



EUROPEAN UNION LAW

LAW 2215



SYLLABUS, READING/VIEWING LIST
AND INTRODUCTION TO THE COURSE

DALHOUSIE

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Instructor

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Syllabus

The purpose of this course is to provide an overview of European Union law with a particular emphasis on competition law given that competition law is the area of EU law most commonly practised around the world and affects Canadian companies doing business in, and with, the EU.

The topics cover the history, institutions and fundamental freedoms (e.g., free movement of persons and goods) as well as competition and merger control law. It will review the underlying treaty law as well as the case law and the secondary legislation of the EU (e.g., EU regulations, directives and decisions).

This year, there is also a focus on Brexit given its extraordinary nature, the references to the "Canadian Model" and the relationship between Canada, the UK and the EU.

Outline Topics

1. Introduction
2. History
3. Institutions
4. Sources of EU Law and General Principles
5. Freedoms
6. Policies and Issues Generally
7. EU Transport Policy and Law
8. Anti-competitive Arrangements
9. Abuse of Dominance
10. Merger Control
11. State Aid
12. Brexit
13. Conclusions

Detailed Topics

1. Introduction

Introduction to the Course
The Concept of the European Union
Key Principles of the European Union
Canada and the EU
Outline of the Course
Researching EU law

2. History

The Background
The 1940s: The Dream after the Nightmare
The 1950s: The Establishment of the European Communities
The 1960s: The Construction Phase
The 1970s: The Fallow Decade
The 1980s: Stagnation and Revitalisation
The 1990s: Internalisation and Expansion Process –The Market, Maastricht and More
The 2000s: Enhancement, Enlargement and Challenges
The 2010s So Far: Crises, Currency and Confusion (and Brexit!)

3. Institutions

Introduction
The European Commission
The European Council
The Council
The European Parliament
The Court of Justice of the European Union
Other institutions and organs
Reflections on the EU's Institutional Structure

4. Sources of EU Law and General Principles

Treaties
Regulations
Directives
Decision
Recommendations and opinions

5. Freedoms

Introduction
Free Movement of Goods
Free Movement of People
Free Movement of Services
Freedom of Establishment
Free Movement of Capital
Restrictions on the Freedoms

6. Policies and Issues

Transport
Environment
Economic and Monetary Union
Equality
Employment
Human Rights

7. Anti-competitive Arrangements

Introduction
Arrangements
Anti-Competitive Arrangements
Exemptions
Enforcement

8. Abuse of Dominance

Introduction
Dominance
Abuse
Enforcement

9. Merger Control

Introduction
Concentrations
Community Dimension
Procedure
Approvals
Prohibitions

10. State Aid

Introduction
Concept of State Aid
Permitted State Aid
Prohibited State Aid
Approval Process

11. An Insight into the euro and banking crisis 2008-2016

Introduction
The euro
EMU is more than the euro
The Banking Crisis
The EU's response to the Banking Crisis

The PIIGS Crisis
The EU's response to the PIIGS Crisis
Does anyone outside Europe really understand Europe?
Will the euro survive?

12. *BREXIT*

What is it?
What has happened to date?
What is happening now?
What happens next?

13. *Conclusions*

Students

Students are not expected to have any prior knowledge of the EU or EU law but an interest in the topic and in current affairs, politics, economics or Europe would be helpful.

Materials

Materials will be identified to the students during the course and recourse should be had to the Internet for particular materials which will be identified. However, the main materials are outlined below.

There are materials which have been collated and placed in the library for you to read.

Students are encouraged to download *A Very Short Introduction to European Union Law* by Arnall which is published by Oxford University Press and available for download. It is reasonably priced at c.\$10.

There are also excellent textbooks and journals in the Dalhousie Library for you to consult. These include: Wyatt and Dashwood's *European Union Law* and journals such as the *European Law Review*, the *Common Market Law Review* and the *European Law Journal*. Other books and chapters of books will be identified during the course. It is recognised that this is a very short intensive course and students will not have time to read enormous amounts.

