

Law of the EU

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Information on subject

- Lectures every two weeks
- Completion of the subject:
 - seminar paper presented orally on last lecture
 - Topic: Your country and the EU (from the legal point of view - case-law, treaties, trade relations etc.)
 - 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 Union Law
 - Wikipedia
 - Official web sites of the EU

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 therefore is its enforceability!
- Who does enforce the law? – only the respective **state**
- Generally every state has its own law
- This 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 (formerly Community) law

Structure of a domestic 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.

Scope and purpose of IPL

- 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

International organization

- A forum where states can meet and negotiate
- A mean of permanent (continuous) cooperation but not integration

European Union Law

- Unique system of law
- EU is not intergovernmental but supranational organization.