

Carl Baudenbacher *Editor*

The Handbook of EEA Law

 Springer

Handbook Eea Law Carl Baudenbacher

Karl Harald Søvig



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The Handbook of EEA Law Carl Baudenbacher, 2015-12-11 This Handbook comprehensively addresses the breadth of law encompassed by the EEA Agreement which extends the European Union's Single Market to three EFTA countries Iceland Liechtenstein and Norway The Handbook is first and foremost intended for practitioners and legal scholars but its approachable style makes it readily accessible for students The Handbook provides the reader with a thorough grounding in the EEA Agreement detailing how secondary EU law becomes applicable in the EFTA pillar and the roles played by the EFTA Surveillance Authority and the EFTA Court It considers the EEA Agreement from the respective perspectives of the national authorities courts and the legal professions of Iceland Liechtenstein and Norway The book meticulously examines substantive EEA law beginning with the general principles and the four freedoms through competition law and State aid to such aspects as the precautionary principle tax law and mutual administrative and legal assistance Emphasis is placed on jurisprudence and especially that of the EFTA Court Each chapter has been written by a judge noted practitioner or eminent academic in their respective fields and the book is divided into twelve parts Part I History and main features of the EEA Agreement Part II Genesis of EEA Law Part III Institutions and Procedure Part IV National Authorities in the EFTA Pillar Part V National Courts in the EFTA Pillar Part VI The Practicing Bar in the EFTA Pillar Part VII General Principles and Prohibition Part VIII The Fundamental Freedoms Part IX Competition Law and Related Matters Part X Further Areas of Economic Law Part XI Law of Natural and Economic Resources Part XII Social Protection and Public Health

The Fundamental Principles of EEA Law Carl Baudenbacher, 2017-10-24 This book features eleven contributions on the fundamental principles of EEA law legislative and judicial homogeneity reciprocity prosperity priority authority loyalty proportionality equality liability and sovereignty Written by EFTA Court and national judges high EFTA officials private practitioners and scholars it raises awareness of EEA law and provides insights for EEA and EU law practitioners and researchers It focuses on the principles at the core of EEA law some of which are common to EU and EEA law while others have a specific place in EEA law and some ensure consistency between the EEA Agreement and the Treaty on the Functioning of the European Union It is the only book to focus on the fundamental principles of EEA law

Research Handbook on European State Aid Law Leigh Hancher, Juan J. Piernas López, 2021-01-29 This revised and updated Research Handbook on European State Aid Law brings together established academics and practitioners to provide a wide ranging coverage of the field Incorporating political science economics and the law in its analysis it provides a strong overview of the salient issues in State aid law and policy

Research Handbook on EEA Internal Market Law Graham Butler, 2025-02-12 This Research Handbook focuses on the internal market aspects of the European Free Trade Association EFTA pillar of the European Economic Area EEA Leading academics judges and practitioners examine the EEA internal market in a structured and systematic manner Throughout they provide an in depth analysis of the free movement and horizontal aspects of the EFTA pillar of the EEA

Judicial

Independence Carl Baudenbacher, 2019-01-30 This book is about law but it is not a law book It is aimed at all interested contemporaries lawyers and non lawyers alike Richly seasoned with personal memories and anecdotes it offers unique insights into how European courts actually work It is generally assumed that independence is part and parcel of the role and function of a judge Nevertheless European judges sometimes face difficulties in this regard Owing to their being nominated by a government their limited term of appointment and the possibility of being reappointed or not their judicial independence can be jeopardized Certain governments have a track record of choosing candidates who they believe they can keep on a leash When this happens private parties are at risk of losing out The EFTA Court is under even more pressure since the EEA EFTA states Iceland Liechtenstein and Norway essentially constitute a pond with one big fish Norway and two minnows For quite some time now certain Norwegian protagonists have sought to effectively transform the EEA into a bilateral agreement with the EU This attitude has led to political implications that have affected the author himself The independence of the EFTA Court is also endangered by the fact that it operates alongside a large sister court the Court of Justice of the European Union And yet the EFTA Court has established its own line of jurisprudence and its own judicial style It has remained faithful to specific EFTA values such as the belief in free trade and open markets efficiency and a modern view of mankind During the first 24 years of its existence it has even had an over proportionate influence on ECJ case law Since EEA Single Market law is economic law the importance of economics an often overlooked aspect is also addressed In closing the book explores Switzerland s complicated relationship with and Britain s impending departure from the EU In this regard it argues that the EFTA pillar should be expanded into a second European structure under British leadership and with Swiss participation

