



The Community Legal Order (European Perspectives)

European Communities

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The Community Legal Order European Perspectives Series

Marja-Liisa Öberg



The Community Legal Order European Perspectives Series:

The Community Legal Order Jean-Victor Louis, 1980 **The Relationship Between European Community Law and National Law** Andrew Oppenheimer, 1994-10-27 This is the first comprehensive collection of court decisions dealing exclusively with the relationship between European Community law and the national laws of the Member States. It contains 90 decisions given between 1962 and 1993 by both the Community's Court of Justice (20 cases) and the courts of the 12 Member States (70 cases). The volume includes the recent decisions of national courts concerning the Maastricht Treaty. Key recurring topics of the decisions are the supremacy and direct effect of Community law, its impact on national sovereignty and constitutional rights, and the remedies available before national courts for its enforcement. All the texts are presented in English, having been translated wherever necessary. Each decision is preceded by a concise summary and key word heading. The volume also includes a systematic introduction, digest of key word headings, table of cases, and detailed index. **A Political, Legal and Economic Overview** Mauro Cappelletti, Monica Seccombe, Joseph H. Weiler, 2013-08-26 No detailed description available for A Political Legal and Economic Overview The European Court's Political Power Karen Alter, 2010-06-17 Karen Alter's work on the European Court of Justice heralded a new level of sophistication in the political analysis of the controversial institution through its combination of legal understanding and active engagement with theoretical questions. *The European Court's Political Power* assembles the most important of Alter's articles written over a fourteen year span, adding an original new introduction and conclusion taking an overview of the Court's development and current concerns. Together, the articles provide insight into the historical and political contours of the ECJ's influence on European politics, explaining how and why the same institution can have such a varying impact across time and issue area. The book starts with the European Coal and Steel Community where the ECJ was largely unable to facilitate greater member state respect for ECSC rules. Alter then shows how legal actors orchestrated an activist transformation of the European legal system with the critical aid of jurist advocacy movements and via the co-optation of national courts. The transformation of the European legal system wrested from member states control over the meaning of European law, but the ECJ continues to have differential influence across issue area. Alter explains that different influence of the ECJ comes from the varied extent to which sub and supra national actors turn to the ECJ to achieve political objectives. Looking beyond the European experience, the book includes four chapters that put the ECJ into a comparative perspective, examining the extent to which the ECJ experience is unique or a harbinger of the future role international courts may play in international and comparative politics.

One Country, Two Systems, Three Legal Orders - Perspectives of Evolution Jorge Oliveira, Paulo Cardinal, 2009-07-21 *One Country Two Systems Three Legal Orders Perspectives of Evolution* Essays on Macau's Autonomy after the Resumption of Sovereignty by China can be said in a short preamble-like manner to be a book that provides a comprehensive look at several issues regarding public law that arise from or correlate with the Chinese apex motto for

reunification One Country Two Systems and its implementation in Macau and Hong Kong Noble and contemporary themes such as autonomy models and fundamental rights are thoroughly approached with a multilayered analysis encompassing both Western and Chinese views and an extensive comparative law acquis is also brought forward Furthermore relevant issues on international law criminal law and historical and comparative evolutions and interactions of different legal systems are laid down in this panoramic yet comprehensive book One cannot but underline the presence in the many approaches and comments of a certain aura of a modern Kantian cosmopolitanism revisitation throughout the work especially when dealing with the cardinal principle of One Country Two Systems which enabled a peaceful and integral reunification ex vi international law the Joint Declarations that ended an external and distant control

Consumer Law, Common Markets and Federalism in Europe and the United States Thierry Bourgoignie, David M. Trubek, 2013-08-26 No detailed description available for Consumer Law Common Markets and Federalism in Europe and the United States

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

The European Union's Foreign and Security Policy Ramses A. Wessel, 1999-08-01

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 Türk 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

The European Community as a Publisher, 1990

External Relations Law of the European Community Rass Holdgaard, 2008-01-01 External Relations Law of the European Community begins by noting two common characteristics of legal analyses in the field of EU external relations First most legal analyses assume that EC external relations law cannot be studied or applied without a constant awareness of the underlying political dynamics Yet the same analyses fail to explain how these dynamics are to be understood assessed and systematically applied This pragmatic outlook reduces the importance and value of a self reflective rational and coherent legal language Second most legal analyses tend to focus only on n

Sourcebook on Public International Law Tim Hillier, 1998-02-14 This work is primarily aimed at the law student although it may also be of relevance to those studying international relations It covers the main topics of public international law and is designed to serve both as a textbook and as a case and materials book

The Boundaries of the EU Internal Market Marja-Liisa Öberg, 2020-11-05 The book examines the twofold boundaries of the concept of the European Union's internal market the geographical and the substantive through the prism of expanding the internal market to third countries without enlarging the Union The book offers a comprehensive analysis of the conditions under which the internal market can effectively be extended to third countries by exporting EU *acquis* via international agreements without sacrificing its defining characteristics Theoretical rather than empirical in approach the book scrutinises and meticulously questions the required level of uniformity within flexible integration relating to the substantive scope of the internal market the role of foundational principles in the European Union's market edifice and the institutional framework necessary for granting third country actors full participation in the internal market while safeguarding the autonomy of the Union's legal order

The European Court and National Courts Anne Marie Slaughter, Alec Stone Sweet, Joseph Weiler, 1998-03-01 The essays comprising this volume are the outcome of a major and unique project which looks in detail at the application of EC law by national courts and the interaction of the demands of EC law with the constraints imposed by national legal orders and especially national constitutional orders The volume comprises seven country studies which are shaped around a common research protocol These are supplemented by three cross cutting studies which draw on the country studies as well as on broader contextual research work aimed at trying to understand the role of the European Court of Justice in the round The results of this multi national research are certain to provoke widespread interest among scholars of European law international law and European politics for they offer the first systematic and rigorous attempt to assess the impact of the ECJ among the leading member states of the European Union

