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The Autonomy of Community Law R. Barents, 2004-01-01 This book is the English version of my *De communautaire rechtsorde* which was published by Kluwer Deventer the Netherlands in 2000 Where necessary I have updated the text by taking account of developments until the beginning of 2003 Foreword **Belastingontwijking en de**

EG-Verdragvrijheden Dennis Weber, 2005-01-01 This unique book investigates the extent to which a taxpayer may invoke the freedom of movement within the Community in order to avoid national direct taxes A Member State's right to protect its taxing authority and tax jurisdiction may collide with a Union citizen's right to free movement under Community law The author shows what at the national level is viewed as abuse may often be viewed from an EC law perspective as invoking the Treaty freedoms As his starting point the author describes relevant Community law as it stands at present whereby Member States are exclusively authorized to determine the types tax bases rates and procedural aspects of direct taxes He goes on to examine the possibilities offered by primary EC law to cross border taxpayers who seek to avoid tax basing his presentation on an in depth analysis of the tax and non tax case law of the Court of Justice of the European Communities Among the issues raised in the course of the analysis are the following applicability of each of the freedoms of the citizen of goods of workers of establishment of services and of capital tests entailed by Community law the economic activity test the artificiality test and the substance test the extent to which holding and letterbox companies may invoke the freedom of movement and the fiscal cohesion justification The author describes the implicit concept of avoidance that the Court apparently uses by examining its tax and non tax decisions in avoidance like cases thus offering a valuable discussion of whether the anti abuse doctrine development by the Court is a principle of Community law In its thorough investigation of a major current manifestation of the emblematic conflict between state taxing authority and personal freedom this thoughtful and well researched analysis will be of great value to tax professionals officials and academics not only on Europe but wherever this fundamental problem in tax law applies The Autonomous Legal Concept of Communication to the Public Branka Marušić, 2023-05-09 The

economic right of a copyright holder to communicate to the public has become an increasingly important and complex issue in recent years this is partially due to changes in the way that content is accessed and consumed online This innovative book analyses the right of communication to the public taking account of what legal standing an autonomous legal concept can hold and how this is impacted by wider harmonisation efforts at an EU level **Philosophical Foundations of European**

Union Law Julie Dickson, Pavlos Eleftheriadis, 2012-10-11 This volume brings together legal philosophers political philosophers and EU legal academics in the service of developing the philosophical analysis of EU law In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law **The Effectiveness of the Köbler Liability in National Courts** Zsófia

Varga, 2020-10-15 Over the last 15 years Köbler liability has resulted in the allocation of damages on only five occasions Why

is that And what are the practical implications of the Kbler judgment in the Member States This book offers a unique analysis of the principle not from the usual EU focused point of view but from the view of the practical Member State and thus follows the track set by earlier books in the EU Law in the Member States series It thoroughly examines the national jurisprudential and legislative acceptance of the state liability principle and explores the existence of alternative remedies available in the Member States in case of such breaches The conclusions based on a systematic assessment of 300 national judgments from the 28 Member States lead to a reconsideration of the role of the Kbler doctrine in the system of judicial remedies against violation of EU law by national supreme courts After the pronouncement of the ECJ judgment in Kbler legal scholars and practitioners have forecast the eradication of the principle of res judicata and the endangering of judicial independence The judgment caused a lot of ink to flow according to the ECJ's records at least 100 studies are directly devoted to the analysis of this decision This book is however the first to offer a comprehensive analysis on the genuine life of the Kbler liability in the Member States

The European Union and Social Security Law Jaan Paju, 2017-08-24 The aim of this book is to examine how EU law relates to and impacts on the national social security systems of the Member States It asks three key questions Firstly it looks at how the internal market and its developments have eroded Member States sovereignty over their social security systems despite the fact that the EU has limited competence in the field It then explores secondly how the Union Citizenship and thirdly the Charter of Fundamental Rights has affected the coordination of these regimes

A Constitutional Order of States? Anthony Arnall, Catherine Barnard, Michael Dougan, Eleanor Spaventa, 2011-03-03 This collection celebrates the career of Professor Alan Dashwood a leading member of the generation of British academics who organised explained and analysed what we now call European Union law for the benefit of lawyers trained in the common law tradition It takes as its starting point Professor Dashwood's vivid description of the European Union as a constitutional order of states He intended that phrase to capture the unique character of the Union On the one hand it is a supranational order characterised by its own distinctive institutional dynamics and an unprecedented level of cohesion among and penetration into the national legal systems On the other hand it remains an organisation of derived powers the Member States retaining their character as sovereign entities under international law This theme permeates both the constitutional and the substantive law of the Union Contributors to the collection include members of the judiciary and distinguished practitioners officials and academics They consider the foundations strengths implications and shortcomings of this conceptual framework in various fields of EU law and policy The collection is an essential purchase for anyone interested in the constitutional framework of the contemporary European Union

