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EU ENLARGEMENT

THE CONSTITUTIONAL IMPACT AT EU AND NATIONAL LEVEL

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Eu Enlargement The Constitutional Impact At Eu And At National Level

Inge Govaere, Sacha Garben



Eu Enlargement The Constitutional Impact At Eu And At National Level:

EU Enlargement and the Constitutions of Central and Eastern Europe Anneli Albi, 2005-06-30 In the wake of the EU's biggest enlargement this book explores the adaptation of the constitutions of Central and Eastern Europe CEE for membership in the European Union In response to the painful past these new constitutions were notably closed to transfer of powers to international organizations and accorded a prominent status to sovereignty and independence A little more than a decade later the process of amending these provisions in view of the transfer of sovereign powers to a supranational organization has proved a sensitive and controversial exercise This book analyses the amendments against the background of comparative experience and theory of sovereignty as well as the context of political sensitivities such as rising euroscepticism ahead of accession referendums *EU Enlargement: The Constitutional Impact at EU and at National Level* Alfred

Kellermann, 2001-08-15 The subject of this Conference concerns the impact the enlargement of the European Union has on the constitutional provisions of both levels of European administration the national and the European level This subject is the more attractive because the constitutional impact of enlargement is an essential element in the context of the rule of law as one of the 1 general principles of the Union Here a relationship does exist with objectives such as a good and transparent system of governance a democratic legislative process an independent judiciary and an adequate system of legal protection As to the national level the implications membership of the Union has for the constitutional texts of the candidate member States have a connection with the fundamental characteristics of Community law such as priority of European law over national law direct applicability and direct effect These principles reflect the interest in ensuring that European law once applied in the national context by the public authorities or the judiciary is made fully effective for the benefit not only of the public authorities but also of the ordinary citizen National Constitutions and EU Integration Stefan Griller, Lina

Papadopoulou, Roman Puff, 2022-08-25 Do individual constitutions and the legal cultures underlying them pose an obstacle to future EU integration This ambitious collection brings together reports from all the European Member States systematically setting out their individual constitutional guarantees In doing so it tracks possible roadblocks to the future evolution of European integration Written by recognised authorities in each Member State it offers an authoritative and rigorous overview of the European Union's constitutional landscape Its single structure approach allows for comparison while maintaining consistency It will become the standard reference work for academics students and practitioners in the field of European Union law and integration **Constitutional Law of the EU's Common Foreign and Security Policy** Graham

Butler, 2019-10-03 The Common Foreign and Security Policy CFSP of the European Union is a highly exceptional component of the EU legal order This constitutionalised foreign policy regime with legal diplomatic and political DNA woven throughout its fabric is a distinct sub system of law on the outermost sphere of European supranationalism When contrasted against other Union policies it is immediately clear that EU foreign policy has a special decision making mechanism making it highly

exceptional In the now depillarised framework of the EU treaties issues of institutional division arise from the legacy of the former pillar system This is due to the reality that of prime concern in EU external relations is the question of who decides By engaging a number of legal themes that cut across foreign affairs exceptionalism executive prerogatives parliamentary accountability judicial review and the constitutionalisation of European integration the book lays bare how EU foreign affairs have become highly legalised leading to ever greater coherence in how Europe exerts itself on the global stage In this first monograph dedicated exclusively to the law of the EU s Common Foreign and Security Policy in modern times the author argues that the legal framework for EU foreign affairs must adapt in a changing world so as to ensure the EU treaties can cater for a more assertive Europe in the wider world Cited in Opinion of Advocate General Evgeni Tanchev Case C 730 18 P SC v Eulex Kosovo ECLI EU C 2020 176 Court of Justice of the European Union First Chamber 5 March 2020 Opinion of Advocate General Gerard Hogan Case C 134 19 P Bank Refah Kargaran v Council of the European Union ECLI EU C 2020 396 Court of Justice of the European Union Grand Chamber 28 May 2020 Opinion of Advocate General Evgeni Tanchev Case C 283 20 CO ME GC and 42 Others v MJ Head of Mission European Commission European External Action Service EEAS Council of the European Union Eulex Kosovo ECLI EU C 2021 781 Court of Justice of the European Union Fifth Chamber 30 September 2021 and Opinion of Advocate General Tamara Capeta in Joined Cases C 29 22 P and C 44 22 P KS KD v Council of the European Union European Commission and European External Action Service EEAS and European Commission v KS KD Council of the European Union and European External Action Service EEAS ECLI EU C 2023 901 Court of Justice of the European Union Grand Chamber 23 November 2023