Students will also find it useful to read the websites of the EU generally (www.europa.eu) as well as the European Commission (https://ec.europa.eu/commission/index_en) and the Court of Justice of the European Union (www.curia.eu). All legislation is available at Eur-Lex (<https://eur-lex.europa.eu/homepage.html>).

Legislation

The fundamental source material comprises: the consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. They are available from various sources and formats including:

<http://eur-lex.europa.eu/collection/eu-law/treaties.html>

The regulations, directives, decisions, recommendations and opinions (as well as other papers) are available from other sources including:

<http://eur-lex.europa.eu/homepage.html>

The case law of the Court of Justice of the European Union (including the General Court) is available at the following address:

http://curia.europa.eu/jcms/jcms/j_6/

Students are encouraged to read and read about key EU cases such as *Costa v ENEL*, *Van Gend en Loos*, *Cassis de Dijon*, *Keck*, *Stauder v City of Ulm* and other cases mentioned during the lectures.

1. INTRODUCTION

Introduction to the Course

The Concept of the European Union

van Gend & Loos

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61962CJ0026:EN:HTML>

Costa v ENEL

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61964CJ0006:EN:HTML>

Simmenthal

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61977CJ0106:EN:HTML>

Key Principles of the European Union

Canada and the EU

<http://ec.europa.eu/trade/policy/countries-and-regions/countries/canada/>

<http://eeas.europa.eu/canada/>

<http://www.cbc.ca/news/politics/story/2013/08/21/pol-cp-canada-european-union-trade-talks-resumption.html>

Outline of the Course

Researching EU law

http://europa.eu/eu-law/legislation/index_en.htm

http://europa.eu/documentation/legislation/pdf/oa8107147_en.pdf

Supremacy of EU Law

Interaction between EU and Member State Law

R. v Secretary of State for Transport Ex p. Factortame:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61989CJ0213:EN:HTML>

State of the Union 2015 (9 September 2015)

http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm

2. HISTORY

The Background

The 1940s: The Dream after the Nightmare

The 1950s: The Establishment of the European Communities

The 1960s: The Construction Phase

The 1970s: The Fallow Decade

The 1980s: Stagnation and Revitalisation

The 1990s: Internalisation and Expansion Process –The Market, Maastricht and More

The 2000s: Enhancement, Enlargement and Challenges

The 2010s So Far: Crises, Currency and Confusion

Videos:

<http://www.youtube.com/watch?v=RE6QgoykLZU>

<http://www.youtube.com/watch?v=sO75ZsvMkc8>

<http://www.youtube.com/watch?v=VwYzLRDG08k>

3. INSTITUTIONS

Introduction

The European Commission

http://ec.europa.eu/index_en.htm

http://ec.europa.eu/atwork/index_en.htm

http://ec.europa.eu/commission_2010-2014/index_en.htm

http://ec.europa.eu/about/ds_en.htm

The European Council

<http://www.european-council.europa.eu/home-page.aspx>

The Council

<http://europa.eu/about-eu/institutions-bodies/council-eu/>

The European Parliament

<http://www.youtube.com/watch?v=OCUF5t1kRII>

The Court of Justice of the European Union

<http://www.youtube.com/watch?v=ruggJDOeAEs>

<http://www.youtube.com/watch?v=Kla47M8rSfM>

https://www.coleurope.eu/system/files_force/research-paper/research_paper_2_2005_lenaerts.pdf?download=1

Rules of procedure:

http://europa.eu/legislation_summaries/institutional_affairs/institutions_bodies_and_agencies/ai0049_en.htm

