

Monitoring the EU Accession Process:

Judicial Independence

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Judicial Capacity Monitoring The Eu Accession Process

B. C. Smith



Judicial Capacity Monitoring The Eu Accession Proccess:

Monitoring the EU Accession Process, 2002 Eumpa has published monitoring reports highlighting specific areas in which state performance conforms to or fails short of broadly accepted international standards These two volumes monitor access to education and employment for people with intellectual disabilities in 15 European countries and make recommendations on how people with intellectual disabilities can be more fully integrated into community life The summary report is a condense version of the two full volumes *Monitoring the EU Accession Process*, 2002 Judicial Capacity in

Latvia **Monitoring the EU Accession Process** EU Accession Monitoring Program, 2001 Prior to 1989 each of the ten candidate states investigated in this book had a judiciary politically subordinated to the government and the ruling Communist party In spite of the impressive progress achieved in reforming the court systems the accession to the European Union requires more complete guarantees of judicial independence The country reports contained in this volume highlight the advances made in each state in this respect **Enlargement of the European Union** Allan F. Tatham, 2009-01-01 The development of EU enlargement has raised many thorny issues unanticipated by the framers of the EC Treaty A significant upshot of these issues is that the concept of European identity defined in terms of such factors as culture history and economics has supplanted the long dominant theme of widening and deepening particularly since the Union's expansion has become primarily eastward The major contribution of this important book lies in its analysis of the conceptualization and perception of enlargement from various points of view focusing on the concerns of stakeholders and the identity conflicts and uncertainties incurred by enlargement initiatives In the course of its presentation it details the actual pre accession Europeanization process and its complex history Among the key elements discussed are the following the conflict between widening and deepening and the effect on EU institutional reform institutional requirements on candidate countries pre accession criteria and negotiations administrative capacity judicial capacity and legal approximation in accession states capacity of the EU to absorb new Member States and EC law as part of European identity Also covered are specific historical details of particular pre accession negotiations e g Greece Spain Portugal Malta and Cyprus the still inconclusive negotiations with Turkey and the Western Balkan states and political factors involved in the non accession of Norway Iceland and Switzerland Assembling powerful evidence and applying incisive analysis the author's conclusion shows that absent further and major EU institutional reform it will be difficult for an enlarging Union to continue to deliver the goods A watershed in the continuing great debate on the fulfilment of the EC Treaty's determination to foster and promote an ever closer union of the peoples of Europe this book will prove invaluable to anybody interested in the European integration project particularly lawyers academics officials and policymakers in the EU Member States **Compliance in the Enlarged European Union** Gerda Falkner, Oliver Treib, 2016-12-05 This book offers a rigorous empirical and theoretical analysis of an important dimension of European integration the implementation of EU legislation and its effect in the wake of

the accession of ten new member states to the EU in 2004 The authors concentrate on the key field of social policy which is of vital interest for the viability of the welfare state and the future of labour law standards in Europe Following on from a previous prize winning study *Complying with Europe EU Harmonization and Soft Law in the Member States* this new volume looks at how EU social legislation works in practice particularly in Central and Eastern European countries The authors offer in depth empirical case studies of three of the most significant pieces of EU social legislation the Working Time Directive the Equal Treatment Directive and the Employment Equality Directive Their analysis makes it possible for the authors to make useful generalizations for the policy field as a whole

