

PRIVATE PARTIES IN EUROPEAN COMMUNITY LAW

Challenging Community Measures

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Private Parties In European Community Law Challenging Community Measures

Alexander H. Türk



Private Parties In European Community Law Challenging Community Measures:

Soft Law in European Community Law Linda Senden, 2004-09-30 This book offers the first systematic investigation of the phenomenon of soft law within the framework of the EC the first pillar of the EU and its use by the European Commission and Council of Ministers It focusses upon how soft law fits into the Community legal system and how it is used and in particular how it relates to Community legislation Differentiation of the Community instruments including the instruments of soft law is often thought to enhance the effectiveness legitimacy and transparency of the Community This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and if so in what cases and under what conditions Furthermore the author asks to what extent the use of soft law implies good governance and throws fresh light on this very heterogeneous phenomenon by looking at frequently used instruments in many different areas of Community law such as competition law state aid environment social policy etc in the process identifying their different characteristics aims functions and legal effects What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy effectiveness and transparency of Community action This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution and goes beyond the immediate problems of soft law to touch upon issues such as competence legal protection division of powers between the EC and the Member States institutional balance lawmaking by the Community Courts the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law Legal Challenges in EU Administrative Law Herwig

Hofmann, Alexander Türk, 2009-01-01 But European administrative law is a work under construction This book helps to explore the current state of affairs Thomas Gross Common Market Law Review Drs Hofmann and Türk made a name for themselves in the field of EU administrative law with their first collection of edited essays EU Administrative Governance Edward Elgar 2006 which was well reviewed and made an important contribution to the subject The focus of their new collection Legal Challenges in EU Administrative Law is accountability internal through structures and procedures and external through courts and auditors With its many useful contributions from well known experts it promises well Carol Harlow London School of Economics UK The move towards a system of integrated administration in the EU poses considerable legal challenges This book explores ways in which accountability legality legitimacy and efficiency can be ensured in the multiple forms of co operation of European and national administrations in the delivery of EU and EC policies Examining the procedures and structures of European administrative integration this innovative book will be a stimulating read for academics researchers and both undergraduate and postgraduate students in European law **The Interim**

Protection of Individuals Before the European and National Courts Dimitrios Sinaniotis, 2006-01-01 This thesis focuses on the interim protection of the individual in the Community legal order An analysis will be made of the avenues available to individuals for requesting interim relief when a case is brought before the European or the national courts An extensive examination of the relevant case law will be performed to reveal what appears to be an evolving concept of the individual's interim protection in the European Community structure and to suggest any possible changes in order to guarantee an effective remedy of interim relief

Wyatt and Dashwood's European Union Law Alan Dashwood, Michael Dougan, Barry J Rodger, Eleanor Spaventa, Derrick Wyatt, 2011-06-14 First published 30 years ago Wyatt and Dashwood's European Union Law was a landmark publication designed and written for students taking degree level courses in EU law In the intervening years new editions have appeared at regular intervals firmly establishing the book as a reliable and authoritative text Besides introducing generations of students to the intricacies of European law it has also been increasingly relied upon by scholars practitioners and the courts as a valuable source of reference on this complex and ever expanding body of law While the book cannot cover every aspect of the subject matter it nevertheless offers comprehensive coverage of those aspects of EU law most commonly studied at degree level Part I introduces the history and foundations of the Union's primary law Part II looks at the Union's institutions decision making procedures and competences It also deals with the Union judiciary focusing on direct actions before the Union courts and preliminary references from national courts The constitutional fundamentals of direct effect and supremacy effective judicial protection before national courts general principles of Union law and the Charter of Fundamental Rights are dealt with in Part III Part IV covers the internal market free movement of goods Union citizenship workers establishment and services the services directive mutual recognition of qualifications corporate establishment and company law harmonisation Part V deals with competition law Articles 101 and 102 TFEU the enforcement of Union competition rules and other related competition law issues Part VI then includes a brand new chapter concerned with the EU's external relations together with treatment of the legal effects of international agreements entered into by the EU As with previous editions the aim is to provide an accurate critical pragmatic and original account of the subject at times also offering unique insiders insights The book holds to its reputation as being both broad and profound the ideal foundation for gaining a deep understanding of EU law This edition reflects the law post Lisbon It has also been re structured and re designed so as to facilitate ease of use Its original authors Derrick Wyatt and Alan Dashwood continue to make a significant contribution Michael Dougan Eleanor Spaventa and Barry Rodger complete the team of authors working on this invaluable textbook and reference work The 6th edition has already been cited in the Northern Ireland High Court by The Honourable Mr Justice Bernard McCloskey 2011 NIQB 61

