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KEY=FUNDAMENTAL - AUDRINA BRIDGET

THE EUROPEAN FUNDAMENTAL FREEDOMS

A CONTEXTUAL APPROACH

OUP Oxford **Contextual approaches take into account not only the internal legal perspective reflected in the official discourse supporting legal decisions, but also an external dimension related to the institutional environment in which the law is applied. This external dimension - which can be understood by reference to studies that look at the law from the outside as the subject of sociological, economic, or philosophical analysis - is usually ignored, or not addressed systematically by studies that focus on the internal perspective. By systematically internalizing these 'external' elements into legal theory and practice, contextual approaches lead to the development of better descriptive theories and more attractive normative models of the law, specifically EU law, than de-contextualized approaches. Additionally, contextual approaches are more self-aware than de-contextualized approaches, since they are able to make sense of the role that legal practice (by judges, legal practitioners, and academics) plays in the development of the law. It is through a contextual approach that Pedro Caro de Sousa develops a general theory of European constitutional law, in**

particular free movement law and the EU fundamental freedoms. As a contribution to the development of EU constitutionalism, this monograph focuses on the interplay between the different normative concerns behind the EU's market freedoms identified in traditional legal discourse. Moving away from traditional studies of free movement law, Caro de Sousa's book offers a fresh approach to free movement law. Rather than proposing normative approaches, he uses this approach to construct a broader thesis: that the EU law of free movement can best be understood as an interplay of traditional legal doctrines and practices and the specific institutional environment where this law is applied and developed.

PROTECTION OF FUNDAMENTAL RIGHTS IN EUROPE

THE CHALLENGE OF INTEGRATION

Springer Nature This monograph offers a longitudinal analysis of the developments in the European fundamental rights arena during the last decade. Decisions of critical importance on the future of the EU need to be taken by the EU institutions and the Member States' governments. The 'existential' crisis affecting Europe is essentially a crisis of values revealing a lack of shared vision. Based on this premise, this monograph contributes to the debate on how to overcome the current impasse. By situating the analysis of the EU in the context of a wider Europe, which includes the ECHR (and its interpretation by the ECtHR), this work challenges the idea that the project of European integration should be abandoned. Instead it proposes a re-orientation of this process, conceptualised as a dynamic interaction of different actors, sources and laws on fundamental rights within the wider Europe. Following an evaluation of the current fundamental rights' regimes, the monograph proposes a model of effective governance of fundamental rights in Europe based on the doctrines of dialogical constitutionalism and agency. This original and innovative contribution is enriched by findings from British Academy funded research on the European architecture of fundamental rights post-Lisbon Treaty.

FUNDAMENTAL RIGHTS IN THE EU

A MATTER FOR TWO COURTS

Bloomsbury Publishing This collection joins the new and expanding scholarship on the protection of fundamental rights in Europe and reflects on the relationship between the Court of Justice of the European Union (CJEU) and the European

Court of Human Rights (ECtHR). The book questions whether the changes introduced by the Lisbon Treaty align the CJEU to the ECtHR's interpretation and methods, triggering different processes of institutionalisation within a coherent European system. These issues are explored through a contextual analysis of areas of law such as equality rights in employment law, citizenship and migration, internet law and access to justice. This volume includes perspectives from the scholarly community as well as practitioners, judges and European policy makers. It also examines the state of accession of the EU to the European Convention on Human Rights (ECHR) and considers the legal implications of the interactions of the two courts for the protection of the fundamental rights of EU citizens and individuals legally residing in Europe. The volume is essential reading for practitioners, judges, European policy makers and members of the scholarly community working in this area of law.

THE EUROPEAN FUNDAMENTAL FREEDOMS

A CONTEXTUAL APPROACH

Oxford University Press, USA Introduction Section I: The External and Internal Dimensions 1.: The External Dimension - Law, Courts, and the Courts of Justice of the EU 2.: The Market Freedoms' Common Normative Foundations Section II: The Market Freedoms 3.: The Concept of Restriction on Free Movement- An Introduction 4.: Restricting Free Movement Rights - Unpacking the Normative Foundations 5.: Re-framing the Concept of Restriction 6.: The Fundamental Freedom's Scope - Beyond Restriction Conclusion.

EU LAW, FUNDAMENTAL RIGHTS AND NATIONAL DEMOCRACY

Routledge The orthodox view is that rights complement democracy. This book critically examines this view in the context of EU fundamental rights, specifically in situations where EU law requires member states to respect EU fundamental rights. It first sets out a legal theoretical account of how human rights can complement democracy. It argues that they can do so only if they are understood as both the conditions for the democratic process, and the outcome of such a democratic process. In light of this legal theoretical account of human rights, this book examines the demands which the Court of Justice of the EU (CJEU) imposes on the national orders in respect of EU fundamental rights. The conclusion reached is that the demands which EU fundamental rights impose on national legal orders entail a cost for the democratic legitimacy of those legal orders. Ultimately, accepting the demands of the CJEU in respect of EU fundamental rights may require the national legal order to abandon its commitment to protecting the human rights

which are the foundation of the national legal order's very legitimacy.

