

The Principle of Mutual Recognition in the European Integration Process

**Edited by
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Principles Of Mutual Recognition In The European Integration Process

Dáire McCormack-George



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Origin and Meaning of Mutual Recognition as Foundational Principle in the European Integration Process Alexander Hoogenboom, 2014

The principle of mutual recognition is an eminently important principle in the European integration process In its basic application the principle provides that a good lawfully produced in one of the Member States of the EU must be accepted without any restrictions in another Member State The classic narrative sees the principle as having been introduced by the Court of Justice of the European Union in the famous case of Cassis de Dijon after which it was subsequently applied to other areas of the integration process as a convenient middle way in between full harmonisation of legislation and simple rules prohibiting discriminatory treatment between the Member States The purpose of this paper is however to argue that the principle has a deeper philosophical and historical understanding drawing upon the work of both Fukuyama and Kant and suffuses the European project more generally A second objective is to see how this conceptualisation allows for a better understanding of the legal framework as developed by the Court of Justice

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European Integration Since the 1920s Mark Hewitson, 2024-10-14 Brexit populism and Euroscepticism seem to have challenged old assumptions about European integration and raised the prospect of disintegration This book re-examines why the European Union and its forerunners were created and investigates how and why they have changed It links contemporary events to historical explanation arguing that there were long term sets of conditions dating back to the 1920s which pushed European governments to cooperate economically and to try to resolve their diplomatic differences The failure of the French and German governments to create what Aristide Briand had called a European federal union demonstrated both the precariousness of the enterprise and its connection to the domestic politics of European states After 1945 the unexpected advent of a Cold War and the military diplomatic and economic presence of the United States in Europe facilitated the gradual development of habits of cooperation and institutional integration but they also placed limits on European governments' activities as did disagreements between political parties and the expectations of citizens As a consequence supranational bodies such as the European Commission have been accompanied and often overshadowed by intergovernmental institutions such as the European Council with the EU as a whole functioning in important respects as a type of confederation The volume addresses a series of large scale historical questions which are integral to an

understanding of the European Union It asks how and why citizens of member states have identified with the EU how matters of security affected the development of the European Community during and after the Cold War whether economic and social convergence have taken place and with what consequences and why European institutions have come to function as they have The study is thematic focusing on the most important aspects of European integration and explaining why member states have decided to carry out or have consented to the unique experiment of the European Union

Regulating Migrant Integration in Europe Dáire McCormack-George, 2025-07-09 Migrants coming to and moving within Europe typically experience inadequate recognition of their professional qualifications and wrongful discrimination This book describes and critically assesses international European and EU laws and policies governing migrant integration in Europe with a particular focus on those concerning the recognition of migrants skills It argues that at least certain parts of EU law require clarification restatement and even reform The book formulates practical proposals to improve the governance of migrant integration in Europe making it more coherent effective and fair

Abuse of EU Law and Regulation of the Internal Market Alexandre Saydé, 2014-12-01 How can the concept of abuse of European Union law which can be defined as undesirable choice of law artificially made by a private citizen generate so much disagreement among equally intelligent individuals Seeking to transcend the classical debate between its supporters and adversaries the present study submits that the concept of abuse of EU law is located on three major fault lines of EU law which accounts for the well established controversies in the field The first fault line which is common to all legal orders opposes legal congruence the tendency to yield equitable legal outcomes to legal certainty the tendency to yield predictable legal outcomes Partisans of legal congruence tend to advocate the prohibition of abuses of law whereas partisans of legal certainty tend to oppose it The second fault line is specific to EU law and divides two conceptions of the regulation of the internal market If economic integration is conceived as the promotion of cross border competition among private businesses the paradigm of regulatory neutrality choices of law must be proscribed as abusive for they distort business competition But if economic integration is intended to promote competition among Member States the paradigm of regulatory competition choices of law by EU citizens represent a desirable process of arbitrage among national laws The third and final fault line corresponds to the tension between two orientations of the economic constitution of the European Union namely the fear of private power and the fear of public power Those who fear private power most tend to endorse the prohibition of abuses of law whereas those who fear public power most tend to reject it Seen in this way the concept of abuse of EU law offers a forum in which fundamental questions about the nature and function of EU law can be confronted and examined in a new light In May 2013 the thesis that this book was based on won the First Edition of the European Law Faculties Association Award for Outstanding Doctoral Thesis

