

European Union Internal Market Law

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European Union Internal Market Law

Gareth Davies



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

European Union Internal Market Law Friedl Weiss, Clemens Kaupa, 2014 This is the market's most student friendly textbook on EU internal market law covering everything students need to know about the legal and regulatory framework of the internal market and eliminating the need for a full EU law text Concise and focused chapters explore the underlying socio-economic and historical contexts of EU law and offer a thorough examination of the law's technical aspects ensuring that students gain a rich understanding of the way that legal rules and structures have developed from key political and social debates Key concepts are illustrated by excerpts summaries and discussions of classic and modern cases Numerous features include text boxes illustrative cases legal interpretations tables and suggestions for further reading which support students with little background knowledge of the subject leading them to total mastery of the material

European Union Internal Market Law Friedl Weiss, Clemens Kaupa, 2014-06-19 This student friendly textbook covers everything students need to know about the legal and regulatory framework of the internal market

European Union Internal Market Gareth Davies, 2016-08-18 First published in 2003 Routledge is an imprint of Taylor Francis an informa company

[Research Handbook on the Law of the EU's Internal Market](#) Panos Koutrakos, Jukka Snell, 2017-01-27 While the internal market has been at the heart of the European project from the very beginning it has rarely been the subject of sustained and comprehensive scholarly examination in its entirety In the face of profound legal political and policy pressures this timely Research Handbook reflects on the cutting edge issues horizontal themes and the big questions which illuminate the shape of the internal market It places the law and policy of the internal market within the context of the financial crisis and the existential questions this has raised for future European integration

Abuse of EU Law and Regulation of the Internal Market Alexandre Saydé, 2014-12-01 How can the concept of abuse of European Union law which can be defined as undesirable choice of law artificially made by a private citizen generate so much disagreement among equally intelligent individuals Seeking to transcend the classical debate between its supporters and adversaries the present study submits that the concept of abuse of EU law is located on three major fault lines of EU law which accounts for the well established controversies in the field The first fault line which is common to all legal orders opposes legal congruence the tendency to yield equitable legal outcomes to legal certainty the tendency to yield predictable legal outcomes Partisans of legal congruence tend to advocate the prohibition of abuses of law whereas partisans of legal certainty tend to oppose it The second fault line is specific to EU law

and divides two conceptions of the regulation of the internal market. If economic integration is conceived as the promotion of cross border competition among private businesses the paradigm of regulatory neutrality choices of law must be proscribed as abusive for they distort business competition. But if economic integration is intended to promote competition among Member States the paradigm of regulatory competition choices of law by EU citizens represent a desirable process of arbitrage among national laws. The third and final fault line corresponds to the tension between two orientations of the economic constitution of the European Union namely the fear of private power and the fear of public power. Those who fear private power most tend to endorse the prohibition of abuses of law whereas those who fear public power most tend to reject it. Seen in this way the concept of abuse of EU law offers a forum in which fundamental questions about the nature and function of EU law can be confronted and examined in a new light. In May 2013 the thesis that this book was based on won the First Edition of the European Law Faculties Association Award for Outstanding Doctoral Thesis.

The Boundaries of the EU Internal Market Marja-Liisa Öberg, 2020-11-05 The book examines the twofold boundaries of the concept of the European Union's internal market the geographical and the substantive through the prism of expanding the internal market to third countries without enlarging the Union. The book offers a comprehensive analysis of the conditions under which the internal market can effectively be extended to third countries by exporting EU *acquis* via international agreements without sacrificing its defining characteristics. Theoretical rather than empirical in approach the book scrutinises and meticulously questions the required level of uniformity within flexible integration relating to the substantive scope of the internal market the role of foundational principles in the European Union's market edifice and the institutional framework necessary for granting third country actors full participation in the internal market while safeguarding the autonomy of the Union's legal order.

European Union Internal Market Law Gareth Davies, 2003 EU Internal Market Law is the first student book to focus on this core topic of EU law. It provides a clear explanation of the essential rules of free movement of persons goods services and capital and also covers related issues such as harmonisation the development of EU citizenship human rights in the EU and the regulation of e-commerce. The broader social and legal contexts of internal market law are also explored.

