
Book Reviews

THE OUTER LIMITS OF EUROPEAN UNION LAW edited by *Catherine Barnard and Okeoghene Odudu* [Oxford: Hart Publishing, 2009. vii + 446 pp. inc. index. Hard cover. ISBN 978-1-84113-860-2. Price £50]

The criticism of the perceived “competence creep” of the European Union is not new. The book, *The Outer Limits of European Union Law* (comprising an introduction and 15 chapters) sheds some light on the validity of this criticism. It is persuasive in its claim that there are ultimate limits to the European Union’s competence and reveals both the strengths and the weaknesses of these limits. The book addresses the limits of EU law from three angles. First, the book seeks to draw these limits in different policy areas (citizenship, police co-operation, free movement provisions, etc.). Secondly, it addresses broader questions of legitimacy and the nature of the integrated European legal order. Thirdly, it discusses specific mechanisms (Art.308 EC), principles (proportionality, subsidiarity, conferred powers) and techniques used by the European Courts, the institutions, and the Member States to extend or contain EU law.

Following an introductory Ch.1, Chs 2–4 discuss broader themes influencing the existence and necessity of legal limits to the European Union’s competence. Chapter 2, by Stephen Weatherill, addresses the formal and social limits of the legitimacy of the European Union’s actions. His main conclusion is that the problem of “competence creep” is not as bad as it is sometimes portrayed. He rejects a radical quick-fix of injecting “legitimacy” according to methods that have been only moderately successful in the inner-state context. He argues that this would do more harm than good by significantly reducing the “output legitimacy” of the European Union. In the next chapter Alan Dashwood explores the limits of Art.308 EC, the Community’s residual competence norm. He takes a dynamic approach, interpreting Art.308 EC to cover all measures necessary to achieve one of the objectives of the Treaty, irrespective of any link with the common market. In Dashwood’s view the explicit limitation of the use of Art.308 EC to action “in the course of operation of the common market” can be explained historically. He argues that it has lost its meaning in view to the fact that Community law covers today far more than economic activities. Herwig Hofmann, in Ch.4, sets the scene for a more specific discussion of limits in individual policy areas. He outlines the evolutionary development of constitutional principles and their particular meaning in the context of the European Union’s integrated legal system.

Chapter 5 is the first chapter that addresses limits in a specific policy area. It takes an unusual approach to the limits of citizenship. Jo Shaw discusses how the Baltic states and Slovenia have defined citizenship post-1989. She discusses Union citizenship not from the (more common) perspective that it depends on the limits of Member States’ laws regarding nationality, but that it blurs these limits by extending rights to non-nationals. Later in Ch.8, Niamh Nic Shuibhne examines the legal limits of Union Citizenship in a more traditional way. She identifies the questions that remain

still to be answered on the exact reach of citizenship rights (limits imposed by the requirement of an economic activity) and the relationship between these rights and the free movement provisions. In Ch.7, Michael Dougan explores how the ECJ has used the Treaty provisions on citizenship, equal treatment, and free movement rights, as well as secondary legislation to fasten its grip on welfare law—despite the fact that it remains largely outside of the European Union’s regulatory power. He discusses the scope of the European co-ordination regime and demonstrates how Community law (strengthened by a common European identity) has become increasingly capable of deconstructing the Member States’ thresholds for membership of its national welfare community.

The following chapters focus more strongly on the economic aspects of European Union law. Alina Tryfonidou (Ch.9) analyses how the ECJ’s approach to purely internal situations has failed to reflect economic realities and resulted in reverse discrimination. She proposes a resolution of the reverse discrimination problem through a careful application of the Treaty either by the ECJ (Art.14(2) EC in conjunction with Art.3(1)(g) EC and Art.10 EC) or by the Community legislature (based on Art.95 EC). Okeoghene Odudu then explores the limits imposed by the concept of “economic activity”, both as a limit of the application of the internal market rules and of competition law. He works out the subtle differences of “remuneration” as a necessary requirement for the application of the internal market rules and “potential to make profit” as a legal requirement for the application of European competition law and then explains these differences in relation to the function of free movement rules (conferring rights on the individual) and competition law rules (imposing obligations). In Ch.11, Eleanor Spaventa argues that the *Keck* ruling has less significance than commonly thought for limiting the application of Art.28 EC. She further explores the doctrine of “effect too uncertain and indirect” in the context of Art.28 EC and contrasts her findings with the use of this doctrine in relation to the free movement of persons, where it has a more limited significance. The cursory analysis paints the chaotic picture of the limits of Art.28 EC and of free movement of persons. Focusing on the four freedoms more broadly in Ch.12, Catherine Barnard analyses limits imposed by the express derogations found in the Treaty and the justifications created by the ECJ, as well as the limits imposed on the use of derogations and justifications by considerations of proportionality, fundamental rights, effective judicial protection, and legal certainty. She then connects the interpretation of these respective limits with the division of responsibility between the ECJ and comes to the conclusion that even though Member States’ courts are also meant to be European courts, it is still for the ECJ to defend the European interest.

Chapters 6 and 13 deal with two policy areas that are generally viewed to fall within the very essence of state sovereignty: policing and national defence industries. Both are found to be moving within the scope of EU law. In Ch.6, Konrad Lachmayer traces the European Union’s increasing role as co-ordinator of policing activities of the Member States. He concludes that the European Union will continue to co-ordinate co-operation between national authorities, rather than initiate EU-led investigation and enforcement, largely due to the European Union’s lack of institutional competence in this area. Panos Koutrakos in Ch.13 explains the changing interpretation of Art.296 EC and outlines the constitutional, institutional, and political implications this has in relation to increasing importance of EC law for national defence industries.

The last three chapters deal with remedies. First, Angela Ward in Ch.14 compares the standard of judicial protection that EU law requires from national acts or from acts of the European institutions. She argues that national courts clog the preliminary ruling mechanism with unnecessary referrals concerning national remedies and procedural rules and distract by doing so the ECJ from its “important constitutional work”. Her proposed solution is to rely more strongly on Arts 6 and 13 ECHR for guidance. The following two chapters then turn more specifically to the relationship between Community law and national (procedural) autonomy in the area of competition law. Assimakis Komninou explores antitrust enforcement and explains it in the light of the relationship between Community and national law. He traces the limits imposed by the ECJ on national procedural and institutional autonomy. Based on a case law analysis he develops the conditions of the Community right to damages in the area of competition law. Renato Nazzini examines the limits of private law remedies for breach of Arts 81 and 82 EC. He discusses the doctrine of procedural autonomy and the principles of full effectiveness of EC law, effective judicial protection, and equivalence as the parameters for determining the scope of national remedies in the area of competition law. His strongest criticism is that not enough attention is given to legal basis of the EC law rights as a determining factor of the scope of the remedy.

