

MODERN STUDIES IN EUROPEAN LAW



NEW DIRECTIONS IN
EUROPEAN PRIVATE LAW

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TAKIS TRIDIMAS AND
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New Directions In European Community Law

Jiří Přibáň



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 *The Modernisation of EC Antitrust Law* Rein Wesseling, 2000-10-19 In recent years European Community EC competition law has come under fire Continued criticism of all aspects of the means by which EC competition law is enforced has brought to light ineffectiveness of the present system Consequently the European Commission has responded by issuing the White Paper on Modernisation which sets out its vision on the future of EC competition law This new book takes a step back and tries to understand the current challenges to EC competition policy by examining the origins of the Community's competition law system In the first part of the book the author sketches the development of Community competition law enforcement between the European Economic Community established in 1958 and the European Union of today Taking this dynamic perspective on EC competition law the second part of the book addresses topical problems of EC competition policy the pertinent objectives the institutional framework the division of jurisdiction between the Community and Member States and decentralised enforcement of Community law Notably the author's conclusions diverge considerably from the analysis found in the Commission White Paper on Modernisation The author proposes various alternative solutions to the existing problems which arguably fit better within the overall constitutional development of the Community than the solutions offered by the Commission The book will be of interest to competition lawyers as well as to all those interested in the constitutional development of the European Community

Advancing the Method and Practice of Transnational Law Julien Chaisse, Oana Stefan, 2023-09-21 This book adopts a transnational methodology to reflect on the legalisation of international economic relations A Liber Amicorum for Professor Francis Snyder it outlines the ways in which legal scholarship has taken his legacy further in relation to the concept of transnational law the law in context method and the evolution of sustainability law The lens is both theoretical and practical delving into international investment law financial monetary law free trade agreements indigenous rights and food law and covering case studies from EU law WTO law American law Chinese law and Indonesian law The chapters explore how Snyder's ideas have advanced legal research and determined change in regulation impacting trade relationships worldwide Part I of the book gives an overview of the actors the norms and the processes of transnational economic law discussing sites of governance legal pluralism and soft law Part II takes stock of the law in context research method looking not only at the way in which it can be refined and used by

academics but also at the practical implications of such a method to improve regulatory settings and promote social and policy goals including the emerging generation of FTAs such as TPP TTIP and RCEP Part III focuses on sustainability law assessing Francis Snyder's contribution to systemic changes and reforms in China and the Asia Pacific region The book is a must have for any academic or practitioner interested in an up to date account of the recent developments in transnational trade law research

Civil Procedure and EU Law Eva Storskrubb, 2008-03-27 The regulation of cross border civil and commercial litigation is a burgeoning EU policy area Legislative measures and other initiatives now provide a framework for the regulation of cross border service of documents obtaining evidence establishing jurisdiction and enforcement of judgments enforcement orders legal aid alternative dispute resolution payment orders and small claims In addition overarching measures have been enacted including the creation of a judicial network and judicial training structures This book offers the first detailed analysis of the EU's activity in procedural harmonization spanning civil procedure private international law and European law The book situates the development of the policy area and its regulation in relation to broader themes of the European integration process market building citizenship fundamental rights subsidiarity and governance It provides a detailed analysis of the legislative measures and assesses their impact on fundamental principles of civil justice including due process rights The case law in the area is also analysed including the introduction of the principle of mutual recognition The book concludes with a comparative analysis of the EU's approach with broader international efforts for procedural harmonization

The Effectiveness of the Köbler Liability in National Courts Zsófia Varga, 2020-10-15 Over the last 15 years Köbler liability has resulted in the allocation of damages on only five occasions Why is that And what are the practical implications of the Köbler judgment in the Member States This book offers a unique analysis of the principle not from the usual EU focused point of view but from the view of the practical Member State and thus follows the track set by earlier books in the EU Law in the Member States series It thoroughly examines the national jurisprudential and legislative acceptance of the state liability principle and explores the existence of alternative remedies available in the Member States in case of such breaches The conclusions based on a systematic assessment of 300 national judgments from the 28 Member States lead to a reconsideration of the role of the Köbler doctrine in the system of judicial remedies against violation of EU law by national supreme courts After the pronouncement of the ECJ judgment in Köbler legal scholars and practitioners have forecast the eradication of the principle of res judicata and the endangering of judicial independence The judgment caused a lot of ink to flow according to the ECJ's records at least 100 studies are directly devoted to the analysis of this decision This book is however the first to offer a comprehensive analysis on the genuine life of the Köbler liability in the Member States

Legislative Drafting for the EU Helen Xanthaki, 2024-04-12 Legislative Drafting for the EU calls for reform in the design of EU legislation to bolster its strength in political social and economic spheres The book offers technical guidance on how to achieve such reform through drafting and underlines the importance of accessible

