

Van Gend And Loos

M Tight

Great Judgments of the European Court of Justice William Phelan, 2019-06-13 Presents a new approach to prominent judgments of the European Court of Justice drawing on the writings of Judge Robert Lecourt.

The Past and Future of EU Law Luis Miguel Poiares Pessoa Maduro, Loïc Azoulay, 2010-02-05 This book revisits, in a new light, some of the classic cases which constitute the foundations of the EU legal order and is timed to celebrate the 50th anniversary of the Rome Treaty establishing a European Economic Community. Its broader purpose, however, is to discuss the future of the EU legal order by examining, from a variety of different perspectives, the most important judgments of the ECJ which established the foundations of the EU legal order. The tone is neither necessarily celebratory nor critical, but relies on the viewpoint of the distinguished line-up of contributors - drawn from among former and current members of the Court (the view from within), scholars from other disciplines or lawyers from other legal orders (the view from outside), and two different generations of EU legal scholars (the classics revisit the classics and a view from the future). Each of these groups will provide a different perspective on the same set of selected judgments. In each short essay, questions such as 'what would have EU law been without this judgment of the Court? what factors might have influenced it?; did the judgment create expectations which were not fully fulfilled?' and so on, are posed and answered. The result is a profound, wide-ranging and fresh examination of the 'founding cases' of EU law.

Development of Judicial Control of the European Countries G Bebr, 1981-09

Research Handbook on EU Institutional Law Adam Lazowski, Steven Blockmans, 2016-09-30 Research Handbook on EU Institutional Law offers a critical look into the European Union: its legal foundations, competences and institutions. It provides an analysis of the EU legal system, its application at the national level and the prevalent role of the Court of Justice. Throughout the course of the Handbook the expert contributors discuss whether the European Union is well equipped for the 21st century and the numerous crises it has to handle. They revisit the call for an EU reform made in the Laeken Conclusions in 2001 to verify if its objectives have been achieved by the Treaty of Lisbon and in daily practice of the EU institutions. The book also delves into the concept of a Europe of different speeds, which - according to some - is inevitable in the EU comprising 28 Member States. Overall, the assessment of the changes introduced by the Lisbon Treaty is positive, even if there are plenty of suggestions for further reforms to re-fit the EU for purpose.

Brokering Europe Antoine Vauchez, 2015-02-26 A new historical and sociological account for the broad definitional power of law in the European Union polity.

Individual Rights Under European Union Law Catherine Warin, 2019 Instead of approaching rights by categorising them into various substantive types or distinguishing them from other concepts, such as principles, this book suggests that individual rights are better understood through a relational definition. An individual right under EU law can thus be defined as the correlative of an obligation, triggered into existence by an individual's interest in the fulfilment of this obligation. Scanning CJEU case law over successive generations of rights, the book demonstrates that this definition of individual rights resists the test of time and the successive reconfigurations of the EU's legal order. Catherine Warin, a practising lawyer at the Luxembourg bar, holds a PhD in law from the University of Luxembourg. This book is based on her PhD thesis, for which she was awarded the Pierre Pescatore Prize by the University of Luxembourg's Doctoral School of Law.

Enacting European Citizenship Engin F. Isin, Michael Saward, 2013-04-18 This book examines the changing character of European citizenship, focusing on 'acts' of citizenship.

Precedents and Case-Based Reasoning in the European Court of Justice Marc Jacob, 2014-03-20 Marc Jacob analyses in depth the most important justificatory and decision-making tool of one of the world's most powerful courts.

EU Law Stories Fernanda Nicola, Bill Davies, 2017-05-29 This book retells the multiple stories behind the rulings of the European Court, revealing their context, their history and the legal and non-legal strategies of their actors.

Constructing the Person in EU Law Loïc Azoulay, Ségolène Barbou des Places, Etienne Pataut, 2016-07-28 The European Union places the 'individual' or person, 'at the heart of its activities'. It is a central concept in all of EU economics, politics, society and ethics. The 15 chapters in this innovative edited collection argue that EU law has had a transformative effect on this concept. The collection looks at the mechanisms used when 'constructing the person' in EU law. It goes beyond traditional literature on 'Europe and the Individual', exploring the question of personhood through critical and contextual perspectives. *Constructing the Person in EU Law: Rights, Roles, Identities* brings together contributions and debates from experts around Europe to this key question.

Revisiting Van Gend en Loos Hélène Ruiz Fabri, Guy F. Sinclair, Arie Rosen, 2014 Fifty years have passed since the European Court of Justice gave what is arguably its most consequential decision : Van Gend en Loos. The UMR de droit comparé de Paris, the European Journal of International Law (EJIL), and the International Journal of Constitutional Law (ICON) decided to mark this anniversary with a workshop, held in Paris end of June 2013, on the case and the myriad of issues surrounding it. In orientation our purpose was not to 'celebrate' Van Gend en Loos, but to revisit the case critically ; to problematize it ; to look at its distinct bright side but also at the dark side of the moon ; to examine its underlying assumptions and implications and to place it in a comparative context, using it as a yardstick to explore developments in

other regions in the world. The result is a set of articles which both individually and as a whole demonstrate the legacy and the ongoing relevance of this landmark decision.