The authors inject colour but also clarity into the debate on limits of EU law in a wide range of policy areas and from different angles. In particular, the principled discussion on why legal limits are necessary and the detailed analysis of the European influence on welfare policy, as well as the comparison of the concept of “economic activity” in competition law and internal market rules, offer original perspectives on the limits of European Union law. Nonetheless, the order of chapters and the choice of policy areas are not immediately intuitive. The three chapters on the limits of citizenship (Chs 5, 7 and 8) are interrupted by Ch.6 dealing with specific subject matter of police co-operation. They are followed by four chapters on the limits of the four freedoms and a chapter on the even more specific question of the application of Art.296 EC to defence industries. More significantly, some of the chapters, even though they are an interesting read by themselves are not (and cannot easily be) linked to the theme of the edited collection. They do not address the limits of EU law but describe (and analyse) the development of particular policy areas. Further, certain areas in which the European Union’s competence creep is subject of heated debate are missing. For instance, the book would have benefitted from a discussion of the limits of EU criminal law more generally—beyond European police co-operation. If an overall conclusion can be drawn from the diverse and differentiated contributions it would be that EU law does not grow boundlessly, but that it evolves within limits—may they be complex and imperfect.

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THE EUROPEAN COUNCIL by *Jan Werts* [London: John Harper, 2008. xix + 271 pp. inc. index. Soft cover. ISBN 978-0-9556202-1-8. Price £20; €27]

Every meeting of the European Council attracts considerable attention from the media, but researchers usually take less notice. The publication of this book is a good thing, since the European Council determines the general political directions of the Union. Jan Werts has followed EU developments since the 1970s on a daily basis as a European affairs media correspondent. As a reporter he covered the majority of the meetings and press conferences held by the European Council. This gave him the opportunity to develop a view of the European Council, based on the existing literature and on interviews with participants in the European Council and officials from EU institutions. His book is a revised version of his Ph.D. thesis, published in 1992.

Werts describes the unstoppable march of the European Council to become the Union's supreme political organ. On the one hand, Werts defends the European Council as a necessity; on the other, he asserts that the European Council undermines the power balance in the European Union, damaging the quality of interplay in the so-called "institutional triangle" of the Commission, the Parliament and the Council of Ministers. The book would have been strengthened if this dilemma had been foregrounded as the central problem and placed in a broader theoretical context. It is significant that Werts' introduction is very short. After the introduction there are five chapters: "Origins"; "Functioning"; "Successes and Failures"; "Role of the European Council in a Union of 27+ States"; and "Recommendations". A good place for the addition of a chapter with theoretical explorations and debate concerning the main dilemma would have been after Ch.3, which was fascinating.

The European Council has a broad range of tasks, functions and roles. Werts pays attention to the meetings of the Council of Ministers in the composition of the heads of state or government—the HSG Council—as part of the framework of the European Council (Arts 49, 6(1) and 7 TEU, Art.309(4) EC). In this section of the book Werts is very critical of the "rash decision" the heads of state or government took in 2000 to downgrade "to the lowest possible level" the ministerial relations between the Member States and Austria, after the electoral success of the far-right Freedom Party (FPÖ) headed by Jörg Haider (1950–2008). Haider had referred to the concentration camps as "punishment camps of National Socialism". He also stated that:

"The Waffen SS was a part of the Wehrmacht and hence it deserves all the honours and respect of the army in public life."

According to Werts there was no evidence at all of abuse of human rights or democratic rights. The decision by the European Council had no legal basis and was taken without discussion with Vienna. Chirac, Jospin and Verhofstadt initially refused to appear in the "family portrait" if the Austrian Chancellor Schüssel was included. According to Werts, the sanctions had no effect and none of the large Member States would have been treated the way Austria was. It's true, there were no sanctions against Italy because of the Northern League and Berlusconi. Still, I do think that the European Council sanctions against Austria sent an important political signal. In my opinion the European Council was correct in strongly weighing the specific context around the figure of Haider.

Because the legal structure of the European Union is determined by its historical context, Werts describes the political and institutional developments which led to the creation of the European Council of Heads of State or Government in 1974. He roots the emergence of the European Council in French ideas for an intergovernmental Political Union (of states), the Europe of the nation states, first advanced in 1953. The independence of France within the Community had to be assured. According to French President De Gaulle, the most important initiator of periodic summit meetings, the High Authority or the European Commission “have their technical value but do not, and cannot, exert authority or effective political influence”. The growing threat of the Soviet Union, which culminated in the Berlin crisis of 1961, helped persuade the Dutch Government to participate in the second summit, although the Dutch government was afraid of French-German hegemony. In the 1970s even the Commission, the “Brussels bureaucracy”, recognised that the supranational institutions were failing in important areas. The political element, a supreme political organ, was missing. The European Council was necessary for the creation of package deals, for political agreements concerning its enlargement (with former dictatorial regimes) and for the strengthening of the institutional framework. Most heads of government are elected politicians, some are directly elected.

The European Council and the strengthening of intergovernmental collaboration in the Community system gave Giscard d’Estaing and the French Government an opportunity to play a co-ordinating role within the Community and on the Western stage. In spite of the weaknesses of the Presidency, which rotates every six months, and the increased number of Member States, the meetings of the European Council have become an essential part of the process of decision-making in the Union. The European Council is now seen as the mediator in the institutional framework. It is fascinating to read about the role Giscard d’Estaing played in the birth of the European Council—“the Summits are dead, long live the European Council!” he said—and his later effort to achieve a lightweight secretariat, advanced during his tenure as President of the European Convention 30 years later in the Treaty establishing a Constitution for Europe (which was replaced by the Treaty of Lisbon). These efforts also made the European Council an official institution above the European Commission.

Werts proves that the Commission is in fact clearly subservient to the Council, a relationship that was different only during the period 1985–1995, when Jacques Delors was the President of the Commission. Such was his power that he could take the liberty of commenting on the behaviour of the various heads of government at European Council meetings. He did so in no uncertain terms, even going so far as to categorise them as “good guys” and “bad guys”. Werts states that since 1995, with the appointments of Santer and Prodi, both of whom are “low profile” and not really relevant in the meetings of the European Council, the influence of the Commission President has clearly waned. The President of the Commission lacks the authority and the leadership that heads of government command. The plan for the installation of a permanent President of the European Council, someone who will represent the Union in talks with the American or Russian or Chinese presidents, is a result of strong pressure from the governments of the Union’s six largest Member States. Because of the pressure from these Member States, it is doubtful whether Werts is right when he states that the upgrading of the European Council is primarily the result of French dominance. One should not forget the possibility that the post of President of the European Council may later be amalgamated with the

post of President of the Commission. His book would have been stronger if Werts had taken more seriously the views of the European Council held by France, Germany, Italy, Spain, Poland and the United Kingdom.

