



# EUROPEAN UNION LAW IN A GLOBAL CONTEXT

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# Health Law And The European Union Law In Context

**Tamara K. Hervey, Jean V. McHale**



## **Health Law And The European Union Law In Context:**

**European Union Health Law** Tamara K. Hervey, Jean V. McHale, 2015-11-12 The first holistic and thematic study of EU health law and its implications through its own internal logics      Health Law and the European Union Tamara K. Hervey, 2004 How does the law of the EU affect health law and policy At first sight it seems limited However despite its restricted formal competence the EU has become increasingly involved in the health field This book explores the impacts of measures of EU law on national health law and policy      **Health Law and the European Union** Tamara K. Hervey, Jean V. McHale, 2004-11-04 How does the law of the European Union affect health law and policy At first sight it seems limited However despite its restricted formal competence the EU has recently become increasingly involved in the health field Litigation based on EU law has resulted in a right to receive health care services across national boundaries which may have huge practical implications for national health systems The EU has promulgated legislation regulating clinical research and the marketing of pharmaceuticals patients rights are affected by EU legislation on data protection and product liability the qualifications of health care professionals are legally recognised across the EU and the EU has acted to promote public health This book explores the various impacts of measures of EU law on national health law and policy Through elaboration of selected examples the authors show that within the EU health law cannot be regarded as a purely national affair

European Union Health Law Tamara K. Hervey, Jean Vanessa McHale, 2015      *European Union Health Law* Herman Nys, 2018-10-23 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the law at EU level affecting the physician patient relationship and the interaction of physicians with other healthcare providers and the healthcare system Although the legal aspects of healthcare in Europe most often fall under national law the past two decades have witnessed the emergence of a distinctive field of EU health law with its own underlying principles and structural coherence founded in a series of directives and CJEU decisions This book examines the areas in which EU law now must be taken into account in healthcare including aspects of patients rights recognition of professional qualifications and minimum training conditions professional rules of conduct clinical trials and investigations of medicinal products and medical devices health and genetic data and beginning and end of life issues Succinct and practical this book will prove to be of great value to professional organizations of physicians nurses hospitals and relevant government agencies Lawyers representing parties with interests in the European Union will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of health law and medical law in the international context      *EU Health Law & Policy* Anniek de Ruijter, 2019-01-24 Whether there is a public health need for the containment and response to swine flu or an individual need to access health care across the border for a hip operation to alleviate pain the EU has an increasingly powerful role in the field of human health Health law and policy is deeply tied into fundamental rights bioethics and values with important implications for individuals However it

is also an expansive area of economic regulation of social and state arrangements The growing role of the EU in human health law and policy is contested particularly as it has implications for the fundamental rights and values that are enshrined in national health law and policy This book outlines through case studies how the expansion of EU power is taking place through law and policy in both public health and health care How is law and policy in the field of human health adopted who are the institutional actors involved and what is the impact of these developments for fundamental rights

**European Union Law** Damian Chalmers, Gareth Davies, Giorgio Monti, Veerle Heyvaert, 2024-03-28 This new edition sets out an account of EU law that includes not only that law's established features but captures its development in recent years and the challenges facing the European Union With dedicated new chapters on climate change data protection free movement of capital and the EU's relations with other European States topics such as the Union's response to covid 19 and the Ukraine crisis are addressed in detail As with previous editions the new edition integrates case law legislation academic materials and wider policy contributions in a way that broadens students understanding of the law and prompts greater critical reflection on the limits challenges and possibilities of EU law It seeks to set out EU law not so much as a series of laws to be learned but as something that stimulates heavy debate about some of the most contentious and significant issues of our time

Health Care and EU Law Johan Willem van de Gronden, Erika Szyszczak, Ulla Neergaard, Markus Krajewski, 2011-05-18 The EU has only limited competence to regulate national health care systems but recent developments have shown that health care is not immune from the effects of EU law As Member States have increasingly experimented with new forms of funding and the delivery of health care and social welfare services health care issues have not escaped scrutiny from the EU internal market and from competition and procurement rules The market oriented EU rules now affect these national experiments as patients and health care providers turn to EU law to assert certain rights The recent debates on the draft Directive on Patients Rights further underline the importance but also the difficulty and controversy of allowing EU law to regulate health care The topicality of the range of issues related to health care and EU law was addressed in October 2009 at a conference held in Nijmegen The Netherlands The present volume contains inter alia the proceedings of this conference and invited essays This volume follows the publication of *The Changing Legal Framework for Services of General Interest in Europe Between Competition and Solidarity* Krajewski M et al eds 2009 T M C Asser Press The Hague and launches a new series *Legal Issues of Services of General Interest* The aim of the series is to sketch the framework for services of general interest in the EU and to explore the issues raised by developments related to these services The book is compulsory reading for everyone who is engaged in issues relating to health care and EU law Johan van de Gronden is Professor of European Law at the Law Faculty of the Radboud University Nijmegen the Netherlands Erika Szyszczak is a Jean Monnet Professor of European Law ad personam and Professor of European Competition and Labour Law at the University of Leicester UK Ulla Neergaard is Professor of EU law at the Law Faculty of the University of Copenhagen Denmark Markus Krajewski is

