

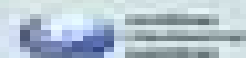
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Foundations Of European Community Law

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The Foundations of European Community Law Trevor Clayton Hartley, 1992 **The Concept of Legislation in European Community Law** Alexander Türk, 2006-01-01 A notable trend in recent scholarship on the nature of the European Union and its democratic legitimacy focuses on the concept of legislation and its employment within the European Community's legal system In this remarkable work of synthesis Alexander Türk exposes and elucidates the underlying uncertainty as to the meaning of the term and even its legitimate use within the Community's legal order He arrives at a clear evaluation of the extent to which the concept of legislation can be applied in the EC through a comparative analysis of the British French and German constitutional systems and proceeds to reveal and highlight aspects of the concept of legislation derived from this analysis appearing in areas of EC law A number of crucially significant insights emerge among them the following the distinction between legislation in form and legislation in substance defining the addressee of Community acts judicial determination of the general application of an act the relevance of the EU's system of functional rather than personal representation and the co decision and assent procedures of the EU institutions as legislation in form All those interested in the nature of the EC legal system and the state of its development will find this study richly rewarding Building rigorously on detailed analysis of EC case law and on prior scholarship the book shows the way to a new understanding of the relevance of the concept of legislation to the solution of some of the EU's most pressing legal issues

The Foundations of European Community Law Trevor Clayton Hartley, 1983 *Restitution and European Community Law* Alison Jones, 2020-11-25 The growth in prominence of the law of restitution and European Community law has resulted in the creation of a body of case law which is contained within this work This book examines the Community rules that affect restitutionary claims commenced in the English courts This book considers the effect that EC rules may have on the development of specific areas of the English law of restitution it sets out the circumstances in which the development of English rules governing restitutionary claims might be affected by the requirements of Community law and examines in detail the Community rules which affect restitutionary claims commenced before the national courts and attempts to rationalise and to explain them within the framework of the principle of unjust enrichment It is essential reading for practitioners as well as academics and postgraduate students *Third Party Dispute Settlement in an Interdependent World* Marcel M.T.A. Brus, 2024-01-15 The central theme of this book is the strengthening of the legitimacy and integrity of international law in the post Cold War interdependent international community The investigation focuses on the relationship between international decision making procedures in particular compulsory third party dispute settlement and legitimacy and integrity as perceived

by states and other international actors It starts with a description of recent developments with regard to dispute settlement in the law of the sea GATT WTO Antarctica and global environmental protection Compulsory third party dispute settlement has been accepted in treaty regimes in these fields as it is indispensable in safeguarding the legitimacy and integrity of such regimes The focus then shifts to an extensive analysis of changes in the international community in general and their consequences for the international legal system By focusing on legitimacy and integrity and by providing a theoretical framework in which these concepts can be applied this book contributes significantly to the discussion of the theoretical foundations of international law The author is winner of the 1995 Award of the Foundation Praemium Erasmianum

Amsterdam **European Community Law**, 1995-01-01 *Soft Law in European Community Law* Linda

Senden, 2004-09-28 This book offers the first systematic investigation of the phenomenon of soft law within the framework of the EC the first pillar of the EU and its use by the European Commission and Council of Ministers It focusses upon how soft law fits into the Community legal system and how it is used and in particular how it relates to Community legislation

Differentiation of the Community instruments including the instruments of soft law is often thought to enhance the effectiveness legitimacy and transparency of the Community This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and if so in what cases and under what conditions Furthermore the author asks to what extent the use of soft law implies good governance and throws fresh light on this very heterogeneous phenomenon by looking at frequently used instruments in many different areas of Community law such as competition law state aid environment social policy etc in the process identifying their different characteristics aims functions and legal effects What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy effectiveness and transparency of Community action This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution and goes beyond the immediate problems of soft law to touch upon issues such as competence legal protection division of powers between the EC and the Member States institutional balance lawmaking by the Community Courts the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law **Legal Challenges in EU Administrative Law** Herwig Hofmann, Alexander

Türk, 2009-01-01 But European administrative law is a work under construction This book helps to explore the current state of affairs Thomas Gross Common Market Law Review Drs Hofmann and Türk made a name for themselves in the field of EU administrative law with their first collection of edited essays EU Administrative Governance Edward Elgar 2006 which was well reviewed and made an important contribution to the subject The focus of their new collection Legal Challenges in EU

Administrative Law is accountability internal through structures and procedures and external through courts and auditors With its many useful contributions from well known experts it promises well Carol Harlow London School of Economics UK The move towards a system of integrated administration in the EU poses considerable legal challenges This book explores ways in which accountability legality legitimacy and efficiency can be ensured in the multiple forms of co operation of European and national administrations in the delivery of EU and EC policies Examining the procedures and structures of European administrative integration this innovative book will be a stimulating read for academics researchers and both undergraduate and postgraduate students in European law

