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EUROPEAN CONSTITUTIONAL LAW

THIRD EDITION



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The Politics of Ratification of EU Treaties Carlos Closa, 2013-09-02 Since its inception the European Union EU has revised its foundational treaties several times resulting in national ratification processes involving different actors with varying success This book focuses on the politics of ratification of EU Treaties and reviews the processes of ratification of EU primary legislation Existing research and academic debate on EU constitutional politics have almost exclusively focussed on negotiation of new treaties and their institutional setting However this book explains how the result of ratification was achieved and analyses the strategy that actors pursue across Europe Ratification of the Treaty of Maastricht and the EU Constitution failed totally whilst other ratification can be considered partial failures such as the Irish Nice and Lisbon referendums As the EU Constitution has proved the ratification process may have deep effects unforeseen during the processes of negotiation In recent years ratification has produced some of the most intense debates on national membership of the EU and the EU itself The Politics of Ratification of EU Treaties will be of interest to students and researchers of European Studies European Union studies European Union Law and European Union Politics

The Competence Question in the (Con)Federal European Union Sacha Garben, 2025-11-18 The Competence Question in the Con Federal European Union provides a uniquely holistic understanding of the EU as a contested authority construction the legal concepts and political factors that make it evolve and the normative stakes at hand The book analyses the source force and extent of the EU's powers from the EEC Treaty until today demonstrating how ongoing constitutional negotiations between Member States the Court of Justice political institutions and national courts have unsettled the EU legal order in both functional and foundational terms In doing so it offers new insights into the functioning and malfunctioning of the EU legal order from a constitutional and democratic perspective Drawing on historical examples to illustrate the distinction between compound systems of conferred powers confederations and those whose powers have been constitutionally established federations the book exposes a confederal conundrum The EU's powers are conferred by its Member States as in a confederation but are given federal effect and have virtually unlimited material scope competence creep This the book argues can be democratically and constitutionally problematic Pinpointing the crucial legitimacy problem that underlies EU authority construction the book offers students and academics an accessible yet rigorous account of the current state of EU law It is an essential resource for anyone seeking to understand the dynamic process of European integration and its constitutional implications

Constitutional Pluralism in the EU Klemen Jaklic, 2014 This book offers the first overarching examination of constitutional pluralism Comprehensively mapping out the leading contributions to date and solving the complicated labyrinth they currently form Klemen Jaklic offers a complete assessment against existing and new criticisms while elaborating his own original vision

Spreading Democracy and the Rule of Law? Wojciech Sadurski, Adam Czarnota, Martin Krygier, 2006-07-30 The accession of eight post communist countries of Central and Eastern Europe and also

of Malta and Cyprus to the European Union in 2004 has been heralded as perhaps the most important development in the history of European integration so far. While the impact of the enlargement on the constitutional structures and practices of the EU has already generated a rich scholarly literature, the influence of the accession on constitutionalism, democracy, human rights and the rule of law among the new member states has been largely ignored. This book fills this gap and addresses the question of the consequences of the external force of European enlargement upon the understanding and practice of democracy and the rule of law and among both the main legal political actors and the general public in the new member states. A number of leading legal scholars, sociologists and political scientists both from Central and Eastern Europe and from outside address these issues in a systematic and critical way. Taken together, these essays help answer a fundamental question: does the European Union have the potential of promoting and consolidating democracy and human rights?

Oxford Principles of European Union Law Robert Schütze, Takis Tridimas, 2018-03-01. Since the 1957 Rome Treaty, the European Union has changed dramatically in terms of its composition, scope and depth. Originally established by six Western European States, the EU today has 28 Members and covers almost the entire European continent and, while initially confined to establishing a common market, the EU has come to influence all areas of political, economic and social life. In parallel with this enormous geographic and thematic expansion, the constitutional and legislative principles underpinning the European Union have constantly evolved. This three-volume study aims to provide an authoritative academic treatment of European Union law. Written by leading scholars and practitioners, each chapter offers a comprehensive and critical assessment of the state of the law. Doctrinal in presentation, each volume nonetheless tries to present a broader historical and comparative perspective. Volume I provides an analysis of the constitutional principles governing the European Union. It covers the history of the EU, the constitutional foundations, the institutional framework, legislative and executive governance, judicial protection and external relations. Volume II explores the structure of the internal market, while Volume III finally analyses the internal and external substantive policies of the EU.

