H K . N C C P
International Journal of Intelligent Information and Management Science
ISSN: 2307-0692 *Volume 3, Issue 1, February 2014*

Study on Law of European Union

Ting SONG
Doctor Candidate in International Law, China University of Political Science and Law, Beijing 100088, China

Abstract: The European Union is based on the rule of law. This means that every action taken by the EU(Abbreviation of "European Union", all the same in this thesis) is founded on treaties that have been approved voluntarily and democratically by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area. So it is important and meaningful to study the law system of the EU. In this thesis, the following topics will be considered: the sources of EU law; two fundamental principles of EU law; the application of EU law; in order to make EU law more accessible , the writer reads numerous cases of the European Court of Justice. she links the theory with practice of the court. The conclusion is as follows: Although the EU has made many achievements, there are still many limitations; many things remain to be improved in the future.

Keywords: EU Law; Primary Law; Secondary Law; Precedence of European Law; Direct Effect; Supplementary Law; The Reference for a Preliminary Ruling

1. Introduction

The historical roots of the EU lie in the Second World War. Europeans are determined to prevent such killing and destruction ever happening again. The main goal of the EU is the progressive integration of Member States' economic and political systems and the establishment of a single market based on the free movement of goods, people, money and services. The EU reached its current size of 28 member countries with the accession of Croatia on 1 July 2013.After decades of development, It has developed into a geo-political entity, with unique economic and political system, which is the most successful example of regional integration. It not only breaks the traditional doctrine of state sovereignty, but also enriches the theory of international organizations; its success has accumulated valuable experience for the development of regional integration.

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area. So it is important and meaningful to study the law system of the EU. The so-called EU law, broadly speaking ,refer to the treaties, which created the EU,despite these, EU law also include regulations, directives, decision, case-law and relevant national law. Narrowly speaking, EU law just refers to "the treaty of EU" .[1] In this thesis, the following topics will be considered: the sources of EU law; two fundamental principles of EU law; the application of EU law;

2. Sources of EU Law

There are three sources of European Union law: primary law, secondary law and supplementary law. The main sources of primary law are the Treaties establishing the European Union. Secondary sources are legal instruments based on the Treaties and include unilateral secondary law and conventions and agreements. Supplementary sources are elements of law not provided for by the Treaties, which includes Court of Justice case-law, international law and general principles of law.

2.1. Primary Law

Primary law, also known as the primary or original source of law, can be seen as the supreme source of law in the EU. It is at the apex of the European legal order, which prevails over all other sources of law. Primary law consists mainly of the Treaties of the EU. These Treaties contain formal and substantive provisions, which frame the implementation of the policies of the European institutions. They also determine the formal rules that allocate the division of competences between the European Union and Member States. They also lay down substantive rules that define the scope of the policies and provide a structure for the action taken by the institutions regarding each of them.

1) Scope of primary law

The primary law is made up of the set of founding Treaties of the EU, amended and adapted by different Treaties and Acts. It concerns the founding Treaties establishing

[1] Zhangxiaodong: "on the nature of EU law and its contribution to modern international law "（J）, Chinese Journal of pean ,2010.01,p04.

the European Union[2]; the major Treaties amending the EU[3]; the Protocols annexed to those Treaties; additional Treaties [4] making changes to specific sections of the founding Treaties and the Treaties of accession of new Member States to the EU[5].

2) Legal status of primary law

Regarding commitments entered into by the Member States between themselves, if they:

date from before the Treaty of Rome, they cease to be applicable. These commitments are then subject to the rules of international law on the succession to Treaties. Article 350 of the TFEU, for instance, expressly authorizes certain regional associations between Belgium, Luxembourg and the Netherlands.

date from after the Treaty of Rome, they are basically subject to the general obligation of the principle of cooperation stated in Article 4 of the TEU, whereby Member States must refrain from taking any measure which could jeopardize the attainment of the TEU objectives.

Regarding commitments entered into by the Member States with third countries, if they:

date from before the Treaty of Rome, third-party rights are preserved by Article 307 of the EC Treaty and upheld by the Court of Justice (CJEU, International Fruit Company, 12 December 1972). In other words, these agreements can be relied on in actions against the Community since powers have been transferred to it from the Member States. By way of exception, rights deriving from agreements that are incompatible with the EC Treaty cannot be relied on against it.

date from after the Treaty of Rome, they are acknowledged as valid, except if the state had exceeded its powers. [6].

