

EUROPEAN MONOGRAPHS

The Liberalization of Postal Services in the European Union

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The Liberalization Of Postal Services In The European Union European Monographs 34

Dimitry Kochenov



The Liberalization Of Postal Services In The European Union European Monographs 34:

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 EU Enlargement and the Failure of Conditionality Dimitry Kochenov, 2008-01-01 Among the criteria for accession to the European Union are democracy and the Rule of Law In the insightful analysis offered by the author of this book these concepts while admirable and even necessary criteria in principle are almost impossible to measure and any judgement grounded in them will always be difficult to justify In his words by including analysis of democracy and the Rule of Law within the field of the EU enlargement law the Union entered an unstable terrain of vague causal connections and blurred definitions Dr Kochenov addresses this problem by proceeding as follows 1 Outlining EU enlargement law in general including the principle of conditionality and the role played by the analysis of democracy and the Rule of Law in enlargement preparation 2 Focusing on the role actually played by the monitoring of democracy and the Rule of Law in ten candidate countries scrutinizing the way the EU used the legal tools and competences outlined in its enlargement law The book adopts the EU s own understanding of democracy and the Rule of Law as derived directly from the substance of the numerous legal and political instruments issued by the Community Institutions and especially the Commission in the course of the pre accession process In this way it demonstrates the actual as opposed to the officially announced role played by the assessment of democracy and the Rule of Law in the candidate countries in the regulation of enlargement Many formidable inconsistencies in the application of the conditionality principle are thus laid bare This leads the author to a series of recommendations on policy and procedure that he demonstrates could be profitably applied to the regulation of current and future accessions using the Commission s own structure of monitoring pre accession reforms in the three areas of the legislature executive and judiciary in candidate countries The probity and soundness of these recommendations firmly grounded as they are in the actual pre accession monitoring and its consequences for the pre accession progress of ten Eastern European countries admitted to the EU in 2004 and 2007 will greatly interest policymakers and scholars concerned with the future of European integration The Ne Bis in Idem Principle in EU Law Bas van Bockel, 2010-01-01 The legal principle of ne bis in idem restricts the possibility of a defendant being prosecuted repeatedly on the basis of the same offence act or facts This book describes obstacles that stand in the way of a single autonomous and uniformly applicable general ne bis in idem principle of EU law **Directory of EU Case Law on the Preliminary Ruling Procedure** René Barents, 2009-01-01 Article 234 EC ensures that a divergent application of the EC Treaty or of the statutes

and acts of its institutions is not allowed in any Member State Unsurprisingly its pivotal importance has given rise to a huge number of ECJ judgments and orders about 700 by the beginning of 2009 Very often a practitioner needs to establish whether the preliminary ruling procedure called for by Article 234 EC is required in a particular case being pursued in a national court and any relevant ECJ ruling or order must be located Herein lies the great value of this book Dr Barents very useful volume sorts paragraphs of the 700 judgments and orders by subject making it easy to establish the relevance of a particular Community court ruling to a particular national court proceeding In this book paragraphs of the judgments and orders are presented in the form of extracts sorted by subject The subject headings are arranged according to a hierarchical system descending from such overarching concepts as scope and participation to such precise categories as the following situations outside the scope of community law bodies not considered to be courts or tribunals arbitration third persons rights of participants formulation of preliminary questions presumption of relevance of a preliminary reference violation of the obligation to refer requirement of a pending dispute interim measures modification of preliminary questions questions rejected by the submitting court new elements presented during the preliminary procedure questions lacking precision retroactive effects of judgments Paragraphs of judgments relating to more than one subject are included under each relevant heading where necessary accompanied by cross references to other headings Under each extract or summary the judgments and orders are referred to by case number in ascending order The articles of the EC Treaty are cited according to the new method of citation pursuant to the renumbering of the articles of that treaty brought about by the Treaty of Amsterdam There is no doubt that the book s technique of presenting case law in the form of separate extracts and summaries arranged by topic and sub topic improves the accessibility of the material This very practical time saving feature will be greatly appreciated by practitioners throughout Europe This is a reference every European lawyer will want to have on hand

