



Free Movement Of Persons In Europe Legal Problems And Experiences

Satvinder Juss



Free Movement Of Persons In Europe Legal Problems And Experiences:

Institutional and Policy Dynamics of Eu Migration Law Georgia Papagianni, 2006 The main objective of this book is to present the on going process of European integration via a comprehensive analysis of the institutional dynamics of and politics linked with the emerging migration law and policy of the European Union More specifically it presents the historical evolution the main institutional legislative and policy steps the position of and interactions among the different actors and the factors impeding the formation of a common policy at EU level On this basis a critical analysis is provided of the main institutional problems the current policy framework the overarching rationale as well as of the content and quality of the nascent EU migration law The book is divided into three parts The first two parts provide a comprehensive study of the institutional framework and the substantive EC EU law respectively The third and final part provides a more general analysis of the policy making process Since the major achievements in the field of migration are recent the book focuses to a great extent on the post Amsterdam era However for reasons of coherence and in order to better evaluate recent developments a concise overview of the origins of this policy is provided Moreover special emphasis is placed on the Schengen acquis since its mark on European affairs has been and remains pronounced Overall the attempt has been to provide an account which is up to date with extensive historical references and combines both an academic and practical perspective to the legal and political issues involved The approach based on the above elements will contribute to a new understanding of the main aspects of EU migration law and its policy ramifications and will be of use to both academics and practitioners alike **EU**

Justice and Home Affairs Law: EU Justice and Home Affairs Law Steve Peers, 2016-05-12 EU Criminal Law Policing and Civil Law examines in detail the EU legislation and case law on the issues of criminal law and procedure policing and security and civil cooperation in these areas discussing the impact and ongoing development of EU law in these complex and controversial fields The new edition particularly covers new EU legislation case law and operational developments since 2010 on fair trials legislation the Schengen Information System the European Arrest Warrant the European Investigation Order the rights of victims of crime and data protection The book includes comprehensive coverage of the institutional framework and related human rights aspects in addition to the connections with other areas of EU law It concludes with a summary of EU civil law rules and is updated to cover new legislation on civil jurisdiction insolvency small claims and cross border family issues Steve Peers seminal text on the justice and home affairs law of the European Union appears in its fourth edition and is now available in two separate volumes covering asylum and immigration law and criminal law policing and civil law and as a two volume set It provides a detailed examination of EU legislation and case law on the issues of immigration asylum visas border controls and police and criminal law cooperation discussing the impact and ongoing development of EU law This edition is the definitive guide to these intricate contentious and fast developing areas of EU law and will be invaluable to scholars practitioners and students in the field **Yearbook of the European Convention on Human Rights/Annuaire**

de la convention europeenne des droits de l'homme, Volume 36 (1993) Council of Europe/Conseil de l'Europe, 1995-12-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 1993 Its presentation follows that of the previous volume Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A Bibliography and Index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'Homme pr par par la Direction des Droits de l'Homme du Conseil de l'Europe concerne l'ann e 1993 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'Homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'Homme la quatri me partie contient des R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europ ennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index alphab tique

EU Law and the Harmonization of Takeovers in the Internal Market Thomas Papadopoulos, 2010-01-01 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 Transparency and Proportionality in the Schengen Information System and Border Control Co-Operation Stephen Kabera Karanja, 2008 This volume offers an evaluation of the Schengen Information System and border control co operation from a transparency and proportionality perspective It also incorporates a legal descriptive analysis of the co operation in order to accommodate the changes and developments that occurred during the writing period The transparency and proportionality perspectives are developed from human rights and data protection criteria Transparency is understood as knowledge and accessibility to legal information as well as openness and accountability On the other hand proportionality is a requirement for guidance balance and justification as well as a need to avoid excessiveness and arbitrariness in border control work The final findings reveal that the Schengen co operation suffers from a deficiency of transparency and proportionality Consequently measures are proposed to augment the deficiency Even as this study was reaching its conclusion fundamental legislative changes closely similar to some of the arguments and recommendations projected in this study took place The efficacy of these changes is yet to be discerned