Constitutional Dynamics in Federal Systems Michael Burgess, G. Alan Tarr, 2012-03-09 Providing a comprehensive view of the constitutional architecture of federations contributors address change and development in federal states from the standpoint of constitutional revision and reform Oftentimes change comes from the constituent units that together form a federation With this in mind political scientists and legal scholars from across Europe and North America address three important questions First what is the scope of national space the range of discretion and autonomy in constitutional design and development that is available to the sub national units in federal system Second to what extent have the sub national units occupied the constitutional space available to them Third what have been the effects of constitutional initiatives by sub national units within their constitutional space on national constitutional development vertical federalism on constitutional development in other sub national units horizontal federalism and on political development within their own borders A comparative interdisciplinary approach to constitutionalism in federal systems this volume will be of particular interest to scholars studying federalism comparative politics public law and political development Contributors include Michael Burgess University of Kent and G Alan Tarr Rutgers University Camden John J Dinan Wake Forest University Arthur Gunlicks University of Richmond Peter Burger University of Innsbruck Jens Woelk University of Trento Nicolas Schmitt University of Fribourg Patrick Peeters University of Leuven Gerald Baier University of

British Columbia Stephen Tierney University of Edinburgh Carlos Viver University of Barcelona Francesco Palermo University of Verona Anneli Albi University of Kent Ornella Porchia University of Turin *Constitutional Evolution in Central and Eastern Europe* Alexander H.E. Morawa, 2016-12-14 This book examines EU enlargement by studying how domestic constitutional evolution in the new member states contributes to European integration In contrast to the usual top down analytical pattern it reverses the paradigm by looking at constitutional developments and dynamics from the bottom up studying how domestic constitutional evolution contributes to European integration The authors analyze constitutional trends from the perspective of new Member States as policy makers and not strictly as policy takers The issue of conditionality is also explored in a discussion of the extent to which pre 2004 and 2007 conditionality has had lasting effects at the level of constitutionalization of different areas and norms and if so of what kind The exploration of Europeanization effects in recent Member States substantiates and demonstrates how enlargement has been an important driving force for the effective export of EU legal rules in this region The book utilizes a comparative approach to highlight the merits and obstacles created by the growing diversity in the constitutional rules and patterns of the new Member States It also contains a section that places the CEE constitutionalizing map in a broader comparative European and global context establishing links with similar

transitional regimes in the continent and elsewhere **The Interface Between EU and International Law** Inge Govaere, Sacha Garben, 2019-05-16 Despite their many obvious interconnections EU and international law are all too often studied and practised in different spheres While it is natural for each to insist on its own unique characteristics and in particular for the EU to emphasise its sui generis nature important insights might be lost because of this exclusionary approach This book aims to break through some of those barriers and to show how more interaction between the two spheres might be encouraged In so doing it offers a constitutional dimension but also a substantive one identifying policy areas where EU and international law and their respective actors work alongside each other Offering a 360 degree view on both EU and international institutional and substantive law this collection presents a refreshing perspective on a longstanding issue

Central European Constitutional Courts in the Face of EU Membership Allan F. Tatham, 2013-03-27 Central European Constitutional Courts in the Face of EU Membership explores the enduring German legal influence on other systems of constitutional justice concentrating on the impact of the Federal Constitutional Court's approach to EU integration on its counterparts in Hungary and Poland Such a model aims to protect Germany's constitutional identity or essential core of sovereignty the contents of which are not susceptible to transfer or limitation in the face of the requirements of the Union's constitutional legal order The influence of this model on the two Central European courts has encouraged them to take an active part in negotiating the new multilayered judicial construct of Europe Tatham thus firmly places the Hungarian and Polish constitutional courts within the overall context of the continuing dialogue between national courts and the Court of Justice in the evolution of the European constitutional space Spreading Democracy and the Rule of Law? Wojciech

