

# Foreword

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It is a pleasure to welcome this study of the law and policy of harmonisation in Europe's internal market.

The subject of the internal market is of high importance. Despite all the concerns about the single currency, the internal market remains by all accounts an outstanding success. That success has been recognised very recently even in countries, and in political circles, which have not been the most supportive of European integration, notably in the United Kingdom, Norway and Switzerland.

From a legal viewpoint also, the internal market can be seen as a success. A combination of ambitious but largely effective legislative programmes, and a remarkable body of case law of the European Court of Justice, has laid the foundations of the internal market, and has developed it, with extraordinarily positive practical results. The national courts, too, have made a valuable contribution, recognising the effects of EU law and the role of the ECJ in making the internal market a reality.

Many legal questions of engrossing interest are, however, still open. This book provides an expert study of many of them. They include such issues as the different forms of harmonisation and their varying effects on national law – especially the question whether and under what conditions higher national standards may be permissible; the division of legislative competence between the European Union and the Member States; and in particular the coexistence of different regulatory regimes at EU and national level.

Hence a principal focus of this book is Article 114 of the Treaty on the Functioning of the European Union, the successor of the EC Treaty. Article 114, the principal Treaty provision on harmonisation, contains crucial provisions allowing Member States, exceptionally and under carefully defined conditions, to protect certain major interests – not so much *national* interests, but rather interests of general importance such as the protection of the environment and the protection of public health. When can Member States maintain higher standards to protect those interests, by (in effect) derogating from EU law?

The resulting legal complexities are carefully teased out and fully analysed by Dr Maletić in this book. Her clear and illuminating discussion

will be of value to all those interested in the legal aspects of the internal market.

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