Legitimizing European Criminal Law Merita Kettunen, 2019-11-08. The book examines how and according to which principles the enactment of European criminal legislation is legitimate. The approach adopted here focuses on the constitutionalization of criminal law, i.e. the growing importance of constitutional elements of the EU legal order and the ECHR regime within criminal law. Further, it shows how and why criminal law has a unique nature and why it should not be equated with other fields of EU law. The book explains the basic research questions and methodologies before turning to the nature of criminal law at the level of national law and addressing the different levels of justification for criminal law. Further, it examines the most prominent features of European criminal law and the difference between general EU law and EU criminal law, as well as the theoretical ideals for European constitutional structures and criminal law. Examples of how the law in practice might not always be in keeping with these normative ideals serve to round out the coverage.

Public Law in a Troubled Era Katarzyna Gromek-Broc, 2023-07-14.

Public law which examines relations between governments and institutions and individuals has in recent years become deeply disturbed by an erosion of the rule of law notably in some of the world's most professedly democratic nations. In this book of edited essays many of the world's leading public lawyers draw on examples from the United Kingdom, European States and the European Union (EU) to explore the alarming tensions unleashed as Europe is rocked by Brexit, the war between nations on the EU border and the worldwide phenomenon of populist resistance to globalised forces and liberal democratic aspirations. The book is dedicated to Professor Patrick Birkinshaw who until his retirement was Director of the Institute of European Public Law and Professor of Public Law at the University of Hull and widely respected as a leading authority on public law. With a focus on public law and European public law jurisprudence with hugely important global ramifications, the contributions continue his work and crucially deal with the new and troubling shape of the law-politics relationship. The essays examine these developments under four headings: Law in a World Turned Upside Down with essays on e.g. Brexit, the denial of human rights and the rule of law in Hungary, climate change governance; Law and Politics: A Shifting Boundary showing how advances in the courts have prompted reaction to curtail judicial review and human rights protection especially evident in the fading mirage of fair trial rights and administration on the EU periphery; Law's Promise specifying real achievements in the way of reform and higher levels of security for individuals; and New Bearings exploring initiatives and emerging problems including reform of judicial review, the European Banking Law, digitalization of public administration and institutional interactions with the Chinese 1982 Constitution. The book brings together leading university professors, public officials and judges, all experts in their respective fields. All are concerned with a central role for law in the process of governance. This unrivalled volume penetrates the contradictions, uncertainties and insecurities that plague this topic of worldwide interest and debate and will prove invaluable to practitioners, public administrators, jurists, judges and legal academics everywhere. It will also be of interest to political scientists and politicians. In its completely original and innovative discussions of the changes taking place at the interface of law and politics and of how law can enhance certainty and reliability in governance, this book provides a most detailed and insightful analysis of the new bearings in public law in Europe and worldwide.

The Routledge Handbook of Differentiation in the European Union Benjamin Leruth, Stefan Gänzle, Jarle Trondal, 2022-05-11. The Routledge Handbook of Differentiation in the European Union offers an essential collection of groundbreaking chapters reflecting on the causes and consequences of this complex phenomenon. With contributions from key experts in this subfield of European Studies, it will become a key volume used for those interested in learning the nuts and bolts of differentiation as a mechanism of disintegration in the European Union, especially in the light of Brexit. Organised around five key themes, it offers an authoritative encyclopaedia of differentiation and addresses questions such as: How can one define differentiation in the European Union in the light of the most recent events? Does differentiation create more challenges or opportunities for the European Union? Is Europe moving away from an ever closer Union and

