




Legal Framework of the EU

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Legal Framework of the EU - Contents


1. The system of European law – characteristics
2. Sources of the EU law and their hierarchy
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4. System of legal protection in the EU
5. Summary





1. The system of European law – characteristics

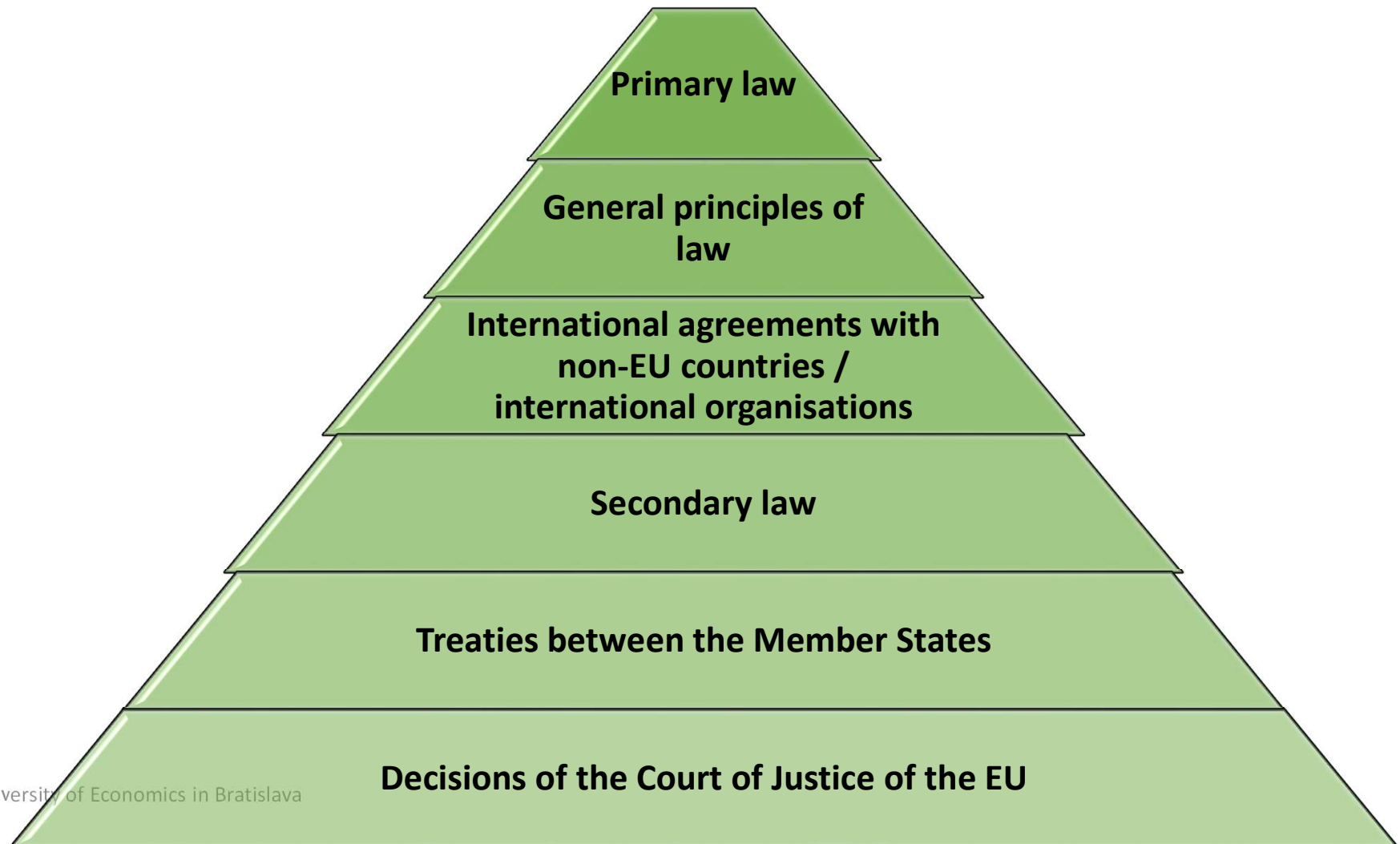


- evolved from public international law
 - separate, autonomous legal order
 - 26/62, van Gend & Loos: „The European Economic Community constitutes a new legal order of international law”
 - independent from national legal orders of EU MSs
 - *sui generis* = *of its own kind*
 - supranational character
- 

