

Oklahoma City University School of Law

From the Selected Works of Lee Peoples

December, 2003

Book Review: Principles of European Union Law

Lee F Peoples, *Oklahoma City University*



Available at: https://works.bepress.com/lee_peoples/15/

BOOK REVIEW ESSAY

Principles of European Union Law. By Tim BIRTWISTLE. Bromborough, Wirral, Great Britain: Liverpool Academic Press, 2002. Pp. [vii], 179. ISBN 1-903499-03-8. US\$29.95.

The basic structure and workings of the legal institutions of the European Union can be difficult for the novice to understand. Adding to the confusion is the Treaty of Nice's expansion of the EU by twelve member nations and the revamping of existing institutions to accommodate new members. As the European Union expands it becomes more relevant. The complicated and expanding nature of EU law creates a fundamental need for a basic introductory text that is timely and understandable. It is against this backdrop that *Principles of European Union Law* is reviewed.

The purpose of this work, as stated on the book jacket, is to cover the main aspects of European Union law clearly and succinctly, as well as to examine the implications of European legislation in the UK. *Principles of European Union Law* meets and exceeds this promise by providing a concise overview of the foundation, structure, and workings of EU institutions and substantive law along with an in-depth discussion of the regulation of economic competition. Tim Birtwistle is principle lecturer in law at Leeds Metropolitan University School of Law and visiting professor in law at Bremen, Germany. The book is published by Liverpool Academic Press whose other legal academic titles include works covering revenue, business, and taxation law from a UK perspective. The typeface, paper, book construction, and printing of *Principles of European Union Law* are of good quality.¹

Principles of European Union Law is divided into three parts. Part one, titled "The Legal Basis of the European Union," provides a brief fifty-three page

¹ The copy I reviewed contained a preface describing a book about UK tax law. The publisher, already aware of this mistake, informed me that all erroneously printed volumes had been recalled and would be replaced with volumes containing the correct preface, and promptly provided the correct preface by e-mail.

overview of the formation of the EU governmental organs, and substantive Community law. The European Parliament, Council, Commission, Court of Justice, and other bodies are each allocated a chapter discussing their history, composition, function, basic operating procedure, interaction with other organs, comparison with United Kingdom institutions, and Treaty of Nice implications. In one succinct chapter the author uses European Court of Justice case law to discuss the sources, purposes, and uses of the general principles of Community law. Another chapter summarizes the primary and secondary sources of Community law and its application by member states. Part one concludes with a discussion of the European Court of Justice and Court of First Instance, focusing on procedure, jurisdiction, types of actions, and relation with national courts.

The establishment of a common market was the fundamental goal of the Treaty of Rome and was reaffirmed by the Treaty of Amsterdam. Birtwistle devotes part two of *Principles of European Union Law* to an in-depth discussion of the key concepts of the common market: the free movement of goods, persons, services, professional services, social security benefits, and equality of pay and treatment. The legal foundation and evolution of each concept is explained, and ample citations to relevant Community case law, directives, and regulations are included.

The treaties creating the European Union envision safeguards to ensure that economic competition is not prevented, restricted or distorted. The final part of *Principles of European Union Law* explains the competition rules related to agreements between two or more undertakings (Article 81 of the Treaty of Rome, now Article 85 of the Treaty of Amsterdam); regulation of behavior that abuses a dominant position in the market place (Article 82 of the Treaty of Rome, now Article 86 of the Treaty of Amsterdam); and the enforcement of competition rules. The author includes excerpts of relevant treaty provisions, case law, and Commission Regulations in his discussion of these topics.

Principles of European Union Law contains many special features including a table of cases, a timeline listing major treaties, an appendix of Internet resources, and a table tracking Treaty of Rome articles renumbered by the Treaty of Amsterdam. The three and a half page index is a bit limited and would be more effective if it contained more terms.

The Treaty of Nice was in the process of ratification when *Principles of European Union Law* was published. In the prefatory pages the author and publisher make the reader aware of this and other impending changes that are characteristic of the constantly evolving nature of EU law. Efforts to ensure currency include an appendix (which is as up-to-date as possible) outlining changes ushered in by this treaty, a page of web resources to assist with staying

current, and a correction in the preface to the author's outdated statement in the text that Ireland rejected the Treaty of Nice.

The two editions preceding *Principles of European Union Law* are titled *European Community Law*. They contain the same substantive content and organization as *Principles of European Union Law* and incorporated recent developments in EU law. The first edition, published in 1992, outlines the changes ushered in by the Maastricht Treaty. The second edition, published in 1997, covers the planned revisions to the Maastricht treaty which eventually took the form the Treaty of Amsterdam. The second edition also contains a brief appendix of ECJ cases regarding Member State liability for non-implementation of a directive. The third edition continues the tradition with its section on the Treaty of Nice.

There is certainly no dearth of comparable works. One similar title written for students of EU law with a background in United Kingdom law is *Understanding European Union Law* (2nd ed., Cavendish, 2003) by Karen Davies, Lecturer in Law at Swansea Law School. It contains additional features *Principles of European Union Law* lacks, including a table of legislation, glossary, list of abbreviations, and section on preparing for examinations. *Law and Institutions of the European Union* (Butterworths, 2001) by K.P.E. Lasok is a much larger work that provides a more in-depth discussion of the subjects covered in *Principles of European Union Law*, and contains a chapter addressing Community law in the UK. This book covers material beyond the scope of *Principles of European Union Law*, including external relations, ancillary community institutions, common agricultural and fish policies, common transport policy, the environment, consumer protection, and miscellaneous policies.

A Guide to European Union Law (Sweet & Maxwell, 1999) by P.S.R.F. Mathijsen, Professor of Law at the University of Brussels, approaches EU law from a broader perspective than *Principles*. It contains references to the national legislation of many member countries, a section on policies of the Community and the Member States, and a discussion of EU trade relations with the rest of the world. *A Guide to European Union Law* is a more extensive work than *Principles of European Union Law* and includes information on minor EU governmental organs, decentralized EU agencies, finance, agriculture and fisheries, and enlargement. *European Union Law in a Nutshell* (West, 1999) by Ralph H. Folsom, Professor of Law at the University of San Diego, approaches EU law from a North American perspective with emphasis on the impact of EU law outside of Europe. In addition to covering the same basic subjects addressed in *Principles*, the Nutshell also includes consolidated versions of the Treaties of Rome and Maastricht. Several recently released titles with more up to date coverage of the impact of the Treaty of Nice include: *European Union Law*

(Butterworths, 2003) by Margot Horspool, Professor of Law at University College London, and *European Law(Nutshells)* (Sweet & Maxwell, 2003) by Mike Cuthbert, Professor of Law at University College Northampton.

In conclusion, *Principles of European Union Law* meets its own expectations and its many additional features and up-to-date information on the Treaty of Nice make it a timely and useful introductory work on the subject. The book's UK perspective makes it of special interest to students approaching the subject from that background. The abundance of similar titles written from different perspectives and works offering greater depth gives the selector a great deal of choice when purchasing an introductory text on the subject.

Lee Peoples
Oklahoma City University Law Library
Oklahoma City, Oklahoma, USA