MONITORING FUNDAMENTAL RIGHTS IN THE EU

THE CONTRIBUTION OF THE FUNDAMENTAL RIGHTS AGENCY

Bloomsbury Publishing **Coherent laws enforced by a central authority are part of the reason why human rights protection works at the national level in Europe. But when it comes to the EU these dimensions are lacking. The present system for protecting fundamental rights emerged on an ad hoc basis, with measures being improvised to respond to particular problems. In the next couple of years, however, this situation is likely to change very significantly. The proposed European Constitution incorporates the EU Charter of Fundamental Rights, and a specialized EU Fundamental Rights Agency is likely to be established. As a result, the situation of the EU will more closely resemble that of its Member States. Fundamental rights will occupy a central role, and coherent and systematic arrangements will be in place to protect rights, using both judicial and non-judicial means. The Fundamental Rights Agency, in particular, has immense potential to ensure effective monitoring of fundamental rights in the EU, and to ensure a unified strategy for their promotion in EU law and policy. This volume is the first to critically examine the proposals put forward by the European Commission in October 2004 on the creation of the EU Fundamental Rights Agency. Leading scholars in the field of European and international human rights law analyse the potential significance of this innovative Agency, and seek to locate it in relation to various other human rights mechanisms, both in the EU's constitutional structure and within Member States. They review the tasks which the Agency could be called upon to perform, and make proposals as to how it can function most effectively. The relationship of EU law to the international law of human rights emerging from both the United Nations and the Council of Europe is examined. The authors also address the challenge of ensuring improved coherence between EU law and the other human rights obligations undertaken by the Member States. Taken together, these contributions address urgent questions facing the EU at a time when the central unifying function of fundamental rights has been recognized but the way forward remains largely uncharted.**

THE HORIZONTAL EFFECT OF FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION

A CONSTITUTIONAL ANALYSIS

Oxford University Press **This book analyses the horizontal effect of fundamental rights in the European Union, from a**

constitutional perspective. It advances two main arguments: First, it argues that the horizontal effect of fundamental rights (i.e. their application to disputes between private parties) cannot be usefully discussed based on the existing EU horizontality doctrine, which associates horizontality with the exercise of horizontal direct effect only. That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case-specific nature that lacks overall constitutional coherence. Secondly, the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters. In the fundamental rights context, horizontal effect has organisational implications for society, which go beyond specific intersubjective disputes. It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation (e.g. the workplace) and a discussion of the role of fundamental rights therein. At the same time, a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication: the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice, but the precise manifestation of horizontal effect (e.g. direct, indirect or state-mediated effect) rests with national courts.

THE EU CHARTER OF FUNDAMENTAL RIGHTS

A COMMENTARY

Bloomsbury Publishing The Charter of Fundamental Rights of the European Union enshrines the key political, social and economic rights of EU citizens and residents in EU law. In its present form it was approved in 2000 by the European Parliament, the Council of Ministers and the European Commission. However its legal status remained uncertain until the entry into force of the Treaty of Lisbon in December 2009. The Charter obliges the EU to act and legislate consistently with the Charter, and enables the EU's courts to strike down EU legislation which contravenes it. The Charter applies to EU Member States when they are implementing EU law but does not extend the competences of the EU beyond the competences given to it in the treaties. This Commentary on the Charter, the first in English, written by experts from several EU Member States, provides an authoritative but succinct statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted. Each commentary is referenced to the case law and is augmented with extensive references to further reading. Six cross-cutting introductory chapters explain the Charter's institutional anchorage, its relationship to the Fundamental

Rights Agency, its interaction with other parts of international human rights law, the enforcement mechanisms, extraterritorial scope, and the all-important 'Explanations'.

CROSS-BORDER CHILD RELOCATION

NATIONAL LAW IN A UNITED EUROPE

Cross-border child relocation cases are among the most difficult disputes that family judges need to face. Commentators across the globe disagree on the interpretation of the child's best interests and the relevance of adults' autonomy in this context. As relocations are directly concerned with free movement, the literature has expressed an interest also in the European Union's influences in this area. However, considering its lack of competence in family law and the limited jurisprudence of the Court of Justice of the European Union on such issues, some questions about the scope and nature of obligations imposed by EU law remain open. This thesis investigates, therefore, the following question: What is the (nature of) EU law's influence on cross-border child relocation and what are its effects on national legal systems? Its contribution is two-fold. Methodologically, it proposes a constructively oriented investigation of European influences in child relocation law. Cross-border movement constitutes the main *raison d'être* of EU law, and a defining feature of its community. Hence, a mixture of traditional values and new ways of life - sanctioned by a supranational entity - might lead to new dilemmas regarding children's interests and adult autonomy and complicate relocation decisions. The suggested approach allows contextual influences to be analysed together with legal doctrines, at both the EU and the national level. Substantively, the thesis builds on existing research to refine the understanding of child relocation in the context of supranational fundamental rights and freedoms in the EU, in their doctrinal and ideational dimensions. Finally, using case law from Germany, Poland, and England and Wales, it qualitatively investigates how national judges encounter the EU and draw from its ideational and legal features. This thesis demonstrates how the normatively inflicted EU context is occasionally used in courts but does not seem to consistently reorient national approaches towards the EU.

