

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



Volume 2

Edited by Andrew Oppenheimer

CAMBRIDGE

Relationship Between European Community Law And National Law The Cases

Thomas Horsley



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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 a collection of court decisions covering the constitutional relationship between the EC and Member States

The Relationship Between European Community Law and 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

The 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

Sovereignty, Statehood and State Responsibility Christine Chinkin,Freya 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

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