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Regulatory Competition and Economic Integration

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Edited by Daniel C. Esty and
Damien Geradin

Regulatory Competition And Economic Integration Comparative Perspectives

Andrew Johnston



Regulatory Competition And Economic Integration Comparative Perspectives:

Regulatory Competition and Economic Integration Daniel C. Esty, Damien Geradin, 2001 **The Politics of Regulation** Jacint Jordana, David Levi-Faur, 2004-01-01 These changes together with the general advance in the study of regulation undoubtedly demand a re evaluation of the theory of regulation its methodologies and scope of application This book is a perceptive investigation of recent evolutions in the manner and extent of governance through regulation Scholars and students of comparative politics public policy regulation theory institutional economics and political sociology will find it to be essential reading It will also prove a valuable source of reference for those working or dealing with regulatory authorities and for business managers in private industries and services operating under a regulatory framework The Greening of Trade Law Richard H. Steinberg, 2002 In this first book to systematically compare how each of the world s major international trade organizations have handled environmental issues leading specialists provide a balanced analysis of the development of trade and the environment rules in the World Trade Organization the European Union the North American Free Trade Agreement the Free Trade Area of the Americas the Asia Pacific Economic Cooperation forum the International Organization for Standardization and other key organizations Deftly combining policy and theory the authors offer a range of heuristics and normative orientations in an effort to understand one of the globe s most contentious and timely dilemmas Visit our website for sample chapters Law and Economics in Europe and the U.S. Alain Marciano, Giovanni Battista Ramello, 2016-11-30 This volume traces the evolution of the field of law and economics from its European roots to its neoclassical Chicagoan period to its current identity as a more fluid transatlantic discipline Paying special attention to the work of German economist Juergen Backhaus who was instrumental in the reintroduction of the European perspective to the field this book analyzes this gradual shift in the law and economics debate and provides a state of the art of the literature currently being produced by the field s most active scholars Beginning with a discussion of the history of the field and Backhaus role in its development the volume provides a survey of issues central to the current debate such as legal processes in both Europe and the U S constitutional political economy regulatory law and the ongoing evolution of the European Union The importance of this volume is two fold as it firmly grounds the discipline in history while establishing a future research agenda This book will be of use to researchers studying law and economics as well as those interested in institutional analysis *The World Trade Organization and Trade in Services* Kern Alexander, Mads Tønnesson Andenæs, 2008 The World Trade Organisation plays the primary role in regulating international trade in goods services and intellectual property Traditionally international trade law and regulation has been analysed primarily from the trade in goods perspective Services are becoming an important competence for the WTO The institutional legal and regulatory influence of the General Agreement on Trade in Services GATS on domestic economic policymaking is attracting increasing attention in the academic and policymaking literature The growing importance of services trade to the global economy makes the application of the

GATS to trade in services an important concern of international economic policy The GATS contains important innovations that build on the former GATT and existing WTO GATT trade regime for goods This book fills a void in the academic and policymaking literature by examining how the GATS governs international trade in services and its growing impact on the regulatory practice of WTO member states It offers a unique discussion of the major issues confronting WTO member states by analysing the GATS and related international trade issues from a variety of perspectives that include law political economy regulation and business Moreover the role of the WTO in promoting liberalised trade and economic development has come under serious strain because of the breakdown of the Doha Development Round negotiations The book analyses the issues in the Doha services debate with some suggested policy approaches that might help build a more durable GATS framework The book is a welcomed addition to the WTO literature and will serve as a point of reference for academics policymakers and practitioners

EC Regulation of Corporate Governance Andrew Johnston, 2009-12-03 Uses economic and reflexive governance theories to demonstrate how EC law achieves the necessary balance between integration and regulatory diversity

National Legal Systems and Globalization Pierre Larouche, Péter Cserne, 2012-11-27 This book presents the results of research project financed by the Hague Institute for the Internationalization of Law HiiL and carried out at the Tilburg Law and Economics Center TILEC of Tilburg University The project team shows that globalization instead of threatening national legal systems put them in a new role and gives them continuing relevance First of all once one takes a more functional view of the law based on law and economics and comparative law literature harmonization or unification of national legal systems is no longer a foregone conclusion Secondly fundamental constitutional principles continue to bear in the era of multi level and transnational governance they become governance principles divorced from specific institutional settings Finally looking beyond regulatory competition and comparative law legal emulation provides a rich and fruitful model to explain the interplay between legal systems This book explores these three themes both at a theoretical level and in the light of specific examples

