost three years and costing tens of thousands of pounds, Eurocrats are proposing to standardise lavatory flushes across the Continent. Bog standardise, you might say. ...”

Some questions arise therefrom

- 1) **What should EU be doing?** → what has Europe to do with the size of cisterns or with toilet habits in UK? → EU single market and environmental policy
- 2) **If so, how should EU be doing it?** → is it needed to standardise toilet flushes across Europe? Is EU enacting uniform standard replacing different national ones?

What really is the problem?

**NOT ENOUGH OR TOO MUCH
EUROPE?**

Express

The headline:

"'Too much Europe!' Tory MEP ridicules Juncker speech with THIS brilliant point"

TORY MEP Ashley Fox lashed out at the EU for failing to realise there is already "too much Europe" and claims Jean-Claude Juncker's answer to every question is "always more Europe".

See: <https://www.express.co.uk/news/uk/1019124/Brexit-news-Juncker-speech-Tory-MEP-Ashley-Fox-Brexit-latest-EU-plot>

A Tory MEP has accused the EU of becoming too involved in the national lives of European citizens

Ashley Fox said:

"The lesson that the European Union has to learn is that the problem is not there isn't enough Europe, but there is already too much Europe. That is what causes European citizens to be discontented.

"The people in Britain voted to leave the EU because it intrudes too much into the nooks and crannies of national life ...

if the EU follows Mr Juncker's prescription – always answering 'more Europe', then we will see more people getting upset at the EU and that is not the way I want to see it."

But what – or who – is Europe (EU)?

Brussels? → Eurocrats
Berlin (or Berlin + Paris)? → more
powerful European States

Whom EU law is produced by?

**WHO IS THE EUROPEAN
LEGISLATURE?**

the eco-labelling award scheme

REGULATION (EC) No 66/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 on the EU Ecolabel

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,
Having regard to the proposal from the Commission,
Having regard to the opinion of the European Economic and Social Committee,
Having regard to the opinion of the Committee of the Regions,

Dublin Regulation (migration)

REGULATION (EU) No 604/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e) thereof,
Having regard to the proposal from the European Commission,
Having regard to the opinion of the European Economic and Social Committee,
Having regard to the opinion of the Committee of the Regions

National governments: MS' people?

EU institutions → what?

DEMOCRATIC REPRESENTATIVENESS

The conventional wisdom

- It is often said, notably by national politicians, that they represent their people, while Europe is not democratic: does it make sense?
- What, for example, in the case of the recent EP's decision to launch Art 7 TEU procedure against Hungary?
- Could we argue that Orban is Hungary? That Europe, notably EP, has no democratic legitimacy?

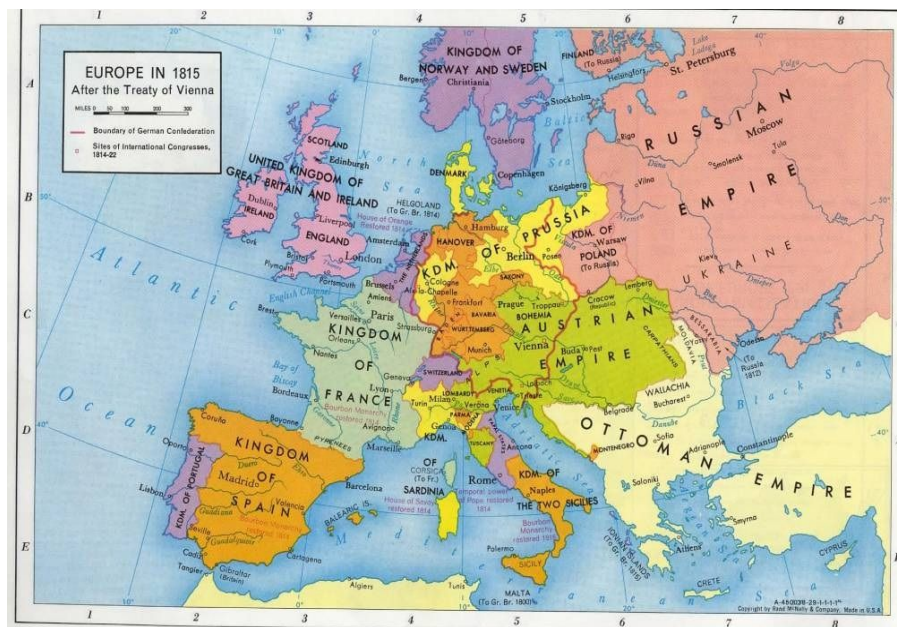
Looking back ...

