

European Law

Anu Bradford

The Law of the European Union and the European Communities Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union, including the institutional framework, the Internal Market, Economic and Monetary Union and external policy and action. Completely revised and updated, with many newly written chapters, this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union (EU). Written by a new team of experts in their respective areas of European law, its coverage incorporates and embraces many current, controversial, and emerging issues and provides detailed attention to historical development and legislative history of EU law. Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening, including the following: .powers and functions of the EU law institutions and relationship among them; .the principles of equality, loyalty, subsidiarity, and proportionality; .free movement of persons, goods, services, and capital; .mechanisms of constitutional change - treaty revisions, accession treaties, withdrawal agreements; .budgetary principles and procedures; .State aid rules; .effect of Union law in national legal systems; .coexistence of EU, European Convention of Human Rights (ECHR), and national fundamental rights law; .migration and asylum law; .liability of Member States for damage suffered by individuals; .competition law - cartels, abuse of dominant position, merger control; .social policy, equal pay, and equal treatment; .environmental policy, consumer protection, public health, cultural policy, education, and tourism; .nature of EU citizenship, its acquisition, and loss; and .law and policy of the EU's external relations. The fifth edition embraces many new, ongoing, and emerging European legal issues. As in the previous editions, the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework. The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition. Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle.

An Introduction to European Law Robert Schütze, 2020-07 Offering the most thought-provoking introduction to EU law. Written in a highly readable narrative style, the book provides students with a succinct yet sophisticated analysis of the core aspects of the subject, while also equipping them with the tools for further exploration. Figures and tables clarify complex ideas and processes, and a guide to finding and reading EU judgments offers valuable practical support. This carefully structured guide brings clarity to a broad and multifaceted subject.

Human Rights in Contemporary European Law Joakim Nergelius, Eleonor Kristoffersson, 2015-01-22 This is volume 6 in the series Swedish Studies in European Law. Arising from the work of two well-attended seminars, this new volume concentrates on highly topical issues in European Law - current problems in the enforcement of human rights in Europe and the accession of the EU to the European Convention on Human Rights. Among the topics dealt with - apart from 'the accession issue' - are questions related to the enforcement of the Charter of Fundamental Rights, human rights as general principles of law, specific issues like the 'Double Jeopardy Clause' in relation to Swedish tax law, horizontal effect or so-called 'Drittwirkung' of human rights and the increased role of judicial and constitutional review in Swedish courts. The book should be of value to any reader with an interest in such matters.

Cases, Materials and Text on European Law and Private Law Arthur Hartkamp, Carla Sieburgh, Wouter Devroe, 2017-03-09 This Casebook deals with the horizontal effects of EU law, which is to say its effects on relationships between individuals. To a large extent, these effects have been created by the Court of Justice of the European Union (CJEU) on the basis of the European Treaties. The main focus of the Casebook is on the developments relating to primary EU law and their influence on national private law. It studies instances where EU primary law has already directly or indirectly influenced the case law in the Member States, or where it is expected to do so soon. Compared to the well-known impact of EU directives on private law, these developments concerning primary EU law are hardly noted by private lawyers and perhaps not sufficiently explained by scholars of EU law. Therefore the book makes an important contribution to scholarship and education. This book highlights developments in the areas of competition law, fundamental freedoms, non-discrimination, general principles of EU law, ex officio application of provisions of EU law and implementation of directives, including harmonious interpretation and Francovich liability. In its analysis of the ways in which EU law interacts with private law, the book will be an invaluable resource to students, practitioners and academics of EU private law.

The Interface Between EU and International Law Inge Govaere, Sacha Garben, 2019-05-16 Despite their many obvious interconnections, EU and international law are all too often studied and practised in different spheres. While it is natural for each to insist on its own unique characteristics, and in particular for the EU to emphasise its sui generis nature, important insights might be lost because of this exclusionary approach. This book aims to break through some of those barriers and to show how more interaction between the two spheres might be encouraged. In so doing, it offers a constitutional dimension but also a substantive one, identifying policy areas where EU and international law and their respective actors work alongside each other. Offering a 360-degree view on both EU and international institutional and substantive law, this collection presents a refreshing perspective on a longstanding issue.

