

The Outer Limits Of European Union Law

Leading figures in European law discuss the evolution and regulation of the EU as an economic union, in tribute to the scholarship of the late Professor John Usher, one of the pioneers of the field.

In the space of around ten years Ireland went from being a traditional labour exporter to a leading European economy, and thus an attractive destination for immigrants from Eastern Europe and further afield. This produced a singular social laboratory, which this book explores in all its complexity set against the backdrop of globalization. Until recently seen as a showcase for the success of globalization, Ireland also became a destination for those displaced by the effects of globalization elsewhere. *Globalization, Migration and Social Transformation* takes Ireland as a paradigmatic case of social transformation, exploring the reasons why emigration was so rapidly replaced by immigration, along with the social, political, cultural and economic effects of this shift. Presenting the latest research around the themes of identity, social transformations and EU and Irish politics and policy, this book offers a rich array of detailed empirical case studies drawn from Ireland, which shed light on the experiences of immigrant groups from around the world and the wider processes of social transformation. In addition, it examines the manner in which the Irish state and the broader political system relate to new migrants and vice-versa, thus advancing our comparative understanding of how the European Union is responding to the challenge of mass migration. *Globalization, Migration and Social Transformation* makes a strong contribution to the comparative literature on immigration and integration, diaspora and social transformation in the era of globalization, and as such, it will appeal to social scientists with interests in migration, race and ethnicity, globalization and Irish studies.

This best-selling textbook provides a broad-ranging but concise introduction to the EU, covering all major aspects of European integration. The revised and updated new edition takes full account of the political and economic impact of the Eurozone crisis.

This book offers the first overview of services regulation in the EU, tracing its history from early, sector-specific interventions to the complex modern landscape of 'new governance' techniques. It sets the legal developments in their economic context and critiques the varied regulatory methods with which the EU has experimented.

Ó This well-constructed, and well-written, collection fills a gap in the scholarship. It offers a rounded and plausible picture of the Court's role in Europe, engaging with the complexity of the law without losing sight of the bigger political picture. Well-contextualised, critical, but nuanced, discussions of the role of rights, economics, science, and institutions, and of the important particularities of EU adjudication, will make this volume unmissable for those interested in the political role of the Court of Justice of the EU. ð Gareth Davies, VU University of Amsterdam, The Netherlands This book delves into the rationale, components of, and responses to accusations of judicial activism at the European Court of Justice. Detailed chapters from academics, practitioners and stakeholders bring diverse perspectives on a range of factors ð from access rules to institutional design and to substantive functions ð influencing the European Court's political role. Each of the contributing authors invites the reader to approach the debate on the role of the Court in terms of a constantly evolving set of interactions between the EU judiciary, the European and national political spheres, as well as a multitude of other actors vested in competing legitimacy claims. The book questions the political role of the Court as much as it stresses the opportunities ð and corresponding responsibilities ð that the Court's case law offers to independent observers, political institutions and civil society organisations. *Judicial Activism at the European Court of Justice* will appeal to researchers and graduate students as well as to EU and national officials.

Analysis of some of the most controversial aspects of the European Union's Lisbon Treaty.

The book illustrates the function of legal doctrines in a discourse on the extent of powers of international institutions, and questions whether a move to a constitutional vocabulary can transcend the dichotomy at the heart of diverging constructions of powers.

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.

The first new textbook to publish since Brexit, *EU Law in the UK* tackles EU law with a post-Brexit perspective interwoven throughout. It takes a uniquely contextual approach designed to enliven the learning experience, support understanding, and help students appreciate the relevance and impact of EU law. Written in a concise and accessible style, and supported by lively academic analysis, the author carefully guides students through key complexities, issues, and debates. *EU Law in the UK* not only supports students to understand the core elements of EU institutional and substantive law, but also to critically examine the implications on UK law of the UK's decision to leave the EU. The book's unique contextual approach offers a highly practical and engaging way to learn about EU law. The context is set at the start of each chapter by way of scenarios including real quotes from politicians, parliamentary reports, and fictional situations. Throughout the chapters, students are then invited to apply legal principles to these scenarios. This approach

serves to reinforce and enliven students' learning.

