
The Growing Importance of EEC Law



PRINCIPLES OF EUROPEAN COMMUNITY LAW:
COMMENTARY AND MATERIALS

By S Bronitt, F Burns & D Kinley
(Law Book Company 1995 pp 587 \$95)

Students and teachers of EEC Law will be pleased to see *Principles of European Community Law: Commentary and Materials* by Simon Bronitt, Fiona Burns and David Kinley. The book results from the three authors' collaboration after teaching EC law at the Australian National University. There are too few books written about EC law by non-Europeans and therefore this book will be a valuable addition to Australian law libraries.

Before addressing the merits of the book, the question of why EC law should be studied in Australia needs examination. As a lecturer in EC law, I am often asked why it is relevant for Australians. Knowledge of the European Union and EC law are important for several reasons including very practical ones such as the fact that the EU is Australia's largest economic partner, according to balance of payments data by country and region released by the Australian Bureau of Statistics and published in the EC Delegation's *EU News*. In 1993/94, Australia's total current account transactions with the EU were \$40.7 billion, which is about 20 per cent of total transactions with all countries. The 15 member states in the EU form the world's largest trading bloc with a population of 370.5 million and, although Australia seems to be focusing more attention on Asia, the importance of long-standing ties with Europe should not be ignored. An understanding of the unique system of law which has evolved since the founding of the EU is essential for any lawyer advising business clients who export goods to Europe.

In addition, as authors Bronitt, Burns and Kinley point out in their preface, the study of EC law is of interest to comparative lawyers because of the influence of the civil law on the development of EC law. Also, *Principles of European Community Law* will be useful for those studying European history, politics, languages or sociology. The number of such courses offered in Australia appears to be quite large, according to the *Register of Contemporary European Studies* compiled by the Contemporary European Studies Association of Australia. Thus, there are many reasons to learn EC law and this book is an excellent starting point for Australians embarking upon such studies.

One of the best features of *Principles of European Community Law* is the manner in which EC law is presented for Australians. The authors wrote the book from an 'extra-European perspective' to 'avoid the legal ethnocentricity that often marks those textbooks written for audiences within the Union'. Many chapters include sections comparing and contrasting the particular EC law topic with Australian law.

For example, federalism in Australia and the EU are compared in an excerpt by GC Rowe in chapter 2 on the institutions and legislative process of the Community. Additionally, in chapter 4 on the jurisdiction and jurisprudence of the European Court of Justice (ECJ) there is an extract from Martin Vranken's article in the *Melbourne University Law Review* entitled 'The Relevance of European Community Law in Australian Courts' ((1993) 2 *Melb Uni L Rev* 431). These passages enhance the book's meaning for Australians and highlight the similarities between the EU and the Australian legal systems.

Principles of European Community Law is divided into five parts dealing with the following: (1) the constitutional structure of the EU: origins, aims and operation; (2) the internal market; (3) competition law; (4) the social dimension; and (5) the environment. Part I includes a clear and well-written description of the structure of the EU and the ways in which legislation is made — subjects which are complicated and require careful treatment. The sources of EC law and the jurisprudence of the ECJ are presented in an interesting and understandable manner which provides a solid foundation for the rest of the book.

Criticisms of the book are minor and can be divided into ones of emphasis and format. Regarding emphasis, chapter 1 traces the evolution of the Community, the authors asserting on page 14 that Winston Churchill's speech in Zurich on 17 September 1947 was one of 'two great events' which shaped the European Movement. Yet the vision and inspiration of men like Jean Monnet, Robert Schuman, and Paul-Henri Spaak, while mentioned, are understated, which is unfortunate for those students who are unfamiliar with European history since World War II. (Incidentally, 1947 is given as the year of Churchill's speech in *Principles of European Community Law*, but Churchill spoke of a 'United States of Europe' in Zurich in 1946.) Also, one of the greatest areas of tension between Australia and the EU has been the Common Agricultural Policy (CAP) and therefore one would have hoped for a thorough examination of the issues involved in agricultural trade. However, the CAP and Australia are all too briefly reviewed in four pages in chapter 5 on the external relations of the EU.

In general, the format of the book provides readers with a 'user-friendly' text. Occasionally, the extracts appear choppy and too short. The cases, in particular, have been heavily edited which can be frustrating at times. The seminal case of *Van Gend en Loos v Nederlandse Administratie der Belastingen* is given barely three pages which are chopped into two segments starting on pages 100 and 104 with another case extract and some commentary in between the two excerpts. This detracts from the overall clarity of the book's layout and should be corrected in future editions.

Principles of European Community Law will be of use to all students of EC law, whether they are novices or more advanced, because it provides a thorough explanation of the structures of the EU and an analysis of the more important substantive law. Furthermore, it places all this in the context of the Australian legal system. The book is highly recommended for anyone interested in the European Union and its future.