

Understanding EU Internal Market Law

Norbert Reich,
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intersentia

Understanding Eu Internal Market Law

Gareth Davies



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 *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 [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 **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.

Capacity Mechanisms in EU Energy Law Kaisa Huhta, 2019-07-17. Many states including European Union EU Member States subsidise energy producers in order to guarantee the uninterrupted availability of affordable electricity. This book presents the first in depth examination of how these so called capacity mechanisms are addressed in EU law and how they affect the functioning of the EU energy markets. Focusing on the existing legal framework as well as the new provisions of the Clean Energy for All Europeans package for capacity mechanisms, the author addresses and analyses such aspects as the following: the structure and functioning of the EU electricity markets; EU's competence to address security of supply and Member States' margin of discretion; sector specific rules for security of supply; legal conditions for subsidising generation adequacy; capacity remuneration under the EU State aid regime; free movement rules that address generation adequacy; measures balancing different interests of EU energy law in the context of generation adequacy and the requirement of proportionality in State intervention to ensure generation adequacy. The analysis draws on relevant sources of EU law: treaties, regulations and directives as well as the case law of the European Court of Justice and the General Court together with soft law instruments such as Commission guidelines. Scholarly sources include not only legal literature but also work on energy policy, energy engineering and energy economics. As a detailed analysis of how capacity mechanisms address issues arising in the context of the energy transition and how the system of EU law applicable to capacity mechanisms should be interpreted to further the objectives of EU energy law, the book will help policymakers and legislators in Member States to understand the changing legal setting for capacity mechanisms. Lawyers, academics and other professionals who deal with EU electricity markets in the EU and beyond are sure to welcome its detailed description and analysis.

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

Protection of Foreign Investments in an Intra-EU Context Moskvan, Dominik, 2022-02-04 The Achmea judgment revolutionised intra EU investment protection by declaring intra EU bilateral investment treaties intra EU BITs incompatible with EU law This incisive book investigates whether intra EU foreign investments benefit from this alteration which discontinued the parallel applicability of intra EU BITs and EU law in the EU internal market In addition to comparative legal analysis from an investor perspective Dominik Moskvan puts forward a proposal for a creation of a permanent intra EU foreign investment court to ensure a balanced economic development of the EU internal market

Private Autonomy in EU Internal Market Law Rufat Babayev, 2024-04-04 Ambitious and innovative this important study offers a fresh perspective on the normative framework of the EU s internal market The book explores the place of the ideals of private autonomy in the EU s legal order Indeed it goes further to explore the parameters of their protection within both its legal and regulatory framework Looking at the coexistence of and interaction between varying expressions of private autonomy it offers a comprehensive review of the protection of private autonomy at the normative core of the internal market The book also explores the layers of limitations and conditions imposed on the exercise of private autonomy that generate legal tensions and conflicting forces In addition to plotting a systematic approach to the question the book introduces a new framework for better understanding the correlation between the free movement and competition law regimes and the fundamental economic rights protected in the Charter

Introduction to European Union internal market law Raffaele Torino, 2017-12-01 Il libro costituisce un introduzione al diritto del mercato interno europeo ed illustra e analizza l'evoluzione della disciplina del mercato interno e le sue caratteristiche e categorie giuridiche principali Cap 1 Raffaele Torino la libera circolazione delle merci Cap 2 Federico Raffaele la libera circolazione delle persone Cap 3 Filippo Palmieri la libera prestazione dei servizi e il diritto di stabilimento Cap 4 Arianna Paoletti e la libera circolazione dei capitali e dei pagamenti Cap 5 Ilaria Ricci

Understanding EU Law Erika M. Szyszczak, Adam Jan Cygan, 2005 The Understanding Law Series is a collection of introductions designed particularly with the new law student in mind