The Constitutional Foundations of European Contract Law Kathleen Gutman, 2014-12-18 Situated within the context of the ongoing debate about European contract law this book provides a detailed examination of the European Union

s competence in the field of contract law It analyses the limits of Union competence in relation to several relevant Treaty provisions which potentially confer competence on the Union to adopt a comprehensive contract law instrument and the exercise of Union competence in connection with the operation of the principles of subsidiarity proportionality and sincere cooperation It also explores the viability of several alternative and complementary routes to the adoption of such an instrument including enhanced cooperation an intergovernmental treaty and certain American techniques Setting forth an elaborate account of the context for this debate and its chronological development at the European level this book charts the discussions relating to the European Union s competence to regulate contract law and offers a comparative analysis of the approach taken to the approximation of contract law in the American setting Setting forth a detailed account of the context for this debate and its chronological development at the European level the book charts the discussions that have occurred within and outside the EU relating to the transnational competence to regulate contract law Situating European constitutional law within the continued debate about European contract law it also reflects upon the contract law structure of the United States and examines the viability of alternative and complementary routes to the adoption of a comprehensive instrument of substantive contract law

The Interface between Competition and the Internal Market Vasiliki Brisimi, 2014-12-01 This book explores the interface between competition law and market integration in the application of Article 102 of the Treaty on the Functioning of the European Union TFEU focusing on the notion of market separation namely conduct that may hinder cross border trade The discussion reviews among other things the treatment of geographic price discrimination and exclusionary abuse by which out of state competitors are affected Market separation cases are treated in the book as a case study for appraising the interface between competition and the Internal Market On this basis the book provides a comparative analysis of the Treaty requirements under Article 102 TFEU when applied in market separation cases and the Treaty requirements under the free movement provisions In addition it utilises market separation cases as a springboard for advancing an informed reformulation of the application of Article 102 TFEU when state action comes into play All in all the analysis presented in the book deconstructs the elements for establishing market separation as an abuse of the dominant position It shows that there is nothing that would justify a distinctive treatment of market separation under Article 102 TFEU other than a principled understanding of Internal Market law as a whole whatever understanding one reaches about the proper shape of the Internal Market interrogation of the proper application of competition law comes after that and thus should be informed by this understanding

China and Europe on the New Silk Road Marijk van der Wende, William C. Kirby, Nian Cai Liu, Simon Marginson, 2020 The launch of China s New Silk Road has seen a rapid development of its higher education and research systems In this book an international and interdisciplinary group of scholars address how academic mobility and cooperation is taking shape along the New Silk Road and what difference it will make in the global higher education landscape

The Public International Law of Trade in Legal Services David

Collins,2018-11-08 This book examines the international legal regime covering trade in legal services While legal services are a vital component of the economies of many developed and emerging countries they remain poorly liberalized with numerous restrictions undermining market access for foreign suppliers Although some modern bilateral and regional trade agreements have begun to address barriers to trade in legal services few go beyond the basic commitments of non discrimination and transparency contained in the WTO GATS This book approaches the pressing need to open the global market for trade in legal services across the four modes of supply cross border consumption abroad commercial presence and temporary movement of natural persons It considers changes under way within the legal profession brought about by alternative business structures and technology Both underscore the importance of reconceptualizing trade in legal services as one that should be as open as possible with a view to maximizing competition while safeguarding the needs of clients **The Oxford**

Handbook of Citizenship Ayelet Shachar,Rainer Bauböck,Irene Bloemraad,Maarten Peter Vink,2017 This Handbook sets a new agenda for theoretical and practical explorations of citizenship analysing the main challenges and prospects informing today s world of increased migration and globalization It will also explore new forms of membership and democratic participation beyond borders and the rise of European and multilevel citizenship European Food Regulation after

Enlargement Karolina Żurek,2011-11-11 This book presents a critical legal perspective on the current direction of EU food regulation Analysing three regulatory mechanisms mutual recognition scientific risk regulation and standardisation in the evolution of food legislation in the EU the book shows the inadequacy of the current framework in facing the challenges of enlargement Using the particular experience of a new member state Poland the book argues that an enlarged Europe must not disregard diverse socio economic implications of market regulation Due to historical legacies and a bias in favour of homogeneity the EU food regulatory regime has generated a one dimensional crisis oriented approach As a result it tends to overlook other legitimate concerns such as quality diversity and local traditions This book argues that this need not be so

Liberalising Trade in the EU and the WTO Sanford E. Gaines,Birgitte Egelund Olsen,Karsten Engsig

Sørensen,2012-08-02 This comparison of developments in EU and WTO trade law and institutions suggests how each can learn from the other 50 Years of the European Treaties Michael Dougan,Samantha Currie,2009-02-06 The essays which

appear in this work are based on the papers presented at a two day conference held in Liverpool in July 2007 to celebrate the 50th anniversary of the signing of the Treaty of Rome establishing the EEC The collection reflects critically upon some of the EU s historic characteristics and speculates imaginatively on some of the diverse challenges facing the Union in the future Contributions from both established and emerging scholars of EU law and policy are united by two main themes the paradox of the resilient yet unstable basis of the Union s constitutional fundamentals and the ever contested balance between the EU s core economic mission and its broader social values and aspirations For any student scholar or practitioner interested in the dynamic nature of the constitutional relationship between the Union and its Member States and in the complex tensions

underpinning the EU's substantive policies these essays will be essential reading

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