Professor of International Public Law Faculty of Law University of Erlangen Nuremberg Germany      *Research Handbook on EU Health Law and Policy* Tamara K. Hervey, Calum Alasdair Young, Louise E. Bishop, 2017-03-31 The steady expansion of the European Union's involvement in health over the past 20 years has been accelerated by recent events This handbook offers an up to date analytical overview of the most important topics in EU health law and policy It outlines as far as possible the direction of travel for each topic and suggests research agenda's for the future      Jurist in Context William Twining, 2019-02-14 A leading English jurist reflects on the development of his thoughts and writings in legal theory over sixty years      European Union Health Law Herman Nys, 2024-09-17 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the law at EU level affecting the physician patient relationship and the interaction of physicians with other healthcare providers and the healthcare system Although the legal aspects of healthcare in Europe most often fall under national law the past two decades have witnessed the emergence of a distinctive field of EU health law with its own underlying principles and structural coherence founded in a series of directives and CJEU decisions This book examines the areas in which EU law now must be taken into account in healthcare including aspects of patients rights recognition of professional qualifications and minimum training conditions professional rules of conduct clinical trials and investigations of medicinal products and medical devices health and genetic data and beginning and end of life issues Succinct and practical this book will prove to be of great value to professional organizations of physicians nurses hospitals and relevant government agencies Lawyers representing parties with interests in the European Union will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of health law and medical law in the international context      Public Services and the European Union Laura Nistor, 2011-09-15 Politically sensitive and economically important welfare services such as health care health insurance and education have opened up a heated debate in the EU The application of EU law to welfare services raises discontent from the part of the Member States who perceive their systems to be under threat Resisting to the application of the EU law is sometimes seen as part of protecting those values This book suggests that this resistance is largely unjustified EU law is not damaging to welfare systems but it provides adequate balancing mechanisms to ensure that all interests are protected The approach taken in analysing the impact of EU law on welfare services is to look at the negative integration process and answer the questions related to the extent to which EU law applies to welfare services and the kinds of safeguards the Court offers for these services The proportionality principle distinguishes itself as the central element in balancing national and Community interests Being part of the broader integration process negative harmonization creates legislative lacunae and therefore this book also looks at alternative solutions to the negative harmonization process namely positive and soft law      **Public Health Law** John Coggon, Keith Syrett, A. M. Viens, 2016-12-08 Public health activity and the state's public health responsibilities to assure the conditions in which people can be healthy can only be achieved through

different means of social coordination This places law and regulation at the heart of public health They are fundamental both to methods of achieving public health goals and to constraints that may be put on public health activity As such trainees practitioners and leaders in public health need to understand the breadth and nature of wide ranging legal and regulatory approaches and the place of ethics in public health Public Health Law written by three leading scholars in the field defines and examines this crucial area of study and practice It advances an agenda whose scope extends far beyond that covered in traditional medical law and health care law texts The authors provide an account of the scale of contemporary public health policy and practice and explain its philosophical depths and implications and its long legislative and regulatory history They advance a definition of the field and explore how different legal approaches may serve and advance or constrain and delimit public health agendas This ground breaking book presents the field of public health ethics and law and goes on to examine the impact within the UK of private law criminal law public law EU and international law and softer regulatory approaches It is a primary point of reference for scholars practitioners and leaders working in public health particularly those with an interest in law policy and ethics

**Public Services in EU Trade and Investment Agreements** Luigi F. Pedreschi, 2020-05-30

This book examines the impact of EU trade and investment agreements on public services a topic that continues to be the subject of heated political debate It surveys a broad range of EU agreements and provides a comprehensive up to date analysis of the rules and disciplines of such agreements that can affect the provision of public services Going beyond the existing literature it asks whether the treatment of public services in EU trade and investment agreements is coherent with the special status of public services in internal EU law specifically internal market law while also challenging the notion that trade and investment agreements automatically pose serious threats to public services The book will be of keen interest to legal scholars and students specialising in EU and or international economic law together with national and international policy makers Luigi F Pedreschi is affiliated to the European University Institute in Florence Italy and currently works as a Research Associate at the Robert Schuman Centre for Advanced Studies also located in Florence