Sadurski, Adam Czarnota, Martin Krygier, 2006-07-30 The accession of eight post communist countries of Central and Eastern Europe and also of Malta and Cyprus to the European Union in 2004 has been heralded as perhaps the most important development in the history of European integration so far While the impact of the enlargement on the constitutional structures and practices of the EU has already generated a rich scholarly literature the influence of the accession on constitutionalism democracy human rights and the rule of law among the new member states has been largely ignored This book fills this gap and addresses the question of the consequences of the external force of European enlargement upon the understanding and practice of democracy and the rule of law and among both the main legal political actors and the general public in the new member states A number of leading legal scholars sociologists and political scientists both from Central and Eastern Europe and from outside address these issues in a systematic and critical way Taken together these essays help answer a fundamental question does the European Union have the potential of promoting and consolidate democracy and human rights *Cambridge Yearbook of European Legal Studies, Vol 10, 2007-2008* Catherine Barnard, 2008-12-18 The Cambridge Yearbook of European Legal Studies provides a 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 particularly those issues which have come to the fore during the year preceding publication The chapters presented are all at the cutting edge of the fields which they address and reflect the views of recognised 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 globalisation of the law more generally and the resulting cross fertilisation 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

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Referendums and the European Union Fernando Mendez, Mario Mendez, Vasiliki Triga, 2014-06-12 Why have referendums on European integration proliferated since the 1970s How are referendums accommodated within member states constitutional orders and with what impact on the European integration process What is the likely institutional impact of referendums on the future of the European integration process Drawing on an interdisciplinary approach these are just some of the fundamental questions addressed in this book The central thesis is that

the EU is faced with a direct democratic dilemma which is compounded by the EU's rigid constitutional structure and a growing politicisation of the referendum device on matters related to European integration. Referendums and the European Union discusses how this dilemma has emerged to impact on the course of integration and how it can be addressed.

National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law Anneli

Albi, Samo Bardutzky, 2019-05-29 This two volume book published open access brings together leading scholars of constitutional law from twenty nine European countries to revisit the role of national constitutions at a time when decision making has increasingly shifted to the European and transnational level. It offers important insights into three areas. First it explores how constitutions reflect the transfer of powers from domestic to European and global institutions. Secondly it revisits substantive constitutional values such as the protection of constitutional rights, the rule of law, democratic participation and constitutional review along with constitutional court judgments that tackle the protection of these rights and values in the transnational context e.g. with regard to the Data Retention Directive, the European Arrest Warrant, the ESM Treaty and EU and IMF austerity measures. The responsiveness of the ECJ regarding the above rights and values along with the standard of protection is also assessed. Thirdly challenges in the context of global governance in relation to judicial review, democratic control and accountability are examined. On a broader level the contributors were also invited to reflect on what has increasingly been described as the erosion or twilight of constitutionalism or a shift to a thin version of the rule of law, democracy and judicial review in the context of Europeanisation and globalisation processes. The national reports are complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion. The research for this publication and the comparative study were carried out within the framework of the ERC funded project 'The Role and Future of National Constitutions in European and Global Governance'. The book is aimed at scholars, researchers, judges and legal advisors working on the interface between national constitutional law and EU and transnational law. The extradition cases are also of interest to scholars and practitioners in the field of criminal law. Anneli Albi is Professor of European Law at the University of Kent, United Kingdom. Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana, Slovenia.

Judicial Application of European Union Law in post-Communist Countries Tatjana Evas, 2016-05-06

This book discusses how the plurality of legal norms operating in the European Union can be balanced to produce a functioning, sustainable and legitimate legal system. Presenting a conceptual framework for assessing and comparing transformations of national judicial systems in the context of EU membership, the book contributes to the EU legal theoretical debate on the relationship between authority and coherence. The author develops an original analytical framework of coherence to assess the application of EU law by national courts and uses interdisciplinary scientific methods and research design that combine legal doctrinal and social science methodology to the study of classical legal questions. Providing an extensive database of

