

The Rule of Law in the EU: Crisis and Solutions

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Anna Södersten & Edwin Hercock (eds)

The European Communities And The Rule Of Law

Gerhard Bebr

The European Communities And The Rule Of Law:

The Rule of Law in the European Union Theodore Konstadinides, 2017-09-21 This is a book about the internal dimension of the rule of law in the European Union EU The EU is a community based on law which adheres to and promotes a set of common values between the Member States The preservation of these values such as legality legal certainty prohibition of arbitrariness respect for fundamental rights is pivotal to the success of European integration and the well being of the individuals within it Yet the EU rule of law suffers from an imposter syndrome and has been the subject of criticism ie that it is only part of the EU agenda in order to legitimise sweeping new powers and policies and that it plays little or no role in promoting a culture of compliance for either deviant EU Institutions or for Member States This book will examine whether the EU rule of law deserves those criticisms It will offer an analytical guide to the EU rule of law by conceptualising it and locating it within the sources of EU law It will then ask whether the EU is based on the rule of law a question which is answered in the affirmative but one which has to be considered in the context of compliance and the overall effectiveness of the EU enforcement acquis It is argued that while the EU means well in its aim to preserve unity in an increasingly diversified Europe the extent to which it can pave the way to a better world based on a transnational rule of law concept akin to good governance and improvement of citizens lives is dependent on the commitment of all European integration stakeholders to the EU project The European Communities and the Rule of Law ,1977 **Enhancing the Rule of** Law in the European Union's External Action Luis M. Hinojosa-Martínez, Carmela Pérez-Bernárdez, 2023-07-01 This timely book scrutinises the mechanisms for guaranteeing respect for the rule of law in the European legal system Focusing on external relations it assesses the capacity of the EU to disseminate these values as a global actor and offers novel suggestions for how this capacity could be exercised more effectively The Rule of Law's Anatomy in the EU Allan Rosas, Juha Raitio, Pekka Pohjankoski, 2023-06-15 This study with its approach rooted in EU law and its clear focus on conceptual underpinnings grapples with one of the most challenging questions facing constitutional lawyers today namely the rule of law Drawing on the expertise of leading scholars and judges at the forefront of the question it takes a dual approach It opens by setting out the foundations of the rule of law including legal certainty democratic principles and judicial independence It goes on to explore the protections that can be relied upon from policy developments to human rights sanctions and infringement actions This is a rapidly developing question in EU constitutional law so this masterful collection will be welcomed by both scholars and policy makers in the field A Citizen's Guide to the Rule of Law Adis Nicolaidis, Kalypso Merdzanovic, 2021-04-20 In our daily lives the rule of law matters more than anything and yet remains an invisible presence We trust in the rule of law to protect us from governmental overreach mafia godfathers or the will of the majority We take the rule of law for granted often failing to recognize its demise until it is too late For under attack it is not only in the growing number of authoritarian countries around the world but in Europe too As a citizen's guide this book explains in plain

