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The Agricultural Law of the EU Kluwer Law International B.V. *European Monographs Series, Volume 9 This second and much-revised edition of the pre-eminent work on European Union (EU) agricultural law emphasises the sweeping changes that have led to the gradual expansion of the common agricultural policy to encompass the food chain as a whole. Although the new edition's purpose and methodology remain the same, the author presents a completely new overview of the field as it now exists, including the effects of the latest reform measures up to 2021 and their implications for the future. Imparting in-depth awareness of the multifunctional character of agriculture today – its importance for environmental protection, preservation of biodiversity, public health, mitigation of climate change, and rural development, as well as its international obligations – the book provides matchless insight and clarifications on such critical legal details as the following: analysis of the Green Deal, the Farm to Fork Strategy, and the Biodiversity Strategy for 2030; extensive treatment of the TFEU provisions on agriculture and the impact of international legal instruments; clear and easily accessible treatment of the legislation on market and price policy, competition, and the agri-food chain; thorough analysis of administrative law aspects, in particular, the rights and obligations of operators in the framework of numerous subsidy arrangements and related topics such as sanctions and force majeure; and in-depth treatment of the importance of the general principles of EU law for legal protection. Given that about one-third of the EU's budget is spent on agriculture – and that European legislation on agriculture is voluminous and complicated and case law is abundant – this well-organised and lucid exposition will be of immeasurable value to any practitioner asked to deal with a case involving agriculture anywhere in the EU. Academics aware of the growing intricacy of the field will welcome the author's reflections on the meaning and significance of EU agricultural law.* **The European Commission's Jurisdiction to Scrutinise Mergers The Law of Payment Services in the EU The EC Directive on Payment Services in the Internal Market** Kluwer Law International B.V. *The role that payments play within the general framework of financial services in the EC is indispensable for the realization of a true single European market including, inter alia, the conditions of cross-border purchasing, the legal framework of consumer protection, and the technical standards against fraud in payment systems. The Commission's New Legal Framework for payment services in the internal market - as evidenced by the EC Payment Services Directive (PSD) - represents an important step towards the completion of an initiative for a Single Euro Payments Area and, more broadly, EU-wide.* **The Concept of Legislation in European Community Law A Comparative Perspective** Kluwer Law International B.V. *A notable trend in recent scholarship on the nature of the European Union and its democratic legitimacy focuses on the concept of `legislation and its employment within the European Community's legal system. In this remarkable work of synthesis, Alexander Tandürk exposes and elucidates the underlying uncertainty as to the meaning of the term, and even its legitimate use, within the Community's legal order. He arrives at a clear evaluation of the extent to which the concept of legislation can be applied in the EC through a comparative analysis of the British, French, and German constitutional systems, and proceeds to reveal and highlight aspects of the concept of legislation derived from this analysis appearing in areas of EC law. A number of crucially significant insights emerge, among them the following: the distinction between `legislation in form' and `legislation in substance'; defining the addressee of Community acts; judicial determination of the general application of an act; the relevance of the EU's system of functional (rather than personal) representation; and the co-decision and assent procedures of the EU institutions as `legislation in form. All those interested in the nature of the EC legal system and the state of its development will find this study richly rewarding. Building rigorously on detailed analysis of EC case law and on prior scholarship, the book shows the way to a new understanding of the relevance of the concept of legislation to the solution of some of the EU's most pressing legal issues.* **The Interim Protection of Individuals Before the European and National Courts** Kluwer Law International B.V. *This thesis focuses on the interim protection of the individual in the Community legal order. An analysis will be made of the avenues available to individuals for requesting interim relief when a case is brought before the European or the national courts. An extensive examination of the relevant case law will be performed to reveal what appears to be an evolving concept of the individual's interim protection in the European Community structure and to suggest any possible changes in order to guarantee an effective remedy of interim relief.* **The European Commission's Jurisdiction to Scrutinise Mergers** Springer *No major business or law firm can afford to disregard the European Commission's power in the control of mergers. Since the Council of Ministers adopted the EC Merger Regulation in 1989, The power of the European Commission has increased steadily. The scope of the Merger Regulation now occupies a central role in many mergers taking place both inside and outside the European Community. To come within the scope of merger regulation and thus within the Commission's jurisdiction, a merger must possess a `community dimension'. Despite the careful definition of this term in the Merger Regulation itself, The concept has created problems in many cases. The European Commission's Jurisdiction to Scrutinise Mergers offers a comprehensive, up-to-date analysis of all aspects of the community dimension concept. The most thorough examination of the Commission's jurisdiction to examine mergers under the EC Merger Regulation, The European Commission's Jurisdiction to Scrutinise Mergers serves as a valuable guide for businesses, their legal advisors, and competition law enforcers in both the Commission And The Member States.* **Dealing with Dominance The Experience of National Competition Authorities** Kluwer Law International B.V. *A prohibition of the abuse of dominance is an essential provision in any country's competition law. The purpose of such a prohibition is to protect competition where it is potentially weakened by the presence of dominant market players. If applied immoderately, however, this prohibition is liable to seriously harm competition rather than protect it. In this useful compilation, local practitioners and academics in twelve countries provide a detailed summary and analysis of the application of their countries' law in this area, drawing on the experience of national competition authorities in dealing with market dominance as well as a wide range of legislation, administrative regulations, and case law. Nine EU member states are covered, as are Australia, New Zealand, and the United States. Although contributors were specifically asked not to compare their national provisions with Article 82 EC, the book nevertheless provides useful insight on that article, as well. National "borderline cases", of the kind described here, help to clarify the application of Article 82 EC, especially considering that the case law on this provision is often controversial. Dealing with Dominance is a useful reference tool for the application of the national counterparts to Article 82 EC in Europe and beyond and answers a basic practical need of both national and international competition law practitioners. This book can also be seen as an especially important contribution to the comparative analysis of an increasingly crucial area of economic law.