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Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the structure competence and management of European Union provides substantial and readily accessible information for lawyers academics and policymakers likely to have dealings with its activities and data No other book gives such a clear uncomplicated description of the organization s role its rules and how they are applied its place in the framework of international law or its relations with other organizations The monograph proceeds logically from the organization s genesis and historical development to the structure of its membership its various organs and their mandates its role in intergovernmental cooperation and its interaction with decisions taken at the national level Its competence its financial management and the nature and applicability of its data and publications are fully described Systematic in presentation this valuable time saving resource offers the quickest easiest way to acquire a sound understanding of the workings of European Union for all interested parties Students and teachers of international law will find it especially valuable as an essential component of the rapidly growing and changing global legal milieu **Grondlijnen van Europees recht** Laurens Jan Brinkhorst, 1973 The Passivity of Law Luigi Corrias, 2011-04-14

At the heart of this book a question what to make of the creeping competences of the EU and of the role the European Court of Justice plays in this respect Taking the implied powers doctrine as its starting point the hypothesis is that it shows what is ultimately at stake in the concept of legal competence the problem of creation in law or the relationship between constituent and constituted power By rethinking this relationship a new conceptual framework to make sense of creeping competences is designed For this the work of Maurice Merleau Ponty is used Tracing back the philosophical roots of creation legal constitution is understood as constitution in passivity This leads to a whole new interpretation of the relationship between law and politics rule following authority competences and European integration From this perspective specific chapters in the case law of the European Court of Justice are reread and the logic behind the competence creep is unmasked new back cover copy Europe s constitutional journey has not been a smooth one and a better division and definition of competence in the European Union is a key issue that needs to be addressed How can the division of competence be made more transparent Does there need to be a reorganization of competence How can it be ensured that the redefined division of competence will not lead to a creeping expansion of the competence of the Union or to encroachment upon the exclusive areas of competence of the Member States and where there is provision regions And how can it be ensured that the European dynamic does not come to a halt Indeed has the creeping expansion of the competence of the Union already come to a halt These are the questions this book explores The Passivity of Law Competence and Constitution in the European Court of Justice opens with a legal account of

competence creep including the role that the European Court of Justice plays in it and a sketch of the present division of competences and the main principles regulating it. It then discusses the relationship between constituent power and constituted or constitutional power from the viewpoint of the history of constitutional history before offering an alternative theory of their relationship known as chiasmic theory which is based on the philosophical investigations of Merleau Ponty. It details how chiasmic theory can be used to make sense of the Court's role in the competence creep in general and the doctrine of implied powers in particular and it utilizes several case studies concerning competences to sustain this claim. Aimed at researchers and practitioners in Philosophy Phenomenology Political Science the Social Sciences and numerous fields of law this monograph is a seminal work in the evolving theory and practice of EU law. Belastingontwikking 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. Relocating Sovereignty Neil Walker, 2018-02-06 This volume brings together a collection of classic and contemporary texts which engage with the core problem of sovereignty from the perspective of various legal and law related sub disciplines legal history and theory constitutional law international law and relations and EU law. Many of the highlights from the intense debates about the continuing relevance or otherwise of the internal sovereignty of national legal orders and the external sovereignty of states in a rapidly globalizing world are reproduced here. Soft Law in European Community Law Linda Senden, 2004-09-30 This book offers the first systematic investigation of the phenomenon of soft law within the

framework of the EC the first pillar of the EU and its use by the European Commission and Council of Ministers It focusses upon how soft law fits into the Community legal system and how it is used and in particular how it relates to Community legislation Differentiation of the Community instruments including the instruments of soft law is often thought to enhance the effectiveness legitimacy and transparency of the Community This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and if so in what cases and under what conditions Furthermore the author asks to what extent the use of soft law implies good governance and throws fresh light on this very heterogeneous phenomenon by looking at frequently used instruments in many different areas of Community law such as competition law state aid environment social policy etc in the process identifying their different characteristics aims functions and legal effects What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy effectiveness and transparency of Community action This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution and goes beyond the immediate problems of soft law to touch upon issues such as competence legal protection division of powers between the EC and the Member States institutional balance lawmaking by the Community Courts the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law