John W. Sap*

THE EUROPEAN UNION AND ITS NEIGHBOURS. A LEGAL APPRAISAL OF THE EU'S POLICIES OF STABILISATION, PARTNERSHIP AND INTEGRATION edited by *Steven Blockmans and Adam Łazowski* [The Hague: T.M.C. Asser Press, 2006. Xxxii + 653pp. inc. index. Hard cover. ISBN 90-6704-201-3. Price £93.00]

The anthology edited by Blockmans and Łazowski explores the European Union's external relations with its geographical neighbours, whose number and diversity has dramatically increased since the Union's 2004 enlargement. Unlike other publications in the field, the anthology offers a holistic approach by: (a) exploring in a systematic way the legal relations of *all* the European Union's neighbours rather than by a region or a group of countries; and (b) by taking a bottom-up cross-pillar approach rather than looking at specific policy aspects. The book reflects the extensive, long-standing expertise of the editors and contributors as well as of the Asser Institute in conducting training programmes and advising governments in the European Union's candidate and neighbouring countries. It represents a logical continuation to the Asser Institute's series of enlargement-related handbooks, of which Ott and Inglis' *Handbook on European Enlargement* (2002) in particular has become a classic point of reference in the field.

By way of structure, the anthology is divided into two broader parts. Part One, entitled "General aspects", opens with an introductory chapter by the editors, entitled "The European Union and Its Neighbours: Questioning Identity and Relationships". It opens by tracing the historical, intellectual, geographic and linguistic development of the fluid European idea, reminding the reader that the discovery of Europe is a recent phenomenon going back to the post-World War II period. This background informs the editors' discussion on where Europe's borders could be drawn in view of the European Union's future enlargements, a theme which runs through several chapters of the book. Additionally the editors explore the reasons why the European Union takes interest in shaping the policies of its neighbouring countries. Central to this is the notion of a "ring of friends", which in the EU vernacular has come to signify the quest to ensure a circle of well-governed countries on the Union's borders (p.7). Their problems, such as internal conflicts or organised crime, inevitably pose problems for the European Union, whether by influx of refugees, importation of organised crime or the fall-out from environmental disasters. Hence the need for the European Union to prevent conflicts, spread good governance and the rule of law, and support social and political reform.

The introductory chapter is followed by a chapter by Ott and Wessel who explore the legal and institutional framework of the European Union's external relations and the complex division of powers between the Union and its Member States in this area. This

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is followed by Inglis' chapter exploring the membership conditionality and its evolution in view of future enlargements.

The second part of the anthology is entitled "Country and Regional Analysis". It begins with chapters on the EEA countries and Switzerland (both by Łazowski), and the so-called micro-states (Andorra, Monaco, San Marino and the Vatican City) (by Murray). This is followed by chapters on Bulgaria and Romania (by Łazowski and Yosifova and by Jozon respectively); these two countries held the status of candidates at the time of publication but have since joined the European Union. Lenski's chapter on Turkey includes coverage of the Northern Cyprus. The focus then turns to the Western Balkans (regional analysis by Blockmans), with a separate chapter on Croatia (by Rodin). The Mediterranean countries are explored in one group (including Morocco, Algeria, Tunisia, Libya, Egypt, Jordan, Syria, Lebanon) by Pieters. This is followed by a chapter on Israel and the Palestinian Authority (by Douma) and a chapter on the Russian Federation including Kaliningrad (by Hillion). The chapters on Ukraine and Belarus were written by Piontek, an eminent Polish legal scholar who has since sadly passed away. The final chapters explore Moldova (by Skvortova) and the Southern Caucasus (Armenia, Azerbaijan and Georgia) (by Łabędzka). Part II ends with a concluding chapter by the editors, entitled "Squaring the Ring of Friends". At the end of the book, short biographies of the contributors have been provided.

While covering such a diverse range of countries and regions, the editors have successfully ensured that each chapter is composed according to a common overarching scheme. The chapters start with a table listing the relevant legal instruments governing the European Union's relations with the country or region, followed by a brief historical account of the European Union's relations with its neighbour(s). This is followed by an analysis of the structure and contents of the main legal instruments which define those relations, leading to a more in-depth analysis of specific legal, political, economic and/or social issues that define the nature of those relations. Each chapter ends with concluding remarks on the impact of enlargement on those relations and their potential evolution in the future.

The conclusions in Ch.19 inevitably centre around the sheer diversity of the European Union's relations with its heterogeneous neighbourhood, noting that "squaring the ring of friends is a very complex and sophisticated exercise" (p.638). Not only are the various neighbouring countries such as Switzerland, the Holy See, Georgia, Morocco and Iceland "miles apart" from each other geographically, politically, economically and culturally and in terms of accession prospects (p.616), but the European Union itself has also struggled at times to formulate coherent external policy due to the diversity of its Member States and their interests (p.638). To this end, the divergence of views of the new and old Member States towards Russia is a telling case in point. The notorious German-Russian deal on building a gas pipeline under the Baltic Sea left the Baltic states and Poland particularly aghast (at p.631). Here the editors note that,

"the 'old' Member States need to take a broader look and acknowledge the presence of the 'new' Member States and their vital political and economic interests" (p.638; see also Hillion's chapter, p.497).

The matrix of external relations is further complicated by the European Union's varying degrees of competences in different areas of external relations (see Ott and Wessel's chapter, pp.22–30). Overall, because of the diversity, "there is no common template for the European Union's engagement with all of its neighbours"; there are "a multiplicity of models and instruments" with varying levels of intensity ("Conclusions", pp.615–616).

The editors none the less identify a number of broader trends and common denominators on the basis of the country and regional reports. They classify the legal relations with neighbours into four broad categories: stabilisation, partnership, association and integration (p.615). Despite the level of intensity of co-operation, most treaties contain a number of similar elements (pp.618–621). These include a selection of trade-oriented provisions, a degree of liberalisation in freedom of establishment and services, although the free movement of workers remains an exception, with the majority of the treaties not going beyond the non-discrimination of legally resident partner country nationals in the workplace. Typically there are also provisions on financial assistance and clauses on approximation of legislation. In terms of multilateralism and bilateralism, only the approach towards the EEA represents a multilateral treaty approach, other agreements are bilateral between the European Union and the individual neighbouring country although most bilateral agreements represent a regional approach where the terms in the individual treaties have marginal differences (pp.616–617). Exceptions to this are Turkey, Russia, Switzerland and the micro-states which have required special, tailor-made arrangements (p.618). As regards Switzerland, Łazowski's chapter describes the European Union's relations with this country as "enhanced bilateralism" ("Conclusions", p.629). The editors pose the question whether this model could be used for other countries such as Russia, but do not see this as a desirable option as,

"different sets of agreements with specific neighbouring countries may create an incomprehensible and messy matrix of international treaties covering various aspects of EU law" ("Conclusions", pp.629–630).