Using Human Rights Law in English Courts Murray Hunt, 1998-02-19 This book demonstrates the scope that already exists for using international human rights law in English courts

European Community Law for the New Economy Lucas Bergkamp, 2003 The European Community EC has embarked on an ambitious legislative program for the new economy In *European Community Law for the New Economy* professor Lucas Bergkamp analyzes the EC s current and proposed new economy legislation The new economy according to Bergkamp is not only the internet the information society and biotechnology but also a different kind of old economy a different kind of corporate governance and a different kind of government Accordingly in addition to the EC e commerce data protection and biotechnology legislation this book discusses also the grand principles of EC policy making such as sustainable development and the precautionary principle the theory of corporate social responsibility and EC government reform With its wide ranging insightful and engaging analyses and devoid of obliquity *EC Law for the New Economy* is a unique publication This book must be read by everybody who wants to gain a deeper understanding of the effects of EC legislation the root causes of regulatory failures and possible solutions to these problems It is of interest to lawyers politicians policy makers government officials political scientists advanced students and autodidacts Lucas Bergkamp is a lawyer at the Brussels Bar and Professor of International Liability Law Erasmus University Rotterdam The Netherlands

1996 European Community Law Academy of European Law Staff, 1999-06-09 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute s current programmes into a larger field of interest It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French

Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the

many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

Education and Culture in European Community Law Joseph A. McMahon, 1995 This book presents the legal framework which guarantees the rights of citizens of the Community regarding education and culture This covers such topics as the rights of migrant workers and their children the mutual recognition of qualifications vocational training the development of Erasmus and other specific programmes and sectors including business sponsorship audio visual and books and training

EC Law and the Sovereignty of the Member States in Direct Taxation Mathieu Isenbaert, 2010 In order to develop a suitable framework for the analysis of the European Court of Justice ECJ case law it is first analysed what significance if any the concept of sovereignty has in the contemporary supranational environment of the European Union All too often tax scholars equate sovereignty with the concepts of competence or jurisdiction It will be established in this thesis that a much more specific and higher level meaning is to be attributed to the sovereignty concept which goes beyond the strictly legal concepts of competence or jurisdiction The cornerstone of this thesis however is an extensive analysis of the case law of the ECJ in direct tax matters including a comparison with its non tax case law A new kind of methodology is used in discussing the cases they are categorized according to whether a discrimination or a restriction based analysis was applied by the ECJ

The Relationship Between European Community Law and National Law Andrew Oppenheimer, 1994-10-27 This is the first comprehensive collection of court decisions dealing exclusively with the relationship between European Community law and the national laws of the Member States It contains 90 decisions given between 1962 and 1993 by both the Community s Court of Justice 20 cases and the courts of the 12 Member States 70 cases The volume includes the recent decisions of national courts concerning the Maastricht Treaty Key recurring topics of the decisions are the supremacy and direct effect of Community law its impact on national sovereignty and constitutional rights and the remedies available before national courts for its enforcement All the texts are presented in English having been translated wherever necessary Each decision is preceded by a concise summary and key word heading The volume also includes a systematic introduction digest of key word headings table of cases and detailed index

Altered States Andrew P. Cortell, Susan Peterson, 2003-01-01 Challenging

dominant assumptions in international relations *Altered States* demonstrates that national political institutions change more frequently and less dramatically than is commonly thought and with important consequences for the political landscape Combining theory with solid empirical research including archival evidence and interviews the contributors explore the causes and consequences of institutional transformation in the United States Western and Eastern Europe Russia and the former Soviet Republics and Cuba *Altered States* highlights the dynamic and interactive relationship between national political institutions and reform minded policy entrepreneurs a perspective that will interest scholars and policy makers alike

The Interim Protection of Individuals Before the European and National Courts Dimitrios Sinaniotis, 2006-01-01 This thesis focuses on the interim protection of the individual in the Community legal order An analysis will be made of the avenues available to individuals for requesting interim relief when a case is brought before the European or the national courts An extensive examination of the relevant case law will be performed to reveal what appears to be an evolving concept of the individual's interim protection in the European Community structure and to suggest any possible changes in order to guarantee an effective remedy of interim relief Free Movement of Persons within the European Community A. Pieter Van der Mei, 2003-02-24 This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States Are European citizens and third country nationals who have moved to other Member States entitled to claim minimum subsistence benefits to receive medical care or to be admitted to education Does Community law provide for a freedom of movement for patients students and persons in need of social welfare benefits If so to what extent does Community law have regard for the Member States fears for and concerns about welfare tourism Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross border access to public services the author analyses how Community law and the Court of Justice in particular have sought to reconcile the Community's objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain adequate social services within the Community In addition the book contains a detailed analysis of United States constitutional law on cross border access to public services exploring the question whether the European Community can possibly learn from the American experience

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