



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

Alan Dashwood, Angela Ward



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 **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 *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 **International Trade Disputes and EU Liability** Anne Thies, 2013-04-18 The European Union has become the respondent of several international trade disputes This book examines the right to compensation for damage resulting from retaliatory measures imposed under the system of the World Trade Organization in disputes triggered by the EU Anne Thies evaluates the implications of the EU's membership in the WTO for its domestic system of rights and judicial protection Emphasising the necessity of maintaining EU standards of protection independently of the external dimension of EU action the book offers suggestions on how the current gap of protection could be filled while upholding the scope for manoeuvre of the EU institutions on the international plane In addition it places the issue in its broader context of the relationship between international law and EU law on the one hand and the discretion of the EU as a global actor and standards of individual rights protection under EU law on the other **Cambridge Yearbook of European Legal Studies Vol 2, 1999** Alan Dashwood, Angela Ward, 2000-10-09 The Cambridge Yearbook of European Legal Studies provides a new 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 2 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 Board Philip Allott Tony Arnall Catherine Barnard Alan Dashwood Dan Goyder CBE Rosa Greaves Bob Hepple David O Keefe Lord Lester of Herne Hill QC David Vaughan QC Angela Ward David Williams Q C D A Wyatt Q C Founding Editors Alan Dashwood and Angela Ward

Process and Procedure in EU Administration Carol Harlow Harlow KC, Richard Rawlings, 2014-11-20 This book is about the administrative procedures of the European Union which we see as the super glue holding in place the sprawling structures of the EU governance system The early chapters deal with the structures expansively defined the diverse functions of administrative procedures in the EU and the values that underpin them concentrating on the respective contributions of the legislature and administration A separate chapter deals with the important procedural function of rights protection through the two Community Courts and the contribution of the European Ombudsman We then turn to horizontal or general procedures dealing with executive law making transparency and the regulation of government contracting A study of Commission enforcement procedure ends the section Vertical or sector specific studies in significant areas of EU administration follow including competition policy cohesion policy structural funds and financial services regulation Separate chapters deal with policing cooperation through Europol and with the interplay of international and EU institutions in the fields of environmental procedure and human rights The final chapter contains the authors reflections on current proposals for codification but ends with a general evaluation of the role and contribution of administrative procedure in the construction of the EU

The Emerging Constitutional Law of the European Union Adam Bodnar, Michal Kowalski, Karen Raible, Frank Schorkopf, 2003-07-22 Young lawyers from different academic centres in Germany and Poland comment on the ongoing constitutional debate in the EU Each of the more than 20 articles is dedicated to a specific theme i.e. human rights institutional design current and future function of the EU homogeneity and identity security and defence policy home policy and common values Similarities as well as differences in the perspectives of an old EU Member State on the one hand and an EU Member State to be on the other hand are revealed

Questions of Liability Donal Nolan, 2023-11-02 In this collection one of the key commentators on the modern law of tort presents 12 of his most important articles and book chapters These are accompanied by an introductory chapter in which the author comments on the impact and reception of the pieces that

make up the collection and by a provocative new essay in which he argues against strict product liability in the law of tort A coherent and compelling exploration of topical issues in core areas of tort law the collection is divided into 3 parts dealing with negligence nuisance and Rylands v Fletcher and tort in general The essays in this collection are a significant contribution to debates about the limits and scope of tortious liability in common law systems Students scholars and practitioners alike will find it an invaluable resource for understanding tort law in the early 21st century

The Oxford Handbook of Comparative Administrative Law Peter Cane,Herwig C H Hofmann,Eric C Ip,Peter L Lindseth,2020-12-17

The comparative study of administrative law has a long history dating back more than 200 years It has enjoyed a renaissance in the past 15 years or so and now sits alongside fields such as comparative constitutional law and global administrative law as a well established area of scholarly research This book is the first to provide a broad and systematic view of the subject both in terms of the topics covered and the legal traditions surveyed In its various parts it surveys the historical beginnings of comparative administrative law scholarship discusses important methodological issues examines the relationship between administrative law and regime type analyses basic concepts such as administrative power and accountability and deals with the creation functions and control of administrative power and values of administration The final part looks to the future of this young sub discipline In this volume distinguished experts and leaders in the field discuss a wide range of issues in administrative law from a comparative perspective Administrative law is concerned with the conferral nature exercise and legal control of administrative or executive governmental power It has close links with other areas of public law notably constitutional law and international law It is of great interest and importance not only to lawyers but also to students of politics government and public policy Studying public law comparatively helps to identify both similarities and differences between the way government power and its control is managed in different countries and legal traditions

Central European Judges Under the European Influence Michal Bobek,2015-11-19 The onset of the 2004 EU enlargement witnessed a number of predictions being made about the approaches capacity and ability of Central European judges who were soon to join the Union Optimistic voices foreshadowing the deep transformative power that Europe was bound to exercise with respect to the judicial mentality and practice in the new Member States were intertwined with gloomy pictures of post Communist limited formalism and mechanical jurisprudence that could not be reformed which were likely to undermine the very foundations of mutual trust and recognition the judicial system of the Union is built upon Ten years later this volume revisits these predictions and critically assesses the evolution of Central European judicial mentality institutions and constitutionality under the influence of the EU membership Comparatively evaluating the situation in a number of Central European Member States in their socio legal contexts notably Poland the Czech Republic Slovakia Hungary Slovenia Bulgaria and Romania the volume offers unique insights into the process of non Europeanisation of national legal systems and cultures