communication to create collective ownership of the regulatory aims *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 *The Construction of Europe* S. Martin, 2013-03-09 Stephen Martin The fourteen essays that constitute this work provide a coherent review of the past and present of the European Community and consider some of its possible futures Werner Abelshauser and Richard Griffiths offer separate perspectives on the precursors of the European Community Abelshauser argues that comparison of the fates of the European Coal and Steel Community and the European Defense Community demonstrate the dominance of political over economic considerations in the integration process Griffiths considers the stillborn European Political Community many of the proposed features of which somewhat transformed were embodied in the Treaty of Rome Both suggest that as a practical matter a coming together of French and German interests has been a precondition for advances in European integration Stephen Martin and Andrew Evans discuss the development of the Community's Structural Funds first envisaged as tools to smooth the transition from a collection of regional economies to a continent wide single market now increasingly seen as devices to guide adjustment to long term structural problems Stuart Holland emphasizes the role of the Structural Funds as one element in a broad range of strategies to ensure social and economic cohesion as the Maastricht Treaty ushers the European Union into the next stage of its development *Legal Issues of the Amsterdam Treaty* Patrick Twomey, David O'Keeffe, 1999-12-01 Originating in the June 1998 joint conference of the United Kingdom Association for European Law UKAEL and the University Association for Contemporary Studies UACES and edited by David O'Keeffe and Patrick Twomey this book brings together a collection of essays that offer critical insights into the institutional and substantive changes to the European Community and Union resulting from the Treaty of Amsterdam With a preface by Lord Slynn of Hadley the collection includes essays based on the conference presentations of Joseph Weiler Anthony Arnall Alan Dashwood Franklin Dehousse Hans Ulrich Jessurun d Oliveira and Laurens Jan Brinkhorst and some twenty other essays offering the reflections and criticisms of leading academics in the field as well as the unique insights of contributors working within the Community institutions **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

The Transformation of Europe Miguel Poiarés

Maduro, Marlene Wind, 2017-09-28 Joseph Weiler's *The Transformation of Europe* is one of the most influential works in the history of European studies Twenty five years after its original publication this new collection of essays pays tribute to Weiler's legacy by discussing some of the most pressing issues in contemporary European Union law policy and constitutionalism The book does not intend to be a simple expression of intellectual esteem for Weiler's seminal work instead the collection honours it by critically engaging with some of its assumptions and theses Overall it shows how a study of 1991 can still be fundamental to the present and future of the EU including the challenges of Brexit and Eurozone crises

The Social Construction of Europe Thomas Christiansen, Knud Erik Jørgensen, Antje Wiener, 2001-04-03 *The Social Construction of Europe* is a wonderful tool for scholars and advanced students concerned with European integration Nationalism and Ethical Politics This book is the first to systematically introduce and apply a social constructivist perspective to the study of European integration Social constructivism is carefully located in terms of its philosophical and methodological origins The wider debates and contribution of constructivist approaches to international relations are reviewed and the insights that might then be afforded to European studies fully explored Highlights include new theoretical contributions to the debate by Ernst B Haas Andrew Moravcsik and Steve Smith research on key aspects of European integration and EU governance applying a variety of constructivist approaches *The Social Construction of Europe* provides new and important insights to a key area of contemporary study and research

Sovereignty in Post-Sovereign Society Jiří Přibáň, 2016-03-09 *Sovereignty* marks the boundary between politics and law Highlighting the legal context of politics and the political context of law it thus contributes to the internal dynamics of both political and legal systems This book comprehends the persistence of sovereignty as a political and juridical concept in the post sovereign social condition The tension and paradoxical relationship between the semantics and structures of sovereignty and post sovereignty are addressed by using the conceptual framework of the autopoietic social systems theory Using a number of contemporary European examples developments and paradoxes the author examines topics of immense interest and importance relating to the concept of sovereignty in a globalising world The study argues that the modern question of sovereignty permanently oscillating between *de iure* authority and *de facto* power cannot be discarded by theories of supranational and transnational globalized law and politics Criticising quasi

theological conceptualizations of political sovereignty and its juridical form the study reformulates the concept of sovereignty and its persistence as part of the self referential communication of the systems of positive law and politics The book will be of considerable interest to academics and researchers in political legal and social theory and philosophy *The EU Better Regulation Agenda* Sacha Garben, Inge Govaere, 2018-05-17 Better Regulation in the EU is a perennial and topical question which has important implications for the future direction of EU law While actions directed at improving the quality and accessibility of EU regulation are not novel in recent years the Better Regulation Agenda has significantly affected the structural organisation and day to day operation of the EU legislative process Yet many questions about the future of the Agenda remain not least in light of Brexit Exploring the Better Regulation Agenda and its relation to the overall EU legal and political order necessitates an integrated interdisciplinary approach This edited volume presents insights from economics political science and legal scholarship Furthermore to allow full understanding it examines institutional practice where the Agenda is made and shaped on a daily basis Hence the book features contributions from the perspective of the work of the main EU institutions the European Commission the Parliament the Council and the Court of Justice This results in a seminal overview of the subject of interest to scholars and practitioners alike Institutional dynamics of European integration. 2 (1994) Deirdre M. Curtin, Ton Heukels, Henry G. Schermers, 1994-09-28 Script **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 **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 Poiras Maduro Henry G Schermers Angela Ward Paul Beaumont Robin White Phil Syrpis Tonia Novitz Richard Rawlings **Teaching European Union Politics** Viviane

Gravey, Christopher Huggins, 2024-01-18 Why do we teach EU politics What should EU politics students learn What are the practical approaches and techniques to teaching EU politics In response to these questions Teaching European Union Politics analyses the interdisciplinary nature of teaching this broad subject and reflects on a wide range of educational approaches It both advances the pedagogy and practice of teaching EU politics and provides practical support for those looking to adopt innovative and learner oriented techniques

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