* **External Relations Law of the European Community Legal Reasoning and Legal Discourses** Kluwer Law International B.V. *External Relations Law of the European Community begins by noting two common characteristics of legal analyses in the field of EU external relations. First, most legal analyses assume that EC external relations law cannot be studied or applied without a constant awareness of the underlying political dynamics. Yet, the same analyses fail to explain how these 'dynamics' are to be understood, assessed and systematically applied. This pragmatic outlook reduces the importance and value of a self-reflective, rational and coherent legal language. Second, most legal analyses tend to focus only on n.* **EU Enlargement and the Failure of Conditionality Pre-accession Conditionality in the Fields of Democracy and the Rule of Law** Kluwer Law International B.V. *Among the criteria for accession to the European Union are democracy and the Rule of Law. In the insightful analysis offered by the author of this book, these concepts - while admirable and even necessary criteria in principle - are almost impossible to measure, and any judgement grounded in them will always be difficult to justify. In his words, 'by including analysis of democracy and the Rule of Law within the field of the EU enlargement law, the Union entered an unstable terrain of vague causal connections and blurred definitions.' Dr Kochenov addresses this problem by proceeding as follows: 1. Outlining EU enlargement law in general, including the principle of conditionality and the role played by the analysis of democracy and the Rule of Law in enlargement preparation; 2. Focusing on the role actually played by the monitoring of democracy and the Rule of Law in ten candidate countries, scrutinizing the way the EU used the legal tools and competences outlined in its enlargement law. The book adopts the EU's own understanding of democracy and the Rule of Law, as derived directly from the substance of the numerous legal and political instruments issued by the Community Institutions and especially the Commission in the course of the pre-accession process. In this way it demonstrates the actual - as opposed to the officially announced - role played by the assessment of democracy and the Rule of Law in the candidate countries in the regulation of enlargement. Many formidable inconsistencies in the application of the conditionality principle are thus laid bare. This leads the author to a series of recommendations on policy and procedure that he demonstrates could be profitably applied to the regulation of current and future accessions, using the Commission's own structure of monitoring pre-accession reforms in the three areas of the legislature, executive, and judiciary in candidate countries. The probity and soundness of these recommendations, firmly grounded as they are in the actual pre-accession monitoring and its consequences for the pre-accession progress of ten Eastern European countries admitted to the EU in 2004 and 2007, will greatly interest policymakers and scholars concerned with the future of European integration.* **Mandating Identity Citizenship, Kinship Laws and Plural Nationality in the European Union** Kluwer Law International B.V. *Based on the author's thesis (doctoral)--European University Institute, 2006.* **Nationality Discrimination in the European Internal Market** Kluwer Law International B.V. *Despite the high-flown rhetoric of civil society, it cannot be denied that discrimination is still with us; it has merely gone 'underground'. This text exposes a polity that defines discrimination correctly but then refuses to see it where it occurs.* **EU Law of the Overseas Outermost Regions, Associated Overseas Countries and Territories, Territories Sui Generis** Kluwer Law International B.V. *Millions of British, Dutch, French, Danish, Spanish, and Portuguese nationals permanently reside in the overseas parts of their Member States. These people, like the companies registered in such territories, often find it virtually impossible to determine what law applies when legal decisions are required. Although Article 52(1) of the EU Treaty clearly states that EU law applies in the territory of all the Member States, most Member State territories lying outside of Europe provide examples of legal arrangements deviating from this rule. This book, for the first time in English, gathers these deviations into a complex system of rules that the editor calls the 'EU law of the Overseas'. Member States' territories lying far away from the European continent either do not fall within the scope of EU law entirely, or are subject to EU law with serious derogations. A huge gap thus exists between the application of EU law in Europe and in the overseas parts of the Member States, which has not been explored in the English language literature until now. This collection of essays sets out to correct this by examining the principles of Union law applicable to such territories, placing them in the general context of the development of European integration. Among the key legal issues discussed are the following: internal market outside of Europe; the protection of minority cultures; EU citizenship in the overseas countries and territories of the EU; Article 349 TFEU as a source of derogations; The implications of Part IV TFEU for the overseas acquis; participatory methods of reappraisal of the relationship between the EU and the overseas; implications for the formation of strategic alliances; voting in European elections; what matters may be referred by courts and tribunals in overseas countries and territories; application of the acquis to the parts of the Member States not controlled by the government or excluded from ratione loci of EU law; interplay of the Treaty provisions and secondary legislation in the overseas; customs union; wholly internal situations; free movement of capital and direct investments in companies; the euro area outside of Europe; duty of loyal cooperation in the domain of EU external action; territorial application of EU criminal law; and territorial application of human rights treaties. Twenty-two leading experts bring their well-informed perspectives to this under-researched but important subject in which, although rules abound and every opportunity to introduce clarity into the picture seems to be present, the situation is far from clear. The book will be welcomed by serious scholars of European Union law and by public international lawyers, as well as by policy-makers and legal practitioners.* **Multilingual Interpretation of European Union Law** Kluwer Law International B.V. *At head of title: Kluwer Law International* **Division of Powers in European Union Law The Delimitation of Internal Competence Between the EU and the Member States** Kluwer Law International B.V. *The European Union has flourished and expanded over the last fifty years as a unique system that lies midway between a federal state and an anarchical international system. Different actors coexist within a cooperative hegemony of Member States, and the allocation of competences and decision-making among them has always been at the centre of the integration process. In fact, demands for clearer limits to the Unionand□s decision-making power and enduring tension over the nature and purpose of European integration have been the key drivers of integration and change. This deeply informed and thoughtful book thoroughly examines the manner in which the principle*

