



The Community Legal Order (European Perspectives)

European Communities

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The Community Legal Order The European Perspectives Series

Alexander Türk



The Community Legal Order The 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 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 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

A Political, Legal and Economic Overview Mauro Cappelletti, Monica Secombe, Joseph H. Weiler, 2013-08-26 No detailed description available for A Political Legal and Economic Overview

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 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

Legal Issues of the Amsterdam Treaty David O'Keeffe, Patrick Twomey, 1999-12-31 This book offers insights into the institutional and substantive changes to the European Community and Union resulting from the Treaty of Amsterdam

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

External Relations Law of the European Community Rass Holdgaard, 2008-03-05 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 Second most legal analyses tend to focus only on narrow segments of the ECJ's case law often taking as their points of departure individual cases or a group of topically related cases This commentary approach disregards the general inter connectedness of legal structures and the recurring meaning configurations in the field Against this backdrop the author sets out to strengthen the legal language both theoretically and practically in the field of EC external relations The first two parts of the book provide with extensive references an in depth legal analysis of a wide range of topics pertaining to the distribution between the EC and the Member States of norm setting authority in their external relations i.e. the rules that determine what the EC and the Member States can do individually or together in international relations and the reception

and application of rules of international law within the Community area including the way in which international law enters Community law In these parts of the book the aim is to reconstruct the core areas of the Community's external relations law in a coherent and systematic manner In the third part of the book the author develops and applies a theoretical and methodological framework inspired by discourse analysis This novel approach is used to identify and describe some of the most significant legal discourses in EC external relations

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

Views of European Law from the Mountain

Miëlle 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

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

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 INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 11 through Ingenta Connect www.ingentaconnect.com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www.hartjournals.co.uk/cyels/subs Editorial Advisory Board Albertina Albors Llorens John Bell Alan Dashwood Simon Deakin David Feldman Richard Fentiman Angus Johnston John Spencer Founding Editors Alan Dashwood and Angela Ward

The Interface Between EU and International Law Inge Govaere, Sacha Garben, 2019-05-16 Despite their many obvious interconnections EU and international law are all too often studied and practised in different spheres While it is natural for each to insist on its own unique characteristics and in particular for the EU to emphasise its sui generis nature important insights might be lost because of this exclusionary approach This book aims to break through some of those barriers and to show how more interaction between the two spheres might be encouraged In so doing it offers a constitutional dimension but also a substantive one identifying policy areas where EU and international law and their respective actors work alongside each other Offering a 360 degree view on both EU and international institutional and substantive law this collection presents a refreshing perspective on a longstanding issue Immigration Law in the European Community Elspeth Guild, 2021-10-18 Immigration law continues to be an issue of substantial interest in the European Union The institutions and the Member States are formulating the type of immigration law which the Union will have following the substantial move of competence in the field from Member State level to the Union with the amendments to the EC Treaty introduced by the Treaty of Amsterdam in 1999 This is a particularly important period within which to take stock of the existing immigration law of the European Union and how it has been developed In order to understand the current law and lay the foundations for the future a historical analysis of the development of European Union immigration law is needed This volume charts the development of European Community immigration law from the conclusion of the EEC Treaty to the present day first focussing on the development of the law relating to Community nationals and their third country national dependents then looking at the extension of Community immigration law to third country nationals through agreements between their states of origin and the EC Special attention is given to the rights of Turkish workers under the

agreement between Turkey and the EC and the possibilities of residence and economic activity for nationals of the Central and Eastern European countries under the Europe Agreements The centre of analysis of this book is the individual migrant what are the rights and duties of the individual and what is his or her relationship of rights on the one hand with the Member State and on the other hand with the European Community This book examines the structure and content of European Community immigration law from the perspective of the individual most closely affected by that law

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Table of Contents The Community Legal Order The European Perspectives Series

1. Understanding the eBook The Community Legal Order The European Perspectives Series
 - The Rise of Digital Reading The Community Legal Order The European Perspectives Series
 - Advantages of eBooks Over Traditional Books
2. Identifying The Community Legal Order The European Perspectives Series
 - 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 Community Legal Order The European Perspectives Series
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Community Legal Order The European Perspectives Series
 - Personalized Recommendations
 - The Community Legal Order The European Perspectives Series User Reviews and Ratings
 - The Community Legal Order The European Perspectives Series and Bestseller Lists
5. Accessing The Community Legal Order The European Perspectives Series Free and Paid eBooks
 - The Community Legal Order The European Perspectives Series Public Domain eBooks
 - The Community Legal Order The European Perspectives Series eBook Subscription Services
 - The Community Legal Order The European Perspectives Series Budget-Friendly Options
6. Navigating The Community Legal Order The European Perspectives Series eBook Formats
 - ePub, PDF, MOBI, and More
 - The Community Legal Order The European Perspectives Series Compatibility with Devices
 - The Community Legal Order The European Perspectives Series Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Community Legal Order The European Perspectives Series
 - Highlighting and Note-Taking The Community Legal Order The European Perspectives Series
 - Interactive Elements The Community Legal Order The European Perspectives Series
8. Staying Engaged with The Community Legal Order The European Perspectives Series

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers The Community Legal Order The European Perspectives Series
- 9. Balancing eBooks and Physical Books The Community Legal Order The European Perspectives Series
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Community Legal Order The European Perspectives Series
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine The Community Legal Order The European Perspectives Series
 - Setting Reading Goals The Community Legal Order The European Perspectives Series
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Community Legal Order The European Perspectives Series
 - Fact-Checking eBook Content of The Community Legal Order The European Perspectives Series
 - 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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