In *European Urbanization* Jan de Vries provides a comprehensive data base for understanding the nature of the changes that took place in European cities from 1500 to 1800. The book is based on an immense systematic survey of the population history of 379 European cities with 10,000 or more inhabitants analysed at fifty-year intervals. Using a wide range of economic, demographic and geographic models, Professor de Vries illustrates the patterns of urban growth, draws conclusions about the significance of migratory behaviour and shows the effects of urbanization on the history of Europe as a whole. Presenting these broad measures in urbanization the book makes the case that the cities of Europe gradually came to form a single urban system. The properties of this system are analysed with the use of several different geographical concepts: rank-size distribution, transition matrices and potential surfaces, among others. This examination of the fortunes of cities of different sizes and regions and the economic and political factors that affected their development is fundamentally important for understanding modern Europe and contemporary problems of urban development. Jan de Vries mines these rich, complex data to give us a balanced view of the dynamics of change in urban, pre-industrial society. This book was first published in 1984.

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.

EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets. Yet as a consequence of this role it is also subject to increasingly complex demands, a proliferation of (sectoral) regimes, and multiple objectives at both an EU and national level. This profligacy entails risks of fragmentation and divergence - which could jeopardise the proper functioning of the internal market. In this examination of EU competition law, Wolf Sauter discusses three main issues: (i) what degree of coherence exists in EU competition law; (ii) how this coherence can be explained, particularly in the broader context of integration by EU law; and (iii) how it contributes to the legitimacy and effectiveness of EU competition law. Specific focus is placed on antitrust, while mergers, state aid control, as well as the sectoral regimes for energy and electronic communications are also examined. In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law, defining both its objectives and limitations.

The enlargement of the EU has highlighted the challenges of compliance, but it has also helped to suggest new compliance methodologies. The combination of methodologies used by the EU and the differing levels of enforcement available are characteristic of the EU's compliance system, permitting the remarkable reach and penetration of EU norms into national systems. In this new study six authors offer their assessment of the enforcement procedures and compliance processes that have been developed to ensure Member State compliance with EU law. The first three chapters examine the merits of combining both coercive and problem-solving strategies, describing the systems in place and focussing on the different levels at which compliance mechanisms operate: national, regional, and international. It also looks at horizontal compliance as well as 'from above' compliance, creating a complex and rich picture of the EU's system. The final three chapters of the book focus on different aspects of compliance seen from a national perspective. The first analyses the two bases for the use of criminal sanctions to enforce EU law: the ability of Member States to choose to include criminal penalties for non-compliance in their national law; and the imposition of criminal sanctions at a national level by EU law itself. The book then moves on to a discussion of the role of national courts in ensuring Member State compliance with, and enforcement of, EU law. It examines the role of national constitutional courts in facilitating compliance with EU law and draws comparisons between EU law and international law and their interactions both with each other and with national constitutional courts.

EU Health Systems and Distributive Justice uses theories of distributive justice to examine tensions created by the application of the Internal Market rules to the provision of health care services within the European Union. Using the concepts and principles embedded in the theories of egalitarianism and libertarianism, this book analyses the impact of the Internal Market rules on common values and principles shared by European health systems, such as universality, accessibility, equity and solidarity. This analysis is conducted using the specific issue of cross-border health care. This book makes innovative contributions to the study of the relationship between EU health systems and the Internal Market – it encompasses the analysis of all principles recognised by EU institutions as guiding principles of European health systems; it integrates human rights law and practice into the discussion of the EU Court of Justice's approach to patient mobility cases; and it assesses the potential impact of the Internal Market over EU health systems through the lens of distributive justice, looking at the underlying principles of these systems that are mostly concerned with social justice. Ultimately, this is not a book on EU law and health care, but it is a book on distributive justice, health care and the principles and policies guiding European health systems.

The European Union has evolved from a purely economic organisation to a multi-faceted entity with political, social and human rights dimensions. This has created an environment in which the concept of solidarity is gaining a more substantial role in shaping the EU legal order. This book provides both a retrospective assessment and an outlook on the future possibilities of solidarity's practical and theoretical meaning and legal enforcement in the ever-changing Union.