THE PRACTICE OF JUDICIAL INTERACTION IN THE FIELD OF FUNDAMENTAL RIGHTS

THE ADDED VALUE OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EU

Edward Elgar Publishing This insightful and timely book provides a comparative assessment of selected legal issues

emerging from the EU legal context which impact profoundly on the national legal systems. It argues that judicial interaction can answer complex legal questions relating to the implementation of the EU Charter.

FUNDAMENTAL RIGHTS IN EU INTERNAL MARKET LEGISLATION

Bloomsbury Publishing This book attempts to systematise the present interrelationship between fundamental rights and the EU internal market in the field of positive integration. Its intention is simple: to examine the way in which, and the extent to which, fundamental rights protection is realised through EU internal market legislation. To that end, the analysis is conducted around four rights or sets of rights: data protection, freedom of expression, fundamental labour rights and the right to health. The book assesses not only what substantive level of protection is achieved for these fundamental rights, but it also estimates whether there is a 'fundamental rights culture' that informs current legislative practice. Finally, it asks the overarching question whether the current state of harmonisation amounts to a 'fundamental rights policy'. The book offers a much more varied picture of the EU's fundamental rights policy in and through the EU internal market than perhaps initially expected. Moreover, it builds the case for a more conscious approach to dealing with and enhancing fundamental rights protection in and through internal market legislation, and advocates a leading role for the legislature in the establishment of an internal market that is firmly based on respect for fundamental rights.

PROTECTING HUMAN RIGHTS IN THE EU

CONTROVERSIES AND CHALLENGES OF THE CHARTER OF FUNDAMENTAL RIGHTS

Springer Science & Business Media Human rights are much talked about and much written about, in academic legal literature as well as in political and other social sciences and the general political debate. This book argues that the universality of basic human rights is one of the values of the concept of rights. It points out the risk of a certain "inflation" caused by the current habit of talking so much and so often about human rights and of using them as a basis for claims of various kinds. These rights, their understanding and interpretation may need to become more "purist" to ensure that universal human rights as a concept survive. Another chapter concentrates on the analysis of the frames of "EU protected human rights" from the perspective of effective implementation. Further, the book not only deals with the complicated relations between the EU and international law, but also seeks to show the horizontal effect. To that end, the fears and hopes of the member states and interest groups are categorized and commented on.

Lastly, the gaps in theory and practice are addressed, current trends related to implementation are pointed out, and suggestions are made concerning how to make the best out of the Charter.

THE EU CHARTER OF FUNDAMENTAL RIGHTS IN THE MEMBER STATES

Bloomsbury Publishing Ten years after the Charter of Fundamental Rights of the European Union became part of binding primary law, and twenty years since its adoption, this volume assess the application of the EU Charter in the Member States. How often, and in particular by which actors, is the EU Charter invoked at the national level? In what type of situations is it used? Has the approach of national courts in general, and of constitutional courts in particular, to EU law to EU fundamental rights law changed following the entry into force of the Charter? What sort of interplay does the Charter generate with the national bill of rights and the European Convention? Is the life with the Charter on the national level a harmonious 'praktische Konkordanz' or rather a messy 'ménage à trois'? These and other questions are discussed in the four parts that form the book. Part I is dedicated to the normative foundations. Part II sets out Member States' Perspectives, providing a structured, in-depth account of the Charter's operation in 16 different Member States. Part III provides a detailed evaluation of selected rights contained within the Charter. Part IV synthesises the materials presented up to that point to develop a series of broader perspectives, looking to discover underlying lessons about the relationship between EU fundamental rights law and national legal systems.

A PRACTITIONER'S GUIDE TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

This is a practical, analytical guide to case law under the European Convention. It shows the type of case which is usually successful, those cases which have failed, and those which have not yet been raised, but could be successful.

EX ANTE FUNDAMENTAL RIGHTS CONDITIONALITIES - A NOVEL FUNDAMENTAL RIGHTS TOOL IN THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS ARCHITECTURE

