

# Understanding EU Internal Market Law

Norbert Reich,  
Annette Nordhausen Scholes  
and Jeremy Scholes



intersentia

# Understanding Eu Internal Market Law

**Philip Syrpis**



## **Understanding Eu Internal Market Law:**

**Understanding EU Internal Market Law** Norbert Reich, Annette Nordhausen Scholes, Jeremy Scholes, 2015-05-15 This book provides a detailed analysis of the objectives principles and methods of EU internal market law It focuses on the substantive law of the internal market the strongest most developed and most original part of EU law It introduces the reader to the legal peculiarities of EU internal market law including its sources instruments methods of interpretation effects and the relationship between EU and national law It also acquaints the reader with the *acquis communautaire* the case law of the European courts and secondary EU legislation From this starting point the book looks at the issue of personal application of EU law From being only a law for market citizens individuals acting in the market EU law has become the law for all citizens and residents living in Member States whether they are active market participants or not Thus EU law determines everybody's everyday rights and duties alongside and occasionally overriding existing national law This is based on the principle of equal treatment What follows is an analysis of the original liberal *esprit des lois* of EU law the opening and keeping open of markets through the free movement rules and competition and IP rules The current trend of setting adequate standards the most important the horizontal standards applying to everybody such as non discrimination and fundamental rights is discussed as well A special chapter is devoted to autonomy since the generous but not unlimited grant of autonomy to the market citizen must be respected by Member States and fellow market citizens Finally the question of accountability and liability of the EU itself of its Member States of undertakings and of citizens is discussed This third edition is a joint work by three authors coming from different jurisdiction Its starting point is not any one national legal background and thinking Instead it combines different national experiences into a substantially European approach *The Legislative Priority Rule and the EU Internal Market for Goods* Eadaoin Ni Chaoimh, 2022 This volume introduces the reader to the Legislative Priority Rule and provides a better understanding of how the European Court of Justice resolves regulatory disputes in the presence of secondary product legislation highlighting both the successes and dangers of its current approach *Research Handbook on the Law of the EU's Internal Market* Panos Koutrakos, Jukka Snell, 2017-01-27 While the internal market has been at the heart of the European project from the very beginning it has rarely been the subject of sustained and comprehensive scholarly examination in its entirety In the face of profound legal political and policy pressures this timely Research Handbook reflects on the cutting edge issues horizontal themes and the big questions which illuminate the shape of the internal market It places the law and policy of the internal market within the context of the financial crisis and the existential questions this has raised for future European integration **Judicial Authority in EU Internal Market Law** Vilija Velyvyte, 2022-11-17 This book examines the role of the European Court of Justice in the regulation of the internal market from a competence perspective However rather than focusing on the Court's role in enforcing the limits of EU competence in the EU's political decision making it explores a related albeit understudied question to what extent does the Court observe

the constitutional limits of EU competence and its own institutional powers in the interpretation of EU internal market law laid down in the Treaties The book provides an answer to this question through the analysis of EU free movement case law in light of the constitutional principles that govern the allocation of competences and powers in the EU conferral subsidiarity and proportionality on the vertical level and institutional balance on the horizontal level Why should the Court be bound by these principles What do they mean when applied to judicial practice To what extent are they observed in the free movement case law The book argues that the Court's observance of the four principles has been inconsistent thereby creating substantive and constitutional tensions in the EU's relationship with the Member States and upsetting the institutional balance of powers between the EU legislature and judiciary Shortlisted for the UACES Best Book Prize 2023 Runner up of the 2024 Peter Birks Prize for Outstanding Legal Scholarship

**The Judiciary, the Legislature and the EU Internal Market** Philip Syrpis, 2012-05-03 By tracing the way in which the CJEU and national courts react to legislation and Treaty reform and the way in which the Member States Commission and other actors in the legislative process react to judicial interventions this collection of essays explores the nature of the dynamic relationship between courts and legislatures within the EU It is clear that the boundaries between the legal and political realms are contested and that the judiciary and the legislature are engaged in a struggle not so much about the substantive contours of the internal market project but rather about their relative institutional positions The contributors consider all aspects of the internal market project from goods to capital and citizenship examining areas where there has been significant Treaty change as well as those in which the Treaty framework has remained substantially unaltered

**The Internal Market and the Future of European Integration** Fabian Amtenbrink, Gareth Davies, Dimitry Kochenov, Justin Lindeboom, 2019-04-18 A definitive reassessment of the constitutional economic institutional and judicial dimensions of the EU internal market including Brexit

**European Union Internal Market Law** Friedl Weiss, Clemens Kaupa, 2014 This is the market's most student friendly textbook on EU internal market law covering everything students need to know about the legal and regulatory framework of the internal market and eliminating the need for a full EU law text Concise and focused chapters explore the underlying socio economic and historical contexts of EU law and offer a thorough examination of the law's technical aspects ensuring that students gain a rich understanding of the way that legal rules and structures have developed from key political and social debates Key concepts are illustrated by excerpts summaries and discussions of classic and modern cases Numerous features include text boxes illustrative cases legal interpretations tables and suggestions for further reading which support students with little background knowledge of the subject leading them to total mastery of the material

**Competition Law in China and the EU** Xingyu Yan, 2024-12-16 This book presents a comprehensive review of the Chinese and European responses to the abuse of market dominance with a focus on the impact of antitrust institutional dynamics on enforcement decisions It uses the methods of functional comparison and case analysis to investigate how theories of harm relating to specific types of abuse

differ within and across competition law regimes due to institutional dynamics The Chinese and EU competition law regimes serve as excellent examples for this investigation because they have similar substantive laws on paper but vastly different institutional settings The book examines first individually and then comparatively how the distinct institutional dynamics in the Chinese and EU regimes shape the development of theories of harm This volume will appeal to competition law scholars students and practitioners seeking a more nuanced understanding of how competition law works in the EU and China It will also interest scholars trying to approach the Chinese legal system from an engaging rather than alienating standpoint

**European Union Internal Market Law** Friedl Weiss, Clemens Kaupa, 2014-06-19 This student friendly textbook covers everything students need to know about the legal and regulatory framework of the internal market *The Boundaries of the EU Internal Market* Marja-Liisa Öberg, 2020-11-05 The book examines the twofold boundaries of the concept of the European Union's internal market the geographical and the substantive through the prism of expanding the internal market to third countries without enlarging the Union The book offers a comprehensive analysis of the conditions under which the internal market can effectively be extended to third countries by exporting EU acquis via international agreements without sacrificing its defining characteristics Theoretical rather than empirical in approach the book scrutinises and meticulously questions the required level of uniformity within flexible integration relating to the substantive scope of the internal market the role of foundational principles in the European Union's market edifice and the institutional framework necessary for granting third country actors full participation in the internal market while safeguarding the autonomy of the Union's legal order

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