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The Impact of Union Citizenship on the EU's Market Freedoms

Alina Tryfonidou



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Dr Alina Tryfonidou
July 2015



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List of Abbreviations

AG	Advocate General
AJCL	American Journal of Comparative Law
Art	Article
CFI	Court of First Instance
CJEL	Columbia Journal of European Law
CJEU	Court of Justice of the EU
CLJ	Cambridge Law Journal
CMLRev	Common Market Law Review
COM	Communication
CUP	Cambridge University Press
CYELS	Cambridge Yearbook of European Legal Studies
EBLRev	European Business Law Review
EC	European Community
ECJ	European Court of Justice
ECR	European Court Reports
ECSC	European Coal and Steel Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
Ed	Editor
Eds	Editors
EEC	European Economic Community
EGC	European General Court
EJML	European Journal of Migration and Law
ELJ	European Law Journal
ELRev	European Law Review
EPL	European Public Law
EU	European Union
EUCFR	EU Charter of Fundamental Rights
EUConst	European Constitutional Law Review
EUI	European University Institute
Euratom	European Atomic Energy Community
Fordham Int'l LJ	Fordham International Law Journal
GLJ	German Law Journal
IANL	Journal of Immigration, Asylum and Nationality Law
ICLQ	International and Comparative Law Quarterly
IJEL	Irish Journal of European Law
JCMS	Journal of Common Market Studies
JEPP	Journal of European Public Policy
KCLJ	Kings College Law Journal

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LIEI	Legal Issues of Economic Integration/Legal Issues of European Integration
LQR	Law Quarterly Review
MEQR	Measure having equivalent effect to quantitative restrictions
MLR	Modern Law Review
MJ	Maastricht Journal of European and Comparative Law
OJ	Official Journal of the European Union
OUP	Oxford University Press
SEA	Single European Act
TEC	European Community Treaty
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UEFA	Union of European Football Associations
UK	United Kingdom
YEL	Yearbook of European Law

Part I

Introductory Chapters



Introduction

THIS BOOK IS a study of the impact that the status of Union citizenship has had on the market freedoms. In particular, the book seeks to consider what has been, and what may have been, the impact of this status on the interpretation of these provisions to date and to consider whether the way that these provisions are now interpreted (as a result of this) can be supported under a literal and/or teleological approach to their interpretation. Moreover, the book considers the broader implications of this: once it is accepted that the market freedoms should, indeed, be interpreted in the light of Union citizenship, what further issues have to be addressed?

I. SETTING THE BACKGROUND

Once upon a time, six European countries decided to pool their coal and steel resources in an attempt to build a European Coal and Steel Community (ECSC). Although it was clear that loftier aspirations for this project were entertained from the very beginning,¹ none of the drafters of the Treaty which gave birth to this Community could dare imagine that this new form of economic cooperation among a handful of western European nations would be the first, modest, seed, in what would become four decades later, the huge EU construct which would come as far as to have its own citizenry.

However, let us take things from the very beginning.

With the coming to an end of the Second World War in the mid-1940s, Europe was faced with the challenge of having to be rebuilt from its ashes, the ensuing Cold War, re-establishing international relations but also, and perhaps more importantly, ensuring that the mistakes that were perpetrated in the past, would not be repeated in the future. This latter challenge was what led to the realisation that, in order to make a future conflict in the Continent ‘not merely unthinkable, but materially impossible’,² the areas of the economy essential for the building and running of military machines would have to be joined and put together under the

¹ This is made explicit in the text of the Schuman Declaration of 9 May 1950, which is the proposal that led to the establishment of the ECSC. The Declaration is available at europa.eu/abc/symbols/9-may/decl_en.htm.

² See *ibid.*