

Franziska Grashof

National Procedural Autonomy Revisited



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**Court of Justice of the European
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National Procedural Autonomy Revisited Franziska Grashof, 2016 National Procedural Autonomy Revisited reconsiders one of the leading principles of European administrative law the principle of national procedural autonomy The book shows that due to different national administrative litigation rules common European rules are enforced in a fragmented manner This is illustrated with the example of the judicial enforcement of Directive 2011/92/EU on environmental impact assessment for projects in the legal systems of Germany England and the Netherlands Under the same rule of EU law litigants are treated procedurally unequal As well there are different enforcement chances and judges come to different conclusions not because of diverging interpretations of the law but because of different administrative litigation rules Subsequently the book discusses whether it is necessary desirable and possible to develop common rules of administrative litigation in environmental matters in the EU It is argued that by means of the instruments which are available in the EU specifically legislation jurisprudence and comparative scholarship a more precise common standard for administrative litigation in environmental matters should be created so that the principle is *ubi ius europaeum ibi remedium europaeum* Librarians ebook available Series European Administrative Law Vol 10 Subject EU Law Environmental Law

Good Administration and the Council of Europe Ulrich Stelkens, Agn  Andrijauskait , 2020 This book seeks to find an answer to the question of how to rule a state well by drawing on a range of organizational procedural and substantive standards of administrative conduct developed within the framework of the Council of Europe CoE as an organization of a broader scope than the European Union *EU Administrative Law* Paul P. Craig, 2018 Part I Administration and Law 1 History and Typology 2 Crisis Reform and Constitutionalization 3 Centralized Management 4 Shared Management 5 Comitology 6 Agencies 7 Open Method of Coordination 8 Social Partners Part II Law and Administration 9 Foundations 10 Courts 11 Access

Market Supervision in the European Union Pieter van Cleynenbreugel, 2014-09-25 In Market Supervision in the European Union Pieter Van Cleynenbreugel compares and reconstructs the emergence of divergently structured supranational market supervision mechanisms in six different sectors of EU regulation competition financial services chemicals consumer law electronic communications and energy EU market supervision developments have been plentiful over the past decade but have so far mainly been studied in their own sector specific context On the basis of an innovative cross sector investigation Pieter Van Cleynenbreugel identifies and conceptualises common or converging EU constitutional benchmarks underlying those sector specific administrative design developments Those benchmarks better allow to conceptualise predict and restrain future EU integrated administration structures and initiatives in those and other fields of European Union law **Direct Effect in EU Law** Daniele Gallo, 2024-12-18 Direct Effect in EU Law is the first book in English to thoroughly examine this revolutionary legal principle tracing direct effect's evolution throughout the multiform process of European integration A founding doctrine of EU constitutional law and the driving force of the EU legal system

direct effect enables individuals and companies to invoke their rights before domestic authorities and the Court of Justice of the EU CJEU Yet while the doctrine of direct effect remains the backbone of the EU legal system it lacks clear legal framing by the CJEU Emphasizing the need for the CJEU to fully articulate and systematize direct effect as to its core components and consequences the book advocates for an innovative understanding of such principle that acknowledges its transformative impact on EU law It bridges theory and practice drawing upon the CJEU rulings dating from the 1950s up to 2024 The book reconstructs direct effect beyond the doctrine originating from Van Gend Loos and ultimately puts forward solutions for its principled comprehension and enforcement

Principles of Administrative Procedure in EC Law Hanns Peter Nehl, 1999 Recoge 1 Introduction 2 Procedural good administration in EC law 3 Expansion access to information and the right to be heard 4 Expansion The principle of care diligence 5 Conclusion

The Law of the European Union and the European Communities Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union including the institutional framework the Internal Market Economic and Monetary Union and external policy and action Completely revised and updated with many newly written chapters this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union EU Written by a new team of experts in their respective areas of European law its coverage incorporates and embraces many current controversial and emerging issues and provides detailed attention to historical development and legislative history of EU law Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening including the following powers and functions of the EU law institutions and relationship among them the principles of equality loyalty subsidiarity and proportionality free movement of persons goods services and capital mechanisms of constitutional change treaty revisions accession treaties withdrawal agreements budgetary principles and procedures State aid rules effect of Union law in national legal systems coexistence of EU European Convention of Human Rights ECHR and national fundamental rights law migration and asylum law liability of Member States for damage suffered by individuals competition law cartels abuse of dominant position merger control social policy equal pay and equal treatment environmental policy consumer protection public health cultural policy education and tourism nature of EU citizenship its acquisition and loss and law and policy of the EU's external relations The fifth edition embraces many new ongoing and emerging European legal issues As in the previous editions the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law