2.2. Secondary Law

Secondary law comprises unilateral acts and agreements. Unilateral can be divided into two categories: those listed in Article 288 of the Treaty on the Functioning of the EU: regulations, directives, decisions, opinions and recommendations; those not listed in Article 288 of the Treaty on the Functioning of the EU, i.e. "atypical" acts such as communications and recommendations, and white and green papers.

Through unilateral acts, individual rights are conferred by the institutions acting in an entirely autonomous manner. They are adopted by the institutions in accordance with the founding Treaties of the European Union (EU). Along with conventions and agreements, they constitute the secondary legislation of the (EU).

Regulations are normative acts defined by Article 288 of the Treaty on the Functioning of the European Union (TFEU). They have general application, are binding in their entirety and directly applicable in all Member States. The constitutional treaty calls acts similar to Community regulations "European laws". It formally recognizes the normative hierarchy between basic regulations and implementing regulations by distinguishing between European laws and "delegated regulations".

Regulations are items of unilateral secondary legislation, i.e. they are adopted solely by the European Union authority. They are referred to in Article 288 of the Treaty on the Functioning of the European Union (TFEU), which stipulates that "a regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States."

First, a regulation has general application.

It is addressed to abstract categories of persons, not to identified persons. This is what distinguishes it from the decision, defined in Article 288 of the TFEU. The Court of Justice has indicated that regulations are aimed at general categories of persons but may nevertheless be limited to certain categories of persons. A regulation is still a regulation even when, at the time of the publication of the act, it is possible to determine the number, or even the identity of the persons to whom it applies.[7]

Second, a regulation is binding in its entirety .

It is binding in its entirety and so may not be applied incompletely, selectively or partially. It is a legal act binding upon: the institutions; the Member States; the individuals to whom it is addressed.

Finally, a Regulation is directly applicable in all the Member States .

This means that: no measures to incorporate it in national law are required; it attributes rights and obligations independently of any national implementing measures. This does not mean that the Member States cannot take implementing measures. They must do so if necessary, in the context of complying with the principle of sincere

[2] The Treaties establishing the different European Communities are:the Treaty of Paris (18 April 1951); the Treaties of Rome (Euratom Treaty and the Treaty establishing the European Economic Community) (25 March 1957); the Maastricht Treaty on European Union (7 February 1992).

[3] The Single European Act (17 and 28 February 1986); the Treaty of Amsterdam (2 October 1997); the Treaty of Nice (26 February 2001); the Treaty of Lisbon (13 December 2007) entered into force on 1 December 2009.

[4] The Treaty on the merger of the executive institutions (8 April 1965); the Treaty amending certain budgetary provisions of the Community treaties (22 April 1970); the Treaty of Brussels amending certain financial provisions of the Community treaties and establishing a Court of Auditors (22 July 1975); the "Act" on the election of members of the European Parliament by direct universal suffrage (20 September 1976).

[5] United Kingdom, Ireland, Denmark and Norway (22 January 1972); Greece (28 May 1979); Spain and Portugal (12 June 1985); Austria, Finland, Norway and Sweden (24 June 1994); the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia (16 April 2003); Romania and Bulgaria (25 April 2005). The Acts of Accession signed by Norway on 22 January 1972 and 24 June 1994 never came into force. A Treaty signed on 1 February 1985 gives Greenland a special status.

[6] http://europa.eu/legislation_summaries/institutional_affairs/decisionmaking_process/l14530_en.htm, the latest visiting-time:2013/12/13

[7] See Thomas Buergenthal and Sean D. Murphy, *Public International Law* (3 rd edition) , Beijing:Law Press, 2002, p. 63.

cooperation, as defined in Article 4 of the Treaty on European Union (TEU); it may be used as a reference by individuals in their relations with other individuals, with Member States or with the European authorities. Regulations apply in all the Member States from the day of their entry into force, i.e. 20 days after their publication in the Official Journal. Their legal effects are simultaneously, automatically and uniformly binding in all the national legislations.

The Directive is one of the legal instruments available to the European institutions for implementing European policies. It is a tool mainly used in operations to harmonize national legislations. The directive is a very flexible instrument; it obliges the Member States to achieve a certain result but leaves them free to choose how to do so. The directive forms part of the secondary law of the European Union (EU). It is therefore adopted by the European institutions in accordance with the founding Treaties. Once adopted at European level, the directive is then transposed by Member States into their internal law.