of division of powers has developed in EU Law over the course of European integration, and casts light on the path towards a more efficient delimitation of internal competence between the main actors: namely, the European Union and the Member States. Among the topics investigated in depth are the following: the place of the and competence provisionsand in the current and future EU Treaty structure; the scope and limits of the powers of institutional actors involved in EU decision-making; the contribution of the Court of Justice in declaring the pre-emptive effect and overarching precedence of Community law; the role of subsidiarity as a tool for monitoring the jurisdictional limits of the Communityand s legislative competence; areas where and creeping competenceand occurs; the constitutional checks and balances available to Member States against unprecedented expansion of EU competences; and the spectre of a powerful and coreand Europe and a and multi-speedand Europe of pacesetters and laggards. Addressing numerous crucial issues and among them the degree of permanence of the nation-state in a context of ambiguous constitutional authority, and the width of the democratic base of the Unionand s and institutional dynamicand of cooperation and consensus and the author lucidly describes a seeming paradox: an and ever-closer unionand, with a growing democratic legitimacy, congruent with a supranational community that falls short of a fully-fledged democratic political entity. The countless perspectives and clarifications discovered along the way are sure to engage academics and policymakers working in the fields of the European integration project, and will provide ample insights and food for thought. **The Eclipse of the Legality Principle in the European Union** Kluwer Law International B.V. *Legality is a traditional normative concept to regulate the relationship between those in power and those subjected to that power. The principle of legality protects the citizen against the arbitrary use of power, or, more precisely, it demands a legal basis (which itself must be of a certain standard) to legitimize State action. Is legality under siege in Europe? The authors contributing to this provocative and important book answer this question in the affirmative. Twenty-one outstanding European legal scholars expose a spectrum of ways in which the traditional legality principle is under pressure because of the creation of new legal orders, including that of the EU, and the interaction between these new orders and that of the State, combined with such factors as expertise driven governance, difficulties of international organizations to meet their objectives due to a lack of adequate powers, and lack of parliamentary control. The question of whether the main functions of legality - legitimating, attributing and regulating the exercise of public authority - are still fulfilled in the context of the overlapping, interacting, and mutually dependent legal orders of the EU, the ECHR, and the Member States is at the background of all the essays in this volume. Recognizing that legality, if it is to survive, demands rigorous reconsideration of its scope and application, the authors interrogate not only such fundamental democratic issues as who has legitimate power to perform legislative acts and through these to exercise of public power over citizens, but also such urgent European problems as the following: ; the use of the precautionary principle in EU decision-making; the scope of the principle that the exercise of public authority must rest on an act of Parliament; the extent to which the EU can provide a legal basis for action of Member State authorities in the absence of such a basis within Member State legal orders; the constitutional position of independent 'regulators'; the requirements that ECJ and ECHR case law impose on the exercise of public authority; whether legislative results are coherent in the sensitive area of equal treatment; transparency, legal certainty, enforceability, and implementation of EC Directives in the field of workers' involvement; new instruments as the Open Method of Coordination and the involvement of social partners in decision-making; the de facto harmonization of national criminal justice systems; and the prominent role of the EU in the field of data protection. There can be little doubt that the issue of legality and to whom it applies - in a world in which the role of the modern State is changing profoundly - is a crucial one. It is highly important in the context of the ongoing discussion on the meaning of democracy and citizenship. This volume, with its clear message that reconsidering legality demands taking serious issue with the uncertainty engendered by the processes of globalization, will resonate profoundly among practitioners and policymakers in this time of momentous change.* **Anti-dumping in the WTO, the EU, and China The Rise of Legalization in the Trade Regime and Its Consequences** Kluwer Law International B.V. *Country Driving illuminates the vast, shifting landscape of a traditionally rural nation that, having once built walls against outsiders, is building the roads and factory towns that will shape the twenty-first century. --Book Jacket.* **The Ne Bis in Idem Principle in EU Law** Kluwer Law International B.V. *The legal principle of ne bis in idem restricts the possibility of a defendant being prosecuted repeatedly on the basis of the same offence, act, or facts. This book describes obstacles that stand in the way of a single, autonomous, and uniformly applicable general ne bis in idem principle of EU law.