

# Conference and Summer Course Europeanisation of Administrative Law in the Member States Leiden Law School, The Netherlands

2-4 September 2019

In what ways and to which extent are the systems of national administrative law becoming Europeanised? What role do EU legal principles play in this process? Are EU legal principles smoothly absorbed in national law and practice, or do the principles encounter resistance? Which legal principles attract most attention from scholars with expertise in EU and/or domestic law? These and other questions will be discussed during the Conference and Summer Course in Leiden.

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#### Speakers

- **Takis Tridimas** (chair of European Law at Kings College London)
- **Sacha Prechal** (Judge at the Court of Justice of the EU and Professor at Utrecht University)
- **Hervig Hofmann** (Professor of European and Transnational Public Law at the University of Luxembourg)
- **and many more!**

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# The Europeanisation Of Administrative Law Transforming National Decision Making Procedures

**Ida Staffans**



## **The Europeanisation Of Administrative Law Transforming National Decision Making Procedures:**

*EUROPEANISATION OF ADMINISTRATIVE LAW*, 2017 *The Impact of European Rights on National Legal Cultures* Miriam Aziz, 2004-07 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall s typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other

**The Europeanisation of Administrative Law** Karl-Heinz Ladeur, 2002 This volume is based on a workshop held at the European University Institute Florence November 1999 The papers have since been revised and updated and focus on the growing impact of European law on the core elements of member states administrative law and especially on their different conception of procedure The first article confirms the American experience that autonomy of procedural rationality is not easy to picture and that implementing a similar procedure in Europe will face difficulty The other articles look at the procedures that exist in different member states and how a change in procedure could possibly undermine national law and procedure without replacing it with anything substantial

**The Principle of Effective Legal Protection in Administrative Law** Zoltán Sente, Konrad Lachmayer, 2016-08-05 This collection presents a comparative analysis of the principle of effective legal protection in administrative law in Europe It examines how European states consider and enforce the related requirements in their domestic administrative law The book is divided into three parts the first comprises a theoretical introductory chapter along with perspectives from International and European Law part two presents 15 individual country reports on the principle of effective legal protection in mostly EU member states The core function of the reports is to provide an analysis of the domestic instruments and procedures Adopting a contextual approach they consider the historical political and legal circumstances as well as analysing the relevant case law of the domestic courts the third part provides a comparative analysis of the country reports The final chapter assesses the influence and relevance of EU law and the ECHR The book thus identifies the most important trends and makes a valuable contribution to the debate around convergence and divergence in European national administrative systems The Open Access version of this book available at <https://www.taylorfrancis.com/books/principle-effective-legal>

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The Transformation of Administrative Law in Europe Matthias Ruffert, 2007 This volume is a collection of the papers presented at the first kick off meeting in Dornburg near Jena Germany 26 28 May 2005 Foreword

European Administrative Law in the Constitutional Treaty Eva Nieto-Garrido, Isaac Martin Delgado, 2007-10-09 This book presents an integrated approach to general questions of European administrative law and offers some possible solutions to the problems which it poses the Treaty establishing a Constitution for Europe being the point of reference Under the Treaty general questions of administrative law are no longer addressed merely in a fragmented or incidental way but as a discipline that governs the exercise of sovereign powers by a supranational entity This calls for a detailed examination of the fields which comprise European administrative law and the book therefore examines in some detail the key areas of rulemaking powers and normative instruments the implications of the Charter of Fundamental Rights for European and national administrations administrative procedure and judicial protection within the European Union The Foreword to the book is written by Professor Carol Harlow

*Effective Judicial Protection and the Environmental Impact Assessment Directive in Ireland* Aine Ryall, 2009-06-23 This work is concerned with enforcement of the Environmental Impact Assessment EIA directive in Ireland and by extension in the European Union more widely As a case study it delves into the complex situation pertaining in Ireland At a more general level it offers an up to date theoretically rich and critically incisive examination of the enforcement of the EIA directive in Europe with the main focus being on the role of the national courts in overseeing the correct application of the directive by the competent authorities via the judicial review process The procedural requirements set down in the EIA directive are examined against the backdrop of the role played by the public in environmental decision making Amendments to the directive prompted by the Aarhus Convention are explained and their impact in practice is assessed The core elements of the concept of effective judicial protection developed by the European Court of Justice are explored Following an analysis of the EIA case law from the Irish Superior Courts to date the work examines the extent to which Irish planning and administrative law meets the requirements of the principle of effective judicial protection and the access to justice provisions articulated in the Aarhus Convention

*Evidence in European Asylum Procedures* Ida Staffans, 2012-04-19 This book focuses on three European asylum procedures and the evidentiary assessment carried out in these The interrelationship between these procedures and legal systems influencing them is explored and questions in relation to the harmonizing strivings of EU are posed

