The Relationship between European Community Law and National Law: The Cases



Volume 2

Edited by Andrew Oppenheimer

Relationship Between European Community Law And National Law The Cases

Andrew Oppenheimer

Relationship Between European Community Law And National Law The Cases:

The Relationship Between European Community Law and National Law Andrew Oppenheimer, 1994-10-27 This is the first comprehensive collection of court decisions dealing exclusively with the relationship between European Community law and the national laws of the Member States It contains 90 decisions given between 1962 and 1993 by both the Community's Court of Justice 20 cases and the courts of the 12 Member States 70 cases The volume includes the recent decisions of national courts concerning the Maastricht Treaty Key recurring topics of the decisions are the supremacy and direct effect of Community law its impact on national sovereignty and constitutional rights and the remedies available before national courts for its enforcement All the texts are presented in English having been translated wherever necessary Each decision is preceded by a concise summary and key word heading The volume also includes a systematic introduction digest of key word headings table of cases and detailed index The Relationship Between European Community Law and National Law Andrew Oppenheimer, 2003-06-12 The second volume of ta collection of court decisions covering the constitutional The Relationship Between European Community Law and relationship between the EC and Member States National Law Andrew Oppenheimer, 2004-03-01 Together the two volumes constitute the only comprehensive collection of court decisions dealing exclusively with the constitutional relationship between European Community law and the national laws of the Member States The first volume covers the period 1962 to 1993 and contains 90 decisions The second volume contains a further 55 decisions given since 1994 by both the Community's Courts of Justice 10 cases and the courts of the 15 Member States 45 cases Major recurring topics of the decisions are the supremacy and direct effect of Community law its impact on national sovereignty and constitutional rights and the remedies available before national courts for its enforcement

Collected Courses of the Academy of European Law:1997 European Community Law Academy of European Law,2001-05-23 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute s current programmes into a larger field of interest It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French The Court of Justice of the European Union as an Institutional Actor Thomas Horsley,2018-07-19 The EU Treaties bind the Court of Justice of the European Union as an institution of the Union But what does that mean for judicial lawmaking within the EU legal order And how might any limits set out in the EU Treaties be effectively applied to the Court of Justice as lawmaker This book interrogates these fundamental and underexplored questions at a critical juncture in European integration It argues that the EU Treaties should be considered to function as the principal touchstones for assessing the internal constitutionality and

hence legitimacy of all Union institutional activity including the work of the Court It then examines how far the Court of Justice complies with the EU Treaty framework in the exercise of its interpretative functions. The results of that analysis are striking and offer scholars powerful new insights into the nature and limits of the Court's role within the EU legal order.

Free Movement of Persons Within the European Community Anne Pieter van der Mei,2003-02-24 This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States Are European citizens and third country nationals who have moved to other Member States entitled to claim minimum subsistence benefits to receive medical care or to be admitted to education Does Community law provide for a freedom of movement for patients students and persons in need of social welfare benefits If so to what extent does Community law have regard for the Member States fears for and concerns about welfare tourism Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross border access to public services the author analyses how Community law and the Court of Justice in particular have sought to reconcile the Community s objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain adequate social services within the Community In addition the book contains a detailed analysis of United States constitutional law on cross border access to public services exploring the question whether the European Community can possibly learn from the American experience Back to Maastricht Carlo Spagnolo, Leila Simona Talani, 2021-02-03 European integration has long defied previous notions of state sovereignty and has since the days of the Coal and Steel Community been conferred with original supranational instruments Yet the Treaty of Rome did not raise the same popular reactions as the Maastricht Treaty about the infringement of national sovereignty This book suggests that the end of the Cold War has modified the functions of European integration so that the original ideals of integration have lost part of their appeal hence the birth of the European Union can be regarded as an attempt to seek a new legitimacy How far did the EU Treaty meet this unprecedented challenge This book argues that the Maastricht Treaty established a constitutional framework for a new kind of polity without resolving the issue of its purpose and scope The volume seeks thus to explain some of the reasons for the defeat of the Constitutional Treaty in 2005 dating them back to the Maastricht Treaty In so doing the book links the actual state of European integration with the decisions taken at Maastricht in five different realms of supranational policy making The first is the constitutional setting of the EU Treaty and its effect on national constitutional law the second is the concept of governance and the changes introduced by the Economic and Monetary Union the third is the historical background of the Maastricht agreement the fourth the political economy of the Economic and Monetary Union the fifth is the impact of European citizenship in the recent case law of the European Court of Justice and the prospects of a EU politicisation The book puts in perspective the solutions to the recent stalemate of the European integration process offered by the Lisbon Treaty The Impact of European Rights on National Legal Cultures Miriam Aziz, 2004-07 This book

contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall's typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the acquis of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other **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 **Limitations of National Sovereignty through European Integration Rainer** Arnold, 2016-02-25 The book considers the changes which national sovereignty has undergone through the supranational European integration In various contributions by renowned academics and high judges demonstrate the serious impacts of supranationality on the EU member states and even on third countries which are connected with the EU by international treaties It becomes clear that primacy of EU law the most significant expression of supra nationality collides with national sovereignty as anchored in the national constitutions The studies clearly show that most member states do not fully deny EU law primacy but are aware of the need to find an adequate balance between the supranational and the national orders The result from the analyses of the authors from various European countries is that the upcoming constitutional paradigm is constitutional identity a concept established by jurisprudence in Germany France Czech Republic without being named so and debated also in Poland which herself denies supranational impact on the national Constitution entirely Studies on selected EU member states clarify the specific national approaches towards the limitations of their sovereignty as developed by the constitutional jurisprudence Poland Czech Republic Hungary Romania Italy Germany with comparative references to

United Kingdom and France It is illuminated that traditionally strong sovereignty concepts UK France are considerably relativized and functionally opened towards the integration challenges Basic issues are furthermore reflected such as the supranational impact on the State's power to reform its Constitution the relation of national and constitutional identity and the national and supranational perspectives of identity The book also includes Europe beyond the EU by research on the supranational character of association treaties from a Ukrainian perspective and on the Europeanization of a third country Sovereignty, Statehood and State Responsibility Christine Chinkin, Freya preparing EU membership Albania Baetens, 2015-02-12 This collection of essays focusses on the following concepts sovereignty the unique intangible and yet essential characteristic of states statehood what it means to be a state and the process of acquiring or losing statehood and state responsibility the legal component of what being a state entails The unifying theme is that they have always been and will in the future continue to form a crucial part of the foundations of public international law While many publications focus on new actors in international law such as international organisations individuals companies NGOs and even humanity as a whole this book offers a timely thought provoking and innovative reappraisal of the core actors on the international stage states It includes reflections on the interactions between states and non state actors and on how increasing participation by and recognition of the latter within international law has impacted upon the role and attributes of statehood Relation between the EU Charter of Fundamental Rights and National Fundamental Rights Alexander Heger, Moritz Malkmus, 2024-05-04 The sometimes complex and controversial relation between the fundamental rights of the European Union as enshrined in the EU Charter of Fundamental Rights CFR and national fundamental rights in the context of constitutional review is reflected in a series of landmark decisions in the multilateral cooperation of European courts which have reshaped the fundamental rights architecture in the multilevel system in recent decades This book aims to contribute to a systematic and comprehensive analysis of the EU and constitutional law issues involved thus serving as a reference point for scholars and practitioners dealing with this emerging topic in depth Following this approach it sheds light on the broader Union legal context of these developments examines the role of the CFR for Constitutional Courts the relationship between constitutional and ordinary courts and assesses the key decisions concerning the application of the CFR as a standard of constitutional review It also draws some initial conclusions on the development of the European fundamental rights architecture its prospects and possible implications for the Union's legal order The book contains several contributions by European legal experts from academia and the judiciary who examine the different methods of constitutional application of the CFR from a comparative law perspective These contributions deal with the following aspects first the role of the CFR for the respective Constitutional Court with regard to the application of EU law as well as national law falling within the scope of the CFR second the relationship between the respective Constitutional Court and the ordinary courts with regard to the application of the CFR third the relevant facts and legal reasoning of the most important Constitutional Court decisions on