* **EU Higher Education Law The Bologna Process and Harmonization by Stealth** Kluwer Law International B.V. *In March 2010, the European Higher Education Area was officially launched, proclaiming the culmination of a ten-year timeframe projected at Bologna in 1999, when the education ministers of 29 European states signed a declaration that would fundamentally influence the future of their higher education systems. Forty-seven countries, including all EU Member States and other countries as far afield as Kazakhstan, now take part in the so-called 'Bologna Process'. Remarkably, this vast enterprise, which has led to rapid and sweeping changes in almost all higher education systems in Europe, has taken place outside the framework of the European Union and the Council of Europe. In fact, as this important legal analysis shows, it appears that with the Bologna Process the Member States have tried to sidestep the EU's growing influence on higher education. Although the Bologna Process has generated an impressive literature addressing what it might mean, where it suddenly came from, and how it has become so powerful, until now the legal implications of the process, and its tense relationship with EU law, have been left almost entirely unexamined. This work fills that gap. Among the often controversial issues raised are the following: ; avoidance of the democratically legitimate procedures of the EU's institutional framework for cultural reasons connected with state sovereignty; the scope of EU legal competence for various kinds of activities in the educational sector; specific areas of overlap between EU law and the Bologna Process and their implications; voluntary intergovernmental cooperation as a paradigmatic global shift of internationalization policies in education; the idea that the university is being redefined, from a social institution to an industry; the increasingly influential role in the process, by means of funding and coordination, of the European Commission; financial support programmes and devices to enhance credit and degree recognition; students as recipients of services; and teachers and the free movement of workers. The author describes how the scope of the Bologna Process was significantly broadened during a series of meetings during the decade, analyses the relevance of the case law of the European Court of Justice and provides a detailed description of the adoption of the process into the national laws of France, Germany and the United Kingdom. A concluding normative assessment scrutinizes the process on the basis of democracy, transparency and accountability. As the first study of the legitimacy of Bologna from a European law perspective - and by extension of the 'Europeanization' of higher education, including the role of the EU, EU law, and law in general - this is a critically important contribution to a contentious debate that clearly holds great significance for the future of law and society. Educators and education policymakers are sure to read and study it with interest.* **Directory of EU Case Law on the Preliminary Ruling Procedure** Kluwer Law International B.V. *Article 234 EC ensures that a divergent application of the EC Treaty or of the statutes and acts of its institutions is not allowed in any Member State. Unsurprisingly, its pivotal importance has given rise to a huge number of ECJ judgments and orders - about 700 by the beginning of 2009. Very often, a practitioner needs to establish whether the preliminary ruling procedure called for by Article 234 EC is required in a particular case being pursued in a national court, and any relevant ECJ ruling or order must be located. Herein lies the great value of this book. Dr Barents' very useful volume sorts paragraphs of the 700 judgments and orders by subject, making it easy to establish the relevance of a particular Community court ruling to a particular national court proceeding. In this book paragraphs of the judgments and orders are presented in the form of extracts sorted by subject. The subject headings are arranged according to a hierarchical system, descending from such overarching concepts as scope and participation to such precise categories as the following: situations outside the scope of community law; bodies not considered to be courts or tribunals; arbitration; third persons; rights of participants; formulation of preliminary questions; presumption of relevance of a preliminary reference; violation of the obligation to refer; requirement of a pending dispute; interim measures; modification of preliminary questions; questions rejected by the submitting court; new elements presented during the preliminary procedure; questions lacking precision; retroactive effects of judgments. Paragraphs of judgments relating to more than one subject are included under each relevant heading, where necessary accompanied by cross references to other headings. Under each extract or summary, the judgments and orders are referred to by case number in ascending order. The articles of the EC Treaty are cited according to the new method of citation pursuant to the renumbering of the articles of that treaty brought about by the Treaty of Amsterdam. There is no doubt that the book's technique of presenting case law in the form of separate extracts and summaries arranged by topic and sub-topic improves the accessibility of the material. This very practical, time-saving feature will be greatly appreciated by practitioners throughout Europe. This is a reference every European lawyer will want to have on hand.* **EU Law and the Harmonization of Takeovers in the Internal Market** Kluwer Law International B.V. *Although some provisions of the Directive are obligatory for all Member States, two key provisions have been made optional: the non-frustration rule, which requires the board to obtain the prior authorization of the general meeting of shareholders before taking any action that could result in the frustration of the bid; and the breakthrough rule, restricting significant transfer and voting rights during the time allowed for acceptance of the bid. Other relevant legal issues covered in the course of the analysis include the following: A { the right of establishment as a right of legal persons; A { vertical vs.* **The European Union Legal Order After Lisbon** Kluwer Law International B.V. *In June 2009 the Institute of European Public Law of the University of Hull assembled a range of experts in relevant fields to offer papers and reach some consensus on what has been achieved in the EU legal order and what the future holds for that order given local tensions and global uncertainty.* **EU Law and Obesity Prevention** Kluwer Law International B.V. *Since the 1980s, there has been an alarming increase in the prevalence of obesity in virtually every country in the world. As obesity is known to lead to both chronic and severe medical problems, it imposes a cost not only on affected individuals and their families, but also on society as a whole. In Europe, the Obesity Prevention White Paper of May 2007 - followed by the adoption of an EU School Fruit Scheme, the acknowledgement that food advertising to children should be limited, and proposed legislation to make nutrition labeling compulsory - has firmly placed obesity on the EU agenda by laying down a multi-sectoral strategy and a basis for future action. In accordance with this growing sense of urgency, this is the first book to offer an in-depth legal analysis of obesity prevention, with particular reference to Europe. It describes what the EU has done and could do to support Member States in fighting the obesity epidemic, and clearly shows the way to locating advocacy strategies within the framework of EU law. The thorough analysis includes a discussion of the following issues: the need to address nutrition and physical activity as important health determinants; the emphasis traditionally placed at EU level on food safety rather than food quality; the need for the development of databases on nutrition and physical activity, comparable common indicators and risk assessment