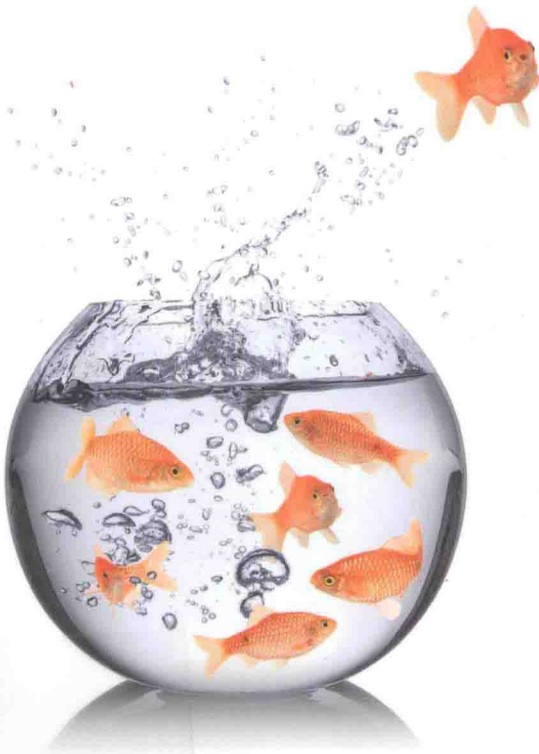


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Sixth Edition

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*To Lynsey and Alexander
I will remember the moments you were born all of my life
and will love you equally as long.
Dad*

Revised Preface for the Sixth Edition

The Preface is where the author writes why he or she has written the book, and provides embarrassing details of the deprivations suffered by him or her, and especially his or her family, whilst undergoing the self-imposed purgatory of seemingly endless days and nights putting the words on the screen, driven—nay, possessed—by the conception that it is for the better good of mankind that the book is written. Sometimes there is an interruption when the spouse produces some children to kiss/chasten, or to whom to say ‘hello’/‘goodbye’. One only finds time to comment: ‘My—don’t the children look small today?’ The reply comes: ‘No, those are your grandchildren. Our children left home during an earlier book. Would you like to play with the grandchildren?’ The answer: ‘Umm, yes—but perhaps later. I just have to finish this chapter!’

There follows thanks for the almost, if not entirely, unending patience of the publisher’s staff and, in particular, the editor in charge—or should I say the two, or three, or four, or five editors who have been overseeing the project or counting the missed deadlines (the writing having taken so long that the earlier editors have had time to produce their own dynasty of potential book purchasers).

So, after those initial paragraphs, will I do something completely different? Nope: it’s tradition, and here is my version of it.

I’ve taught EC and EU law for over 30 years now (and, hey, I studied it before that both at undergraduate and postgraduate levels!) and, from the beginning, I thought that there was a need for a manageable single-text course book. In 1983, there were very few on the market and there was no credible one-stop shop; now, there are a number. However, I think the original premise holds true. Throughout the years, my colleagues and I failed to recommend wholeheartedly a single text and instead we recommended a number of texts. So, to a large extent, this is why I thought the market was still there for a new mid-range textbook at that time. It was my clear belief, backed up by an awful lot of experience, that students want a single accessible book that covers the course they are taking (or at least 90 per cent of it) and which can be absorbed easily. Obviously, a few will wish to read much more widely—those who have a real interest; for them, a number of books exist and are excellent. Most students, though, simply want to pass the exam as well as they can, but with the minimum of effort—and I don’t blame them: it’s perfectly rational behaviour. Who can blame them when most university managements have pursued exactly the same policy for the REF,¹ and anything else by which they may be assessed? Effort is concentrated on securing the best result in the exercise because the result is more important than the journey—that is, the end justifies the means, even if that means diverting resources from teaching to increase research output. But watch out: the era of higher student fees is starting to focus attention back on to students and rightly so—and that is the focus of this, a student textbook, pure and simple!

So, on to the book itself. I should mention the numbering policy used in the book for the treaties, even more challenging now following the entry into force of the Lisbon Treaty. For the most part, the present numbers of the Treaty on European Union (TEU)

¹ The Research Assessment Exercise, and now the Research Excellence Framework, which determine the share-out of government research monies to the universities.

and Treaty on the Functioning of the European Union (TFEU) only will be used, with reference in parentheses to the immediate past numbers of the pre-Lisbon EC and EU Treaties only where vital to aid understanding, and exceptionally to the old pre-Amsterdam Treaty numbers. This will be mainly in respect of case law. This sixth edition is in production at a time when, again, great and increasing uncertainty has been cast on the future progress of the EU. The elephant in the room this time is the referendum vote on the 23rd of June 2016 in which the UK electorate voted by a narrow majority to leave the EU. No book on EU law can fail to mention Brexit at a very early stage, so here I mention it. Until the UK actually leaves the EU,² EU law will continue to apply in the UK as an inherent part of UK national law. Indeed, even after departure, it is likely that many of those laws will continue to apply and reference may well still be useful if not necessary to their EU origins in order to understand or interpret them, so knowledge and understanding of EU law after the date of departure will still be a useful if not a necessary asset for any lawyer operating in the UK. Furthermore, this book, and others on EU law, sell internationally as there is and will remain great interest in EU law from across the world, and with the English language as the modern-day lingua franca much of this interest is satisfied by teaching EU law in English with the support of EU law books also in English. I know this to be true as I teach an intensive course in EU law at postgraduate level at the Europa Institut, Universität des Saarlandes every year which regularly attracts students from around 50 countries. I roughly calculated, following my tenth year there, that I had taught students from more than 100 different countries in that time; so whether or not the UK is turning its back on the EU, much of the rest of the world is not.

