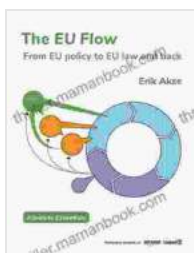


From EU Policy to EU Law and Back: The Changing Nature of the EU Legal Order

The European Union (EU) is a unique political and legal entity. It is not a state, but it is more than an international organization. The EU has its own legal order, which is distinct from the legal orders of its Member States. This legal order is based on the EU Treaties, which are binding on all Member States.

The EU legal order is constantly evolving. This is due to a number of factors, including the changing nature of the EU itself, the increasing complexity of EU policy, and the growing influence of the European Court of Justice (ECJ).

One of the most significant changes in the EU legal order in recent years has been the increasing role of policy considerations in the interpretation and application of EU law. This is due in part to the fact that the EU is increasingly involved in policy areas that were traditionally the responsibility of Member States. As a result, the ECJ is increasingly being called upon to interpret and apply EU law in areas where there is no clear legal precedent.



The EU Flow: From EU policy to EU law and back

by Erik Akse

★★★★★ 5 out of 5

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Print length : 73 pages



In this article, we will examine the changing nature of the EU legal order, focusing on the relationship between EU policy and EU law. We will argue that the EU legal order is increasingly being shaped by policy considerations, and that this is having a significant impact on the way that EU law is interpreted and applied.

The relationship between EU policy and EU law is complex and constantly evolving. In general, EU law is based on EU policy, but the relationship is not always straightforward. There are a number of ways in which EU policy can influence EU law:

- **EU policy can be used to create new EU laws.** For example, the EU's Lisbon Treaty created a new legal framework for the EU's external action. This framework was based on the EU's foreign policy goals, as set out in the European Security Strategy.
- **EU policy can be used to interpret EU laws.** For example, the ECJ has held that the EU's Charter of Fundamental Rights must be interpreted in light of the EU's social policy goals.
- **EU policy can be used to enforce EU laws.** For example, the EU Commission can use its powers under the EU Treaties to enforce EU competition law.

The increasing role of policy considerations in the interpretation and application of EU law has a number of implications. First, it means that the

ECJ is increasingly being called upon to make policy choices. This is a significant change from the traditional role of the ECJ, which was to interpret and apply the EU Treaties. Second, it means that EU law is becoming more flexible and adaptable. This is because the ECJ is able to take into account policy considerations when interpreting and applying EU law.

The increasing role of policy considerations in the interpretation and application of EU law is having a significant impact on the way that EU law is understood and applied. In particular, it is leading to a more flexible and adaptable approach to EU law.

This flexibility is evident in a number of ECJ decisions. For example, in the case of *Van Gend en Loos*, the ECJ held that the EU Treaty was directly applicable in the Member States. This decision was based on the ECJ's interpretation of the EU Treaty, but it was also influenced by the EU's policy goal of creating a single market.

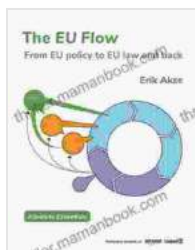
Similarly, in the case of *Costa v ENEL*, the ECJ held that EU law takes precedence over national law. This decision was based on the ECJ's interpretation of the EU Treaty, but it was also influenced by the EU's policy goal of creating a single legal order for the EU.

These decisions show that the ECJ is willing to take into account policy considerations when interpreting and applying EU law. This flexibility is essential for the EU legal order to adapt to the changing needs of the EU.

The EU legal order is constantly evolving. One of the most significant changes in recent years has been the increasing role of policy considerations in the interpretation and application of EU law. This is due to

a number of factors, including the changing nature of the EU itself, the increasing complexity of EU policy, and the growing influence of the ECJ.

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