Other institutions and organs

Reflections on the EU's Institutional Structure

4. SOURCES OF EU LAW AND GENERAL PRINCIPLES

Treaties

http://europa.eu/eu-law/decision-making/legal-acts/index_en.htm

Regulations

http://ec.europa.eu/eu_law/introduction/what_regulation_en.htm

Directives

http://ec.europa.eu/eu_law/introduction/what_directive_en.htm

Decisions

http://ec.europa.eu/eu_law/introduction/what_decision_en.htm

Recommendations and opinions

Defrenne v Sabena

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61975CJ0043:EN:HTML>

5. FREEDOMS

Introduction

Free Movement of Goods

http://ec.europa.eu/enterprise/policies/single-market-goods/files/goods/docs/art34-36/new_guide_en.pdf

http://europa.eu/legislation_summaries/internal_market/single_market_for_goods/free_movement_goods_general_framework/index_en.htm

Free Movement of People

http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/

<http://ec.europa.eu/social/main.jsp?catId=457>

<http://ec.europa.eu/social/main.jsp?catId=953&langId=en>

Free Movement of Services

http://ec.europa.eu/internal_market/top_layer/services/index_en.htm

http://ec.europa.eu/internal_market/services/services-dir/index_en.htm

https://www.coleurope.eu/system/files_force/research-paper/researchpaper_2_2006_hatzopoulos_do.pdf?download=1

Freedom of Establishment

http://ec.europa.eu/internal_market/top_layer/living_working/services-establishment/index_en.htm

http://ec.europa.eu/internal_market/services/docs/infringements/art49-establishment_en.pdf

Free Movement of Capital

http://ec.europa.eu/internal_market/capital/index_en.htm

http://ec.europa.eu/internal_market/capital/framework/treaty/index_en.htm

http://ec.europa.eu/internal_market/capital/framework/court/index_en.htm

Restrictions on the Freedoms

6. POLICIES AND ISSUES

6.1 Transport

Introduction

http://ec.europa.eu/transport/index_en.htm

<http://europa.eu/pol/trans/>

http://europa.eu/legislation_summaries/transport/

<http://www.eubusiness.com/topics/eulaw/summaries-transport1>

Air

http://ec.europa.eu/transport/modes/air/index_en.htm

http://ec.europa.eu/transport/themes/passengers/air/european_case_law_en.htm

Maritime

http://ec.europa.eu/transport/modes/maritime/index_en.htm

Road

http://ec.europa.eu/transport/modes/road/index_en.htm

http://europa.eu/legislation_summaries/transport/road_transport/index_en.htm

Rail

http://ec.europa.eu/transport/modes/rail/index_en.htm

6.2 Environment

http://ec.europa.eu/environment/legal/implementation_en.htm

<http://ec.europa.eu/environment/legal/liability/index.htm>

<http://ec.europa.eu/environment/legal/crime/index.htm>

6.3 Economic and Monetary Union

http://europa.eu/pol/emu/flipbook/en/files/economic_and_monetary_union_and_the_euro_en.pdf

<http://www.ecb.europa.eu/ecb/history/emu/html/index.en.html>

http://ec.europa.eu/economy_finance/euro/emu/

<http://www.notre-europe.eu/media/foragenuineemu-rodrigues-ne-jdi-mar13.pdf?pdf=ok>

http://ec.europa.eu/economy_finance/emu_history/index_en.htm

6.4 Equality

http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/

6.5 Employment

<http://ec.europa.eu/social/main.jsp?catId=157&langId=en>

6.6 Trade

TTIP

The EU and the USA are currently negotiating a possible "Transatlantic Trade and Investment Partnership". It is referred to as the possible TTIP Agreement.

The aim of TTIP is to align regulations between the US and the EU. It should remove non-tariff barriers.

The advocates of TTIP say that it will bring prosperity and encourage economic development.

Opponents of TTIP say that there is a lack of transparency in the negotiations and the so-called Investor-State Dispute Settlement ("ISDS") mechanism protects companies at the expense of consumers.

