The Relationship between European Community Law and National Law: The Cases





Edited by Andrew Oppenheimer

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<u>Relationship Between European Community Law And</u> <u>National Law The Cases</u>

Martti Koskenniemi

Relationship Between European Community Law And National Law The Cases:

The Relationship Between European Community Law and National Law Andrew Oppenheimer, 1994-10-27 This is the first comprehensive collection of court decisions dealing exclusively with the relationship between European Community law and the national laws of the Member States It contains 90 decisions given between 1962 and 1993 by both the Community s Court of Justice 20 cases and the courts of the 12 Member States 70 cases The volume includes the recent decisions of national courts concerning the Maastricht Treaty Key recurring topics of the decisions are the supremacy and direct effect of Community law its impact on national sovereignty and constitutional rights and the remedies available before national courts for its enforcement All the texts are presented in English having been translated wherever necessary Each decision is preceded by a concise summary and key word heading The volume also includes a systematic introduction digest of key word headings table of cases and detailed index The European Union and Human Rights Nanette A. Neuwahl, Allan Rosas.2021-09-27 The Legal Practice in International Law and European Community Law Carlos Jimenez Piernes, 2006-10-01 This work offers a Spanish perspective on contemporary practice in international law and European Community law by genuine practitioners such as registrars judges and magistrates serving on national and international courts as well as advocates practicing in these courts senior international officials government advisers and academics In five parts this book deals with the practice in international courts practice in international organizations the European Community practice and Spanish practice in matters of public and private international law The last part contains an article on evidence in international practice and a general overview for further research The book offers a very useful insight in matters otherwise available in Spanish such as the applications against Spain lodged with the European Court of Human Rights a comparison between the Spanish Constitutional Court and the Court of Justice of the European Communities public European Public Law international law before Spanish domestic courts and the Spanish practice on investment treaties Patrick Birkinshaw, 2003-02 European integration has been most successful at a legal level and European influences have left an indelible mark on English Public Law These influences must be understood by students and practitioners if they are to understand our public law and its continuing development This new book aims to cover the debate surrounding the influence of Community law on the public law of the United Kingdom in a thematic and analytical manner International Law Aspects of the European Union Martti Koskenniemi, 1997-11-01 The debate about the relationship between international and community law usually centres on the question of which of these two belongs to the other and how special community legal order is in relation to international law In this volume a distinguished group of Finnish and British academics and practitioners break new ground by instead of becoming mired in these questions clearly examining the international law aspects of the activities of the Community and the Union In doing so they have elucidated points of connection and possible points of conflict The result is a thought provoking collection of essays which examines community law through the

conceptual grid of international law and thus enriches our understanding of the workings of both *Establishing the Supremacy of European Law* Karen J. Alter,2002 How did the European Community s legal system become the most effective international legal system in the world This book starts where traditional legal accounts leave off explaining why national judiciaries took on a role enforcing European law supremacy against their governments It also shows why national governments accepted an institutional change that greatly compromised national sovereignty **A Companion to European Union Law and International Law** Dennis Patterson,Anna Södersten,2016-05-02 Featuring contributions from renowned scholars A Companion to European Union Law and International Law presents a comprehensive and authoritative collection of essays that addresses all of the most important topics on European Union and international law Integrates the fields of European Union law and international law revealing both the similarities and differences Features contributions from renowned scholars in the fields of EU law and international law Covers a broad range of topical issues including trade institutional decision making the European Court of Justice democracy human rights criminal law the EMU and many others

Collected Courses of the Academy of European Law:1997 European Community Law Academy of European Law, 2001-05-23 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute s current programmes into a larger field of interest It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French *Cultural Heritage in* the European Union Andrzej Jakubowski, Kristin Hausler, Francesca Fiorentini, 2019-05-15 Cultural Heritage in the European Union provides a critical analysis of the laws and policies which address cultural heritage throughout Europe considering them in light of the current challenges faced by the Union The volume examines the matrix of organisational and regulatory frameworks concerned with cultural heritage both in the Union and its Members States as well as their interaction cross fertilisation and possible overlaps It brings together experts in their respective fields including not only legal but also cultural economists heritage professionals government representatives and historians The diverse backgrounds of the authors offer a cross disciplinary approach and a variety of views which allows an in depth scrutinisation of the latest developments pertaining to cultural heritage in Europe *Free Movement of Persons Within the European Community* Anne Pieter van der Mei, 2003-02-24 This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States Are European citizens and third country nationals who have moved to other Member States entitled to claim minimum subsistence benefits to receive medical care or to be admitted to education Does Community law provide for a freedom of movement for patients students and persons in need of social welfare benefits