Lawyering Europe Antoine Vauchez, Bruno de Witte, 2013-03-13 While scholarly writing has dealt with the role of law in the process of European integration, so far it has shed little light on the lawyers and communities of lawyers involved in that process. Law has been one of the most thoroughly investigated aspects of the European integration process, and EU law has become a well-established academic discipline, with the emergence more recently of an impressive body of legal and political science literature on 'European law in context'. Yet this field has been dominated by an essentially judicial narrative, focused on the role of the European courts, underestimating in the process the multifaceted roles lawyers and law play in the EU polity, notably the roles they play beyond the litigation arena. This volume seeks to promote a deeper understanding of European law as a social and political phenomenon, presenting a more complete view of the European legal field by looking beyond the courts, and at the same time broadening the scholarly horizon by exploring the ways in which European law is actually made. To do this it describes the roles of the great variety of actors who stand behind legal norms and decisions, bringing together perspectives from various disciplines (law, political science, political sociology and history), to offer a global multi-disciplinary reassessment of the role of 'law' and 'lawyers' in the European integration process.

Principles of European Constitutional Law Armin von Bogdandy, Jürgen Bast, 2009-12-03 For the time being, the political project of basing the European Union on a document entitled 'Constitution' has failed. The second, revised and enlarged edition of this volume retains its title nonetheless. Building on a scholarly rather than black-letter law account, it shows European constitutional law as it looks following the Treaty of Lisbon, with the EU's foundational treaties mandating the exercise of public authority, establishing a hierarchy of norms and legitimising legal acts, providing for citizenship, and granting fundamental rights. In this way the treaties shape the relations between legal orders, between public interest regulation and market economy, and between law and politics. The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law, how it offers theoretical and doctrinal insights, and how it adds critical perspective. From Reviews of the First Edition: ...should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe's constitutional foundations...It is impossible to present the richness of thought contained in the 833 pages of the book in a short review. Common Market Law Review an enduring scholarly work, which gives an English-speaking audience important, and overdue, access to the long-standing and forever-vigorous traditions of (European) constitutional law... unhesitatingly recommend[ed]. European Law Journal ...real scholarship in the profound sense of the word... K Lenaerts, Professor of European Law, Leuven

European Union Law Robert Schütze, 2015-04-02 Provides a clear yet rigorous coverage of all the core topics of EU law, with numerous case extracts and one hundred visual aids.

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'.

General Principles of Law Stefan Vogenauer, Stephen Weatherill, 2017-06-15 Examining general principles of law provides one of the most instructive examples of the intersection between EU law and comparative law. This collection draws on the expertise of high-profile and distinguished scholars to provide a critical examination of this interaction. It shows how general principles of EU law need to be responsive to national laws. In addition, it is clear that the laws of the Member States have no choice but to be responsive to the general principles which are developed through EU law. Viewed through the perspective of proportionality, legal certainty, and fundamental rights, the dynamic relationship between the ingenuity of the Court of Justice, the legislative process and the process of Treaty revision is comprehensively illustrated.

European Union Law for the Twenty-First Century: Volume 2 Professor Paul Matthews, Paolisa Nebbia, 2004-12-06 This book, to be published in two volumes, is based on the contributions made to the W.G. Hart Workshop 2003. It contains more than forty contributions by leading experts seeking to assess the state of development of EU law some fifty years after the establishment of the Communities and contribute to the current debate on the European Constitution. The second volume focuses on challenges in the field of the internal market and external relations, looking at diverse areas of European Law, including free movement, competition law and merger control, public procurement, consumer law, enlargement, WTO, third country nationals, sex equality etc. Authors include: Tony Arnall, George Bermann, Marise Cremona, Paul Craig, Eileen Denza, Piet Eeckhout, Koen Lenaerts, Steve Peers, Wulf-Henning Roth, Francis Snyder, Erika Szyszczak, Takis Tridimas and Stephen Weatherill.

The Brussels Effect Anu Bradford, 2020-01-27 For many observers, the European Union is mired in a deep crisis. Between sluggish growth; political turmoil following a decade of austerity politics; Brexit; and the rise of Asian influence, the EU is seen as a declining power on the world stage. Columbia Law professor Anu Bradford argues the opposite in her important new book *The Brussels Effect*: the EU remains an influential superpower that shapes the world in its image. By promulgating regulations that shape the international business environment, elevating standards worldwide, and leading to a notable Europeanization of many important aspects of global commerce, the EU has managed to shape policy in areas such as data privacy, consumer health and safety, environmental protection, antitrust, and online hate speech. And in contrast to how superpowers wield their global influence, the Brussels Effect - a phrase first coined by Bradford in 2012 - absolves the EU from playing a direct role in imposing standards, as market forces alone are often sufficient as multinational companies voluntarily extend the EU rule to govern their global operations. *The Brussels Effect* shows how the EU has acquired such power, why multinational companies use EU standards as global standards, and why the EU's role as the world's regulator is likely to outlive its gradual economic decline, extending the EU's influence long into the future.