**Handbook of Public Administration and Policy in the European Union** M. Peter van der Hoek, 2005-06-13 The Handbook of Public Administration and Policy in the European Union focuses on the current state of the EU while also demonstrating how its current structure came into being and how it may change in the near future Although most existing literature is either policy oriented or institution oriented this textbook employs a different more comprehensive approach Not only does it analyze

selected EU laws and most EU institutions it is also unique in that it brings together EU public administration EU institutions and most importantly EU policies into a comprehensive text Divided into five parts the book provides an overview of theory discourses on European integration followed by an analysis of the development of European organizations Part II explains the nature of the EU highlighting its institutions Part III addresses various dimensions of public administration followed by a review in Part IV of major EU policies including the Common Agricultural Policy The textbook concludes with a history of Economic and Monetary Union and a study of the European Central Bank and the euro

[The Illusion of Accountability in the European Union](#) Sverker Gustavsson, Christer Karlsson, Thomas Persson, 2009-09-11 This book examines accountability in the EU from different perspectives and considers whether EU citizens have real opportunities for holding decision makers accountable This book critically analyses five arguments which claim there are sufficient means for holding decision makers to account in the Union The main conclusion is that the current institutional set up and practice of decision making in the EU is one that merely creates an illusion of accountability Using a strict framework focusing on the difference between formal mechanisms and actual opportunities for accountability this highly coherent volume will be of interest to students and scholars of European politics especially those interested in the democratic foundations of the European political system Chapter 1 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution Non Commercial No Derivatives 3.0 license [https://s3-us-west-2.amazonaws.com/tandfbis-rt-files/docs/Open+Access+Chapters/9780415480994\\_oachapter1.pdf](https://s3-us-west-2.amazonaws.com/tandfbis-rt-files/docs/Open+Access+Chapters/9780415480994_oachapter1.pdf)

[The Max Planck Handbooks in European Public Law: Volume I: The Administrative State](#) Sabino Cassese, Armin von Bogdandy, Peter Huber, 2017-07-24 The Max Planck Handbooks in European Public Law series describes and analyses the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration make legal comparison the task of our time for both scholars and practitioners it aims to foster the development of a specifically European legal pluralism and to contribute to the legitimacy and efficiency of European public law The first volume of the series begins this enterprise with an appraisal of the evolution of the state and its administration with cross cutting contributions and also specific country reports While the former include among others treatises on historical antecedents of the concept of European public law the development of the administrative state as such the relationship between constitutional and administrative law and legal conceptions of statehood the latter focus on states and legal orders as diverse as e.g. Spain and Hungary or Great Britain and Greece With this the book provides access to the systematic foundations pivotal historic moments and legal thought of states bound together not only by a common history but also by deep and entrenched normative ties for the quality of the *ius publicum europaeum* can be no better than the common understanding European scholars and practitioners have of the law of other states An understanding thus improved will enable them to operate with

the shared skills knowledge and values that can bring to fruition the different processes of European integration

**The Concept of Proportionality in Public Law** CHUNG Wai Man, Franco, 2020-06-30 Proportionality is a German and thus continental European concept in public law that is applied by both the Court of Justice of the European Union CJEU and the European Court of Human Rights ECtHR The principle specifies that measures adopted by executive authorities should not exceed the limits of what is appropriate and necessary in order to achieve legitimate objectives in the interest of the public Using a functional comparative approach this book evaluates the extent to which proportionality has been integrated into the English and Hong Kong judicial systems by comparing case law in these courts with that of the CJEU and the ECtHR The text also reviews the development of proportionality and presents a topical understanding of why its adoption and application have encountered difficulties particularly regarding socio economic rights in some jurisdictions such as the United Kingdom and Hong Kong Written by a scholar with experience from both within the Hong Kong judicial system and from international research this book is the first all encompassing reference for legal practitioners worldwide

**The European Constitution, Welfare States and Democracy** Christoffer C. Eriksen, 2011-10-06 This book explores how the right to the free movement of goods persons services and capital in the European Union legal order affects welfare states These four freedoms as they are known are vital instruments for the protection of a European market unencumbered by internal frontiers The European Constitution Welfare States and Democracy explore the relationships and conflicts that have emerged between the European constitution and the legal regulation of mixed economies and markets within welfare states In particular it examines the threat posed to the discretionary powers enjoyed by national governments and administrative authorities Christoffer C Eriksen has undertaken a comprehensive analysis of a series of judgments in which the European Court of Justice has clearly indicated the ways in which the four freedoms may be incompatible with the current practice of entrusting national administrative authorities with discretionary powers and thus highlights how the four freedoms are provoking democratic dilemmas previously neglected in the academic literature The book is written in a style which communicates beyond an audience of specialized legal scholars and although it includes analysis of black letter law its methodology also draws from the disciplines of philosophy political science and sociology

**The Enforcement of EC Environmental Law** Pål Wennerås, 2007-08-16 This title presents an assessment of the principles governing the enforcement of environmental law within the EC legal system It argues that the general case law on rights and remedies can be applied in environmental litigation and maps out the legal justification for more effective enforcement through individual prosecution