The conclusions by the editors include a remark on the close interplay between law and politics in the field of external relations. The contributions shows that,

"the external relations are one of those areas of EU law where law and politics not only meet but in fact are bound by an unbreakable chain. Legal developments are usually based on complex and sophisticated compromises balancing the varying interests of the Member States and the interests of the European Union" (p.615).

By way of an example of the role of "*real politik*", reflecting the different interests of the Member States, the editors highlight the use of different standards in the way the human rights conditionality was applied *vis-à-vis* Russia, where the atrocities committed in Chechnya or the threats to cut gas supply to the European Union did not stop the latter from offering the Russian Federation a free trade agreement and relations based on a partnership, while on the other hand breaches of fundamental rights led to the freezing of relations with Belarus (p.617). Additionally, Piontek's chapter on Ukraine highlights the political element by questioning the absence of accession prospects for Ukraine. He notes that while both Ukraine and the Western Balkans belong to Europe geographically, Ukraine has not experienced the types of conflicts that saddled the Western Balkans in

the 1990s, and in many other domains Ukraine's record could also be regarded as more encouraging (p.527).

One theme that underpins the different chapters is the finding that the European Union's enlargement and the prospect of eventual accession represent the European Union's greatest achievements in external policy (e.g. "Conclusions", p.613; Ott and Wessel, p.47). Consequently most chapters devote at least some space on the content and the role of the pre-accession conditionality (see, e.g. Ott and Wessel, pp.48–40; Inglis, pp.61 et seq.; Rodin, pp.374 et seq.). Following this success, a considerable part of the pre-accession conditionality has been extended to the neighbouring countries, both those on path to integration as well as those whose membership is excluded for geographical or political reasons. While the conditionality has undoubtedly played a major role in democratic, political and economic advances both in the new Member States as well as in the neighbouring countries, perhaps for a fuller analysis the reader could be directed to Kochenov's *EU Enlargement and the failure of conditionality. Pre-accession conditionality in the fields of democracy and the rule of law* (Kluwer, 2008) which the present writer reviewed in the previous issue of this law review. (See also Albi, "The EU's 'external governance' and legislative approximation by neighbours: Challenges for the classic constitutional templates" (2009) 14 *European Foreign Affairs Review* 209.) Unlike the orthodox approach, Kochenov embarks on a critical examination of the conditionality, revealing a striking lack of clarity and benchmarks, the absence of uniform European standards, and consequent political nature of the application of the conditionality.

Overall the anthology edited by Blockmans and Łazowski is a very useful handbook which has already become an authoritative source for this complex area of law for scholars, postgraduate students as well as officials in the European Union and its neighbouring countries. The editorial process has been meticulous in ensuring a high quality publication, where the large number of contributions, covering a multiplicity of countries and policy aspects, neatly fit together into a coherent whole. Perhaps in view of recent developments such as the European Union's new Eastern Partnership adopted under the Czech Presidency in 2009 as well as the accession of Romania and Bulgaria in 2007, the publication of a revised version in due course would be beneficial.

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CITIZENSHIP OF THE UNION AND FREEDOM OF MOVEMENT OF PERSONS by
Massimo Condinanzi, Alessandra Lang and Bruno Nascimbene [Leiden and Boston:
Martinus Nijhoff, 2008. xii + 265pp. inc. index. Hard cover. ISBN 978-90-04-
16300-3. Price €95.00]

Since 1993 and the coming into force of the Maastricht Treaty, the free movement of persons within the European Union is not the (relatively) simple matter that used to be. The introduction of the citizenship provisions into the EC Treaty had as a result that Community rights that were traditionally granted only to economic actors, broke free from their economic mooring and were extended to persons (Union citizens) that

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were not participating in any way to the economic aims of the Community. This new reality, coupled with the (formal) completion of the internal market and the abolition of internal border controls, meant that the Community was faced with a host of new challenges. Against this backdrop, the development of the law on the free movement of persons within (and into) the European Union is an area ripe for research and makes a particularly intriguing subject for a detailed study.

This new book is part of the series "Immigration and asylum law and policy in Europe" published by Martinus Nijhoff. According to the authors, the book,

"sets out to analyse in detail the various provisions of Community law which confer upon individuals the right to move about, reside and work in the Member States. It also examines the procedural safeguards which set those fundamental rights apart from any deriving from other international bodies or organisations and point up the originality of the Community system" (p.x).

The authors seek to achieve their aim through a combination of skilled analysis of the rules themselves (i.e. primary and secondary EC legislation) and reference to the case law of the Court of Justice and literature. As regards the latter, primary consideration is given to articles and studies published by Italian authors the intention being "to make the Italian doctrine available and accessible to a greater international audience" (p.xi).

This work is comprised of five main chapters, plus an Introduction and an Addendum which summarises the main effects that the ratification of the Treaty of Lisbon will have in this area, if and once it is ratified.

Chapter I sets out to analyse the status of Union citizenship. The chapter begins with a brief presentation of the historical origins of the status and a description of the "location of the provisions on citizenship" in the Treaty. A relatively large part of the analysis (pp.4–12) is devoted to an explanation of how Union citizenship is acquired or lost. The subsequent part of the chapter includes a detailed description of each of the rights granted to all Union citizens through Arts 17–21 EC. One of the advantages of this book is that it provides an extensive analysis of the political rights granted to Union citizens by Art.19 EC, as well as of the rights under Arts 20 and 21 EC, these being provisions which are traditionally given scant attention in other books where Arts 17 and (especially) 18 EC take the lion's share of the analysis.

In each of the subsequent chapters which deal with the economic fundamental freedoms, the authors follow a similar structure. Hence, Chs II, III and IV analysing, respectively, the free movement of workers, the freedom of establishment and the free movement of services, begin with a brief, but very interesting, reference to the historical development of the relevant freedom. They then proceed to deal with some preliminary matters such as the territorial and personal scope of the Community rules on the relevant freedom and the issue of purely internal situations and the need for a cross-border element. The main part of each of the chapters provides an analysis of the substantive rules (and exceptions) governing the relevant freedom, as developed through primary and secondary Community legislation as well as the Court's jurisprudence.