First, a binding act of general application addressed to the Member States Article 288 of the Treaty on the Functioning of the EU states that a directive is binding.

Like the European regulation or the decision, it is binding upon those to whom it is addressed.[8] It is binding in its entirety and so may not be applied incompletely, selectively or partially. However, a directive is distinct from a decision or a regulation. While a regulation is applicable in Member States' internal law immediately after its entry into force, a directive must first be transposed by the Member States. Thus, a directive does not contain the means of application; it only imposes on the Member States the requirement of a result. They are free to choose the form and the means for applying the directive. Furthermore, a directive also differs from a decision as it is a text with general application to all the Member States. Moreover, Article 289 of the Treaty on the Functioning of the EU (TFEU) specifies that a directive is a legislative act when it is adopted following a legislative procedure. In principle, a directive is therefore the subject of a Commission proposal. It is then adopted by the European Council and the Parliament in accordance with the ordinary legislative procedure or the special legislative procedure. A directive enters into force once it has been notified to the Member States or published in the Official Journal.

Second, a legal act which must be transposed.[9]

This is a two-tier legal act which comprises: the directive proper, issued by the European institutions; national implementing measures, issued by the Member States.

Entry into force does not in principle imply direct effect in national law. In order for this to happen, a second stage is necessary: transposition. Transposition is carried out by the Member States; it means adopting national measures to enable them to achieve the results stipulated by the directive. The national authorities have to notify the Commission of these measures.

The decision is a legal instrument available to the European institutions for the implementation of European policies. Decisions are binding acts which may have general application or may apply to a specific addressee. Decisions are legal acts which form part of the secondary law of the European Union (EU). They are therefore adopted by the European institutions on the basis of the founding Treaties. Depending on the case, the decision may apply to one or more addressees; equally, it may not specify to whom it is addressed.

First, an act that is binding in its entirety

Article 288 of the Treaty on the Functioning of the EU defines the decision as an act which is binding in its entirety. Consequently, it may not be applied incompletely, selectively or partially. A decision is adopted following a legislative procedure. It is therefore a legislative act adopted by the Council and the Parliament in accordance with the ordinary legislative procedure or a special legislative procedure. Conversely, a decision is a non-legislative act where it is adopted unilaterally by one of the European institutions. In this case the decision refers to a provision enacted by the European Council, the Council or the Commission in specific cases which are not within the legislator's area of competence.

Second, decision specifying to whom it is addressed

A decision may apply to one or more addressees. In this case, its application is strictly individual and it has binding effect only for those to whom it is addressed. A decision may be addressed to Member States or individuals. For example, the Commission uses decisions to take action against undertakings which have engaged in concerted practices or abused a dominant position. To enter into force, the decision must be notified to the party concerned. In principle, this procedure consists of the sending of a registered letter with acknowledgement. The decision may also be published in the Official Journal, but this does not dispense with the need for notification, which is the only way to render the act enforceable against those to whom it is addressed.

Third, Decision not specifying to whom it is addressed

Since the entry into force of the Treaty of Lisbon, the decision no longer necessarily specifies to whom it is addressed. The decision has therefore acquired a broader definition and, in particular, has become the basic instrument in the field of the Common Foreign and Security Policy. The Council and the European Council may therefore adopt decisions relating to: the interests and strategic objectives of the Union; the action to be taken by the Union at international level; the positions to be adopted by the Union on international issues; the imple-

[8] Xiegang: "on directive of EU law" (N),people's court news,2005.7

[9] Wangweida : "EU Law" ,shanghai:gezhi press and shanghai press, 2009.1,p33.

menting procedures relating to actions and positions of the Union.

Moreover, Article 289 of the Treaty on the Functioning of the EU establishes a distinction between legislative acts, namely those adopted following a legislative procedure, and acts which are, by default, non-legislative. Generally, the aim of non-legislative acts is to implement legislative acts or certain specific provisions from the Treaties. For example, they relate to the internal regulations of institutions, certain Council decisions, measures adopted by the Commission in the field of competition, etc.

Certain atypical acts can also be classified as unilateral acts. Such acts are considered "atypical" in so far as they do not appear in the Article 288 of the Treaty on the Functioning of the EU. They are provided for by other provisions in the Treaties or have already been created through institutional practice. These acts are frequently used by institutions. For example, they relate to resolutions, conclusions, communications, etc. These acts have a political application, but they are not generally legally binding.