Citizenship, Identity, and Immigration in the European Union Theodora Kostakopoulou, 2001 European citizenship identity and immigration have important consequences for domestic political systems This study concentrates on their theorization in a post national post statist context such as the EU and on alternative European institutional designs *EU Justice and Home Affairs Law* Steve Peers, 2012-08-30 The third edition of EU Justice and Home Affairs Law is comprehensively updated and expanded to take account of the major changes introduced by the Treaty of Lisbon and the development of legislation and case law since the last edition It includes analysis of the widened jurisdiction of the EU s Court of Justice the revised rules on the participation of the UK Ireland and Denmark and relations with non EU countries in this field and of the impact of the new framework for human rights law in the EU including the binding status of the EU s Charter of Fundamental Rights and the EU accession to the ECHR In the area of immigration and asylum law this new edition scrutinizes a wide range of issues that include the development of the EU s border control agency the adoption of an EU visas code EU databases such as the Visa Information System and the second generation Schengen Information System the further development of the Common European Asylum System the EU s Returns Directive and the Blue Card Directive for the admission of highly skilled workers In the area of civil law this new edition contains an updated overview of recent legislation including EU rules on conflicts of law maintenance payment orders small claims and mediation As regards criminal law and policing the new edition includes detailed analysis of EU legislation and case law on issues such as suspects and victims rights the European Arrest Warrant the transfer of prisoners other post trial and pre trial decisions double jeopardy rules EU anti terrorist sanctions data protection and the development of Europol and Eurojust **Making History** Sophie Meunier, Kathleen R. McNamara, 2007 The contributors to this volume all leading specialists in the field of EU studies examine the trajectory of the EU and draw on the theoretical tools of historical institutionalism to assess the central political challenges facing the EU **Fissures in EU Citizenship** Martin Steinfeld, 2022-01-06 EU citizenship law is revealed to have been a tragedy thirty years in the making in the era of Brexit International Migration and Global Justice Satvinder Juss, 2016-04-22 How should international law approach the critical issue of movement of peoples in the 21st century This book presents a radical reappraisal of this controversial problem Challenging present day ideas of restrictions on freedom of movement and the international structure that controls entry to states it argues for a new blueprint for international migration policy that eliminates waste aids both developing and developed societies and brings attendant benefits to voluntary migrants and involuntary refugees alike In a world of increasing disorder it is suggested that current policy only adds to international instability and threatens the interests of a functional global community Elgar Concise Encyclopedia of Migration and Asylum Law Vincent Chetail, 2025-07-15 This Concise Encyclopedia provides a comprehensive overview of the rapidly developing field of migration and asylum law It brings clarity on key terms and critical notions while challenging misconceptions in this highly politicized sphere *Cross-Border Mergers within the EU* Harm Van den Broek, 2011-11-25 As

a result of the Regulation on the European Company and the Tenth Council Directive all Member States are obliged to finally implement the merger arrangements of the 1990 Fiscal Merger Directive forcefully raising the question of the tax consequences of cross border mergers This book is the first to focus in such an extended way on the meaning of the 1990 Directive s tax provisions in this context With unique and valuable insights drawn from legislative history documents never examined before its detailed commentary leads to sound and practical recommendations on cross border mergers within the EU from a tax law perspective This book also examines to what extent taxation as a result of mergers is in line with the freedom of establishment and the free movement of capital Clearly analysing the dangers of advance taxation double taxation double non taxation and additional tax claims as a result of a merger the book deals with such core elements as the following the aims of cross border merger relief schemes the aims of cross border merger relief schemes transfer of losses exit taxation taxation of dividend withholding tax employee participation rights tax standing of creditors of a transferring company and taxation of foreign shareholders With its new insights on tax aspects of mergers within the European Union this book will be of special value to merging companies and their shareholders to tax administrations and courts and to legislators who must properly implement the Merger Directive Policing Cooperation Across Borders Saskia Hufnagel, 2016-04-22 This book provides new insights into police cooperation from a comparative socio legal perspective It presents a broad analysis of comparable police cooperation strategies in two systems the EU and Australia The evolution of regulatory trends and cooperation models is analysed for both systems and possible transferable strategies identified Drawing on interviews with practitioners in the EU and Australia this book highlights a number of areas where the EU can be compared to a federal system and addresses the advantages and disadvantages of being a Union or a federation of states with a view to police cooperation practice Particular topics addressed are the evolution of legal frameworks regulating police cooperation informal cooperation strategies Joint Investigation Teams Europol and regional cooperation These instruments foster police cooperation but could be improved with a view to cooperation practice by learning from regulatory techniques and practitioner experiences of the respective other system *Immigration Law in the European Community* Elspeth Guild, 2021-10-18 Immigration law continues to be an issue of substantial interest in the European Union The institutions and the Member States are formulating the type of immigration law which the Union will have following the substantial move of competence in the field from Member State level to the Union with the amendments to the EC Treaty introduced by the Treaty of Amsterdam in 1999 This is a particularly important period within which to take stock of the existing immigration law of the European Union and how it has been developed In order to understand the current law and lay the foundations for the future a historical analysis of the development of European Union immigration law is needed This volume charts the development of European Community immigration law from the conclusion of the EEC Treaty to the present day first focussing on the development of the law relating to Community nationals and their third country national dependents then

