



New Directions in European Public Law

Jack Beatson and Takis Tridimas

B L O O M S B U R Y

New Directions In European Public Law

Patrick Birkinshaw



New Directions In European Public Law:

New Directions in European Public Law Jack Beatson, Takis Tridimas, 1998 From two symposia in the winter and spring of 1997 at Cambridge England 13 essays analyze a cluster of issues arising in the European Union public law arena Some deal with issues of liability and the availability of remedies in European and domestic law Others take a broader view looking at the phenomenon of cross fertilization among national legal systems and between national systems and European Union law Distributed in the US by ISBS Annotation copyrighted by Book News Inc Portland OR *New Directions in European Private Law* Takis Tridimas, Mateja Durovic, 2021-05-20 This book brings together leading scholars and practitioners to explore contemporary challenges in the field of European private law identify problems and propose solutions The first section reassesses the existing theoretical framework and traditional legal scholarship on which European private law has developed The book then goes on to examine important and practical topics of geo blocking and standardisation in the context of recent legislative developments and the CJEU case law The third section assesses the challenging subject of adequate regulation of online platforms and sharing economy that has been continuously addressed in the recent years by European private law A fourth section deals with the regulatory challenges brought by an increasing development of artificial intelligence and blockchain technology and the question of liability The final section examines recent European legislative developments in the area of digital goods and digital content and identifies potential future policy directions in which the European private law may develop in the future *European Public Law* Patrick J. Birkinshaw, 2020-01-23 The sphere of public law is ill defined and controversial Taking the broad view that it comprises aspects of for instance constitutional principles good and humane administration judicial review based on the rule of law human rights liability for wrongdoing public procurement provision of public services transparency social media and protection of privacy areas that link legal control to broad governmental purposes the third edition of this established and much praised work expands its examination of the emergence of European public law from European Union EU law and its European Community and European Economic Community antecedents the European Convention on Human Rights and the interface of these systems with Member State systems to include the currently all important challenge of Brexit The book explains in detail what European public law is and the context in which laws interact in European societies Masterfully summarising the debate surrounding the influence of EU and European Convention law on Member State law particularly that of the United Kingdom UK in a thematic and analytical manner the author covers the following topics and much more as they persist in the shadow of Brexit constitutional law and administrative law in the EU and France Germany and the UK subsidiarity in the EU and UK devolution openness transparency and access to information national parliaments and scrutiny of EU law influence of EU law on UK judicial review access to justice in the light of austerity and government cuts in public expenditure the future of the UK Human Rights Act European influence on the law of liability EU ombudsmen and internal grievance procedures future relationship

between EU and UK domestic law citizenship and protection of human rights competition regulation public service and the market the impact of Brexit the legal consequences of UK withdrawal legislation and European Public Law the EU UK written agreements on separation and the political statement s prospects for a post Brexit trade deal Detailed analyses of major cases and legal provisions are featured throughout the book Given that the effects of Brexit will take decades to unfold and not only in the UK this new edition of a classic text will prove to be an invaluable guide to the ever developing European context of domestic public law The indelible marks of European integration must be fully understood if we are to understand public law and its future direction The book will be of enormous assistance to political theorists and scientists and commentators and of immeasurable practical and academic importance in monitoring the future of Europe and its legal relationship with the UK Academics and students will be rewarded by the detailed analysis of the context in which national laws and European laws interact Practitioners in the UK Europe and globally will gain invaluable insight into the laws they use to resolve practical questions of legal interpretation *European Public Law* Patrick Birkinshaw,2003-02 European integration has been most successful at a legal level and European influences have left an indelible mark on English Public Law These influences must be understood by students and practitioners if they are to understand our public law and its continuing development This new book aims to cover the debate surrounding the influence of Community law on the public law of the United Kingdom in a thematic and analytical manner **UK Public Law and European Law** Gordon

Anthony,2002-05-11 This book examines the dynamics of the process whereby UK courts borrow principle and practice from European law *New Directions in the Effective Enforcement of EU Law and Policy* Sara Drake,Melanie Smith,2016-04-29 The EU is faced with the perpetual challenge of guaranteeing effective enforcement of its law and policies This book brings together leading EU scholars in law politics and regulation to explore the wealth of new legal and regulatory strategies practices and actors that are emerging to complement the classic avenues of central and decentralized enforcement The contributors evaluate the traditional dual vigilance framework of enforcement before examining network ed enforcement from theoretical empirical and legal perspectives They assess innovations in key EU policy fields such as the environment consumer protection competition freedom security and justice and economic governance This multi disciplinary book will be of use to students and academics in law political science regulation and public policy It will also interest policy makers in EU institutions national administrations and courts engaged in the implementation and enforcement of EU law and policy

