

International and European Union Law

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Information on subject

- Lectures every week – no compulsory attendance
- Completion of the subject:
 - seminar paper presented orally on last two lectures
 - written colloquium (multiple-choice test)
- Literature:
 - Any at your convenience
 - Some of the English textbooks are available at the library
 - Trevor Hartley: The Foundations of European Community Law
 - Wikipedia
 - Official web sites of the EU

Syllabus

- 1. International, European and national law – basic characteristics of each system of law and introduction
- 2. International law – character, sources, subjects, International Treaty Law
- 4. Conclusion and entry into force of treaties
- 5. Interpretation and application of international treaties
- 6. History of European integration, federalism, supranationalism and intergovernmental cooperation
- 7. Institutions of the EU
- 8. Sources of the EU Law and their interpretation and application
- 9. Enforcement of the EU law
- 10. Application of the EU Law in the Czech Republic

Today's Lecture

- Understand
 - the term law
 - the differences among different systems of law
 - Know basic principles of functioning of different systems of law

Introduction – what is the “law”?

- The term is usually understood as “national law” or a “domestic law”
- What does the theory of law say about the term “law”?
- The law is therefore a normative system and not the only one, can you mention some other NS?
- What makes law different?
- What is the general purpose of law?
- Who creates the law?
- To whom does the law apply?

Law - summary

- According to the theory of law the law is a system of rules created by a state or its institutions and enforced by it`
- The key characteristic of law is its **enforceability!**
- Who does enforce the law? – only the respective state
- Generally every state has its own law
- State law has a territorial character

Law is not only a domestic law...

- Relations among states must be regulated as well which brings us to → **international public law**
- International public law is often confused with international private law - what is the difference?
- The third known system of law is **European Union (Community) law**

State law

- Vertical structure:
 - Law is not a system of norms of equal level
 - Legal order has a hierarchic structure
 - There are several levels of legal norms according to their legal force
 - What is the hierarchical structure of your legal order?
- Horizontal structure:
 - Private vs. public law
 - Name the basic legal disciplines according to this division!

Principle of subordination

- What character does have the relation among individuals?
- What character does have the relation between an individual and a state (from the legal point of view)?
- And what about the state and domestic law – what is its position?
- Who is an individual?

International public law

- Relations among states are regulated by law as well
- States together constitute the international community
- National law cannot apply to the IC! – why?
- Who enforces the IPL? And who is the addressee of the IPL?
- What is the relation between the IPL and DL?

Art. 1 and 10 of the Czech Constitution

- *The Czech Republic shall observe its obligations under international law.*
- *Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied.*

Purpose and scope of the IP

- Deals with:
 - What the state is
 - the acquisition of territory
 - state immunity
 - legal responsibility of states
 - Relations among states
 - International agreements and conventions
 - Individuals and their treatment within states
 - War conditions
 - Global environment

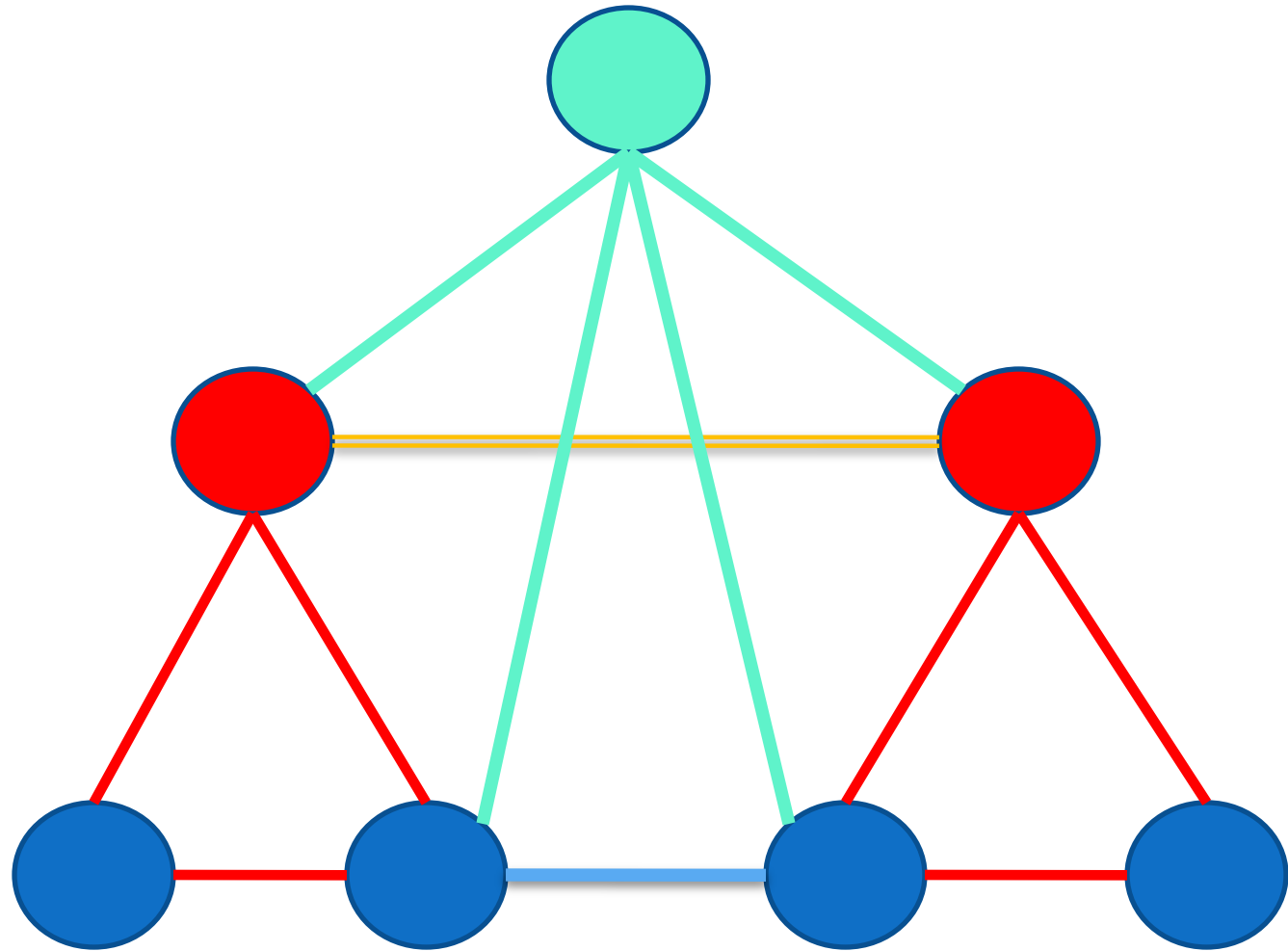
Sources and Structure of the IPL

- Unlike the domestic law the IPL is horizontal in its structure
- Sources:
 - International treaties
 - Customs
 - General principles of law

European Community Law

- Unique system of law
- EC are not intergovernmental but supranational organizations.

Relations among the IL, DL, EL



Conclusion

- There is not only a state law but also the international and European Community law
- All three systems are autonomous
- The relation between the state law and international law is given by the national law
- The relation between the state law and EC law is given by the EC law
- The EC law is the first supranational system of law