looking at the extension of Community immigration law to third country nationals through agreements between their states of origin and the EC Special attention is given to the rights of Turkish workers under the agreement between Turkey and the EC and the possibilities of residence and economic activity for nationals of the Central and Eastern European countries under the Europe Agreements The centre of analysis of this book is the individual migrant what are the rights and duties of the individual and what is his or her relationship of rights on the one hand with the Member State and on the other hand with the European Community This book examines the structure and content of European Community immigration law from the perspective of the individual most closely affected by that law *EU Criminal Law* Valsamis Mitsilegas, 2009-03-16 EU Criminal Law is perhaps the fastest growing area of EU law It is also one of the most contested fields of EU action covering measures which have a significant impact on the protection of fundamental rights and the relationship between the individual and the State while at the same time presenting a challenge to State sovereignty in the field and potentially reconfiguring significantly the relationship between Member States and the EU The book will examine in detail the main aspects of EU criminal law in the light of these constitutional challenges These include the history and institutions of EU criminal law including the evolution of the third pillar and its relationship with EC law harmonisation in criminal law and procedure with emphasis on competence questions mutual recognition in criminal matters including the operation of the European Arrest Warrant and accompanying measures action by EU bodies facilitating police and judicial co operation in criminal matters such as Europol Eurojust and OLAF the collection and exchange of personal data in particular via EU databases and co operation between law enforcement authorities and the external dimension of EU action in criminal matters including EU US counter terrorism co operation The analysis is forward looking taking into account the potential impact of the Lisbon Treaty on EU criminal law **The Containment of Organised Crime and Terrorism** Cyrille J.C.F. Fijnaut, 2016-11-21 This unique volume collects articles and contributions to edited books published throughout his distinguished career by Professor Cyrille Fijnaut one of the world's leading experts in the fields of organised crime security and criminology It makes clear what issues the author systematically explored over the years and how he helped to shape the fields in which he has worked and continues to work The texts reflecting the author's profound understanding of these complex fields and wealth of experience on a practical level are presented according to topic In addition the volume offers English translations of seminal articles published originally in Dutch thus making these important texts accessible to international scholars for the first time The volume thus constitutes a unique and indispensable resource for scholars and practitioners inside and outside the Netherlands *Equal Citizenship and Its Limits in EU Law* Päivi Johanna Neuvonen, 2016-04-21 The research monograph *Equal Citizenship and Its Limits in EU Law* We the Burden is a critical study of the scope of EU citizenship as an equal status of all Member State nationals The book re conceptualises the relationship between the status of EU citizenship and EU citizens fundamental right to equal treatment by asking what indicates the presence of agency in EU law A thorough analysis

of the case law is used to support the argument that the present view of active citizenship in EU law fails to explain how EU citizens should be treated in relation to one another and what counts as related for the purposes of equal treatment in a transnational context In addressing these questions the book responds to the increasing need to find a more substantive theory of justice for the European Union The book suggests that a more balanced view of agency in the case of EU citizens can be based on the inherent connection between citizens agency and their subjectivity This analysis provides an integrated philosophical account of transnational equality by showing that a new source of meaningful relationships for the purposes of equal treatment arises from recognizing and treating EU citizens as full subjects of EU law and European integration The book makes a significant contribution to the existing scholarship on EU law first by demonstrating that the undefined nature of EU citizenship is fundamentally a question about transnational justice and not just about individual rights and secondly by introducing a framework within which the current normative indeterminacy of EU citizenship can be overcome **Towards**

a EU Right to Education Gisella Gori, 2001-10-24 In the EC context **Thirty Years of Free Movement of Workers in Europe** Jean-Yves Carlier, Michel Verwilghen, 2000 *Collected Courses of the Academy of European Law* Academy of European Law (Florence, Italy), Academy of European Law Staff, 1997-05-29 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute's current programmes into a larger field of interest It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French

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