LOCATING IT IN THE BROADER EU FUNDAMENTAL RIGHTS CONDITIONALITY LANDSCAPE

The thesis engages in a comprehensive legal study of the fundamental rights conditionalities as introduced in the 2014-2020 European Structural and Investment Funds normative framework. It focuses on three general ex ante conditionalities in the area of antidiscrimination, gender equality and disability. Conditionality in fundamental rights is

a long-standing EU policy tool, used mainly to enforce compliance with fundamental rights values on third countries. The 2013 Cohesion policy reform marks a strong transition of fundamental rights conditionality to internal policy. The development stirred a great interest as the tool addresses directly the EU Member States. It conditions the access to funding on a prior fulfilment of specifically prescribed fundamental rights criteria. In this context, the thesis inquires what is the nature and reach of the novel fundamental rights conditionalities. To facilitate a robust understanding of the newly introduced tool, the thesis firstly undertakes a conceptual analysis of conditionality. It further takes an evolutivecomparative approach, locating the fundamental rights conditionalities in the broader context of EU conditionality policy as well as in the context of European Structural and Investment Funds framework. Tested against the two areas, the research finds that the analysed ex ante conditionalities endorse the novelty claim, but, at the same time, they present similarities with the EU general use of conditionality in fundamental rights. Equally, fundamental rights conditionalities build harmoniously on the prior arrangements of European Structural and Investment Funds. The thesis concludes with a general assessment of the novel fundamental rights conditionalities' potential and limits, primarily with regards to Cohesion policy and secondly with regards to the overall EU goal of promoting equality and combating status discrimination.

THE ETHOS OF EUROPE

VALUES, LAW AND JUSTICE IN THE EU

Cambridge University Press **This series aims to produce original works which contain a critical analysis of the state of the law in particular areas of European law and set out different perspectives and suggestions for its future development. It also aims to encourage a range of work on law, legal institutions and legal phenomena in Europe, including 'law in context' approaches. The titles in the series will be of interest to academics; policy makers; policy formers who are interested in European legal, commercial and political affairs; practising lawyers including the judiciary; and advanced law students and researchers. Can the EU become a 'just' institution? Andrew Williams considers this highly charged political and moral question by examining the role of five salient values said to be influential in the governance and law of the Union; peace, the rule of law, respect for human rights, democracy and liberty. He assesses each of these as elements of an apparent 'institutional ethos' and philosophy of EU law and finds that justice as governing ideal has failed to be taken seriously in the EU. To remedy this condition, he proposes a new set of principles upon which justice might be brought more to the fore in the Union's governance. By focusing on the realisation of human rights as a core**

institutional value, Williams argues that the EU can better define its moral limits so as to evolve as a more just project. Formerly a practising solicitor in London, Andrew Willims teaches EU and human rights law at the school of law in the University of Warwick.

THE UK AND EUROPEAN HUMAN RIGHTS

A STRAINED RELATIONSHIP?

Bloomsbury Publishing **The UK's engagement with the legal protection of human rights at a European level has been, at varying stages, pioneering, sceptical and antagonistic. The UK government, media and public opinion have all at times expressed concerns about the growing influence of European human rights law, particularly in the controversial contexts of prisoner voting and deportation of suspected terrorists as well as in the context of British military action abroad. British politicians and judges have also, however, played important roles in drafting, implementing and interpreting the European Convention on Human Rights. Its incorporation into domestic law in the Human Rights Act 1998 intensified the ongoing debate about the UK's international and regional human rights commitments. Furthermore, the increasing importance of the European Union in the human rights sphere has added another layer to the relationship and highlights the complex relationship(s) between the UK government, the Westminster Parliament and judges in the UK, Strasbourg and Luxembourg. The book analyses the topical and contentious issue of the relationship between the UK and the European systems for the protection of human rights (ECHR and EU) from doctrinal, contextual and comparative perspectives and explores factors that influence the relationship of the UK and European human rights.**

CORE SOCIO-ECONOMIC RIGHTS AND THE EUROPEAN COURT OF HUMAN RIGHTS

Cambridge University Press **Core Socio-Economic Rights and the European Court of Human Rights deals with socio-economic rights in the context of the jurisprudence of the European Court of Human Rights (ECtHR). The book connects the ECtHR's socio-economic case law to an understanding of the Court's responsibility to recognize the limitations of supranational rights adjudication while protecting the most needy. By exploring the idea of core rights protection in constitutional and international law, a new perspective is developed that offers suggestions for improving the ECtHR's reasoning in socio-economic cases as well as contributing to the debate on indivisible rights adjudication in an age of 'rights inflation' and proportionality review. Core Socio-Economic Rights and the European Court of Human Rights will**

interest scholars and practitioners dealing with fundamental rights and especially those interested in judicial reasoning, socio-economic and supranational rights protection.

THE PROTECTION OF FUNDAMENTAL RIGHTS IN THE EU AFTER LISBON

Bloomsbury Publishing The changes made by the Lisbon Treaty suggest that its entry into force in December 2009 marks a new stage in the shaping of the EU's commitment to the protection of fundamental rights. This book's concern is to provide an examination of the several (and interlocking) challenges which the Lisbon reforms present. The book will not only address the fresh and intriguing challenges for the EU as an entity committed to the protection and promotion of fundamental rights presented by developments 'post-Lisbon', but also a number of conundrums about the scope and method of protection of fundamental rights in the EU which existed 'pre-Lisbon' and which endure. The book consists of three parts. The first part is concerned with the safeguarding of fundamental rights in Europe's internal market. The second part of the book is entitled 'The Scope of Fundamental Rights in EU Law' and the chapters discuss the reach of fundamental rights and their horizontal dimension. The last part of this book deals with 'The Constitutional Dimension of Fundamental Rights' analysing the special relationship between the ECJ and the ECtHR and the issue of rights competition between the EU Charter on Fundamental Rights, the European Convention on Human Rights and national rights catalogues.