[Oxford Principles of European Union Law](#) Robert Schütze, Takis Tridimas, 2018-02-23 Since the 1957 Rome Treaty the European Union has changed dramatically in terms of its composition scope and depth Originally established by six Western European States the EU today has 28 Members and covers almost the entire European continent and while initially confined to establishing a common market the EU has come

to influence all areas of political economic and social life In parallel with this enormous geographic and thematic expansion the constitutional and legislative principles underpinning the European Union have constantly evolved This three volume study aims to provide an authoritative academic treatment of European Union law Written by leading scholars and practitioners each chapter offers a comprehensive and critical assessment of the state of the law Doctrinal in presentation each volume nonetheless tries to present a broader historical and comparative perspective Volume I provides an analysis of the constitutional principles governing the European Union It covers the history of the EU the constitutional foundations the institutional framework legislative and executive governance judicial protection and external relations Volume II explores the structure of the internal market while Volume III finally analyses the internal and external substantive policies of the EU

The Emerging Autonomous Legal Order of the Eurasian Economic Union Maksim Karliuk, 2023-07-06 An original systematic assessment of the legal order of the Eurasian Economic Union examining it as another iteration of post Soviet integration

The Outer Limits of European Union Law Catherine Barnard, Okeoghene Odudu, 2009-03-05 A commonly expressed view is that the citizens and the Member States are destined to be overcome by the European Union There is a sense that the Union of today is not what was intended to be created or acceded to by the Member States or its citizens The Outer Limits of European Union Law brings together a diverse group of legal scholars to consider aspects of EU substantive constitutional and procedural law in a manner highlighting the many senses in which the European Union is or can be limited and so demonstrating that the fear of being overcome is largely a false fear By exploring the mechanisms and devices used to limit the European Union the contributors also reveal not only the strengths of the various limits but also and more crucially the weakness of the limits thereby demonstrating that the prospect of being overcome may be a genuine risk to be guarded against By considering general themes eg legitimacy and core subject areas eg policing free movement of goods remedies the book reveals the various techniques used by the Court of Justice Community institutions and Member States to define and modify the outer limits of the European Union and European Union Law

Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman Stefaan Van den Bogaert, 2005-01-01 Sport is recreational social educational healthful and cultural It has always been all of these things Perhaps also it has always been political In recent years however it has become something else besides economic Nowadays a lot of money is invested in sport and sporting competitions often generate enormous amounts of revenue This has entailed serious repercussions especially for the relations between individual sportsmen sportswomen and the sporting clubs and federations that act as brokers for their careers Into this protected area for decades a closed shop now come the European institutions especially the European Court of Justice and the European Commission with the declared intention of ensuring respect for the exigencies of Community law while at the same time protecting the specificity and the integrity of sport This important book presents an in depth analysis of the viability under Community law of traditional sports regulations such as transfer rules and nationality clauses both sets of rules seriously

compromised by the Bosman case of 1995 The author asks in particular whether certain rules elaborated by sporting associations can withstand the test of compatibility with the free movement provisions of the EC Treaty In the light of Bosman he also rigorously investigates whether valuable arguments exist for keeping certain sporting rules and practices entirely outside the scope of the EC Treaty and whether the private nature of sporting clubs constitutes a stumbling block for the application of the relevant free movement rules Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman comes at a moment when clarification of where this complex and contentious matter currently lies is essential if we are to gauge where it is going The topic is of special and increasing interest as official declarations on sport were attached to the Treaties of both Amsterdam and Nice And if the draft Constitution for Europe actually enters into force sport will even become an official area of Union policy This trend confirms the value and significance of this ground breaking book for practitioners policymakers and regulators in the burgeoning field of sports law European Monographs 48 *EU External Relations Law* Piet Eeckhout, 2011-05-26 This volume examines the legal and constitutional foundations of the EU's external relations It focuses on the EU's external powers and objectives on the instruments principles and actors of external policies and on the legal effects of international agreements and international law Tort Law in the European Union Gert Brüggemeier, 2018-06-14 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to how the legal dimension of prevention against harm and loss allocation is treated in the European Union This traditional branch of law not only tackles questions which concern every lawyer whatever his legal expertise but also concerns each person's most fundamental rights on a worldwide scale Following a general introduction that probes the distinction between tort and crime and the relationship between tort and contract the monograph describes how the concepts of fault and unlawfulness and of duty of care and negligence are dealt with in both the legislature and the courts The book then proceeds to cover specific cases of liability such as professional liability liability of public bodies abuse of rights injury to reputation and privacy vicarious liability liability of parents and teachers liability for handicapped persons product liability environmental liability and liability connected with road and traffic accidents Principles of causation grounds of justification limitations on recovery assessment of damages and compensation and the role of private insurance and social security are all closely considered Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers in the European Union Academics and researchers will also welcome this very useful guide and will appreciate its value not only as a contribution to comparative law but also as a stimulus to harmonization of the rules on tort Information Rights and Obligations André Janssen, 2017-03-02 Information requirements have become a key element of consumer policy at the European level and are also gaining increasing importance in all other areas of private law The law stipulates that information provided should not be misleading and also involves requirements regarding the fairness and objectivity of what has been provided In addition to controlling the veracity

