

**FLEXIBILITY,
ENHANCED
COOPERATION
AND THE
TREATY
OF
AMSTERDAM**

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1-4
JULY

Kerstin Jönge

Flexibility Enhanced Co Operation And The Treaty Of Amsterdam

Alan Dashwood, J R Spencer, Angela Ward, Christophe Hillion



Flexibility Enhanced Co Operation And The Treaty Of Amsterdam:

Flexibility, Enhanced Cooperation and the Treaty of Amsterdam Kerstin Junge, 1999 Author examines the new clause of flexibility in the Treaty of Amsterdam and asks whether this clause will be sufficient to deal with the EU in the 21st century

The Many Faces of Differentiation in EU Law Bruno de Witte, Dominik Hanf, Ellen Vos, 2001 The introduction by the Amsterdam Treaty of the flexibility clauses authorising a majority of Member States to cooperate more closely in areas covered by the Treaties has been received with mixed feelings Flexibility is by no means a new phenomenon in the EU's development It has been on the Community's agenda already since the 1970s The Single European Act introduced several provisions allowing for flexible approaches to the single market whilst the Maastricht Treaty launched a differentiated approach to the EMU and social policy In addition to these forms of differentiation in primary Community law for many years there has also been a number of quite important though less visible forms of differentiation in secondary Community law This book aims to link both levels of differentiation and seeks to unveil the many faces of differentiation in EU law It analyses whether and to which extent there is a shift in European integration from a system of unity and uniformity to one of flexibility and differentiation A first series of contributions to the book analyse a number of exemplary policy fields EMU social policy environment free movement of persons justice and home affairs in order to identify their degree of differentiation A second set of contributions examine various horizontal institutional matters of cross sectoral importance These two main parts are framed by introductory articles on the development of flexibility and by contributions drawing on the constitutional limits to differentiation The contributions are made by Dominik Hanf Jos M de Areilza Jean Victor Louis Sean Van Raepenbusch Ludwig Kramer Georgia Papagianni Grainne de Burca Ellen Vos Linda Senden Sacha Prechal Wouter Devroe Deirdre Curtin Bruno De Witte Eddy De Smijter en Jan Wouters **Cambridge Yearbook of European Legal Studies Vol 3, 2000** Alan Dashwood, J R Spencer, Angela Ward, Christophe Hillion, 2002-03-05 This book provides a new forum for the scrutiny of significant issues in European Union Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognized experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalization of the law more generally and the resulting cross fertilization of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration **Division of Powers in European Union Law** Theodore Konstadinides, 2009-01-01 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 Union'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 competence provisions 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 Community's legislative competence areas; where and how creeping competence occurs; the constitutional checks and balances available to Member States against unprecedented expansion of EU competences; and the spectre of a powerful and core Europe and a multi-speed 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 Union's institutional dynamic and of cooperation and consensus, the author lucidly describes a seeming paradox: an ever closer union 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.

European Defence Cooperation in EU Law and IR Theory T. Dyson, 2013-05-07 This book offers a novel contribution to the study of post Cold War European defence. Interdisciplinary in approach, it uses European law to assess the utility of existing theoretical accounts. By exploring the balance of threat theory, it provides new insights into the forces driving and hindering European defence cooperation.

Enhanced Cooperation and European Tax Law Caroline Heber, 2021-06-17 The enhanced cooperation mechanism allows at least nine Member States to introduce secondary EU law which is only binding among these Member States. From an internal market perspective, enhanced cooperation laws are unique as they lie somewhere between unilateral Member State laws and uniform European Union law. The law creates harmonisation and coordination between the participating Member States but may introduce trade obstacles in relation to non-participating Member States. This book reveals that the enhanced cooperation mechanism allows Member States to protect their harmonised values and coordination endeavours against market efficiency values which may not be able to justify single Member State's trade obstacles. These may outweigh pure internal market needs if an entire group of Member States finds these

value worthy of protection However protection of the harmonised values can never go as far as shielding participating Member States from the negative effects of enhanced cooperation laws The hybrid nature of enhanced cooperation laws their nexus between the law of a single Member State and secondary EU law also demands that these laws comply with state aid law This book shows how the European state aid law provisions should be applied to enhanced cooperation laws Furthermore the book also develops a sophisticated approach to the limits non participating Member States face in ensuring that their actions do not impede the implementation of enhanced cooperation between the participating Member States

