

MODERN STUDIES IN EUROPEAN LAW



NEW DIRECTIONS IN
EUROPEAN PRIVATE LAW

EDITED BY
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MATEJA DUROVIC

New Directions In European Community Law

Albert Sánchez Graells



New Directions In European Community 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 Community Law Francis G. Snyder, 1990

New Directions in European Community Law Francis G. Snyder, 1990-01-01

European Union Law for the Twenty-First Century: Volume 2 Takis Tridimas, 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

European Union Law for the Twenty-First Century: Volume 2 Τάκης Τριδίμας, Paolisa Nebbia, 2004-10 This book assesses the state of EU law fifty years after the Communities were established contributing to the debate on the European Constitution

Law's Future(s) David Hayton, 2000-09-15 To mark the 2000 Annual Conference of the Society of Public Teachers of Law the Society has organised a distinguished team of contributors to write a set of reflective and critical essays on the future of law in the United Kingdom considering how it will or should develop over a wide range of areas The essays are concerned not only with all the main branches of the law but also with socio legal studies legal education and legal practice In most of these areas the essays are written by two contributors so that the dialogue between them adds perception to their forecasts taking account of past experience of developing the law via judicial activism or statutory reform processes and also of the European dimension This reflection upon the possible future milestones of UK law will provide stimulating and illuminating reading for all lawyers whether academics or practitioners Contributors Andrew Ashworth Stephen Bailey Rebecca Bailey Harris Nicholas Bamforth Kit Barker John Birds Anthony Bradney Margaret Brazier Richard Card Elizabeth Cooke Fiona Cownie Keith Ewing Conor Gearty Nicola Glover Desmond Greer Brigid Hadfield Johnathan Harris David Hayton Jo Hunt John Jackson Tim Jewell John Lowry Laura Macgregor Judith Masson David McClean Gillian Morris David Oughton John Parkinson Alan Paterson Colin Reid Sir Richard Scott Jo Shaw Lionel Smith Brenda Sufrin Phil Thomas Joseph Thomson Adam Tomkins Martin Wasik Sally Wheeler Richard Whish Sarah Worthington

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European Court and National Courts Anne Marie Slaughter, Alec Stone Sweet, Joseph Weiler, 1998-03-01 The essays comprising this volume are the outcome of a major and unique project which looks in detail at the application of EC law by national courts and the interaction of the demands of EC law with the constraints imposed by national legal orders and especially national constitutional orders The volume comprises seven country studies which are shaped around a common research protocol These are supplemented by three cross cutting studies which draw on the country studies as well as on broader contextual research work aimed at trying to understand the role of the European Court of Justice in the round The results of this multi national research are certain to provoke widespread interest among scholars of European law international law and European politics for they offer the first systematic and rigorous attempt to assess the impact of the ECJ among the leading member states of the European Union *European Union Law* Elspeth Berry, Sylvia

Hargreaves, 2007-03-29 This textbook offers an introduction to all areas of EU law found on introductory courses Explanations and descriptions are set out clearly and simply with summaries of key cases to illustrate the points of law

Encyclopedia of Law and Society David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries **A Review of Forty Years of Community Law** Alison

McDonnell, 2005-01-01 In this important book eighteen of Europe's most respected jurists and legal scholars look at long term developments in Community and Union law with a view to shedding light on the current situation and pointing out lessons for the future. They consider major Community law themes as they have developed over the past four decades in institutional and substantive contexts as well as in such newer areas of development as external relations, economic and monetary union and the Third Pillar. Starting from the absolute centrality of the Common Market to the European Community enterprise, the authors provide many reminders of how the current situation evolved. Their detailed root analyses of past experiences explore origins, patterns and implications from the initial concept of market access through laws relating to individual rights to such complexities as the bottom up emergence of constitutional principles. They show that whether we will in fact soon see a European constitution or not, there is little doubt today that EC law is undergoing what may be best understood as a process of constitutionalization. Seventeen insightful essays give deeper meaning to many events, principles and issues which have had far reaching implications for European integration, including the following: the crucial principles made clear by the ECJ in *Van Gend en Loos* in 1963; the place of fundamental rights in a supranational legal order; tensions to be resolved through political and legal means; exclusive, shared and supporting competences; the gradual rise of principles such as subsidiarity and proportionality; the precautionary principle; the legitimacy and authority of the ECJ; the extent to which fundamental freedoms have become fundamental rights; the procedural rules of European competition policy; enforcement of state aid under EC Treaty Article 87(1); the case for harmonization of private law; social policy and equal treatment; institutional balance; the EU as global actor; the evolution of the EU Charter of Fundamental Rights and the Constitutional Treaty. The European Union is a dynamic legal order and continues to face myriad challenges and dilemmas as it expands its membership and considers a European constitution. This concentrated summary of the most important issues in forty years of legal developments reveals both the lasting triumphs along the way and the gaps that require urgent attention if the legitimacy of the Union is not to be impaired. Participants in European law and government, from citizens and students to the highest levels of policy making, will find here an invaluable resource for the future and much food for thought. These articles were first presented at a conference held at the end of 2003 to mark the 40th anniversary of the Common Market Law Review and were originally published in a special issue of the Review. *National Remedies Before the Court of Justice*