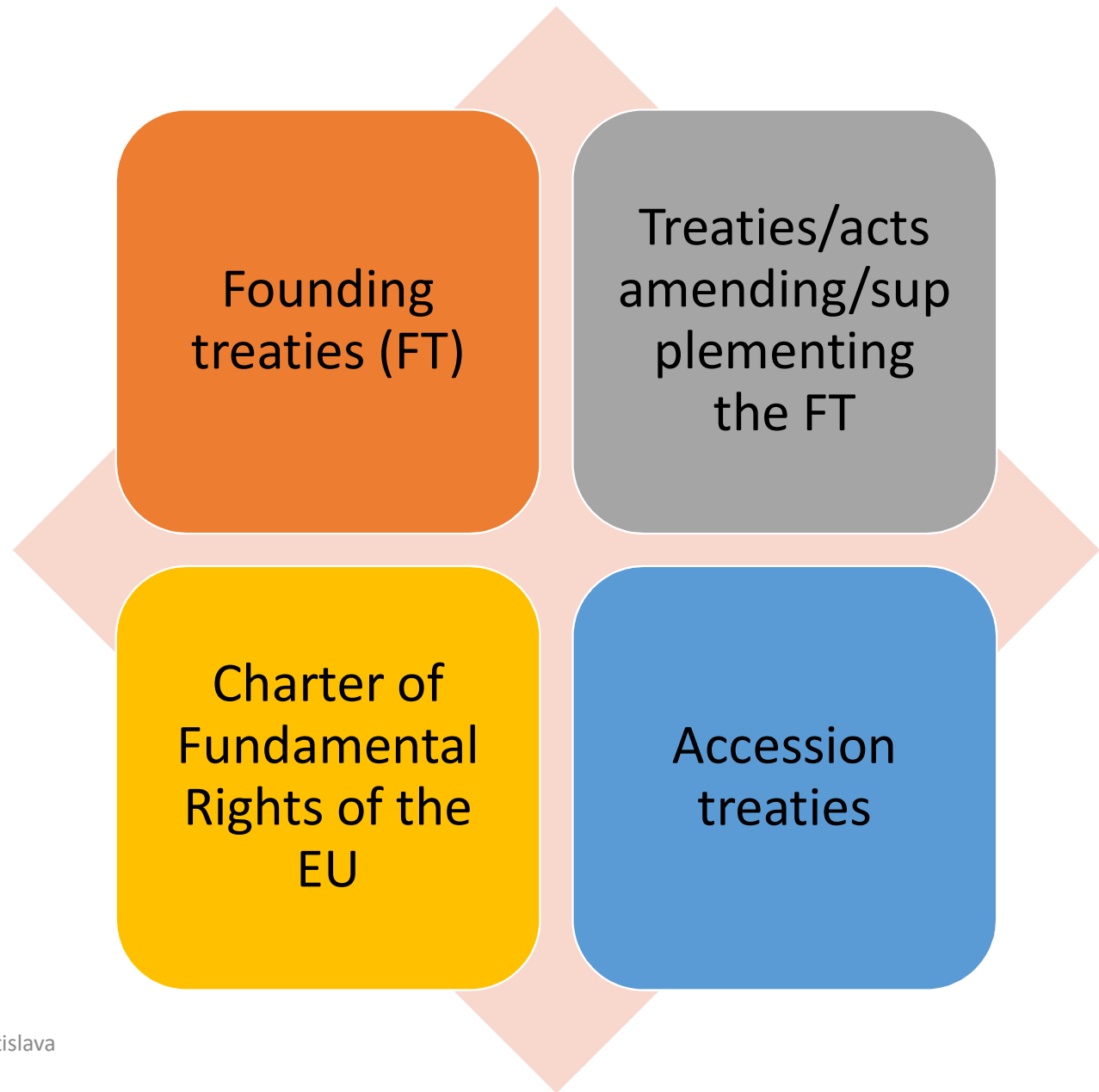
2. What are the
sources of EU
law?



Sources of EU law and their hierarchy



Primary law



How many
founding
treaties?