The Concept of Legislation in European Community Law Alexander Türk, 2006-01-01 A notable trend in recent scholarship on the nature of the European Union and its democratic legitimacy focuses on the concept of legislation and its employment within the European Community's legal system In this

remarkable work of synthesis Alexander Tanderk exposes and elucidates the underlying uncertainty as to the meaning of the term and even its legitimate use within the Community's legal order. He arrives at a clear evaluation of the extent to which the concept of legislation can be applied in the EC through a comparative analysis of the British, French and German constitutional systems and proceeds to reveal and highlight aspects of the concept of legislation derived from this analysis appearing in areas of EC law. A number of crucially significant insights emerge among them the following: the distinction between legislation in form and legislation in substance; defining the addressee of Community acts; judicial determination of the general application of an act; the relevance of the EU's system of functional rather than personal representation; and the co-decision and assent procedures of the EU institutions as legislation in form. All those interested in the nature of the EC legal system and the state of its development will find this study richly rewarding. Building rigorously on detailed analysis of EC case law and on prior scholarship, the book shows the way to a new understanding of the relevance of the concept of legislation to the solution of some of the EU's most pressing legal issues.

Cambridge Yearbook of European Legal Studies Vol 1, 1998 Alan Dashwood, Angela Ward, 1999-07-01. 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, 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. Each edition will commence with the Mackenzie Stuart Lecture established in honour of Lord Mackenzie Stuart, formerly President of the ECJ and given each year in the Cambridge Law Faculty. The first Lecturer in 1997 was Judge G. Rodríguez Iglesias, currently President of the ECJ; the second was Mr Jean-Louis Dewost, Director General of the Commission's Legal Service. Their contributions launch Volume 1. 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.

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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

National Remedies Before the Court of Justice Michael Dougan, 2004-12-31 The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights including such landmark judgments as Factortame and Francovich This book offers a critical analysis of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project in particular the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system National Remedies Before the Court of Justice provides a challenging account of this crucial field of EU legal studies It includes detailed discussion of issues such as Member State liability in damages Community control over national limitation periods and the principles governing state aid and competition law enforcement This book is of value to academics and practitioners alike

The Constitution of Private Governance Harm Schepel, 2005-02 The book offers the first systematic treatment of European American and international standards law in the English language

Oxford Principles of European Union Law Robert Schütze, Takis Tridimas, 2018-02-23 Since the 1957 Rome Treaty the European Union has changed dramatically in terms of its composition scope and depth Originally established by six Western European States the EU today has 28 Members and covers almost the entire European continent and while initially confined to establishing a common market the EU has come to influence all areas of political economic and social life In parallel with this enormous geographic and thematic expansion the constitutional and legislative principles underpinning the European Union have constantly evolved This three volume study aims to provide an authoritative academic treatment of European Union law Written by leading scholars and practitioners each chapter offers a comprehensive and critical assessment of the state of the law Doctrinal in presentation each volume nonetheless tries to present a broader historical and comparative perspective Volume I provides an analysis of the constitutional principles governing the European Union It covers the history of the EU the constitutional foundations the institutional framework legislative and executive governance judicial protection and external relations Volume II explores the structure of the internal market while Volume III finally analyses the internal and external substantive policies of the EU

