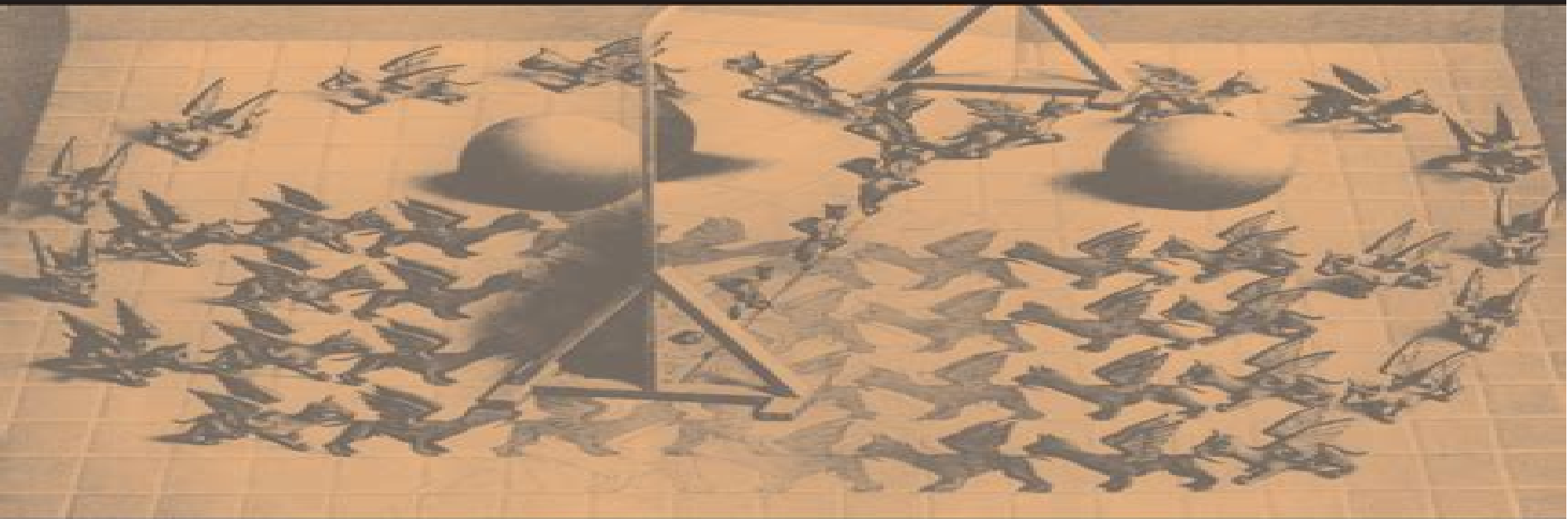


Treaty Conflict *and the* European Union

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Treaty Conflict And The European Union

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Treaty Conflict and the European Union Jan Klabbbers, 2014-05-14 Jan Klabbbers examines how membership of the European Union affect treaties concluded between the member and non member states *The Architecture of Fundamental Rights in the European Union* Šejla Imamovic, 2022-02-10 This book analyses the new architecture for the protection of fundamental rights in Europe after the entry into force of the Lisbon Treaty As a starting point it identifies how the EU has gained a prominent role in promoting and protecting fundamental rights at European level despite the absence of an unlimited mandate to address fundamental rights violations This new setting affects the traditional relationship between the EU the ECHR system and the Member States and in the absence of EU accession to the ECHR enhances the risk of tensions and conflicts between the case law of the two European Courts Examples of these tensions and conflicts are explored in the Area of Freedom Security and Justice which is one of the most fundamental rights sensitive areas of EU law and one of the busiest areas of activity for the CJEU The book offers new insights into existing rules on the resolution of conflicts between EU and ECHR law before mapping out techniques actually used by domestic courts to avoid or address such conflicts

International Law as Law of the European Union Enzo Cannizzaro, Paolo Palchetti, Ramses A. Wessel, 2011-10-28 With a view to recent developments in both the EU and the global legal order International Law as Law of the European Union explores how and to what extent international law still forms part of and plays a role in the current legal order of the European Union *International Law and the European Union* Jed Odermatt, 2021-10-21 International Law and the European Union addresses the public international law issues that arise from the European Union's international action