mechanisms; mainstreaming public health into all EU policies; the scope of EU powers in the case law of the Court of Justice; the role of information in the EU's obesity prevention strategy; the Commission's proposed Mandatory Nutrition Declaration; the Food Claims Regulation; the regulation of food marketing to children, and in particular the role of the Audiovisual Media Services Directive, the Unfair Commercial Practices Directive and industry self-regulation; food reformulation; the use of economic instruments in the EU's obesity prevention strategy, with an emphasis on the Common Agricultural Policy and the EU's taxation policy; and EU action in the fields of sport, occupational health and safety, and transport policy. The author convincingly shows that conflicts of interest inherent in market forces demand a strong EU intervention, preferably through legislation than self-regulation. She also demonstrates the urgent need to reach an agreement, on the basis of reliable data, about what is effective in practice to improve lifestyles. The study acknowledges that the law is not a panacea, but nonetheless has an influential role to play in making the healthy choice an easier choice, and must move decisively towards ensuring that the societal costs associated with obesity are sustainable, and that the ultimate goal of a healthy population is achievable. The book is essential reading for everyone involved or interested in the development of the EU's obesity prevention policy.* **The Liberalization of Electricity and Natural Gas in the European Union** Kluwer Law International B.V. *In this important book, notable European experts in the energy field provide valuable perspectives on the principal issues raised by the liberalisation of the electricity and natural gas markets in the EU. Lawyers, business people, regulators, and policymakers who deal with matters and issues in the energy, natural resources, and environmental fields will find the details and insights presented here of great value.* **Regional State Aid and Competition Policy** Kluwer Law International B.V. *The increasing importance attached to the economic and social cohesion of the European Union since the 1980s, and the role of competition policy in achieving this objective, has special significance for the control of regional aids, given the general ban on State aid. Regional aids are considered to have the potential to contribute to economic and social cohesion and to undermine its attainment. The notion of competition policy as an instrument of economic and social cohesion has become a standard part of Commission rhetoric in defence of its actions. This book is concerned with the influence of EU competition policy on the regional policies of the Member States. It focuses on how the European Commission has interpreted the derogations from the State aid ban to enable the conduct of regional aid policies. The book takes both a historical perspective, tracing the evolution of policy, and a thematic one, examining in particular the relationship between EU competition and cohesion policies and the treatment of aid to very large projects. The author clearly demonstrates that, in reality, the competition policy control of regional aids is of much longer standing than the community?s explicit regional aid policy and, in many respects, of arguably greater influence. She shows how competition policy has for almost thirty years shaped the design, scope and implementation of national regional aid policies; in no EU country has regional policy been unaffected by Commission intervention in the name of competition policy. Moreover, the policy principles developed for the EU now apply extraterritorially to members of the European Economic Area and to the current applicant countries. The study?s overall perspective is policy-oriented. It considers both the impact of Commission intervention in the past and the implications of policy for the future, especially in the context of enlargement and a wider Europe. It will be an invaluable resource for all policymakers and practitioners active in the fields of economic development, regional policy and State aid law at European, national and subnational levels.* **The Liberalization of Postal Services in the European Union** Kluwer Law International B.V. *Among the critical matters discussed are the following: terminal dues for international mail; remail provisions; the UPU and WTO constraints on the European postal market; EU Commission decisions and ECJ case law interpreting the postal directive; the effects of EC Treaty Articles 81 and 82 and the Merger Control Regulation; abuse of market power, especially by incumbent public postal operators; the "essential facilities" doctrine; and*

funding of universal service obligations. In addition, there are specific country reports from five EU Member States (France, Germany, Italy, Portugal, and the United Kingdom) and Norway, bearing witness to the diversity of means adopted to implement the postal directive. Business persons and their counsel, regulatory officials, practitioners, and academics interested in the creation of an EU-wide postal market-as well as in the ongoing reliability and improvement of postal service - should find this text valuable. **Europe and Refugees:Towards an EU Asylum Policy** Kluwer Law International B.V. *Includes statistics.* **Towards a EU Right to Education** Kluwer Law International B.V. *In the EC context* **European Cooperation Between Tax, Customs and Judicial Authorities** Kluwer Law International B.V. *This book deals with the cooperation between Member States of the European Union in their fight against fraud. Various mechanisms exist to detect, investigate and deal with fraud directed against the financial interests of the European Union. When Member States of the European Union require one another's assistance, they can basically resort to two forms of cooperation: cooperation in administrative matters and cooperation in criminal matters. A key question is therefore which form of cooperation they should choose in any given set of circumstances. A further question is whether either form of cooperation is exclusive. The survey examines and compares the law of four jurisdictions within the European Union: the Netherlands, Germany, France and England and Wales.