heading towards an ever more differentiated Union especially as leading political figures across Europe favour the use of differentiation to reconcile divergences between member states This handbook is essential reading and an authoritative reference for scholars students researchers and practitioners involved in and actively concerned about research in the study of European integration As European differentiation is multifaceted and involves a wide range of actors and policies it will be of further interest to those working on countries and or in policy areas where differentiation is an increasingly relevant feature The Introduction and chapters 13 21 30 and 35 of this book is available for free in PDF format as Open Access from the individual product page at www.routledge.com It has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Cross-Border EU Competition Law Actions Mihail Danov, Florian Becker, Paul Beaumont, 2013-06-18 This book written within the framework of a research project funded by the European Commission Civil Justice Programme identifies the ways in which cross border EU competition law actions can best be handled in Europe Employing traditional library based legal research methods as well as qualitative interviews with legal practitioners in Germany and England countries sharing different legal traditions and policy makers in Brussels the book considers how private EU competition law actions are functioning at the moment and how they could and should be developed The study proposes solutions for some of the most pressing practical problems and includes chapters by the following academics legal practitioners and judges Judge I Pelik nov General Court of the EU J Lawrence and A Morfey Freshfields P Lasok QC Monckton Chambers H Mercer QC Essex Court Chambers J Webber Shearman T Reher CMS Hasche Sigle Germany P Bos and J M hlmann BarentsKrans the Netherlands P Beaumont Aberdeen S Bariatti Milan G Howells Manchester D Fairgrieve BIICL J Fitchen Aberdeen A Andreangeli Edinburgh D Tzakas Athens Bar Greece S Dnes Sidley Austin Brussels F Becker and J Kammin Kiel University Germany and M Danov Brunel University

Constitutional Populism Martin Krygier, Adam Czarnota, Wojciech Sadurski, 2022-03-31 Explores a range of anti constitutionalist populist regimes identifying and analysing their causes characteristics and consequences

The Routledge Handbook on the International Dimension of Brexit Juan Santos Vara, Ramses A. Wessel, 2020-10-29 This handbook provides comprehensive and expert analysis of the impact of the Brexit process and the withdrawal of the United Kingdom from the European Union on existing and future EU UK relations within the context of both EU and international law Examining the wider international law implications it additionally assesses the complex legal consequences of Brexit for both the EU and the UK in their dealings with third states and other international organizations With contributions from renowned specialists in the field of EU external action each chapter will analyse specific policy areas to address key challenges arising from the Brexit process for the EU and the UK and propose solutions to overcome these problems The handbook aims to fill a gap in research by assessing the consequences of Brexit under EU external relations law and international law As such it is hoped it will set the research agenda for coming years on the international dimension of Brexit The Routledge Handbook on the International Dimension of Brexit is an authoritative

and essential reference text for scholars and students of international and European EU law and policy EU politics and British Politics and Brexit as well as of key relevance to legal practitioners involved in Brexit governments policy makers civil society organizations think tanks practitioners national parliaments and the Court of Justice **The Palgrave Handbook of EU Crises** Marianne Riddervold, Jarle Trondal, Akasemi Newsome, 2020-12-21 This handbook comprehensively explores the European Union's institutional and policy responses to crises across policy domains and institutions including the Euro crisis Brexit the Ukraine crisis the refugee crisis as well as the global health crisis resulting from COVID 19 It contributes to our understanding of how crisis affects institutional change and continuity decision making behavior and processes and public policy making It offers a systematic discussion of how the existing repertoire of theories understand crisis and how well they capture times of unrest and events of disintegration More generally the handbook looks at how public organizations cope with crises and thus probes how sustainable and resilient public organizations are in times of crisis and unrest **The European Union as Protector and Promoter of Equality** Thomas Giegerich, 2020-07-06 This book considers the European Union as a project with a major antidiscrimination goal which is important to remember at a time of increasing resentment against particularly exposed groups especially migrants refugees members of ethnic or religious minorities and LGBTI persons While equality and non discrimination have long been core principles of the international community as a whole as is made obvious by the UN Charter and the Universal Declaration of Human Rights they have shaped European integration in a particular way The concepts of diversity pluralism and equality have always been inherent in that process the EU being virtually founded on the values of equality and non discrimination The Charter of Fundamental Rights of the EU contains the most modern and extensive catalogue of prohibited grounds of discrimination supplementing the catalogue enshrined in the European Convention on Human Rights EU law has given new impulses to antidiscrimination law both within Europe and beyond The contributions to this book focus on how effective and credible the EU has been in combatting discrimination inside and outside Europe The authors present different mostly legal aspects of that topic and examine them from various intra and extra European angles **Landmark Cases in EU Law, Volume 2** Paul Craig, Robert Schütze, 2025-07-10 From Van Gend en Loos and Costa v ENEL to Cassis de Dijon and Consten and Grundig Landmark Cases in EU Law explores the most important and well known EU law cases in two volumes These volumes show how the European Court of Justice has played a fundamental role in the construction of the European Union in the past 70 years Many EU landmark cases have been controversial yet no one can deny that they have been essential in defining the Union legal order as we find it today Volume 2 explores the substantive cases that have shaped the Union's internal market its competition law as well as its internal and external policies Each of the twenty cases within this volume is placed in its historical and doctrinal context and each chapter also presents the history of its reception by the Court and academia **Struggles for Belonging** Dieter Gosewinkel, 2021-11-04 Citizenship was the most important mark of political belonging in Europe in the twentieth century