<http://binghamcentre.biicl.org/ruleoflawexchange/events/ttip-and-the-rule-of-law>

6.7 Public Procurement

Public procurement in the EU is worth around €1.9 trillion annually.

Public procurement law is aimed at ensuring that public contracts for goods, services and works are awarded fairly and openly. On 18 April 2016, three directives on public procurement entered into force. The rules are aimed at simplifying the rules, assisting SMEs in winning contracts, encouraging use of more efficient sources of energy and facilitating e-procurement. Contracting authorities which have used e-procurement believe that it has saved them between 5% and 20% annually; as each 5% would save around €100 billion, this is regarded as a very desirable outcome.

7. ANTI-COMPETITIVE ARRANGEMENTS

Introduction

http://ec.europa.eu/competition/index_en.html

<http://ec.europa.eu/competition/antitrust/legislation/legislation.html>

Arrangements

http://ec.europa.eu/competition/antitrust/overview_en.html

Anti-Competitive Arrangements

Article 101 of the TFEU

Article 101(1) of the TFEU

Article 101(2) of the TFEU

http://ec.europa.eu/competition/cartels/overview/index_en.html

Exemptions

Article 101(3) of the TFEU

Enforcement

Reg. 1/2003:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0001:EN:HTML>

https://www.coleurope.eu/system/files_force/research-paper/researchpaper_5_2011_schicho.pdf?download=1

https://www.coleurope.eu/system/files_force/research-paper/researchpaper5_2008.pdf?download=1

8. ABUSE OF DOMINANCE

Introduction

Article 102 of the TFEU

Dominance

Abuse

Enforcement

http://ec.europa.eu/competition/consumers/abuse_en.html

<http://ec.europa.eu/competition/antitrust/art82/>

http://www.europarl.europa.eu/factsheets/332_en.htm (note reference to Art.82 on website should be Art.102)

9. MERGER CONTROL

Introduction

Regulation 139/2004

http://ec.europa.eu/competition/mergers/overview_en.html

<http://ec.europa.eu/competition/mergers/legislation/legislation.html>

<http://ec.europa.eu/competition/mergers/cases/>

Concentrations

Community Dimension

Relationship with Member State Law

Procedure

Approva

Prohibitions

10. STATE AID

Introduction

http://ec.europa.eu/competition/state_aid/overview/index_en.html

http://ec.europa.eu/competition/state_aid/legislation/compilation/index_en.html

http://ec.europa.eu/competition/state_aid/studies_reports/studies_reports.html

Concept of State Aid

Permitted State Aid

Prohibited State Aid

Approval Process

http://ec.europa.eu/competition/state_aid/register/

https://www.coleurope.eu/system/files_force/research-paper/wp_1_2013_-_merola_armati.pdf?download=1

11. AN INSIGHT INTO THE EURO AND BANKING CRISIS 2008-2014

Introduction

The euro

EMU is more than the euro

The Banking Crisis

The EU's response to the Banking Crisis

The PIIGS Crisis

The EU's response to the PIIGS Crisis

Does anyone outside Europe really understand Europe?

Will the euro survive?

<http://www.theguardian.com/business/debt-crisis>

http://www.ecb.europa.eu/press/key/date/2013/html/sp130523_1.en.html

<http://www.ft.com/intl/indepth/euro-in-crisis>

<http://www.ecb.europa.eu/pub/pdf/scpwps/ecbwp1573.pdf>

http://ec.europa.eu/internal_market/bank/crisis_management/

<http://www.economist.com/blogs/freeexchange/2013/03/euro-crisis-4>

<http://www.brookings.edu/~media/research/files/papers/2012/11/european%20banking%20union%20elliott/11%20european%20banking%20union%20elliott.pdf>

12. BREXIT

There is a wealth of material available on Brexit. Good locations are the European Commission's website (particularly on preparedness: https://ec.europa.eu/info/brexit/brexit-preparedness_en), the European Parliament's website, the EU task force on Brexit (https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom_en) and the UK Government's website along with the various media outlets (particularly Bloomberg and Politico: <https://www.politico.eu/section/brexit/>).

