

BOOK REVIEW: *Advanced Introduction to European Union Law*

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Jacques Ziller. *Advanced Introduction to European Union Law*. Edward Elgar Publishing, 2020. ISBN: 978-1-78811-957-3.

Introduction

European Union law is an autonomous system of rules, principles and institutions operating within the EU Members States, and including social and economic policies focused on cooperation and human development. The EU is not merely an economic union but is also aimed at ensuring social progress and continuous improvement of the working and living conditions of its citizens.

The legal foundations of the EU are represented by Treaty on the Functioning of the European Union and the Treaty on European Union respectively, signed in Rome on 25 March 1957, and in Maastricht on 7 February 1992. In the last decades, EU law has developed significantly; the new provisions of the Treaty of Lisbon entered into force on 1 January 2009, including relevant changes to what is regarded as the hierarchy of norms and the competence of the European Parliament, as well as a move from unanimity to qualified majority for a certain number of policy areas. The Treaty of Lisbon also made the Charter of Fundamental Rights a legally binding instrument for all Member States.

Following the Treaty of Lisbon, many areas of EU law have been affected by considerable legislative activity; furthermore, in the last years the EU Courts issued important decisions in different areas of EU law such as citizenship, free movement of goods, workers, services, freedom of establishment, and human rights in general.

Given such developments, the current legal framework is characterized by an ever increasing structural complexity of EU law. The interplay between the EU legal order and national legal orders requires cooperation between Member States and the EU Institutions and an understanding of an extraordinarily complex legal system.

The book under review, *Advanced Introduction to European Union Law*, is authored by Jacques Ziller, is a concise introduction to the law of EU's institution and policy. Ziller is a Professor of European Union Law at the University of Pavia, Italy, and formerly of the European University Institute of Florence, Italy, and the Université de Paris 1 - Panthéon-Sorbonne, France. Besides the academic activities, he has also been a consultant to the European Parliament, the European Commission and the European Committee of the Regions.

Building on his extensive work, Ziller offers an insight into EU law by using essential and accessible language to the reader interested in the multiform aspects of such a complex legal field. The book addresses the functionality of EU law and policy and focuses the reader's attention on "what the EU is supposed to do, and what it may or may not do in legal terms" (page xi of the preface).

Accordingly, the book explores the sectorial policies of the EU before describing the functioning of its institutions. Furthermore, treaty provisions are subject to considerable discussion: as Ziller himself notes, "studying EU case law can only be successful if we constantly go back to the bases, that is the texts of the treaties" (page xii of the preface).

Contents and Analysis

The book contains thirteen chapters that are sectioned around three major areas of interest. The first section focuses on a set of key aspects that are fundamental to understanding the basics of EU law. The second section addresses the state of law and policy in the EU, including the rules of the Schengen Area, judicial and police cooperation, as well as commercial, foreign, security policy. The third section is an overview of the general framework of the EU and the functionality of its laws, and accounts for less researched factors such as multilingualism, power distribution and other. Each section will be discussed in turn.

The book begins with a discussion of the foundation of the European integration process (Chapter 1 – A constitution based upon international treaties). From the very start, Ziller provides evidence of the autonomy of EU law, observing that,

...while it is an intergovernmental organisation from a technical point of view, the EU has a series of features which

impact upon its law that have little or no equivalent in other international organizations” (p. 3).

In this context, Ziller offers an insight into the procedure for recess of a Member State with relevance to Brexit negotiations (pp., 11-13), this way attracting the reader’s attention to one of the most topical issues of the last years.

The author then explains the distribution of competences and the legal bases for EU action (Chapter 2 – Scope of EU law and conferral) by using a set of concise statements able to attract the interest of the reader and make him understand basic concepts and mechanisms. Based on a practical perspective, it is clearly stated that “when envisaging an initiative for EU action, the first move of officials of the Commission, Council and EP is to check whether there is a legal basis for that action in the treaties” (page 17); this essentially means that “action envisaged must fall within a field for which competence has been conferred to the Union” (page 17). Chapter 2 also includes a fresh overview on the principles of conferral, subsidiarity, and proportionality, and on the personal and territorial scope of EU law.

Then, the analysis moves to the values of the Union and the scope of the Charter focuses on fundamental rights and EU citizenship (Chapter 3 – Values, fundamental rights and citizenship). As far as EU citizenship is concerned, the reader is able to conceptualise the legal bases of EU rights and citizenship, having in mind that “EU citizenship is indissociable from the citizenship of Member States” (p. 26).

Moving to the second main area of enquiry, Ziller captures the state of the law of the main sectorial policies of the EU, including the fundamental rules of the Schengen Area and judicial and police cooperation (Chapter 4 – The area of freedom, security and justice (AFSJ)). In this context, the author clarifies that “there are strong links between EU policies in the area of freedom, security and justice and the internal market” considering that “although the aims of AFSJ policies are focused on citizens, their development has been strongly driven by the necessities of maintaining and further developing the common economic areas” (p. 31).

Customs union, fundamental freedoms, and competition rules are the next subjects of analysis (Chapter 5 – The internal market). In this chapter, particularly interesting is the section dedicated to the external dimension of the internal market, with insights on the perspective of non-EU countries especially for what regards the adoption of a common customs tariff (pages 41-42).