If so to what extent does Community law have regard for the Member States fears for and concerns about welfare tourism Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross border access to public services the author analyses how Community law and the Court of Justice in particular have sought to reconcile the Community s objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain adequate social services within the Community In addition the book contains a detailed analysis of United States constitutional law on cross border access to public services exploring the question whether the European Community can possibly learn from the American experience Back to Maastricht Carlo Spagnolo, Leila Simona Talani,2021-02-03 European integration has long defied previous notions of state sovereignty and has since the days of the Coal and Steel Community been conferred with original supranational instruments Yet the Treaty of Rome did not raise the same popular reactions as the Maastricht Treaty about the infringement of national sovereignty This book suggests that the end of the Cold War has modified the functions of European integration so that the original ideals of integration have lost part of their appeal hence the birth of the European Union can be regarded as an attempt to seek a new legitimacy How far did the EU Treaty meet this unprecedented challenge This book argues that the Maastricht Treaty established a constitutional framework for a new kind of polity without resolving the issue of its purpose and scope The volume seeks thus to explain some of the reasons for the defeat of the Constitutional Treaty in 2005 dating them back to the Maastricht Treaty In so doing the book links the actual state of European integration with the decisions taken at Maastricht in five different realms of supranational policy making The first is the constitutional setting of the EU Treaty and its effect on national constitutional law the second is the concept of governance and the changes introduced by the Economic and Monetary Union the third is the historical background of the Maastricht agreement the fourth the political economy of the Economic and Monetary Union the fifth is the impact of European citizenship in the recent case law of the European Court of Justice and the prospects of a EU politicisation The book puts in perspective the solutions to the recent stalemate of the European integration process offered by the Lisbon Treaty The Court of Justice of the European Union as an Institutional Actor Thomas Horsley, 2018-07-19 Uses the EU Treaty framework to re assess the legitimacy of the Court of Justice's institutional role in European integration The European Court and National Courts Anne Marie Slaughter, Alec Stone Sweet, Joseph Weiler, 1998-03-01 The essays comprising this volume are the outcome of a major and unique project which looks in detail at the application of EC law by national courts and the interaction of the demands of EC law with the constraints imposed by national legal orders and especially national constitutional orders The volume comprises seven country studies which are shaped around a common research protocol These are supplemented by three cross cutting studies which draw on the country studies as well as on broader contextual research work aimed at trying to understand the role of the European Court of Justice in the round The results of this multi national research are certain to provoke widespread

interest among scholars of European law international law and European politics for they offer the first systematic and rigorous attempt to assess the impact of the ECI among the leading member states of the European Union The Impact of European Rights on National Legal Cultures Miriam Aziz, 2004-07 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall s typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the acquis of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other Sovereignty, Statehood and State **Responsibility** Christine Chinkin, Freya Baetens, 2015-02-12 This collection of essays focusses on the following concepts sovereignty the unique intangible and yet essential characteristic of states statehood what it means to be a state and the process of acquiring or losing statehood and state responsibility the legal component of what being a state entails The unifying theme is that they have always been and will in the future continue to form a crucial part of the foundations of public international law While many publications focus on new actors in international law such as international organisations individuals companies NGOs and even humanity as a whole this book offers a timely thought provoking and innovative reappraisal of the core actors on the international stage states It includes reflections on the interactions between states and non state actors and on how increasing participation by and recognition of the latter within international law has impacted **Development of Judicial Control of the European Countries G** upon the role and attributes of statehood The Foundations of European Community Law Trevor C. Hartley, 2007 Recoge 1 Community institutions 2 Bebr,1981-09 The community legal system 3 Community law and the member states 4 Administrative law *Legality's Borders* Keith Culver, Michael Giudice, 2010-04-08 This text explains the rudiments of an inter institutional theory of law a theory which finds legality in the interaction between legal institutions whose legality we characterize in terms of the kinds of norms they use rather than their content or system membership Limitations of National Sovereignty through European **Integration** Rainer Arnold, 2016-02-25 The book considers the changes which national sovereignty has undergone through the supranational European integration In various contributions by renowned academics and high judges demonstrate the serious impacts of supranationality on the EU member states and even on third countries which are connected with the EU

by international treaties It becomes clear that primacy of EU law the most significant expression of supra nationality collides with national sovereignty as anchored in the national constitutions The studies clearly show that most member states do not fully deny EU law primacy but are aware of the need to find an adequate balance between the supranational and the national orders The result from the analyses of the authors from various European countries is that the upcoming constitutional paradigm is constitutional identity a concept established by jurisprudence in Germany France Czech Republic without being named so and debated also in Poland which herself denies supranational impact on the national Constitution entirely Studies on selected EU member states clarify the specific national approaches towards the limitations of their sovereignty as developed by the constitutional jurisprudence Poland Czech Republic Hungary Romania Italy Germany with comparative references to United Kingdom and France It is illuminated that traditionally strong sovereignty concepts UK France are considerably relativized and functionally opened towards the integration challenges Basic issues are furthermore reflected such as the supranational impact on the State s power to reform its Constitution the relation of national and constitutional identity and the national and supranational perspectives of identity The book also includes Europe beyond the EU by research on the supranational character of association treaties from a Ukrainian perspective and on the Europeanization of a third country preparing EU membership Albania 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 INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 9 through Ingenta Connect www ingentaconnect com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www hartjournals co uk cyels subs Editorial Advisory Board Albertina Albors Llorens Catherine Barnard John Bell Alan Dashwood Simon Deakin David Feldman Richard Fentiman Angus Johnston Claire Kilpatrick John Spencer Founding Editors

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