Public Law Adjudication in Common Law Systems John Bell,Mark Elliott,Jason NE Varuhas,Philip Murray,2016-04-07 This volume arises from the inaugural Public Law Conference hosted in September 2014 by the Centre for Public Law at the University of Cambridge which brought together leading public lawyers from a number of common law jurisdictions While those from such jurisdictions share background understandings significant differences within the common law world create opportunities for valuable exchanges of ideas and debate This collection draws upon one of the principal sub themes that

emerged during the conference namely the way in which relationships and distinctions between the notions of process and substance play out in relation to and inform adjudication in public law cases The essays contained in this volume address those issues from a variety of perspectives While the bulk of the chapters consider topical issues in judicial review either on common law or human rights grounds or both other chapters adopt more theoretical historical empirical or contextual approaches Concluding chapters reflect generally on the papers in the collection and the value of facilitating cross jurisdictional dialogue

Public Law in a Troubled Era Katarzyna Gromek-Broc, 2023-07-14 Public law which examines relations between governments and institutions and individuals has in recent years become deeply disturbed by an erosion of the rule of law notably in some of the world's most professedly democratic nations In this book of edited essays many of the world's leading public lawyers draw on examples from the United Kingdom European States and the European Union EU to explore the alarming tensions unleashed as Europe is rocked by Brexit the war between nations on the EU border and the worldwide phenomenon of populist resistance to globalised forces and liberal democratic aspirations The book is dedicated to Professor Patrick Birkinshaw who until his retirement was Director of the Institute of European Public Law and Professor of Public Law at the University of Hull and widely respected as a leading authority on public law With a focus on public law and European public law jurisprudence with hugely important global ramifications the contributions continue his work and crucially deal with the new and troubling shape of the law politics relationship The essays examine these developments under four headings Law in a World Turned Upside Down with essays on e.g Brexit the denial of human rights and the rule of law in Hungary climate change governance Law and Politics A Shifting Boundary showing how advances in the courts have prompted reaction to curtail judicial review and human rights protection especially evident in the fading mirage of fair trial rights and administration on the EU periphery Law's Promise specifying real achievements in the way of reform and higher levels of security for individuals and New Bearings exploring initiatives and emerging problems including reform of judicial review the European Banking Law digitalization of public administration and institutional interactions with the Chinese 1982 Constitution The book brings together leading university professors public officials and judges all experts in their respective fields All are concerned with a central role for law in the process of governance This unrivalled volume penetrates the contradictions uncertainties and insecurities that plague this topic of worldwide interest and debate and will prove invaluable to practitioners public administrators jurists judges and legal academics everywhere It will also be of interest to political scientists and politicians In its completely original and innovative discussions of the changes taking place at the interface of law and politics and of how law can enhance certainty and reliability in governance this book provides a most detailed and insightful analysis of the new bearings in public law in Europe and worldwide

Of Courts and Constitutions Kieran Bradley, Noel Travers, Anthony Whelan, 2014-12-01 The essays which appear in this volume have been written to pay tribute to the Hon Mr Justice Nial Fennelly judge of the Supreme Court of Ireland and former Advocate General at the European

Court of Justice on the occasion of his retirement The overall theme of the book is the relationship between European Union law and national law and the role of courts in defining that relationship The book consists of four main parts the structure and functioning of the European Court of Justice material issues of European Union law aspects of Irish law and transversal issues of national and European law The contributors are all past and present members of the European bench members or former members of the Irish judiciary or Bar and or experts in European Union law many of whom have worked with Mr Justice Fennelly during his long and distinguished career at the Bar and on the bench

Tradition and Change in Administrative Law Marina Künnecke, 2007-08-01 Administrative legal systems are based on national constitutional legal traditions and cultural values English judges have for centuries applied the common law In Germany judges have developed administrative legal principles for the protection of the individual against state action However over the last few decades Administrative legal systems have become less isolated This is the result of fundamental developments in the European legal landscape and of the increasing complexity of Administrative legal problems In the UK the constitutional basis for judicial review principles of judicial control and governmental liability as well as the organisation of the courts are changing Both the English and the German Administrative legal systems are increasingly faced with the question of how to balance the dynamics of change with the preserving forces of tradition Here the open attitude of judges and lawmakers in considering solutions offered elsewhere is a remarkable development in a field of law which has long been perceived as too nationally specific There is a growing need for comparative material and analysis in Administrative law this book provides a valuable contribution to this field of law

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