EU Enlargement and the Failure of Conditionality Dimitry Kochenov, 2008-01-01 Among the criteria for accession to the European Union are democracy and the Rule of Law In the insightful analysis offered by the author of this book these concepts while admirable and even necessary criteria in principle are almost impossible to measure and any judgement grounded in them will always be difficult to justify In his words by including analysis of democracy and the Rule of Law within the field of the EU enlargement law the Union entered an unstable terrain of vague causal connections and blurred definitions Dr Kochenov addresses this problem by proceeding as follows 1 Outlining EU enlargement law in general including the principle of conditionality and the role played by the analysis of democracy and the Rule of Law in enlargement preparation 2 Focusing on the role actually played by the monitoring of democracy and the Rule of Law in ten candidate countries scrutinizing the way the EU used the legal tools and competences outlined in its enlargement law The book adopts the EU's own understanding of democracy and the Rule of Law as derived directly from the substance of the numerous legal and political instruments issued by the Community Institutions and especially the Commission in the course of the pre accession process In this way it demonstrates the actual as opposed to the officially announced role played by the assessment of democracy and the Rule of Law in the candidate countries in the regulation of enlargement Many formidable inconsistencies in the application of the conditionality principle are thus laid bare This leads the author to a series of recommendations on policy and procedure that he demonstrates could be profitably applied to the regulation of current and future accessions using the Commission's own structure of monitoring pre accession reforms in the three areas of the legislature executive and judiciary in candidate countries The probity and soundness of these recommendations firmly grounded as they are in the actual pre accession monitoring and its consequences for the pre accession progress of ten Eastern European countries admitted to the EU in 2004 and 2007 will greatly interest policymakers and scholars concerned with the future of European integration

The EU's Conceptualisation of the Rule of Law in its External Relations Lisa Louwerse, 2023-09-04 This book explores the question of how the EU understands the rule of law in its external relations with a particular focus on development cooperation and enlargement Although the EU's commitment to the rule of law is strong the relevant concept remains nebulous On the basis of a detailed analysis of two key EU external policy areas the main argument advanced is that the Union has adopted a mostly institutional approach to the concept by

focussing largely on judicial reform By testing the relevant practice against the background of the constitutional traditions of the Member States and legal theory the book attests to the significance of developing a comprehensive approach to the rule of law in EU external relations EU Enlargement Christophe Hillion,2004-07-01 The enlargement of the European Union to embrace Central Eastern and Southern Europe is usually analysed from political and economic points of view The current process also has legal implications which this edited collection aims to explore Written by scholars and officials from the enlarged EU the contributions look at the conditions and modalities of accession and at the impact of enlargement on EU institutions and policies This volume is a useful reference for anyone interested in enlargement as such but it also provides a valuable background to the current constitutional reform of the EU *EU Enlargement and its Impact to the Western Balkans* Elton Tota,2019-08-21 The aim of this book is to highlight the relationship between the EU and the Western Balkan countries in light of their EU membership perspective and the impact that the EU Enlargement of Central and Eastern European countries at the beginning of the twenty first century has given to the Western Balkans The book presents in depth the dual relationship between the EU and the Western Balkans On the one hand it displays the continuous EU role in the Western Balkans in particular in issues such as the EU accession criteria the EU approach and enlargement strategy the visa liberalization process the Stabilization and Association Process the Stabilization and Association Agreements instruments of financial assistance the EU role in restoring and keeping peace and stability and in increasing the regional cooperation among the Western Balkans countries On the other hand it presents and analyses the progress the Western Balkans have achieved and the challenges faced such as initially with the implementation of the bilateral Free Trade Agreements and then the regional Free Trade Agreement and the Stabilization and Association Agreements nature and effects of these agreements in developing markets in increasing trade exchanges among the Western Balkans countries the progress each country has made toward lasting growth and in fulfilling the criteria of the EU integration process The book reflects the regional approach of EU towards those countries while differentiating the individual progress in each country This gives the book an interdisciplinary character The latest enlargement experiences of the EU are used as a comparison for the current EU policy towards Western Balkans while confirming a clear integration perspective for the region **The Judiciary in Central and Eastern Europe** Zdenek Kühn,2011-10-28 One of the most widespread problems in post Communist countries is the quality of the judiciary The book argues that these problems are intimately linked to the legal culture of Communist law that an understanding of post Communist judges necessarily requires an understanding of their Communist predecessors There seems to be a deep continuity in the methods of legal reasoning employed by lawyers in the region of East Central Europe starting in the era of Stalinism of the 1950s up to the current post Communist period which continuity is manifested in the problems of 1990s and 2000s Communist legal culture and its aftermath provide an interesting analysis of the development of legal culture in a long lasting system which was intellectually almost completely separated from the outside world The

book targets the judicial ideology the conception of law and the judicial self perceptions which are phenomena most likely to be contained in the deepest level of legal culture that most resistant to change