13. CONCLUSIONS

INTRODUCTION TO THE COURSE

This course examines aspects of European Union ("EU") law paying attention to the Canadian perspective or dimension.¹

This course tries to explain various aspects of EU law to a Canadian audience. At times, it seeks to draw comparisons with, and contrasts to, the Canadian situation. It is hoped that such analogies help but it is better to see EU law as unique and distinct rather trying to wedge it into any other model or regime. Too often, lawyers and other observers of the EU try to shoehorn the EU into a pre-existing regime (e.g., a national of international regime²) but it is best to see the EU as unique and distinct in its own right.

When you are studying this course, above all else, remember the extraordinary and exciting nature of EU law. Sixty eight years ago, some of these 28 countries were literally killing each other. Less than 25 years ago, some of these countries had missiles targeted at each other. Today, *law* has achieved what guns and bombs could not do.

RELEVANCE OF EUROPEAN UNION LAW TO A CANADIAN AUDIENCE

EU law is clearly relevant to the 500 million people in the 28 European countries which form the EU. However is EU law relevant to Canadian lawyers and law students or others outside the EU? There are several answers to this question but a few will have to suffice for now.

Economically, in 2011, the EU was Canada's second biggest export market worldwide (representing around 12% of Canada's total exports by value)³ while Canada was the EU's 11th largest market worldwide (representing around 1.8% of Canada's total exports by value). Bilateral trade in goods between the EU and Canada was worth circa C\$80 billion or €60 billion in 2011 with much of the trade, in both directions, comprising machinery, transport equipment, chemicals and services (such as travel, insurance and transport).⁴ There is a high degree of Foreign Direct Investment ("FDI") going in both directions with Canadian businesses investing circa C\$190 billion or €140 billion in the EU in 2011 with EU businesses investing circa C\$270 billion or €200 billion in Canada the same year. This means that the EU is the second largest investor in Canada after the USA while, in return, Canada is the third largest investor in the EU after the USA and the European Economic Area ("EEA")⁵ States.

The EU and Canada negotiated the so-called Comprehensive Economic and Trade Agreement ("CETA") to intensify their trade and investment relationship with the aim of opening up new opportunities for traders on both sides of the Atlantic.⁶ The CETA would

¹ As the EU is unique in the world, it is not proposed to compare and contrast the EU and Canada at every turn because such an exercise would be as tedious as it would be lacking in utility but rather to take a broad perspective and highlight the Canadian dimension from time to time.

² E.g., the EU is quite different from the United Nations ("UN"); for example, the EU has more powers, the Member States are more equal in the EU than in the UN (e.g., there is no Security Council veto in the EU) and the EU may sanction Member States (e.g., institute proceedings against the Member States in the Court of Justice of the European Union ("CJEU")).

³ I.e., for Canada, the EU was second only to the USA in terms of exports. For some practical information on exporting to the EU, see some guidance from the European Commission on its website at: <http://exporthelp.europa.eu/thdapp/index.htm>.

⁴ I.e., for Canada, the EU was second only to the USA in terms of exports.

⁵ The EEA comprises the 28 EU Member States along with Iceland, Liechtenstein and Norway. The latter three States are not members of the EU but have adopted (and continue to do so) many of the laws and policies of the EU.

⁶ For background information on the trade between Canada and the EU, see a joint study by the Government of Canada and the European Commission entitled *Assessing the Costs and Benefits of a Close EU-Canada Economic Partnership* (2008): http://trade.ec.europa.eu/doclib/docs/2008/october/tradoc_141032.pdf. For up to date information, see <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/eu-ue/negotiations-negociations.aspx?lang=eng>.

follow a series of more specific agreements on customs co-operation⁷ and specific economic sectors.⁸ Further information is available at: <http://ec.europa.eu/trade/policy/in-focus/ceta/> and http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-explained/index_en.htm.

