

EU I

25.8.2014

1. Integraatio/Integration: Kerro integraatioteorioista/Tell about integration theories
2. Parlamentti/Parliament: Kuvaile Parlamentin rakenne, toimivalta, ja paikka järjestelmässä/Describe Parliament powers, functions and structure and place in the system
3. Säädökset/legislation: Kuvaile EU säädöstyypit ja niiden luonne/Describe various legal acts within EU

4. Lainsäädäntö/Legislation: Kuvaa komitologia/describe Comitology

5. Mikä EU oikeuden ilmiö/käsite? What EU law phenomenon/concept?: THE EUROPEAN ECONOMIC COMMUNITY CONSTITUTES A NEW LEGAL ORDER OF INTERNATIONAL LAW FOR THE BENEFIT OF WHICH THE STATES HAVE LIMITED THEIR SOVEREIGN RIGHTS, ALBEIT WITHIN LIMITED FIELDS, AND THE SUBJECTS OF WHICH COMPRISE NOT ONLY THE MEMBER STATES BUT ALSO THEIR NATIONALS .

INDEPENDENTLY OF THE LEGISLATION OF MEMBER STATES, COMMUNITY LAW NOT ONLY IMPOSES OBLIGATIONS ON INDIVIDUALS BUT IS ALSO INTENDED TO CONFER UPON THEM RIGHTS WHICH BECOME PART OF THEIR LEGAL HERITAGE . THESE RIGHTS ARISE NOT ONLY WHERE THEY ARE EXPRESSLY GRANTED BY THE TREATY BUT ALSO BY REASON OF OBLIGATIONS WHICH THE TREATY IMPOSES IN A CLEARLY DEFINED WAY UPON INDIVIDUALS AS WELL AS UPON THE MEMBER STATES AND UPON THE INSTITUTIONS OF THE COMMUNITY

6. Mikä EU oikeuden ilmiö/käsite? What EU law phenomenon/concept?: 3 . BY CONTRAST WITH ORDINARY INTERNATIONAL TREATIES, THE EEC TREATY HAS CREATED ITS OWN LEGAL SYSTEM WHICH, ON THE ENTRY INTO FORCE OF THE TREATY, BECAME AN INTEGRAL PART OF THE LEGAL SYSTEMS OF THE MEMBER STATES AND WHICH THEIR COURTS ARE BOUND TO APPLY .

BY CREATING A COMMUNITY OF UNLIMITED DURATION, HAVING ITS OWN INSTITUTIONS, ITS OWN PERSONALITY, ITS OWN LEGAL CAPACITY AND CAPACITY OF REPRESENTATION ON THE INTERNATIONAL PLANE AND, MORE PARTICULARLY, REAL POWERS STEMMING FROM A LIMITATION OF SOVEREIGNTY OR A TRANSFER OF POWERS FROM THE STATES TO THE COMMUNITY, THE MEMBER STATES HAVE LIMITED THEIR SOVEREIGN RIGHTS AND HAVE THUS CREATED A BODY OF LAW WHICH BINDS BOTH THEIR NATIONALS AND THEMSELVES .

THE INTEGRATION INTO THE LAWS OF EACH MEMBER STATE OF PROVISIONS WHICH DERIVE FROM THE COMMUNITY AND MORE GENERALLY THE TERMS AND THE SPIRIT OF THE TREATY, MAKE IT IMPOSSIBLE FOR THE STATES, AS A COROLLARY, TO ACCORD PRECEDENCE TO A UNILATERAL AND SUBSEQUENT

MEASURE OVER A LEGAL SYSTEM ACCEPTED BY THEM ON A BASIS OF RECIPROCITY . SUCH A MEASURE CANNOT THEREFORE BE INCONSISTENT WITH THAT LEGAL SYSTEM . THE LAW STEMMING FROM THE TREATY, AN INDEPENDENT SOURCE OF LAW, COULD NOT BECAUSE OF ITS SPECIAL AND ORIGINAL NATURE, BE OVERRIDDEN BY DOMESTIC LEGAL PROVISIONS, HOWEVER FRAMED, WITHOUT BEING DEPRIVED OF ITS CHARACTER AS COMMUNITY LAW AND WITHOUT THE LEGAL BASIS OF THE COMMUNITY ITSELF BEING CALLED INTO QUESTION .

THE TRANSFER BY THE STATES FROM THEIR DOMESTIC LEGAL SYSTEM TO THE COMMUNITY LEGAL SYSTEM OF THE RIGHTS AND OBLIGATIONS ARISING UNDER THE TREATY CARRIES WITH IT A PERMANENT LIMITATION OF THEIR SOVEREIGN RIGHTS .

7. Mikä EU oikeuden ilmiö/käsite? What EU law phenomenon/concept?: ...on tärkeää ottaa huomioon useita seikkoja, kuten toimielimen lakisääteisyys, pysyvyys, sen toimivallan pakollisuus, kontradiktorisen menettelyn noudattaminen asioiden käsittelyssä, sen toimiminen oikeussääntöjen soveltajana ja sen riippumattomuus.

...a number of factors must be taken into account, such as whether the body is established by law, whether it is permanent, whether its jurisdiction is compulsory, whether its procedure is inter partes, whether it applies rules of law and whether it is independent.

Vastaus:

8. Soveltaminen/Application: Suhteellisuusperiaatteellisen harkinnan elementit/The elements of proportionality consideration

9. Täytäntöönpano/Enforcement: Mitä tarkoitetaan perustellulla mielipiteellä EU oikeusprosessissa/What is meant by the reasoned opinion in the EU legal procedure?