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

norms and values This need is made all the more pressing by the rapidly changing and often disruptive technological context The various contributions to this book contribute to finding a new direction for continued European integration in changing times by rethinking and where necessary reinventing the role and purpose of this area that remains the EU's beating heart

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

The Boundaries of the EU Internal Market Marja-Liisa Öberg, 2020-11-05 A comprehensive analysis of the legal constraints to third countries participation in the European Union's internal market

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

Judicial Authority in EU Internal Market Law Vilija Velyvyte, 2022-11-17 This book examines the role of the

European Court of Justice in the regulation of the internal market from a competence perspective However rather than focusing on the Court's role in enforcing the limits of EU competence in the EU's political decision making it explores a related albeit understudied question to what extent does the Court observe the constitutional limits of EU competence and its own institutional powers in the interpretation of EU internal market law laid down in the Treaties The book provides an answer to this question through the analysis of EU free movement case law in light of the constitutional principles that govern the allocation of competences and powers in the EU conferral subsidiarity and proportionality on the vertical level and institutional balance on the horizontal level Why should the Court be bound by these principles What do they mean when applied to judicial practice To what extent are they observed in the free movement case law The book argues that the Court's observance of the four principles has been inconsistent thereby creating substantive and constitutional tensions in the EU's relationship with the Member States and upsetting the institutional balance of powers between the EU legislature and judiciary Shortlisted for the UACES Best Book Prize 2023 Runner up of the 2024 Peter Birks Prize for Outstanding Legal Scholarship

Regulating the Internal Market Niamh Nic Shuibhne, 2006-01-01 The insight given by the book is absolutely indispensable for those who interact with the internal market It is a goldmine of thought waiting to be discussed used and put to the test Ida Otken Eriksson *European Law Journal* This fascinating book explores the management of the internal market from a legal perspective While the EU agenda is currently dominated by the processes of Treaty reform this assessment of both market and constitutional governance evaluates the coherence or otherwise of the project at the very core of European integration Confronted with a free market nearing completion with a relatively formulaic application of internal market law the book portrays how this is mirrored in a growing tendency to hand the market back to the Member States and increasingly to authorities and bodies both public and private therein We see too however an internal market framework that strains to cope with a series of challenges both internal and external to the EU itself The approach of the contributors is twofold on one hand they reflect thematically on questions of regulation which cut across the spectrum of the market and its freedoms On the other hand they adopt more sector specific lenses including for example regulation of the media and the Internet through which contemporary regulatory dynamics can be reconsidered Providing analysis of contemporary challenges facing the internal market this book will be of great interest to academics researchers and students working in the field of EC law It will also appeal to national and Community policy makers as it seeks to locate the constitutional and regulatory boundaries of the internal market sphere

Fundamental Rights in EU Internal Market Legislation Vasiliki Kosta, 2015-11-05 This book attempts to systematise the present interrelationship between fundamental rights and the EU internal market in the field of positive integration Its intention is simple to examine the way in which and the extent to which fundamental rights protection is realised through EU internal market legislation To that end the analysis is conducted around four rights or sets of rights data protection freedom of expression fundamental labour rights and the

right to health The book assesses not only what substantive level of protection is achieved for these fundamental rights but it also estimates whether there is a fundamental rights culture that informs current legislative practice Finally it asks the overarching question whether the current state of harmonisation amounts to a fundamental rights policy The book offers a much more varied picture of the EU's fundamental rights policy in and through the EU internal market than perhaps initially expected Moreover it builds the case for a more conscious approach to dealing with and enhancing fundamental rights protection in and through internal market legislation and advocates a leading role for the legislature in the establishment of an internal market that is firmly based on respect for fundamental rights

