

Vienna Lecture on the European Union

**The Court of Justice of the European Union
and the EU's Policy Process**

12 June 2017, 17:00

Aula, Campus of the University of Vienna
Hof 1.11, Spitalgasse 2-4, 1090 Vienna

Lecture: **Susanne K. Schmidt**, Professor, University of Bremen,
Germany

Abstract: The European Court of Justice is one of the most important actors of European integration. Political science still struggles to understand its significance, with recent scholarship emphasizing how closely rulings reflect member states' preferences. In my talk, I argue that implications of supremacy and direct effect of the EU Treaty are still overlooked. Constitutionalizing an intergovernmental treaty, the European Union has a detailed set of policies inscribed in its constitution that is much shaped by the Court's case law. If rulings have constitutional status, the impact is large even if the Court only occasionally diverts from member states' preferences. Focusing on the four freedoms of goods, services, persons, and capital, as well as citizenship rights, I analyse how the constitutional status of case law constrains European policy making. Major pieces of EU legislation, for instance the services or the citizenship directives, only partly codify case law. Policy options are thereby withdrawn from majoritarian decision making. As the Court cannot be overruled, except in case of a Treaty change, its case law casts a long shadow on policy making in the European Union, undermining the legitimacy of this political order.

Commentators: **Josef Azizi**, Former Austrian judge at the General Court and Honorary Professor, Faculty of Law, University of Vienna

Josef Melchior, Director of Studies, Institute for Political Science, University of Vienna

Moderator: **Gerda Falkner**, Head, Institute and Platform for European Integration Research, University of Vienna

This lecture will be held in English, questions can also be asked in German.
The event will be followed by a small reception.

Registered and unregistered participants are welcome but we kindly ask for your registration at eif@univie.ac.at or +43 1 4277 22401.