A Critical Introduction to European Law Ian Ward, 1996 European law has recently become established as a core subject for Law Society exemption purposes. Ward: *A Critical Introduction to European Law* pays particular emphasis to the law of the constitution, and the U.K. experience of integration in Europe. This is the only text which acts as a critical introduction to European law. Professor Ian Ward's critique examines the all too numerous inconsistencies and injustices of European law, whilst seeking to place this law in its philosophical, economic, political and historical context.

Strengthening the Rule of Law in Europe Werner Schroeder, 2016-12-15 Respect for the 'rule of law' is, according to Article 2 of the Treaty on European Union, a value on which the Union is founded and a prerequisite for the accession of new Member States. However in some Member States there are deficiencies as regards the independence of the justice system or other aspects of the rule of law, and on several occasions the Union has been confronted with a rule of law crisis. In order to address this problem the book elucidates the principal elements of a common European rule of law in a global context, and explores the different mechanisms and instruments appropriate to safeguard the rule of law and to address future rule of law crises in the Member States. The book brings together contributions from renowned academics, high-ranking professionals and experts in the fields of European law, public international law and constitutional law.

A Transatlantic Community of Law Elaine Fahey, Deirdre Curtin, 2014-07-17 As a medium for communication between the EU and the USA, law has the ability to provide unique insights into the state of contemporary transatlantic relations. A Transatlantic Community of Law offers legal perspectives on the emerging institutional characteristics of transatlantic relations and contemporary rule-making in both trade and security. Making use of rule of law analysis which has hitherto not been conducted in transatlantic relations scholarship, it draws together EU law, governance and rule-making scholarship and offers new ways of thinking about the use of law and contemporary transatlantic institutions.

The Past and Future of EU Law Luis Miguel Poiarés Pessoa Maduro, Loïc Azoulay, 2010-02-05 This book revisits, in a new light, some of the classic cases which constitute the foundations of the EU legal order and is timed to celebrate the 50th anniversary of the Rome Treaty establishing a European Economic Community. Its broader purpose, however, is to discuss the future of the EU legal order by examining, from a variety of different perspectives, the most important judgments of the ECJ which established the foundations of the EU legal order. The tone is neither necessarily celebratory nor critical, but relies on the viewpoint of the distinguished line-up of contributors - drawn from among former and current members of the Court (the view from within), scholars from other disciplines or lawyers from other legal orders (the view from outside), and two different generations of EU legal scholars (the classics revisit the classics and a view from the future). Each of these groups will provide a different perspective on the same set of selected judgments. In each short essay, questions such as 'what would have EU law been without this judgment of the Court? what factors might have influenced it?; did the judgment create expectations which were not fully fulfilled?' and so on, are posed and answered. The result is a profound, wide-ranging and fresh examination of the 'founding cases' of EU law.

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.

The European Union under Transnational Law Matej Avbelj, 2018-01-11 For almost a decade the European Union has been stuck in a permanent crisis. Starting with domestic constitutional crises, followed by an imported financial crisis, it has evolved into a fully formed political crisis. This book argues that none of the crises are exclusively internal to the EU and the responses to date, which have taken inward looking approaches, are simply inadequate. Resolution can only come when the EU engages more fully with transnational law. This highly topical book offers an innovative dual focus on both transnational and EU law together. It sets out the relationship between the two frameworks by exploring practical concrete problems that transnational law has posed to the EU. These problems are explored from the perspective of four key tenets of both systems, namely the rule of law, democracy, the protection of human rights, and justice. It does this by advancing the theoretical framework of principled legal

pluralism. In so doing it offers clear normative guidance as to how the relationship between EU and transnational law should be developed and fostered.

Europe's Other Peter Fitzpatrick,James Henry Bergeron,2019-01-04 First published in 1998, this volume focuses critically on the European identity of the law of the European Union, of national law and the law of human rights. It is primarily concerned with the ways in which European identity is created through the rejection of a malign Other constituted in opposition to all that a virtuous Europe and its law, are supposed to be. The construction of this Other is explored in claims of the EU legal order to a unity and coherence transcending the nation-state; in the assertion of a European identity through laws effecting cultural, immigration and security policies; and in the claims to a lofty 'European-ness' made by national law and the European Convention on Human Rights. A major contribution to the understanding of European Law in the terms of the debates over modernity and postmodernity, this book will interest those involved with studies of the European Union and its law, with critical legal studies and also with socio-legal studies.

EU Law Stories Fernanda Nicola,Bill Davies,2017-05-29 This book retells the multiple stories behind the rulings of the European Court, revealing their context, their history and the legal and non-legal strategies of their actors.

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