* **Infringement Proceedings in EU Law** Kluwer Law International B.V. *Infringement proceedings constitute a signi¬ficant proportion of proceedings before the Court of Justice of the European Union and play a key role in the development of EU law. Their immediate purpose is to obtain a declaration that a Member State has, by its conduct, failed to ful¬fl an obligation under the EU Treaties. The aim is to bring that conduct and its effects to an end and, ultimately, to eliminate infringements across the Union. This book – the ¬first comprehensive and detailed full-length work in English on infringement proceedings under Articles 258-260 TFEU – provides not only an in-depth discussion on the role and function of infringement proceedings within the EU legal order, but also a critical assessment of the procedures as they currently stand, complete with proposals for future changes. Recognizing that Member States' compliance with EU law is an integral part of the task of ensuring the rule of law throughout the Union, the author thoroughly explains the functioning of infringement proceedings, their requirements and related policies, including issues such as: – the Commission's discretion to bring a case before the Court; – the author of the infringement, including national courts or private entities; – Member States' procedural and substantive defences; – the different procedures under Articles 258, 259 and 260(2) and (3) TFEU; – rights of private parties; – interim measures; – ¬financial sanctions; – Member States' liability; and – the roles played by the European Parliament and the Ombudsman. Particular attention is devoted to rules that have not yet been fully interpreted, or where the current interpretation or application of the rules seems problematic. The book tackles, in particular, whether infringement proceedings, as they stand, constitute an appropriate means of ensuring observance by Member States' authorities of the EU acquis, and, if not, what reforms should be implemented in order to achieve this in the future. Such a detailed and in-depth examination of this fundamental procedure of EU law will be of great and long-lasting interest to EU and Member State administrators, legal practitioners and academics. Luca Prete is currently a référendaire (Legal Secretary) for Advocate General Wahl at the Court of Justice of the European Union, on secondment from the Legal Service of the European Commission. He is also a member of the Centre for European Law of the Free University of Brussels (VUB). He has published several articles in the fi¬eld of EU law and is a regular speaker at EU law seminars and conferences.* **Shaping EU Public Procurement Law A Critical Analysis of the CJEU Case Law 2015-2017** Kluwer Law International B.V. *The first part of the book offers a unique reflection on enduring themes in public procurement law such as the shaping of the scope of this regulatory regime, the development of tighter criteria for the exclusion of candidates and tenderers, the conduct of qualitative selection, the consolidation of the court's previous approach to technical specifications, new developments in tender evaluation, the inclusion of contract performance clauses with a social orientation, and, last but not least, the development of interpretive guidance concerning several aspects of the procurement remedies regime. The book shows that the period 2015–2017 has been an interesting and rather intense period for the development of EU public procurement law, where the CJEU has not only consolidated some parts of its long-standing procurement case law but also introduced significant innovations that can create future challenges for the consistency of this regulatory regime. The first part of the book concludes with some thoughts on some of the salient aspects of this recent episode of silent reform of EU public procurement law through CJEU case law. The second part of the book contains the essential excerpts of forty-one chronologically ordered judgments issued by the CJEU in the period 2015–2017, which have been selected because they either raise new issues or important matters of public procurement law. Each of the selected judgments is followed by an exhaustive and critical in-depth analysis, highlighting and providing insight into its legal and practical issues and consequences. An exhaustive subject-index offers the reader quick and easy access to the case law treated in this book. This unique book, a 'must-have' reference work for judges and courts of all EU Member States and candidate countries and academics and legal professionals who are active in the field of procurement law, will also be valuable for law libraries and law schools across the world and for law students who focus their research and studies on EU law.* **The Role of Financial Stability in EU Law and Policy** Kluwer Law International B.V. *Since the outbreak of the 2008 financial crisis, European Union (EU) institutions and Member States have engaged in a major effort to repair the architecture of economic governance of the European Economic and Monetary Union (EMU). This book takes as its starting point the unclear notion of financial stability, which only recently has received a more detailed legal analysis. It examines the evolution of the concept of financial stability during the financial crisis and provides a conceptual framework in order to demonstrate that financial stability has become a foundational objective in Europe and has set a new normative framework in EU law and policy. Arguing that financial stability is a foundational objective in EU law and policy based on certain normative instruments, this ground-breaking book provides an in-depth and original understanding of the newly developed framework to attain supranational financial stability. In its analysis of the legal implications of these new instruments, the study examines topics and issues such as the following: - the concept and normative instruments of financial stability at European level; - the renewed economic governance in Europe; - the financial assistance mechanisms developed in Europe; - the new regulatory environment for banks at European level; - the Single Supervisory Mechanism and the role of the European Central Bank (ECB) therein; and - the new framework for banking resolution, with specific focus on the Single Resolution Mechanism. The author shows in detail how an appropriate level of supranational regulation, supervision, burden-sharing and rescue measures strengthen financial stability. Thereby, the book will appeal to officials in EU institutions and agencies as well as lawyers and academics in EU law and in banking/financial law to gain a clear understanding of role of financial stability and its normative instruments in EU law and policy. Gianni Lo Schiavo is currently working as a lawyer at the ECB. He obtained a PhD in EU Law at King's College, London, and has written numerous articles and chapters in EU administrative law, EU financial/banking law and EU competition law.* **Communications in EU Law : Antitrust Market Power and Public Interest** Kluwer Law International B.V. *Approaching the theme from an antitrust perspective and focusing on telecommunications and television broadcasting, this volume examines how traditional European competition law doctrines and principles can be applied to this converging sector. The application of antitrust rules to the communications sector is often one of the most controversial areas of law and policy. The shift towards a more competition law oriented form of regulation is one of the main principles inspiring the recent reform of European sectorial regulation enshrined in the 2002 Electronic Communication Package. The Package was adopted in 2002 and is in the process of being implemented throughout the Union. This monograph provides a detailed description of the new regulatory package and highlights the interplay between regulatory provisions and EC competition law. It then follows the pattern of a typical antitrust analysis containing chapters on the definition of relevant market in the sector and various forms of abuses of market power. The book also critically examines the Commission's practice and policy in the field of merger control and considers its relationship with wider regulatory policies. Finally it analyses the sector from the perspective of the 'European' public interest and the changed nature of communications as a public service.