Unrecognized Entities ,2021-12-28 The book, which covers contributions from leading international and European law scholars and analyzes the legal and political status quo of non-recognized entities, comprises three parts. The first and the second part focus on contemporary trends of legal theory and practice concerning issues pertaining to secession and non-recognized entities in international and European law, respectively. Additionally, it touches upon EU policies, the issue of EU citizenship in light of secessionist movements in Europe, and the phenomenon of exterritorial naturalization within non-recognized entities. The third part scrutinizes the legal systems of non-recognized entities in the post-Soviet area, covering Eastern Ukraine, Abkhazia, South Ossetia, Transnistria, and Nagorno-Karabakh.

An Ever More Powerful Court? Dorte Sindbjerg Martinsen,2015 The Court of Justice of the European Union (CJEU) has become famed - and often shamed - for its political power. In scholarly literature, this supranational court has been regarded as a 'master of integration' for its capacity to strengthen integration, sometimes against the will of member states. In the public debate, the CJEU has been severely criticized for extending EU competences at the expense of the member states. In An Ever More Powerful Court? The Political Constraints of Legal Integration in the European Union, Dorte Sindbjerg Martinsen challenges these views with her careful examination of how judicial-legislative interactions determine the scope and limits of European integration in the daily EU decision-making process. Methodologically, the book takes a step forward in the examination of judicial influence, suggesting a 'law attainment' approach as a novel method, combined with a large set of interviews with the current decision-makers of social Europe. Through a study of social policy developments from 1957 to 2014, as well as a critical analysis of three case studies - EU regulation of working time; patients' rights in cross-border healthcare; and EU posting of worker regulations - Martinsen reveals the dynamics behind legal and political integration and the CJEU's ability to foster political change for a European Union social policy.

Britain in the European Union P. Giddings,G. Drewry,2004-04-20 Written by the same team that produced Westminster and Europe [1996], this book reports and analyzes the major developments in the relationship between Britain and the European Union between the ratification of the Maastricht Treaty and the British General Election of 2001. Britain in the European Union focuses particularly on the EU's impact on parliamentary institutions in the UK and on law and policy in such controversial areas as employment and the social chapter, foreign and security policy, enlargement and governance, immigration and asylum and the single currency.

European Union Law Catherine Barnard,Steve Peers,2017 Written by experts, this innovative textbook offers students a relevant, case-focused account of EU law. Under the experienced editorship of Catherine Barnard and Steve Peers, the text draws together a range of perspectives on EU law designed to introduce students to the key debates and case law which

shape this vast subject.

The Horizontal Effect of Fundamental Rights in the European Union Eleni Frantziou, 2019-01-31 This book analyses the horizontal effect of fundamental rights in the European Union, from a constitutional perspective. It advances two main arguments: First, it argues that the horizontal effect of fundamental rights (i.e. their application to disputes between private parties) cannot be usefully discussed based on the existing EU horizontality doctrine, which associates horizontality with the exercise of horizontal direct effect only. That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case-specific nature that lacks overall constitutional coherence. Secondly, the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters. In the fundamental rights context, horizontal effect has organisational implications for society, which go beyond specific intersubjective disputes. It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation (e.g. the workplace) and a discussion of the role of fundamental rights therein. At the same time, a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication: the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice, but the precise manifestation of horizontal effect (e.g. direct, indirect or state-mediated effect) rests with national courts.

Judging Europe's Judges Maurice Adams, Henri de Waele, Johan Meeusen, Gert Straetmans, 2013-10-16 After successive waves of EU enlargement, and pursuant to the entry into force of the Lisbon Treaty, the European Court of Justice finds itself on the brink of a new era. Both the institution itself and the broader setting within which it operates have become more heterogeneous than ever before. The issues now arriving on its docket are also often of great complexity, covering an unprecedented number of fields. The aims of this volume are to study the impact of these developments, examine the legitimacy of the Court's output in this novel context and provide an appraisal of its overall performance. In doing so, specific attention is paid to its most recent case law on four topics: the general principles of EU law, external relations, the internal market and Union citizenship. Featuring contributions by Maurice Adams, Henri de Waele, Johan Meeusen and Gert Straetmans, Koen Lenaerts, Ján Mazák and Martin Moser, Stephen Weatherill, Jukka Snell, Michael Dougan, Daniel Thym, Eileen Denza, Michal Bobek, and Joseph Weiler.

Understanding European Union Law ,

We the Court Luis Miguel Poiares Pessoa Maduro, 1998-02-01 The need to balance power between the Member States and the Union and between public power and the market has created powerful constitutional dilemmas for the European Union. Adopting an inter-disciplinary approach and drawing upon the jurisprudence developed around Article 30, this new book offers both a descriptive and a normative analysis of the European Economic Constitution and discusses the role of the

European Court of Justice in its development and in the review of State and Community legislation. The book is particularly relevant in view of the present debates on the European Constitution and the reform of the regulatory State.

EU Citizenship and Federalism Dimitry Kochenov, 2017-04-13 Kochenov's definitive collection examines the under-utilised potential of EU citizenship, proposing and defending its position as a systemic element of EU law endowed with foundational importance. Leading experts in EU constitutional law scrutinise the internal dynamics in the triad of EU citizenship, citizenship rights and the resulting vertical delimitation of powers in Europe, analysing the far-reaching constitutional implications. Linking the constitutional question of federalism and citizenship, the volume establishes an innovative new framework where these rights become agents and rationales of European integration and legal change, located beyond the context of the internal market and free movement. It maps the role of citizenship in this shifting landscape, outlining key options for a Europe of the future.

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