



COUR DE JUSTICE
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European Union And Its Court Of Justice

Roy H. Ginsberg



European Union And Its Court Of Justice:

The European Union and Its Court of Justice, 1999

The Court of Justice of the European Union Kate

Shaw, 2018-03-20 In the Court of Justice of the European Union Subsidiarity and Proportionality Kate Shaw sets out how a subsidiarity and proportionality review applied to competences could be anchored by the Court of Justice when balancing the competing interests in cases concerning the residency rights of EU citizens The book also considers the extent to which a court which is dedicated to enhancing the European project is really able to be an independent arbiter between the EU and the Member States in this context Both the legal reasoning of the Court and the controversial nature of residency rights of EU citizens are legally and politically very topical at the moment and of interest to legal academics and law students

The Court of Justice of the European Union and the Politics of Law Sabine Saurugger, Fabien Terpan, 2017-08-24 The Court of Justice of the European Union CJEU is one of the central institutions of the EU and has played a decisive role in European integration As one of the most powerful international courts at a time when political systems around the world are becoming more judicialized it is a key actor to understand in world affairs Yet it is not without controversy As both an interpreter of law and as a political power influencing policy making through its bold case law it has become increasingly criticized in recent years for its perceived activism and distance from the European people Combining the perspectives of a legal scholar and a political scientist this important new text gives a uniquely broad ranging account of the CJEU It introduces readers to the role and function of the Court and explains how it fits into the broader political system and historical evolution of the European Union It examines the constitutional contributions made by the Court and the part it plays in policy making in areas such as the environment gender equality and human rights Drawing on the latest research the book takes full account of recent changes to the place of the Court in the European political system and shows how new forms of governance such as the open method of coordination have had a significant impact on the role the Court is able to play

Copyright and the Court of Justice of the European Union Eleonora Rosati, 2023-10-06 First released in early 2019 Copyright and the Court of Justice of the European Union remains the only book exclusively devoted to the case law of the Court of Justice of the European Union CJEU in the EU copyright field Fully updated for the new edition the book explains the Court's role and action in the field of EU copyright law and provides readers with a sense of the direction of the Court's jurisprudence through an exercise of tidying up and rationalizing the rulings issued so far In his foreword to the first edition First Advocate General Maciej Szpunar praised the book's profound analysis of the EU copyright protection and CJEU decisions which in his view unveiled new information perhaps never considered even by members of the Court The new edition captures all the significant developments in EU copyright law that have occurred since 2019 Aside from macro events such as the UK's now completed departure from the EU and the adoption of the Digital Single Market Directive 2019/790 seminal judgments have been issued by the CJEU which touch upon all the main foundational aspects of EU copyright This book is structured in three

parts The first part is about the role of the CJEU as an EU institution Following a discussion of the impact of CJEU interpretation of EU copyright provisions notably their pre emptive effect on individual EU Member States freedom the second part is concerned with CJEU action and vision in respect of four key areas of copyright and related rights the requirements for protection construction of exclusive rights exceptions and limitations and enforcement The final part focuses on the legacy of CJEU case law broadly intended having regard to both individual countries copyright laws specifically the UK and recent EU copyright reform discourse notably in the context of the DSM Directive Timely and engaging Copyright and the Court of Justice of the European Union provides novel insights into the activity of the CJEU in the copyright field and reflects on the resulting implications for the present and future of EU copyright Gender and the Court of Justice of the European Union Jessica Guth,Sanna Elfving,2018-07-27 Offering an alternative exploration of the Court of Justice of the European Union CJEU and its work this book aims to start a conversation between legal political and gendered examinations of the Court of Justice and some of the substantive areas of law it is concerned with In doing so it provides a broader and more holistic view of the Court and its work which can add to our understanding of the institution its role and its case law as well as the contribution it can and does make to shaping law and policy and EU and national level

Demystifying the European Union Roy H. Ginsberg,2010-04-15 Annotation Written by one of the premier scholars on the European Union and hailed as the best undergraduate text on the subject this book has been thoroughly updated revised and streamlined Clear and comprehensive it is dedicated to demystifying one of the world s most important and least understood institutions Ginsberg begins with the foundation blocks of history law economics and politics to provide the context for understanding integration He then breaks the EU down into its individual elements so that they easily can be understood on their own as well as in relation to one another and to the whole Ensuring that students knowledge of the EU rests on a solid foundation the author challenges them to see it as a remarkable experiment in regional cooperation with profound implications for the peaceful resolution of conflict in many of the world s troubled regions **Complex Equality and the**