Handbook of International Trade Agreements Robert E. Looney, 2018-10-03 International trade has for decades been central to economic growth and improved standards of living for nations and regions worldwide For most of the advanced countries trade has raised standards of living while for most emerging economies growth did not begin until their integration into the global economy The economic explanation is simple international trade facilitates specialization increased efficiency and improved productivity to an extent impossible in closed economies However recent years have seen a significant slowdown in global trade and the global system has increasingly come under attack from politicians on the right and on the left The benefits of open markets the continuation of international co operation and the usefulness of multilateral institutions such as the World Trade Organization WTO the International Monetary Fund and the World Bank have all been called into question While globalization has had a broadly positive effect on overall global welfare it has also been perceived by the public as damaging communities and social classes in the industrialized world spawning for example Brexit and the US exit from the Trans Pacific Partnership The purpose of this volume is to examine international and regional preferential trade agreements PTAs which offer like minded countries a possible means to continue receiving the benefits of economic liberalization and expanded trade What are the strengths and weaknesses of such agreements and how can they sustain

growth and prosperity for their members in an ever challenging global economic environment The Handbook is divided into two parts The first Global Themes offers analysis of issues including the WTO trade agreements and economic development intellectual property rights security and environmental issues and PTAs and developing countries The second part examines regional and country specific agreements and issues including NAFTA CARICOM CETA the Pacific Alliance the European Union EFTA ECOWAS SADC TTIP RCEP and the TPP now the CPTPP as well as the policies of countries such as Japan and Australia

Business Freedoms and Fundamental Rights in European Union Law Niall O'Connor, 2024-10-31 Article 16 of the EU Charter of Fundamental Rights recognizing the freedom to conduct a business in accordance with Union law and national laws and practices has been the subject of intense debate over the value of business freedoms within EU law Problematically the Court of Justice of the European Union CJEU relied on this provision in a series of highly deregulatory judgments invoking Article 16 to undermine the effectiveness of employee protective legislation Business Freedoms and Fundamental Rights in European Union Law assesses the value placed on the freedom to conduct a business as a fundamental right within the legal reasoning of the CJEU Arguing that this freedom can only properly be understood in relation to its wider constitutional and social rights functions it uses the employment law context as a case study given the tensions that exist between the economic rights of employers and the social rights of employees Examined holistically the book demonstrates that granting fundamental rights status to business freedoms is not inherently deregulatory with such freedoms also encapsulating social rights values and interests The freedom to conduct a business therefore emerges as a malleable fundamental rights concept dependent on the underlying constitutional context whether that be within national constitutional law the EU Charter of Fundamental Rights general principles of EU law or in the arrangements governing the United Kingdom's departure from the EU This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to read on Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations

EU Neighbourhood Law Alessandro Petti, 2024-09-05 The rekindling of the European Union enlargement talks and Brexit require a reappraisal of the law of the EU's proximity policies In that light this book turns Wider Europe into an analytical concept to capture the legal and political facets of the extension of the EU's legal space in the Union's neighbourhood The book follows three lines of inquiry Firstly it reflects on the similarities and differences between internal and external integration drawing a distinction between EU membership law and EU neighbourhood law Secondly it unravels the techniques for the extension of the EU's legal space across different partnerships in the Union's neighbourhood Thirdly it sheds light on the political covenants underlying the variety of institutional arrangements of the extended EU's legal space The book discusses how EU neighbourhood law entails a reconfiguration of how sovereignty is exercised both in the EU and in third countries participating in the Wider Europe

Changing Consumer Law in the United Kingdom after Brexit? Katharina Steinbrück, 2021-06-14 Dem britischen Gesetzgeber eröffnen sich durch den weitgehenden

