

# European Union Law Post-Brexit

This presentation explains how EU law operated before Brexit and its legal impact on the UK today.

EU law is now studied as historical and constitutional background and any continuing impact.

# Objectives

- u Explain the role of EU institutions before Brexit
- u Describe the sources of EU law
- u Explain direct effect and supremacy
- u Assess the impact of Brexit on UK law
- u Understand retained EU law

# The European Union

- u The EU developed after World War II to promote economic cooperation and peace.
- u The UK joined in 1973.
- u The EU created its own legal system which applied to all member states.

# Why EU Law was Important

- u EU law affected:
  - u Employment law
  - u Consumer rights
  - u Equality law
  - u Environmental law
- u UK courts were required to apply EU law where it conflicted with UK law.

# European Union Institutions Overview

- u The main EU institutions are:
  - u European Commission
  - u Council of the European Union
  - u European Parliament
  - u Court of Justice of the EU
- u Each played a role in making and enforcing EU law in the UK.

# European Commission

- u The Commission is the executive body of the EU.
  - u Proposes new EU laws
  - u Ensures EU law was followed
  - u Can take legal action against member states
- u Case: Commission v UK (Re Tachographs)

# Council of the European Union

- u The Council represents member states.
  - u Main decision-making body
  - u Works with Parliament to pass laws
  - u Ministers attend depending on topic discussed

# European Parliament

- u Elected body representing EU citizens.
  - u Debates legislation
  - u Approves EU laws
  - u Can dismiss the Commission
- u Role increased over time but remained limited.

# Court of Justice of the EU

Ensures EU law was applied consistently.

- Hears cases from national courts
- Gives preliminary rulings under Article 267
- Ensures member states complied with EU law

**It's decisions were binding on UK Courts.**

# Sources of EU Law

There are four main sources of EU law:

- Treaties
- Regulations
- Directives
- Decisions

# Treaties

Treaties form the constitutional basis of the EU.

They had direct effect in the UK if:

- Clear
- Precise
- Unconditional

Case: Van Gend en Loos (1963)

# Regulations

- u Regulations are directly applicable in all member states.
  - u Automatically became law
  - u Binding in full
- u Case: *Leonesio v Italy*

# Directives

Directives set goals for member states.

- Require national implementation
- Had vertical direct effect in the UK
- Could not be used against individuals in the UK

Cases: Marshall, Francovich

# Supremacy of EU Law

While a member state:

EU law took priority over UK law.

UK courts had to disapply conflicting UK legislation.

Case: Costa v ENEL

Case: Factortame

# Impact on Parliamentary Sovereignty

While a Member State of the EU, Parliamentary Sovereignty was affected.

Traditionally Parliament is supreme.

EU membership limited sovereignty because:

- EU law had priority
- Courts enforced EU law

This caused constitutional tension.

# Brexit

- u The UK left the EU on 31 January 2020.
- u European Communities Act 1972 repealed
- u EU law no longer supreme
- u CJEU no longer has jurisdiction

# Retained EU Law

EU law existing before Brexit was retained.

- Remains part of UK law
- Can be changed by Parliament
- Courts may consider old EU cases but they are no longer binding

# Summary

EU law no longer applies directly.

However, it remains important for:

- Understanding constitutional law
- Understanding retained EU law
- Exam success!

# Exam Focus

You should be able to:

- Explain EU institutions
- Explain direct effect
- Assess sovereignty
- Evaluate Brexit's impact

# Useful Website

[http://europa.eu/european-union/index\\_en](http://europa.eu/european-union/index_en)