Democracy and Judicial Reforms in South-East Europe Cristina Dallara, 2014-07-08 The book analyzes the topic of judicial reforms in four countries of South East Europe focusing on two specific factors that have influenced the reforms in the past two decades the role played by the European Union in light of the east Enlargement process and the legacies of the communist regimes Specifically the aim is to account for similarities and differences in the reform paths of Slovenia Romania Croatia and Serbia In each country in fact the influence of the EU policies has been differently mediated by national factors that broadly conceived may be considered as expressing the legacies of the past regimes In some cases these legacies challenged judicial reforms and inhibited the influence of the EU in other cases they were positively overcome by following the route suggested by the EU Some explanatory factors for these differences will be proposed drawing from democratization studies Europeanization literature and comparative judicial systems The book focuses on countries having different status vis a vis the EU and differently involved in term of timing in the EU accession process some of them are new member states entered in 2004 Slovenia or in 2007 Romania others were until recently acceding countries Croatia or candidates to the membership Serbia This comparison allows investigation of the power of EU conditionality in different phases of the EU enlargement process vis a vis the EU and differently involved in term of timing in the EU accession process some of them are new member states entered in 2004 Slovenia or in 2007 Romania others were until recently acceding countries Croatia or candidates to the membership Serbia This comparison allows investigation of the power of EU conditionality in different phases of the EU enlargement process

Common European Legal Thinking Hermann-Josef Blanke, Pedro Cruz Villalón, Tonio Klein, Jacques Ziller, 2015-09-24 Common European Legal Thinking emanates from the existence of a shared European legal culture as especially reflected in the existence of a common European constitutional law It denotes a body of individual constitutional principles written and unwritten that represent the common heritage of the constitutions of the Member States Taking into account the two major European organisations the Council of Europe and especially the European Union the essays of this Festschrift discuss a range of constitutional principles including the rule of law democracy and the exercise of political power in a multilevel system which recognises fundamental rights as directly applicable and supreme law Other essays examine the value of pluralism the commitment of private organisations to uphold public values principles or rules and the objectives and methods of a transnational science of administrative law These articles highlight the fact that the *Ius Publicum Europaeum* Commune is politically in the making which can often be seen in the shape of general legal principles The publication recognises the role of Albrecht Weber as a forerunner of Common European Legal Thinking

European Foreign Policy and the Challenges of Balkan Accession Gergana Noutcheva, 2012-07-26 The Balkan countries have responded differently to the EU's conditional offer of membership This book examines the diverging compliance patterns of the Balkan accession

states and asks why some of them have complied substantially some only partially and others have defied the EU The book examines the compliance of the Balkan states with the EU accession conditionality arguing that the variation in the compliance behavior of Balkan governments hinges on three main factors the legitimacy of the EU conditions as seen domestically in the accession states the costs of compliance and the EU's ability and willingness to use its superior power resources to impose compliance when faced with domestic defiance Placing important events from the most recent political history of the Balkans in a broader historical perspective the author evaluates the successes and failures of the EU's state building policies in the Balkans a geographical area of the highest priority for the EU's foreign policy and a test case for the EU's capacity and willingness for foreign policy action Based on detailed empirical data **European Foreign Policy and the Challenges of Balkan Accession** will be of interest to scholars and students of EU and comparative politics and those focusing on policy impact in EU integration

Central and Eastern Europe After Transition Wojciech Sadurski, 2016-04-08 How have national identities changed developed and reacted in the wake of transition from communism to democracy in Central and Eastern Europe **Central and Eastern Europe After Transition** defines and examines new autonomous differences adopted at the state and the supranational level in the post transitional phase of the post Communist area and considers their impact on constitutions democracy and legal culture With representative contributions from older and newer EU members the book provides a broad set of cultural points for reference Its comparative and interdisciplinary approach includes a useful selection of bibliographical resources specifically devoted to the Central Eastern European countries transitions