Following this, Chapter 6 deals with the policy objectives of the internal market including environment, consumer protection, food safety, redistributive policies, and social policies (Chapter 6 – Policies related to the internal market).

In the reviewer's opinion, one of the most interesting parts of the book is the chapter focused on the coordination of Member States' economic and fiscal policies, including monetary and exchange rate policy (Chapter 7 – Economic and monetary union). Here, Ziller provides evidence of the strict link between the establishment of the monetary union and the need of a “fully-fledged internal market (without any limitations of free movement of goods, services and capital due to currency exchange costs)” (page 48). This chapter also includes some insightful considerations of the institutional system for monetary and exchange rate policy, as well as the complex mechanisms in coordinating the fiscal and economic policy at the EU level (pages 50-53).

The second topic area closes by drawing conclusions about commercial policy and foreign and security policy (Chapter 8 – External action).

In the third and last area of study, Ziller provides an accurate overview of the main features of EU law and the related institutional framework, including the system of judicial review. There are efforts to explain the most important features such as autonomy, direct applicability and primacy (Chapter 9 – Specific features of EU law). This chapter also takes into account multilingualism and variable geometry intended as a method of differentiated integration (pages 67-72), and covers aspects of EU law that have received little scholarly attention. In this regard, the author clarifies some issues related to the language used in the public debate, suggesting that “in political debates the motto is most often a two-speed Europe or a multi-speed Europe, whereas in legal terms concepts such as differentiated integration or enhanced cooperation are being used” (pages 69-70).

The third section (Chapters 10 – 13) continues with the description of the general framework of the EU with the functioning rules of the Parliament, the European Council, the Council, the Commission and the Court of Justice of the European Union (CJEU) (Chapter 10 – Institutional framework of the EU). In this part, the book also provides relevant information on the different powers as exercised by the EU institutions (Chapter 11 – Distribution of powers in the EU) and the system of the sources of EU law, including primary law, secondary law, and other soft law instruments (Chapter 12 – Acts of EU law and hierarchy of norms). In particular, the author dedicates some words to clarify the role of general principles of EU law in the context of the hierarchy of norms, specifying that “general principles of EU law are also used by the CJEU to interpret provisions of primary law, and therefore they are also binding to Member States in the same way as primary law” (page 102).

The final chapter (Chapter 13 – Judicial review and case law) focuses on the judicial remedies against EU institutions and Member States, as well as the referral for preliminary rulings. This part of the book offers a comprehensive overview of the judicial system within EU law, with a

few sections dedicated to the judicial remedies against EU institutions and Member States, but also the features of the referral for preliminary rulings. According to Ziller, these judicial remedies are a “key element for ensuring the effectiveness of EU law” since they allow “for judicial review of any kind of EU law act of a binding nature, including on the initiative of natural or legal persons” (pages 118-119).

Based on the book contents and Ziller’s analysis, the present review intends to formulate some considerations to identify the main features of this book.

Starting from the title itself, it is evident that this book has been conceived by Ziller as an “advanced introduction” to EU law. In this regard, the reader will be impressed by the capacity of the author to combine the characteristics of an introduction to a specific area of law with important insights developed across a set of chapters dealing with the most complex aspects of EU law. The outcome of such a combination is a very agile book of 120 pages that delivers a complete, yet concise account of EU law, drawing on the author’s extensive knowledge and work informed by decades of academic and professional experience in the field. Therefore, this book is a real “advanced introduction” able to satisfy both the needs of students and experienced scholars who seek for a concise but comprehensive overview of such a complex area of law.

One more consideration involves the attention given by the author to the bases of EU law, that is the text of the treaties and primary law in general. This approach ensures the possibility of looking to the horizon of EU law, having in mind that the actions of EU institutions always find justification in the provisions of the international agreements concluded at the time of foundation of the EU.

The last consideration from the reviewer’s point of view deals with the presence of a continuous focus on the historical perspective: in this sense, Ziller does not limit the analysis to the current state of the art of EU law, but often provides readers with a set of valuable and concise information on historical developments within different sectorial policies. The underlying rationale is, perhaps, that to study EU law, one must first understand European history of the last decades.

Conclusion

The book is an accessible advanced introduction to EU law. The concise and clear exposition addresses the title in a brilliant manner while ensuring adequate space to insights on doctrine and policy. It helps the reader through the complexity of EU law providing considerations on the historical development of the Union and the current main challenges.

In the reviewer's view, some more pages could be dedicated to the approximation of laws in the area of direct taxation and the recent process of modernization within the State aid policy of the EU Commission.

Nonetheless, there are no doubts that this book will be warmly welcomed by legal scholars and all those who seek to understand the workings of the EU. In any case, this is an accessible door to an extraordinarily complex field of law allowing practitioners, policymakers, and academics to fully understand not only the legal aspect but also the policy aspects of EU law.

Based on the conciseness and completeness of the content of each chapter, this book is also as an ideal candidate for the first approach of the undergraduate students to the understanding of EU law.

The key message arising from these pages is that EU law is always in a continuous development, in an endless tension that reflects the difficulties in finding a broad consensus between all the actors involved.

Professor Ziller's book is a fundamental compass for orientation in the EU's *acquis communautaire*, an unmissable item in the library for all those who seek for a concise and comprehensive overview of EU law.