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Fiona Murray, *The European Union and Member State Territories: A new legal framework under the EU Treaties*. The Hague: T.M.C. Asser Press, 2012. 285 pages. ISBN 978-90-6704-825-5. EUR 99,95.

Some EU Member States have autonomous and semi-autonomous territories, most of which are situated outside Europe. This group of territories is comprised of the Outermost Regions (e.g. the French Overseas Departments and the Canary Islands), the Overseas Countries and Territories (e.g. Aruba, the Falkland Islands, and French Polynesia), and a number of different territories that enjoy special statuses but which fall within neither of the above two categories, such as Gibraltar and the Åland Islands. All of these territories have particular constitutional links with their mother countries, but only some are integrated into them, whilst the others are virtually independent. Since their mother countries are EU Member States, there is always the question of the extent to which EU law applies to these territories. Some of them (for instance, the Outermost Regions) are part of the EU, whilst others (for instance, the Overseas Countries and Territories) have chosen to remain outside the EU and are, thus, treated as non-EU countries. This does not, however, determine whether and how EU law applies to them: when their respective Member States acceded to the EU, special arrangements were negotiated for each of these territories and this has resulted in a mosaic of different rules and principles governing their relationship with the EU. The EU, on its part, has refrained from establishing and developing a coherent overall policy in relation to these territories.

The development of the law concerning the relationship between the EU and these countries and territories is the subject of the book under review, which results from Ph.D. research conducted at the Erasmus University, Rotterdam. Murray, underlines in Ch. 1 “the scarcity of literature or expertise on this subject” (p. 3), which illustrates that the backdrop of this work is, exactly, the information deficit that exists in this area of law, especially in the English language (p. ix). As noted by Ziller in his Foreword to the book, the latter “should be praised as a major contribution in the English language literature to an important topic which had been almost only covered until 2011 by literature in French or Spanish” (p. vii). Indeed, so far there have only been two other books in English on this topic: a(nother) single-authored book by Murray (*EU & Member State territories: The Special Relationship under Community Law*, Sweet and Maxwell, 2004), and a collection of essays edited by Kochenov entitled *EU Law of the Overseas* (Kluwer, 2011). There have also been a handful of journal articles on the topic in recent years, but it is clear that research in this area is still in its nascent stages and has been kept to a very narrow family of specialists.

These introductory points made, let me now turn to the book itself. The main thesis of the book is that the law governing the relationship of the Member State territories with the EU and, in particular, the various EU law provisions regulating their statuses, are not adapted to the present (and future) situation and should therefore be redrafted. As Murray explains, this situation is the result of the fact that instead of undergoing an overall review process, the EU Treaties framework “has been added to and adapted in piecemeal fashion as new Member States have joined, to accommodate the specific requirements and requests of individual territories or to adapt to emerging groups like the Outermost Regions but also the OCTs. The result of this lack of review is a framework for relations between the EU and Member State territories which is incoherent, inconsistent and anomalous” (p. 6).

Murray explains that the book’s aim is “to provide a new and original perspective on this topic” and she seeks to achieve this in three ways: “first, by providing a deeper, more comprehensive focus on the relevant territories, including their evolution vis-à-vis the EU and their current relations with the EU, a little-researched and written about subject in itself”; “second, by focusing in particular on the pre Lisbon Treaty framework for EU/territories relations, tracing the origins of these provisions from 1957 to the present day and examining the adequacy of Article 299 and the changes introduced by the Lisbon Treaty both in the context of 1957 and today”; “finally, in the light of the foregoing examination and analysis, by positing, in place of the existing one, a new model Article as a more adequate EU Treaties framework for EU/Member State territories relations” (pp. 3–4, see also pp. 8–9).

The book’s first chapter maps the terrain that will be explored thereafter, and sets out a general introduction to the current Treaty framework governing the relationship between the EU and Member State territories. This chapter also clarifies the scope of the book, its main objectives, the methodology used, as well as its structure and content. The remaining chapters are organized into three Parts: Part I (Ch. 2–6), seeks to provide a background to Article 227 EEC, at the time the provision was drafted in 1957 and to explain how this has affected the present day EU Treaties framework governing the relations between the EU and Member State territories; Part II (Ch. 7–13) provides a comparison between Article 299 EC and the subsequent Treaty of Lisbon amendments, on the one hand, with the 1957 Treaty framework, on the other; Part III (Ch. 14–18) assesses the current legal framework for EU/Territories relations and – after concluding that the current framework is not satisfactory – proposes a new model framework which replaces the post-Lisbon one (which is scattered among three separate Treaty Articles), with one which consists of only one Treaty provision (“the new model Art. 355 TFEU”, see Ch. 18), and which adds a new Part to the TFEU, detailing the special arrangements for the Outermost Regions (this mirroring the legal framework governing the Overseas Countries and Territories, for which there has always been a separate Part (Part IV TFEU) governing their position, see p. 195). The book ends with a rather long list of annexes reproducing the key Treaty provisions, Protocols and Declarations.

The way the book is structured highlights its main focus, which is the adequacy of the current Treaty framework governing the EU/Member State territories relationship, rather than an in-depth examination of each territory or group of such territories (pp. 9–10). Indeed, if more detail is needed in relation to the position under EU law of each of the relevant territories, the author's first book on this topic would be an excellent reference point.

Without a doubt, the author demonstrates a profound knowledge and understanding of the subject under examination. The book includes a precise and detailed study of the topic, which, as Ziller has noted, is "firmly rooted in reality" (p. vii). This, I would say, is its strength. Yet, one could say that it also constitutes its weakness. This is because the book offers little in terms of theoretical analysis of a host of issues that surround the relationship between the EU and Member State territories. For instance, are the residents of Member State territories Union citizens? Are they/should they be entitled to the rights that are bestowed on Member State nationals (and thus Union citizens) that reside in mainland Europe? If not, would this not amount to a violation of the general principle of equality in EU law? Which EU policies apply to the OCTs and how do they apply? What is the position with regard to EMU and Member State territories? – a question attaining increasing importance in the light of the current economic climate. This is only a limited sample of the plethora of questions that have emerged in relation to the application of EU law in Member State territories and which clearly deserve detailed academic consideration. Having said this, nonetheless, it should be acknowledged that the author has expressly noted that her book does not "focus on specific EU policy areas" (pp. 6 and 211) and, thus, this work does not seek to explain how (if at all) the various EU policy areas apply with regard to each category of territories. This, to a certain extent, also justifies the lack of a detailed analysis of the ECJ case law which sets the parameters of the relationship between the EU and Member State territories, given that such case law involves specific questions with regard to the way certain EU policies apply regarding specific categories of territories. However, it is quite difficult to accept that certain leading cases (e.g. Case C-163/90, *Legros*; Case C-212/96, *Chevassus-Marchel*; Case C-300/04, *Eman and Sevinger* and Case C-363/93, *Lancry*) are simply mentioned in the main text (or even merely in a footnote), as they deserve more extensive treatment.

The above points should not eclipse the fact that the book under review – a mine of information on the topic – is based on a clearly articulated thesis and certainly fulfils its promise, which is to show that the current Treaty framework governing the EU-Member States territories relationship is inadequate and to suggest a more effective one, taking into account the current geopolitical and economic landscape. Clearly written, impeccably researched, accessible, and with a wealth of examples and informed analysis, the book should be essential reading for anyone (scholars, policy-makers and practitioners) wishing to understand this rather convoluted area of EU law. It is particularly recommended to EU policy-makers and national civil servants who are involved in the day-to-day application of EU law in Member State territories and who may be the ones that will one day initiate a reform process along the lines proposed in this book.

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