EU LAW IN THE UK

Oxford University Press, USA 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.

CONSTITUTIONAL VALUES AND EUROPEAN CONTRACT LAW

Kluwer Law International B.V. **Two major developments in European Private and European Business Law come together when we speak about "Constitutional Values and European Contract Law". European Contract Law has become extremely dynamic over the last 10 years, both in substance and perspective: all core areas are considered now in legal science and in EC legislation, and there are even the prospects of some kind of codification. On the other hand, constitutional values and their impact on private law have been an issue of high concern in major Member States over decades, namely Italy and Germany, but as well the Netherlands - hence the strong presence of scholars and practising lawyers from these countries in this book. Constitutional values have, however, found their way to the EC level and the national discussions have inspired a European one, with three core values discussed: Fundamental Freedoms, fundamental rights and constitutional system building principles- such as the social welfare state or the rule of law. Their impact on private law can be sensed nowadays quite considerably also on the European level. These fundamental values are often seen as the ingredient, which renders European Private Law, namely European Contract Law, more responsive to social values or more "humane". For all these reasons, the book combines comparative law, EC Law and interdisciplinary approaches to the question "Constitutional Values and European Contract Law". Outstanding scholars from six Member States and beyond - quite a few also practising lawyers - discuss the issue and do so for the first time on such a broad and all-encompassing basis.**

ECONOMIC AND SOCIAL RIGHTS UNDER THE EU CHARTER OF FUNDAMENTAL RIGHTS

A LEGAL PERSPECTIVE

Bloomsbury Publishing **The Charter of Fundamental Rights of the European Union includes, in addition to the traditional 'civil and political rights', a large number of rights of an economic or social nature. This collection of essays by leading scholars in this field considers the significance of the inclusion of such rights within the EU Charter, in terms of protection of individual and collective social and economic interests within and between the EU and its Member States. What differences might it make to EU law and policy (both in terms of its substance, and in terms of the processes by which it is formed), that certain economic and social rights are proclaimed in the EU Charter?**

THE GOVERNANCE OF EU FUNDAMENTAL RIGHTS

Cambridge University Press **This book represents the first attempt to examine how EU fundamental rights are protected and enforced by EU governing bodies.**

ENHANCED COOPERATION AND EUROPEAN TAX LAW

Oxford University Press **This book explores how Member States can introduce secondary EU law via the enhanced cooperation mechanism, which is only binding among these Member States. The book also develops a approach to the limits non-participating Member States face in ensuring that their actions do not impede the implementation of enhanced cooperation.**

HUMAN RIGHTS AND THE PRIVATE SPHERE VOL 1

A COMPARATIVE STUDY

Routledge **Particularly valuable for both academics and practitioners, Human Rights and the Private Sphere: A Comparative Study analyzes the interaction between constitutional rights, freedoms and private law. Focusing primarily on civil and political rights, an international team of constitutional and private law experts have contributed a collection of chapters, each based around a different jurisdiction. They include Denmark, France, Germany, India, Ireland, Israel, Italy, New Zealand, the UK, the US, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Union. As well as exploring, chapter by chapter, the key topics and debates in each jurisdiction, a comparative analysis draws the sections together; setting-out the common features and differences in the jurisdictions under review and identifies some common trends in this important area of the law. Cross-references between the various chapters and an appendix containing relevant legislative material and translated quotations from important court decisions makes this volume a valuable tool for those studying and working in the field of international human rights law.**

EUROPEAN UNION LAW IN CONTEXT

Bloomsbury Publishing **This textbook provides an explanatory and contextual view of EU law and its impact in a simple and easily accessible yet analytical manner. It illustrates the power struggles behind a given EU law act, to allow for**

full understanding of how it developed. This allows the student to understand EU law as a force in the increasingly globalized world, rather than as technical and doctrinal subject. The textbook begins by setting the scene of EU integration, how we got there and why it is important. Thereafter it explores the constitutional framework for understanding EU law in context and by discussing inter alia, division of competences, accountability, legitimacy, enforcement, human rights, participation rights and so on as well as the general principles of the EU and citizenship rights. Subsequently the textbook explores the essentials of the internal market as well as the principles of competition law. It also discusses free movement rights and links to the growing “Area of Freedom, Security and Justice”. Finally the textbook offers fresh insights on the external dimension of EU law and the role of the EU in the world today before concluding with an outlook on the future of EU law including the consequences of events such as Brexit.

