

# EUROPEAN PUBLIC LAW

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Wolters Kluwer

# European Public Law

**Armin von Bogdandy**



## **European Public Law:**

**Towards a European Public Law** Bernard Stirn, 2017 A European public law is under construction but how has this occurred and what is its character Stirn proposes that this European public law is being constructed by the convergence of three circles the law of the European Union the law of the European Convention on Human Rights and the different domestic legal orders The mutually influential relationship of these constituents has allowed them to develop most considerably in the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights The book begins by reflecting on the different phases of the development of the European project from the end of the First World War It outlines the transition from the European Coal and Steel Community to the European Union as well as the other institutions contributing to these developments The discussion then moves to the European legal order which consists of the law of the European Union and the European Convention on Human Rights Stirn explores how in spite of occasional false starts and frictions their relationship is becoming ever closer and how their characteristics in law are becoming increasingly similar Furthermore Stirn analyses the relationship between European law and national legal systems The differing approach to domestic incorporation of international law whether it be monist or dualist is considered as well as the recognition that European law is superior to domestic law The character specifically of EU law and how it compares to international and domestic law is also discussed in particular its unique features but also the principles it shares with domestic law In addition the book examines the existence or not in member states of constitutional courts the level or jurisdictional orders and the recruitment and status of judges Similar trends across Europe in public administration are also accounted for and subjected to analysis Stirn concludes that a European model of public administration is becoming apparent **Convergence and**

**Divergence in European Public Law** Paul Beaumont, Carole Lyons, Neil Walker, 2002-06-07 This book grew out of a symposium held in the University of Aberdeen in May 2000 It examines the extent to which the European Union has brought about and should bring about convergence of law in Europe in particular but not exclusively public law in Europe Rather than focusing narrowly on the Intergovernmental Conference process the book engages those who wish a detached and at times theoretical examination of the politics of institutional reform in the EU Michael Keating and Joanne Scott of the legal techniques for accommodating diversity within the Union and the process of treaty making or constitution building in the EU Deirdre Curtin Ige Dekker Bruno de Witte and Carole Lyons the cross fertilisation of administrative law concepts between the EU level and the national level Chris Himsworth Ton Heukels and Jamila Tib the need for and legitimacy of a European Union competence on human rights Gr inne de B rca Paul Beaumont and Niamh NicShuibhne and whether private law and public law differ in the extent to which they go to the heart of reflect national culture and therefore in the extent to which they are amenable to convergence Carol Harlow Pierre Legrand and Neil Walker Europeanisation of Public Law Jacobine Elisabeth Brink, 2015 The second edition of this textbook is a study about the relation between EU law and national public