Founding treaties

Treaties/acts
amending/sup
plementing
the FT

Charter of
Fundamental
Rights of the
EU

Accession
treaties

Primary law

Treaty establishing the European Coal and Steel Community (ECSC)

Signed: 1951
In force: 1952
Expired: 2002

Treaty establishing the European Economic Community (EEC)

Signed: 1957
In force: 1958

Treaty establishing the European Community

1993

Treaty on the Functioning of the European Union (TFEU)

2009

Treaty establishing the European Atomic Energy Community

Signed: 1957
In force: 1958

Treaty on the European Union (TEU)

Signed: 1992
In force: 1993

Founding treaties

Treaties/acts
amending/sup
plementing
the FT

Charter of
Fundamental
Rights of the
EU

Accession
treaties

Primary law

Primary law

Founding
treaties (FT)

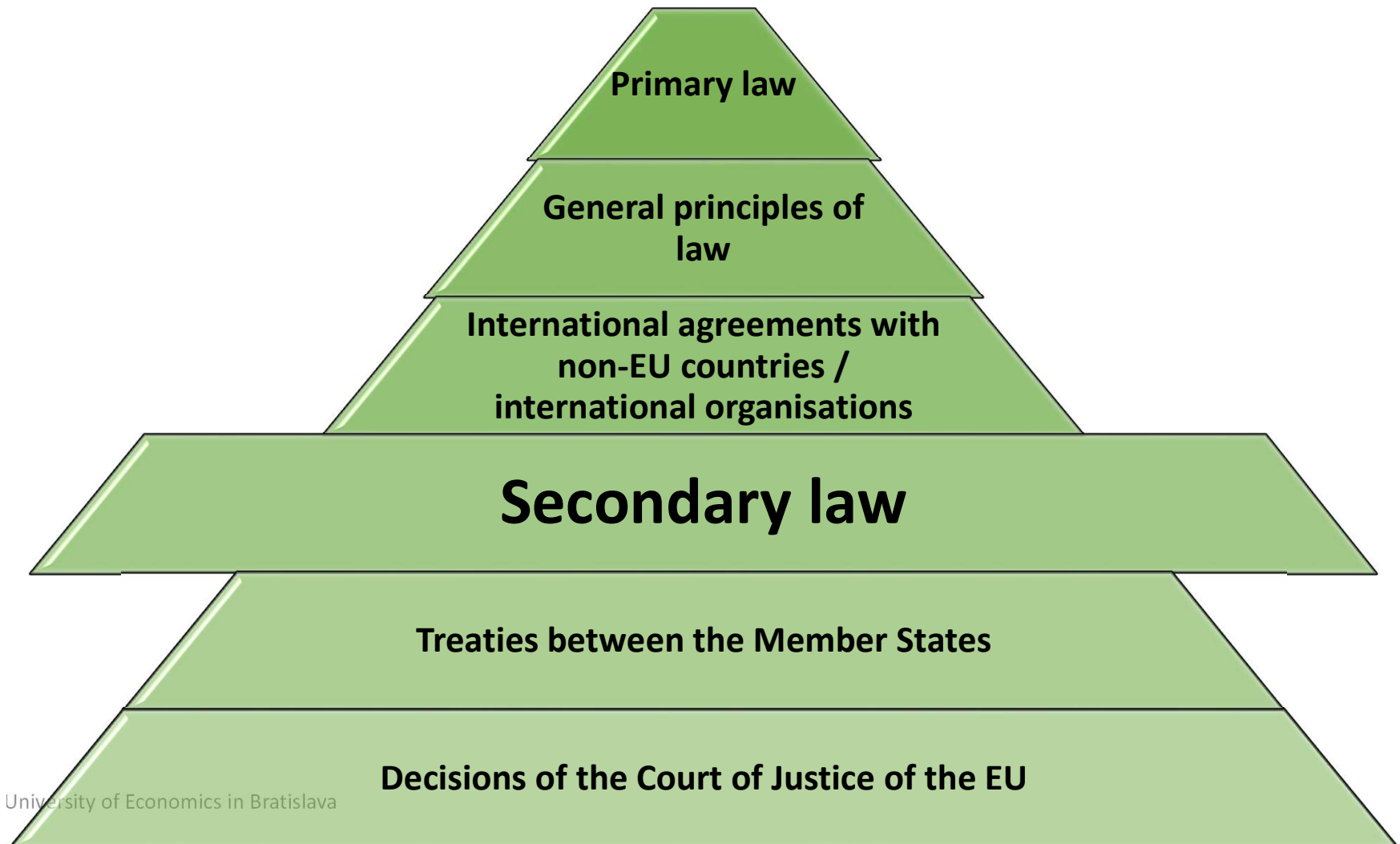
Treaties/acts
amending/sup
plementing
the FT

Accession
treaties

Charter of Fundamental Rights of the EU

- Dignity
- Freedoms
- Equality
- Solidarity
- Citizens' rights
- Justice

2. Sources of EU law and their hierarchy



What are
the types?



