

Vers un droit public européen

Bernard Stirn

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Giacinto della Cananea



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Towards a European Public Law Bernard Stirn, 2017-04-28 A European public law is under construction but how has this occurred and what is its character Stirn proposes that this European public law is being constructed by the convergence of three circles the law of the European Union the law of the European Convention on Human Rights and the different domestic legal orders The mutually influential relationship of these constituents has allowed them to develop most considerably in the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights The book begins by reflecting on the different phases of the development of the European project from the end of the First World War It outlines the transition from the European Coal and Steel Community to the European Union as well as the other institutions contributing to these developments The discussion then moves to the European legal order which consists of the law of the European Union and the European Convention on Human Rights Stirn explores how in spite of occasional false starts and frictions their relationship is becoming ever closer and how their characteristics in law are becoming increasingly similar Furthermore Stirn analyses the relationship between European law and national legal systems The differing approach to domestic incorporation of international law whether it be monist or dualist is considered as well as the recognition that European law is superior to domestic law The character specifically of EU law and how it compares to international and domestic law is also discussed in particular its unique features but also the principles it shares with domestic law In addition the book examines the existence or not in member states of constitutional courts the level or jurisdictional orders and the recruitment and status of judges Similar trends across Europe in public administration are also accounted for and subjected to analysis Stirn concludes that a European model of public administration is becoming apparent

The Max Planck Handbooks in European Public Law: Volume I: The Administrative State Sabino Cassese, Armin von Bogdandy, Peter Huber, 2017-07-25 The Max Planck Handbooks in European Public Law series describes and analyses the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration make legal comparison the task of our time for both scholars and practitioners it aims to foster the development of a specifically European legal pluralism and to contribute to the legitimacy and efficiency of European public law The first volume of the series begins this enterprise with an appraisal of the evolution of the state and its administration with cross cutting contributions and also specific country reports While the former include among others treatises on historical antecedents of the concept of European public law the development of the administrative state as such the relationship between constitutional and administrative law and legal conceptions of statehood the latter focus on states and legal orders as diverse as e g Spain and Hungary or Great Britain and Greece With this the book provides access to the systematic foundations pivotal historic moments and legal thought of states bound together not only by a common history but

also by deep and entrenched normative ties for the quality of the *ius publicum europaeum* can be no better than the common understanding European scholars and practitioners have of the law of other states An understanding thus improved will enable them to operate with the shared skills knowledge and values that can bring to fruition the different processes of European integration

The Common Core of European Administrative Laws Giacinto della Cananea, 2023-07-24 Though European administrative laws have gained global significance in the last few decades research which provides both theoretical analysis and original empirical research has been scarce This book offers an important account of the evolution of judicial review and administrative procedure legislation using a factual analysis to shed light on how the different legal systems react to similar problems Discussing the concept of a common core Giacinto della Cananea reveals the commonalities in and differences between the foundational assumptions of European administrative adjudication and rule making

The Administrative State Armin von Bogdandy, Sabino Cassese, Peter M. Huber, 2017 This is the first volume of The Max Planck Handbooks of European Public Law Volume I The Administrative State frames the administrative regimes of Europe in a comparative perspective analysing the evolution of state and administration of major European jurisdictions and examining issues that cut across national boundaries

Domestic Application of the ECHR Eirik Bjorge, 2015 The first sustained critique of how domestic courts in the EU apply the European Convention on Human Rights and interact with the European Court of Human Rights at Strasbourg This book considers the British French and German approaches to the ECHR and shows that domestic courts apply and develop the Convention faithfully and positively

Handbook of European Criminal Procedure Roberto E. Kostoris, 2018-04-12 This volume analyses criminal procedural issues from a European perspective particularly in connection with EU law and ECHR law As such it differs from previous works which on the one hand generally focus only on EU law and on the other address both procedural and substantial aspects as a result of which the former receive inadequate attention Indeed criminal procedural matters in the European context have now reached a level of complexity but also of maturity that shows the features of a great design which even if not yet defined in all its aspects appears sufficiently articulated to deserve to be explained in a systematic way The book offers a guidance for practitioners academics and students alike It covers a broad range of topics from the complex system of the sources of law to the multilevel protection of fundamental rights from vertical and horizontal judicial and police cooperation to the instruments of mutual recognition primarily the European Arrest Warrant but also the European Investigation Order the execution of confiscation orders the *ne bis in idem* principle the conflicts of jurisdiction and the enforcement of judgements The book also reflects the latest regulation on the establishment of the European Public Prosecutor's Office

