

OXFORD

THE SUBSTANTIVE LAW OF THE EU

The Four Freedoms

SEVENTH EDITION



CATHERINE BARNARD

Substantive Law Of The Eu Four Freedoms

H Kauffman



Substantive Law Of The Eu Four Freedoms:

The Substantive Law of the EU Catherine Barnard, 2016 Widely acclaimed and respected this is the leading text on the four freedoms of the European Union Unparalleled coverage of the subject area is paired with expert author insight and presented in a concise and user friendly format accompanied by engaging case studies and diagrams *EU Law and Obesity Prevention* Amandine Garde, 2010-01-01 Since the 1980s there has been an alarming increase in the prevalence of obesity in virtually every country in the world As obesity is known to lead to both chronic and severe medical problems it imposes a cost not only on affected individuals and their families but also on society as a whole In Europe the Obesity Prevention White Paper of May 2007 followed by the adoption of an EU School Fruit Scheme the acknowledgement that food advertising to children should be limited and proposed legislation to make nutrition labeling compulsory has firmly placed obesity on the EU agenda by laying down a multi sectoral strategy and a basis for future action In accordance with this growing sense of urgency this is the first book to offer an in depth legal analysis of obesity prevention with particular reference to Europe It describes what the EU has done and could do to support Member States in fighting the obesity epidemic and clearly shows the way to locating advocacy strategies within the framework of EU law The thorough analysis includes a discussion of the following issues the need to address nutrition and physical activity as important health determinants the emphasis traditionally placed at EU level on food safety rather than food quality the need for the development of databases on nutrition and physical activity comparable common indicators and risk assessment mechanisms mainstreaming public health into all EU policies the scope of EU powers in the case law of the Court of Justice the role of information in the EU s obesity prevention strategy the Commission s proposed Mandatory Nutrition Declaration the Food Claims Regulation the regulation of food marketing to children and in particular the role of the Audiovisual Media Services Directive the Unfair Commercial Practices Directive and industry self regulation food reformulation the use of economic instruments in the EU s obesity prevention strategy with an emphasis on the Common Agricultural Policy and the EU s taxation policy and EU action in the fields of sport occupational health and safety and transport policy The author convincingly shows that conflicts of interest inherent in market forces demand a strong EU intervention preferably through legislation than self regulation She also demonstrates the urgent need to reach an agreement on the basis of reliable data about what is effective in practice to improve lifestyles The study acknowledges that the law is not a panacea but nonetheless has an influential role to play in making the healthy choice an easier choice and must move decisively towards ensuring that the societal costs associated with obesity are sustainable and that the ultimate goal of a healthy population is achievable The book is essential reading for everyone involved or interested in the development of the EU s obesity prevention policy **Commercial Law of the European Union** Gabriël Moens, John Trone, 2010-04-23 The Hon Michael Kirby AC CMG This splendid book performs the heroic task of introducing readers to the large canvas of the commercial law of the European Union EU The EU began as an

economic community of six nations but has grown into 27 member states sharing a significant political social and legal cohesion and serving almost 500 million citizens. It generates approximately 30% of the nominal gross world product. The EU is a remarkable achievement of transnational co-operation given the history including recent history of national racial ethnic and religious hatred and conflict preceding its creation. Although as the book recounts the institutions of the EU grew directly out of those of the European Economic Community created in 1957, the genesis of the EU can be traced to the sufferings of the Second World War and to the disclosure of the barbarous atrocities of the Holocaust. Out of the chaos and ruins of historical enmities and the shattered cities and peoples that survived those terrible events arose an astonishing pan-European Movement.

The Substantive Law of the EU Catherine Barnard, 2019 **EU Consumer Law and Policy** Stephen Weatherill, 2005-01-01 Providing a comprehensive and up to date introduction to the subject this title explains the evolution of consumer law and policy in the EC both in terms of legislative and judicial activity **The Substantive Law of the EU** Catherine Barnard, 2004 **European Fundamental Rights and Freedoms** Dirk Ehlers, Ulrich Becker, 2007 The ever increasing relevance of European law which involves replacement or supplementation of and interaction with national law not only affects the states in Europe but also and foremost the citizens. The rights of the citizens in Europe are protected by the European Fundamental Rights and Freedoms. The aim of this textbook is to grasp and illustrate the meaning of these rights and to integrate it into a coherent system. For this purpose the book not only deals with the pertinent law of the European Union and the European Community but also with the European Convention for the Protection of Human Rights and Fundamental Freedoms which too is becoming more and more important. In addition regard is had to the Charter of Fundamental Rights of the Union which forms part of the Treaty establishing a Constitution for Europe. Although the Charter is not yet legally binding since the Constitution has not been ratified by all EU Member States the Community Courts already make reference to it as a concentrate of the constitutional traditions common to the Member States. It therefore does not seem entirely unlikely that the Charter might be included into the existing Treaties irrespective of the future constitutional developments on the EU level. On a similar anticipatory basis the book also takes into account those Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms that have not yet entered into force.