Domestic Regulation and Service Trade Liberalization Pierre Sauve, Aaditya Mattoo, 2003-08-29 Trade in services far more than trade in goods is affected by a variety of domestic regulations ranging from qualification and licensing requirements in professional services to pro competitive regulation in telecommunications services Experience shows that the quality of regulation strongly influences the consequences of trade liberalization WTO members have agreed that a central task in the ongoing services negotiations will be to develop a set of rules to ensure that domestic regulations support rather than impede trade liberalization Since these rules are bound to have a profound impact on the evolution of policy particularly in developing countries it is important that they be conducive to economically rational policy making This book addresses two central questions What impact can international trade rules on services have on the exercise of domestic regulatory sovereignty And how can services negotiations be harnessed to promote and consolidate domestic policy reform across highly diverse sectors The book with contributions from several of the world's leading experts

in the field explores a range of rule making challenges arising at this policy interface in areas such as transparency standards and the adoption of a necessity test for services trade Contributions also provide an in depth look at these issues in the key areas of accountancy energy finance health telecommunications and transportation services **International**

Harmonization of Economic Regulation Junji Nakagawa,2011 With the advancing globalization of the world economy domestic economic regulations are becoming more and more subject to efforts at international harmonization This book presents an analysis of this worldwide phenomenon from both a legal and a politico economic perspective by focusing on 1 the backgrounds and objectives of international harmonization 2 the negotiating processes involved and 3 the impact of harmonization on domestic laws and their administration International harmonization is discussed in a wide range of cases including trade related regulations technical standards and food safety standards intellectual property rights labour standards competition law and policy financial regulations and regulations concerning transnational economic crime Drawing on a wide range of materials and applying a unified analytical framework based on theoretical as well as practical observations the book surveys this much debated topic in a comprehensive and accessible way It thus contributes to a better understanding of both the chances and the challenges of globalization and global governance today **Handbook of Law**

and Economics A. Mitchell Polinsky,Steven Shavell,2007-11-07 Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions for example by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices The incentives created by the legal system are thus a natural subject of study by economists Moreover given the importance of law to the welfare of societies the economic analysis of law merits prominent treatment as a subdiscipline of economics Our hope is that this two volume Handbook will foster the study of the legal system by economists The two volumes form a comprehensive and accessible survey of the current state of the field Chapters prepared by leading specialists of the area Summarizes received results as well as new developments **Rough Consensus and Running Code** Galf-Peter Calliess,Peer Zumbansen,2010-05-31

Private law has long been the focus of efforts to explain wider developments of law in an era of globalisation As consumer transactions and corporate activities continue to develop with scant regard to legal and national boundaries private law theorists have begun to sketch and conceptualise the possible architecture of a transnational legal theory Drawing a detailed map of the mixed regulatory landscape of hard and soft laws official unofficial direct and indirect modes of regulation rules recommendations and principles as well as exploring the concept of governance through disclosure and transparency this book develops a theoretical framework of transnational legal regulation Rough Consensus and Running Code describes and analyses different law making regimes currently observable in the transnational arena Its core aim is to reassess the transnational regulation of consumer contracts and corporate governance in light of a dramatic proliferation of rule creators and compliance mechanisms that can no longer be clearly associated with either the state or the market The chosen

examples from two of the most dynamic legal fields in the transnational arena today serve as backdrops for a comprehensive legal theoretical inquiry into the changing institutional and normative landscape of legal norm creation

Abuse of EU Law and Regulation of the Internal Market Alexandre Saydé, 2014-12-01 How can the concept of abuse of European Union law which can be defined as undesirable choice of law artificially made by a private citizen generate so much disagreement among equally intelligent individuals Seeking to transcend the classical debate between its supporters and adversaries the present study submits that the concept of abuse of EU law is located on three major fault lines of EU law which accounts for the well established controversies in the field The first fault line which is common to all legal orders opposes legal congruence the tendency to yield equitable legal outcomes to legal certainty the tendency to yield predictable legal outcomes Partisans of legal congruence tend to advocate the prohibition of abuses of law whereas partisans of legal certainty tend to oppose it The second fault line is specific to EU law and divides two conceptions of the regulation of the internal market If economic integration is conceived as the promotion of cross border competition among private businesses the paradigm of regulatory neutrality choices of law must be proscribed as abusive for they distort business competition But if economic integration is intended to promote competition among Member States the paradigm of regulatory competition choices of law by EU citizens represent a desirable process of arbitrage among national laws The third and final fault line corresponds to the tension between two orientations of the economic constitution of the European Union namely the fear of private power and the fear of public power Those who fear private power most tend to endorse the prohibition of abuses of law whereas those who fear public power most tend to reject it Seen in this way the concept of abuse of EU law offers a forum in which fundamental questions about the nature and function of EU law can be confronted and examined in a new light In May 2013 the thesis that this book was based on won the First Edition of the European Law Faculties Association Award for Outstanding Doctoral Thesis