Legally, the EU legal regime is unique anywhere in the world and can, for example, impose a fine of up to 10% of worldwide turnover on a Canadian business based in Canada which distorts competition in the EU even if the Canadian-based executives never visit the EU.⁹

Politically, the EU institutional and political system is fascinating. Linguistically, it is interesting to see how a polyglot organisation – with 24 official languages - can function.

Philosophically, there is much more to unite Canada and the EU than to divide them. The two have comparable philosophies,¹⁰ policies and practices. There is on-going dialogue and interaction between Canada and the EU on several levels.¹¹

Socially, it is interesting to see how 28 countries - with many more races and ethnic groups - co-exist.

In our increasingly globalised world, Canadian lawyers and law students need to know about EU law. They do not need to know everything about the subject - no-one could - but they need to know enough to be able to spot the issue of EU law in their work in Canada or advising Canadian clients anywhere in the world - at the very least, to avoid negligence but better still to advise their clients and understand EU law as thoroughly as possible. It is useful to learn about EU law not just for defensive reasons but also because it is a fascinating topic and involves the birth and growth of an entire legal system within the last sixty years; moreover, EU law can be used offensively or strategically to win cases and advance causes.

CANADA AND THE EUROPEAN UNION

Introduction

Canada and the European Union have a long established and rich relationship. Most of the people who settled in Canada over the last two hundred and fifty years have come from what is now the EU (principally, the UK, France, Italy, Germany, Poland and Ireland). The social, cultural and economic links between Canada and the EU are strong. Apart from the United States of America, the EU is Canada's largest export market and most significant partner in global affairs.

Why is the European Union Interesting for Canadians?

The EU is interesting for a Canadian audience for several reasons. It is useful to take several examples.

⁷ In 1997 an agreement, entitled *EU-Canada Agreement on Customs Cooperation and Mutual Assistance in Customs Matters*, was signed to foster closer cooperation between EU and Canadian customs administrators. See http://ec.europa.eu/anti_fraud/documents/countries/canada_en.pdf.

⁸ E.g., agreements in 2003 relating to wine and spirits and in 2009 relating to safety in civil air transport (see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:035:0003:0093:EN:PDF> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:153:0011:0028:EN:PDF>). There have also been agreements in such areas as the veterinary sector to improving bilateral trade (e.g. the 1998 Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products OJ L71, 18/03/1999, p. 3; for a summary, see <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=286>). For a list of sectoral agreements between Canada and the EU covering areas as diverse as education, energy, fisheries and transport, see http://www.canadainternational.gc.ca/eu-eu/bilateral_relations_bilaterales/agreements-accords.aspx?lang=eng.

⁹ Trade in services account for more than a third of all trade between Canada and the EU.

¹⁰ E.g., both are free market economies but with a social philosophy.

¹¹ E.g., see the EU's delegation to Canada's website for examples: http://eeas.europa.eu/delegations/canada/delegation_canada_news_rss_en.xml.

First, the EU is a direct result of the terrible trauma of the Second World War which was, despite being global, largely centred in Europe where it started. Around 45,000 Canadians died in active service in the Second World War. It is worthwhile putting their sacrifices into context. Out of that terrible war, the EU was born. However, it is difficult for a Canadian audience to grasp the palpability and impact of the Second World War in Europe where neighbour was savaged by neighbour, where aerial bombing and ground warfare meant that, unlike in the First World War, there was no escape for civilians and, ultimately, States were devastated with famine threatened in the UK and present in parts of Germany after 1945.

Secondly, as already described, there are strong trade and economic links between Canada and the EU.

Thirdly, there are strong the EU is an interesting model from a linguistic perspective because linguistic diversity in the EU is very much maintained, respected and encouraged with no plan (nor could there one) to have a single language used by all in the EU.