2.3. Supplementary Law

Besides the case law of the Court of Justice, supplementary law includes international law and the general principles of law. It has enabled the Court to bridge the gaps left by primary and/or secondary law.

International law is a source of inspiration for the Court of Justice when developing its case law. The Court cites written law, custom and usage.

General principles of law are unwritten sources of law developed by the case law of the Court of Justice. They have allowed the Court to implement rules in different domains of which the treaties make no mention.

Supplementary law brings together the unwritten sources of European law having judicial origin. These sources are used by the Court of Justice as rules of law in cases where the primary and/or secondary legislation do not settle the issue. They include general principles of law and rules of public international law. Fundamental rights, which have long been seen by the Court of Justice as general principles of law, are gradually becoming elements of primary legislation.

In its case-law, the Court of Justice has taken a series of rules of law as a basis to bridge the gaps left by primary and/or secondary legislation. These are mainly public international law and general principles of law. These two categories overlap, the Court of Justice having developed general principles of law which was inspired by public international law.

3. Two Fundamental Principles of EU Law

3.1. The Direct Effect of European Law

1) Definition

The principle of direct effect (or immediate applicability) enables individuals to immediately invoke a European provision before a national or European court. This principle only relates to certain European acts. Furthermore, it is subject to several conditions.

The direct effect of European law has been enshrined by the Court of Justice in the judgment of Van Gend en Loos of 5 February 1963.10 In this judgment, the Court states that European law not only engenders obligations for Member States, but also rights for individuals. Individuals may therefore take advantage of these rights and directly invoke European acts before national and European courts. However, it is not necessary for the Member State to adopt the European act concerned into its internal legal system.

2) Sorts

There are two aspects to direct effect: a vertical aspect and a horizontal aspect. Vertical direct effect is of consequence in relations between individuals and the State. This means that individuals can invoke a European provision in relation to the State.11 Horizontal direct effect is consequential in relations between individuals. This means that an individual can invoke a European provision in relation to another individual. According to the type of act concerned, the Court of Justice has accepted either a full direct effect (i.e. a horizontal direct effect and a vertical direct effect) or a partial direct effect (confined to the vertical direct effect).

3) Relationship between direct effect and specific source of EU law

Direct effect and primary legislation

As far as primary legislation is concerned, i.e. the texts at the top of the European legal order, the Court of Justice established the principle of the direct effect in the Van Gend & Loos judgment. However, it laid down the condition that the obligations must be precise, clear and unconditional and that they do not call for additional measures, either national or European.

Direct effect and secondary legislation

The principle of direct effect also relates to acts from secondary legislation, that is those adopted by institutions on the basis of the founding Treaties. However, the application of direct effect depends on the type of act:

the regulation: regulations always have direct effect. In effect, Article 288 of the Treaty on the Functioning of the EU specifies that regulations are directly applicable in the Member States. The Court of Justice clarifies in the judgment of Politi of 14 December 1971 that this is a complete direct effect;

[10] Susan wolf: “Briefcase on European Community Law”(2nd edition),wuhan:wuhan university press,2004.5,pp25-29

[11] Zenglingliang: “on the relationship between EC law and national law”(J),Legal Forum,2003.1

the directive: the directive is an act addressed to Member States and must be transposed by them into their national laws. However, in certain cases the Court of Justice recognises the direct effect of directives in order to protect the rights of individuals. Therefore, the Court laid down in its case-law that a directive has direct effect when its provisions are unconditional and sufficiently clear and precise (Judgement of 4 December 1974, Van Duyn). However, it can only have direct vertical effect and it is only valid if the Member States have not transposed the directive by the deadline (Judgement of 5 April 1979, Ratti);

the decision: decisions may have direct effect when they refer to a Member State as the addressee. The Court of Justice therefore recognises only a direct vertical effect (Judgement 10 November 1972, Hansa Fleisch);

International agreements: in the Demirel Judgement of 30 September 1987, the Court of Justice recognized the direct effect of certain agreements in accordance with the same criteria identified in the Judgement Van Gend en Loos;

opinions and recommendations: opinions and recommendations do not have legal binding force. Consequently, they are not provided with direct effect.

