

# **The Principles of Mutual Recognition in the European Integration Process**

**Edited by  
Fiorella Kostoris Padoa Schioppa**



# Principles Of Mutual Recognition In The European Integration Process

**F. Schioppa**



## **Principles Of Mutual Recognition In The European Integration Process:**

The Principles of Mutual Recognition in the European Integration Process F. Schioppa, 2005-05-31 Mutual Recognition MR implies that each Member State is free to use the standards for production it prefers but cannot inhibit the import from other Member States lawfully using other standards unless justified by emergency reasons The home country rule then prevails on the host country Barriers to entry diminish competition rises in the internal market This volume looks at a number of aspects of MR including why its importance cannot be understood outside the general practice of free movement and how some elements of MR already emerge in the skilled labour market of professionals

### **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

### **The Principle of Mutual Recognition in the European Integration Process** Fiorella Schioppa, 2005-09-03 Mutual Recognition MR implies that each Member State is free to use the standards for production it prefers but cannot inhibit the import from other Member States lawfully using other standards unless justified by emergency reasons The home country rule then prevails on the host country Barriers to entry diminish competition rises in the internal market This collection looks at a number of aspects of MR including why its importance cannot be understood outside the general practice of free movement and how some elements of MR already emerge in the skilled labour market of professionals

EU Counterterrorism Policy Oldřich Bureš, 2011 A critical analysis of the measures the European Union has taken to combat terrorism which demonstrates how in a number of key areas EU counterterrorism policy is more of a paper tiger than an effective counterterrorism device The book addresses several legal counterterrorism instruments that have not been properly implemented at the national level and highlights several areas where the EU can provide genuine value added in the fight against terrorism

*Enhanced Cooperation and European Tax Law* Caroline Heber, 2021 This book explores how Member States can introduce secondary EU law via the enhanced cooperation mechanism which is only binding among these Member States The book also develops a approach to the limits non participating Member States face in ensuring that their actions do not impede the implementation of enhanced

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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

**Research Handbook on the Economics of European Union Law** Thomas Eger,Hans-Bernd Schöfer,2012-01-01 This comprehensive volume comprises original essays by authors well known for their work on the European Union Together they provide the reader with an economic analysis of the most important elements of EU law and the mechanisms for decisions within the EU The Handbook focuses particularly on how the development of EU law negotiates the tension between market integration national sovereignty and political democracy The book begins with chapters examining constitutional issues while further chapters address the establishment of a single market The volume also addresses sovereign debt problems by providing a detailed analysis of the architecture of the EU's monetary institutions its monetary policy and their implications The depth and breadth of the Handbook's coverage make it an essential reference for students scholars and policymakers interested in the complexities of the European Union

*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

*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 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

*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 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

**Policies and Policy Processes of the European Union** Laurie Buonanno, Neill Nugent, 2020-11-28 The dynamic and complex system of European Union policymaking is analysed in this new edition of a much praised textbook It offers the most integrated understanding of EU policy available Major approaches to policymaking including intergovernmentalism neofunctionalism supranationalism and critical theory are presented and supplemented with the authors own theoretical model federal integration to create a comprehensive evaluation of the EU s interests and actors in key policy domains The text covers the EU s main policy areas including those on the single market Economic and Monetary Union foreign policy migration and border control social and regional policies and the budget locating them in this wider theoretical framework As such it is the key introduction to the subject for students of European Politics at undergraduate and postgraduate levels New to this Edition Each chapter rewritten many extensively throughout New chapters on migration and border control competition policy and social and cohesion policies New illustrative material and many new examples Each chapter now includes a Guide to Further Reading

*Treaty on the Functioning of the European Union - A Commentary* Hermann-Josef Blanke, Stelio Mangiameli, 2021-05-31 The Commentary on the Treaty on the Functioning of the European Union four volumes is a major European project that aims to contribute to the development of ever closer conceptual and dogmatic standpoints with regard to the creation of Europeanised research on Union law Following on from the Commentary on the Treaty of the European Union this book presents detailed explanations article by article of all the provisions of the TFEU discussing the application of Union law in the national legal orders and its interpretation by the Court of Justice of the EU The authors are academics and practitioners from twenty eight European states and different legal fields some from a constitutional law background others experts in the field of international law and EU law Reflecting the various approaches to European legal culture this book promotes a system concept of European Union law toward more unity notwithstanding its rich diversity grounded in national traditions

**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

**Cambridge Yearbook**



**of European Legal Studies, Vol 16 2013-2014** Albertina Albors-Llorens, Kenneth Armstrong, Markus Gehring, 2015-01-22

The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the law of the European Convention on Human Rights 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 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 institutions 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

**Cassis de Dijon** Albertina Albors-Llorens, Catherine Barnard, Brigitte Leucht, 2021-02-25 Why is the 1979 the Court of Justice judgment in Cassis de Dijon so famous and so significant in the evolution of EU trade law As this landmark judgment approaches middle age this book revisits this decision with the benefit of hindsight why did the Court of Justice decide Cassis de Dijon as it did How has the decision been developed by the EU And looking forward how has the decision been used to develop international trade This book brings together some of the leading writers in the field of EU trade law constitutional law and European history for a fresh examination of this ground breaking judgment looking at it from the perspective of its past who what and why its present is it making a difference and its future how does it fit in international trade agreements



## **Principles Of Mutual Recognition In The European Integration Process** Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become much more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Principles Of Mutual Recognition In The European Integration Process**," written by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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