The final of the main chapters (Ch.V) has the Community's immigration policy as its theme. In the Introduction to the book, the authors explicitly state their view that, if there

is truly to be an area of freedom, security and justice, “there must be unified, not merely coordinated action” in the area of immigration (p.x). They consider that there is an,

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“increasing trend towards a kind of integration which focuses less on formal data such as nationality and more on factors such as residence, employment and social integration” (p.x).•

This, it would seem, would necessitate a response on the part of the Community towards the situation of persons who can satisfy those connecting factors with the territory of the Community, even though they are not Member State nationals. The main argument of the authors is that the “communitarisation” of immigration policy following the Treaty of Amsterdam has been of particular importance, given that a common approach to immigration is a prerequisite to fully achieving the free movement of citizens of the Union. It should be noted, however, that as the authors concede, this communitarised immigration policy has not yet been fully developed (pp.213–214). Chapter V, therefore, aims at putting together all the bits and pieces of the Community’s policy in this area, as developed to date.

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The book is clearly written throughout and provides an accurate and comprehensive account of the law in the area. One minor criticism, however, is that although the overview of the law is thorough and well researched, the book remains somewhat descriptive at times. It could, for example, benefit from a more critical analysis of case law where the Court appears to have adopted an overly broad approach to the delimitation of the scope of the free movement of persons provisions (e.g. *Carpenter*, *Angonese*, *Ritter-Coulais*•). Similarly, the analysis would be more complete if there was a discussion of jurisprudence through which the Court sought to place some outer limits to the scope of the market freedoms (e.g. *Graf* •and the cases where the Court considered and rejected the suggestion that *Keck* should be transplanted into the context of the persons freedoms). In addition, a more thorough analysis of (landmark) case law could have been advantageous, especially in Ch.I since in the context of Union citizenship a large number of cases have been mushrooming in the last decade and it would have been beneficial to place them into context.

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Moreover, what could be seen as lacking is a comparison of the position of economically active Union citizens (who fall within the scope of the market freedoms) and economically inactive Union citizens (whose situations is governed by the citizenship provisions). Do these categories of persons still enjoy different rights? Has the Court through its case law brought them to the same level, as regards EC rights-entitlement? If yes, does it make any sense to maintain different provisions governing their situation? All these are pertinent questions which, often, emerge in academic writings and to which it would have appeared useful to devote some part of the analysis (perhaps even a whole extra chapter). There are, also, some further omissions. For instance, there is no discussion of who is bound by each of the fundamental freedoms: are the freedoms only vertically and semi-horizontally directly effective, or do they also apply in horizontal situations? In addition, there is very little—and somewhat abstract—analysis of the recent Services Directive (Directive 2006/123•) in both the services and establishment chapters (pp.190–192 and p.107).

Overall, this is a very well-written book which contains a comprehensive, well-researched and accurate description of the law on the free movement of persons in the European Union. Therefore, it will be of considerable interest to academics, policy makers, law practitioners, officials of the institutions and students of EU law.

Alina Tryfonidou*

RESPECTING LINGUISTIC DIVERSITY IN THE EUROPEAN UNION edited by
Xabier Arzoz [Amsterdam and Philadelphia: John Benjamins Publishing Co, 2008.
viii + 269pp. inc. index. Hard cover. ISBN 978-90-272-2833-8. Price €105.00]

This book comes as the second volume of a series called, “Studies in World Language Problems” edited by Humphrey Tonkin. To start with the crucial message: this is an appealing book and whoever is interested in the field at stake is well advised to purchase and read it. It brings together pieces by well known and widely recognised experts. Admittedly, the issue of language policy at the level of the European Union has become a densely researched topic and in fact not everything the book offers is equally revealing. Moreover—but also this seems to correspond to academic practice in edited volumes—some contributions confront the reader with a déjà-vu experience, recalling memories of earlier published pieces of some of the authors. All this can however not do away with the positive impression the reader is left with when closing the book after having read its nine chapters.

The book is divided in two parts. Part 1 is built of four chapters and treats “Factual and theoretical approaches” to what builds EU-ropes’ linguistic diversity. Stimulating is Philippe Van Parijs Ch.1 on “Linguistic diversity as a curse and as a by-product”. Van Parijs advocates reading linguistic diversity in the context of the discussion on biodiversity. In fact he comes up with interesting elements for fine-tuning the notion of language diversity. For instance he underlines that diversity is not only a question of richness (how many types of languages), but also of evenness (how equally are languages spread between various types) and distance (how similar are the different types). Informative factual information provide in this regard Paxti Juaristi, Timothy Reagan and Humphrey who outline in the Ch.2 on “Language diversity in the European Union” what the language diversity of Europe looks like. In spite of having 7 per cent of the world’s total population, the European Union includes only 1 per cent of the world’s linguistic diversity. The authors identify three groups of languages on the EU territory. A group of 12 languages is each spoken by more than 10 million speakers. Another group of 15 languages is each spoken by less than 10 but more than 1 million speakers (including for instance Galician, Occitan or Romani). Finally there is a group of 39 languages which are spoken by less than one million speakers (Irish, Maltese and Luxembourgian being special in this group since they are official in their respective member states—nine other languages like Ukrainian or Croatian are official in non-EU states). Ten languages of this third group have around 10,000 or fewer speakers and can therefore be considered endangered. This distribution of language use leads to a situation

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where 85 per cent of the EU citizens speak under 20 per cent of all languages spoken on the EU territory.

Having studied this factual dimension, the book moves on to the role of languages as foreseen within the official EU institutional asset. In Ch.3 on “Principles of policy evaluation and their application” Francois Grin discusses nine possible language regimes for the European Union and concludes that the current “panarchic” system—23 languages being official and applying 506 “directions” of translation and interpretation—is less problematic in terms of costs but rather in terms of feasibility and convenience. The argument of linguistic justice brings him to give serious consideration to often neglected alternatives, including those in which Esperanto plays a part. Also the conclusions drawn by Peter A. Kraus in Ch.4 on “A one-dimensional diversity?” contain some concrete elements: English, French and German should be granted an official status as working languages on the basis of their role as “major trans-European vehicular languages” and the fact that they are official in more than one Member State.