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

The Law and Policy of Harmonisation in Europe's Internal Market Isidora Maletić, 2013-01-01 At times when so much attention is devoted to the constitutional architecture of the European Union via Treaty amendments or supplements in the aftermath of the Euro crisis the core business of European

market building through harmonization is all too often neglected. It deserves strong recognition that Isidora Maleti forcefully brings Art 114 TFEU back to the agenda. Her competent study provides new insights into the major competence rule which still forms the back bone of European Integration. The constant strive of the EU for embarking on non trade policies against the half hearted resistance of the Member States deserves indeed a major study spelling out the details of the rather complex article. Her comprehensive analysis detects the amazing potential of Art 114 TFEU as a tool to co ordinate differences in the understanding of what might be a high level of protection and it allows for new ways of co operation between the EU and the Member States. This finding which is backed through the analysis of the ECJ case law and the notification procedure of Art 114 TFEU fits into the overall debate on constitutional pluralism which stays away from a hierarchical understanding of the relationship between the EU legal order and the Member States. Hans Micklitz, European University Institute, Italy. This book is essential reading for anyone seeking an up to date and critical understanding of the success of the European Union's approach to market harmonisation. Veerle Heyvaert, London School of Economics, UK. Despite all the buzz around the single currency the heart of the EU edifice remains the internal market. Isidora Maleti's book is an outstanding contribution of original scholarship that makes this edifice look more solid than ever. By exploring the theory and practice of the archetype legal basis for EU regulatory action this book dispels the ubiquitous claim that national derogations from European standards are reflective of a weak integration process and convincingly argues that national regulatory differentiation may instead provide opportunities for reflexive learning and risk prevention. The law and policy of harmonisation is European internal market's scholarship at its best and ought to be essential reading to all scholars interested in the dynamics of EU integration. Alberto Alemanno, HEC Paris, France and Editor, European Journal of Risk Regulation. This innovative book explores the constitutional compromise between the European Union's legislative competence and member states regulatory autonomy and analyses the reconciliation of economic integration and welfare protection within the European internal market. It does so through the original lens of article 114 TFEU, the law making clause underlying the European harmonisation process. Focusing on a critical provision and the controversial derogation mechanism contained therein, the book discusses contemporary universally fundamental topics such as risk assessment and related responsibility allocation within the constraints of complex legal frameworks, the preservation of regional regulatory autonomy against the background of centralised legislative norms and the interaction of economic integration with policy interests like consumer, environmental and health protection. Highlighting the collaborative rather than adversarial value of national deviations from common European measures, the study not only complements the literature available on negative integration of the internal market but also challenges traditionally accepted axioms, revealing opportunities for risk prevention and legitimacy enhancement stemming from diverse European and national regulatory standards. This detailed book will be of wide international appeal to academics, practitioners, students, judges, policy makers and officials working within the European Union and government.

representatives of individual member states as well as anyone more generally interested in the dynamics of EU integration

Understanding European Union Law Karen Davies, Maarten van Munster, Isabel Düsterhöft, 2022-12-30 Providing short clear and accessible explanations of the main areas of EU law *Understanding European Union Law* is both an ideal introduction for students new to EU law and an essential addition to revision for the more accomplished This eighth edition has been fully revised and updated with the latest legislative changes and includes an in depth discussion of Brexit and its implications for EU UK relations The book provides readers with a clear understanding of the structures and rationale behind EU law explaining how and why the law has developed as it has In addition to discussing the core areas of EU law such as its sources the role and powers of the EU's Institutions the enforcement of EU law and the law of the internal market this edition also includes a new chapter on three non economic areas of EU law fundamental human rights equality non discrimination and the environment This student friendly text is both broad in scope and highly accessible It will inspire students towards further study and show that understanding EU law can be an enjoyable and rewarding experience As well as being essential reading for Law students *Understanding European Union Law* is also suitable for students on other courses where basic knowledge of EU law is required or useful such as business studies political science international relations or European studies programmes

Pandemics, Public Health, and the Regulation of Borders Colleen M. Flood, Y.Y. Brandon Chen, Raywat Deonandan, Sam Halabi, Sophie Thériault, 2024-02-15 This book examines how the COVID 19 pandemic has engendered a new and challenging environment in which borders drawn around people places and social structures have hardened and new ones have emerged Over the course of the COVID 19 pandemic borders closed or became unwelcoming at the international national sub national and local levels Debate persists as to whether those countries and territories that tightly managed their borders like New Zealand Australia or Hong Kong got it right compared to those that did not Without doubt a majority of those who suffered and died throughout the pandemic have been those from vulnerable populations Yet on the other hand efforts taken to manage the spread of the disease such as through border management have also disproportionately affected those who are most vulnerable How then is the right balance to be struck acknowledging too the economic and other imperatives that may dissuade governments from taking public health steps This book considers how international organizations countries and institutions within those countries should conceive of and manage borders as the world continues to struggle with COVID 19 and prepares for the next pandemic Engaging a range of international and sub national examples the book thematizes the main issues at stake in the control and management of borders in the interests of public health This book will be of considerable interest to academics in the fields of health law anthropology economics history medicine public health and political science as well as policymakers and public health planners at national and sub national levels