From Dual to Cooperative Federalism Robert Schütze, 2013-01-31 What is the federal philosophy inspiring the structure of European law The federal principle stands for constitutional arrangements that find unity in diversity The two most influential manifestations of the federal principle

emerged under the names of dual and cooperative federalism in the constitutional history of the United States of America Dual federalism is based on the idea that the federal government and the State governments are co equals and each is legislating in a separate sphere Cooperative federalism on the other hand stands for the thought that both governments legislate in the same sphere They are hierarchically arranged and complement each other in solving a social problem Can the European Union be understood in federal terms The book's general part introduces three constitutional traditions of the federal idea Following the American tradition the European Union is defined as a Federation of States as it stands on the middle ground between international and national law But what federal philosophy has the European Union followed The special part of the book investigates the structure of European law Three arguments are advanced to show the evolution of the European legal order from dual to cooperative federalism The first looks at the decline of constitutional exclusivity on the part of the Member States and the European Union For almost all objects of government the Union and its States operate in a universe of shared powers The second argument analyses the decline of legislative exclusivity European and national legislation increasingly complement each other to solve a social problem The third argument describes the constitutionalisation of cooperative federalism in the form of the principle of subsidiarity and the idea of complementary competences A final Chapter is dedicated to Europe's foreign affairs federalism It analyses whether the external sphere must be regarded as subject to different constitutional or federal principles The book concludes that cooperative federalism will benefit both levels of government the Union and the Member States as the constitutional mechanism of uniform European standards complemented by diverse national standards best expresses the federal idea of unity in diversity **Views of**

European Law from the Mountain Mielle Bulterman, Leigh Hancher, 2009-02-27 Piet Jan Slot is one of a notable group of innovators who have greatly elucidated the role of law in the construction of European integration His retirement this year from the Law Faculty at Leiden University has occasioned this festschrift in which forty six colleagues past and present recognize his many sterling contributions and engage with issues central to his work Many of them focus on aspects of European competition law while others extend his preoccupations with such fields as environmental regulation energy transport and the interfaces of European law with both Member State law and international global law Ranging from historical tendencies to emerging trends and possibilities the authors explore dozens of relevant topics including the following harmonization of EU law progress of the concept of technical barriers economic justifications and the fundamental freedoms the Keck dichotomy between product requirements and selling arrangements private antitrust enforcement in an international context retail price maintenance competitors role in the public enforcement of the state aid regime scope of judicial review of sanctions in competition law competition and security of supply ownership unbundling proliferation of EU regulatory agencies and the influence of the ECJ on the interpretation of the ECHR Conscious of Slot's ability to identify and analyse the crucial issues of a complicated matter and express them in a clear way adequately attuned to the listener the

authors tackle some of the most complex areas in European law Although like Slot they consider European integration as a value that should be respected and fostered by no means do they uncritically accept European law or the way it is made They carry on Slot s work in interpreting and applying European law to search for solutions that maintain develop and enrich the legal order established by the various European Treaties This challenging and absorbing book offers everyone interested a rich selection of topical as well as controversial issues in a number of areas of European law It is a fitting tribute to the diversity and reach of Slot s contribution to these fields as an academic and practitioner over a period of some forty years

Constitutionalising the EU Judicial System Pascal Cardonnel, Allan Rosas, Nils Wahl, 2012-08-20 These essays written in honour of retired ECJ judge Pernilla Lindh reflect on the development of courts and judging in the EU since the founding of the Union In particular they focus on recent reforms and proposals aimed at further increasing public confidence and democratic accountability throughout the EU judicial system

European Yearbook of International Economic Law 2017 Marc Bungenberg, Markus Krajewski, Christian Tams, Jörg Philipp Terhechte, Andreas R. Ziegler, 2017-10-06 Volume 8 of the EYIEL focuses on the external economic relations of the European Union as one of the most dynamic political fields in the process of European integration The first part of this volume analyses the recent controversial questions of the external economic relations of the Union dealing with the complexity of mixed agreements transparency and legitimacy issues as well as recent proposals in relation to Investor State Dispute Settlement the Trade Defence Instruments and the implications of the Brexit in this context The second part of EYIEL 8 addresses ongoing bilateral and multilateral negotiations of the EU with China Japan Australia Canada and Taiwan Moreover the third part deals with the EU in international organisations and institutions in particular the recent institutional aspects of the EU UN relationship representation in the IMF as well as WTO jurisprudence involving the EU in 2015 The volume concludes with reviews of recent books in international economic law

European Union Law Catherine Barnard, Steve Peers, 2023 Edited by Catherine Barnard and Steve Peers European Union Law draws together a range of perspectives from experienced academics teachers and practitioners to provide a comprehensive introduction Each chapter has been written and updated by an expert in the field to provide students with access to a broad range of ideas while offering a solid foundation in the institutional and substantive law of the EU Written by experts designed for students every chapter ensures a balance of accessible explanation and critical detail Case studies are included throughout the book to enable students to understand the context and implications of EU law as well as helping to familiarize them with some of the most significant case law in the area Quotations and examples from key legislation and academic sources are also included to help develop a well rounded understanding while further reading suggestions for each chapter act as a springboard for further study and assessment preparation This text provides a fresh and modern guide to EU law and is an ideal entry point for students new to the subject as well as those looking to develop their understanding Digital formats and resources The fourth 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 Cambridge Yearbook of European Legal Studies, Vol 11, 2008-2009 Catherine Barnard, Okeoghene Odudu, 2009-12-18 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

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