Reverse Discrimination in EC Law Alina Tryfonidou, 2009-01-01 Discrimination is an incongruity in the contemporary EC. Then the author provides an in depth analysis of two of the post Maastricht developments in the context of free movement: the establishment of the status of Union citizenship by the Treaty of Maastricht in 1993 and the development of that status through the Court's recent jurisprudence and the formal completion of the internal market in 1993 as required by the provisions inserted into the EC Treaty by the Single European Act. Focusing on the central issue of whether reverse discrimination is and should remain outside the scope of EC law the author explains what has been the impact of each of these developments on the question of the permissibility of reverse discrimination in EC law. A brief discussion of the

available solutions to the problem and their advantages and disadvantages concludes the presentation This is a ground breaking study in an area of European law that has received scant academic attention so far and is just beginning to be explored In it scholars policymakers and practitioners will discover a firm foundation from which to pursue and ultimately define the limits of reverse discrimination in EC law The Law of Payment Services in the EU Despina Mavromati,2008-01-01 The role that payments play within the general framework of financial services in the EC is indispensable for the realization of a true single European market including inter alia the conditions of cross border purchasing the legal framework of consumer protection and the technical standards against fraud in payment systems The Commission s New Legal Framework for payment services in the internal market as evidenced by the EC Payment Services Directive PSD represents an important step towards the completion of an initiative for a Single Euro Payments Area and more broadly EU wide General Principles of EU Law and the EU Digital Order Ulf Bernitz,Xavier Groussot,Jaana Paju,Sybe de Vries,2020-01-09 Digitalization of societies has important ramifications for citizens and businesses The digital landscape is rapidly changing whereas at the same time there are growing concerns about how market access in the EU s digital market as well as fundamental rights can be sufficiently safeguarded in the shadow of big data and algorithms This timely and important book presents expert analyses of how digitalization raises questions of the future role for general principles of European Union EU law including the foundational principles of the EU s fundamental economic freedoms and EU competition rules Examining a number of issues revolving around the internal market the digital single market competition law intellectual property data protection democracy and the rule of law the contributors provide deeply informed insights of the challenges as to effects of the technological disruption on the doctrine of general principles the resilience of general principles in the digital society the need to rely on new general principles in the digital society the realization of the digital single market the safeguarding of fundamental rights and the rule of law The contributors are highly esteemed scholars from major European universities A common theme is the need for judicial evolution of EU fundamental rights law in the digital era alongside penetrating analyses of recent Court of Justice of the European Union case law on the impact of digitalization Dealing as it does with an area of European law of particular complexity and rapidly growing importance the anthology provides insights and knowledge about the ways in which digitalization is rapidly changing EU law Are general principles of EU law as developed in an analogue world sufficiently resilient to withstand the rapid and often disruptive developments taking place in the digital marketplace The fresh look at the concept of general principles taken by the various contributors helps to clarify the actual application in EU law in areas related to the ongoing digitalization of our society It will be greatly appreciated by practitioners policymakers and academics active in any of the many fields of law affected by the digital revolution **Protection of Foreign Investments in an Intra-EU Context** Moskvan, Dominik,2022-02-04 The Achmea judgment revolutionised intra EU investment protection by declaring intra EU bilateral investment treaties intra EU BITs

incompatible with EU law This incisive book investigates whether intra EU foreign investments benefit from this alteration which discontinued the parallel applicability of intra EU BITs and EU law in the EU internal market In addition to comparative legal analysis from an investor perspective Dominik Moskvan puts forward a proposal for a creation of a permanent intra EU foreign investment court to ensure a balanced economic development of the EU internal market