provision or principle **The Fundamentals of EU Law Revisited** Catherine Barnard, 2007 How far should the fundamental principles that shape the EU be reassessed in the light of the Constitutional Treaty's rejection The essays in this volume examine the impact of the debate surrounding the future of the European Constitution on the development of core areas of EU law and policy **The Evolution of EU Law** Paul P. Craig, Gráinne De Búrca, 1999 The European Community has been in existence for 40 years This period has seen considerable change and development in both the institutional and the substantive law of the EC and more recently the EU This work seeks to stand back from the ever growing detail of Community law and examine this jurisprudence from an evolutionary and interdisciplinary perspective Every important area of institutional and substantive European law is covered leading lawyers analyze the evolution of their area of expertise across time bringing out the major thematic changes which have occurred These changes are then viewed against the broader political and economic background of the community as a whole **Shaping EU Law the British Way** Graham Butler, Adam Lazowski, 2022-11-17 In this book leading scholars of EU law judges and practitioners unpack the judicial reasoning offered by the UK Advocates General in over forty cases at the Court of Justice which have influenced the shape of EU law The authors place the Opinions in the wider context of the EU legal order and mix praise with critique in order to determine the true contribution of the UK Advocates General before hearing the concluding reflections by the UK Advocates General themselves The role of Advocates General at the Court of Justice of the European Union remains notoriously under researched With a few notable exceptions not much ink has been spilled on analysing their contribution to the judicial discourse that emerges from the Court's Palais in Luxembourg More generally their impact on the shaping of EU law is only sporadically explored This book fills the lacunae by offering an in depth analysis of the way in which the UK Advocates General contributed to development of EU law during 47 years of the UK's membership of the EU During their terms of office Advocates General Jean Pierre Warner 1973 1981 Gordon Slynn 1981 1988 Francis Jacobs 1988 2006 and Eleanor Sharpston 2006 2020 delivered over 1400 Opinions This staggering contribution of the four individuals and their cabinets of legal secretaries was supplemented by an Opinion of a then Judge of the Court of First Instance David Edward who was called to act as an Advocate General in two joined cases in what is now the General Court With the last UK Advocate General departing from the Court of Justice in September 2020 an important era has ended With this watershed moment it is apt to take a look back and critically analyse the contribution to development of EU law made by the UK Advocates General and to elucidate the lasting impact they have had on the nature of EU law Revisiting Decentralization in the Philippines, Hyatt Hotel, Manila, September 18-19, 2006, 2006 **Termination Revisited** Kenneth R. Philp, 1999 In this essential contribution to twentieth century Native history Kenneth R Philp reassesses the controversial and ultimately failed federal policy of termination In the years after World War II federal policy toward the Indian reservation system changed markedly Reservations were seen as bastions of an old colonial order as economically deprived areas in need of revitalization and as

obstacles to large scale federal projects Motivated by these views President Truman Commissioner of Indian Affairs Dillon Myer and certain members of Congress worked to end the reservation system Federal policies set during this period strongly encouraged Native peoples to terminate their status as wards of the American government relocate to prosperous cities and develop long range plans to secure greater political and economic power for themselves Until recently scholars have largely portrayed the termination years as a regressive era in which Indians encountered renewed assaults on tribalism lost important rights and were placed on the road to dispossession Termination Revisited offers a more complex portrait of Native responses to termination By focusing on the diverse reactions of Native peoples to the concept of self determination Philp demonstrates how widely the interpretations of this important concept and the proposed strategy of termination varied

Procedural Law of the European Union Koenraad Lenaerts,Dirk Arts,Robert Bray,1999 Recoge 1 The judicial organisation of the European Union 2 Enforcement of community law 3 protection against acts of the institutions 4 Special forms of procedure Public Policy and Administration in the Soviet Union Gordon B. Smith,1980 PAIS Bulletin ,1990

Reports of Cases Before the Court of Justice and the Court of First Instance Court of Justice of the European Communities,2006 **Index to Legal Periodicals & Books** ,2006 **Congress Reconsidered** Lawrence C. Dodd,Bruce Ian Oppenheimer,1977 *Compliance and Enforcement of European Community Law* J. Vervaele,1999-05-04 This collection of papers reflects the growing interest among European Union law scholars and practitioners in the impact of Community law on the main fields of the Member States legal orders constitutional law administrative law criminal law and private law In particular the requirements of an effective compliance with and enforcement of Community law have contributed to a Europeanization of those areas of national law This book brings together case studies from such diverse policy areas as customs law foodstuffs and waste transport as well as more general analyses from both a comparative legal and a political science point of view Current Law Index ,2003

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