HUMAN RIGHTS IN EUROPEAN CRIMINAL LAW

NEW DEVELOPMENTS IN EUROPEAN LEGISLATION AND CASE LAW AFTER THE LISBON TREATY

[Springer](#) This book deals with human rights in European criminal law after the Lisbon Treaty. Doubtless the Lisbon Treaty has constituted a milestone in the development of European criminal justice. Not only has the reform following the Treaty given binding force to the EU Charter of Fundamental Rights, but furthermore it has paved the way for unprecedented forms of supranational legislation. In this scenario, the enforcement of individual rights in criminal matters has become a core goal of EU legislation. Alongside these developments, new interactions between national and supranational jurisprudences have emerged, which have significantly contributed to a human rights-oriented approach to European criminal law. The book analyses the main developments of this complex phenomenon from an interdisciplinary perspective. Criminal and procedural law, constitutional law and comparative law must thus be combined to achieve a full understanding of these developments and of their impact on national law.

FROM INTERNATIONAL TO FEDERAL MARKET

THE CHANGING STRUCTURE OF EUROPEAN LAW

[Oxford University Press](#) **Scheutze** proposes three models that assist in explaining the transitions in the structure of the EU internal market and analyses the changing structure of European law in relation to the European internal market. He

starts by offering a historical analysis of the relationship between international law and market coordination up to the twentieth century but also provides an in-depth analysis of the constitutional principles. He then specifically addresses the decline of the international model in relation to the EU internal market and the corresponding rise of a federal market philosophy after Cassis de Dijon. The final chapter explores the exceptional constitutional principles that apply to fiscal matters. This is the second volume in Schutze's trilogy on the 'Changing Structure of European Law'. The book complements his previous volume which analysed the evolving structure of positive integration. A third volume will finally explore the formal constitutional aspects in the evolution of the European Union into a federal union of States.

RESEARCH HANDBOOK ON EU LAW AND HUMAN RIGHTS

Edward Elgar Publishing The place of human rights in EU law has been a central issue in contemporary debates about the character of the European Union as a political organisation. This comprehensive and timely Handbook explores the principles underlying the development of fundamental rights norms and the way such norms operate in the case law of the Court of Justice. Leading scholars in the field discuss both the effect of rights on substantive areas of EU law and the role of EU institutions in protecting them.

FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION

TOWARDS HIGHER LAW OF THE LAND? : A STUDY OF THE STATUS OF FUNDAMENTAL RIGHTS IN A BROADER CONSTITUTIONAL SETTING

NON-DISCRIMINATION IN EUROPEAN AND TAX TREATY LAW

SCHRIFTENREIHE ISTR BAND 94

Linde Verlag GmbH Selected issues of the various non-discrimination concepts Non-discrimination plays an important, if not crucial, role in many areas of law, such as constitutional law, human rights law, world trade law, EU law and tax treaty law. Both direct and indirect taxation are affected by the various types of non-discrimination provisions. From a practical point of view, the non-discrimination provisions within the EU legal framework and the non-discrimination concept under Article 24 of the OECD Model are important examples in this respect. In both areas of non-discrimination

law, there are many open issues which have been debated for a long time and have evolved as evergreens of non-discrimination in the area of taxation; examples are the meaning of the ECJ's case law on the "finality" of losses or the compatibility of group regimes with Article 24 of the OECD Model. Other problems have emerged only recently, because of current developments at the OECD level, notably the BEPS project. Therefore, non-discrimination suggested itself as a general topic for the master theses of the full-time LL.M. program in 2014/2015. This book takes up and deals with selected issues in depth. Although the relevant non-discrimination provisions are different in wording and context, often the same issues can be analyzed under both the EU fundamental freedoms and Article 24 of the OECD Model. The results under these non-discrimination provisions may differ. However, similar policy considerations and arguments often influence the final decisions. With this book, the authors and editors contribute to the discussion on selected issues of the various non-discrimination concepts and the challenges they present.

THE SUBSTANTIVE LAW OF THE EU

Oxford University Press, USA **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.

THE INTERNAL MARKET 2.0

Bloomsbury Publishing Introduction : the 'internal market 2.0' / Sacha Garben and Inge Govaere -- The development of the free movement principles over time / Stefan Enchelmaier -- In search of the limits of Article 30 of the EEC treaty revisited / Eric White -- Internal market dynamics : on moving targets, shifting contextual factors, and the untapped potential of Article 3(3) TEU / Inge Govaere -- The classic freedom? The free movement of goods : old doctrines, new cases and contemporary reflections / Eleanor Spaventa -- The 'social freedom'? The free movement of persons in EU27 / Niamh Nic Shuibhne -- The freedom to provide services : the controversial freedom? / Bruno de Witte -- Free movement of capital and protection of social objectives in the EU : critical reflections on the case law regarding golden shares and privatisations / Ilektra Antonaki -- Single Market 2.0 : the European Union as a platform / Andrea Renda -- The internal market and the online platform economy / Vassilis Hatzopoulos -- 'Tinkering or fundamental overhaul?' The past, the present and the future of the digital single market / Claire Bury and Irene Roche Laguna -- The fundamental question of minimum or maximum harmonisation / Stephen Weatherill -- From supranationality to managing diversity : a (re-)new(ed) paradigm for the establishment of the internal market? / Kai P Purnhagen -- The internal market in its historical context. has the ECJ 'over-constitutionalised' the internal market? / Peter Behrens -- Originalism at the European court of justice / Gareth Davies -- The 'fundamental freedoms' and (other) fundamental rights : towards an integrated democratic interpretation framework / Sacha Garben.

