Book Reviews


Together with his former Legal Secretary (référendaire) Lorna Amati, the Finnish Judge at the European Court of Justice, Allan Rosas, previously Professor at Åbo Akademi in Turku, Finland (the second oldest Swedish university, in fact) as well as Deputy Director-General of the Legal Service of the European Union (EU) Commission, has written a very concentrated, almost dense commentary and analysis of EU Constitutional Law as it stands after the entry into force of the Lisbon Treaty on 1 December 2009. As the reader probably knows, the Lisbon Treaty has brought about a number of very important constitutional changes within the EU, of which the abandoning of the former so-called pillar structure in favour of two new treaties, the EU Treaty and the so-called Functional Treaty, is of particular importance.

Without any doubt whatsoever, this new book is a most valuable and in fact very important contribution to the current doctrine of EU constitutional law. It is also well timed and duly updated, taking the changes that the Lisbon treaty brought about into account, concentrating on really important issues and even managing to comment on the complicated Euro crisis. Thus, any critical remarks that may be made concerning the content of the book appear to be marginal, while the merits of the book definitely need to be duly praised.

Formally speaking, the book is divided into 15 chapters, dealing in the beginning with the historical background of the EU and not least the “permanently evasive”, but for true constitutionalists always extremely interesting, question of its true constitutional nature,¹ then moving on to more concrete constitutional issues like the EU institutions, enhanced cooperation, citizenship and fundamental rights as well as issues of a slightly more vague constitutional nature such as

¹) Rosas and Amati prefer to compare it with an elephant, that in an Indian tale was described in six different ways by six different blind men. Having myself been the editor of a book on a similar topic that also happened to have the animal world as its point of departure, likening the EU with a so-called “skvader” (i.e. a cross-over between a hare and a grouse (N. Karlson and J. Nergelius, *EU-skvadern. Om den Europeiska Unionens konstitutionella framtid* (City University Press, Stockholm, 2001)), I do, needless to say, approve of this kind of allegory.
the area of freedom, security and justice, the internal market and the external relations of the EU; however, recent developments within EU law, related both to treaty changes and case-law from the European Court of Justice (ECJ), clearly show the constitutional importance also of those latter issues, although they are normally dealt with within other fields of EU law.2 Also the very adequate Table of Cases, presented both alphabetically and chronologically, will make the reading of the book and the digestion of its rich content easier for the reader.

Nevertheless, despite the many efforts of the authors to explain many new treaty rules, case-law and also many complicated, theoretical issues, the very ambition to cover the whole field of current EU constitutional law on less than 250 pages will present even the skilled and quite learned reader with a few problems. The text is, as said above, dense, and, though extremely well-written, not always easy to digest. In order to grasp and reflect upon the text, a reading of no more than one chapter at a time is strongly recommended. Concerning some of the more “material chapters”, such as e.g. the very interesting Chapter 9 on “The Evolving Concept of Union Citizenship”, a clearer explanation of the actual outcome of some of the many important recent judgments coming from the ECJ could be asked for; after all, the reader should not have to consult the European Court Reports or the excellent webpage of the ECJ3 in order to fully understand the text.

At the same time, however, not only the very clear structure and the rich content of the book must be observed, but also many convincing and quite illuminating details of the text. This is true not least with regards to the introductory part (pp. 12 et seq.) that deals respectively with the “state-like” and “non-state-like” features of the EU. This is indeed a successful attempt to combine deep theoretical insight with a clear ambition to explain how the EU of today works for the average reader; I would not hesitate to say that it is unprecedented, through its explanatory nature, in relation to any previous literature in this area. It should also be noted that the point of departure for this line of reasoning is a clear and realistic approach to the concept of national sovereignty and its very limited importance in today’s world (p. 12).

The many illuminating parts of the text, that truly brings to the reader a comfortable feeling of better understanding questions that are sometimes difficult to grasp, are to be found dealing with both legal and theoretical or even political issues. To start with the first category, the description of different kinds of competences and the way in which they are being shared by the EU and the Member States (pp. 18 et seq.) is indeed excellent, also managing to explain the important changes that the Lisbon Treaty has brought about in this respect. The same goes

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2) The delimitations of the book’s content (explained on pp. 4 et seq.) are, as a matter of fact, highly convincing.

3) <www.curia.eu.int>.