Dynamiques Juridiques Européennes Paul Demaret, 2007 This book gathers together contributions from thirty two former and current professors who have through their teaching in the Legal Studies Department at the College of Europe enhanced the College's reputation as an authentic European academic postgraduate centre of excellence Within their areas of specialisation the authors analyse both the evolution of European law over the years and more specific questions The contributions cover institutional constitutional law judicial remedies the law governing the internal market and its accompanying politics competition law and the law of the Union's external relations Cet ouvrage rassemble les contributions de trente deux professeurs anciens et actuels du département d'études juridiques européennes du Collège d'Europe Par leur enseignement ceux-ci ont assuré cette institution originale par sa dimension européenne sa reconnaissance en tant que centre académique post universitaire d'excellence Les auteurs analysent chacun dans sa spécialité l'évolution du droit européen ou des questions plus particulières Les contributions couvrent ainsi le droit institutionnel constitutionnel le contentieux le droit du marché intérieur et des politiques d'accompagnement le droit de la concurrence et le droit des relations extérieures de l'Union européenne

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

Cases, Materials and Text on European Law and Private Law Arthur Hartkamp, Carla Sieburgh, Wouter

Devroe, 2017-03-09 This Casebook deals with the horizontal effects of EU law which is to say its effects on relationships between individuals To a large extent these effects have been created by the Court of Justice of the European Union CJEU on the basis of the European Treaties The main focus of the Casebook is on the developments relating to primary EU law and their influence on national private law It studies instances where EU primary law has already directly or indirectly influenced the case law in the Member States or where it is expected to do so soon Compared to the well known impact of EU directives on private law these developments concerning primary EU law are hardly noted by private lawyers and perhaps not sufficiently explained by scholars of EU law Therefore the book makes an important contribution to scholarship and education This book highlights developments in the areas of competition law fundamental freedoms non discrimination general principles of EU law ex officio application of provisions of EU law and implementation of directives including harmonious interpretation and Francovich liability In its analysis of the ways in which EU law interacts with private law the book will be an invaluable resource to students practitioners and academics of EU private law **European Ambitions of**

the National Judiciary Dagmar A.C. Koster, Reinier F.B. van Zutphen, Rosa H.M. Jansen, 2025-02-03 Some years ago SSR The Dutch Training and Study Centre for the Judiciary started a programme to reinforce and deepen knowledge of Community law among the members of the judiciary Inquiry had revealed a tendency to leave matters of Community law to specialists and interested parties only even though European law is part of the national legal system and all judges and public prosecutors should therefore be aware of their position as European magistrates With this work SSR would like to promote an increase in knowledge of European law among the members of the judiciary and in particular to heighten their consciousness of the existence and meaning of regulations of European law which are of immediate importance to the national administration of justice Community law is a matter for all European countries and uniformity and the legal protection it affords requires an univocal interpretation and application of the regulations of Community law among all member states The book investigates several themes relating to the actual application of European law by members of the judiciary in everyday practice including the development of the role of members of the national judiciaries regarding the maintenance of Community law European norms the consequences of negligence in the application and implementation of

Community law and the future conception of judicial responsibilities International Law in the Netherlands H. F. van Panhuys, 1979 **EC Law Aspects of Hybrid Entities** Gijsbert Karel Fibbe, 2009 This study discusses the impact of the EC Treaty on the recognition of entities in the internal market The EC Treaty envisages the internal market as an area without internal frontiers in which the free movement of goods persons services and capital is ensured in accordance with the provisions of the EC Treaty One of the key questions discussed in this study is how this rationale reflects the relation between tax laws of Member States and specifically the relation between the application of autonomous classification methods by Member States and the free allocation of economic resources in the internal market This study also contains an examination of how the different approaches to hybrid entities in tax treaties interfere with EC law This part of the study contains an analysis of how the interrelation between domestic tax laws and the approach to classification conflicts under existing bilateral tax treaties relates to EC law *EC Free Movement of Capital, Corporate Income Taxation and Third Countries* B.J. Kiegebeld, D.S. Smit, 2008-02-20 Free movement of capital is at the heart of the Single Market and is one of its four freedoms It enables integrated open competitive and efficient European financial markets and services For citizens it means the ability to perform many operations abroad as diverse as opening bank accounts buying shares in non domestic companies investing where the best return is and purchasing real estate For companies it principally means being able to invest in and own other European companies and take an active part in their management With all its benefits the free movement of capital brings with it an array of thorny issues This timely work explores several of the most critical focusing on the practical ability of national law to satisfy the relevant EU requirements 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 **European Cross-border Insolvency Regulation** Jona Israël, 2005 This book presents a comprehensive analysis of the regulation of cross border insolvencies in Europe Council Regulation 1346 2000 on Insolvency Proceedings forms the natural focal point of such a study However while this book explores in detail the background legal basis as well as the substance of the Regulation it also contains an examination of the Regulation from two wider perspectives that of international cross border insolvency regulation and Community law The approach adopted by the Regulation to the problems raised by cross border insolvency forms part of a paradigmatic shift at the global level The struggle over jurisdiction the natural state of affairs under the old principles of universality territoriality is increasingly being replaced by co operation between the jurisdictions involved The Regulation must be understood against the backdrop of these new cooperative approaches including the UNCITRAL Model Law and ancillary proceedings Doing so this book argues that the co operative framework of the Regulation is limited and may ultimately not suffice to realise the efficient and effective cross border proceedings it is aiming for Although the Regulation is an exponent of this global shift towards