Part 2 of the book is no longer dedicated to language diversity as such but rather to the question how the “The protection of linguistic diversity in EU law” should and could look like. In Ch.5 on “Union citizenship and language rights” Peter Hilpold recalls the evolution of EU-citizenship and explains—by making reference mainly to the cases Bickel/Franz and Kik—how citizenship interrelates with language rights, especially minority language rights. What follows is the chapter on “EC law and minority language policy” written by Niamh Nic Shuibhne where she gives a well-done and highly informative overall view on the European Union’s performance in this area. In Ch.7 on “The protection of linguistic diversity through Article 22 of the Charter of Fundamental Rights” Xabier Arzoz delivers one of the highlights of this book. On nearly 30 pages he traces the genesis of this provision, its sources, its scope and potential. He argues, consequently and quite convincingly, that many commentators have all too quickly declared Art.22 of the Charter as being too vague a provision as to be regarded a proper minority protection clause. However, in his very conclusion also Xabier Arzoz admits that, legally speaking, Art.22 does not change the substance of current EU law in the area of minority rights. What follows is a chapter on “The protection of linguistic diversity through provisions of the EU Charter other than Article 22” written by Bruno de Witte. He presents the right to good linguistic administration (Art.41(4) of the Charter), explains the prohibition of discrimination on grounds of language (Art.21 of the Charter) at various backgrounds such as employment or language funding and makes reference to the implied linguistic dimensions of other fundamental rights. The last chapter of the book is on “Languages that are official in part of the territory of the Member States”. The author Antoni Milian-Massana offers the (to my knowledge) first detailed and profound analysis of Art.IV-448(2) of the Treaty establishing a Constitution for Europe and the Council Conclusion on the official use of additional languages within the Council and possibly other institutions and bodies of the European Union [2005] OJ C148/1—a fact which makes Milian-Massana’s Ch.9 a self-standing argument for buying this book!

In order to conclude I finally come to a sort of criticism. What one misses is a chapter on the issue of market integration and the question whether and how the latter effects on language use and language regulation within the European Union—a topic which seems central to a volume on European unity and linguistic diversity. Most obvious issues

like the free movement of persons (see, e.g. Toggenburg, “The EU’s linguistic diversity: fuel or brake to the mobility of workers” in Andrew P. Morriss and Samuel Estreicher (eds), *Cross-Border Human Ressources, Labor and Employment Issues: Proceedings of the New York University 45th Annual Conference on Labor* (Kluwer International, 2004), pp.675–721) but also more technical niche-areas like intellectual property rights (see, e.g. Toggenburg, “*Marke, Markt und Sprache: zur markenrechtlichen Stellung fremdsprachlicher Begriffe im vielsprachigen Binnenmarkt*” (2006) 4 *European Law Reporter* 163) could have formed the object of one (or more) additional chapter(s) making the book more complete. Talking of completeness I immediately take the opportunity to turn again into the laudatio-mode and underline that the book is equipped with an appendix containing on nearly 30 pages “Selected provisions on language issues from EU law”. Besides the usual suspects the reader finds here—in the context of the abovementioned Council Conclusions of June 13, 2005—the Administrative Arrangement between the Kingdom of Spain and the Council of the European Union and the Administrative Agreement between the European Commission and the Kingdom of Spain; another reason why readers will profit from this new and welcome book.

G. von Toggenburg*

A EUROPEAN PERSPECTIVE FOR THE WESTERN BALKANS edited by *Hubert Isak* [Vienna: Neuer Wissenschaftlicher Verlag, 2008. 341pp. Soft cover. ISBN 978-3-7083-0306-2. Price €38.80]

Literature on the enlargement has become richer by another title with a compilation of papers resulting from the conference held at the University in Graz, Austria in spring 2007. Edited by Hubert Isak, the chair of the European Law Institute in Graz, this book presents a broad collection of topics dealing with the past, present and future of the region, and related to the region’s most desired goal: membership of the European Union.

The failure of constitutional referendums in France and the Netherlands back in 2005 did not only lead to a reflection over the future of the Union in its Member States, but it also signalled to the countries of the Western Balkans that their aspirations to a future in the Union might not be as conceivable as the few documents which the European Union has published on the region’s EU perspective suggest. The EU-Western Balkans Thessaloniki Summit of June 18, 2003 is often referred to as “a milestone in the European Union’s relations with the Western Balkans” since it confirmed that the future of the region lies in the European Union. It does not come as a surprise that the project resulting in the present book took place during the Austrian EU presidency in 2007, which again gathered and reaffirmed full support for the agenda set out in Thessaloniki in the so-called Salzburg Declaration. Nevertheless, since the Union is obviously still cautious about assuming any new commitments regarding its future enlargement, this book attempts to analyse the status quo of this process. Such a focus makes the book interesting to the wider (academic) audience at this very moment because of an obvious and lasting stalemate in the Western Balkans EU accession. With barely developing regional economies; Croatian

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negotiations being in a deadlock over the border dispute with Slovenia; Macedonia having a dispute over its name with the neighbouring Greece that already blocked NATO membership; Serbia's progress towards accession constantly being threatened by non-co-operation with the Hague Tribunal; Bosnia and Herzegovina not being able to assure functioning of excessive administration and unable to find a political compromise over the organization of the country; it does not come as a surprise that the EU institutions are reluctant to offer a more tangible European perspective to the countries of the Western Balkans. On the other hand, without a clear commitment on the side of the European Union it is not surprising that the population of those countries is becoming less and less in favour of Europeanisation and re-embracing nationalist political options.

The book attempts to offer an interdisciplinary approach of historians, political scientists, experts on conflict prevention and peace building, economy and law. However, as on numerous other occasions when books result from an interdisciplinary conference, academic outputs dramatically vary. It contains profound studies authored by the most prominent names on Balkan history, economy and constitutional law along with informative statements prepared by employees of the Austrian Ministry of Foreign Affairs.

It initiates with the introductory article by Hubert Isak, who examines to which extent European integration serves as a reconciliation and development project for the Western Balkans. In his article he brings an overview of the articles that follow in the book, summarising the main findings of the conference. He appraises EU "conditionality" as a method that,

"made European inclusion attractive to local leadership because it offered the opportunity of linking a fragile institutional body, and weak statehood, to a stable and convincing wider project" (p.12).

In order not to put at risk ongoing reform processes in the Balkans, Isak argues that "the EU needs much more 'audacity' than in the early 90's, and 'a fierce visionary spirit'" (p.13). The two following chapters, the most valuable contributions in the book, deal (mostly) with the roots and historical context of current problems in the Western Balkans. Whereas Francesco Privitera in his article deals with post-communist transition processes following the end of the Cold War in Southeastern Europe, Stefano Bianchini finds correlation between the weakness of EU conditionality and the revival of nationalism in Serbia, Croatia and Bosnia and Herzegovina. Privitera, in a narrative, historical style, puts the collapse of the Yugoslav federation into a European context after the Cold War. He argues that this broader context consists of post-communist transition and the growth of European integration (p.36). The EU Eastern enlargement "saved Eastern Europe from turning its democracies into 'impossible' ones" (p.36) but the same logic could not be applied to the war-torn Balkan states. Privitera concludes that a viable solution for the Balkans can hardly be achieved in a short time unless European political elites start to think above the nation-state (p.37). Bianchini claims that two opposed priorities have determined the geopolitical arrangements of post-Yugoslav space: separation and integration (p.41) He argues that those two historically grounded mainstreams—namely, the nationalist-separatist option and the democratic-integrationist option—"continued to operate in the Yugoslav fragments, contrasting each other even when the military confrontation was over" (p.42). The European Union thus by offering prospects of the full membership to the Yugoslav successor states and Albania in 2003

put forward a third, European, option allowing the tendency of integration to prevail and to marginalise the nationalist-separatists. Bianchini underlines that the EU institutional crisis that initiated in 2005 has serious implications in the Western Balkans,

“where the loss of attraction of the European integration goal has encouraged the nationalist mainstream to perform again in a visible and an aggressive way” (p.48).