Services of General Interest Beyond the Single Market Markus Krajewski, 2015-06-23 This is the first book ever to assess comprehensively the impact of EU international agreements on services of general interest Services of general interest remain high on the political and legal agenda of the European Union However the debates about the impact of EU law on services of general interest usually focus on internal market law such as the free movement of services competition law state aid rules and the law of public procurement The external and international dimensions of the European legal framework for services of general interest are often overlooked This book addresses the impact of international trade and investment agreements on public services and the role these services play in EU external relations It shows that the inherent tension between establishing and securing undistorted competition on markets and the logic of public services exists in international economic law in a similar way as in EU internal law Given the contentiousness of international trade and investment agreements as well as the EU s external policies the issues discussed in this volume are timely and relevant and contribute to the ongoing debate about the future of services of general interest in the EU with fresh ideas and perspectives Markus

Krajewski is Professor of Public and International Law at the University of Erlangen Nuremberg Germany

The European Union Legal Order After Lisbon Patrick Birkinshaw, Mike Varney, 2010-01-01 In June 2009 the Institute of European Public Law of the University of Hull assembled a range of experts in relevant fields to offer papers and reach some consensus on what has been achieved in the EU legal order and what the future holds for that order given local tensions and global uncertainty

Impact Assessment in EU Lawmaking Anne C.M. Meuwese, 2008-04-18 Recent constitutional thinking has directed its attention to the profound impact of soft norms on the way legislation is made This book identifies the European Union's impact assessment regime as a source of these norms In 2002 the European Commission later followed by the European Parliament and the Council of Ministers committed to performing rigorous assessment of the economic social and environmental impacts of policy options before adopting legislative proposals Applying a constitutional lens to this regulatory topic Anne Meuwese examines both the details and the framework of IA in EU lawmaking to date drawing attention to its strengths its contradictions and its power to enhance the deliberative quality of legislative debates Integrating the perspectives of political scientists and economists with the concerns of legal scholars and practitioners Dr Meuwese describes and interrelates such aspects of the subject as the following the potential role of impact assessment as a catalyst of legal principles by emphasising or overriding norms that govern both the procedural and the substantive aspects of the EU legislative process the constitutional tasks of impact assessment as applied to European legislative proposals especially relating to subsidiarity proportionality and the precautionary principle the formal and informal extension of the scope of impact assessment beyond the co decision procedure the question whether impact assessment crosses the line between informing the legislator and fettering legislative discretion In the course of her analysis Dr Meuwese develops models for possible usages of IA in EU lawmaking analyses the implementation of impact assessment processes in the European Commission the European Parliament and the Council as well as the roles of relevant co actors and offers results of empirical research in the forms of a survey of EU legislative practice and in depth case studies of four EU legislative dossiers

EU Law of the Overseas Dimitry Kochenov, 2011-01-01 Millions of British Dutch French Danish Spanish and Portuguese nationals permanently reside in the overseas parts of their Member States These people like the companies registered in such territories often find it virtually impossible to determine what law applies when legal decisions are required Although Article 52 1 of the EU Treaty clearly states that EU law applies in the territory of all the Member States most Member State territories lying outside of Europe provide examples of legal arrangements deviating from this rule This book for the first time in English gathers these deviations into a complex system of rules that the editor calls the EU law of the Overseas Member States territories lying far away from the European continent either do not fall within the scope of EU law entirely or are subject to EU law with serious derogations A huge gap thus exists between the application of EU law in Europe and in the overseas parts of the Member States which has not been explored in the English language literature until now This

collection of essays sets out to correct this by examining the principles of Union law applicable to such territories placing them in the general context of the development of European integration Among the key legal issues discussed are the following internal market outside of Europe the protection of minority cultures EU citizenship in the overseas countries and territories of the EU Article 349 TFEU as a source of derogations The implications of Part IV TFEU for the overseas acquis participatory methods of reappraisal of the relationship between the EU and the overseas implications for the formation of strategic alliances voting in European elections what matters may be referred by courts and tribunals in overseas countries and territories application of the acquis to the parts of the Member States not controlled by the government or excluded from *ratione loci* of EU law interplay of the Treaty provisions and secondary legislation in the overseas customs union wholly internal situations free movement of capital and direct investments in companies the euro area outside of Europe duty of loyal cooperation in the domain of EU external action territorial application of EU criminal law and territorial application of human rights treaties Twenty two leading experts bring their well informed perspectives to this under researched but important subject in which although rules abound and every opportunity to introduce clarity into the picture seems to be present the situation is far from clear The book will be welcomed by serious scholars of European Union law and by public international lawyers as well as by policy makers and legal practitioners