EU Competition Enforcement and Human Rights A. Andreangeli, 2008-01-01 Arianna Andreangeli's book can be strongly recommended Academics and practitioners active in the field of competition law

EU law and human rights will certainly find much of interest in this book

Volker Soyez *European Competition Law Review* This book is well structured and well written The volume represents an important contribution to the existing legal literature on fundamental rights protection in the EU legal order from a competition law perspective

Giacomo Di Federico *Common Market Law Review* This book discusses the procedural rights enjoyed by those being investigated under Articles 81 and 82 of the EC Treaty and of the Merger Control Regulation and their right to challenge the Commission's decision in the Community Courts It further assesses how their rights to due process in competition proceedings before the European Commission comply with the notion of administrative fairness enshrined in the European Convention on Human Rights in accordance with the case law of the European Court of Human Rights In this study Arianna Andreangeli takes into account key developments such as modernisation and its impact on competition proceedings before the Commission the debate on the principles of legal professional privilege the protection against self incrimination the rule of ne bis in idem and the possibility of establishing an EU competition court It offers an examination of the right to be heard the right to have access to the Commission held evidence and to legal professional privilege and the right to silence and to seek judicial review of Commission decisions and assess them in the light of the Strasbourg court's case law

Academics active in the area of competition law EU law and human rights as well as practitioners active in the area of competition law will find much to interest them in this book

European Union Law Robert Schütze, 2021 A comprehensive and critical textbook Schütze's *European Union Law* uses a distinctive three part structure to examine the constitutional foundations legal powers and substantive law of the European Union Written in a uniquely engaging style and full of illuminating analyses this book provides a thorough and modern guide to the study of the European law Visual and pedagogical support is offered by the book's numerous diagrams and tables that clarify key concepts and processes and a practical appendix helps students to find and read primary and secondary legal sources This third edition includes an updated dedicated chapter on the past present and future of Brexit Digital formats and resources The third edition is available for students and institutions to purchase in a variety of formats The e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support www.oxfordtextbooks.co.uk/ebooks

The Engines of European Integration Mark A. Pollack, 2003 This study of delegation and agency in the European Union examines the role of supranational actors like the Commission the Court of Justice and the European Parliament in the process of European integration and in contemporary EU governance

Judicial Control in the European Union Alicia Hinarejos Parga, 2009 The EU's activity under its intergovernmental pillars The Common Foreign and Security Policy and Justice and Home Affairs has traditionally been beyond the scope of judicial control offered by the central EC legal system The increasing importance of this activity and its growing intrusion into the lives of individuals has led to a sense that the level of judicial oversight and protection is insufficient and that the constitutional balance of the Union stands in urgent need of reform While the need for

reform is widely recognised wholesale constitutional change has been stalled by the failure to ratify the Constitutional Treaty and the delay in ratifying the Treaty of Lisbon This book charts the attempts to develop more satisfactory judicial control over the intergovernmental pillars in the face of such constitutional inertia It examines the leading role played by the European Court of Justice in reforming its own jurisdiction and analyses the ECJ's development as a constitutional court in comparison with more established constitutional adjudicators Throughout the book the current constitutional position is compared extensively to the reforms introduced by the Treaty of Lisbon offering a timely snapshot of the EU's federal structure in a state of flux

Judicial Review in EU Law Alexander H. Türk, 2010-01-01 Judicial review constitutes an important aspect of any legal system operating under the rule of law This book provides a comprehensive account of judicial review in EU law by assessing the vast and complex case law of the European Court of Justice ECJ in this area and the academic opinion which has accompanied its rulings over the years It questions the prevalent view in academic literature that the Court's restrictive approach to allowing individuals direct access to the Community Courts in case of a challenge against normative acts amounts to a denial of an effective remedy The author argues that the emerging constitutional nature of the European Union and its federal structure requires a more balanced view While it will improve direct access for individuals to the Union's judiciary the Lisbon Treaty will not radically alter the system of judicial review in the European Union Judicial Review in EU Law will be of great interest to academics and given its detailed discussion of case law of the ECJ it will also appeal to postgraduate students of European law Dealing with an important aspect of legal practice it will be invaluable reading for practitioners in law firms and officials working in local regional and central government