Accountability and Legitimacy in the European Union Anthony Arnall, Daniel Wincott, 2002 The European Union's growing accountability deficit threatens to undermine its legitimacy accordingly member states have agreed to negotiate a new set of Treaty changes in 2004 These essays consider various aspects of accountability and legitimacy in the European Union

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 dis integration 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

The Constitutional Framework for Enhanced Cooperation in EU Law Robert Böttner, 2021-02-15 Enhanced Cooperation allows a group of Member States to use the EU's competences and institutions to pursue a project within the Union's framework that is binding only on the participating States while remaining an EU act Introduced by the Amsterdam Treaty this tool of flexible integration was not used until 2010 In The Constitutional Framework for Enhanced Cooperation in EU Law Robert Böttner analyses the primary law framework of this flexibility tool On the basis of profound literature review and against the background of recent Member State practice the author redefines

the constitutional rules of Enhanced Cooperation. He draws conclusions on this tool's legal limits but also its potential for European integration.

The Treaty of Lisbon and the Future of European Law and Policy Martin Trybus, Luca Rubini, 2012-01-01 After Lisbon the EU has reached a new precarious stage in its development. New institutions have been created and policies reformed. The different chapters of this book cover the most important innovations while providing a fresh critical assessment of the shortcomings of the present arrangements. Works are always in progress at the EU site and the authors provide the future architects of this grand building as well as the academic community with much food for thought. Roberto Caranta, University of Turin, Italy. This comprehensive and insightful book discusses in detail the many innovations and shortcomings of the historic Lisbon version of the Treaty on European Union and what is now called the Treaty on the Functioning of the European Union. Divided into six parts, the 23 chapters provide, after Lisbon, perspectives on law and governance of the EU, its powers and nature, the Charter of Fundamental Rights, EU external action and policy, justice and criminal policy, and economic governance. The authors, drawn from eleven EU Member States, offer a uniquely diverse and extensive coverage of the new EU law and policy after Lisbon. The book argues that while the Treaty of Lisbon has to be considered a milestone in the history of European integration, its shortcomings and open questions will make a future major treaty inevitable. *The Treaty of Lisbon and the Future of European Law and Policy* will appeal to postgraduate students and academics in European law and policy, EU institutions, diplomatic missions, lobbying NGOs, specialised lawyers, and governments.

The Constitutional Foundations of European Contract Law Kathleen Gutman, 2014-12-18 Situated within the context of the ongoing debate about European contract law, this book provides a detailed examination of the European Union's competence in the field of contract law. It analyses the limits of Union competence in relation to several relevant Treaty provisions which potentially confer competence on the Union to adopt a comprehensive contract law instrument and the exercise of Union competence in connection with the operation of the principles of subsidiarity, proportionality, and sincere cooperation. It also explores the viability of several alternative and complementary routes to the adoption of such an instrument, including enhanced cooperation, an intergovernmental treaty, and certain American techniques. Setting forth an elaborate account of the context for this debate and its chronological development at the European level, this book charts the discussions relating to the European Union's competence to regulate contract law and offers a comparative analysis of the approach taken to the approximation of contract law in the American setting. Setting forth a detailed account of the context for this debate and its chronological development at the European level, the book charts the discussions that have occurred within and outside the EU relating to the transnational competence to regulate contract law. Situating European constitutional law within the continued debate about European contract law, it also reflects upon the contract law structure of the United States and examines the viability of alternative and complementary routes to the adoption of a comprehensive instrument of substantive contract law.

The European Union after Lisbon

Hermann-Josef Blanke, Stelio Mangiameli, 2011-10-12 The book contains 24 contributions from European law scholars and practitioners analysing the constitutional basis of the European Union and the normative orientation of the Common Foreign and Security Policy CFSP as well as the central economic and monetary provisions TFEU after the Reform Treaty of Lisbon Presenting the findings of a European research team which is composed of authors from eight Member States the publication underlines the aspiration of the editors to thoroughly analyse the constitutional law of the European Union currently in force

The Future of Europe Jean-Claude Piris, 2012 Candid exploration of what Europe needs to do to overcome current crises by a leading figure in the European Union

The Enlargement of Europe Stuart Croft, 1999 What will happen to the EU in the wake of enlargement What are the institutional and policy making changes in light of enlargement This book newly available in paperback deals with the theoretical conceptual and historical processes that led to European Union enlargement It discusses the effects of enlargement on selected European Union policies agriculture single market foreign security and defence policy immigration and looks at the effect of the institutional reforms that were made at Amsterdam and Nice as well as considering the significance of the debates on the Constitution It contains chapters by leading European scholars from both sides of the Atlantic The chapters report current research and employ a variety of methodological and theoretical perspectives This book is unique in looking at the issues that the EU faces in the aftermath of Eastern enlargement