The process of European integration has had a marked influence on the nature and meaning of citizenship in national and post-national contexts as well as on the definition and exercise of civil rights across Member States. This original edited collection brings together insights from EU law, human rights and comparative constitutional law to address this underexplored nexus. Split into two distinct thematic parts, it first evaluates relevant frameworks of civil rights protection, with special attention on enforcement mechanisms and the role of civil society organisations. Next, it engages extensively with a series of individual rights connected to EU citizenship. Comprising detailed studies on access to nationality, the right to free movement, non-discrimination, family life, data protection and the freedom of expression, this book maps the expanding role of European law in the national sphere. It identifies a number of challenges to core civil rights that the current supranational framework is at pains to address. The contributors suggest and develop several new ideas on how to take the EU integration project forward. *Civil Rights and EU*

Citizenship provides an innovative perspective on both the conceptual dimensions and the actual realities of rights-based citizenship which will be of interest to legal scholars, practitioners and policy-makers alike.

The reach of free movement within the EU Internal Market and what constitutes a restriction are the topics of this book. For many years the tension between free movement and restrictions have been the subject of intense discussion and controversy, and this includes the constitutional reach of the rights conferred by the Treaty of Lisbon. Anything that makes movement less attractive or more burdensome may constitute a restriction. Restrictions may be justified, but only if proportionate. The reach of free movement is fundamental to the Internal Market, both for the economic constitution and increasingly for individual rights in a European legal order that provides constitutional guarantees for rights, exceeding those of free movement. The interaction between fundamental rights and fundamental freedoms to movement distinguishes the EU legal order from the national legal systems. The book falls into four parts, 'The reach of free movement', 'Justifications and Proportionality', 'Fundamental rights', and 'Looking Abroad'.

The clear discussion of the fundamentals and dilemmas regarding the subject of this book should prove useful for academics, practitioners, graduate students as well as EU officials and judges wishing to stay updated on the ongoing scholarly debate regarding relevance to case law. Mads Andenas is Professor at the Department of Private Law, University of Oslo and at the Institute of Advanced Legal Studies, School of Advanced Studies, University of London. Tarjei Bekkedal is Professor at the Centre for European Law, University of Oslo and the Chair of the Norwegian Association for European Law. Luca Pantaleo is a Lecturer in EU law at The Hague University of Applied Sciences, who obtained a Ph.D. in International and EU Law in 2013 at the University of Macerata in Italy, and who was previously a Senior Researcher at the T.M.C. Asser Institute and Postdoctoral researcher at the University of Luxembourg.

The Netherlands Yearbook of International Law was first published in 1970. It has two main aims. It offers a forum for the publication of scholarly articles of a more general nature in the area of public international law including the law of the European Union. In addition, it aims to respond to the demand for information on state practice in the field of international law. Each Yearbook therefore includes an overview of state practice of the Netherlands.

This book focuses on the evaluation of delegated and implementing rule-making, based on Articles 290 and 291 TFEU. These articles have attracted considerable attention since their introduction in 2009, and their implementation is one of the most hotly debated questions in European Administrative Law. The book takes up this timely topic, discusses it in an innovative way and offers valuable new insights. Delegated and implementing acts are the most common form of EU legal acts. However, despite their ubiquity and relevance, it is unclear how the Commission's powers to adopt these important acts relates to subjects' democratic rights. Accordingly, the book explores the question of how the Commission's powers to adopt delegated and implementing acts can be justified. The relationship between the Commission and the persons within the Member States who are directly affected by its rule-making should be seen, the book argues, as one of institutional trust, and as a result as a fiduciary relationship. The book begins by defining the theoretical conditions for a justificatory approach, before explaining the background and foundations of fiduciary law. It then links this theoretical perspective with the realities of delegated and implementing acts, describing how the various roles in fiduciary relationships map onto the rule-making process that produces delegated and implementing acts, and explains how the fundamental tenet of fiduciary relationships – loyalty – can be included in the rule-making process.