The Transformation of Administrative Law in Europe Matthias Ruffert, 2007 This volume is a collection of the papers presented at the first kick off meeting in Dornburg near Jena Germany 26-28 May 2005 Foreword

Constituting Europe Andreas Føllesdal, Birgit Peters, Geir Ulfstein, 2013-05-23 At fifty the European Court of Human Rights finds itself in a new institutional setting With

the EU joining the European Convention on Human Rights in the near future and the Court increasingly having to address the responsibility of states in UN led military operations the Court faces important challenges at the national European and international levels In light of recent reform discussions this volume addresses the multi level relations of the Court by drawing on existing debates pointing to current deficits and highlighting the need for further improvements **New**

Perspectives for a Common Law of Europe/Nouvelles perspectives d'un droit commun de l'Europe M.

Cappelletti,2024-10-28 **Lawyering Europe** Antoine Vauchez,Bruno de Witte,2013-03-13 While scholarly writing has dealt with the role of law in the process of European integration so far it has shed little light on the lawyers and communities of lawyers involved in that process Law has been one of the most thoroughly investigated aspects of the European integration process and EU law has become a well established academic discipline with the emergence more recently of an impressive body of legal and political science literature on European law in context Yet this field has been dominated by an essentially judicial narrative focused on the role of the European courts underestimating in the process the multifaceted roles lawyers and law play in the EU polity notably the roles they play beyond the litigation arena This volume seeks to promote a deeper understanding of European law as a social and political phenomenon presenting a more complete view of the European legal field by looking beyond the courts and at the same time broadening the scholarly horizon by exploring the ways in which European law is actually made To do this it describes the roles of the great variety of actors who stand behind legal norms and decisions bringing together perspectives from various disciplines law political science political sociology and history to offer a global multi disciplinary reassessment of the role of law and lawyers in the European integration process

Annuaire européen. 42.1994(1996) Tsimaratos,P. Leuprecht,J. Schwietzke,1996-11-19 The European Yearbook promotes the scientific study of European organisations and the Organisation for Economic Co operation and Development Each volume contains a detailed survey of the history structure and yearly activities of each organisation and an up to date chart providing a clear overview of the member states of each organisation In addition a number of articles on topics of general interest are included in each volume A general index by subject and name and a cumulative index of all the articles which have appeared in the Yearbook are included in every volume and provide direct access to the Yearbook s subject matter Each volume contains a comprehensive bibliography covering the year s relevant publications This is an indispensable work of reference for anyone dealing with the European institutions It is bilingual English and French Understanding
Global Administrative Law Giacinto della Cananea,2025-02-20 Global administrative law is recent but increasingly important as it has an impact on a wide range of areas This book analyzes it in three ways First it examines the main elements of global administrative law including its social basis and a variety of global standards Second it shows that the inter relationship between various levels of government domestic and global is important and occurs in more than one way including networks of public authorities and mixed administrative procedures Third it argues that these inter relationships are problematic

because there is sometime collision between legal systems and even overlapping jurisdictions *Good Administration and the Council of Europe* Ulrich Stelkens, Agnė Andrijauskaitė, 2020-09-11 *Good Administration and the Council of Europe Law Principles and Effectiveness* examines the existence and effectiveness of written and unwritten standards of good administration developed within the framework of the Council of Europe CoE and in the case law of the European Court of Human Rights These standards called pan European general principles of good administration cover the entire range of general organizational procedural and substantive legal institutions meant to ensure a democratically legitimized open and transparent administration respecting the rule of law They are about the limiting function of administrative law its function to protect individuals from arbitrary power to legitimize administrative action and to combat corruption This book analyses the sources and functions of the pan European general principles of good administration and seeks to uncover how deeply they are rooted in the domestic legal systems of the CoE Member States It comprises 28 country reports dedicated to an in depth exploration of the impact of these standards on the national legal systems of the Member States written by respective experts on these systems It argues that the pan European general principles of good administration lead to a certain harmonization of the legal orders of the Member States with regard to the limiting function of administrative law despite the many fundamental differences between their administrative and legal systems It comes to the further conclusion that the pan European general principles of good administration can be considered as a concretization of the founding values of the CoE and describes the administrative law obligations a Member State entered into when joining the CoE Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 35 (1992) Council of Europe/Conseil de l'Europe, 1995-01-01 State and Market in European Union Law Wolf Sauter, Harm Schepel, 2009-04-16 An examination of the legal framework of the EU internal market as established in the case law of the European Court of Justice discussing in particular EC competition law the free movement of goods services persons and capital and the evolution of the interpretation of the provisions The State has been retreating from direct intervention in economic life as more goods and services the provision of which was once thought to be a public responsibility are delivered through market mechanisms Given the need for consistent application of EC law in the internal market a common core conception of public authority shielded from the discipline of EC competition law is needed The resulting realignment of public and private functions and responsibilities is not a linear and coherent process especially in light of the changing nature of the European legal integration project and the progressive incorporation of non economic values in the Treaties