* **The Optimal Enforcement of EC Antitrust Law:A Study in Law and Economics** Kluwer Law International B.V. *This text provides clear answers to the major questions concerning the modernization of EC antitrust enforcement such as: should a notification system be maintained, or should the antitrust rules be enforced exclusively through deterrence?; and at what levels should fines be set?* **Remedies and Procedures Before the EU Courts** Kluwer Law International B.V. *The ongoing reform in the organisation of the European Union courts makes an updated edition of this indispensable resource essential. Following the book established easy-to-use structure, the second edition offers a reliable, thorough guide to the renewed rules of procedure of the Court of Justice and the General Court as well as updated provisions and practice directions, including the relevant case law, together with a focus on the extensive treatment of remedies available in these courts and how to secure them. With the expert guidance of one of Europe foremost jurists, the book clearly explains which rules apply and how to proceed in the course of any kind of case and any situation likely to arise. From foundations and principles to specific issues regarding the assignment of cases, preliminary rulings, rules on evidence, annulment, illegality, failure to act, pleas, judgments and orders, appeal and much more, the book covers all essential elements of Court of Justice of the European Union procedure, including the following: division of competences between the Union courts; admissibility; rules regarding anonymity; service of documents; setting and extension of time limits, hearings, witnesses and experts; deposit and recovery of sums; application of competition rules, rules on state aid and rules on trade protection; rules in cases concerning intellectual property rights; rules in actions brought on the basis of an arbitration agreement; rules governing access to documents; languages; legal aid; interim measures; damages; expedited procedures; and scope of the rules on costs. Any lawyer seeking appropriate remedies in any case before the European Union courts will benefit enormously from this book, whether used as a hands-on manual in particular cases or absorbed over time. It is sure to serve as an essential resource for many years to come.* **The Autonomy of Community Law** Kluwer Law International B.V. "*This book is the English version of my 'De communautaire rechtsorde' ... which was published by Kluwer, Deventer (the Netherlands) in 2000 ... Where necessary I have updated the text by taking account of developments until the beginning of 2003.*"--*Foreword.* **European Public Law The Achievement and the Brexit Challenge** Kluwer Law International B.V. *The sphere of public law is ill-defined and controversial. Taking the broad view that it comprises aspects of (for instance) constitutional principles, good and humane administration, judicial review based on the rule of law, human rights, liability for wrongdoing, public procurement, provision of public services, transparency, social media and protection of privacy – areas that link legal control to broad governmental purposes – the third edition of this established and much-praised work expands its examination of the emergence of European public law from European Union (EU) law (and its European Community and European Economic Community antecedents), the European Convention on Human Rights and the interface of these systems with Member State systems, to include the currently all-important challenge of Brexit. The book explains in detail what European public law is and the context in which laws interact in European societies. Masterfully summarising the debate surrounding the influence of EU and European Convention law on Member State law – particularly that of the United Kingdom (UK) – in a thematic and analytical manner, the author covers the following topics and much more as they persist in the shadow of Brexit: constitutional law and administrative law in the EU and France, Germany and the UK; subsidiarity in the EU and UK devolution; openness, transparency and access to information; national parliaments and scrutiny of EU law; influence of EU law on UK judicial review; access to justice in the light of austerity and government cuts in public expenditure; the future of the UK Human Rights Act; European influence on the law of liability; EU ombudsmen and internal grievance procedures; future relationship between EU and UK domestic law; citizenship and protection of human rights; competition, regulation, public service and the market; the impact of Brexit, the legal consequences of UK withdrawal legislation and European Public Law, the EU-UK written agreements on separation and the political statement's prospects for a post-Brexit trade deal. Detailed analyses of major cases and legal provisions are featured throughout the book. Given that the effects of Brexit will take decades to unfold, and not only in the UK, this new edition of a classic text will prove to be an invaluable guide to the ever-developing European context of domestic public law. The indelible marks of European integration must be fully understood if we are to understand public law and its future direction. The book will be of enormous assistance to political theorists and scientists and commentators and of immeasurable practical and academic importance in monitoring the future of Europe and its legal relationship with the UK. Academics and students will be rewarded by the detailed analysis of the context in which national laws and European laws interact. Practitioners in the UK, Europe and globally will gain invaluable insight into the laws they use to resolve practical questions of legal interpretation.* **Finance for SMEs: European Regulation and Capital Markets Union Focus on Securitization and Alternative Finance Tools** Kluwer Law International B.V. *With the European Commission's announcement of the Capital Markets Union in 2016, a major step was at last taken to provide for the special needs of small and medium enterprises (SMEs). This book presents the first in-depth legal analysis of the challenges that SMEs have to face when managing their balance sheets and trying to attract investors, what alternative financing tools are most effective and how recent legislation reaches fair and convenient conditions for SMEs. The analysis focuses specifically on the Capital Markets Union structure and on other European initiatives that support and enhance SMEs' raising money on capital markets in order to better diversify their investments and plan a growth and development strategy. An updated description of the European framework is provided, together with references to relevant national systems. Issues and topics covered include the following: need for long-lasting access to funds; securitization for SMEs; SME Z-score; crowdfunding; and peer-to-peer, minibond and accounts receivables financing. Case study analyses furnish a deep understanding of the financial structures and their main features. Appendices include English texts of the main European Union (EU) legal documents pertaining to SMEs. For SMEs discouraged by over-regulation designed for larger businesses, and who find themselves in difficulties when they have to face the required process, this book will prove to be of immeasurable practical value. This book represents one of the first publications on SMEs and finance and contains data and information resulting from a deep and well-focused research on the topic. The added value of this study will allow the academics to understand the main issues related to this topic and will provide for a steady basis for further research and analysis with regards to law and economics for SMEs. Furthermore, it will be also warmly welcomed by practitioners in the area of SME financing and will be useful to support them in the selection of the most appropriate tools for their clients. Banks and interested EU officials will also value its clear and straightforward approach to the subject.