The fallout from that decision continues as I write, and whilst the election campaign is on, the consequences will continue to be unclear. The most significant other change to this edition from the previous editions is the removal of the chapter on sex discrimination. Reviewers considered it not to be relevant, as the subject is not included now in many EU law courses. If, however, this proves to be an unpopular move and, in fact, incorrect, please let me know. I'll reinstate it!

The thanks bit . . .

Thanks to many staff at Oxford University Press who have participated in the conception and production of this book, now into its sixth edition. Thanks are due to Jane Kavanagh, Claire Brewer, Angela Griffin, Kate Whetter, Penelope Woolf, Sarah Viner, Alex Clabburn, Anna Winstanley, Abbey Nelms, Emily Spicer, and now Emily Hoyland. Thanks also to Henry Cockburn in production and Clare Weaver in marketing for their work on the book. Thanks to Paul Nash and Henry MacKeith at copy-editing and proof stages.

Quite rightly, this book in first edition was dedicated to my two children, Lynsey and Alexander, whom I continue to love with equal passion; that sentiment and dedication remains.

I acknowledge with thanks the permission of the European Union to reproduce material taken historically from the Official Journal printed volumes. More recent provisions and additions have been taken from the online EUR-Lex website and, likewise, permission to reproduce these is gratefully acknowledged, but with the clear proviso that 'Only European Union legislation in the online edition of the *Official Journal of the European Union* is deemed authentic'. UK legislation is reproduced with the permission of HMSO.

² Which date is far from clear at the time of writing (April 2017).

I have tried to state the law accurately up to April 2017; however, it is always possible that I did not get things entirely correct. For errors and omissions, I am solely responsible. I would gratefully receive advice of any errors discovered and also any general comments in respect of coverage, treatment, or any other aspect of the book.

Nigel Foster
Buckingham
May 2017

New to this Edition

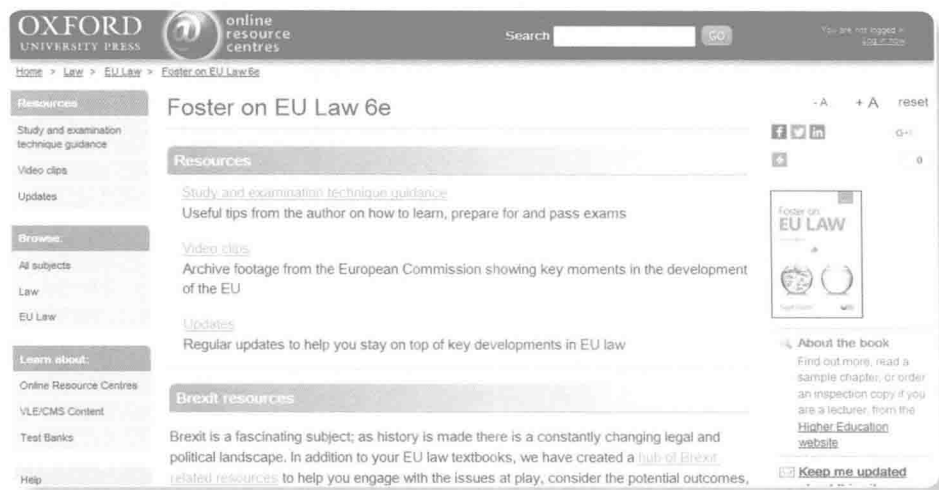
The sixth edition has been revised to incorporate the numerous, nay hundreds if not thousands of individual changes throughout the book since the last edition, which in addition to new cases include:

- the further reorganization of Chapter 4—in particular, putting a higher emphasis on fundamental rights provision in the EU;
- further reorganization of Chapter 9 and, in particular, considerable change to the section on citizenship and the rearranging of subsections on welfare, family, and TCN rights;
- following the reintroduction of competition law into Chapter 10 in the fourth edition and the addition of a section on state aids in the fifth edition, the reorganization of that material in this edition;
- amended and increased coverage on human rights aspects.

Guide to the Online Resource Centre

This book is accompanied by an Online Resource Centre offering a range of resources and materials to support teaching and learning.

www.oxfordtextbooks.co.uk/orc/foster6e/



An interactive map of the European Union

An interactive map provides a useful summary of each member state's involvement in the EU, plus essential facts and figures that are ideal for students new to the subject and for revision.

Interactive timeline

An interactive timeline allows you to trace the development of the EU through key dates and events, providing a useful source of accurate information for learning and revision.

Regular updates

Regular updates are an indispensable resource, allowing you to access changes and developments in the law that have occurred since publication of the book.

Exam advice

Exam advice from the author helping you to plan and prepare your revision.

Video clips

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