2004 2009 national judgments of national courts in Latvia and Estonia the book offers an extensive comparative review of the jurisprudence of constitutional and supreme courts as well as providing insight into the jurisprudence of ordinary national courts It will appeal to legal scholars and political scientists studying courts and jurisprudence **Protecting Human Rights in the EU** Tanel Kerikmäe, 2013-08-30 Human rights are much talked about and much written about in academic legal literature as well as in political and other social sciences and the general political debate This book argues that the universality of basic human rights is one of the values of the concept of rights It points out the risk of a certain inflation caused by the current habit of talking so much and so often about human rights and of using them as a basis for claims of various kinds These rights their understanding and interpretation may need to become more purist to ensure that universal human rights as a concept survive Another chapter concentrates on the analysis of the frames of EU protected human rights from the perspective of effective implementation Further the book not only deals with the complicated relations between the EU and international law but also seeks to show the horizontal effect To that end the fears and hopes of the member states and interest groups are categorized and commented on Lastly the gaps in theory and practice are addressed current trends related to implementation are pointed out and suggestions are made concerning how to make the best out of the Charter

The Law of the Baltic States Tanel Kerikmäe, Kristi Joamets, Jānis Pleps, Anita Rodiņa, Tomas Berkmanas, Edit Gruodytė, 2017-04-05 This is the first book to present the law of the Baltic States in one comprehensive and coherent volume in English The Baltic States region which was incorporated by the Soviet Union for 50 years and now is the only such territory in the EU continues to be characterized by a number of unique traits problems and developmental trends This book addresses these facets of law the status quo problems and trends by adopting a comparative perspective structure for all three Baltic States divided into three main parts Estonia Latvia and Lithuania Each of these parts examines similar core aspects General Frameworks Public Law and Private Law Taking into account the peculiarities of each country the individual chapters provide analyses of principles problems and developments in specific legal branches The authors of the book are recognized academics and professionals in the field of law Taken together their contributions offer a valuable tool and resource for anyone interested in the law of the Baltic States students legal practitioners scholars administrators etc

National Parliaments Within the Enlarged European Union John O'Brennan, Tapio Raunio, 2007-06-11 This book presents a wide range of perspectives on the role of national parliaments in EU politics and policy making looking at efforts to address perceived democratic and information deficits **Law and Governance in an Enlarged European Union**

George A. Bermann, Katharina Pistor, 2004-11 This book's principal aim is to critically address the institutional and substantive legal issues resulting from European enlargement chiefly those relating to the legal foundations on which the enlarged Union is being built The accession of new Member States creates the potential for a stronger and more powerful Europe Realising this potential however will depend on the ability of the EU to develop functional and effective governance

structures both at the European level and at the level of the individual Member States While the *acquis communautaire* will ensure that formal laws in the new Member States will be aligned with those of existing members the question remains as to how effective institutions will be in implementing changes and what effects the imposed changes will have on the legitimacy of the new legal framework This book containing the work of leading scholars in law and social sciences examines the current and future legal framework for EU governance and the role that new members will or will not play in the creation of that framework paying particular attention to the specific challenges membership in the EU poses to the acceding states of Central and Eastern Europe It is a book which will contribute to and influence debates over constitutionalism and legal harmonisation in the EU

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A Constitutional Order of States? Anthony Arnall, Catherine Barnard, Michael Dougan, Eleanor Spaventa, 2011-03-03 This collection celebrates the career of Professor Alan Dashwood a leading member of the generation of British academics who organised explained and analysed what we now call European Union law for the benefit of lawyers trained in the common law tradition It takes as its starting point Professor Dashwood's vivid description of the European Union as a constitutional order of states He intended that phrase to capture the unique character of the Union On the one hand it is a supranational order characterised by its own distinctive institutional dynamics and an unprecedented level of cohesion among and penetration into the national legal systems On the other hand it remains an organisation of derived powers the Member States retaining their character as sovereign entities under international law This theme permeates both the constitutional and the substantive law of the Union

Contributors to the collection include members of the judiciary and distinguished practitioners officials and academics They consider the foundations strengths implications and shortcomings of this conceptual framework in various fields of EU law and policy The collection is an essential purchase for anyone interested in the constitutional framework of the contemporary European Union

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