5. Instruments and the Hierarchy of Norms

EU Law: Text, Cases, and Materials (7th edn)
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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing students with a stand-alone resource. This chapter examines two related issues: the EU’s legal and non-legal instruments; and the hierarchy of norms. The EU has a number of legal and non-legal instruments that are used to attain Union objectives. The principal legal instruments are regulations, directives, and decisions. The hierarchy of norms refers to the idea that in a legal system there will be a vertical ordering of legal acts, with those in the lower rungs of the hierarchy being subject to legal acts of a higher status. There are currently five principal tiers to the hierarchy of norms in EU law, which are, in descending order: the constituent Treaties and Charter of Rights; general principles of law; legislative acts; delegated acts; and implementing acts. The chapter discusses the meaning of these different tiers. The UK version contains a further section analysing issues concerning the hierarchy of norms in relation to the UK post-Brexit.
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