of what is voluntarily offered by traders the law increasingly requires disclosure of certain information This volume focuses especially on the question of how these information requirements influence the party autonomy International contributors explore in various contexts whether the legislative policy regarding the information requirements and their relationship to party autonomy has been properly thought through Principles of European Constitutional Law Armin von Bogdandy, Jürgen Bast, 2009-12-03 For the time being the political project of basing the European Union on a document entitled Constitution has failed The second revised and enlarged edition of this volume retains its title nonetheless Building on a scholarly rather than black letter law account it shows European constitutional law as it looks following the Treaty of Lisbon with the EU's foundational treaties mandating the exercise of public authority establishing a hierarchy of norms and legitimising legal acts providing for citizenship and granting fundamental rights In this way the treaties shape the relations between legal orders between public interest regulation and market economy and between law and politics The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law how it offers theoretical and doctrinal insights and how it adds critical perspective From Reviews of the First Edition should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe's constitutional foundations It is impossible to present the richness of thought contained in the 833 pages of the book in a short review Common Market Law Review an enduring scholarly work which gives an English speaking audience important and overdue access to the long standing and forever vigorous traditions of European constitutional law unhesitatingly recommended European Law Journal real scholarship in the profound sense of the word K Lenaerts Professor of European Law Leuven **Party Autonomy and the Role of Information in the Internal Market** Stefan Grundmann, Wolfgang Kerber, Stephen Weatherill, 2001 Examination of Party Autonomy and its limits has always raised fundamental questions in national contract and private law The concentration on information solutions which enhance and leave more space to party autonomy is a fundamentally new approach to this core issue and is typical of Community legislation The complexity of the question made it advisable to have the different aspects treated and discussed by specialists in different areas by legal scholars and economists by EC law and by contract law specialists by scholars from different jurisdictions with different regulatory approaches and backgrounds The four parts deal with 1 the economic and constitutional foundations of the question with 2 the framework to be found in EC treaty law with 3 the fundamental and more general aspects relating to substantive EC contract law legislation and with 4 the most important individual legal measures The book covers both general contract law with consumer contracts and labour contract law The Structural Transformation of European Private Law Leone Niglia, 2023-06-15 This book proposes a new analysis of the transformation of Europe through integration exactly 30 years after the beginning of transformation scholarship It consists of a reconstruction of the development and present condition of European integration in relation to private ordering Looking at the interface between on the one hand the EU constitutional order and on the other hand private

ordering the book recounts three major structural transformations over the last six decades Delving into the private law areas most exposed to the current modernisation wave consumer law internal market lex mercatoria digitisation artificial intelligence data protection standardised contracts finance and political economy and labour the book critically explores a reconfiguration of Europe s constitutional structures relative to and that results from what to some appears to be an almost irresistible rise of private ordering through a transformed hermeneutics balancing This is a magisterial survey of European law European private law and comparative law seen through a pathbreaking comparative methodology labelled juridical comparative hermeneutics within civil law systems and across the civil common law divide which offers innovative analytical tools that afford a deep understanding of the evolution of the disciplines *Direct Effect in EU Law* Daniele

Gallo,2024-12-18 *Direct Effect in EU Law* is the first book in English to thoroughly examine this revolutionary legal principle tracing direct effect s evolution throughout the multiform process of European integration A founding doctrine of EU constitutional law and the driving force of the EU legal system direct effect enables individuals and companies to invoke their rights before domestic authorities and the Court of Justice of the EU CJEU Yet while the doctrine of direct effect remains the backbone of the EU legal system it lacks clear legal framing by the CJEU Emphasizing the need for the CJEU to fully articulate and systematize direct effect as to its core components and consequences the book advocates for an innovative understanding of such principle that acknowledges its transformative impact on EU law It bridges theory and practice drawing upon the CJEU rulings dating from the 1950s up to 2024 The book reconstructs direct effect beyond the doctrine originating from Van Gend Loos and ultimately puts forward solutions for its principled comprehension and enforcement

Aanwinsten van de Centrale Bibliotheek (Queteletfonds) Bibliothèque centrale (Fonds Quetelet),2004 **Cultural**
Autonomy, Minority Rights and Globalization Steven C. Roach,2017-11-28 This insightful and timely book analyzes the role of cultural autonomy in advancing minority rights protection on the national and global level It assesses the historical and legal limits of the right to self determination and autonomy and draws on Marxist internationalism liberal nationalism and EU integrationist studies to examine the relationship between cultural autonomy and globalization As such emphasis is placed on the sociological and historical value of cultural autonomy with the aim of working beyond formalistic and utilitarian approaches to cultural autonomy The volume will appeal primarily to upper level undergraduate and graduate level students of political science and international law interested in rethinking the role of cultural autonomy in an age of globalization

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