**The EU Charter of Fundamental Rights** Steve Peers, Tamara Hervey, Jeff Kenner, Angela Ward, 2014-12-01

The Charter of Fundamental Rights of the European Union enshrines the key political social and economic rights of EU citizens and residents in EU law In its present form it was approved in 2000 by the European Parliament the Council of Ministers and the European Commission However its legal status remained uncertain until the entry into force of the Treaty of Lisbon in December 2009 The Charter obliges the EU to act and legislate consistently with the Charter and enables the EU's courts to strike down EU legislation which contravenes it The Charter applies to EU Member States when they are implementing EU law but does not extend the competences of the EU beyond the competences given to it in the treaties This Commentary on the Charter the first in English written by experts from several EU Member States provides an authoritative but succinct statement of how the Charter impacts upon EU domestic and international law Following the conventional

article by article approach each commentator offers an expert view of how each article is either already being interpreted in the courts or is likely to be interpreted Each commentary is referenced to the case law and is augmented with extensive references to further reading Six cross cutting introductory chapters explain the Charter's institutional anchorage its relationship to the Fundamental Rights Agency its interaction with other parts of international human rights law the enforcement mechanisms extraterritorial scope and the all important Explanations

**Specialized Administrative Law of the European Union** Herwig C. H. Hofmann, Gerard C. Rowe, Alexander H. Türk, 2018-11-30 This volume deals with the law governing the administrative implementation of European Union public policy Much of this law is specific to individual policy sectors The volume provides a study of such specialized administrative law for more than twenty sectors This cross sectoral approach allows for detailed comparisons of EU administration in diverse policy fields It identifies situations where legal structures and approaches may be unnecessarily duplicated thus indicating where a comprehensive general system could be advantageous for both Union law and policy achievement The comparative nature of the study also draws attention to policy fields which have proven to be testing grounds for approaches adopted subsequently in other areas In addition the work highlights the distinctive highly networked and strongly cooperative character of EU administration as a reflection of and a foundation for the operative nature of the European Union as a whole

**Towards Convergence in International Human Rights Law** Carla M. Buckley, Alice Donald, Philip Leach, 2016-10-18 We live in an era of proliferating international legal domains and institutions not least in the human rights field For some normative pluralism within human rights is inevitable and even desirable Others view it as a threat to the integrity and coherence of international human rights protection How far do human rights standards and their interpretation by different regional and international human rights systems diverge To what extent do human rights bodies borrow from or influence each other in respect of their case law practices and procedures Is global human rights protection fragmenting or heading towards greater coherence This edited collection addresses these questions through the insights of leading scholars and jurists with first hand experience of human rights adjudication and litigation

**Market Integration and Public Services in the European Union** Marise Cremona, 2011-03-03 In a period when the nature and scope of the European internal market is hotly contested this collection offers a topical analysis of the most pressing issues relating to market integration and public services in the EU As the debate continues over the balance between state control and market freedom questions are also raised about the relationship between EU regulation and national policy choices and the joint responsibility of the Union and the Member States Outlining the most important current issues relating to market integration and public services in the EU this book also addresses the underlying systemic questions of the relation between public services and markets and services and the consumer Chapters also examine the application of state aids and procurement law to public services The final two chapters focus on two public service sectors where the mix of Treaty rules case law and legislation has operated in rather different ways public service

media and health services      Pioneering Healthcare Law Catherine Stanton, Sarah Devaney, Anne-Maree Farrell, Alexandra Mullock, 2015-10-16 This book celebrates Professor Margaret Brazier's outstanding contribution to the field of healthcare law and bioethics. It examines key aspects developed in Professor Brazier's agenda-setting body of work with contributions being provided by leading experts in the field from the UK, Australia, the US, and continental Europe. They examine a range of current and future challenges for healthcare law and bioethics, representing state-of-the-art scholarship in the field. The book is organised into five parts: Part I discusses key principles and themes in healthcare law and bioethics; Part II examines the dynamics of the patient-doctor relationship, in particular the role of patients; Part III explores legal and ethical issues relating to the human body; Part IV discusses the regulation of reproduction; and Part V examines the relationship between the criminal law and the healthcare process. Chapter 10 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution-NonCommercial-NoDerivatives (CC BY-NC-ND) 3.0 license.

**Seville's EU Intellectual Property Law and Policy** Justine Pila, 2022-11-15 Carefully authored by Justine Pila, this significantly revised and expanded third edition of Catherine Seville's classic text presents a thorough and detailed treatise on EU intellectual property (IP) law, taking into account the many developments in legislation and case law since the second edition.



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