Wegfall von Bindung an EU Recht im Verbraucherrecht neue regulatorische Möglichkeiten Dieses Werk widmet sich der Frage ob Normen des bisher von der EU bestimmten Verbraucherkredit und AGB Rechts beibehalten oder geändert werden sollten Eine historische Analyse beantwortet die Frage inwieweit EU Recht in der Vergangenheit durch das Vereinigte Königreich gestaltet und rezipiert wurde Auf Grundlage einer umfassenden rechtsvergleichenden Betrachtung wird zudem analysiert ob alternative europäische Kooperationsmodelle mehr regulatorischen Freiraum bieten und die Nicht Umsetzung von Verbraucherrecht als Vorbild für neue Regulierung im Vereinigten Königreich dienen könnte

The Law and Practice of the Ireland-Northern Ireland Protocol Christopher McCrudden, 2022-02-03 The Ireland Northern Ireland Protocol part of the Withdrawal Agreement concluded between the European Union and the United Kingdom is intended to address the difficult and complex impact of Brexit on the island of Ireland North and South and between Ireland and Great Britain It has become an exceptionally important if controversial part of the new architecture that governs the relationship between the UK and the EU more generally covering issues that range from trade flows to free movement from North South Cooperation to the protection of human rights from customs arrangements to democratic oversight by the Northern Ireland Assembly This edited collection offers insights from a wide array of academic experts and practitioners in each of the various areas of legal practice that the Protocol affects providing a comprehensive examination of the Protocol in all its legal dimensions drawing on international law European Union Law and domestic constitutional and public law This title is also available as Open Access

The EU and the Rule of Law in International Economic Relations Biondi, Andrea, Sangiuolo, Giorgia, 2021-10-22 This timely book explores the complexities of the EU's international economic relations in the context of its commitment to the rule of law both within the Union and internationally Bringing together diverse perspectives from both EU and international law scholars and practitioners the book investigates some of the most controversial and lively issues in the field of EU external relations and the relationship between EU law and international law

Brexit: The Legal Implications Andrea Biondi, Patrick J. Birkinshaw, Maria Kendrick, 2018-11-29 If Brexit comes to pass what changes in the United Kingdom legal system will the world face when dealing with the UK The contributors to this penetrating new collection of studies a worthy successor to the widely read pre referendum Britain Alone bring a prodigious level of expert scrutiny to the myriad of ramifications of this hugely complex subject This book gathers together experts from different fields of legal practice and academia not only to discuss the ongoing negotiations but also and most valuably to highlight and address the legal implications of possible scenarios and solutions for a post Brexit United Kingdom and European Union With topical chapters based on the Brexit Seminar Series held by the Centre of European Law at King's College London the contributors address the challenges options opportunities and possibilities that the Brexit process may engender in such areas as the following constitutional and administrative law the European Economic Area and the European Free Trade Association EU State aid the Irish border the fall back position of the WTO rules should no agreement be achieved banking law financial services and capital markets debt

restructuring and insolvency practice environmental issues private international law tax citizenship social security and residence rights especially considering women and children Due to the unprecedented event that Brexit represents there is an insatiable need for knowledge and technical detail as to its possible legal implications This book in its thorough analysis of the ongoing Brexit process and its technical understanding of the meaning of Brexit for several substantive areas of law offers a solidly grounded and revealing exploration of the future that is particularly enlightening in explaining the challenges that the UK legal order is facing as a consequence of Brexit

European Free Trade Association (EFTA) and the European Economic Area (EEA) Georges Baur, Michael Sánchez Rydelski, Carsten Zatschler, 2018-03-27 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the structure competence and management of European Free Trade Association EFTA and the European Economic Area EEA 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 Free Trade Association EFTA and the European Economic Area EEA 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

