

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

LL Leslie

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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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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

Regulating Trade in Services in the EU and the WTO Ioannis Lianos, Okeoghene Odudu, 2012-03-22 This volume considers how different jurisdictions are integrated economically whilst at the same time maintaining regulatory pluralism and diversity

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

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 cooperation

European Food Regulation After Enlargement Karolina ?urek, 2011-11-11 Combining an empirical analysis of the evolution of EU food regulation with a theoretical study of selected mechanisms used in governing food this book provides a critical outlook on the capacity of the regulatory system to accommodate increased post enlargement diversity of socio economic concerns

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 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 outside 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.

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.

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 an 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 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 *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 **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 **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 **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

The Past and Future of EU Law Luis Miguel Poiarés Pessoa Maduro, Loïc Azoulai, 2010-02-05 This book revisits in a new light some of the classic cases which constitute the foundations of the EU legal order and is timed to celebrate the 50th anniversary of the Rome Treaty establishing a European Economic Community Its broader purpose however is to discuss the future of the EU legal order by examining from a variety of different perspectives the most important judgments of the ECJ which established the foundations of the EU legal order The tone is neither necessarily celebratory nor critical but relies on the viewpoint of the distinguished line up of contributors drawn from among former and current members of the Court the view from within scholars from other disciplines or lawyers from other legal orders the view from outside and two different generations of EU legal scholars the classics revisit the classics and a view from the future Each of these groups will provide a different perspective on the same set of selected judgments In each short essay questions such as what would have EU law been without this judgment of the Court what factors might have influenced it did the judgment create expectations which were not fully fulfilled and so on are posed and answered The result is a profound wide ranging and fresh examination of the founding cases of EU law

EU Law and Economics Armin Steinbach, 2024-12-17 The intersection between law and economics is a dynamic field of research Yet European law has so far not been the subject of comprehensive systematic economic analysis Instead issues such as the European debt crisis COVID 19 pandemic and the climate emergency have largely escaped scholarly analysis through the nexus of EU law and economics EU Law and Economics closes this gap providing an overview of the application of economics to the institutional procedural and substantive aspects of European law Drawing on various branches of the economic sciences including rational choice and game theory and institutional and behavioural economics this book goes beyond conventional methods of EU legal scholarship to expand our understanding of EU law and its effects This book devotes attention to EU Treaties and secondary law as well as their adjudicative interpretation while using economic theory to explain their core legal principles such as conferral subsidiarity and mutual recognition Systematic and original this book offers additional descriptive and normative metrics that expand our understanding of the decision making behaviour of EU institutions and member states while opening a new dialogue between two distinct disciplines This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to download from OUP and selected open access locations

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