3.2. Precedence of European Law

1) Definition

According to the precedence principle, European law is superior to the national laws of Member States. The precedence principle applies to all European acts with a binding force. Therefore, Member States may not apply a national rule which contradicts to European law.

The precedence principle guarantees the superiority of European law over national laws. It is a fundamental principle of European law. As with the direct effect principle, it is not inscribed in the Treaties, but has been enshrined by the Court of Justice of the European Union (CJEU).

The CJEU enshrined the precedence principle in the Costa versus Enel case12 of 15 July 1964. In this case, the Court declared that the laws issued by European institutions are to be integrated into the legal systems of Member States, who are obliged to comply with them. European law therefore has precedence over national laws. Therefore, if a national rule is contrary to a European provision, Member States' authorities must apply the European provision. National law is neither rescinded nor repealed, but its binding force is suspended.

The Court later clarified that the precedence of European law is to be applied to all national acts, whether they were adopted before or after the European act in question. With European law becoming superior to national law, the principle of precedence therefore ensures that citizens are uniformly protected by a European law assured across all EU territories.

2) Legal status of the principle

The precedence of European law over national laws is absolute. Therefore, it applies to all European acts with a binding force, whether emanating from primary or secondary legislation.

In addition, all national acts are subject to this principle, irrespective of their nature: acts, regulations, decisions, ordinances, circulars, etc), irrespective of whether they are issued by the executive or legislative powers of a Member State. The judiciary is also subject to the precedence principle. Member State case-law should also respect EU case-law.

The Court of Justice has ruled that national constitutions should also be subject to the precedence principle. It is therefore a matter for national judges not to apply the provisions of a constitution which contradict European law.

4. Application of EU Law

4.1. The Reference for a Preliminary Ruling

1) Definition

The reference for a preliminary ruling is a procedure exercised before the Court of Justice of the European Union. This procedure enables national courts to question the Court of Justice on the interpretation or validity of European law.

This procedure is open to all Member States' national judges. They may refer a case already underway to the Court in order to question it on the interpretation or validity of European law.

In contrast to other judicial procedures, the reference of a preliminary ruling is therefore not a recourse taken against a European or national act, but a question presented on the application of European law.

The reference for a preliminary ruling thus promotes active cooperation between the national courts and the Court of Justice and the uniform application of European law throughout the EU.

2) Nature of References for a Preliminary Ruling

Any national court to which a dispute in which the application of a rule of European law raises questions (original case) has been submitted can decide to refer to the Court of Justice to resolve these questions. Therefore, there are two types of reference for a preliminary ruling:

a reference for a ruling on the interpretation of the European instrument: the national judge requests the Court of Justice to clarify a point of interpretation of European law in order to be able to apply it correctly;

a reference for a preliminary ruling on the validity of the European instrument: the national judge requests the Court of Justice to check the validity of an act of European law.

[12] The same as 11th footnote.p34

The reference for a preliminary ruling is therefore a reference "from one judge to another". Although a referral to the Court of Justice may be requested by one of the parties involved in the dispute, the decision to do so rests with the national court. In this respect, Article 267 of the Treaty on the Functioning of the EU specifies that national courts which act as a final resort, against whose decisions there is no judicial remedy, are obliged to exercise the reference for a preliminary ruling if one of the parties requests it. In contrast, national courts which are not a final resort are not obliged to exercise the reference for a preliminary ruling even if one of the parties requests it. In any case, all national courts must immediately refer a matter to the Court of Justice in cases of doubt regarding a European provision.

The Court of Justice therefore only gives a decision on the constituent elements of the reference for a preliminary ruling made to it. The national court therefore remains competent for the original case.

On principle, the Court of Justice must answer the question put to it. It cannot refuse to answer on the grounds that this response would be neither relevant nor timely as regards the original case. It can, however, refuse if the question does not fall within its sphere of competence.

3) Legal Status of Preliminary Rulings

The Court of Justice Decision has the force of *res judicata*.13 It is, furthermore, binding not only on the national court on whose initiative the reference for a preliminary ruling was made but also on all of the national courts of the Member States.

In the context of a reference for a preliminary ruling concerning validity, if the European instrument is declared invalid all of the instruments adopted based on it are also invalid. It then falls to the competent European institutions to adopt a new instrument to rectify the situation

4.2. Proceedings for Failure to Fulfill an Obligation

1) Nature of the Failure

The failure can stem from instruments (laws, decrees, administrative decisions, etc.) or be the result of facts (administrative practices, etc.).