Centralised Enforcement, Legitimacy and Good Governance in the EU Melanie Smith,2009-09-10 Article 226 EC is the

central mechanism of enforcement in the EC Treaty and has remained unchanged since the original Treaty of Rome. It provides the European Commission as guardian of the Treaty with a broad power of policing Member States' conduct. Article 226 has been traditionally characterised as an arena of secretive negotiation focused on the sole function of effective enforcement. This study seeks to move beyond this approach by characterising Article 226 as a multi-functional mechanism within the Treaty. It does this by examining the central mechanism of enforcement through the normative lenses of legitimacy, good administration and good governance. Centralised Enforcement, Legitimacy and Good Governance in the EU is interdisciplinary in nature, examining law in its political context. It focuses on how the institutions interact and react to competing policy pressures and explores the tensions that lie at the heart of legitimacy in the actions of public actors by engaging with concepts such as democracy, legitimacy and good administration. Scholars and policy makers whose work explores Article 226 will find this work especially relevant. It will also appeal to those who are interested in enforcement and regulation in the international EU arena as well as those whose work considers concepts such as good governance, legitimacy and accountability in the EU. It is also relevant to scholars engaged in the study of institutions and processes of interaction and change.

The Changing Constitution Jeffrey L. Jowell, Dawn Oliver, 2007-07-26. Since its first edition in 1985, *The Changing Constitution* has cemented its reputation for providing concise, scholarly and thought-provoking essays on the key issues surrounding the UK's constitutional development and the current debates around reform. The sixth edition of a highly successful volume provides a thorough review of the latest developments in constitutional reform. It includes a new chapter on Constitutional Watchdogs and expanded consideration of freedom of information and the control of public expenditure. Professors Jowell and Oliver have brought together nineteen expert contributors to offer an invaluable source of material and analysis for all students of public law.

Transnational Commercial Law Maren Heidemann, 2018-11-14. *Transnational Commercial Law* is a textbook that deals predominantly with substantive legal contract rules that apply across borders and are designed to govern cross-border business transactions. This is an emerging field of research, teaching and practical interest in international trade and commercial law, requiring reference to multiple areas of law, including both private and public international law, the law of specific commercial transactions and arbitration. For the first time, *Transnational Commercial Law* combines all these relevant issues in one book and provides a basis for further study as well as detailed, cutting-edge academic analyses. It provides a compact yet accessible guide to the most important cornerstones of this evolving legal discipline. *Transnational Commercial Law* is aimed primarily for use on LLM courses and master's programmes in commercial law. Students are presented with the actual contractual rules in the wider context of the general legal framework and situates it within the theoretical debate, providing a truly international perspective on transnational commercial law in a globalised world.

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

Reforming the European Union Philip Lynch, Nanette Neuwahl, G. Wyn Rees, 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

Dynamiques Juridiques Européennes Paul Demaret, 2007 This book gathers together contributions from thirty two former and current professors who have through their teaching in the Legal Studies Department at the College of Europe enhanced the College's reputation as an authentic European academic postgraduate centre of excellence Within their areas of specialisation the authors analyse both the evolution of European law over the years and more specific questions The contributions cover institutional constitutional law judicial remedies the law governing the internal market and its accompanying politics competition law and the law of the Union's external relations Cet ouvrage rassemble les contributions de trente deux professeurs anciens et actuels du département d'études juridiques européennes du Collège d'Europe Par leur enseignement ceux-ci ont assuré cette institution originale par sa dimension européenne sa reconnaissance en tant que centre académique post universitaire d'excellence Les auteurs analysent chacun dans sa spécialité l'évolution du droit européen ou des questions plus particulières Les contributions couvrent ainsi le droit institutionnel constitutionnel le contentieux le droit du marché intérieur et de ses politiques d'accompagnement le droit de la concurrence et le droit des relations extérieures de l'Union européenne

Law and Legal Culture in Comparative Perspective Günther Doeker-Mach, Klaus A. Ziegert, 2004 Comparative legal studies are at last commanding the thoughts of contemporary jurists Alice E. S. Tay Drawing on an impressive ancestry in comparative law the 22 contributions in this volume by authors from Asia Australia and Europe go further in their complex conception of law and

culture They look at the new principles and concepts of a transnational global law in new multiple contexts and in diverse juxtapositions with new institutions and authorities In an unplanned but cohesive pattern the individual contributions together open a fresh vision of the use and value of comparative legal studies for the assessment of the function and limitations of the law of a global society

Convergence and Divergence in European Public Law Paul Beaumont, Carole Lyons, Neil Walker, 2002-06-07 This book grew out of a symposium held in the University of Aberdeen in May 2000 It examines the extent to which the European Union has brought about and should bring about convergence of law in Europe in particular but not exclusively public law in Europe Rather than focusing narrowly on the Intergovernmental Conference process the book engages those who wish a detached and at times theoretical examination of the politics of institutional reform in the EU Michael Keating and Joanne Scott of the legal techniques for accommodating diversity within the Union and the process of treaty making or constitution building in the EU Deirdre Curtin Ige Dekker Bruno de Witte and Carole Lyons the cross fertilisation of administrative law concepts between the EU level and the national level Chris Himsworth Ton Heukels and Jamila Tib the need for and legitimacy of a European Union competence on human rights Gr inne de B rca Paul Beaumont and Niamh NicShuibhne and whether private law and public law differ in the extent to which they go to the heart of reflect national culture and therefore in the extent to which they are amenable to convergence Carol Harlow Pierre Legrand and Neil Walker

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

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