cooperation the legal context in which it operates is nevertheless very different Community law as an autonomous legal order has limited the private international law autonomy of Member States and generated a *comitas Europaea* This book argues that Community law and its *comitas* must be taken seriously They are an important source of principles to guide courts in the interpretation and application of the Regulation and may reinforce and expand the co operative mechanisms of the Regulation Jona Israel obtained his LL M at the University of East Anglia Norwich in 1994 and graduated at the University of Maastricht in 1995 From 1995 to 1998 he was researcher at the European University Institute in Florence Italy Since 1998 he has been lecturer at the University of Maastricht teaching private international law insolvency law and commercial law

EU Constitutional Law Koen Lenaerts, Piet Van Nuffel, 2021-12-17 This title is a comprehensive textbook of EU constitutional law setting out the structure values procedures and policies of the European Union It is a first point of reference for issues of EU constitutional law The book encompasses six major parts It contains an extensive analysis of the key constitutional principles governing the exercise of competences by the Union and the balance of power between the Union and its Member States followed by an in depth analysis of EU citizenship and the four freedoms followed by an overview of the main internal and external policy domains The third part addresses the role and workings of the various institutions European Council Council European Parliament Commission European Court of Justice and European Central Bank the position of the Member States of the Union and various other institutional matters Part four explores the various decision making processes addressing not only the legislative and executive decision making but also the budget CFSP and external action The fifth part looks at the legal instruments and the position of EU law in the EU and national legal orders with an attention to the key principles of primary and direct effect and the role of fundamental rights and the Charter of Fundamental Rights The final part sets out the complete and coherent system of judicial protection in the European Union offering an overview of the various courses of action before the EU courts and in the national legal orders to enforce EU law or to obtain judicial protection

The Many Faces of Differentiation in EU Law Bruno de Witte, Dominik Hanf, Ellen Vos, 2001 The introduction by the Amsterdam Treaty of the flexibility clauses authorising a majority of Member States to cooperate more closely in areas covered by the Treaties has been received with mixed feelings Flexibility is by no means a new phenomenon in the EU's development It has been on the Community's agenda already since the 1970s The Single European Act introduced several provisions allowing for flexible approaches to the single market whilst the Maastricht Treaty launched a differentiated approach to the EMU and social policy In addition to these forms of differentiation in primary Community law for many years there has also been a number of quite important though less visible forms of differentiation in secondary Community law This book aims to link both levels of differentiation and seeks to unveil the many faces of differentiation in EU law It analyses whether and to which extent there is a shift in European integration from a system of unity and uniformity to one of flexibility and differentiation A first series of contributions to the book analyse a

number of exemplary policy fields EMU social policy environment free movement of persons justice and home affairs in order to identify their degree of differentiation A second set of contributions examine various horizontal institutional matters of cross sectoral importance These two main parts are framed by introductory articles on the development of flexibility and by contributions drawing on the constitutional limits to differentiation The contributions are made by Dominik Hanf Jos M de Areilza Jean Victor Louis Sean Van Raepenbusch Ludwig Kramer Georgia Papagianni Grainne de Burca Ellen Vos Linda Senden Sacha Prechal Wouter Devroe Deirdre Curtin Bruno De Witte Eddy De Smijter en Jan Wouters

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