SHAPING RIGHTS IN THE ECHR

THE ROLE OF THE EUROPEAN COURT OF HUMAN RIGHTS IN DETERMINING THE SCOPE OF HUMAN RIGHTS

Cambridge University Press In fundamental rights adjudication, a court first has to determine whether the interest at stake falls within the scope of the fundamental right invoked. Whether or not an individual interest falls within the scope or ambit of one of the fundamental rights protected by the European Convention on Human Rights determines whether or not the European Court of Human Rights can decide on the merits of a case. This volume brings together a variety of legal scholars in order to examine the scope of fundamental rights. Topics range from the nature of human rights and the real or imagined risk of rights inflation to theories of positive obligations and social and economic rights. It contains contributions of a theoretical nature as well as analytical overviews of the ECtHR's approach. In addition, comparisons are made with domestic, EU and international law.

THE EU CHARTER OF FUNDAMENTAL RIGHTS AS A BINDING INSTRUMENT

FIVE YEARS OLD AND GROWING

[Bloomsbury Publishing](#) The entry into force of the Treaty of Lisbon in 2009 caused the EU's Charter of Fundamental Rights to be granted binding effect. This raised a host of intriguing questions. Would this transform the EU's commitment to fundamental rights? Should it transform that commitment? How, if at all, can we balance competing rights and principles? (The interaction of the social and the economic spheres offers a particular challenge). How deeply does the EU conception of fundamental rights reach into and bind national law and practice? How deeply does it affect private parties? How much flexibility has been left to the Court in making these interpretative choices? What is the likely effect of another of the reforms achieved by the Lisbon Treaty, the commitment of the EU to accede to the ECHR? This book addresses all of these questions in the light of five years of practice under the Charter as a binding instrument.

NATIONAL CONSTITUTIONS IN EUROPEAN AND GLOBAL GOVERNANCE: DEMOCRACY, RIGHTS, THE RULE OF LAW

NATIONAL REPORTS

[Springer](#) This two-volume book, published open access, brings together leading scholars of constitutional law from twenty-nine European countries to revisit the role of national constitutions at a time when decision-making has increasingly shifted to the European and transnational level. It offers important insights into three areas. First, it explores how constitutions reflect the transfer of powers from domestic to European and global institutions. Secondly, it revisits substantive constitutional values, such as the protection of constitutional rights, the rule of law, democratic participation and constitutional review, along with constitutional court judgments that tackle the protection of these rights and values in the transnational context, e.g. with regard to the Data Retention Directive, the European Arrest Warrant, the ESM Treaty, and EU and IMF austerity measures. The responsiveness of the ECJ regarding the above rights and values, along with the standard of protection, is also assessed. Thirdly, challenges in the context of global governance in relation to judicial review, democratic control and accountability are examined. On a broader level, the contributors were also invited to reflect on what has increasingly been described as the erosion or 'twilight' of constitutionalism, or a shift to a thin version of the rule of law, democracy and judicial review in the context of

Europeanisation and globalisation processes. The national reports are complemented by a separately published comparative study, which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion. The research for this publication and the comparative study were carried out within the framework of the ERC-funded project 'The Role and Future of National Constitutions in European and Global Governance'. The book is aimed at scholars, researchers, judges and legal advisors working on the interface between national constitutional law and EU and transnational law. The extradition cases are also of interest to scholars and practitioners in the field of criminal law. Anneli Albi is Professor of European Law at the University of Kent, United Kingdom. Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana, Slovenia.

EU CARTEL ENFORCEMENT

RECONCILING EFFECTIVE PUBLIC ENFORCEMENT WITH FUNDAMENTAL RIGHTS

Kluwer Law International B.V. There has been a long-standing debate on the compatibility of EU competition law with fundamental rights protection, particularly as the latter is enshrined in the due process requirements of the European Convention on Human Rights (ECHR). This book, a signal contribution to that debate, assesses two questions of paramount concern: first, whether the current level of fundamental rights protection in cartel enforcement falls within the accepted ECHR standards; and second, how the often conflicting objectives of effectiveness and adequate protection of fundamental rights could optimally be achieved. Following a detailed survey of relevant EU institutional, substantive, and procedural law rules, the author offers a set of persuasive normative responses to both questions. Proceeding from an in-depth analysis of the pertinent rights and legal nature of competition proceedings under EU and ECHR law, the author goes on to examine such elements of the perceived incompatibility as the following: investigatory powers vested in competition authorities; the privilege against self-incrimination; right to privacy; "fair trial" probatory requirements; degree of use of presumptions in EU practice; Article 6 ECHR guarantees pertaining to the presumption of innocence; proving coordination of competitive behaviour; proving restriction of competition; admissibility of evidence before EU Courts and the Commission; assessment of the attribution of liability rules; EU fining rules; judicial review of cartel decisions by EU Courts; and national sanctioning rules. The author's extraordinarily thorough presentation is rounded off with a remarkably comprehensive bibliography that lists (in addition to books and articles) newspaper articles, EU regulations and directives, soft-law guidelines and "best practices", EU and ECtHR case law, EU Advocate General opinions, European Commission decisions, and European