Principles of European Constitutional Law Armin von Bogdandy,Jürgen Bast,2009-12-03 For the time being the political project of basing the European Union on a document entitled Constitution has failed The second revised and enlarged edition of this volume retains its title nonetheless Building on a scholarly rather than black letter law account it shows European constitutional law as it looks following the Treaty of Lisbon with the EU s foundational treaties mandating the exercise of public authority establishing a hierarchy of norms and legitimising legal acts providing for citizenship and granting fundamental rights In this way the treaties shape the relations between legal orders between public interest regulation and market economy and between law and politics The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law how it offers theoretical and doctrinal insights and how it adds critical perspective From Reviews of the First Edition should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe s constitutional foundations It is impossible to present the richness of thought contained in the 833 pages of the book in a short review Common Market Law Review an enduring scholarly work which gives an English speaking audience important and overdue access to the long standing and forever vigorous traditions of European constitutional law unhesitatingly recommend ed European Law Journal real scholarship in the profound sense of the word K Lenaerts Professor of European Law Leuven **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

The European Union and International Investment Law Reform Ivana Damjanovic,2023-07-27 In order to understand the reform of international investment law envisioned by the EU the author provides a comprehensive but concise analysis of the EU reform approaches its constitutional and legal framework the concepts of the rule of law and legitimacy and the reasons for the reform In particular the book exposes tensions between the EU aspiration to enhance the rule of law in international investment law as a means of legitimising this legal discipline and the challenges of its reform approaches in practice The analysis combines substantive and procedural aspects of the EU reform of international investment law in the intra EU context and EU external relations This book thus critically evaluates the EU vision of the rule of law in international law and its contribution to the development of international law in the field of investment A *Fiduciary Approach to Delegated and Implementing Rule-Making in the EU* R. Eljalill Tauschinsky,2019-11-10 This book

focuses on the evaluation of delegated and implementing rule making based on Articles 290 and 291 TFEU. These articles have attracted considerable attention since their introduction in 2009 and their implementation is one of the most hotly debated questions in European Administrative Law. The book takes up this timely topic, discusses it in an innovative way, and offers valuable new insights. Delegated and implementing acts are the most common form of EU legal acts. However, despite their ubiquity and relevance, it is unclear how the Commission's powers to adopt these important acts relates to subjects' democratic rights. Accordingly, the book explores the question of how the Commission's powers to adopt delegated and implementing acts can be justified. The relationship between the Commission and the persons within the Member States who are directly affected by its rule making should be seen, the book argues, as one of institutional trust and as a result as a fiduciary relationship. The book begins by defining the theoretical conditions for a justificatory approach, before explaining the background and foundations of fiduciary law. It then links this theoretical perspective with the realities of delegated and implementing acts, describing how the various roles in fiduciary relationships map onto the rule making process that produces delegated and implementing acts, and explains how the fundamental tenet of fiduciary relationships, loyalty, can be included in the rule making process.

Towards a Sustainable European Company Law Beate Sjøfjell, 2009-01-01. No one doubts any longer that sustainable development is a normative imperative. Yet there is unmistakably a great reluctance to acknowledge any legal basis upon which companies are obliged to forgo shareholder value when such a policy clearly dilutes responsibility for company action in the face of continuing environmental degradation. Here is a book that boldly says: Shareholder primacy is wrong. Such a narrow short-term focus, the author shows, works against the achievement of the overarching societal goals of European law itself. The core role of EU company and securities law is to promote economic development, notably through the facilitation of market integration, while its contributory role is to further sustainable development through facilitation of the integration of economic and social development and environmental protection. There is a clear legal basis in European law to overturn the poorly substantiated theory of a market for corporate control as a theoretical and ideological basis when enacting company law. With rigorous and persuasive research and analysis, this book demonstrates that European companies should have legal obligations beyond the maximization of profit for shareholders: human and environmental interests may and should be engaged with in the realm of company law, and company law has a crucial role in furthering sustainable development. As a test case, the author offers an in-depth analysis of the Takeover Directive, showing that it neither promotes economic development nor furthers the integration of the economic, social, and environmental interests that the principle of sustainable development requires. This book goes to the very core of the ongoing debate on the function and future of European company law. Surprisingly, it does not make an argument in favour of changing EU law, but shows that we can take a great leap forward from where we are. For this powerful insight and the innumerable recognitions that support it, this book is a timely and exciting new resource for lawyers and academics in both camps: those on

the activist side of the issue and those with company or official policymaking responsibilities