Michael Dougan, 2004-12-21 The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights, including such landmark judgments as *Factortame* and *Francovich*. This book offers a critical analysis of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw. The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project, in particular the tension between uniformity and differentiation as

competing values influencing the exercise of Community regulatory competence Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system National Remedies Before the Court of Justice provides a challenging account of this crucial field of EU legal studies It includes detailed discussion of issues such as Member State liability in damages Community control over national limitation periods and the principles governing state aid and competition law enforcement This book is of value to academics and practitioners alike **Reforming the European**

Union G.Wyn Rees,N. (Department Of Law, University Of Leicester) Neuwahl,P. (Department Of Politics, University Of Leicester) Lynch,2014-05-12 Analyses the likely future of the EU following next year's Intergovernmental Conference IGC which is likely to be even more significant for the future of Europe than the Maastricht Treaty Since Maastricht it has become clear that future developments are less certain with regard to the EU and integration The IGC will have to try and resolve tensions such as widening Europe to include former communist countries whilst also trying to deepen Europe with increased political and economic integration providing a framework which is acceptable to a core of countries Benelux Germany France who favour more integration and an early move to monetary union with countries such as the UK which does not **The Transfer of Undertakings in the Public Sector** Colin Bourn,2020-09-29 This title was first published in 2000 This volume discusses the impact of the transfer of undertakings regime upon the public sector particularly focusing on the interaction between the protection of employee rights and the restructuring and modernization of public services The crux of the book is the interaction of market led policies in the public sector such as compulsory competitive tendering best value and the PFI with the protection of employee rights on the transfer of employment It considers the evolving law on the scope of a relevant transfer under the European Acquired Rights Directive and the TUPE regulations before reviewing the present state of the law on dismissals variation of terms pensions and employee consultation in transfer related situations The book incorporates consideration of the text of the 1998 revision of the Acquired Rights Directive *Public Procurement and the EU Competition Rules* Albert Sánchez Graells,2015-06-25 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 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 This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement which consolidate the principle of competition in terms very close to those advanced by the author in the first edition This second edition builds upon this approach and continues to ask how competition law principles inform and

condition public procurement rules and whether the latter in their revised form are adequate to ensure that competition is not distorted The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law

Judicial Review in European Union Law:Essays in Honour of Lord Slynn Gordon Slynn Baron Slynn of Hadley,2000-06-14 Paradigm in Judicial Review **Common Values and the Public-Private Divide** Dawn Oliver,1999-08 This text is a study of the public private law divide in the common law tradition Its starting point is that substantive duties of legality fairness and rationality are imposed by the common law on bodies discharging public functions but not always on bodies discharging private functions

Environmental Protection Sue Elworthy,Jane Holder,1997-06 This book is targeted to students studying environmental law as well as legal academics researchers and undergraduates from other disciplines including economics political science and natural sciences

Harmonisation of EU Competition Law Enforcement Jurgita Malinauskaite,2019-11-15 This book explores how the EU s enforcement of competition law has moved from centralisation to decentralisation over the years with the National Competition Authorities embracing more enforcement powers At the same time harmonisation has been employed as a solution to ensure that the enforcement of EU competition rules is not weakened and the internal market remains a level playing field While employing a comparative law argument the book accordingly analyses the need for harmonisation throughout the different stages of development of the EU s competition law enforcement save Merger control and State Aid the underlying rationale and the extent to which comparative studies have been undertaken to facilitate the harmonisation process from an historical perspective It also covers the Directives such as the Antitrust Damages Directive and the ECN Directive Investigating both public and private enforcement it also examines the travaux pr paratoires for the enforcement legislation in order to discover the drafters intent The book addresses the European and the Member States perspectives namely the Central and Eastern European CEE countries as harmonisation proceeds through dialogue and cooperation between the two levels Lastly it explores the extent to which harmonisation of the competition law enforcement framework has been accepted and implemented in the Member States legal systems or has led to the fragmentation of the national systems of the CEE countries

□□□□□□,2005 **The Future of Remedies in Europe** Claire Kilpatrick,Tonia Novitz,Paul Skidmore,2000-12-05 Remedies lie at the heart of European legal systems They both reflect and shape the balance of power between states and individuals and between state and supranational institutions These profound political implications can be better understood by thinking about the functional roles and institutional histories of remedies These implications roles and histories are considered in this volume of

challenging and original essays on remedial systems in Europe This book explores the lively and often controversial dialogues between courts national and supranational on remedies In so doing it addresses the adequacy of these dialogues in the light of perceived systemic goals both in an overall institutional sense and as regards specific sectoral objectives or institutional actors aspirations In particular the book looks at the way in which remedies in the EC legal order interact with those in other legal orders such as the Council of Europe and private international law It also identifies problems of interaction between different Council of Europe mechanisms under the Convention on Human Rights and the Social Charter The book also examines the contribution of courts to remedial systems by considering other methods of formulating and redressing claims Contributors Claire Kilpatrick Takis Tridimas Leo Flynn Antonio Lo Faro Carol Harlow Steve Weatherill Bernard Ryan Miguel Poiaras Maduro Henry G Schermers Angela Ward Paul Beaumont Robin White Phil Syrpis Tonia Novitz Richard Rawlings

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