
Glossary

CE mark: ‘CE’ originated as an abbreviation of *Conformité Européenne*, meaning ‘European Conformity’, but is not defined as such in the relevant legislation. The CE marking is a symbol of free marketability in the European Economic Area (Internal Market).

Classic Community method: description of a model of EU law-making in which the European Commission proposes binding law, the European Parliament and Council agree it, and the law (Regulation, Directive) imposes obligations on the Member States.

Codex Alimentarius: (Latin for ‘Food Code’) is a collection of internationally recognised standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety that was established by the FAO and WHO.

Comitology: the procedures whereby governments and ministries of EU Member States control the detailed implementation of EU law. Decisions are made by committees, made up of national civil servants, as to regulatory details in a range of areas of EU law. The European Commission usually has to follow the recommendation of the committee (http://ec.europa.eu/transparency/regcomitology/index.cfm?do=implementing_home).

Competence: the formal legal power of the EU to adopt laws (hard or soft, see below), found in ‘legal basis’ provisions of the Treaty on the Functioning of the European Union. Lack of competence, or inappropriate legal basis, can ground a successful judicial review claim.

Constitutional asymmetry: associated with Fritz Scharpf and others, the idea that the EU’s constitution is constructed so that the ‘social’ is in a non-equal relationship with the ‘economic’.

Country-specific Recommendation: recommendation, proposed by the European Commission and endorsed by the Council, to a Member State about economic and budgetary policy, intended to boost growth and job creation (http://ec.europa.eu/europe2020/making-it-happen/index_en.htm).

Development risks defence: if, at the time a product is put into circulation, the state of scientific and technical knowledge was such that the producer could not have known of a defect causing harm, the producer is not liable for such harm.

Direct effect: the quality of EU law that means it is enforceable by indi-

viduals in national courts. Not all provisions of EU law are directly effective – only those that are ‘a complete legal obligation’ are so.

Directive: measure of EU law which requires Member States to transpose or implement it in their national law. There is usually a two-year implementation period, after which Directives have effects in national law whether implemented/transposed or not.

Erga omnes: is a Latin phrase which means ‘towards all’ or ‘towards everyone’. In legal terminology, *erga omnes* rights or obligations are owed towards all. For instance, a property right is an *erga omnes* entitlement, and is therefore enforceable against anybody infringing that right.

European Semester: the EU’s annual cycle of economic policy guidance and surveillance (http://ec.europa.eu/economy_finance/economic_governance/the_european_semester/index_en.htm).

Governance: with several overlapping meanings, governance indicates a regulatory focus beyond formal government, and beyond formal or ‘hard’ law. Governance may include private or self-regulation, and may include soft law, guidance, reporting and other non-coercive measures intended to change behaviour.

Hard law: binding legal rules, eg, in acts of legislative institutions, which may be enforceable before courts, with legal sanctions attached.

Inter alia: (Latin) among other things.

Intergovernmentalism: a theory explaining European integration, which looks to rational decisions of governments of (powerful) Member States as the key explanatory factor.

Judicial review: procedure whereby a court considers whether an act of a legislative or administrative institution is valid or not.

Jurisprudence: the body of rulings of a court (here the CJEU).

Legal basis: provision of the Treaty on the Functioning of the EU giving the EU competence to adopt laws. The legal basis is referred to in the preamble of each EU law (Regulation, Directive, Decision). Lack of competence, or inappropriate legal basis, can ground a successful judicial review claim.

Lex specialis/generalis: *Lex specialis*, in legal theory and practice, is a doctrine relating to the interpretation of laws, and can apply in both domestic and international law contexts. The doctrine states that where two laws govern the same factual situation, a law governing a specific subject matter (*lex specialis*) overrides a law which only governs general matters (*lex generalis*). The situation ordinarily arises with regard to the construction of earlier-enacted specific legislation when more general legislation is later passed. However, in this situation, the doctrine ‘*lex posterior derogat legi priori*’ may also apply – the younger law overrides the older law. It can be assumed that the legislators planned to override

the previous legislation. There is also a view that conflicts of norms should be avoided through a systematic interpretation. This principle also applies to construction of a body of law or single piece of legislation that contains both specific and general provisions.

Memorandum of Understanding: in the context of the Eurozone crisis, the terms agreed between a State which has received financial assistance from the Troika (see below), including the agreed budgetary and fiscal policies of the receiving State.

Mutatis mutandis: a Medieval Latin phrase meaning ‘the necessary changes having been made’ or ‘once the necessary changes have been made’. It is used in English and other European languages to acknowledge that a comparison being made requires certain obvious alterations, which are left unstated.

Neofunctionalism: a theory explaining European integration, which holds that the impetus for further integration lies in the logical ‘spillover’ from one policy area to another.

Numerus clausus: (‘closed number’ in Latin) is a quota or limited number, for example, of students accepted into a university, or onto a particular training or educational programme.

Plurilateral treaty: a special type of multilateral treaty. A plurilateral treaty is a treaty between a limited number of States with a particular interest in the subject of the treaty. The primary difference between a plurilateral treaty and other multilateral treaties is that the availability of reservations is more limited under a plurilateral treaty. Due to the limited nature of a plurilateral treaty, the full cooperation of the parties to the treaty is required in order for the object of the treaty to be met. As a result, reservations to plurilateral treaties are not allowed without the consent of all other parties to the treaty.

Praxis: the process by which a theory, lesson or skill is enacted, embodied or realised.

Preliminary Reference Procedure: procedure whereby national courts in the Member States request the CJEU to rule on a question of interpretation or validity of EU law.

Regulation: measure of EU law that places obligations directly on Member States and private actors, which becomes part of the law in each Member State on entering into effect.

Risk Regulation: the assessment of risk and the management of that risk in the political, economic and social contexts in which an entity (usually a State, but could be the EU or one of its agencies) regulates.

Six-pack measures: five EU Regulations and a Directive (hence six-pack) governing fiscal prudence rules applying to EU Member States under the Stability and Growth Pact (see below).

Soft law: non-binding expressions of legal intention or desire, which have the quality of guidance or persuasion, not formally enforceable before courts, and not attracting legal sanction for non-compliance.

Stability and Growth Pact: a set of rules designed to ensure that countries in the EU pursue sound public finances and coordinate their fiscal policies (http://ec.europa.eu/economy_finance/economic_governance/sgp/index_en.htm).

Strict liability: a standard for liability where someone is made legally responsible for the damage and loss caused by his/her acts and omissions regardless of fault or culpability. Under strict liability, there is no requirement to prove fault, negligence or intention.

Supremacy of EU law: the (contested) quality of EU law to the effect that EU law must be applied in preference to conflicting national law (which is disapplied).

Third sector: (aka the 'civic', 'community', 'non-profit', 'social' or 'voluntary' sector) the duty of social activity undertaken by organisations that are not-for-profit and non-governmental. It is called the third sector in contrast to the public sector and the private sector.

Troika: in the context of the Eurozone crisis, the European Commission, European Central Bank and International Monetary Fund.

Zoonose: a disease which can be transmitted to humans from animals.

Zoonotic agent: a means by which a zoonose can be transmitted between vertebrate animals and humans (eg, a bacterium, virus, fungus or other agent).

