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Research Handbook on the Law of the EU's Internal Market

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***135** Writing about the European internal market is a daunting exercise. Anyone who has ever embarked on the task of studying the topic of the four internal market freedoms in the EU can get overwhelmed (not to mention disheartened) quite easily by the intricacy of the relevant rules, the extensiveness and immensity of the case law of the Court of Justice of the EU (CJEU) concerning the issue, and the legal entanglement concerning the relevant terms and concepts, such as discrimination, restriction, justification, derogation, or market access test, to name just a few. This extensiveness and complexity of the application of the four freedoms rules and regulatory framework of the internal market are topics that are comprehensively reflected by, for instance, *Catherine Barnard in The Substantive Law of the EU: The Four Freedoms (Oxford: Oxford University Press, 2016)* and numerous other authors involved in the discourse. By and large, the four freedoms law has not been a neglected subject in EU law literature—just the opposite, in fact. However, even though the internal market has been at the centre of the EU project from the very beginning of the integration process and its scope goes much beyond the rules concerning the four freedoms, the low number of available legal scholarly publications concerning the construction, functioning, and impact of the European single market law in its entirety is quite surprising. While indeed there has been considerable discussion concerning the functioning of the internal market in relation to the rules regarding particular freedoms, there is much less comprehensive discourse concerning the functioning of the internal market and the influence of the internal market law on other regulatory fields as a whole. This ambitious book, edited by Panos Koutrakos and Jukka Snell and published by Edward Elgar, not only seeks to fill in this lacuna but is also a very valuable and extensive contribution to the existent scholarly discourse regarding the regulatory framework of the European single market. The title includes 22 chapters by renowned experts in their chosen specialisms, ranging from European law in its widest sense, free movement law, company law and private law, to finance and tax law.

As observed above, the existent literature on the single market traditionally focuses on a particular EU freedom, whereas the authors of this book take a different point of departure and approach the issue of the European single market by focusing on six cross-cutting themes, namely the reach of the internal market, the relationship between economic and non-economic goals in the single market, the single market as an economic union, uniformity vis-à-vis diversity in the internal market, the governance and politics of the internal market, and, finally, the external dimension of the internal market. These cross-cutting themes are reflected in the six sections into which the volume is divided. In that sense, this book puts emphasis on the different horizontal themes that cut thorough the four freedoms theme.

In the Introduction, the editors explain the reasons for combining the volume and present the structure of the volume. In Ch.2, Gareth Davies addresses the issue of the pivotal concepts of internal market law—i.e. market access and discrimination—and emphasises the lack of clarity regarding the "utopian" (p.28) way in which the Court of Justice has approached the problem. In the following chapter, Alexandre ***136** Saydé analyses the three types of polices that Member States can employ to regulate cross-border movement—discrimination, national treatment, and mutual recognition—and it is subsequently explained how these approaches influence the market discipline imposed on

producers within the Member States by looking into the processes of competitive pressure generated by the different approaches. In the next contribution, Stefan Enchelmaier explores the frequently challenged issue of application of the four freedoms in horizontal situations, i.e. between private parties. The author provides a comprehensive overview of the CJEU's case law regarding the issue of horizontality. Stephen Weatherill provides a legal analysis of the wide reach of EU's competence to harmonise the different issues necessary to achieve the goal of the internal market on the basis of art.114 TFEU. In the following chapter, Catherine Barnard moves on to the topic of EU citizenship, where she gives an extensive analysis of the jurisprudential development regarding the topic and analyses the "disintegrative effect" (p.64) of the freedom, as seen in the context of Brexit.

The second section of the book starts with Floris de Witte's analysis of the development, construction, and understanding of a social market economy within the EU, after which he places the notion in the context of a broader political discussion. The subsequent contributions—by Vassilis Hatzopoulos and Hans Vedder—focus on specific regulatory fields affected by the internal market—healthcare and environmental protection respectively. Hans-W. Micklitz and Carla Sieburgh take a wider approach by looking beyond the realm of public law. The authors address the challenging issue of the influence of EU primary law and European private law on national private laws. In this regard, the authors do not limit themselves to the interaction between private law and the rules on four freedoms but go beyond it by looking into different European regulatory rules. Finally, Niamh Nic Shuibhne closes the chapter with a discussion in which she tries to answer the question of whether the role of fundamental rights—as enshrined in the Charter of Fundamental Rights—has altered judicial review practice in the area of internal market. The third part of the volume is opened by Jennifer Payne and Elizabeth Howell with their analysis of the "enormous" (p.241) evolution of the European regulation in the area of European securities and financial markets. Thomas Beukers first addresses the substantive institutional changes in the area of Economic and Monetary Union and their impacts on the budgetary autonomy of Member States, after which he discusses several challenges regarding the input and output legitimacy of the economic union. Paul Craig and Menelaos Markakis explore the impact of regulation in the euro area on non-euro Member States and the legitimacy and democracy of the Eurogroup, the Euro Summit, and the European Central Bank, which are key players in the euro area.