Ombudsman decisions. General conclusions stress the necessity of introducing further reforms to enhance the effectiveness and legitimacy of fundamental rights in the context of competition proceedings. Few books have taken such a thorough and far-reaching approach to the reconciliation of “effective public enforcement” and “fundamental rights”, or of “effective deterrence” with the principles of legality, non-retroactivity, presumption of innocence, and ne bis in idem. In the depth of its appraisal of the entire spectrum of enforcement components from a fundamental rights perspective, the book is without peers. It will be warmly welcomed by any parties interested in the intersection of competition law and human rights.

THE FUNDAMENTAL RIGHT TO DATA PROTECTION

NORMATIVE VALUE IN THE CONTEXT OF COUNTER-TERRORISM SURVEILLANCE

***Bloomsbury Publishing* Since the entry into force of the Lisbon Treaty, data protection has been elevated to the status of a fundamental right in the European Union and is now enshrined in the EU Charter of Fundamental Rights alongside the right to privacy. This timely book investigates the normative significance of data protection as a fundamental right in the EU. The first part of the book examines the scope, the content and the capabilities of data protection as a fundamental right to resolve problems and to provide for an effective protection. It discusses the current approaches to this right in the legal scholarship and the case-law and identifies the limitations that prevent it from having an added value of its own. It suggests a theory of data protection that reconstructs the understanding of this right and could guide courts and legislators on data protection issues. The second part of the book goes on to empirically test the reconstructed right to data protection in four case-studies of counter-terrorism surveillance: communications metadata, travel data, financial data and Internet data surveillance. The book will be of interest to academics, students, policy-makers and practitioners in EU law, privacy, data protection, counter-terrorism and human rights law.**

THE PROTECTION OF FUNDAMENTAL SOCIAL RIGHTS IN THE EUROPEAN UNION

***Springer* The Protection of Fundamental Rights in the European Union contains a comprehensive discussion of the legal aspects of incorporation of fundamental social rights into the European Union's legal order in the context of growing political concern with this issue. Three main themes are discussed: the aims and objectives of fundamental (social) rights protection in the European Union; the categories of rights to be included; and the method of incorporation of social rights into the legal order of the European Union. The book presents the analyses and comments of a number of**

renowned legal experts. At a 1996 Colloquium in Amsterdam, these were discussed with representatives of trade unions, UNICEF, governments, the EC Council and Commission, the European Parliament, Permanent Representatives to the EU and the Economic and Social Committee. The book contains a basic discussion paper, comments by legal experts, conclusions as well as a number of documents essential for the discussion of the fundamental (social) rights issue, including the recent report by the Comite des Sages on the inclusion of social and civic rights in the European Union's legal order.

THE IMPACT OF TAX TREATIES AND EU LAW ON GROUP TAXATION REGIMES

Kluwer Law International B.V. **Should the income of a corporate group be taxed differently solely because the traditional structure of the income tax system considers each company individually? Taxation affects business decisions, including location, the form in which business is carried out, and the efficient allocation of company resources. Disparities - differences arising from the interaction of different tax systems - and obstacles - distortions created by domestic legislation arising from differences between domestic and cross-border situations - both become more acute when a business chooses to set up or acquire other companies, thus forming a group, usually operating in multiple jurisdictions. Responding to such ever more common developments, this book is the first in-depth analysis of how tax treaties and EU law influence group taxation regimes. Among the issues and topics covered are the following: - analysis of the different tax group regimes adopted by different countries; - advantages and disadvantages of a variety of models; - application of the non-discrimination provision of Article 24 of the OECD Model Tax Convention to group taxation regimes; - application of the fundamental freedoms of the TFEU to group taxation regimes following the three-step approach adopted by the EU Court of Justice; - uncertainty raised by the landmark Marks & Spencer case, its interpretation and consequences to other group taxations regimes; - interrelations between tax treaties and EU Law in the context of tax groups; and - per-element approach. The analysis considers concrete examples as well as relevant case law. With its analysis of the standards required by the two sets of norms (tax treaties and EU law) and their interaction, particularly in terms of non-discrimination, this book sheds clear light on ways to overcome the disparities and obstacles inherent in group taxation regimes. As a thorough survey of the extent to which the interpretation of tax treaties and EU law affect group taxation regimes, this book has no peers. All taxation professionals, whether working in EU Member States or in EU trading partners, will appreciate its invaluable insights and guidance.**