The Changing Constitution Jeffrey L. Jowell, Dawn Oliver, Colm O'Cinneide, 2015 Since its first edition in 1985 The Changing Constitution has cemented its reputation for providing concise scholarly and thought provoking essays on the key issues surrounding the UK's constitutional development and the current debates around reform The eighth edition of this highly successful volume is published at a time of accelerated constitutional change This collection of essays brings together

fourteen expert contributors to offer an invaluable source of material and analysis for all students of constitutional law and politics Online Resource Centre This book is accompanied by an Online Resource Centre which includes updates on key developments a library of web links and a timeline of key dates in British legal and political history

*Reconfiguring European States in Crisis* Desmond S. King, Patrick Le Galès, 2017 *Reconfiguring European States in Crisis* offers a ground breaking analysis by some of Europe's leading political scientists examining how the European national state and the European Union state have dealt with two sorts of changes in the last two decades Firstly the volume analyses the growth of performance measurement in government the rise of new sorts of policy delivery agencies the devolution of power to regions and cities and the spread of neoliberal ideas in economic policy The volume demonstrates how the rise of non state controlled organizations and norms combine with Europeanization to reconfigure European states Secondly the volume focuses on how the current crises in fiscal policy Brexit security and terrorism and migration through a borderless European Union have had dramatic effects on European states and will continue to do so

*A World Government?* Sabino Cassese, 2018-02-28 There are now many features of a new world order the circulation of concepts techniques rules the development of global epistemic communities an increasing mix of national and supranational institutions the formation of more horizontal links among States which do not disappear but rather become accountable to one other the generalization of common usages and rules Overall this is conventionally called globalization Globalization is the major development in the field of public law in the second half of the twentieth century It has evolved according to an incremental pattern First it was applied to peace and human rights the United Nations then to areas such as the sea nuclear waste health labor the environment Subsequently it was applied to trade and finally to global terrorism and global crises The process of globalization has been piecemeal and globalization has developed through crises and unbalances by accretion and accumulation

**The Role of Competitors in the Enforcement of State Aid Law** Fernando Pastor-Merchante, 2017-04-20 This book explores the tools that the European rules on State aid place in the hands of competitors when it comes to fighting subsidies and other state measures of financial assistance to firms In order to do so the book scrutinises the means of redress available to competitors before national courts private enforcement as well as the opportunities that they have to make their voice heard in the course of the European Commission's enforcement procedures public enforcement The insights provided by the book lead to a better understanding of the rights of private parties under the rules and practices that govern the enforcement of State aid law

**On the Right of Exclusion: Law, Ethics and Immigration Policy** Bas Schotel, 2013-03 First Published in 2011 Routledge is an imprint of Taylor Francis an informa company

**Law and Administration in Europe** Paul P. Craig, Richard Rawlings, 2003 The contributions to this volume address central issues in public law There are chapters dealing with the general theoretical foundations of public law including the relationship of theory and values and discussion of the central idea of representation The nature of the public private divide continues to be of importance as a result of changes in the nature of government and

as a consequence of the passage of the Human Rights Act 1998 HRA Closely related to this is the contractualisation of government The relationship between the courts Parliament and the executive has always been a central concern for public lawyers It has been brought to the fore by the passage of the HRA leading to discussions about the extent to which the courts should show deference to executive and legislative choices when engaging in judicial review This vexed issue is especially apparent when it comes to deciding how Parliament the executive and the courts should treat non citizens or those who might threaten the security of the state It is of course impossible to discuss public law without considering European Union law There is discussion of core issues relating to the legitimacy of the EU and its constitutional foundations The role of courts in the process of integration is analysed and the desirability of judicial review over rule making is considered The relationship between public and private modes of enforcing EU law is reviewed In addition there is a discussion of the way in which different levels of government inter relate viewed through the lens of devolution in the UK



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## **Table of Contents The Europeanisation Of Administrative Law Transforming National Decision Making Procedures**

1. Understanding the eBook The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - The Rise of Digital Reading The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Advantages of eBooks Over Traditional Books
2. Identifying The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - 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 Europeanisation Of Administrative Law Transforming National Decision Making Procedures

- User-Friendly Interface
- 4. Exploring eBook Recommendations from The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Personalized Recommendations
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures User Reviews and Ratings
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures and Bestseller Lists
- 5. Accessing The Europeanisation Of Administrative Law Transforming National Decision Making Procedures Free and Paid eBooks
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures Public Domain eBooks
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures eBook Subscription Services
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures Budget-Friendly Options
- 6. Navigating The Europeanisation Of Administrative Law Transforming National Decision Making Procedures eBook Formats
  - ePub, PDF, MOBI, and More
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures Compatibility with Devices
  - The Europeanisation Of Administrative Law Transforming National Decision Making Procedures Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Highlighting and Note-Taking The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Interactive Elements The Europeanisation Of Administrative Law Transforming National Decision Making Procedures

8. Staying Engaged with The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
9. Balancing eBooks and Physical Books The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Setting Reading Goals The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - Fact-Checking eBook Content of The Europeanisation Of Administrative Law Transforming National Decision Making Procedures
  - 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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