Hybrid Mismatch Rules and EU Primary Law Ingrid Birgitte Lund, 2025-07-15 EUCOTAX Series on European Taxation Hybrid mismatch rules as enacted based on Articles 9 9a and 9b of the EU Anti Tax Avoidance Directive ATAD obligate Member States to alter the tax treatment for cross border transactions in order to prevent non taxation or double non taxation which may occur when a transaction is not only deductible for the payer but also deductible or not taxed as income for the payee This book explores whether the transposed national hybrid mismatch rules adopted under the ATAD infringe on taxpayers right to free movement under the fundamental freedoms and clarifies the extent of the protection these freedoms afford in direct tax cases The author s far reaching analysis extends to such considerations as the following why hybrid mismatches arise scope of application of the hybrid mismatch rules and the conditions for them to apply whether the EU has the legal competence to enact hybrid mismatch rules assessment of the hybrid mismatch rules under the CJEU developed discrimination test and whether the general abuse of law principle serves as an exception to the taxpayer s reliance on fundamental freedoms Recognizing the tension in international tax law between competition and cooperation including the extent to which a taxpayer covered by the hybrid mismatch rules by invoking the fundamental freedoms can claim the benefits that hybrid mismatch rules deprive them of the answers and clarifications in this deeply informed book contribute to foreseeability and legal certainty for both corporations and governments With it as a guide both practitioners and policymakers will ensure appropriate application of hybrid mismatch rules develop a keen awareness of how these rules affect taxpayers and their right to free movement and understand how the fundamental freedoms may be invoked as taxpayer protection

The Protection of Fundamental Rights in the EU After Lisbon Sybe de Vries, Ulf Bernitz, Stephen Weatherill, 2013-01-04 The changes made by the Lisbon Treaty suggest that its entry into force in December 2009 marks a new stage in the shaping of the EU s commitment to the protection of fundamental rights This book s concern is to provide an examination of the several and interlocking challenges which the Lisbon reforms present The book will not only address the fresh and intriguing challenges for the EU as an entity committed to the protection and promotion of fundamental rights presented by developments post Lisbon but also a number of conundrums about the scope and method of protection of fundamental rights in the EU which existed pre Lisbon and which endure The book consists of three parts The first part is concerned with the safeguarding of fundamental rights in Europe s internal market The second part of the book is entitled The Scope of Fundamental Rights in EU Law and the chapters discuss the reach of fundamental rights and their horizontal dimension The last part of this book deals with The Constitutional Dimension of Fundamental Rights analysing the special relationship between the ECJ and the ECtHR and the issue of rights competition between the EU Charter on Fundamental Rights the European Convention on Human Rights and national rights catalogues

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 *Foster on EU Law* Nigel Foster,2013-05-30 Nigel Foster provides a concise and clear account of EU Law offering an accessible entry point to the subject The fourth edition provides an incisive account of the institutions and procedures of the European Union before moving on to consider key areas of substantive law including competition law

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Table of Contents Substantive Law Of The Eu Four Freedoms

1. Understanding the eBook Substantive Law Of The Eu Four Freedoms
 - The Rise of Digital Reading Substantive Law Of The Eu Four Freedoms
 - Advantages of eBooks Over Traditional Books
2. Identifying Substantive Law Of The Eu Four Freedoms
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Substantive Law Of The Eu Four Freedoms
 - User-Friendly Interface
4. Exploring eBook Recommendations from Substantive Law Of The Eu Four Freedoms
 - Personalized Recommendations
 - Substantive Law Of The Eu Four Freedoms User Reviews and Ratings
 - Substantive Law Of The Eu Four Freedoms and Bestseller Lists
5. Accessing Substantive Law Of The Eu Four Freedoms Free and Paid eBooks

- Substantive Law Of The Eu Four Freedoms Public Domain eBooks
 - Substantive Law Of The Eu Four Freedoms eBook Subscription Services
 - Substantive Law Of The Eu Four Freedoms Budget-Friendly Options
6. Navigating Substantive Law Of The Eu Four Freedoms eBook Formats
 - ePub, PDF, MOBI, and More
 - Substantive Law Of The Eu Four Freedoms Compatibility with Devices
 - Substantive Law Of The Eu Four Freedoms Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Substantive Law Of The Eu Four Freedoms
 - Highlighting and Note-Taking Substantive Law Of The Eu Four Freedoms
 - Interactive Elements Substantive Law Of The Eu Four Freedoms
 8. Staying Engaged with Substantive Law Of The Eu Four Freedoms
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Substantive Law Of The Eu Four Freedoms
 9. Balancing eBooks and Physical Books Substantive Law Of The Eu Four Freedoms
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Substantive Law Of The Eu Four Freedoms
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Substantive Law Of The Eu Four Freedoms
 - Setting Reading Goals Substantive Law Of The Eu Four Freedoms
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Substantive Law Of The Eu Four Freedoms
 - Fact-Checking eBook Content of Substantive Law Of The Eu Four Freedoms
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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