Court of Justice of the European Union Richard Lang,2018-07-17 The equality jurisprudence of the Court of Justice of the European Union has long drawn criticism for its almost total reliance on Aristotle s doctrine that likes should be treated like and unlikes unlike As has often been shown this is a blunt tool entrenching assumptions and promoting difference blindness the symptoms of simplicity In this book Richard Lang proposes that the EU s judges complement the Aristotelian test with a new one based on Michael Walzer s theory of Complex Equality and illustrates how analysing allegedly discriminatory acts not in terms of comparisons of the actors involved but rather in terms of distributions and meanings of goods would enable them to reach decisions with new dexterity and to resolve conflicts without sacrificing diversity **The European Court of Justice and International Courts** Tobias Lock,2015 The Court of Justice of the European Union holds exclusive jurisdiction that extends to many international treaties which can result in conflict of interpretation This book compares the relationship

of the Court of Justice to other courts and treaties and examines how conflict of interpretation is largely avoided

The Mimetic Evolution of the Court of Justice of the EU Leonardo Pierdominici, 2020-07-02 This book provides fresh perspectives in the legal study of the Court of Justice of the European Union In the context of European studies the Court has mainly been analysed in light of its central role in the process of continental integration Moreover the Court has traditionally been studied by specialists for its important role as an agent of comparative law This book studies the evolution of the Court itself rather than that of the EU legal order in its judge made dimension and addresses several institutional aspects of its structure and organization selected and constructed as a complete range of symptomatic figures of judicial institutionalisation In doing so the author seeks to showcase how the development and the institutional evolution of the CJEU happened through a selective internalization of comparative influences

The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law -La Cour de Justice et la Construction de l'Europe: Analyses et Perspectives de Soixante Ans de Jurisprudence Court of Justice of the European Un, A. Rosas, E. Levits, Y. Bot, 2012-12-05 This book is a contributed volume published by the Court of Justice of the European Union on the occasion of its 60th anniversary It provides an insight to the 60 years of case law of the Court of Justice and its role in the progress of European Integration The book includes contributions from eminent jurists from almost all the EU Member States All the main areas of European Union are covered in a systematic way The contributions are regrouped in four chapters dedicated respectively to the role of the Court of Justice and the Judicial Architecture of the European Union the Constitutional Order of the European Union the Area of EU Citizens and the European Union in the World The topics covered remain of interest for several years to come This unique book a must have reference work for Judges and Courts of all EU Members States and candidate countries and academics and legal professionals who are active in the field of EU law is also valuable for Law Libraries and Law Schools in Europe the United States of America Latin America Asia and Africa and law students who focus their research and studies in EU law

European Union Law Anthony Arnall, 2017-05-18 The European Union is rarely out of the news and as it deals with the consequences of the Brexit vote and struggles to emerge from the eurozone crisis it faces difficult questions about its future In this debate the law has a central role to play whether the issue be the governance of the eurozone the internal market clawing back powers from Europe or reducing so called Brussels red tape In this Very Short Introduction Anthony Arnall looks at the laws and legal system of the European Union including EU courts and discusses the range of issues that the European Union has been given the power to regulate such as the free movement of goods and people He considers why an organisation based on international treaties has proved capable of having far reaching effects on both its Member States and on countries that lie beyond its borders and discusses how its law and legal system have proved remarkably effective in ensuring that Member States respect the commitments they made when they signed the Treaties Answering some of the key questions surrounding EU law such as what exactly it is about and how it has become part of the legal DNA of its Member

States so much more effectively than other treaty based regimes Arnall considers the future for the European Union ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable

European Union Law Damian Chalmers,Gareth Davies,Giorgio Monti,2010-06-24 This eagerly awaited new edition has been significantly revised after extensive user feedback to meet current teaching requirements The first major textbook to be published since the rejuvenation of the Lisbon Treaty it retains the best elements of the first edition the engaging easily understandable writing style extracts from a variety of sources showing the creation interpretation and application of the law and comprehensive coverage In addition it has separate chapters on EU law in national courts governance and external relations reflecting the new directions in which the field is moving The examination of the free movement of goods and competition law has been restructured Chapter introductions clearly set out what will be covered in each section allowing students to approach complex material with confidence and detailed further reading sections encourage further study Put simply it is required reading for all serious students of EU law Judicial Control in the European Union Alicia Hinarejos Parga,2009 The EU s activity under its intergovernmental pillars The Common Foreign and Security Policy and Justice and Home Affairs has traditionally been beyond the scope of judicial control offered by the central EC legal system The increasing importance of this activity and its growing intrusion into the lives of individuals has led to a sense that the level of judicial oversight and protection is insufficient and that the constitutional balance of the Union stands in urgent need of reform While the need for reform is widely recognised wholesale constitutional change has been stalled by the failure to ratify the Constitutional Treaty and the delay in ratifying the Treaty of Lisbon This book charts the attempts to develop more satisfactory judicial control over the intergovernmental pillars in the face of such constitutional inertia It examines the leading role played by the European Court of Justice in reforming its own jurisdiction and analyses the ECJ s development as a constitutional court in comparison with more established constitutional adjudicators Throughout the book the current constitutional position is compared extensively to the reforms introduced by the Treaty of Lisbon offering a timely snapshot of the EU s federal structure in a state of flux **Workload of the Court of Justice of the European Union** Great Britain: Parliament: House of Lords: European Union Committee,2013-04-29 The report Workload Of The Court Of Justice Of The European Union Follow Up Report HL 163 examines the progress towards adopting the recommendations set out in the paper The Workload Of The Court Of Justice Of The European Union These recommendations were aimed at managing the heavy workload of the Court of Justice of the European Union CJEU Since the original report was published the CJEU has undertaken some reforms to try to reduce the backlog of cases of the Court of Justice CJ However the number of cases pending before the CJ continues to rise year on year It is imperative that the right balance is struck between the length of

time it takes for the Court to dispense with a case and the quality of its judgments in order to preserve its credibility The Court and Member States need to keep the workload of the Court under review in order to react before the workload has an adverse effect on the efficiency of the Court The C

The Legal Reasoning of the Court of Justice of the EU

Gunnar Beck, 2013-01-21 The Court of Justice of the European Union has often been characterised both as a motor of integration and a judicial law maker To what extent is this a fair description of the Court's jurisprudence over more than half a century The book is divided into two parts Part one develops a new heuristic theory of legal reasoning which argues that legal uncertainty is a pervasive and inescapable feature of primary legal material and judicial reasoning alike which has its origin in a combination of linguistic vagueness value pluralism and rule instability associated with precedent Part two examines the jurisprudence of the Court of Justice of the EU against this theoretical framework The author demonstrates that the ECJ's interpretative reasoning is best understood in terms of a tripartite approach whereby the Court justifies its decisions in terms of the cumulative weight of purposive systemic and literal arguments That approach is more in line with orthodox legal reasoning in other legal systems than is commonly acknowledged and differs from the approach of other higher especially constitutional courts more in degree than in kind It nevertheless leaves the Court considerable discretion in determining the relative weight and ranking of the various interpretative criteria from one case to another The Court's exercise of its discretion is best understood in terms of the constraints imposed by the accepted justificatory discourse and certain extra legal steadying factors of legal reasoning which include a range of political factors such as sensitivity to Member States interests political fashion and deference to the EU legislator In conclusion the Court of Justice of the EU has used the flexibility inherent in its interpretative approach and the choice it usually enjoys in determining the relative weight and order of the interpretative criteria at its disposal to resolve legal uncertainty in the EU primary legal materials in a broadly communautaire fashion subject however to i regard to the political constitutional and budgetary sensitivities of Member States ii depending on the constraints and extent of interpretative manoeuvre afforded by the degree of linguistic vagueness of the provisions in question the relative status of and degree of potential conflict between the applicable norms and the range and clarity of the interpretative topoi available to resolve first order legal uncertainty and finally iii bearing in mind the largely unpredictable personal element in all adjudication Only in exceptional cases which the Court perceives to go to the heart of the integration process and threaten its *acquis communautaire* is the Court of Justice likely not to feel constrained by either the wording of the norms in issue or by the ordinary conventions of interpretative argumentation and to adopt a strongly communautaire position if need be in disregard of what the written laws says but subject to the proviso that the Court is assured of the express or tacit approval or acquiescence of national governments and courts

New Legal Approaches to Studying the Court of Justice Claire Kilpatrick, Joanne Scott, 2020-12-16 At the beginning of 2015 the Court of Justice opened its archives which created a new and challenging primary source for those studying the Court of Justice the

dossiers de proc dure which contain much more than the contemporary documents published by the Court This volume includes five chapters which analyse the activities of the Court of Justice from a highly diverse range of non doctrinal perspectives However they also highlight significant new developments at the Court itself which attract attention and deserve analysis Thus the idea behind this volume is to make available new tools and approaches through which the activities of the Court of Justice can be studied It shows a more intense engagement with scholars across disciplines to reflect on law and courts with the Court of Justice as a central focus and new methods such as network citation analysis and sources such as the Court s archives being discovered and developed It also shows a more intense and deeply knowledgeable engagement with EU law and the Court of Justice by non legal scholars such as the new sociologies and histories of the Court of Justice These and other new approaches have spawned productive and ongoing conversations across disciplines