Understanding EU Law Norbert Reich, Christopher Goddard, Ksenija Vasiljeva, 2003 This unique book is not an introduction to European Law It provides an understanding of methodology

objectives and principles of EU law It tries to explain its legal peculiarities particularly with regard to the concept of internal market It takes as starting point its liberal roots enshrined in the free movement competition and autonomy provisions but focuses equally on the development of countervailing principles about citizenship adequate standards and governance It refers selectively to important secondary law in particular directives and to leading cases of the European Court of Justice It is directed at all law scholars students practitioners political scientists in the old and new Member countries of the EU as well as third countries who want to understand what EU law is all about It will allow the reader a first orientation without suffocating him or her in too much detail *The EU Internal Market in Comparative Perspective* Dominik Hanf, 2008 The European Union's internal market is the hard core of integration and by far its most precious asset However a number of deep seated factors have impeded the development of a systematic and wide ranging academic research programme dedicated to the internal market The purpose of this book is to begin to address this predicament with a tri disciplinary analysis of the internal market as scant opportunities for mutual understanding and learning across disciplines law economics and politics currently exist Internal market scholars from all three disciplines collaborated on this project in which each chapter was read and critiqued by a scholar from a different discipline The editors trust that this unique exercise reveals to many readers the enormous potential for in depth and continuous analysis of the internal market and all that it entails It also provides an accessible text for students and scholars from all three disciplines interested in the internal market

The Internal Market 2.0 Sacha Garben, Inge Govaere, 2021-01-07 This edited volume brings together leading authors and actors in EU internal market law and policy revisiting the classic themes in a contemporary context and considering re directions for the future The EU would not be where and what it is today without its internal market It is the cradle of the EU's most important legal doctrines and the source of the most significant amount of European integration And as Brexit has underlined it remains the primary political reason for EU membership Considering the well established and fundamental nature of internal market law it is striking to find many crucial doctrinal questions still unanswered today as explored by this book Furthermore these questions now find a new legal social and political context one that is acutely aware of the contested nature of the EU and its policies and the need to embed the internal market project in a broader setting of constitutional norms and values This need is made all the more pressing by the rapidly changing and often disruptive technological context The various contributions to this book contribute to finding a new direction for continued European integration in changing times by rethinking and where necessary reinventing the role and purpose of this area that remains the EU's beating heart

European Union Internal Market Law Gareth Davies, 2002 This student book focuses on a core topic in EU law It covers the essential rules of the free movement of people goods services and capital and also explains related issues such as harmonization the development of EU citizenship human rights in the EU and the regulation of e commerce The broader social and legal contexts of internal market law are also explored The Internal Market as a Legal Concept Stephen

Weatherill, 2016-12-22 What does the internal market mean The EU is committed to the construction of an internal market and in this analysis Stephen Weatherill explains that the EU's internal market is an ambiguous legal concept One may readily suppose that the United Kingdom possesses an internal market So does Germany so does France so does Australia and Canada and the United States of America The European Union aspires to an internal market but the detailed patterns governing these several internal markets are not uniform in fact they vary according to the extent to which the constituent units are permitted to pursue different regulatory policies They vary according to the scope of law making competence and powers allocated to the central authority They vary according to the governing institutional judicial and political arrangements The quality and intensity of the regulated environment varies according to the choices made There is a broad band of possible internal markets ranging from one that is radically decentralized as a result of a choice in favour of unrestricted inter jurisdictional competition to at the other extreme one that is radically centralized in the sense that law making competence has been completely stripped away from the constituent units in favour of the central authority Within that spectrum there is a huge range of options In this inquiry into the limits and ambiguities of the internal market as a legal concept Weatherill examines and explains the choices made by the EU and demonstrates what they entail for the shape of the EU's internal market This book is not about Brexit but it shows that one of the claims commonly made by Brexiteers that the internal market can be confined merely to a deregulatory exercise in free market economics has no support whatsoever in either EU constitutional law or in EU legislative and judicial practice *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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