"The principle of non-discrimination plays a vital role in international and European tax law. This dissertation analyses the interpretation given to that principle in tax treaty practice and in the direct tax case law of the Court of Justice of the European Union (ECJ) on the fundamental freedoms. The objective of this analysis is twofold: to give a clear and thorough overview of both standards and to determine whether they share a common, underlying principle of non-discrimination. In order to achieve these objectives, a comprehensive selection of case law is discussed from the perspective of the two constitutive elements of discrimination, comparability and the existence of different treatment. Moreover, attention is drawn to the question whether a domestic measure that is found to be discriminatory may nevertheless be justified on the basis of reasons of public interest. Finally, the possible interplay between both standards is addressed. First, the partial overlap of the two non-discrimination rules may cause frictions. Complex triangular situations are possible, with conflicting rules giving rise to interpretation problems. A second issue discussed in this context is whether national courts of EU Member States are influenced by ECJ case law on the fundamental freedoms when interpreting the non-discrimination provision in tax treaties. Given the deficiencies of that provision, courts may be tempted to draw inspiration from the European standard. The relevant case law is discussed in order to determine whether there is indeed such an influence, and whether such an influence is appropriate."--Extracted from publisher website on May 20, 2015.

The leading textbook on the four freedoms, popular with students and academics alike. This authoritative text offers a unique balance of comprehensive, detailed coverage in a concise and readable style, providing a critical and thorough analysis of the key principles of the substantive law of the EU. An introductory chapter provides valuable context on the governance of the internal market, its evolution, and the theories behind its key principles. Each of the freedoms is then dealt with in turn, covering goods, persons, services, and capital, before moving on to discuss harmonization, the regulation of the internal market, and its future. Additional useful detail is captured in footnotes, while directed further reading lists provide support for independent study and research. This thorough coverage is fully supported by engaging case studies throughout the book which place the law in context, helping you to understand the complexities of the subject and exploring the practical implications of EU law. Diagrams, flowcharts, and tables offer further detail and illustrate key ideas and processes in an easily accessible format, while chapter overviews, chapter content lists, and a clear structure ensure readers remain on track and can find information quickly. Online resources The book is accompanied by online resources which include: -an online chapter on the common commercial policy -useful weblinks and further reading advice -a searchable table of equivalences for quick reference to article numbering changes For lecturers: downloadable versions of the figures from the book are also available for use in lectures and handouts.

This volume considers how different jurisdictions are integrated economically whilst at the same time maintaining regulatory pluralism and diversity.

Millions of British, Dutch, French, Danish, Spanish, and Portuguese nationals permanently reside in the overseas parts of their Member States. These people, like the companies registered in such territories, often find it virtually impossible to determine what law applies when legal decisions are required. Although Article 52(1) of the EU Treaty clearly states that EU law applies in the territory of all the Member States, most Member State territories lying outside of Europe provide examples of legal arrangements deviating from this rule. This book, for the first time in English, gathers these deviations into a complex system of rules that the editor calls the 'EU law of the Overseas'. Member States' territories lying far away from the European continent either do not fall within the scope of EU law entirely, or are subject to EU law with serious derogations. A huge gap thus exists between the application of EU law in Europe and in the overseas parts of the Member States, which has not been explored in the English language literature until now. This collection of essays sets out to correct this by examining the principles of Union law applicable to such territories, placing them in the general context of the development of European integration. Among the key legal issues discussed are the following: internal market outside of Europe; the protection of minority cultures; EU citizenship in the overseas countries and territories of the EU; Article 349 TFEU as a source of derogations; The implications of Part IV TFEU

for the overseas *acquis*; participatory methods of reappraisal of the relationship between the EU and the overseas; implications for the formation of strategic alliances; voting in European elections; what matters may be referred by courts and tribunals in overseas countries and territories; application of the *acquis* to the parts of the Member States not controlled by the government or excluded from *ratione loci* of EU law; interplay of the Treaty provisions and secondary legislation in the overseas; customs union; wholly internal situations; free movement of capital and direct investments in companies; the euro area outside of Europe; duty of loyal cooperation in the domain of EU external action; territorial application of EU criminal law; and territorial application of human rights treaties. Twenty-two leading experts bring their well-informed perspectives to this under-researched but important subject in which, although rules abound and every opportunity to introduce clarity into the picture seems to be present, the situation is far from clear. The book will be welcomed by serious scholars of European Union law and by public international lawyers, as well as by policy-makers and legal practitioners.