European Union Internal Market and Labour Law Catherine Barnard, 2009 The interaction between labor market regulation and the EU's internal market poses increasing challenges for both lawyers and policy makers throughout the EU From a policy point of view the Lisbon Agenda and the reality of globalization have driven the EU towards a reformative approach to labor law in the context of its employment strategy In the legal arena the mixture of different national labor standards and free economic exchange has turned explosive in the wake of EU enlargement This book explores the intricate complex and sometimes contentious relationship between the EU's agenda for a free internal market and the protection of labor standards within the EU Its immediate focus is on recent legal developments both in case law and in legislation But these developments are addressed in a more general approach that seeks to give an overall background and context European Union Internal Market and Labour Law Friends or Foes the result of a conference held in the aftermath of the instantly famous cases of Laval and Viking also reports on a panel discussion between stakeholders

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

system of EU law applicable to capacity mechanisms should be interpreted to further the objectives of EU energy law the book will help policymakers and legislators in Member States to understand the changing legal setting for capacity mechanisms Lawyers academics and other professionals who deal with EU electricity markets in the EU and beyond are sure to welcome its detailed description and analysis **An Introduction to European Law** Robert Schütze, 2015-06-25 The second edition of this classic introduction to European law features a new chapter on goods and rich online resources

The Law and Policy of Harmonisation in Europe's Internal Market Isidora Maletić, 2013-01-01 At times when so much attention is devoted to the constitutional architecture of the European Union via Treaty amendments or supplements in the aftermath of the Euro crisis the core business of European market building through harmonization is all too often neglected It deserves strong recognition that Isidora Maletić forcefully brings Art 114 TFEU back to the agenda Her competent study provides new insights into the major competence rule which still forms the back bone of European Integration The constant strive of the EU for embarking on non trade policies against the half hearted resistance of the Member States deserves indeed a major study spelling out the details of the rather complex article Her comprehensive analysis detects the amazing potential of Art 114 TFEU as a tool to co ordinate differences in the understanding of what might be a high level of protection and it allows for new ways of co operation between the EU and the Member States This finding which is backed through the analysis of the ECJ case law and the notification procedure of Art 114 TFEU fits into the overall debate on constitutional pluralism which stays away from a hierarchical understanding of the relationship between the EU legal order and the Member States Hans Micklitz European University Institute Italy This book is essential reading for anyone seeking an up to date and critical understanding of the success of the European Union s approach to market harmonisation Veerle Heyvaert London School of Economics UK Despite all the buzz around the single currency the heart of the EU edifice remains the internal market Isidora Maletić s book is an outstanding contribution of original scholarship that makes this edifice look more solid than ever By exploring the theory and practice of the archetype legal basis for EU regulatory action this book dispels the ubiquitous claim that national derogations from European standards are reflective of a weak integration process and convincingly argues that national regulatory differentiation may instead provide opportunities for reflexive learning and risk prevention The law and policy of harmonisation is European internal market s scholarship at its best and ought to be essential reading to all scholars interested in the dynamics of EU integration Alberto Alemanno HEC Paris France and Editor European Journal of Risk Regulation This innovative book explores the constitutional compromise between the European Union s legislative competence and member states regulatory autonomy and analyses the reconciliation of economic integration and welfare protection within the European internal market It does so through the original lens of article 114 TFEU the law making clause underlying the European harmonisation process Focusing on a critical provision and the controversial derogation mechanism contained therein the book discusses contemporary universally fundamental topics such

as risk assessment and related responsibility allocation within the constraints of complex legal frameworks the preservation of regional regulatory autonomy against the background of centralised legislative norms and the interaction of economic integration with policy interests like consumer environmental and health protection Highlighting the collaborative rather than adversarial value of national deviations from common European measures the study not only complements the literature available on negative integration of the internal market but also challenges traditionally accepted axioms revealing opportunities for risk prevention and legitimacy enhancement stemming from diverse European and national regulatory standards This detailed book will be of wide international appeal to academics practitioners students judges policy makers and officials working within the European Union and government representatives of individual member states as well as anyone more generally interested in the dynamics of EU integration *Private Regulation and the Internal Market* Mislav Mataija, 2016 How does EU internal market law in particular the rules on free movement and competition apply to private regulation Through a close analysis of three case studies sports the legal profession and standard setting this book studies how internal market law is used as a control mechanism over private regulators

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