The discussion on the fourth theme is initiated by Peter J. Wattel, who generally addresses the difficult relationship between the rules of the internal market and national (direct) taxation policies. Next, Anzhela Cédelle and John Vella explore the rejected proposal of the EU to harmonise financial transaction taxes, which finally led to the attempt at establishing enhanced co-operation in that field. This example of the highly contentious instrument of co-operation within the EU is only the third attempt in EU history of implementing such a mode of integration process. Isidora Maleti#, in a somewhat brief section, explores the tensions surrounding the possibility of national derogations from harmonising measures based on art.114 TFEU.

Thomas Horsely opens Section 5 of the book, in which a more institutional approach to the internal market is adopted, with his contribution reflecting on the CJEU's role in the process of market integration and the Court's approach to its own competence to promote the establishment and functioning of the internal market. Wulf-Henning Roth extensively addresses the many faces of the key internal-market concept of mutual recognition. The section closes with a contribution by Herwig C.H. Hofmann regarding the so-called "agencification" (p.460) of the EU's institutional architecture and the effects of that on the internal market related technical norms and standards setting. In the last section of the book, which focuses on the external dimension of the internal market, Marise Cremona explores the relationship between the *137 internal market and the Common Commercial Policy. Michelle Egan, in turn, draws parallels between the European and US single markets and subsequently focuses on three issues—inter-state commerce, public finance and monetary union, and bankruptcy and constitutional debt limits.

The volume provides a broad and wide-ranging—though in some instances somewhat cursory, overview of different internal market related themes and problems. The title not only addresses the very specific regulatory framework of the internal market and the four freedoms but also touches upon the governance and institutional issues and places the discussion in the historical, political, and social context. Also, the impact of the internal market rules and schemes on

the national laws is adequately discussed. In that respect, the volume is a very timely and invaluable contribution to the discussion on the future of the internal market, especially if seen against the background of the recent events such as Brexit and the rise of anti-democratic and anti-EU forces in several Member States. The respective analysis is up to date and often based on an extensive analysis of past and current jurisprudence of the Court of Justice of the EU. The volume and its editors should definitely be praised for their comprehensive and integrated approach to the topic and for providing many different legal angles and perspectives on the European single market and the evolving nature of the integration process.

On a somewhat more critical note, it should be stressed that, straight from the outset, the book approaches the issue from a quite advanced level without much explanation of the basic internal market notions. Such an approach makes the book somewhat unsuitable for those who have little background knowledge of the subject and the legal notions and concepts underlying the functioning of the internal market and how it has developed. The forgone explanation implies that the book can be used in university teaching only at a more advanced level. However, it should be emphasised that the editors do not pretend that their volume is a handbook on the internal market law. As the title suggests, it is a "research handbook", which entails a more comprehensive and generic approach to the topic. In addition, it is quite surprising that not a single chapter of the book is devoted to the issue of European competition law. While the rules concerning the four freedoms address the behaviour of Member States in principle, the European single market cannot function properly without the rules ensuring free and fair competition between private actors on that market. In that sense, competition law regime is inseparably linked to the hard-core internal market rules concerning the four freedoms. Even though the competition law regime is briefly discussed in the volume (Enchelmaier), a more comprehensive discussion would be appreciated.

On the whole it can be said that this book is an excellent and necessary departure point for those who are interested in studying or researching the internal market and European integration in a more global, generic, and comprehensive way. It is undoubtedly a must-have, not only for all university libraries and scholars but also for the libraries of national and European policy-makers and practitioners. There can be no doubt that any further research on the subject of EU internal market will profit from the contributions contained in this title.

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