EU Constitutional Law Koenraad Lenaerts, Piet Van Nuffel, Tim Corthaut, 2021 A major international textbook on EU constitutional law it covers the structure values procedures and policies of the EU It deals with institutional issues but also with substantive issues of major importance including citizenship free movement fundamental rights and the EU as an external actor

The Struggle for the European Constitution Michael O'Neill, 2008-11-28 The European Union EU Constitution is one of the most important developments in the history of the EU The Constitution aims to make the EU more transparent relevant and accountable to the citizens of its member states The European Constitution provides the most comprehensive account of why the Constitution developed and what its implications are

The New Security Concept and German-French Approaches to the European "Pillar of Defence," 1990-2000 Siret Hürsoy, 2002 A historic opportunity without precedent is gradually becoming reality in the 21st Century with the chance taken to pave the way in the period 1990 2000 towards the organisation of defence in Europe The corresponding conditions have been brought about by concrete steps taken at the Maastricht Amsterdam Cologne Helsinki and Nice European Council meetings In the end the EU WEU is developing into an equal partner to the US by assuming greater responsibility in the security and defence sphere The French and German bilateral relationship which is the driving force behind every European integration process is the historical force behind this development of the ultimate desire to reach a robust European Pillar of Defence through reconfiguration of the transatlantic relationship This book provides the first comprehensive and up to date analysis of German and French approaches to the European Pillar of Defence from the view of Europeanisation emanating from the

process of integration **European Union Law and Defence Integration** Martin Trybus, 2005-10-05 This monograph examines the legal dimension of European defence integration from the Second World War to the Treaty Establishing a Constitution for Europe It covers the evolution of European defence and security law in its legal historical and political context The notion of defence law describes the entire field of rules created to regulate the defence of a nation or alliance The analysis leads from the earliest mutual defence treaties to the failure of the European Defence Community and the eventual separation of defence from the mainstream of European integration in the 1950s further to the re vitalisation of a European security policy in the Treaties of Maastricht Amsterdam and Nice In the context of this evolutionary process the book examines the function of Community Law as an instrument of European defence integration Community law affects the economic and social aspects of the defence within the limits of the security exemptions of the EC Treaty It has an impact on the composition of the armed forces the procurement of armaments or the regulation of the defence industries The book concludes with an analysis of the Common Security and Defence Policy of the Constitutional Treaty agreed by the European Council in 2004 The discussion shows that European defence integration is characterised by fragmentation in an area where coherence is particularly important First defence and security are addressed in several organisations the EU the Western European Union NATO the Organisation for Security and Cooperation in Europe and the Organisation for Joint Armaments Cooperation Second defence and security are addressed in both the supranational Community Pillar and the intergovernmental Second Pillar of the Treaty on European Union The new Constitutional Treaty aims to overcome the three Pillar structure of the Union Nevertheless it leaves the intergovernmental character of the security and defence policy intact and introduces flexible frameworks for its mutual defence crisis management and armaments components However the Union needs a coherent defence policy to ensure her security and to speak with one voice on the international scene

Foreign policy aspects of the Lisbon Treaty Great Britain: Parliament: House of Commons: Foreign Affairs

Committee, 2008-01-20 Incorporating HCP 166 ii iii iv session 2006 07 **Project and Policy Evaluation in Transport** Liana Giorgi, Alan Pearman, Annuradha Tandon, Dimitrios Tsamboulas, 2017-11-22 This title was first published in 2002 There is a multitude of assessment methods available for analyzing and reporting on the impacts of policies all with different underlying assumptions and a wide range of criteria Since the 1950s much research has gone into creating guidelines for policy analysis yet only a small percentage of evaluation has been carried out on transport policy and none by political scientists or social policy specialists The editors of this volume recognize that European integration has seen a drive to bring policy evaluation on to the transport agenda and has increased demands for strategic assessments It has become apparent that to gain a fuller understanding of the success of a transport programme a much more complex combination of analytical methods must be used and a set of guidelines specifically for the field of transport must be developed This book achieves this by bringing together a multidisciplinary team of analysts from throughout the EU to discuss in a much broader way the

various types of assessment methods and how they can best be used to evaluate transport programmes and systems both individually and in combination

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