Explores labour, environmental, and animal welfare standards for the sale of goods produced abroad from an EU law perspective.

Comprehensive analysis showing that utilities and welfare services are important building blocks for the EU social market economy.

This title assesses EU law and policy using a novel and alternative framework based on the notion of humaneness.

It was a great pleasure to find such a rich analysis of the role of national parliaments in the EU. What I particularly like - and what proves to be particularly fruitful is the combination of perspectives; the EU law and national constitutional perspective including a comparative dimension, the perspective that explains the role of national parliaments in the EU from past to present (and even near future) and last but not least, the perspective of the interaction between the legal frameworks and the political reality. There is every reason to congratulate Adam Cygan wholeheartedly on this book. Ton Van Den Brink, Europa Instituut Utrecht, The Netherlands One of the most outstanding specialists on the role of national parliaments in the EU has produced another impressive book about this dynamic topic. It provides an illuminating overview of current practices, it sharply analyses the legal status quo, and it brings theoretical depth to the topic in multiple perspectives. Olaf Tans, Amsterdam University College, The Netherlands This accessible and detailed book takes an interdisciplinary approach in exploring the position of national parliaments in the EU polity and in particular their position within the EU governance framework. Adam Cygan analyses the impact of subsidiarity monitoring upon national parliaments and to what extent this provides new opportunities for national parliaments to be engaged in, and exert influence over, the EU legislative process. While the post-Lisbon position of national parliaments may have improved, this book questions whether national parliaments can really be considered as central actors in EU affairs. The author also queries whether subsidiarity monitoring has the capacity to create a collective bloc of horizontal actors which exert effective accountability over the EU legislative process. Accountability, Parliamentarism and Transparency in the EU will strongly appeal to academics, parliamentarians/parliamentary officials working in EU affairs, as well as EU civil servants.

Looks at immigration and asylum legislation and polices in Europe to investigate how immigrants are 'othered' by them.

This last decade has been particularly turbulent for the EU. Beset by crises - the financial crisis, the rule of law crisis, the migration crisis, Brexit, and the pandemic - European Law has had to adapt and change in a way not previously seen. First published in 1999, the goal then was to reflect on the important developments that had been made since the creation of the EEC. That goal has not changed. From EU Administrative Law through to the Regulation of Network Industries, each chapter in this seminal work assess the legal and political forces that have shaped the evolution of EU law. With new chapters covering the Rule of Law, Judicial Reform, Brexit, Constitutional and Legal Theory, Refugee and Asylum law, and Data Governance, this third edition of *The Evolution of EU Law* is a must read for any student or academic of EU law.

The third edition of *EU Administrative Law* provides comprehensive coverage of the administrative system in the EU and the principles of judicial review that apply in this area. This revised edition provides important updates on each area covered, including new case law; institutional developments; and EU legislation. These changes are located within the framework of broader developments in the EU. The chapters in the first half of the book deal with all the principal variants of the EU administrative regime. Thus there are chapters dealing with the history and taxonomy of the EU administrative regime; direct administration; shared administration; comitology; agencies; social partners; and the open method of coordination. The coverage throughout focuses on the legal regime that governs the particular form of administration and broader issues of accountability, drawing on literature from political science as well as law. The focus in the second part of the book shifts to judicial review. There are detailed chapters covering all principles of judicial review and the discussion of the law throughout is analytical and contextual. It begins with the principles that have informed the development of EU judicial review. This is followed by a chapter dealing with the judicial system and the way in which reform could impact on the subject matter of the book. There are then chapters dealing with competence; access; transparency; process; law, fact and discretion; rights; equality; legitimate expectations; two chapters on proportionality; the precautionary principle; two chapters on remedies; and the Ombudsman.

This book is a multi-method study of the European Union's decision-making on enlargement over seven decades, showing how membership norms shape decision-making on which states are considered eligible to join the EU and which are not.

Now in its 28th year, the *Yearbook of European Law* is one of the most highly respected periodicals in the field. Featuring extended essays from leading scholars and practitioners, the *Yearbook* has become essential reading for all involved in European legal research and practice. This year's issue includes a special symposium on the recent Kadi case in the European Court of Justice, with contributions by Giorgio Gaja, Christian Tomuschat, Enzo Cannizzaro, Riccardo Pavoni and Martin Scheinin.

