

## Lecture 4. Substantive law of the EU

Free movements all have direct effect

Free movements of workers do not apply directly to family members

### Conditions for application of art. 45 TFEU

- Natural person
- Citizen of the Union (Art. 20 (1) TFEU)
- Worker (case Lawrie-Blum & case Case C-270/13, Iraklis Haralambidis, para. 27/ 28)
  - should be implied as a worker.
  - focus on the EU concept of worker

### sub conditions that came out of the lawrie blum case: Concept worker

- Perform services for another person
- Perform services under the direction of another person (relationship of subordination) (somebody else is your boss)
- Be paid for doing so, i.e., receive remuneration
- Perform effective and genuine activities to the exclusion of activities which are regarded as marginal or ancillary → activities that matter.

### Direct effect of art. 45 TFEU

- Vertical direct effect: Case 167/73, commission v. France
- Horizontal direct effect: Case C-281/98, Roman Angonese

### Right of workers

- Migration
- Market access rights

### Migration rights of workers (completely harmonized in Directive 2004/38/ec)

- Right to leave a member state (right of exit)
- Right to enter a member state (right of entry)
- Right of residence in a member state

### Right of residence (Directive 2004/38/EC)

- Job seekers (Case 292/89, Antonissen) , now governed by Article 14(4)(b)  
Job seeker is someone looking for a job in the country where they want to work and has the right of residence, but he needs to look for a job.

- Workers
  - up to 3 months (Article 6)
  - from 3 months to 5 years (Article 7(1)(a))
  - permanent residence (Articles 16-18)
- No longer employed (Article 7(3))

# The Substantive Law Of The Eu

**Catherine Barnard**



## **The Substantive Law Of The Eu:**

**The Substantive Law of the EU** Catherine Barnard, 2019 This textbook focuses on the law of the four freedoms of the EU and is ideal for undergraduate courses covering the substantive law of the EU Catherine Barnard outlines the core issues in an engaging and accessible manner and includes case studies to illustrate and develop points **Substantive Law of the EU** Catherine Barnard, 2025 The Substantive Law of the EU Catherine Barnard, 2019 **Substantive Law of the European Union** Wouter Devroe (Prof. dr.), 2018 *The Substantive Law of the EU* Catherine Barnard, 2010-08-12 Notable for its detailed coverage of the substantive aspects of European law and including case studies flowcharts and diagrams this text focuses principally on the four freedoms the free movement of goods persons services and capital and the rules regulating movement from one Member State to another Substantive Law of the European Union J. Stuyck, 2011 Cases and Materials on EU Law Stephen Weatherill, 2012-06-21 Stephen Weatherill provides a carefully chosen selection of the major judgements delivered by the courts and some of the most important pieces of European Community legislation with which law students will need to become familiar *Steiner & Woods EU Law* Josephine Steiner, Lorna Woods, Philippa Watson, 2012-08-30 EU Law covers both the institutions of the EU and the substantive law they produce The new constitution is introduced its aims and the reasons for its negotiation Pedagogical features have been incorporated into this edition making the text easier to navigate EU Justice and Home Affairs Law: EU Justice and Home Affairs Law Steve Peers, 2016-05-12 EU Criminal Law Policing and Civil Law examines in detail the EU legislation and case law on the issues of criminal law and procedure policing and security and civil cooperation in these areas discussing the impact and ongoing development of EU law in these complex and controversial fields The new edition particularly covers new EU legislation case law and operational developments since 2010 on fair trials legislation the Schengen Information System the European Arrest Warrant the European Investigation Order the rights of victims of crime and data protection The book includes comprehensive coverage of the institutional framework and related human rights aspects in addition to the connections with other areas of EU law It concludes with a summary of EU civil law rules and is updated to cover new legislation on civil jurisdiction insolvency small claims and cross border family issues Steve Peers seminal text on the justice and home affairs law of the European Union appears in its fourth edition and is now available in two separate volumes covering asylum and immigration law and criminal law policing and civil law and as a two volume set It provides a detailed examination of EU legislation and case law on the issues of immigration asylum visas border controls and police and criminal law cooperation discussing the impact and ongoing development of EU law This edition is the definitive guide to these intricate contentious and fast developing areas of EU law and will be invaluable to scholars practitioners and students in the field *European Union Law* Paul Craig, Gràinne de Búrca, 2021 Unifying and Harmonising Substantive Law and the Role of Conflict of Laws, 2010-07-05 Traditionally conflict of law rules designate only national substantive law as the applicable law Many

unifying and harmonizing substantive law instruments of both States and non State organizations however are designed specifically for application to cross border relationships Achieving this objective is generally hindered by conflict of law rules The requirements which non national law needs to fulfil in order to be accepted as the law governing a cross border relationship deserve clarification Not only uniform law such as the CISG and the envisaged European substantive law instrument for the law of obligations but particularly instruments which are aimed at harmonizing substantive law challenge the established systems of conflict of laws In seeking a positive approach towards the application of a law other than national law various aspects need to be considered 1 is the decision taken by a court or an arbitral tribunal 2 what field of law contract delict tort or family relationships is involved and 3 the objective or subjective choice by the parties designation of the applicable law The Interconnection of the EU Regulations Brussels I Recast and Rome I Christoph

Schmon,2020-03-17 This book deals with the interconnection between the Brussels I Recast and Rome I Regulations and addresses the question of uniform interpretation A consistent understanding of scope and provisions is suggested by the preamble of the Rome I Regulation Without doubt it is fair to presume that the same terms bear the same meaning throughout the Regulations The author takes a closer look at the Regulations systems guiding principles and their balance of flexibility and legal certainty He starts from the premise that such analysis should prove particularly rewarding as both legal acts have their specific DNA The Brussels I Recast Regulation has a procedural focus when it governs the allocation of jurisdiction and the free circulation of judgments The multilateral rules under the Rome I Regulation by contrast are animated by conflict of laws methods and focus on the delimitation of legal systems This fourth volume in the Short Studies in Private International Law Series is primarily aimed at legal academics in private international law and advanced students But it should also prove an intriguing read for legal practitioners in international litigation Christoph Schmon is a legal expert in the fields of Private International Law Consumer Law and Digital Rights After serving in research positions at academic institutes in Vienna and London he focused on EU policy and law making He is appointed expert of advisory groups to the EU Commission **Enhanced Cooperation and European Tax Law** Caroline Heber,2021 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 Food Safety Law in the European Union B. M. J. van der Meulen,Menno van der Velde,2004 The introduction of the General Food Law GFL marks a major step in the European Union s reform of food law It provides the center of gravity for further modernization of the large body of EU and national food law **Human Rights and the European Community** Andrew Clapham,1991 Consumer rights by H W Micklitz

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**Law of the European Union** Jo Shaw, Josephine Shaw, 1996 A new and fully revised edition of Josephine Shaw's highly successful European Community Law 1993 This volume concentrates on the institutional framework and on delivering a clear introductory text on the fundamental constitutional principles and basic substantive law of the EU which has serious critical bite

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