The European Union and Customary International Law Fernando Lusa Bordin, Andreas Th. Müller, Francisco Pascual-Vives, 2022-11-03 The book offers a systematic discussion of the facets of the relationship between the European Union and customary international law *The European Union, Civil Society and Conflict* Nathalie Tocci, 2011-03-29 Explores the EU's relations with civil society organizations in an effort to improve the effectiveness and relevance of its conflict and peace policies **The European Union and International Investment Law** Francesco

Montanaro, 2023-03-23 This book explores the interaction between the EU and international investment law both at the internal level namely within the EU internal market and at the external level i.e. in the context of its relations with third States The joint treatment of these dimensions reveals that the EU has assumed an ostensibly ambivalent attitude towards international investment law At the internal level it has consistently asserted that intra EU international investment agreements IIAs are not compatible with EU law and advocated their termination At the external level by contrast it has eagerly deployed IIAs to develop its post Lisbon international investment policy The book finds that beneath this apparent ambivalence towards international investment law ultimately lies the EU's attempt to impose both internally and externally its own original model of regulation of cross border investment It then argues that the EU adopted this approach with a view

to supporting its internal market enhancing its external influence and ultimately pursuing long term federal aspirations Finally the book identifies the legal and political obstacles that have curtailed the EU s efforts at both the internal and the external level The Oxford Handbook of European Union Law Anthony Arnall,Damian Chalmers,2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union

Strategically Created Treaty Conflicts and the Politics of International Law Surabhi Ranganathan,2014-12-18 Treaty conflicts are not merely the contingent or inadvertent by products of the increasing juridification of international relations In several instances states have deliberately created treaty conflicts in order to catalyse changes in multilateral regimes Surabhi Ranganathan uses such conflicts as context to explore the role of international law in legal thought and practice Her examinations of the International Law Commission s work on treaties and of various scholars proposals on institutional action offer a fresh view of mainstream legal thought They locate in a variety of writings a common faith in international legal discourse built on liberal and constructivist assumptions Ranganathan s three rich studies of treaty conflict relating to the areas of seabed mining the International Criminal Court and nuclear governance furnish a textured account of the specific forms and practices that constitute such a legal discourse and permit a grounded understanding of the interactions that shape international law

The Jurisprudence of Constitutional Conflict in the European Union Ana Bobić,2022-05-12 A comparative and comprehensive account of the jurisprudence of constitutional conflict between the Court of Justice and national courts with the power of constitutional review This monograph addresses the incidences of and reasons for constitutional clashes in the application and enforcement of EU law It aims to determine how the principle of primacy of EU law works in reality and whether the jurisprudence of the courts under analysis supports this concept To this end the book explores the three areas of constitutional conflict ultra vires review

identity review and fundamental rights review The book substantiates the descriptive and strengthens the normative contributions of the theory of constitutional pluralism in relation to the web of relations in the European judicial space By examining the influence that the jurisprudence of constitutional conflict has on the balance of powers between the Court of Justice and constitutional courts the volume develops the judicial triangle as an analytical tool that depicts the consequences for the horizontal constitutional courts vis vis the Court of Justice and vertical judicial relationships Court of Justice vis vis ordinary national courts constitutional courts vis vis ordinary national courts By offering a thorough compilation of the jurisprudence of constitutional conflict in the EU The Jurisprudence of Constitutional Conflict in the European Union improves our understanding of the principle of primacy of EU law and its limits as well as reinforces the theory of constitutional pluralism in explaining and guiding judicial power relations and interactions in the EU

The European Union in the World Inge Govaere, Erwan Lannon, Peter van Elsuwege, Stanislas Adam, 2013-11-07 The European Union in the World Essays in Honour of Marc Maresceau provides a unique overview of state of the art academic research in the rapidly developing area of EU external relations law from renowned academics and practitioners The book is dedicated to the academic career of Marc Maresceau a world renowned expert in EU external relations law For many years Prof Maresceau has been a pioneer in EU enlargement and neighbourhood studies In honour of his inestimable contribution to the field editors Inge Govaere Erwan Lannon Peter Van Elsuwege and Stanislas Adam have compiled contributions devoted to the following wide range of topics i the legal institutional framework of EU external action ii the external policies of the EU iii the EU's bilateral relations with third countries iv the enlargement of the European Union v the European Neighbourhood Policy With a special focus on the post Lisbon legal framework of EU external action the book builds further upon the implementation of the reforms initiated by the Lisbon Treaty to offer virtually all encompassing analysis of EU external relations law by top level specialists Academics scholars and practitioners of EU law will find a seminal new work in The European Union in the World Essays in Honour of Marc Maresceau