Division of Powers in European Union Law

Theodore Konstadinides, 2009-01-01 The European Union has flourished and expanded over the last fifty years as a unique system that lies midway between a federal state and an anarchical international system Different actors coexist within a cooperative hegemony of Member States and the allocation of competences and decision making among them has always been at the centre of the integration process In fact demands for clearer limits to the Union and its decision making power and enduring tension over the nature and purpose of European integration have been the key drivers of integration and change This deeply informed and thoughtful book thoroughly examines the manner in which the principle of division of powers has developed in EU Law over the course of European integration and casts light on the path towards a more efficient delimitation of internal competence between the main actors namely the European Union and the Member States Among the topics investigated in depth are the following the place of the and competence provisions and in the current and future EU Treaty structure the scope and limits of the powers of institutional actors involved in EU decision making the contribution of the Court of Justice in declaring the pre-emptive effect and overarching precedence of Community law the role of subsidiarity as a tool for monitoring the jurisdictional limits of the Community and its legislative competence areas where and creeping competence and occurs the constitutional checks and balances available to Member States against unprecedented expansion of EU competences and the spectre of a powerful and core and Europe and a multi speed and Europe of pacesetters and laggards Addressing numerous crucial issues and among them the degree of permanence of the nation state in a context of ambiguous constitutional authority and the width of the democratic base of the Union and its institutional dynamic and of

cooperation and consensus and the author lucidly describes a seeming paradox an and ever closer unionand with a growing democratic legitimacy congruent with a supranational community that falls short of a fully fledged democratic political entity The countless perspectives and clarifications discovered along the way are sure to engage academics and policymakers working in the fields of the European integration project and will provide ample insights and food for thought

EU Law and Obesity Prevention Amandine Garde, 2010-10-11 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

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Table of Contents The Liberalization Of Postal Services In The European Union European Monographs 34

1. Understanding the eBook The Liberalization Of Postal Services In The European Union European Monographs 34
 - The Rise of Digital Reading The Liberalization Of Postal Services In The European Union European Monographs 34
 - Advantages of eBooks Over Traditional Books
2. Identifying The Liberalization Of Postal Services In The European Union European Monographs 34
 - 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 The Liberalization Of Postal Services In The European Union European Monographs 34
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Liberalization Of Postal Services In The European Union European Monographs 34
 - Personalized Recommendations
 - The Liberalization Of Postal Services In The European Union European Monographs 34 User Reviews and Ratings
 - The Liberalization Of Postal Services In The European Union European Monographs 34 and Bestseller Lists
5. Accessing The Liberalization Of Postal Services In The European Union European Monographs 34 Free and Paid

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- The Liberalization Of Postal Services In The European Union European Monographs 34 Public Domain eBooks
 - The Liberalization Of Postal Services In The European Union European Monographs 34 eBook Subscription Services
 - The Liberalization Of Postal Services In The European Union European Monographs 34 Budget-Friendly Options
6. Navigating The Liberalization Of Postal Services In The European Union European Monographs 34 eBook Formats
- ePub, PDF, MOBI, and More
 - The Liberalization Of Postal Services In The European Union European Monographs 34 Compatibility with Devices
 - The Liberalization Of Postal Services In The European Union European Monographs 34 Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of The Liberalization Of Postal Services In The European Union European Monographs 34
 - Highlighting and Note-Taking The Liberalization Of Postal Services In The European Union European Monographs 34
 - Interactive Elements The Liberalization Of Postal Services In The European Union European Monographs 34
8. Staying Engaged with The Liberalization Of Postal Services In The European Union European Monographs 34
- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Liberalization Of Postal Services In The European Union European Monographs 34
9. Balancing eBooks and Physical Books The Liberalization Of Postal Services In The European Union European Monographs 34
- Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Liberalization Of Postal Services In The European Union European Monographs 34
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain
 - Minimizing Distractions

- Managing Screen Time
- 11. Cultivating a Reading Routine The Liberalization Of Postal Services In The European Union European Monographs 34
 - Setting Reading Goals The Liberalization Of Postal Services In The European Union European Monographs 34
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Liberalization Of Postal Services In The European Union European Monographs 34
 - Fact-Checking eBook Content of The Liberalization Of Postal Services In The European Union European Monographs 34
 - 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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