law Familiar EU doctrines on procedural autonomy direct effect consistent interpretation ex officio application of European law and state liability are used as a starting point for examining the effects of these doctrines in the various Member States Consideration is also given to important questions concerning the enforcement of EU law in the national legal order the organization of the judiciary and the influence of EU law on fundamental principles of public law such as legal certainty non discrimination and proportionality The book is particularly designed for advanced bachelors and masters courses on the relation between national law and EU law Because of the many examples of national case law the book will be most welcome to any practitioner dealing with European law in a national context Subject European Law Public Law     **European Public Law** Patrick J. Birkinshaw, 2020-01-23 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 *European Public Law* Patrick Birkinshaw, 2003-02 European integration has been most successful at a legal level and European influences have left an indelible mark on English Public Law These influences must be understood by students and practitioners if they are to understand our public law and its continuing development This new book aims to cover the debate surrounding the influence of Community law on the public law of the United Kingdom in a thematic and analytical manner *The Emergence of European Society through Public Law* Armin von Bogdandy, 2024-03-06 Many Europeans struggle to understand where EU centred Europeanization has led them The standard response that their situation is sui generis one of a kind no longer holds Brexit conflicts over European financial transfers immigration or dubious judicial reforms in some Member States demand a more substantial answer Against that background *The Emergence of European Society Through Public Law* A Hegelian and Anti Schmittian Approach frames European integration by reconstructing European public law in light of Article 2 of the Treaty on European Union TEU According to Article 2 all Europeans today are part of one society European integration may not have produced a European federal state but it has helped create a European society This society is intimately interwoven with European public law as the Treaty characterizes it with 12 constitutional principles The book interprets this statement as the manifesto identity and constitutional core of a democratic society Thus Europeans should understand that European integration has ushered in a European democratic society Comprehensive and engaging *The Emergence of European Society Through Public Law* examines the great debates of European public law and presents them in a new and forward looking reconstruction This new narrative of European legal integration will appeal to academics and students of EU law constitutional and comparative law sociology political science and legal history *The Emergence of European Society Through Public Law* is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to download from OUP and selected open access locations *The Max Planck Handbooks in European Public Law: Volume I: The Administrative State* Sabino Cassese, Armin von Bogdandy, Peter Huber, 2017-07-25 The Max Planck Handbooks in European Public Law series describes and analyses the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration make legal comparison the task of our time for both scholars and practitioners it aims to foster the development of a specifically European legal pluralism and to contribute to the legitimacy and efficiency of European public law The first volume of the series begins this enterprise with an appraisal of the evolution of the state and its administration with cross cutting contributions and also specific country reports While the former include among others treatises on historical antecedents of the concept of European public law the development of the administrative state as such the relationship between

constitutional and administrative law and legal conceptions of statehood the latter focus on states and legal orders as diverse as e g Spain and Hungary or Great Britain and Greece With this the book provides access to the systematic foundations pivotal historic moments and legal thought of states bound together not only by a common history but also by deep and entrenched normative ties for the quality of the *ius publicum europaeum* can be no better than the common understanding European scholars and practitioners have of the law of other states An understanding thus improved will enable them to operate with the shared skills knowledge and values that can bring to fruition the different processes of European integration

New Directions in European Public Law Jack Beatson,Takis Tridimas,1998 From two symposia in the winter and spring of 1997 at Cambridge England 13 essays analyze a cluster of issues arising in the European Union public law arena Some deal with issues of liability and the availability of remedies in European and domestic law Others take a broader view looking at the phenomenon of cross fertilization among national legal systems and between national systems and European Union law Distributed in the US by ISBS Annotation copyrighted by Book News Inc Portland OR

**THE THEORY OF AMERICAN INTERNATIONAL LAW: ANALYSIS AND CRITICISM.** LAVERNE BURCHFIELD,1928 **Local Government in Europe**

Carlo Panara,Michael R. Varney,2013-12-04 This work considers the role of local government in 13 EU Member States Austria Belgium Czech Republic France Germany Greece Hungary Italy Netherlands Poland Spain Sweden and the United Kingdom The book aims to provide an account of the system of local government in each of the countries studied along with a critical and contextual approach to the level of autonomy that local government enjoys The approach is comparative based on a questionnaire which all of the authors considered There is then a detailed conclusion to the book which offers a detailed summary and comparative analysis of the responses in order to better consider the role of local authorities as the fourth level of governance in the EU The book aims to offer a detailed introduction to and account of each system of local government which may appeal to those seeking an overview of the area but also a critical and contextual approach that will be of interest to those actively researching in the areas of local and regional government or EU central local government relations The book contains details of reform in local government up to November 2012 including an analysis of the impact of austerity measures on local autonomy where these have become significant *Studies in History, Economics, and Public Law* ,1915