Economic Analysis of the DCFR Filomena Chirico, Pierre Larouche, 2010-03-12 The Economic Impact Group EIG was created to support the work on the DCFR with insights from law and economics It brings together a number of leading European law and economics scholars The Group looked at the main elements of the DCFR with two questions in mind from an economic perspective is it sensible to harmonize private law across Europe for this specific element and is the solution chosen in the DCFR optimal This book presents the outcome of the work of the EIG It deals with key issues such as the function of contract law contract formation good faith non discrimination specific performance versus damages standard contractual terms and consumer protection in contract law The EIG complements the work of the drafters of the DCFR with insightful and critical assessments based on the well established law and economics literature

National Remedies Before the Court of Justice Michael Dougan, 2004-12-21 The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights including such landmark judgments as Factortame and Francovich This book offers a critical analysis

of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw. The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project in particular the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence. Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration. It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system. *National Remedies Before the Court of Justice* provides a challenging account of this crucial field of EU legal studies. It includes detailed discussion of issues such as Member State liability in damages, Community control over national limitation periods and the principles governing state aid and competition law enforcement. This book is of value to academics and practitioners alike.

Law for Sale Johanna Stark, 2019-02-21. Common markets open borders, air traffic and the internet have made it faster and less expensive to change places and jurisdictions. As a result, legal forums are increasingly treated as a good that is subject to the market mechanism. Individuals and corporations increasingly have free reign to choose which legal rules to apply to their company, their contract, their marriage or their insolvency proceedings. States in turn grant these opportunities and respond to demand by competing with other suppliers of legal regimes. Regulatory competition describes a dynamic in which states as producers of legal rules compete for the favour of mobile consumers of their legal products. This book focuses on the philosophical underpinnings, problems and consequences of such regulatory competition. It argues that there is a mismatch between regulatory competition as a policy approach and the beliefs and commitments that shape our thinking about law and the state. It concludes that law markets are potentially at odds with both our conception of the functions of legal rules and of key political ideals and principles such as democracy, state autonomy and political authority.

EU Economic Law in a Time of Crisis Harri Kalimo, Max S. Jansson, 2016-02-26. How has the EU's economic crisis affected the development of economic law in the Union? This book contributes to the debate by examining EU economic law from a contextual and policy-oriented perspective. The expert authors explore areas such as the EMU and the internal market and emphasize the important fields of public procurement, taxation and intellectual property rights. The investigation proceeds along themes such as harmonization, institutional interplay, non-economic values and international actions. The authors conclude that during the crisis the attention of the Barroso Commission focused quite narrowly on the most urgent problems, failing to consider longer term issues, to spark off bold policy endeavours and break inter-institutional blockages. This book is targeted at scholars, policy makers and other practitioners as well as students interested in EU economic law, integration and the economic crisis.

Mutual Recognition as a New Mode of Governance Susanne Schmidt, 2013-10-18. Mutual

recognition is generally forgotten in debates about new modes of governance even though it is a particular powerful example Its invention was crucial for the completion of the European Union s single market and in the late 1990s it was transferred to the field of Justice and Home Affairs Outside of the EU mutual recognition is also gaining in importance This book discusses mutual recognition in the context of the debate on new modes of governance and analyzes its potential to solve governance problems focusing on the preconditions it needs for its functioning e g trust of the Member states the positive implications of achieving coordination through it as well as its negative side effects e g the danger of a regulatory race to the bottom Particular focus is on the contentious services directive as a prominent example of using mutual recognition In addition contributions look at the application of mutual recognition in the market for goods in the area of Justice and Home Affairs in tax policy and in the World Trade Organization so that the book achieves a comprehensive assessment of mutual recognition as a new mode of governance This book was previously published as special issue of the Journal of European Public Policy

Cambridge Yearbook of European Legal Studies, Vol 9, 2006-2007 Catherine Barnard, 2007-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those issues which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration

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publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge which is the research Centre of Cambridge University Law Faculty specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration

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Economics, Evolution and the State Kurt Dopfer, 2005-01-01 This book focuses on the emerging field of evolutionary economic policy highlighting the interface between the state markets and the evolutionary complexity of modern economies The contributors explore the possibilities and limitations of governance and provide a unique platform for the advancement of modern evolutionary economic theory

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