Competition Law in China and the EU Xingyu Yan, 2024-12-16 This book presents a comprehensive review of the Chinese and European responses to the abuse of market dominance with a focus on the impact of antitrust institutional dynamics on enforcement decisions It uses the methods of functional comparison and case analysis to investigate how theories of harm relating to specific types of abuse differ within and across competition law regimes due to institutional dynamics The Chinese and EU competition law regimes serve as excellent examples for this investigation because they have similar substantive laws on paper but vastly different institutional settings The book examines first individually and then comparatively how the distinct institutional dynamics in the Chinese and EU regimes shape the development of theories of harm This volume will appeal to competition law scholars students and practitioners seeking a more nuanced understanding of how competition law works in the EU and China It will also interest scholars trying to approach the Chinese legal system from an engaging rather than alienating standpoint

Investing in EU Energy Security Henrik Bjørnebye, 2010-01-01 La 4e de couverture indique Since the introduction a quarter century ago of market based investments in the production of electricity and other critical services our awareness of the underlying issues affecting the supply and consumption of energy has changed radically No longer can Europe or any region rely on over capacity of electricity generation and inexpensive primary energy fuels or disregard the signs of potentially catastrophic climate change The author of this timely and sharply focused book shows that in the light of our current knowledge ensuring new investments and the right investments in electricity generation constitutes an urgent energy policy challenge facing the EU over the coming decades He accordingly makes the case for a serious reconsideration of the market facilitation and market intervention rules under electricity market legislation in the EU In the first detailed legal analysis of the EU s internal electricity market framework for investments in electricity generation facilities from the perspective of security of supply this book cover such legal issues as the following in precise detail applicability of the Treaty on the Functioning of the European Union TFEU security of supply as a ground for exemption on the basis of public security justifications of public intervention the applicability of EU State aid provisions to investments in energy security

requirements imposed by EU law on Member States for ensuring cost efficient investments in European supply security facilitation of renewable energy sources and cogeneration in the environmental interest the Court of Justice s approach to Member State interventions the Court s decisions on restrictions on free movement in the environmental interest Member States right to launch tendering procedures for new generation capacity Member States right to impose public service obligations in the general economic interest on certain undertakings and relationship between the provisions of the TFEU and those of the Euratom Treaty in relation to investments in nuclear power generation Throughout the study in addition to his analysis of the decisions of the Court of Justice and the Court of First Instance the author takes into account legal literature and Union reports preparatory works and working papers The book demonstrates convincingly that today s energy supply challenges must be based on a broader balancing of security competitiveness and sustainability interests It suggests that the internal electricity market provisions of the Electricity Directive and the Security of Electricity Supply Directive would benefit from focusing more intensely on requiring investments in technologies and primary energy sources that will help mitigate climate change and reduce European energy import dependency and less on the need for ensuring cost efficient investments through market based means Through its detailed analysis of EU law in an area of great significance to both market participants and the public sector Investing in EU Energy Security will be welcomed by legal advisors whether working for the EU electricity industry or public agencies responsible for implementation of internal electricity market measures as well as by academics in this hugely important field of current research

Caribbean Integration Law David S. Berry, 2014-02-27 Caribbean Integration Law offers a comprehensive legal analysis of the current treaties and rules governing the two main regional organisations in the Caribbean the Caribbean Community CARICOM and the Organisation of Eastern Caribbean States OECS Both organisations are operating under new treaties the Revised Treaty of Chaguaramas and the Revised Treaty of Basseterre respectively which created the CARICOM Single Market and Economy and the OECS Economic Union The single market and economic union were built upon principles of free movement of goods labour and capital and a common external tariff This book reviews the foundations of Caribbean regional integration the institutional frameworks of the two regional organisations and fleshes out the scope and context of the legal systems created by the treaties It also reviews the dispute settlement mechanisms under both treaties including the increasingly active role of the Caribbean Court of Justice which allows persons to enforce their treaty rights directly before the Court The book offers selective comparisons to the current rules governing the European Union and integrates crucial insights from the field of public international law including the law of treaties and international institutional law

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