Fourthly, while one talks about diversity in Canada, there is greater diversity in the EU. Even in economic and technical matters, there is no uniformity. The plug of a kettle in the UK will have three pins but the same kettle in France would have only two pins. Cars in Ireland are right hand drive but cars in Spain are left hand drive. There was a time when "harmonisation" was seen as very desirable but now the less ambitious "mutual recognition" would often suffice. It is interesting to see how the "peoples" (plural) of Europe are progressing.

Links between Canada and the European Union

It is already clear that there are several types of links between Canada and the EU including commercial and trading links but there are other types of links too.¹²

There are diplomatic links. In 1959, Canada accredited its first ambassador to the then European Economic Community (the "EEC")(which is now, for all intents and purposes, the EU but with a more expanded role than the EEC). This was just two years after the EEC was founded. Equally, in 1959, Canada and the European Atomic Energy Community ("EAEC") (which still exists today and is part of the EU) signed an Agreement for Co-operation in the Peaceful Uses of Atomic Energy.¹³ In 1976, the European Commission opened its "Delegation" to Canada in Ottawa – this is, in effect, the EU's embassy to Canada.¹⁴ In the same year, Canada signed with the EU (but was then called the European Economic Community ("EEC")) a Framework Agreement on Economic Co-operation.¹⁵ This was the first formal agreement of its kind between the EEC and an industrialized third country. Under this agreement, the EU-Canada Joint Co-operation Committee ("JCC") still meets annually to review co-operation and to identify means of enhancing the bilateral relationship.¹⁶

There are political links. There are frequent summits between Canadian and EU leaders.¹⁷ In 1990, Canada and the EU adopted a Declaration on Transatlantic Relations to extend the scope of their contacts and establishing regular meetings at Summit and Ministerial level.¹⁸ In 1996, a Political Declaration on EU-Canada Relations was adopted at the Ottawa Summit including joint Action Plan identifying additional specific areas for co-operation.¹⁹ In 2004, a Canada-EU Partnership Agenda was agreed.²⁰

¹² <http://www.canadainternational.gc.ca/eu-ue/index.aspx> is the website of the Mission of Canada to the EU and it is a very useful website for information on Canadian-EU matters.

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:P:1959:060:1165:1174:FR:PDF>.

¹⁴ http://eeas.europa.eu/delegations/canada/index_en.htm.

¹⁵ http://www.canadainternational.gc.ca/eu-ue/commerce_international/agreements-accords.aspx?lang=eng.

¹⁶ http://www.canadainternational.gc.ca/eu-ue/bilateral_relations_bilaterales/2011jcc-cmc.aspx?view=d.

¹⁷ http://www.canadainternational.gc.ca/eu-ue/bilateral_relations_bilaterales/summits-sommets.aspx?lang=eng.

¹⁸ http://www.canadainternational.gc.ca/eu-ue/commerce_international/transatlantic-transatlantique.aspx?lang=eng.

¹⁹ http://www.canadainternational.gc.ca/eu-ue/commerce_international/joint_political-politique_conjointe.aspx?lang=eng

²⁰ http://www.canadainternational.gc.ca/eu-ue/commerce_international/partnership-partenariat.aspx?lang=eng

This short paper does not delve into the fascinating area of Canadian-EU relations in any depth but rather seeks to put or explain the EU in a Canadian context.

CONCEPT OF THE EUROPEAN UNION

It is worth pausing at this point and considering what is involved in the concept of EU. It is not a country but has the attributes of a country. It is not a traditional international organisation because it involves much more. It is not a federation or confederation of States. It is, at this stage, a unique entity in international relations.

The EU is constantly changing. Its role and remit are expanding.