Secondary law

Secondary law

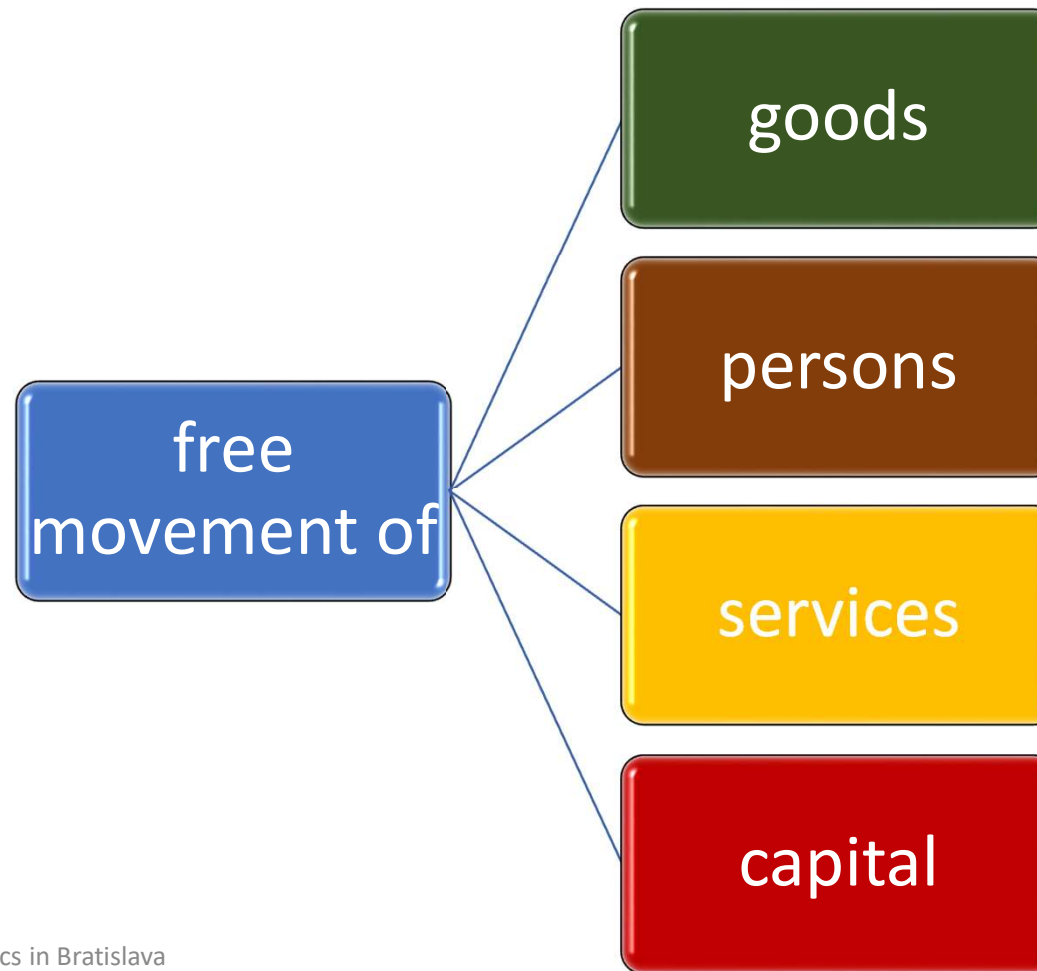
Regulations	Directives	Decisions	Opinions	Recommendations
binding	binding	binding	non-binding	non-binding
addressees not specified	Member States	individuals/ Member States		
directly applicable – no transposition	not directly applicable - transposition			