Re-emergence of ethnic mobilisation (of a smaller scale) has been a consequence of the European Union’s insecurity over its own future. Bianchini rightly points out that absorption capacity can not be an excuse for not embracing a territory that “corresponds in size to half of Poland” (p.47).

The following section of the book contains papers dealing with reconciliation in the post-conflict societies. Corinna Noack-Aetopoulos presents the efforts of the Southeast European Joint History Project, an initiative towards reconciliation through education that is implemented by the Center for Democracy and Reconciliation in Southeast Europe. Luc Reyckler reports on the newest developments and trends in violence prevention and peace building studies. In one of the most comprehensive articles in the book (pp.67–106) he enumerates various political, conceptual and managerial impediments to accelerated learning of monitoring and evaluation of conflict prevention. This paper is however the least thematically linked to the title of the book, as it hardly at all tackles the topic set by the editor. Tvrtko Jakovina presents an unsuccessful Croatian example of how to (rightly) cope with (recent) history. Giving an example of a modern history textbook that attempted to objectively portray the “Homeland War” in Croatia (1991–1995), and was attacked by a majority of media and historians as non-patriotic. This reconfirms the earlier statement of Bianchini that the nationalist political discourse has not yet been eradicated and that Croatian “history after the beginning of WW II [remains] domain of political parties, relatives, grandparents, journalists as well as historians” (p.107). The language editor should have consulted the author regarding wording in the local language in this chapter, since numerous incorrectly printed names and words in Croatian make the reading wearisome. In the subsequent paper Aleksandar Resanović gives the experience of Serbia and Montenegro on how to cope with history. Unlike Jakovina, who tells us about history as an educational tool, Resanović examines numerous (again failed) legislative and institutional attempts to set up lustration and truth commissions and properly process war crimes. This paper, in the broader sense dealing with transitional justice, concludes that at the moment of writing there was not a political option in Serbia that offered an acceptable (and workable) reconciliation model (p.129).

The subsequent group of papers deals with economic situation in the region, and particularly with employment policy. Vladimir Gligorov writes about Southeast Europe as an emerging region in the transition on the way to European Union. Looking at economic indicators he concludes that the economic situation in the region does continue to improve in spite of the fact that “the firm commitment on the part of the European Union, however, has failed to materialize” (p.131). Gligorov rightly argues that Southeast Europe could become an important economic region if the regional economies continue to improve and intra-regional trade and investment start moving freely (p.133). Will Bartlett analyses the role of the various groupings of international actors which are increasingly influential in the formation of labour market policies in the Western Balkans: the World Bank, the IMF, the European Commission, and the Stability Pact and the Bucharest

Process (pp.172–178). He concludes that regional co-operation in the field of employment policy has been less successful than in the field of trade policy (p.181) but he also sees good outcomes in this. Namely, this may have prevented aggressive deregulation of employment policies and encouraged governments to adopt more inclusive policies. The recession reality of 2009 puts those conclusions in a different perspective, and makes the desire for regional economic integration even less viable.

The very last group of articles deals with the political situation in some of the Western Balkan states. Hanns Poria and Thomas Schnoell prepare a short political overview on the European Union's Western Balkans policy, focusing on related initiatives of the Austrian Presidency. The last two articles deal with the two Western Balkans "hot potatoes": Kosovo and Bosnia and Herzegovina. Iliriana Islami advocates the Kosovo quest for statehood and the challenges that would follow after independence. Joseph Marko examines how the power-sharing trap embedded in the Dayton peace agreement became a permanent mechanism that re-enforces the ethnic divide in the country and prevents the formation of multiple identities and loyalty to the state (p.212). Kosovo indeed declared independence in March 2009, but Bosnia and Herzegovina has not done anything to address the shortcomings in the state apparatus prescribed in the Dayton constitution. The European Union played an important role in both processes. Although the declaration of independence was unilateral, and the Kosovo Status Agreement was not signed, the European Union insists that Kosovo should function as a multi-ethnic and democratic society that pursues good neighbourly relations within the region. Yet the European Union loses attractiveness in Bosnia and Herzegovina because of its obvious inability to force domestic politicians to search for a constructive approach. In a country where nationalist rhetoric is a part of regular political discourse, the Union has been even strengthening it as the varying positions of different Member States (resulting from the absence of the common foreign and security policy) have allowed domestic nationalist politicians to play EU divisions to their advantage.

The Western Balkans enlargement, no matter how insecure it might seem at this very moment, is inevitable and will eventually contribute to peace, stability and democratic development in the southeastern part of the continent. The book edited by Huber Isak rightly points out that in order to consolidate those processes, as well as to eradicate nationalism from the region as the most dominant political discourse, it is necessary to speed up the accession of the Western Balkans to the European Union.

Antonija Petricusic*

FROM SOVIET REPUBLICS TO EU MEMBER STATES. A LEGAL AND POLITICAL ASSESSMENT OF THE BALTIC STATES' ACCESSION TO THE EU, VOLUMES I AND 2 by *Peter van Elsuwege* [Leiden and Boston: Martinus Nijhoff Publishers, 2008. xiv + 394pp. and xii + 588pp. inc. index. Hard cover. ISBN 978-90-04-16945-6. Price €180]

Peter Van Elsuwege, assistant professor at Ghent University defended in July 2007 his doctoral thesis on the topic "From Soviet Republics to EU Member States: A Legal

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and Political Assessment of the Baltic States Accession to the EU". This has been subsequently published in 2008 in a new series on studies in EU external relations by Martinus Nijhoff Publishers.

This book is a knowledgeable, very readable and well-written account of the process the Baltic states Lithuania, Latvia and Estonia went through from independence in 1991 to membership of the European Union in 2004. The book divides into five parts in which the authors narrates the historical, legal and geographical background of the Baltic states, the legal framework between the European Community/European Union and the Baltic states before accession, the Baltic states and the European Union's pre-accession strategies, the accession negotiations, the impact of EU enlargement on the relationship between the European Union, Russia and the Baltic states and the constitutional consequences of EU Enlargement.