Administrative Law and Policy of the European Union Herwig C. H. Hofmann, Gerard C. Rowe, Alexander H. Türk, 2011-10-27 Administrative Law and Policy of the EU provides a comprehensive analysis of the administration of the European Union and the legal framework within which that administration operates The book examines the multifarious approaches techniques and structures of public administration in order to systematise and assess the solutions they offer to political social and economic problems The legal framework of administration is examined from the standpoint of how it meets the demands of specific policy objectives established by democratically accountable decision makers Administrative law structures and many of its underlying principles have developed in an evolutionary and isolated manner in each policy area While aware of the diversity of specific areas this book takes an overarching approach setting out the common rules and principles that constitute the general body of EU administrative law By integrating the disciplines of political and administrative science and administrative law the book offers a rich explanation and critique of the complex executive framework of the EU

The EU and Human Rights Philip Alston, Mara R. Bustelo, James Heenan, 1999 For all its achievements in integrating Europe the EU lacks a human rights policy which is coherent balanced and professionally administered Whether in relation to access to Community justice sex equality race and disability discrimination or policing or in its external policies from Kosovo to China the Union needs new

principles procedures and institutions to design and implement an effective set of human rights policies The introduction of a single currency the problems of racism and xenophobia the need for a humane refugee policy the growing powers of the EU in many fields and the Unions imminent eastward expansion all make it urgent to adopt such policies In this volume the leading experts in the field including individuals from every EU country provide an insightful critique of current policies and detailed recommendations for the future The volume includes comprehensive analyses of the competencies of the EU in human rights access to justice the Third Pillar

Research Handbook on Cross-Border Bank Resolution Matthias Haentjens,Bob Wessels,2019 Since 2008 many countries across the globe have witnessed the introduction of new recovery and resolution regimes for banks Whereas much may have been achieved on regional levels this has not been perfect and many global challenges remain unsolved The Research Handbook on Cross Border Bank Resolution analyses the strengths and weaknesses of the current regulatory framework for cross border bank crises with contributions from eminent experts from the US EU Japan and China The topic is addressed from both economic and legal perspectives with a special section devoted to real life cases

EU Counter-Terrorist Policies and Fundamental Rights Christina Eckes,2009-12-10 Of individual sanctions could comply with general principles of EU law Readership Academics graduate students and practitioners interested in sanctions against individuals

The Italian Influence on European Law Daniele Gallo,Roberto Mastroianni,Fernanda G. Nicola,Lorenzo Cecchetti,2024-10-31 Drawing on expertise from across the worlds of the judiciary the bar and legal academia this book provides fascinating insights into the role of a key Member State and how its legal influence informs the wider Union s development This collection sheds light on the Italian influence on European law by examining the judicial biographies of Italian judges and advocates general during almost five decades of the European Union It explores the national ties of judges and advocates general to their Member States to better understand the continuous relationship between the members of the EU judiciary and their Member States governments and how they practise the principle of judicial independence a central pillar of the ECJ s rule of law jurisprudence

No Citizens Here: Global Subjects and Participation in International Law René Urueña,2012-03-23 International legal scholarship has traditionally celebrated the possibility of individuals being considered as subjects of international law This book challenges that narrative and reveals hidden patterns in the way we think about legal subjects in global governance Building on the notion of a risk society this book argues that international law creates fragmented subjectivities whose conflicting identities help perpetuate a certain global loss of sense that is characteristic of our times An innovative contribution that draws on a wealth of international legal materials including human rights EU law international economic law and international organizations this book is useful to those with an interest in international legal theory new approaches to international law global constitutionalism and global administrative law

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