3. What rights do EU businesses and citizens have under internal market regulation?

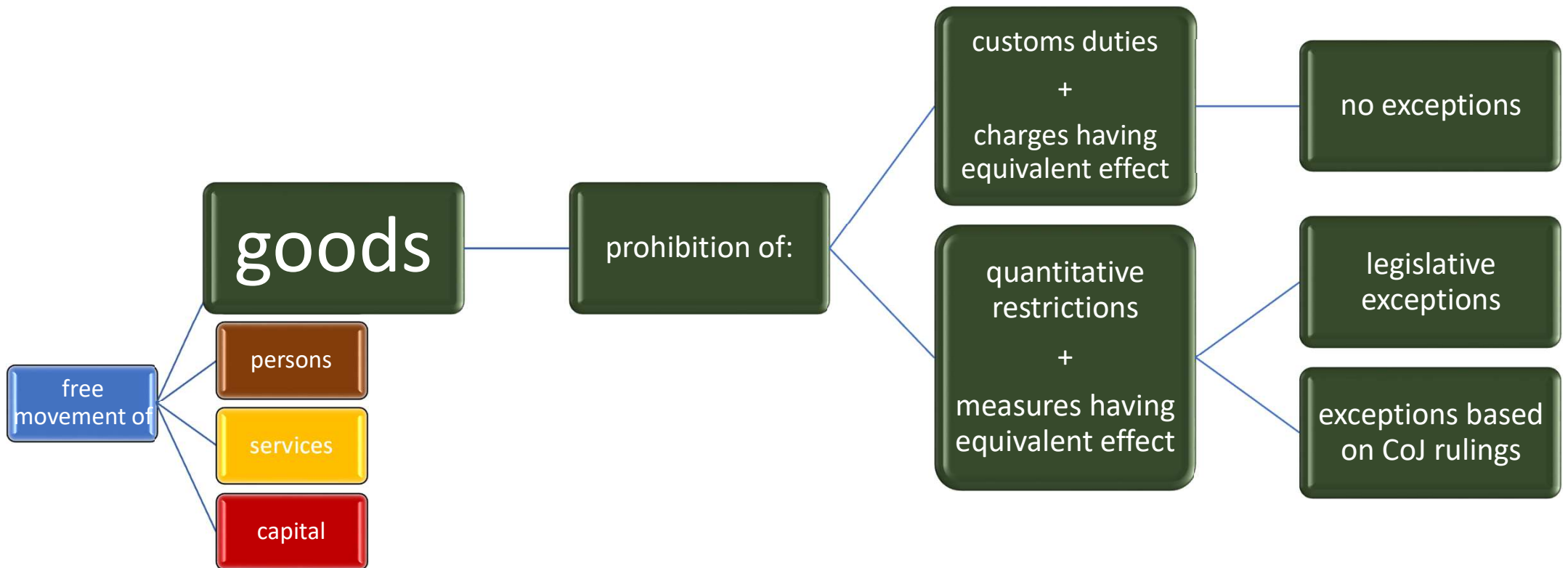


3. EU internal market law

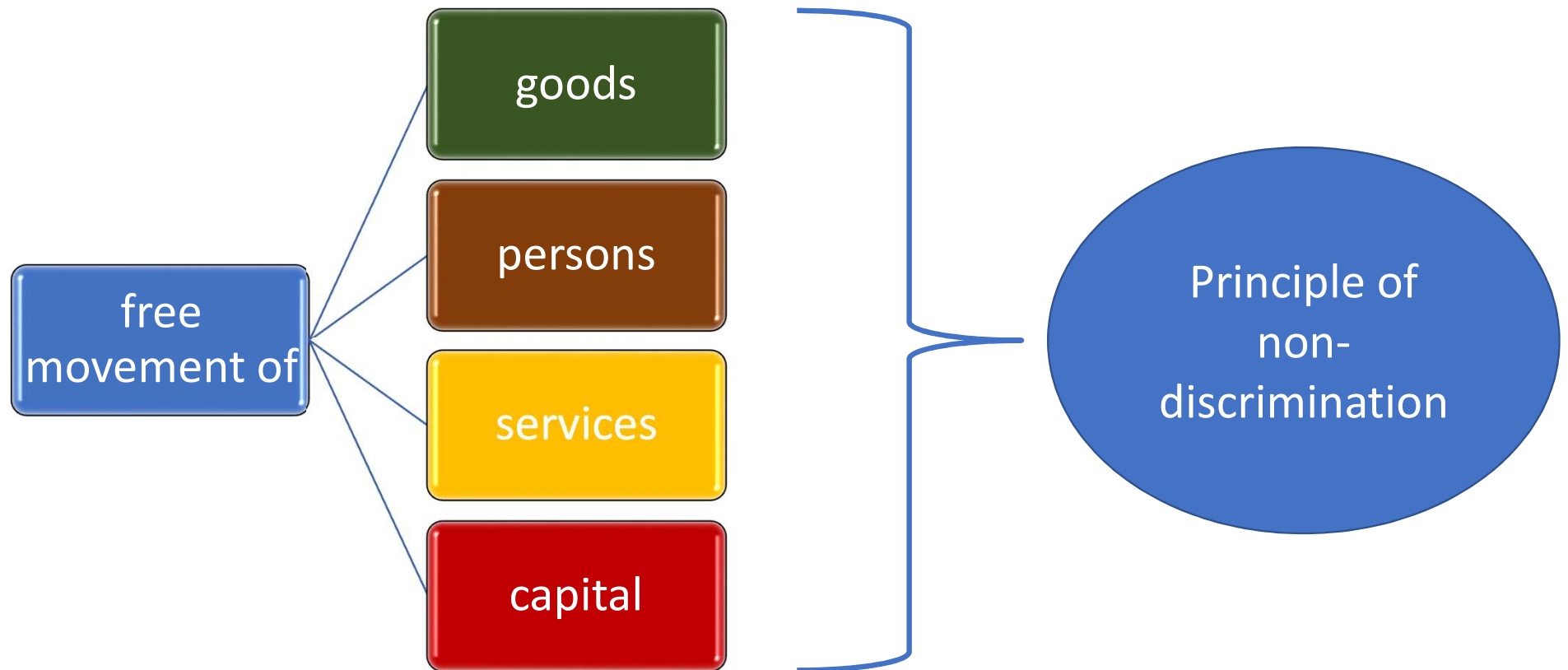
Art. 26 TFEU:



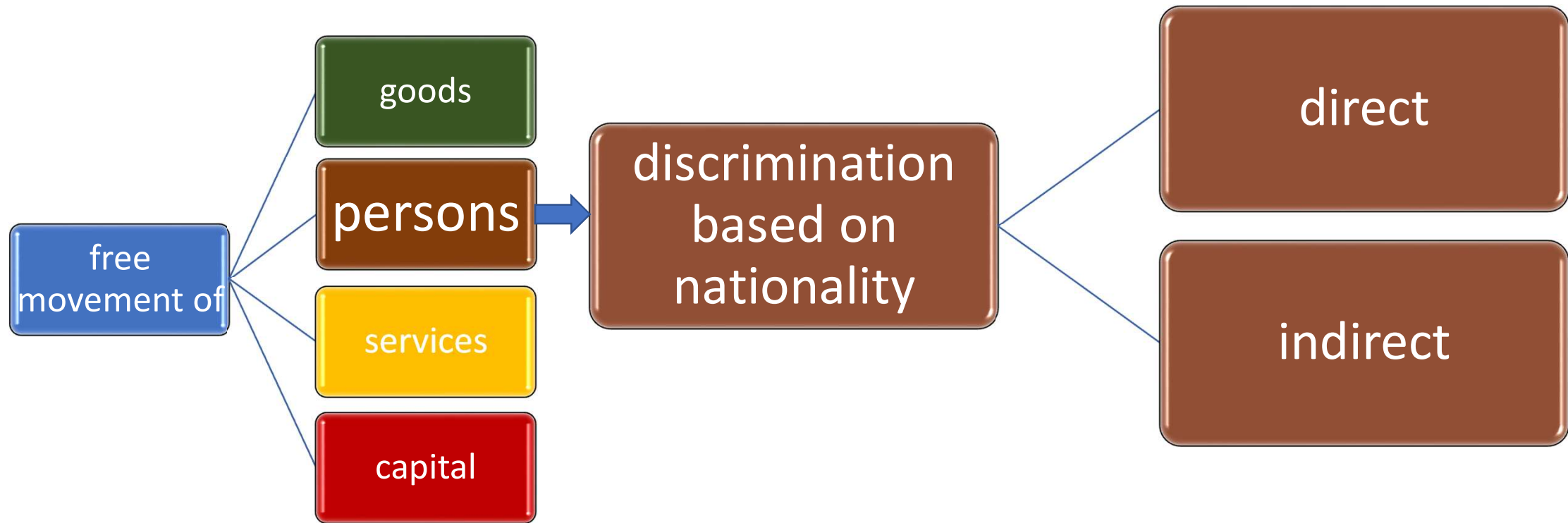
3. EU internal market law



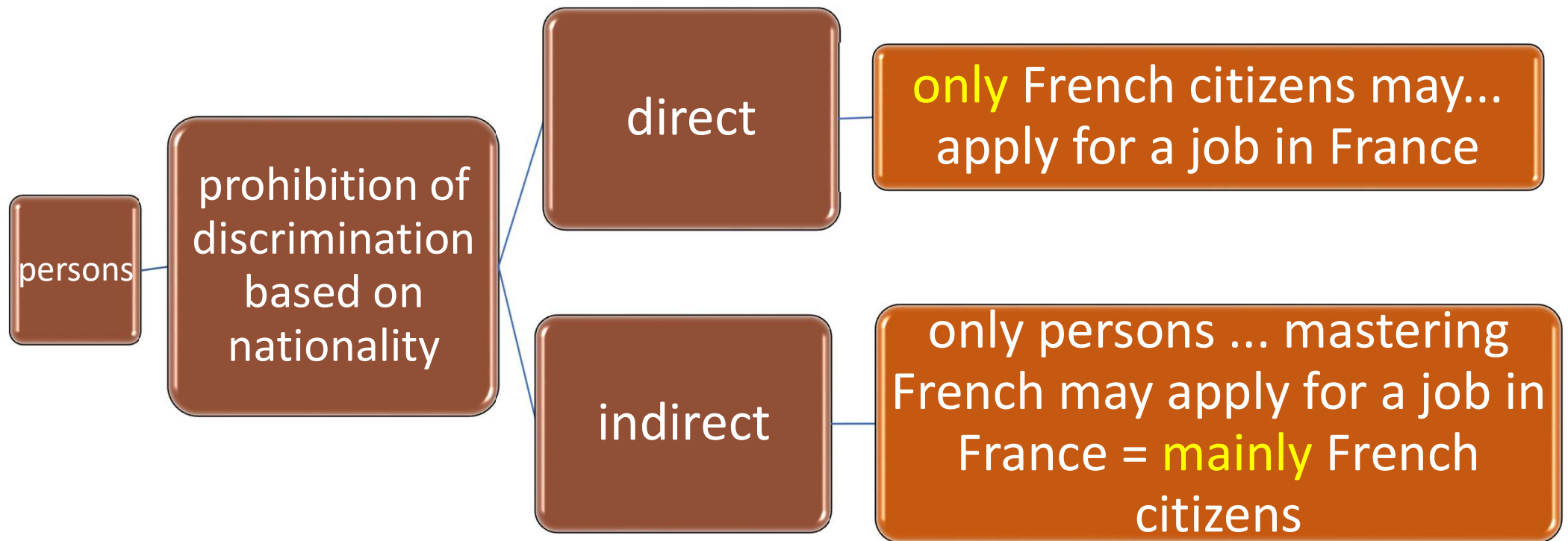
3. EU internal market law



3. EU internal market law



EU internal market regulation



Case 1

During his stay in Paris, a British tourist **suffered injury** resulting from a violent assault at the exit of a metro station. In France, victims of an assault resulting in physical injury were entitled to award of state compensation for harm caused in that state, but only if they had French citizenship or held a residence permit. The Court of Justice ruled that the right in a Member State to financial compensation in the case of physical injury is part of the right to receive services under the same conditions as nationals of that Member State.

Did the conditions under which victims of assault were awarded state compensation in France constitute discrimination that is prohibited under EU law?



Case 2

Spain allowed free entry to national museums only to its nationals, foreigners resident in Spain, and citizens of other EU member states under the age of 21. Citizens of other member states over the age of 21 were required to pay an entrance fee. The European Commission claimed that the freedom to provide services includes the freedom for the recipients of services, including tourists, to go to another Member State in order to enjoy those services under the same conditions as nationals. The Commission maintained that right relates not only to access to services but also to all the advantages that affect the conditions under which those services are provided or received. Since visiting museums is one of the determining reasons for which tourists, as recipients of services, decide to go to another Member State, there is a close link between the freedom of movement which they enjoy under the Treaty and museum admission conditions.

Did the conditions under which citizens of other member states over the age of 21 were required to pay an entrance fee to Spanish museums constitute discrimination that is prohibited under EU law?