MEMBER STATES OF THE EUROPEAN UNION

Twenty-eight States are members of the EU: Austria (joined in 1995); Belgium (1957 having been a founding member of the ECSC in 1952); Bulgaria (2007); Croatia (2013); Cyprus (2004); Czech Republic (2004); Denmark (1973); Estonia (2004); Finland (1995); France (1957 being a founding member of the ECSC in 1952); Germany (1957 being a founding member of the ECSC in 1952); Greece (1981); Hungary (2004); Ireland (1973); Italy (1957 being a founding member of the ECSC in 1952); Latvia (2004); Lithuania (2004); Luxembourg (1957 being a founding member of the ECSC in 1952); Malta (2004); The Netherlands (1957 being a founding member of the ECSC in 1952); Poland (2004); Portugal (1986); Romania (2007); Slovakia (2004); Slovenia (2004); Spain (1986); Sweden (1995); and the United Kingdom (1973). Put another way, it is possible to see States joining in eight waves with the founding "Six" establishing what is now the EU in 1957, three peripheral States joining in 1973, three Mediterranean States joining in the 1980s, three other peripheral but economically advanced States joining in the 1990s, a wave of twelve States (including many former communist States) joining in the 2000s and one access in the 2010s so far:

1957	1973	1981	1986	1995	2004	2007	2013
Belgium	Denmark	Greece	Portugal	Austria	Cyprus	Bulgaria	Croatia
France	Ireland		Spain	Finland	Czech Republic	Romania	
Germany	United Kingdom			Sweden	Estonia		
Italy					Hungary		
Luxembourg					Latvia		
Netherlands					Lithuania		
					Malta		
					Poland		
					Slovakia		
					Slovenia		

The accession of many of the Central and Eastern European States is extraordinary because while some of them were Communist States, they even refused to recognise the existence, as a legal person, of what is now the EU.

There is no doubt that the EU will expand; for example, Croatia, the Former Yugoslav Republic of Macedonia, Iceland and Turkey are now possible Member States.

The EU and its Member States have a different type of relationship from the relationship between Canada and its provinces.

Indeed, the EU and its Member States have a different relationship from that of the United Nations and its Member States.

RESEARCHING EUROPEAN UNION LAW

EU law is not convenient in that there are multiple sources. Nonetheless, the advent of the Internet has made research much easier.

The EU's website: www.europa.eu is the obvious starting point.

In terms of the EU's institutions and bodies, each has its own website:

In terms of the EU's laws, the website <http://eur-lex.europa.eu/en/index.htm> is a tremendously useful source.

The starting point for researching EU law is to start at the supreme or highest sources of EU law, namely, the treaties. The treaties are laid out on one site: <http://eur-lex.europa.eu/en/treaties/index.htm>.

After the treaties, which are often known as the "primary" sources of EU law, there are the secondary sources of EU law. These are regulations, directives and decisions. There is also a sub-site of the site which has the legislation in force: <http://eur-lex.europa.eu/en/legis/latest/index.htm>.

Since the first elements of EU law, in the 1950s, there are thousands of legislative instruments repealing, amending or consolidating earlier instruments so it is useful to have a source which contains the consolidated legislation: <http://eur-lex.europa.eu/en/consleg/latest/index.htm>.

As EU law is so dynamic, there is a need for a convenient source of EU law which is gestation and again there is a sub-site of the eur-lex website which provides this information: <http://eur-lex.europa.eu/en/legis/latest/index.htm>.

Not surprisingly, the EU has concluded many international agreements so there is a convenient store of all of these agreements at: <http://eur-lex.europa.eu/en/accords/accords.htm>.

Case law has even less precedential value, at least formally in the EU than it does in Canadian law and much less value than it would have in English law. Put another way, there is no doctrine of *stare decisis* in EU law as there is in, for example, English, US or Irish law. Nonetheless, EU cases are cited frequently and followed almost invariably. A location for EU court case law would be: <http://eur-lex.europa.eu/JURISIndex.do?ihmlang=en> but a more convenient source is often http://curia.europa.eu/jcms/jcms/j_6/ including its search facility at: <http://curia.europa.eu/juris/recherche.jsf?language=en>.