* **Privacy Limitation Clauses Trojan Horses under the Disguise of Democracy** Kluwer Law International B.V. *The fundamental right to privacy, in the sense of non-interference by government, is protected by international and national law.*

Nonetheless, today the laws of privacy are being stretched to their limits and even violated by governments in the name of security. This book, by one of Europe's most trusted authorities on the legal aspects of telecommunications technology, analyses the use of legal instruments by government agencies to determine if they restrict the fundamental right of privacy and if the grounds to do so are acceptable within a democratic society. Unpacking the complexity of the various factors on each side – privacy and the general interest of safety – the author clearly describes the relevant tensions in the following major areas of current law: – data protection regulations; – regulations on interception and retention of personal data in the telecommunication sector; – anti–money laundering; and – strategies used to protect national security against terrorist activities. The analysis pays detailed attention to the relevant provisions of international and regional conventions, to deliberated principles and guidelines, and to the case law of the European Court of Human Rights and other courts at every level. Legal theories of sovereignty are also taken into account. This is the most thorough treatment available of the grounds and circumstances that state agencies invoke to intrude upon citizens' rights of privacy and the procedures in place to legitimize these intrusions. Its ultimate contribution – the setting forth of a set of circumstances under which the limitation of privacy should be allowed, including a consideration of what principles and conditions should underpin this policy – will prove of inestimable value to policymakers, government institutions, and practitioners in several fi elds related to human rights. Robert van den Hoven van Genderen has worked as a legal expert on telecommunications technology, regulation of the Internet, and anti–money laundering measures in both public and private sectors, in addition to legal and academic practice. **The Legal Framework Applicable to the Single Supervisory Mechanism Tapestry or Patchwork?** Kluwer Law International B.V. *In this innovative book a leading expert directly involved in the development and implementation of the framework compellingly demonstrates the necessity of removing differences in banking legislation across national borders within the Banking Union. The author analyses all the cases where the European Central Bank (ECB) is required to apply national legislation in accordance with the country of establishment of the credit institutions under its direct supervision within the Single Supervisory Mechanism (SSM). Drawing on the case law of the European Court of Justice concerning the transposition of EU Directives the book also develops an analytical methodology to assess the derivation of national legislation from EU law with application to several concrete cases. In an in-depth analysis of the complex legal environment in which the ECB, as prudential supervisory authority, has been operating, the author thoroughly answers the following questions: – What are the supervisory tasks and powers of the ECB in the micro and macroprudential spheres? – When is the ECB required to apply national legislation? – What are the 'direct' and the 'indirect' supervisory powers of the ECB vis-à-vis significant supervised entities? – What are the options and discretions available in EU law? – What are the most important prudential options the ECB has exercised for significant supervised entities? – What are the main legal obstacles to the establishment of a truly single supervisory jurisdiction within the Euroarea with actual fungibility of capital and liquidity for cross-border banking groups? The legal analysis in this book supports, with great authority, the demands for a leap forward in the full harmonisation of key prudential requirements within the Banking Union. Legal and banking practitioners, officials in national and European authorities, banking law scholars and policymakers will benefit enormously from the lessons it contains for the way forward of the Banking Union and, more generally, the future of the European Union itself.* **Impact Assessment in EU Lawmaking** Kluwer Law International B.V. *Recent constitutional thinking has directed its attention to the profound impact of 'soft' norms on the way legislation is made. This book identifies the European Union's impact assessment regime as a source of these norms. In 2002 the European Commission - later followed by the European Parliament and the Council of Ministers - committed to performing rigorous assessment of the economic, social and environmental impacts of policy options before adopting (legislative) proposals. Applying a 'constitutional lens' to this 'regulatory' topic, Anne Meuwese examines both the details and the framework of IA in EU lawmaking to date, drawing attention to its strengths, its contradictions, and its power to enhance the deliberative quality of legislative debates. Integrating the perspectives of political scientists and economists with the concerns of legal scholars and practitioners, Dr Meuwese describes and interrelates such aspects of the subject as the following: the potential role of impact assessment as a catalyst of legal principles, by emphasising or overriding norms that govern both the procedural and the substantive aspects of the EU legislative process; the 'constitutional tasks' of impact assessment as applied to European legislative proposals, especially relating to subsidiarity, proportionality, and the precautionary principle; the formal and informal extension of the scope of impact assessment beyond the co-decision procedure; the question whether impact assessment crosses the line between informing the legislator and fettering legislative discretion. In the course of her analysis Dr Meuwese develops models for possible usages of IA in EU lawmaking, analyses the implementation of impact assessment processes in the European Commission, the European Parliament and the Council as well as the roles of relevant 'co-actors', and offers results of empirical research in the forms of a survey of EU legislative practice and in-depth case studies of four EU legislative dossiers.*