4. How are the rights of
EU businesses and
citizens protected?

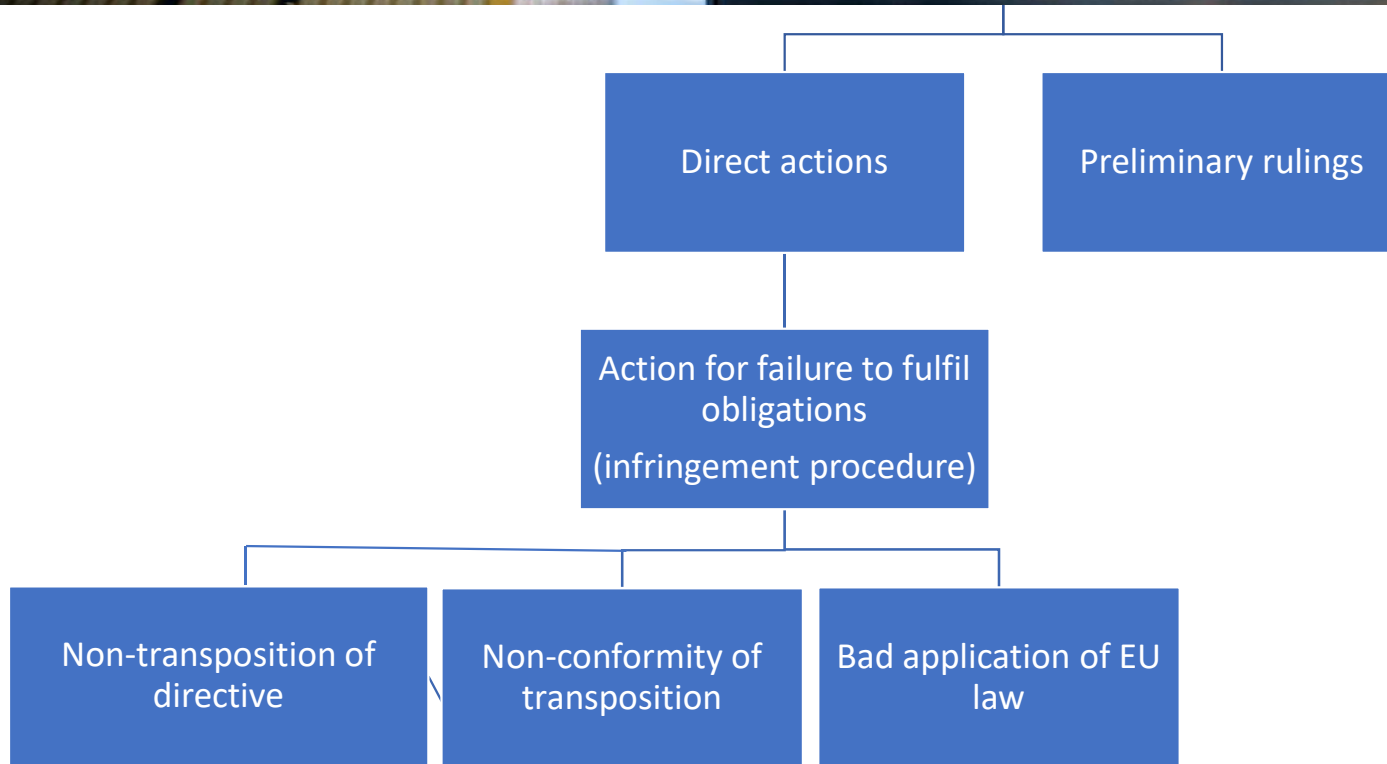


4. System of legal protection in the EU





- Control of the application of European law by EU institutions, member states and individuals
- Interpretation of European law
- Development of European law





Direct actions

Preliminary rulings



National courts

Infringement procedure

EU Member States





Direct
actions

Preliminary
rulings

Preliminary question

Interpretation of EU legal acts



National court



Homepage

What is SOLVIT?

How SOLVIT works

Problems solved

Policy documents



Submit a problem
to SOLVIT

Unfair rules or decisions and discriminatory red tape can make it hard for you to live, work or do business in another EU country.

So, if you as **an EU citizen or business** face obstacles in another country because a public authority isn't doing what is required under EU law ...

... SOLVIT can help!

SOLVIT reminds the authorities in question what your EU rights are and works with them to solve your problem.



Submit a problem to SOLVIT

The **United Kingdom** left the SOLVIT network on 31 December 2020. As a result, SOLVIT can no longer assist UK nationals in European Union member countries or EU nationals in the UK. [\[More information\]](#)

How SOLVIT works



SOLVIT for individual citizens



SOLVIT for businesses



How SOLVIT works – click to watch the video

5. EU legal system: why does it matter?

- access to a market with more than 450 mil. customers with high purchasing power
- harmonization of the laws of the member states
- the conditions for doing business in individual member states are similar
- significantly simplifies doing business abroad
- saves costs for entrepreneurs
- guarantees the protection of the rights of EU citizens and entrepreneurs throughout the Union





THE END

THANK YOU FOR YOUR ATTENTION