

# Legal acts of the European Union, their legal force and application on the national level

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## Overview

- legal sources of the EU law
- legal force of the EU legal acts
- regulations, directives

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## Legal sources of the EU law

classified by their legal force

- primary law
- general principles
- international treaties concluded by the Union or  
obligatory to the Union
- secondary law
- case-law of the ECJ

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## EU legal acts - secondary law

- abolition of the pillar structure (Lisbon Treaty)
- institution acts (art. 288 TFEU)
  - obligatory: **regulation, directives, decisions** (legislative, non-legislative, delegated, implementing)
  - non-obligatory: recommendations, opinions
  - other acts (not mentioned in the art. 288 TFEU, e.g. interinstitutional agreements, communications, resolutions, conclusions, declarations, programs)

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## Legal regime of the EU acts

- common legal regime of the EU acts
  - denomination (title) of the act
  - legal base of the act
  - motivation of the act
  - authentication of the act
  - publication of the act
  - entry into force, application of the act
  - modification of the act
  - annulment of the act
  - invalidity, non-existence of the act

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## Regulations

- general application
  - binding *erga omnes*
- binding in its entirety
- directly applicable in all Member States

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## Directives

- the result to be achieved by the directive is binding upon Member States
- discretion of the Member State when choosing form and methods to achieve this result

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## Directives

- transposition mode of directives
  - directive has to be transposed into generally binding national acts
  - directive has to be transposed within the transposition period
  - the result of the directive can not be jeopardized
  - requirement of the clear and precise transposition
  - requirement of the reference to the transposed directive
  - communication to the Commission

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## Questions & Cases

- Can the Member State transpose an EU regulation?
- Can the Member State justify the non-transposition of the EU directive? If yes, how?

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