In *Market Supervision in the European Union*, Pieter Van Cleynenbreugel compares the emergence of divergently structured supranational market supervision mechanisms in six different sectors of EU regulation and identifies common or converging constitutional benchmarks underlying those sector-specific administrative design developments.

The importance of services in the EU economy has increased exponentially in the last decades as have the number and scope of EU rules, both those liberalising the provision of services and those protecting their recipients or consumers - the passengers, patients, viewers and bank depositors. However, these consumers, in their capacity as citizens, are increasingly disillusioned with the EU and its institutions. This book, written by practitioners, academics and advocates before the European Court, reflects on these developments, examining rules in numerous service sectors, from the capping of roaming call charges upheld in the Vodafone decision, through health care, to the requirement for air carriers to care for and compensate passengers approved in the generous Sturgeon judgment. The Court's positive approach may have been guided by a desire to consolidate the notion of EU citizenship, a status introduced, but without clear content, at Maastricht. The book therefore considers whether these uniform, EU-wide, consumer rights may not form an important component of such European citizenship. The Commission's proposal to make 2013 European Year of Citizens seems to favour such a view.

At the heart of the European Union is the establishment of a European market grounded in the free movement of people, goods, services, and capital. The implementation of the free market has preoccupied European lawyers since the inception of the Union's predecessors. Throughout the Union's development, as obstacles to free movement have been challenged in the courts, the European Court of Justice has had to expand on the internal market provisions in the founding Treaties to create a body of law determining the scope and meaning of the EU protection of free movement. In doing so, the Court has often taken differing approaches across the different freedoms, leaving a body of law apparently lacking a coherent set of foundational principles. This book presents a critical analysis of the European Courts' jurisprudence on free movement, examining the Court's constitutional responsibility to articulate a coherent vision of the EU internal market. Through analysis of restrictions on free movement rights, it argues that four main drivers are distorting the system of the case law and its claims to

coherence. The drivers reflect 'good' impulses (the protection of fundamental rights); avoidable habits (the proliferation of principles and conflicting lines of case law authority); inherent ambiguities (the unsettled purpose and objectives of the internal market); and broader systemic conditions (the structure of the Court and its decision-making processes). These dynamics cause problematic instances of case law fragmentation - which has substantive implications for citizens, businesses, and Member States participating in the internal market as well as reputational consequences for the Court of Justice and for the EU more generally. However, ultimately the Member States must take greater responsibility too: only they can ensure that the Court of Justice is properly structured and supported, enabling it to play its critical institutional part in the complex narrative of EU integration. Examining the judicial development of principles that define the scope of EU free movement law, this book argues that sustaining case law coherence is a vital constitutional responsibility of the Court of Justice. The idea of constitutional responsibility draws from the nature of the duties that a higher court owes to a constitutional text and to constitutional subjects. It is based on values of fairness, integrity, and imagination. A paradigm of case law coherence is less rigid, and therefore more realistic, than a benchmark of legal certainty. But it still takes seriously the Court's obligations as a high-level judicial institution bound by the rule of law. Judges can legitimately be expected - and obliged - to be aware of the public legal resource that they construct through the evolution of case law.

The European Court of Justice has been celebrated as a central force in the creation and deepening of the EU internal market. Yet, it has also been criticized for engaging in judicial activism, restricting national regulatory autonomy, and taking away the powers of Member State institutions. In recent years, the Court appears to afford greater deference to domestic actors in free movement cases. Europe's Passive Virtues explores the scope of and reasons for this phenomenon. It enquires into the decision-making latitude given to the Member States through two doctrines: the margin of appreciation and decentralized judicial review. At the heart of the book lies an original empirical study of the European Court's free movement jurisprudence from 1974 to 2013. The analysis examines how frequently and under which circumstances the Court defers to national authorities. The results suggest that free movement law has substantially changed over the past four decades. The Court is leaving a growing range of decisions in the hands of national law-makers and judges, a trend that affects the level of scrutiny applied to Member State action, the division of powers between the European and national judiciary, and ultimately the nature of the internal market. The book argues that these new-found 'passive virtues' are linked to a series of broader political, constitutional, and institutional developments that have taken place in the EU.