language what the rule of law is why it matters and why we have to defend it The starting point is to ask why EU efforts to promote the rule of law in candidate countries have succeeded or failed and what this tells us about what is happening inside the EU The authors move on to suggest ways of strengthening the rule of law in Europe and beyond This book is a call to action in defense of the most precious human invention of all time Democracy and Rule of Law in the European Union Flora A.N.J. Goudappel, Ernst M.H. Hirsch Ballin, 2015-12-30 The present collection of essays offers the reader a broad range of original perspectives on democracy and the rule of law in the European Union approaching the existing policy area from new points of view Leading experts from different countries and backgrounds focus on how democracy and the rule of law are related to topics like security pension rights judicial cooperation and human rights protection Their expert views are based on a combination of theory and knowledge acquired in their practice as academics or practitioners in the field of European integration The issue of the rule of law and democracy is close to the heart of Professor Jaap de Zwaan a true European building bridges between countries and peoples He has written extensively on the subject of European integration Therefore this collection of expert views is not only an original and valuable contribution to the literature and discussion on the development and enlargement of the European Union but at the same time it is a tribute to Jaap de Zwaan whose academic and diplomatic career can be characterized as always serving an ever closer Union Flora Goudappel is Jean Monnet Professor of EU Trade Law in the Overseas Territories at the Erasmus University Rotterdam and a consultant on European Union law Ernst Hirsch Ballin is Professor of Dutch and European Constitutional Law at Tilburg University and Professor of Human Rights Law at the University of Amsterdam Development of Judicial Control of the European Communities Gerhard Bebr, 2013-12-01 The development of the judicial control of the European Communities is perhaps best illustrated by comparing the first decision the Court of Justice rendered in December 1954 under the ECSC Treaty with its preliminary rulings van Gend Loos 1962 ENEL 1964 and Simmenthal II 1978 rendered under the EEC Treaty In the first case the Court quashed a decision of the High Authority impugned by an annulment action of a Member State for an illegal exercise of Community powers a judicial control which at the time already represented a spectacular legal in novation introduced by the ECSC Treaty At that time the Court was for evident reasons still reserved as to its role within the unprecedented institutional structure of the Community In van Gend ENEL and Simmenthal II on the other hand the Court resolutely pursued a judicial policy intended to ensure an effective operation of the Community legal order a problem hardly envisaged in 1954 In these rulings the Court characterized the emerging legal order and stated its fundamental and indispensable requirements the unlimited supremacy of Community law and its direct effect The development of a superior and autonomous Community legal order was finally completed by the Court's recognition of fundamental Community rights of individuals This development from an initially reserved stand of the Court searching for its proper role and its potentialities to a bold and determined judicial policy is truly remarkable The Law and Governance of the EU Public Ethics System Alberto Alemanno, 2025-05-24

The questions at the core of this volume are the following What are the ethics and integrity rules for the EU How do they score compared to the integrity frameworks existing at the Member States level and in other democracies How do we design these rules and ensure their enforcement in the EU How do we improve the enforcement of EU integrity standards Can an EU ethics system contribute to preventing or mitigating unethical conduct within the Union thus improving its democratic legitimacy In addressing these questions this edited volume provides a critical analysis of the existing EU ethical framework while contextualising it within the unique transnational setting that characterises the EU public administration and its The European Union and Human Rights Jan Wouters, Michal Ovádek, 2021-03-25 The European various institutions Union and Human Rights Analysis Cases and Materials maps and critiques the EU s commitment to human rights in both internal and external affairs The book covers the evolution as well as the current state of the EU s engagement with human rights focusing on the internal side on the role of the EU law in the multi faceted system of human rights protection and on the external side on the EU s efforts to bind its foreign policy to promoting himan rights This book combines analysis of key developments with a wide range of sources including extracts from legislation case law policy documents and research of other scholars. The inclusion of both primary and secondary materials is intended to guide readers to acquire a deep understanding of EU human rights law and policy This title devotes significant attention to explicating the fundamental concepts and systemic features of the EU s human rights protection and promotion In addition chapters devoted to individual topics provide more depth on a range of policy areas in both the internal and external dimension of EU affairs Topics covered by these individual chapters include non discrimination and competition law migration trade policy and development Reinforcing Rule of Law Oversight in the European Union Carlos Closa, Dimitry Kochenov, 2016-10-13 This cooperation book provides the definitive reference point on all the issues pertaining to dealing with the crisis of the rule of law in the European Union Both Member State and EU levels are considered Particular attention is paid to the analysis of the concrete legal bases and instruments that the EU may avail itself of for enforcing rule of law and the volume clearly demonstrates that a number of legally sound ways of rule of law oversight are available Contributors are leading scholars who assess the potential role to be played by the various bodies in the context of dealing with the EU s rule of law imperfections

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