the application of the CFR as a relevant standard of constitutional review fourth the relevant case law of the CIEU on the relationship between Union and national fundamental rights as well as its broader implications for the multilateral cooperation of European courts The individual chapters examine inter alia the following decisions Verfassungsgerichtshof Austria March 14 2012 U 466 11 et al Corte Constituzionale Italy January 23 2019 Sentenza 20 2019 Bundesverfassungsgericht Germany November 6 2019 1 BvR 276 17 Tribunal Constitucional Portugal June 3 2022 Ac rd o 268 2022 Tribunal Constitucional Spain June 29 2022 Sentencia Decision 89 2022 **Cambridge Yearbook of European** Legal Studies, Vol 9, 2006-2007 Catherine Barnard, 2007-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those issues which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 9 through Ingenta Connect www ingentaconnect com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www hartjournals co uk cyels subs Editorial Advisory Board Albertina Albors Llorens Catherine Barnard John Bell Alan Dashwood Simon Deakin David Feldman Richard Fentiman Angus Johnston Claire Kilpatrick John Spencer Founding Editors Alan Dashwood Angela Ward The Foundations of European Community Law Trevor C. Hartley, 2007 Recoge 1 Community institutions 2 The community legal system 3 Community law and the member states 4 Administrative law

Legal Method and Reasoning Sharon Hanson,2012-09-10 Language skills study skills argument skills and legal knowledge are vital to every law student professional lawyer and academic Legal Method Reasoning offers a range of how to techniques for acquiring these skills It shows how to handle and use legal texts how to read and write about the law how to acquire disciplined study techniques and how to construct legal arguments This new edition will be of value to both undergraduate and postgraduate law students **European Union Law** Alina Kaczorowska, Alina Kaczorowska-Ireland, 2013 Fully revised and updated the third edition of EU Law provides an exhaustive yet easily readable

account of the complex and ever changing subject of EU law The author gives thorough authoritative and up to the minute treatment to the institutional constitutional and substantive elements of EU Law The book is unique in that it successfully combines depth of coverage with an excellent selection of supporting case law making this challenging subject accessible and easy to follow Case summaries and judgments are highlighted in colour tinted boxes for ease of reference and are accompanied by key facts and analysis often in the light of subsequent developments The student friendly approach is enhanced by market driven pedagogical features including Concise outlines at the beginning of each chapter describing its content An aide m moire often presented in diagrammatic form at the end of each chapter to highlight and reinforce key points End of chapter recommended reading lists to facilitate further research End of chapter problem and essay questions testing the students ability to apply what they have learnt and A map identifying EU Member States and their accession dates acceding States candidate States and potential candidate States The book's companion website offers a range of teaching and learning resources including an interactive timeline of the EU useful web links self test questions and much more This book is essential reading for those studying EU law on both undergraduate and postgraduate courses and will be of interest to students of political science social science and business studies It also provides comprehensive coverage of substantive and procedural EU competition law and thus has its place as a textbook for introductory courses on EU competition law

Cambridge Yearbook of European Legal Studies, Vol 7, 2004-2005 John Bell, Claire Kilpatrick, 2006-01-10 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in European Union Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those which have come to the fore during the year preceding publication. The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge which is the research Centre of Cambridge University Law Faculty specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 7 through Ingenta Connect www ingentaconnect com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www hartjournals couk cyels subs Editorial Advisory Board Albertina Albors Llorens Catherine Barnard John Bell Alan Dashwood Simon Deakin David Feldman Richard Fentiman Angus Johnston Claire Kilpatrick Joanne Scott Tony Smith John Spencer Founding Editors Alan Dashwood and Angela Ward

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discusses general characteristics of the European constitution under the headings of relationality perspectivism and
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dimensions European constitutionalism must be examined in its interaction with Member State constitutionalism which plays
an essential role in channelling democratic legitimacy to the EU Written by a leading expert in the field this book will be of
great interest to students and scholars alike

<u>Competition Laws Outside the United States</u> H. Stephen Harris, 2001

Briefcase on European Community Law Edna J Koury Distinguished Professor of Philosophy Susan Wolf, Susan Wolf, 1999-09-23 This work on European community law is part of a series providing a summary of the most essential cases within each subject of an undergraduate law degree or Common Professional Examination course also useful for A Level law students Access to the larger works on the subject are assumed

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