Van Elsuwege describes the fascinating history and development of the Baltic EU enlargement process, in which not only are these countries part of the group of CEEC countries moving from communist regimes to a market economies and democratic legal orders adhering to the rule of law, but they are also states that after 50 years of Soviet rule and occupation have regained their independence and national sovereignty. The author describes the developments in a very readable and chronologically precise way. Chapters 1 to 4 provide interesting insights into the struggle of the three Baltic states for independence from Russian, Prussian or Swedish dominance, their transition into independent states between the two world wars, and their annexation as Soviet republics for the next 50 years. He correctly emphasises that the discussion about the Baltic states as new states, the categorisation in light of state succession or the continuation of earlier statehood has important implications for citizenship, border delimitation and the validity of previously concluded international agreements. Considering the position of the European Community at the time of independence, while the majority agreed with the Baltic claim of legal continuity, countries such as the Netherlands and Sweden had recognised the annexation of the Baltic states by the Soviet Union and had to re-establish diplomatic relations. Generally speaking, the European Community supported the Baltic state's claim for continuity by separating them from the ex-Soviet Republics and by including them in the CEEC financial aid of PHARE instead of TACIS, concluding far-reaching free trade agreements paving the way for accession association agreements, and the Europe agreements after the Copenhagen European Council in 1993. The legal claim of state continuity also explains the disputed citizenship laws in the three Baltic republics, restoring pre-war citizenship legislation. While Lithuania always had a more homogenous population of Lithuanian origin, the Latvian and Estonian population comprised only 52 and 62 per cent ethnically native inhabitants in 1989. Consequently citizenship rights were only recognised for citizens of the pre-war republics and their descendants and immigrants from other parts of the Soviet Union parts and those who came during the Soviet era became stateless in Estonia and Latvia and instead had to go through a strict nationalisation process.

In the second part, the legal framework of the relations between EC/European Union and the Baltic states leading to accession are covered. In this part, some overviews become too narrative where a more in-depth legal analysis and comment would have been welcome. For example, it would be useful to reflect on the bilateral free trade and

association agreements which the EC concluded with the Baltic states in the light of WTO law (pp.103–128). Another example is the interesting discussion of the regional co-operation initiative, the Council of the Baltic Sea States, in which the European Commission participates despite the limits for the Commission to conclude legally binding international agreements (pp.178–179) which is unfortunately not further evaluated.

In part three the pre-accession process, including the accession negotiations and the accession treaties and the ratification are addressed. Especially, these two *acquis* chapters deserve attention. On the one hand the internal market *acquis* where Elsewege shows how the differentiation through the final 2+3+2 arrangement for migrant CEEC workers is concluded. On the other hand, the situation of Kaliningrad needed attention. Russia declared a strong interest to keep visa-free travel between Kaliningrad and the Russian mainland. At the end a political compromise was found and is explained by the author in detail. In Ch.3 he covers the structure and legal nature of the accession treaty which he correctly categorises as hybrid in its nature, comprising primary EU law and an international agreement between acceding states and current Member States. However, it would be legally more interesting to not stop here but also discuss how far and on the basis of what such legal acts are open to review by the ECJ. While he mentions the case law on accession treaties and that they are considered not as acts of the institutions in the sense of Art.230 EC, another matter which is not further explored is whether the ECJ has the mandate to ensure that accession treaties do not violate the procedural difference between Treaty amendments according to Art.48 EC and accession treaties based on Art.49 EC. He then turns to the description of safeguard measures introduced in the accession treaties of 2003. Next to the well-known general economic safeguard clause, these accession treaties include the novelty of an internal market safeguard clause and a justice and home affairs safeguard clause and additional transitional arrangements. It enables the Commission to act, in addition to the classical infringement procedure under Arts 226 and 228, in cases when the new Member State has failed to implement commitments undertaken in the context of accession negotiations and which cause a serious breach of the functioning of the internal market, or, in the case of the justice and home affairs safeguard clause, concerning shortcomings in the JHA *acquis*. Again, here it would have been interesting which concrete measures the Commission could take and how far such measures can be legally reviewed.

In part five, the author then covers the impact of EU enlargement on the triangular relationship between the European Union, Russia and the Baltic states. He agrees with criticism of the European Union's pre-accession policy and its lack of a parallel policy towards Russia. Instead the Union fled into political rather than legal commitment by announcing a strategic partnership with Russia in June 1999. In a next step the European Union launched the four common spaces of a common economic space, space on external security and a common space of research and education. It remains rather vague what these spaces entail but this is probably due to the inherent vagueness of this policy concept and the limits of the conditionality that the Union can apply towards Russia. In a further chapter the author addresses Baltic Russian relations which are characterised by the challenge of integrating the Russian-speaking minorities in the Baltic republics. Especially in Estonia and Latvia the status of non-citizens has not improved with EU accession and threatens access to jobs and participation in political institutions. He further illustrates this with Council Directive 2003/109 on the legal status of third country

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nationals and long-term residents•. However, for entering the European Union, visa regulations apply according to Council Regulation 539/2001 •and stateless persons of these two Baltic states saw their situation only improve by 2007. As in the movement of persons situation, the movement of goods was restricted between the mainland of Russia and Kaliningrad with different ideas, such as a free trade area between the EC and Kaliningrad and a transit corridor, being dismissed and instead categorised as external Community transit. In the further analysis, the author outlines the Baltic states' own stance towards Russia with the Union trying to give preference to pragmatism over politics. This might be justified but also encounters problems of consistency with the common dependency of all EU Member States on Russian energy supplies.

In the last part of the book, the constitutional consequences of enlargement are covered such as the extension of voting rights for EU citizens and the role of Baltic states in the process of the Union's institutional reforms. From an EU perspective this could have been shortened as in case of the previous discussions on the constitutional framework of the introduction of the Europe agreements into the national legal order, the constitutional requirements of ratification of the Treaty of Accession but it also shows the authors deep interest in the specific legal and political situation of the Baltic states. Nevertheless, the constitutional consequences of the European Arrest Warrant are a European-wide problem, in the light of EU supremacy and intergovernmental legal acts, further discussion of which is beyond the topic and focus of this thesis (p.495).

The book is equipped with a very useful annex on the negotiations and transitional arrangements with Estonia, Latvia and Lithuania. Next to the extensive bibliography a very helpful index is found at the end of the book. However, one major critical point is (unrelated to the quality of the book) that the publishers decided to separate the book into two volumes, though the book length is not unusual with about 500 pages. In conclusion the book is an important, well-written and well-researched account of the historical, political and legal parameters which influenced the accession process of the Baltic states into the European Union. It would have been, in some chapters, welcome and appropriate to go beyond the excellent description and broad coverage on the three Baltic republics to a more in-depth legal interpretation and opinioned analysis but overall this book is an excellent and formative "case study" addition to the existing literature on EU enlargement law.

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