

## 2.5 Europe

Two very different European sources of law have had an impact on our legal system since the middle of the twentieth century. In this sense, they are one of our most recent sources of law. These two sources are first, the organisation of member states referred to as the **European Union** (EU), and second, the **European Convention on Human Rights** (ECHR). They are distinct sources of law. They each act as a source of law in different ways.



Membership of the EU is by application. The UK became a member state of the EU (also sometimes referred to as the EEC or EC) on 1 January 1973. EU law covers matters such as trade and the freedom of movement of workers. On areas which are covered by EU law, it is regarded as supreme, and the UK Parliament (or any devolved legislature) cannot pass a law that conflicts with EU law. The formation of the EU and drafting of EU law has resulted in the creation of rights and responsibilities in the following areas: consumer protection, employment protection, and trade and company law.

Some EU laws such as **regulations** are immediately applicable as law in the UK; their purpose is generally to harmonise certain areas of law across all the member states of the EU. Other laws, such as directives, are in effect guidelines or instructions for member states to create laws in a specific area within a given timescale. It is then up to the member states to decide how they are made law and to provide the detailed legislation required.

The ECHR is designed to protect basic individual rights such as the right to life, freedom of expression, the right to liberty and security, and the right to a fair trial. The UK became a signatory to the ECHR in 1951. UK citizens, once they have exhausted all possible remedies (all possible ways of resolving a dispute, including court cases and appeals) in the UK, can make an application to the European Court of Human Rights. The Human Rights Act 1998 requires that all legislation be created and read in a way which is compatible with the ECHR. This means that the UK Parliament, devolved legislatures and the courts should only create law that complies with the provisions of the ECHR. Otherwise, the courts can declare that it is not compatible.