The Outer Limits of European Union Law Bloomsbury Publishing

The EU has only limited competence to regulate national health-care systems but recent developments have shown that health care is not immune from the effects of EU law. As Member States have increasingly experimented with new forms of funding and the delivery of health-care and social welfare services, health-care issues have not escaped scrutiny from the EU internal market and from competition and procurement rules. The market-oriented EU rules now affect these national experiments as patients and health-care providers turn to EU law to assert certain rights. The recent debates on the (draft) Directive on Patients' Rights further underline the importance, but also the difficulty (and controversy), of allowing EU law to regulate health care. The topicality of the range of issues related to health care and EU law was addressed, in October 2009, at a conference held in Nijmegen, The Netherlands. The present volume contains inter alia the proceedings of this conference and invited essays. This volume follows the publication of *The Changing Legal Framework for Services of General Interest in Europe. Between Competition and Solidarity* (Krajewski M et al (eds) (2009) T.M.C. Asser Press, The Hague) and launches a new series: *Legal Issues of Services of General Interest*. The aim of the series is to sketch the framework for services of general interest in the EU and to explore the issues raised by developments related to these services. The book is compulsory reading for everyone who is engaged in issues relating to health care and EU law. Johan van de Gronden is Professor of European Law at the Law Faculty of the Radboud University Nijmegen, the Netherlands. Erika Szyszczak is a Jean Monnet Professor of European Law ad personam and Professor of European Competition and Labour Law at the University of Leicester, UK. Ulla Neergaard is Professor of EU law at the Law Faculty of the University of Copenhagen, Denmark. Markus Krajewski is Professor of International Public Law, Faculty of Law, University of Erlangen-Nuremberg, Germany.

Il libro costituisce un'introduzione al diritto del mercato interno europeo ed illustra e analizza l'evoluzione della disciplina del mercato interno e le sue caratteristiche e categorie giuridiche principali (Cap. 1 – Raffaele Torino), la libera circolazione delle merci (Cap. 2 – Federico Raffaele), la libera circolazione delle persone (Cap. 3 – Filippo Palmieri), la libera prestazione dei servizi e il diritto di stabilimento (Cap. 4 – Arianna Paoletti) e la libera circolazione dei capitali e dei pagamenti (Cap. 5 – Ilaria Ricci).

This book provides the first comprehensive discussion of conflicts between legal bases in EU law. It fills an important gap in the existing literature on the choice of legal basis in EU law by analysing the structure of legal bases and the resulting legal basis litigation in the European Union, thus identifying areas of conflict produced by overlapping competences, divergent inter-institutional interests, and inconsistencies in the courts' judgements. While certain cases have been discussed extensively in academic literature (e.g. Tobacco Advertising, ECOWAS), there has been little analysis of the general underlying criteria and principles governing the choice of legal basis on the part of European institutions. Such an analysis has, however, become necessary in order to better understand and possibly predict judicial outcomes, and to identify flaws in the current legislative framework.

The research monograph *Equal Citizenship and Its Limits in EU Law: We the Burden?* is a critical study of the scope of EU citizenship as an 'equal status' of all Member State nationals. The book re-conceptualises the relationship between the status of EU citizenship and EU citizens' fundamental right to equal treatment by asking what indicates the presence of agency in EU law. A thorough analysis of the case-law is used to support the argument that the present view of active citizenship in EU law fails to explain how EU citizens should be treated in relation to one another and what counts as 'related' for the purposes of equal treatment in a transnational context. In addressing these questions, the book responds to the increasing need to find a more substantive theory of justice for the European Union. The book suggests that a more balanced view of agency in the case of EU citizens can be based on the inherent connection between citizens' agency and their subjectivity. This analysis provides an integrated philosophical account of transnational equality by showing that a new source of 'meaningful relationships' for the purposes of equal treatment arises from recognizing and treating EU citizens as full subjects of EU law and European integration. The book makes a significant contribution to the existing scholarship on EU law, first, by demonstrating that the undefined nature of EU citizenship is fundamentally a question about transnational justice and not just about individual rights and, secondly, by introducing a framework within which the current normative indeterminacy of EU citizenship can be overcome.

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