

Editorial Note

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Although the Croatian Yearbook of European Law and Policy is in its eighth edition, there is a special significance about this year's issue - for it is, of course, the last that will be published 'from outside'. On 1 July 2013, Croatia will accede to the EU.

The process of accession is one that has changed radically over the decades. When Denmark, Ireland and the United Kingdom joined the original club of six in 1973, the bound volumes of the Official Journal occupied a relatively limited stretch of shelf-space in the library; and the European Court Reports for the preceding year comprised (with full indexes) a mere 1367 pages. The single market project had not yet been (re)launched by Lord Cockfield's White Paper; and the Maastricht (1992), Amsterdam (1997), Nice (2001) and Lisbon (2007) treaties all lay in the future. Although practitioners and judges grumbled about the amount of new (for which read 'nasty' / 'suspect' / 'foreign') stuff that they would have to get their heads around, the plain fact was that the fields of national law into which EEC law 'intruded' were fairly limited. Once you had grasped a few basic concepts about supremacy and direct effect; had understood that on the whole, within the customs union, movement across intra-EEC frontiers was not meant to be impeded unduly (and certainly not for purely economic ends); and had noticed that there were some extra provisions that appeared to suggest equality of pay between men and women, you were pretty much done. There was no wider 'competence creep', no European citizenship, no Charter of Fundamental Rights.

The student, practitioner, civil servant or judge wishing to engage with EU law today has a far more daunting task. Successive treaty amendments - agreed unanimously by the Member States at intergovernmental conferences - have widened the areas of law affected by what is collectively agreed at EU level to an extent that Jean Monnet or Robert Schuman would never (openly) have dreamt. To take just three examples: the area of freedom, security and justice has already spawned a very considerable volume of new legislation, much of it in sensitive areas involving traditional competences of sovereign nation states such as criminal law (the European Arrest Warrant), asylum (Dublin II and its progeny) and family law (Brussels IIa). The EU's competence in environmental law (eminently sensible, given the potential for negative cross-border impact

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from environmental mistakes) has affected both national planning law and, indirectly, public access to documents and information generated within the national or regional legislative process. And the EU is now a much more significant player on the international scene, both as a negotiator and as a contracting party.

The contributions to this issue of the Yearbook reflect the rich diversity of topics that can legitimately be researched and discussed under the overall rubric of EU law. The Croatian Accession Treaty is naturally put under the microscope. Classic subjects hold their place, but appear with a new twist: the internal market and decentralisation to reflect national traditions and cultures; free movement of persons and homogeneity; patient mobility and cross-border health care. The Dublin system for determining asylum applications and its shortcomings and the thorny question of what is really implied by mutual recognition and mutual trust continue to provoke debate. Specific topical issues (unitary patents; the decision of the Strasbourg Court in *Nada* on UNSC targeted sanctions and human rights obligations; *Danosa* and pregnant members of a company's board of directors; central banking systems and monetary union; 'missing traders' and VAT carousel fraud; the role of EU agencies in the enlargement process) rub shoulders with that perennial favourite, the damages claim (whether seeking to establish Member State liability before national courts, or allied to the effect of WTO law within EU law). There are also thoughtful contributions that cross the boundaries between law and political science to look at European constitutional identity; democratic cosmopolitanism; national parliaments and EU constitutionalism; and respect for national identities within the European Union.

In a period of almost worldwide economic malaise, Croatia is about to take the historic and courageous step of linking its economic (and, yes, political) future to the European Union. The contributions to the 2012 Yearbook show that it does so against the background of well-informed debate as to the advantages and difficulties that belonging to this strong, diverse, sometimes quarrelling and sometimes visionary club may entail. I wish both our new Member State, and the younger generation of EU law scholars who have provided the material that follows this preface, 'dobro došli i sretno'!

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