*The Administrative State* Armin von Bogdandy,Sabino Cassese,Peter M. Huber,2017 This is the first volume of The Max Planck Handbooks of European Public Law Volume I The Administrative State frames the administrative regimes of Europe in a comparative perspective analysing the evolution of state and administration of major European jurisdictions and examining issues that cut across national boundaries Regulation in the European Electricity Sector Maciej M Sokołowski,2016-02-22 Since the very beginning of European integration electricity has been within the legal sphere of the EU Much of this is found within the binding European acts making up the framework of the Energy Packages The established legal institutions have had a significant impact on the shape of the energy market in Europe Nevertheless the European energy market still seems

to be developing as demonstrated by the current lively discussion about the state of the Energy Union Regulation in the European Electricity Sector delves into European energy law and reflects on some of the primary issues related to the public legal impact on the European energy sector The book offers a brief explanation of the background operation of the electricity sector as well as liberalisation within the area and traces the evolution of the EU's approach towards the issue of public law regulation within the electricity sector Finally the book presents an analysis of European and national laws considering their interpretation and explores the future of public law regulation Aimed at giving the reader a deep insight into a nature of the state's presence in the power sector this book will be of great interest to students and scholars of EU energy law and policy

**Constitutional Identity in a Europe of Multilevel Constitutionalism** Christian Calliess, Gerhard van der Schyff, 2020 Presents a critical outline and comparison of selected EU Member State constitutional identities in the context of EU multilevel constitutionalism The Ombudsman in the Modern State Matthew Groves, Anita Stuhmcke, 2022-04-07

Ombudsmen are a global phenomenon They are also a critical part of the public law frameworks of modern liberal democracies This is the first edited collection to examine the place of the ombudsman in the modern state It brings together key international scholars to discuss current and future challenges for the Ombudsman institution and the systems of government within which they operate The book is international in scope with authors heralding from most continents Canada the Netherlands the United Kingdom Australia New Zealand Hong Kong South Africa Germany and Austria This global analysis is both in depth and expansive in its coverage of the operation of Ombudsmen across civil and common law legal systems The book has two key themes The enduring question of the location and operation of Ombudsmen within public law systems in a changing state and The challenges faced by Ombudsmen in contemporary governance This collection adds to the public law scholarship by addressing a common problem faced by all avenues of public law review the evolving nature of modern public administration

**Innovative Approaches to EU Multilevel Implementation** Eva Thomann, Fritz Sager, 2019-10-23 Multi level governance systems like the European Union EU calibrate integration with member state discretion in order to implement common yet context sensitive solutions to shared policy problems Research on implementation in the EU typically focuses on legal compliance with EU policy However this focus gives us an incomplete picture of EU implementation its diversity and practice The contributions of this collection represent a shift toward a more performance oriented perspective on EU implementation as problem solving They approach implementation fundamentally as a process of interpretation of superordinate law by actors who are embedded within multiple contexts arising from the coexistence of dynamics of Europeanization on the one hand and what has been termed domestication on the other Moving beyond legal compliance the contributions provide new evidence on the diversity of domestic responses to EU policy the roles and motivations of actors implementing EU policy and the black box of EU law in action and its enforcement By reassessing the relative importance of EU policy and domestic factors and actors for the outcomes of EU implementation the results give

insight into on the nuanced interplay between Europeanization and domestication forces useful for both EU researchers and practitioners The chapters originally published as a special issue in the Journal of European Public Policy     **The Jurisprudence of Constitutional Conflict in the European Union** Ana Bobić,2022-05-12 A comparative and comprehensive account of the jurisprudence of constitutional conflict between the Court of Justice and national courts with the power of constitutional review This monograph addresses the incidences of and reasons for constitutional clashes in the application and enforcement of EU law It aims to determine how the principle of primacy of EU law works in reality and whether the jurisprudence of the courts under analysis supports this concept To this end the book explores the three areas of constitutional conflict ultra vires review identity review and fundamental rights review The book substantiates the descriptive and strengthens the normative contributions of the theory of constitutional pluralism in relation to the web of relations in the European judicial space By examining the influence that the jurisprudence of constitutional conflict has on the balance of powers between the Court of Justice and constitutional courts the volume develops the judicial triangle as an analytical tool that depicts the consequences for the horizontal constitutional courts vis vis the Court of Justice and vertical judicial relationships Court of Justice vis vis ordinary national courts constitutional courts vis vis ordinary national courts By offering a thorough compilation of the jurisprudence of constitutional conflict in the EU The Jurisprudence of Constitutional Conflict in the European Union improves our understanding of the principle of primacy of EU law and its limits as well as reinforces the theory of constitutional pluralism in explaining and guiding judicial power relations and interactions in the EU

