

Review

Geiger & Khan & Kotzur: EUV/ AEUV Kommentar¹

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The European integration project has been one of the success stories of the last century. The predominant *Zeitgeist* during this period was to advance this project by deepening mutual cooperation, encapsulated in the famous formula of an ‘*ever closer Union*’. Yet the European Union² has changed profoundly since its beginnings in the post war period. It no longer consists of the original six Member States, but has expanded to 28 States with diverse social and economic characteristics and – most notably - with diverging interests. Some therefore began to question the concept of an ‘*ever closer Union*’. Most notably the British who voted for a withdrawal from the EU in June 2016. Yet Brexit is not the only problem facing the EU today: The rule of law crisis in Hungary and Poland, the migration crisis and the Eurozone crisis also pose significant challenges for the Union. In these troubled waters clear legal guidance is important. The new edition of the commentary by Rudolf Geiger, Daniel-Erasmus Khan and Markus Kotzur provides such guidance. It covers, for instance, recent developments concerning Brexit (see the annotations on Article 50 TEU). In particular, it provides the necessary overview of the withdrawal procedure and emphasises that the withdrawal agreement – which is currently negotiated by the EU and the UK representatives – is not a *conditio sine qua non* for withdrawal. Even if the UK and the Union fail to conclude such an agreement by the end of March 2019, the UK will nonetheless withdraw from the EU pursuant to Article 50 III 1 TEU. This is not only analysed in a clear and structured way by the authors, but what proves also to be very helpful is the list of current literature on the topic. For each article the authors provide such a list, which is not only restricted to German literature but also covers articles in international journals – a feature that will surely be welcomed by the academic community.

The evident strength of this commentary is its focus on the essential aspects of each Treaty provision, even though the overall volume of the book has slightly increased (in comparison with the last edition). This is mainly – but not exclusively - due to the changes occurring in the field of Economic and Monetary Union – which has experienced a substantial elaboration by the CJEU. The judgements by the CJEU in *Pringle* and *Gauweiler* are a case in point. Both receive the necessary degree of analysis by the authors in the commentaries on Article 125 TFEU and Article 127 TFEU. The new fiscal compact – though concluded outside the EU Framework – is also briefly outlined and its relationship with the respective TFEU-articles examined.

The concept of the book as a “short commentary”, of course, means that not each and every aspect of European Union law can be analysed in a comprehensive scientific manner. Nonetheless, for those interested in a more detailed analysis, the literature list annexed to each article provides a good starting point. Hence both legal scholars as well as practitioners will find this book useful in their daily work. Law students, too, might like to swap the standard textbook of a course for this commentary, which is often more succinct and precise than the former. Also the layout is extremely user-friendly: It is clearly structured and

¹ Beck, München 2016.

² Or EEC as it was called back then.

contains the key words in bold type. One suggestion, though, would be to include the reference in footnotes instead of integrating them into the main text.

In sum, the new edition of the commentary by Geiger/Khan/Kotzur, which are now supported by a team of five lawyers to manage this Herculean task, is an essential read by anyone interested in EU Law. It is easily accessible, clearly structured and focuses on the essential aspects (while at the same time not lacking in substantive content). This mix makes the book so unique among the increasing number of commentaries available on the market these days.