The Accession of the European Union to the European Convention on Human Rights Paul Gragl, 2014-10-01 After more than 30 years of discussion negotiations between the Council of Europe and the European Union on the EU's accession to the European Convention on Human Rights have resulted in a Draft Accession Agreement This will allow the EU to accede to the Convention within the next couple of years As a consequence the Union will become subject to the external judicial supervision of an international treaty regime Individuals will also be entitled to submit applications against the Union alleging that their fundamental rights have been violated by legal acts rooted in EU law directly to the Strasbourg Court As the first comprehensive monograph on this topic this book examines the concerns for the EU's legal system in relation to accession and the question of whether and how accession and the system of human rights protection under the Convention can be effectively reconciled with the autonomy of EU law It also takes into account how this objective can be attained without jeopardising the current system of individual

human rights protection under the Convention The main chapters deal with the legal status and rank of the Convention and the Accession Agreement within Union law after accession the external review of EU law by Strasbourg and the potential subordination of the Luxembourg Court the future of individual applications and the so called co respondent mechanism the legal arrangement of inter party cases after accession and the presumable clash of jurisdictions between Strasbourg and Luxembourg and the interplay between the Convention s subsidiarity principle the exhaustion of local remedies and the prior involvement of the Luxembourg Court in EU related cases The analysis presented in this book comes at a crucial point in the history of European human rights law offering a holistic and detailed enquiry into the EU s accession to the ECHR and how this move can be reconciled with the autonomy of EU law

The Court of Justice of the European Union as an Institutional Actor Thomas Horsley, 2018-07-19 The EU Treaties bind the Court of Justice of the European Union as an institution of the Union But what does that mean for judicial lawmaking within the EU legal order And how might any limits set out in the EU Treaties be effectively applied to the Court of Justice as lawmaker This book interrogates these fundamental and underexplored questions at a critical juncture in European integration It argues that the EU Treaties should be considered to function as the principal touchstones for assessing the internal constitutionality and hence legitimacy of all Union institutional activity including the work of the Court It then examines how far the Court of Justice complies with the EU Treaty framework in the exercise of its interpretative functions The results of that analysis are striking and offer scholars powerful new insights into the nature and limits of the Court s role within the EU legal order

International Law Jan Klabbers, 2020-12-10 Written by one of the world s leading international lawyers this is the new and updated edition of Jan Klabbers landmark textbook International law can be defined as the rules governing the legal relationship between nations and states but in reality it is much more complex with political diplomatic and socio economic factors shaping the law and its application This refreshingly clear concise textbook encourages students to view international law as a dynamic system of organising the world Bringing international law back to its first principles the book is organised around four questions Where does it come from To whom does it apply How does it resolve conflict And what does it say Building on these questions with both academic rigour and clarity of expression Professor Klabbers breathes life and energy into the subject Footnotes point students to the wider academic debate while chapter introductions and final remarks reinforce learning This third edition includes references to new case law and literature and features brief discussions on recent topics of general interest including Brexit and the worldwide outbreak of the Coronavirus

EU External Action in International Economic Law Mads Andenas, Luca Pantaleo, Matthew Happold, Cristina Contartese, 2020-09-25 The topic of this book is the external action of the EU within international economic law with a special focus on investment law The aim of the volume is to provide the reader with an appraisal of the most recent trends and developments that have characterised a field that has been rapidly evolving and in which the EU has imposed itself as a leading actor The book is aimed at academics practitioners and graduate

students as well as at EU officials and judges all of whom should find the subject matter discussed useful for keeping updated on a scholarly discussion of relevance to case law Mads Andenas is Professor of Law at the Faculty of Law of the University of Oslo in Norway Luca Pantaleo is Doctor of Law and Senior Lecturer in International and European Law at The Hague University of Applied Sciences in The Netherlands Matthew Happold is Professor of Law at the Universit du Luxembourg in Luxembourg Cristina Contartese is Lecturer in Law at the European Law and Governance School in Athens Greece *The Evolution of EU Law* Paul Craig, Gráinne de Búrca, 2011-02-17 Previous edition 1st published in 1999

Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis Sergio Carrera, Juan Santos Vara, Tineke Strik, This discerning book examines the external dimension EU migration and asylum policies in times of crisis It thoroughly assesses patterns of co operation in EU migration management with a focus on co operation with the global south A key resource for academics and students focussing on EU Law and migration more specifically this book will also appeal to policy makers legal practitioners and international organisation representatives alike *The International Responsibility of the European Union* Malcolm Evans, Panos Koutrakos, 2013-03-12 How is the international responsibility of the European Union determined In the context of the multilayered and ever evolving Union legal order the Lisbon Treaty has introduced considerable changes to the Union s participation in international affairs These have rendered this thorny question an even more pressing concern not only for the European Union and its Member States but also for third countries and international organisations Based on papers delivered at the bi annual EU International Law Forum organised by the University of Bristol in May 2011 this volume brings together EU and international law experts to address the various questions raised by the Union s international responsibility It discusses horizontal issues such as the concept of responsibility of international organisations in the evolving international legal order and the different techniques available for determining responsibility It also focuses on specific policy areas trade investment environment security and defence human rights by approaching them from both an EU and international law perspective **International Investment Law and the Law of the European Union** Xaralampos Tagaroulis, 2024-07-15 International Arbitration Law Library The fragility of the relationship between international law and European Union EU law comes to the fore when a dispute arises between an EU Member State and a multinational corporate investor This book analyzes the legislative and jurisprudential backbone affecting both policy and practice in this area showing in the process how both the autonomy of the EU legal order and the sovereignty of Member States can be strengthened through a common investor protection policy inside the EU with an efficient adjudication mechanism promised by the EU s new generation agreements With a thorough analysis of the parameters that the Court of Justice of the European Union CJEU and investor State dispute settlement ISDS arbitral tribunals have set for the interplay between EU law and international investment law the following salient issues and topics and more are covered operation of the EU s exclusive competence regarding foreign direct investment EU rules on capital

movements related to investments potential conflicts between EU law and extra EU bilateral investment treaties intra EU bilateral investment treaties viewed from the perspectives of both international and EU law primacy role of arbitral tribunals in intra EU dispute settlement and ramifications in the light of applicable law and problems arising when the lex arbitri in the proceedings is the law of a non EU state The relevant jurisprudence of the CJEU is analyzed against ISDS case law and detailed attention is paid to scholarship in the relevant fields The author presents substantial and procedural solutions that will prevent the violation of EU law without sacrificing the substantial protection that arbitration provides for the protection of investments The book goes largely beyond existing literature and is the first to jointly address EU law international investment law and integration theories with actionable solutions It will allow all concerned with international judicial decision making to acquire an arsenal of available normative responses to issues raised by EU law s autonomy primacy of EU law EU competences international EU responsibility compatibility of ISDS with EU law and other issues addressing all the challenges likely to be raised in arbitral or court proceedings Practitioners will discover viable ways to identify prevent or resolve legal impasses stemming from the overlap of EU law and other international law regimes when structuring an investment inside the EU

The European Union and Border Conflicts Thomas Diez, Mathias Albert, Stephan Stetter, 2008-03-27 It is generally assumed that regional integration leads to stability and peace This book is a systematic study of the impact of European integration on the transformation of border conflicts It provides a theoretical framework centred on four pathways of impact and applies them to five cases of border conflicts Cyprus Ireland Greece Turkey Israel Palestine and various conflicts on Russia s border with the EU The contributors suggest that integration and association provide the EU with potentially powerful means to influence border conflicts but that the EU must constantly re adjust its policies depending on the dynamics of each conflict Their findings reveal the conditions upon which the impact of integration rests and challenge the widespread notion that integration is necessarily good for peace This book will appeal to scholars and students of international relations European politics and security studies studying European integration and conflict analysis

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