while estate religion party class and nation lost political significance in the century of extremes This is shown by examining the legal institution of citizenship with its deciding influence on the limits of a political community on inclusion and exclusion Citizenship determined a person's protection equality and freedom and thus his or her chances in life and very survival This book recounts the history of citizenship in Europe as the history of European statehood in the twentieth and early twenty first centuries It does so from three vantage points as the development of a legal institution crucial to European constitutionalism as a measure of an individual's opportunities for self fulfilment ranging from freedom to totalitarian subjugation and as a succession of alternating often sharply divergent political regimes considered from the perspective of their inclusivity and exclusivity and its justification The European history of citizenship is discussed in this book on the basis of six selected countries Great Britain France Germany Czechoslovakia Poland and Russia For the first time a joint history of citizenship in Western and Eastern Europe is told here from the heyday of the nation state to our present day which is marked by the crises of the European Union It is the history of a central legal institution that significantly represents and at the same time determines struggles over migration integration and belonging One of the central concerns of this book is what lessons can be learned when it comes to the future chances of European citizenship

Treaty on the Functioning of the European Union - A Commentary Robert Böttner, Hermann-Josef Blanke, 2024-06-07 The Commentary on the Treaty on the Functioning of the European Union four volumes is a major European project that aims to contribute to the development of ever closer conceptual and dogmatic standpoints with regard to the creation of Europeanised research on Union law Following on from the Commentary on the Treaty on European Union this book presents detailed explanations article by article of all the provisions of the TFEU discussing the application of Union law in the national legal orders and its interpretation by the Court of Justice of the EU The authors are academics and practitioners from all across Europe and different legal traditions some from a constitutional law background others experts in the field of international law and EU law Reflecting the various approaches to European legal culture this book promotes a system concept of European Union law toward more unity notwithstanding its rich diversity grounded in national traditions

[The Law and Economics of Class Actions in Europe](#) Jürgen G. Backhaus, Alberto Cassone, Giovanni B. Ramello, 2012-01-01 The Law and Economics of Class Actions in Europe marshals an impressive array of expertise from both sides of the Atlantic to illuminate the debate over class action litigation This volume is a valuable addition to the literature on class actions in both the US and Europe Jennifer Arlen New York University School of Law US The availability and performance of class actions is a fundamental question being addressed in many legal systems Class actions offer a rare opportunity for individuals with small losses to obtain redress against large companies and may provide important incentives to comply with the law Effective class actions that provide these benefits exist in few countries This book assembles leading scholars from around the world to provide important new insights into the theory and practice of this important legal procedure Theodore Eisenberg Cornell University