It can be the consequence of positive behaviour (actions) or negative behaviour (abstentions, omissions). Thus, actions can, for instance, consist of the adoption of a text contrary to Community law or the express refusal to repeal a national measure that is contrary to Community law. Abstentions or omissions can, for example, consist of delays in transposal of a directive or failure by Member States to notify national implementing measures to the Commission.

The act must be attributable to the Member State. For this reason, the concept of State is interpreted broadly by the Court of Justice in that it may mean all of the State bodies such as the government, the parliament, federated entities or sub-national bodies, etc.

2) Applicants

If they consider that a Member State has failed to fulfill one of its obligations, proceedings may be brought by the Commission in its capacity of guardian of the Treaty, or by the Member States.

3) Procedure

When the Commission initiates the proceedings, it acts on its own initiative or on the basis of a complaint brought by other Member States or of complaints brought before it by individuals. If the Commission has sufficient evidence to presume that there has been a failure to fulfill obligations, it asks the Member State to submit its comments. Nonetheless, the proceedings can end at this stage if the Member State decides to comply with its obligations.

When a Member State initiates the proceedings, it lodges a complaint with the Commission. The Commission asks each of the two Member States involved to submit its own case and its observations on the other party's case.

In both instances, the Commission issues a reasoned opinion after submission of the comments. This opinion, which is the last step before referral of the matter to the Court of Justice, constitutes in some way a solemn warning. It calls on the Member State one last time to fulfill its obligation, but it also defines the potential dispute by formally establishing the subject matter thereof. The opinion gives the Member State a period of time to take action. Once this period has elapsed, if the Member State has not fulfilled its obligations the Commission may refer the matter to the Court of Justice.

The Court of Justice, for its part, merely confirms the existence of a failure to fulfil obligations, namely the fact that the Member State is in breach of Community law. In other words, it cannot stand in for the Member State by, for example, annulling the national laws that are contrary to Community law or the acts at issue or adopting the necessary measures.

The Member State is given a reasonable period of time to rectify the situation. If the Member State has not complied with the Court of Justice decision, the Commission can initiate new proceedings on the basis of Article 228 of the EC Treaty, which may result in pecuniary sanctions being imposed on the Member State in question.

Only the Court of Justice is competent to hear proceedings for failure to fulfill an obligation brought by a Member State or by the European Commission.

Conclusion

After decades of efforts, EU law has developed into an unique legal system. It has made a significant contribution to the improvement and innovation of jurisprudence. Firstly, as an act, directive is a new thing ,which is mainly used to coordinate the various national laws; secondly,

[13] Xujie: "on EU treaties and development of international law"(J), Journal of Xi'an Politics Institute of PLA,2001.8,p23.

EU law is a perfect integration of civil law and common law, among them ,the impact of civil law(Germany\ France as the representatives) greatly exceeds the impact of common law(UK as the representative);finally, Principles of human rights is a very important principle of EU law, substantial fairness and justice has become an indispensable part of EU law.

Although the EU has made the above-mentioned achievements, there are still many limitation .Firstly, the jurisdiction of EU law is confined in limited fields, such as economy, diplomacy and environment , membercountries have absolute sovereignty in military affairs and national defense; secondly, legislative powers of The EU is also limited, The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area; last but the most important, EU law lack of effective execution and authority, because the implementation and enforcement of EU law has to rely on the relevant authorities of membercountries, in addition, the issue seems to be sidestepped, how the countries should be sanctioned when they violate EU law. Consequently, in the last 50years,many membercountries refused to reform the sanction, when they violated EU law. How can the bad situation be proved. In my opinion, both membercountries and EU institutions should make their efforts. Countrymembers should fulfill obligation on their own initiative. EU institutions also should actively and carefully carry out their functions.

References

[1] V. Trstenjak, "National Sovereignity and the Principle of Primacy in EU Law and Their Importance for the Member States," Beijing Law Review, Vol. 4 No. 2, 2013, pp. 71-76. doi: 10.4236/blr.2013.42009.

[2] S. Al-Fedaghi, "Interpretation of Information Processing Regulations," Journal of Software Engineering and Applications, Vol. 2 No. 2, 2009, pp. 67-76. doi: 10.4236/jsea.2009.22011.