The Commonwealth Brand Victoria te Velde, 2016-03-23 te Velde examines Commonwealth identity through the lens of its membership criteria its recent enlargement and its constant reincarnation Far from being an old relic of the past the Commonwealth is a growing vibrant modern international organisation and despite its traditional image Commonwealth membership is shown to be a rather fluid concept that evolves with the times This book identifies and discusses the different theoretical approaches to analysing the Commonwealth In so doing it exposes various shortcomings in current thinking about international relations and the Commonwealth Furthermore it reveals how a number of turning points in the Commonwealth's history have shaped its membership rules and illustrates how the official Commonwealth still has the potential to expand and develop to best reflect an organisation that represents a third of the world's population In terms of further growth of the organisation this book examines the cases of a number of eligible states to assess their likelihood of achieving membership It also incorporates a handful of non eligible states that notwithstanding the new rules are still bent on joining

Judges and Democratization B. C. Smith, 2017-02-24 Judiciaries must be politically impartial and immune from political interference if democracy is to be consolidated in countries in transition from authoritarian rule Without an independent judiciary there can be no rule of law and without the rule of law there can be no democracy **Judges and Democratization** is based on the premise that democracy cannot be consolidated without the rule of law of which judicial independence is an indispensable part It pays

particular attention to the restraints placed upon judicial independence and the reforms which are being applied or remain to be adopted in order to guard against the different kinds of interference which prevent judicial decisions being taken in a wholly impartial way It examines the paradox of judicial activism arising from the independence endowed upon the judiciary by post authoritarian constitutions The book asks how in the context of this endowed authority such accountability can be made compatible with the preservation of judicial independence when the concept of an accountable independent judiciary appears to be a contradiction in terms This text will be of key interest to teachers and students of politics comparative government politics combined politics and law democracy and governance human rights and democratization and democratic development

National Judges As EU Law Judges: The Polish Civil Law System Urszula Jaremba,2013-10-17

National Judges as EU law Judges The Polish Civil Law System by Urszula Jaremba aims at filling a research gap in one of the key areas of EU law concerning its enforcement at the national level and the phenomenon of judicial behaviour More precisely it examines the way civil judges in Poland function as EU law judges and the practical problems they encounter while striving to actualise this constitutive role However the book goes beyond the formal law scenario and investigates how Polish civil judges establish their own understanding of EU law and the new requirements it has imposed upon them To this end the study employs an empirical that is to say quantitative and qualitative methodology and theory to result in a socio legal study that combines legal and empirical insights into the way national judges function in the context of EU law

Romania and The European Union Dimitris Papadimitriou,David Phinnemore,2008-03-26 This is a new overview of Romania s relationship with the European Union since the collapse of the Ceausescu regime in 1989 and recent accession to EU membership It presents the reader with a clear sense of the debate with full coverage of all the key issues involved

Judicial Independence in Transition Anja Seibert-Fohr,2012-04-25 Strengthening the rule of law has become a key factor for the transition to democracy and the protection of human rights Though its significance has materialized in international standard setting the question of implementation is largely unexplored This book describes judicial independence as a central aspect of the rule of law in different stages of transition to democracy The collection of state specific studies explores the legal situation of judiciaries in twenty states from North America over Western Central and South Eastern Europe to post Soviet states and engages in a comparative legal analysis Through a detailed account of the current situation it takes stock considers advances in and shortcomings of judicial reform and offers advice for future strategies The book shows that the implementation of judicial independence requires continuous efforts not only in countries in transition but also in established democracies which are confronted with ever new challenges

The Commonwealth Brand Dr Victoria te Velde,2013-04-28 te Velde examines Commonwealth identity through the lens of its membership criteria its recent enlargement and its constant reincarnation Far from being an old relic of the past the Commonwealth is a growing vibrant modern international organisation and despite its traditional image Commonwealth membership is shown to be a

rather fluid concept that evolves with the times This book identifies and discusses the different theoretical approaches to analysing the Commonwealth In so doing it exposes various shortcomings in current thinking about international relations and the Commonwealth Furthermore it reveals how a number of turning points in the Commonwealth s history have shaped its membership rules and illustrates how the official Commonwealth still has the potential to expand and develop to best reflect an organisation that represents a third of the world s population In terms of further growth of the organisation this book examines the cases of a number of eligible states to assess their likelihood of achieving membership It also incorporates a handful of non eligible states that notwithstanding the new rules are still bent on joining

Judicial Capacity Monitoring The Eu Accession Proccess Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Judicial Capacity Monitoring The Eu Accession Proccess**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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