



INSTITUT FÜR HÖHERE STUDIEN
INSTITUTE FOR ADVANCED STUDIES
Vienna

PUBLIC LECTURE

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"EU Legal Authority and the Supply of Legal Goods"

Tuesday, March 22, 2011, 16:30 pm
IHS, Stumpergasse 56
1060 Vienna, Lecture Room SZ VI

EU law appears to stand on a paradox. There has been a surge in challenges to the basis for its authority in recent years: before domestic constitutional courts in Germany, Hungary, Poland and the Czech Republic and the adoption of a European Union Act in the United Kingdom. However, its authority continues to expand. The Lisbon Treaty has been amended. Transposition rates of Directives stand at over 98%, and there are no recent reported instances of any senior domestic court refusing to apply an EU law. However, a paradox to some is indicative of analytical failure to others. What if the basis of EU legal power is different from traditional accounts and it is this misdiagnosis which generates the problems? In this lecture, I will argue that too much time has been devoted to the notion of sovereignty and too little that of authority. The latter provides a stronger analytical narrative, grounding EU law's power in a series of practical relationships with its subjects that, at all times, must compete with other sources of authority. It also provides a better sense of the justification for EU law's power and its limits - namely that EU law should only have authority over national law where it can provide the three legal goods that form the basis of legal authority more effectively: those of political community, public order and collective good.

Damian Chalmers is Professor and Jean Monnet Chair in EU law at the London School of Economics and Political Science. Until August 2010 he was Head of the European Institute as well as of the Jean Monnet Centre of Excellence at the London School of Economics and Political Science. He was formerly editor of the *European Law Review* and *EU Jurist*. He has held visiting appointments at, inter alia, the College of Europe, Fundacao Getulio Vargas and the Instituto de Empresa. He is author with Gareth Davies and Giorgio Monti of *European Union Law* (2010, CUP).