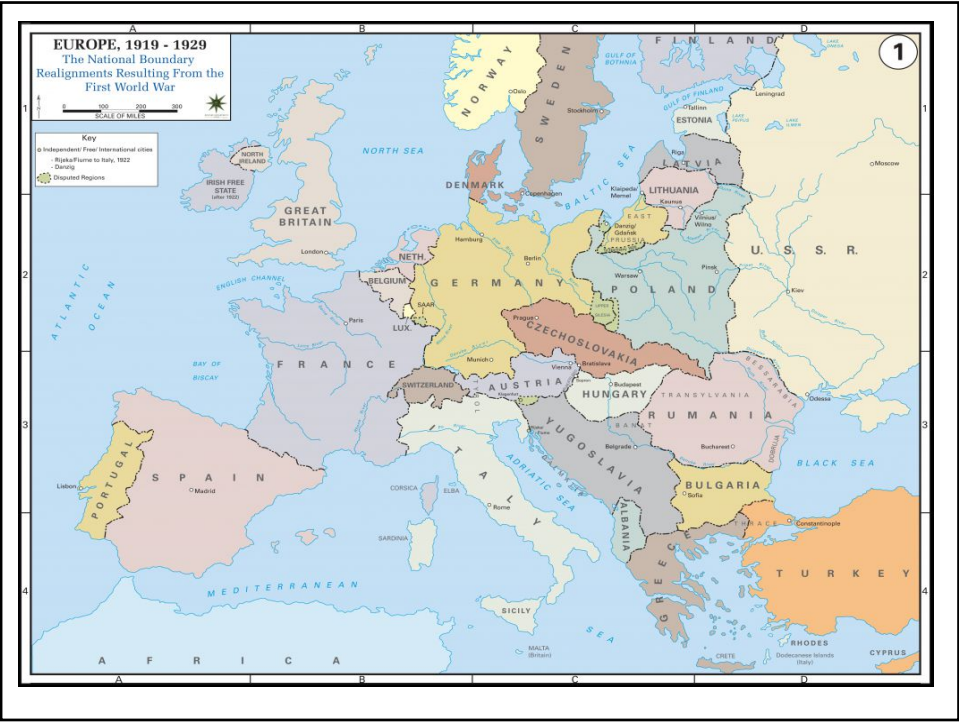
The history of the European continent

- from the end of the French Revolution
- to the beginning of the European integration process (the middle of last century)
- to the current European Union (today)

200 years, more or less ...

... a bit less than USA





Europe unified under Nazis and Fascists



The Neo-functionalism:
the “Functional Approach”
to the European integration

Schuman Declaration
May 5th, 1950

*(...) **Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements** which first create a de facto solidarity (...)*

*(...) The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development **as a first step in the federation of Europe** (...)*

Art. 1 TEU (current 'Lisbon' version)

- "(...) This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe (...)" (see also the Preamble of TEU and TFEU)
- This idea was recently put into questions in order to avoid Brexiteers from winning the 2016 referendum in UK → decision of the Heads of State or Government of the Member States concerning "A new settlement for the UK within the EU" (18-19 February 2016): it was recognised that UK was "not committed to further political integration into the EU"; accordingly, it was agreed that at the time of the next Treaties revision it would have been made clear "that the references to ever closer union do not apply to UK"

Theory of Neofunctionalism → Spill over effect

- A spillover effect would occur once the process of integration had started
- Integration in one sector (ex. Free movement of goods) necessitates integration in another sector (ex. Consumer and environmental law; economic and monetary policies) to ensure that the advantage of integration in the first sector is maximized