US This well documented book discusses the power and limitations of class actions with insights and analysis from a panel of distinguished scholars It pays special attention to the introduction and the applicability of such a legal device in European civil law countries The book offers a broad legal and economic investigation drawing insights from US judicial experience and giving a rigorous discussion of both the philosophical and constitutional aspects and the economic mechanisms and incentives set up by class actions The Law and Economics of Class Actions in Europe will be a welcome addition to the bookshelf of all those interested in the function of class action litigation for promoting justice and efficiency In particular it will benefit graduate and postgraduate students researchers and academics in law economics and law and economics policymakers judges and attorneys

Posting of Workers in EU Law Matteo Bottero, 2020-12-11 Bulletin of Comparative Labour Relations Volume 108 The progressive expansion of the phenomenon of posting of workers the practice whereby a worker is sent for a limited period of time to another Member State in order to provide a service is a formidable bone of contention in the conflict between a fully integrated internal market economy and Member States aims to protect domestic social standards This book challenges the recently adopted Directive EU 957 2018 which came into effect in July 2020 by examining the relevant EU regulatory framework and investigating the actual quantitative dimension of the posting phenomenon and its real impact on the EU labour market In the process the author exposes a serious misalignment of the legal framework provided for by the new Directive with the EU values and principles of equality solidarity and fair competition Drawing on a wide variety of sources including Court of Justice case law Advocate Generals opinions Eurostat data Commission documents and reports and academic literature the author provides in depth analyses of such elements of the problem as the following proper definition of the concepts of posting and posted worker in EU law host country s discretion in relation to the part of domestic regulation it can impose on posted employees misconceived clash between social rights and economic freedoms coordination of national social security systems proliferation of unlawful and fraudulent practices regime shopping and exploitation of existing regulatory loopholes misleading association of posting with issues of social dumping and unfair competition orientation of political influence during the drafting process of relevant EU legislation expected controversial economic impact of Directive EU 957 2018 concrete realisation of the EU values and principles of equality solidarity and fair competition and definition and pursuit of a European social model Normative arguments developed in the course of the analysis put forward viable recommendations for future improvements in the field The Union s commitment to the development of a European social model cannot avoid taking into account the matters of equality solidarity and fair competition In this sense given the increasing prominence of the free movement of services in shaping a European labour market characterised by an ever growing degree of mobility this book s analysis of the phenomenon of posting of workers may serve as a litmus test of political and legislative action at EU level In its dual analytic and normative aspect the book takes a giant step towards future discussions and developments in the area of intra EU labour mobility It will

be welcomed by legal practitioners in labour and social security law and industrial relations legal scholars EU institutions and agencies businesses and trade unions

Gender and Justice Sally Kenney, 2012-09-10 Intended for use in courses on law and society as well as courses in women's and gender studies women and politics and women and the law this book explores different questions in different North American and European geographical jurisdictions and courts demonstrating the value of a gender analysis of courts judges law institutions organizations and ultimately politics *Gender and Justice* argues empirically for both more women and more feminists on the bench while demonstrating that achieving these two aims are independent projects

Borrowing Justification for Proportionality João Andrade Neto, 2018-11-11 The proportionality test as proposed in Robert Alexy's principles theory is becoming commonplace in comparative constitutional studies And yet the question are courts justified in borrowing proportionality has not been expressly put in many countries where judicial borrowings are a reality This book sheds light on this question and examines the circumstances under which courts are authorized to borrow from alien legal sources to rule on constitutional cases Taking the Supreme Federal Court of Brazil and its enthusiastic recourse to proportionality when interpreting the Federal Constitution as a case study the book investigates the normative reasons that could justify the court's attitude and offers a comprehensive overview of its case law on controversial constitutional matters like abortion same sex union racial quotas and the right to public healthcare Providing a valuable resource for those interested in comparative constitutional law and legal theory or curious about Brazilian constitutional law this book questions the alleged universality of the proportionality test challenges the premises of Alexy's principles theory and discloses more than 68 Brazilian Supreme Court decisions delivered from 2003 to 2018 that would otherwise have remained unknown to an English speaking audience

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