**Europe Against Revolution** Matthijs Lok,2023 Offers a radical new scholarly interpretation of the topics of Enlightenment legacies counter revolution and conservatism as well as the construction of the European Past and the international order Gives a historical perspective on the contemporary radical right as well as current expressions of European identity and memory Combines Enlightenment thought with counter revolution and memory studies historiography Draws on sources from seven languages to give a truly pan European perspective     **The European Health Data Space** Santa Slokenberga,Katharina Ó Cathaoir,Mahsa Shabani,2025-03-06 This timely volume provides a comprehensive examination of how the proposed new European Health Data Space EHDS legislation will impact upon health and genetic data individual privacy and providers of health services With the current legal framework recognised as insufficient in protecting data related rights the book spotlights the opportunities and challenges posed by the EHDS in balancing the interests of individuals with policymakers and researchers It considers the impact on individual EU member states while highlighting issues such as changes to patients rights wearable technology developments in e health and the secondary use of medical data Critically it also examines how the EHDS will operate within existing legal frameworks including the General Data Protection Regulation the Data Governance Act and the Data Act Including contributions from some of the leading scholars in this area this groundbreaking book will be key reading for students and researchers across law and public health Chapters 2



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**Governance and Security Issues of the European Union** Jaap de Zwaan, Martijn Lak, Abiola Makinwa, Piet Willems, 2016-11-22 This book provides a comprehensive coverage of crucial issues concerning EU co operation and European security At present Europe is confronted with a number of serious common and global challenges the most important being the economic crisis migration issues geopolitical tensions at its external borders terrorism climate change and environmental challenges These developments have a huge impact on the stability and security of the continent as a whole and on each individual European country Europe more particularly the European Union has to organize its governance and security infrastructure in such a way that it can cope with these global threats This edited volume collects a number of topics and themes connected to the governance and or security dimensions of EU co operation The book is divided into several parts which deal respectively with the values and general principles of EU co operation institutional aspects of EU co operation a number of individual policy domains areas of European criminal law the external relations of the EU and the future functioning of EU co operation as a whole The eighteen chapters written by a team of experts with extensive practical and academic experience contain insights and information valuable to researchers students practitioners and policy makers concerned with EU law and international law About the editors Jaap de Zwaan is Lector European Integration at The Hague University of Applied Sciences and Emeritus Professor of the European Union Law at Erasmus University Rotterdam He served for nearly twenty years as a member of the Diplomatic Service of the Dutch Ministry of Foreign Affairs where he worked notably in the domain of European integration He was also the Director of the Netherlands Institute of International Relations Clingendael in The Hague for almost six years Martijn Lak is a historian and a Lecturer and Researcher at the Department of European Studies of The Hague University of Applied Sciences He studied Journalism and History at the University of Applied Sciences Utrecht and obtained his Ph D in 2011 Martijn Lak specializes in post war Dutch German economic and political relations and contemporary German history Abiola Makinwa is a Senior Researcher and Lecturer in commercial Law with a special focus on Anti Corruption Law and Policy at The Hague University of Applied Sciences Abiola Makinwa holds a Ph D from Erasmus University Rotterdam She is a frequent speaker on anti corruption law and policy and has introduced Anti Corruption Compliance as an undergraduate course at The Hague University Piet Willems is a Lecturer in International and European Law at The Hague University of Applied Sciences where he focuses on project based learning moot court coaching and competition law His research activities focus on regulation in the European Union He obtained both his Master s degree and his LL M in European Law from Ghent University based learning moot court coaching and competition law His research activities focus on regulation in the European Union He obtained both his Master s degree and his LL M in European Law from Ghent University

## Reviewing **European Public Law**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**European Public Law**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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