Directory of European political scientists European Consortium for Political Research, University of Essex. Compiled and ed. by the Central Services of the ECPR, 2016-11-07 No detailed description available for Directory of European political scientists Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 47 (2004) Council of Europe/Conseil de l'Europe, 2005-09-15 This volume of the Yearbook of the European

Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2004 Part one contains information on the Convention Part two deals with the control mechanism of the European Convention on Human Rights selected judgments of the European Court of Human Rights and human rights DH resolutions of the Committee of Ministers part three groups together the other work of the Council of Europe in the field of human rights and includes the work of the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights part four is devoted to information on national legislation and extracts from national judicial decisions concerning rights protected by the Convention Appendix A contains a bibliography on the Convention and Appendix B the biographies of the new judges elected to the European Court of Human Rights

Mélanges Skubiszewski Krzysztof Jerzy Makarczyk, 1996-12-05 Theory of International Law at the Threshold of the 21st Century is a remarkable book and is destined to become a standard work without which no International Law library will be complete The essays contained in this volume are written by the foremost experts and the topics have been chosen with the greatest care to reflect the most pressing current problems facing the world community The research and writing made available in this collection will be of enduring worth and will be studied and quoted for decades to come It follows in the finest traditions of the major collective works published by Martinus Nijhoff Kluwer Law International It is most appropriate that a remarkable book should be dedicated to a remarkable man and the editor of the volume Professor Jerzy Makarczyk has ensured that the choice of writers the choice of topics and the quality of the material do indeed honour one of the leading international lawyers of his generation Professor Krzysztof Skubiszewski

Select Proceedings of the European Society of International Law, Volume 1 2006 Hélène Ruiz Fabri, Emmanuelle Jouannet, Vincent Tomkiewicz, 2008-05-29 This is the first volume of proceedings arising from the biennial conference of the European Society of International Law Societe europeene de droit international edited by Emmanuelle Jouannet Hélène Ruiz Fabri and Vincent Tomkiewicz The volume presents the highlights of the Paris Conference 2006 and the papers are evenly divided between English and French language contributions It is envisaged that this will be the first volume of a series with future volumes following on from each major ESIL SEDI event

The Idea of Economic Constitution in Europe, 2022-06-08 Behind the controversies that have marked the history of the idea of Economic Constitution emerges the highly political issue of the room for manoeuvre left to public authorities in the economic sphere The notion thus encapsulates a fundamental tension between democracy and rule of law which model of legal ordering of the economy should prevail From physiocrats to neo liberals from the Weimar Republic to European integration from national constitutions to Global Governance this collective book invites us to explore the genealogy of the controversial concept of Economic Constitution The result of this interdisciplinary dialogue is a comprehensive reflection on the legal and political issues at stake in the current constitutionalization of the market order in Europe Contributors are Philippe Steiner Guillaume Gr goire Hugues Rabault Peter C Caldwell Thomas Biebricher Werner Bonefeld Serge Audier Vincent Valentin Pieter van Cleynenbreugel Xavier Miny

Frédéric Marty Claire Mongouachon Hans Wolfgang Micklitz Francesco Martucci Michael Wilkinson Hjalte Lokdam Susanna Maria Cafaro Peter Lindseth Cristina Fasone Pierre Nihoul François Colly Peter Christian Möller Graff Tony Prosser Damien Piron Mahmoud Mohamed Salah Stephen Gill Thibault Biscarie Sébastien Adalid and Christian Joerges Derrière les controverses qui jalonnent l'histoire de l'idée de Constitution économique merge la question mineurement politique de la marge de manœuvre laissée aux autorités publiques dans la sphère économique La notion cristallise ainsi une tension fondamentale entre démocratie et état de droit quel doit être le modèle d'organisation et d'ordonnement juridique de l'économie Des physiocrates aux néolibéraux de la République de Weimar à l'intégration européenne des constitutions nationales la Global Governance cet ouvrage collectif nous invite désormais à explorer la généralisation du concept politique de Constitution économique Les auteurs ouvrent alors travers un dialogue interdisciplinaire constant une réflexion globale autour des enjeux juridiques et politiques du processus actuel de constitutionnalisation de l'ordre de marché en Europe

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