EU Diplomatic Law Sanderijn Duquet, 2022-10-13 EU Diplomatic Law provides a thorough analysis of the interactions between the European Union EU and international diplomatic and consular law Over the past six decades the EU has been granted unique powers that enable it to act prominently on the international plane thereby developing a worldwide bilateral and multilateral diplomatic network Much like states the EU sends ambassadors to all corners of the world and accredits permanent missions at its Brussels headquarters These developments shake the foundations of diplomatic and consular law as these branches of international law are based on the principles of state sovereignty non interference and reciprocity Traditional conceptions of international law only allow states to perform diplomatic and consular functions leaving little room for non state entities such as the EU Sanderijn Duquet addresses this fundamental problem by re visiting the foundations of diplomatic and consular law as well as analysing EU practice in initiating conducting and terminating diplomatic and consular relations In particular she focuses on the scope of EU diplomatic and consular powers especially in relationship to its member states its application of the Vienna Conventions and customary international law the EU s use of creative legal techniques the diplomatic and consular protection of EU citizens

questions of protocol and precedence and the legal status of the EU's diplomatic staff and premises abroad By critically analysing these issues this book assesses the specific contribution the EU makes to the shaping of diplomatic and consular law

Transition and Coherence in Intellectual Property Law Niklas Bruun, Graeme B. Dinwoodie, Marianne Levin, Ansgar Ohly, 2021-01-07 The nature and content of intellectual property IP law which is heavily contingent on the state of technology and on social and market developments has always been subject to ongoing transitions How those transitions are effected and the shape they take is crucial to the ability of IP to achieve its stated goals and provide the necessary climate for investment in creativity innovation and brand differentiation Yet the need for change can run headlong into a desire for coherence A search for coherence tests the limits of the concept of intellectual property is imperiled by overlaps between different IP regimes and calls for a unifying normative theme This volume assembles contributors from across IP and the globe to explore these questions including whether coherence is desirable It should be read by anyone interested in understanding the conceptual underpinnings of one of the most important and dynamic areas of the law

Medical Law in Norway Karl Harald Søvig, 2022-12-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the law affecting the physician patient relationship in Norway Cutting across the traditional compartments with which lawyers are familiar medical law is concerned with issues arising from this relationship and not with the many wider juridical relations involved in the broader field of health care law After a general introduction the book systematically describes law related to the medical profession proceeding from training licensing and other aspects of access to the profession through disciplinary and professional liability and medical ethics considerations and quality assurance to such aspects of the physician patient relationship as rights and duties of physicians and patients consent privacy and access to medical records Also covered are specific issues such as organ transplants human medical research abortion and euthanasia as well as matters dealing with the physician in relation to other health care providers health care insurance and the health care system Succinct and practical this book will prove to be of great value to professional organizations of physicians nurses hospitals and relevant government agencies Lawyers representing parties with interests in Norway will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of medical law in the international context

Research Handbook on Legal Aspects of Brexit Adam Łazowski, Adam Cygan, 2022-11-18 Illustrating the legacy of Brexit this timely Research Handbook provides a comprehensive and coherent analysis of not only the Brexit process within the UK but also what it means for both the UK and the EU within the framework of their future relationship

The Law and Politics of Brexit: Volume IV Federico Fabbrini, 2022 This book provides the first interdisciplinary overview of the Protocol on Ireland Northern Ireland attached to the Withdrawal Agreement which regulates the terms of Brexit It examines its content challenges and context including constitutional trends in the UK and Ireland governance mechanisms and clauses on trade and human rights

Research

Handbook on European Union Citizenship Law and Policy Kostakopoulou, Dora, Thym, Daniel, 2022-03-17 This Research Handbook provides a panoramic guide to the study and research of EU citizenship and its development within a challenging environment characterised by restrictive access to social benefits Brexit Euroscepticism and Covid 19 It combines theoretical perspectives with analyses of both the existing and future rights duties and social protection that EU citizens ought to enjoy in a democratic and principled European Union

Human Rights and Tobacco Control Marie E. Gispén, Brigit Toebes, 2020-08-28 Large scale adverse health and developmental outcomes related to tobacco affect millions of people across the world raising serious questions from a human rights perspective In response to this crisis this timely book provides a comprehensive analysis of the promotion and enforcement of human rights protection in tobacco control law and policy at international regional and domestic levels

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