

Contents

| | |
|--|-------|
| <i>Table of Cases</i> | xxiii |
| <i>Table of Legislation</i> | xxix |
| | |
| 1. Introduction | 1 |
| 2. The Phases of European Integration | 7 |
| 1. From the European Coal and Steel Community to the European Union | 8 |
| The Founding Fathers | 8 |
| The Constitutive Treaties | 11 |
| Enlargement | 14 |
| Institutional Development | 17 |
| 2. The Council of Europe and the European Convention for the Protection of Human Rights and Fundamental Freedoms | 24 |
| The Institutions of the Council of Europe | 24 |
| Rule of Law and Respect for Fundamental Rights | 25 |
| Greater Europe | 32 |
| 3. The Other European Institutions | 33 |
| Military Co-operation, Defence, and Security: from the Failure of the European Defence Community to the Organization for Security and Co-operation in Europe | 33 |
| Commerce and Economic Development: OECD, EFTA, EEA | 36 |
| Closely Tied with the European Union: the Schengen Area and the Eurozone | 36 |
| The Schengen Area | 36 |
| The Eurozone | 39 |

| | |
|--|-----|
| 3. The European Legal Order | 43 |
| 1. The European Union after the Lisbon Treaty | 44 |
| The Principles and Values of the European Union | 44 |
| The Institutional Organization | 47 |
| The European Council | 47 |
| The Council | 48 |
| The Commission | 49 |
| The European Parliament | 51 |
| The Court of Justice of the European Union | 52 |
| Complementary Organs and Institutions | 57 |
| The System of Rules of the European Union | 59 |
| Secondary Legislation | 60 |
| The Authority of Directives | 62 |
| 2. A Europe of Human Rights | 66 |
| 3. The Law of the European Union and the European Convention on Human Rights | 73 |
| 4. European and Domestic Law | 81 |
| 1. A Common Understanding of the Hierarchy of Norms | 82 |
| European Law and Domestic Statutory Law | 83 |
| Monism and Dualism | 83 |
| Self-executing Treaties | 84 |
| Superiority of Treaties over Statute | 85 |
| Review of Compatibility with International Treaties | 87 |
| European Law and Domestic Constitutional Law | 89 |
| Europe and Constitutions | 89 |
| The Constitution and the Law of the European Union: the Logistics of Conciliation | 93 |
| Priority Preliminary Rulings on Constitutionality and the Law of the European Union | 97 |
| 2. The Integrated Legal Order of the European Union | 100 |
| The Court of Justice, Guarantor of the Legal Order of the Union | 100 |
| The Legal Order of the European Union and French Courts | 102 |

| | |
|--|-----|
| 3. Shared Guiding Principles | 106 |
| Equality and Non-discrimination | 106 |
| Proportionality | 110 |
| Subsidiarity | 115 |
| Legal Certainty | 119 |
| 5. The Independence and Interdependence of Judges | 127 |
| 1. The Development of Constitutional Law | 128 |
| 2. The Reinforcement of Judicial Control with the Executive | 132 |
| 3. The Right to an Effective Remedy Before an Independent and Impartial Tribunal | 139 |
| Access to Court | 139 |
| Fair Trial | 141 |
| 6. A European Model of Public Administration | 155 |
| 1. The Scope of Public Action | 156 |
| Privatization, Competition, and Regulation | 156 |
| Solidarity and Services of General Interest | 160 |
| 2. The Ways in which the Administration is Organized | 165 |
| Shared Principles and Better Economic Governance | 165 |
| Delegated Management and Public Procurement | 169 |
| Independent Authorities and Agencies | 170 |
| The Principle of Good Administration | 172 |
| 3. Europe and the Civil Service | 174 |
| 7. Conclusion | 179 |
| <i>Index</i> | 183 |