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The Competence Question in the (Con)Federal European Union Sacha Garben, 2025-11-18 The Competence Question in the Con Federal European Union provides a uniquely holistic understanding of the EU as a contested authority construction the legal concepts and political factors that make it d evolve and the normative stakes at hand The book analyses the source force and extent of the EU s powers from the EEC Treaty until today demonstrating how ongoing constitutional negotiations between Member States the Court of Justice political institutions and national courts have unsettled the EU legal order in both functional and foundational terms In doing so it offers new insights into the functioning and malfunctioning of the EU legal order from a constitutional and democratic perspective Drawing on historical examples to illustrate the distinction between compound systems of conferred powers confederations and those whose powers have been constitutionally established federations the book exposes a confederal conundrum The EU s powers are conferred by its Member States as in a confederation but are given federal effect and have virtually unlimited material scope competence creep This the book argues can be democratically and constitutionally problematic Pinpointing the crucial legitimacy problem that underlies EU authority construction the book offers students and academics an accessible yet rigorous account of the current state of EU law It is an essential resource for anyone seeking to understand the dynamic process of European integration and its constitutional implications

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

The Politics of Ratification of EU Treaties Carlos Closa, 2013-09-02 Since its inception the European Union EU has revised its foundational treaties several times resulting in national ratification processes involving different actors with varying success This book focuses on the politics of ratification of EU Treaties and reviews the processes of ratification of EU primary legislation Existing research and academic debate on EU constitutional politics have almost exclusively focussed on negotiation of new treaties and their institutional setting However this book explains how the result of ratification was

achieved and analyses the strategy that actors pursue across Europe Ratification of the Treaty of Maastricht and the EU Constitution failed totally whilst other ratification can be considered partial failures such as the Irish Nice and Lisbon referendums As the EU Constitution has proved the ratification process may have deep effects unforeseen during the processes of negotiation In recent years ratification has produced some of the most intense debates on national membership of the EU and the EU itself The Politics of Ratification of EU Treaties will be of interest to students and researchers of European Studies European Union studies European Union Law and European Union Politics *Borrowing Justification for Proportionality* João Andrade Neto, 2018-11-11 The proportionality test as proposed in Robert Alexy's principles theory is becoming commonplace in comparative constitutional studies And yet the question are courts justified in borrowing proportionality has not been expressly put in many countries where judicial borrowings are a reality This book sheds light on this question and examines the circumstances under which courts are authorized to borrow from alien legal sources to rule on constitutional cases Taking the Supreme Federal Court of Brazil and its enthusiastic recourse to proportionality when interpreting the Federal Constitution as a case study the book investigates the normative reasons that could justify the court's attitude and offers a comprehensive overview of its case law on controversial constitutional matters like abortion same sex union racial quotas and the right to public healthcare Providing a valuable resource for those interested in comparative constitutional law and legal theory or curious about Brazilian constitutional law this book questions the alleged universality of the proportionality test challenges the premises of Alexy's principles theory and discloses more than 68 Brazilian Supreme Court decisions delivered from 2003 to 2018 that would otherwise have remained unknown to an English speaking audience

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The Penguin Guide to the European Treaties Clive H.

Church, David Phinnemore, 2002 This guide provides readers with the text of and a commentary on the key European treaties It seeks to provide an accessible introduction to the treaties and their significance not just for the European Union but also for the public at large

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

Posting of Workers in EU Law Matteo Bottero, 2020-12-11 Bulletin of Comparative Labour Relations Volume 108 The progressive expansion of the phenomenon of posting of workers the practice whereby a worker is sent for a limited period of time to another Member State in order to provide a service is a formidable bone of contention in the conflict between a fully integrated internal market economy and Member States aims to protect domestic social standards This book challenges the recently adopted Directive EU 957/2018 which came into effect in July 2020 by examining the relevant EU regulatory framework and investigating the actual quantitative dimension of the posting phenomenon and its real impact on the EU labour market In the process the author exposes a serious misalignment of the legal framework provided for by the new Directive with the EU values and principles of equality solidarity and fair competition Drawing on a wide variety of sources including Court of Justice case law Advocate Generals opinions Eurostat data Commission documents and reports and academic literature the author provides in depth analyses of such elements of the problem as the following proper definition of the concepts of posting and posted worker in EU law host country s discretion in relation to the part of domestic regulation it can impose on posted employees misconceived clash between social rights and economic freedoms coordination of national social security systems proliferation of unlawful and fraudulent practices regime shopping and exploitation of existing regulatory loopholes misleading association of posting with issues of social dumping and unfair competition orientation of political influence during the drafting process of relevant EU legislation expected controversial economic impact of Directive EU 957/2018 concrete realisation of the EU values and principles of equality solidarity and fair competition and definition and pursuit of a European social model Normative arguments developed in the course of the analysis put forward viable recommendations for future improvements in the field The Union s commitment to the development of a European social model cannot avoid taking into account the matters of equality solidarity and fair competition In this sense given the increasing prominence of the free movement of services in shaping a European labour market characterised by an ever growing degree of mobility this book s analysis of the phenomenon of posting of workers may serve as a litmus test of political and legislative action at EU level In its dual analytic and normative aspect the book takes a giant step towards future discussions and developments in the area of intra EU labour mobility It will be welcomed by legal practitioners in labour and social security law and industrial relations legal scholars EU institutions and agencies businesses and trade unions

Struggles for Belonging Dieter Gosewinkel, 2021-11-04 Citizenship was the

most important mark of political belonging in Europe in the twentieth century while estate religion party class and nation lost political significance in the century of extremes This is shown by examining the legal institution of citizenship with its deciding influence on the limits of a political community on inclusion and exclusion Citizenship determined a person's protection equality and freedom and thus his or her chances in life and very survival This book recounts the history of citizenship in Europe as the history of European statehood in the twentieth and early twenty first centuries It does so from three vantage points as the development of a legal institution crucial to European constitutionalism as a measure of an individual's opportunities for self fulfilment ranging from freedom to totalitarian subjugation and as a succession of alternating often sharply divergent political regimes considered from the perspective of their inclusivity and exclusivity and its justification The European history of citizenship is discussed in this book on the basis of six selected countries Great Britain France Germany Czechoslovakia Poland and Russia For the first time a joint history of citizenship in Western and Eastern Europe is told here from the heyday of the nation state to our present day which is marked by the crises of the European Union It is the history of a central legal institution that significantly represents and at the same time determines struggles over migration integration and belonging One of the central concerns of this book is what lessons can be learned when it comes to the future chances of European citizenship

Rutgers Law Journal ,2003 **What Kind of Constitution for what Kind of Polity?** Christian Joerges,2000 **International Law Review** ,2003 **Referendums in Eastern Europe** Anneli Albi,2002 **European Access** ,2001 *Robert Schuman Centre, Centre for Advanced Studies* Robert Schuman Centre,2000 Innovative Governance in the European Union Ingeborg Tömmel,Amy Verdun,2009 Do the traditional tools of governance make sense in the decidedly nontraditional political entity that is the European Union Or are the realities of the unique EU system generating new and sometimes eclectic approaches to policymaking This book responds to these questions and explores the development of governance approaches in policy areas PAIS International in Print Catherine Korvin,2003-05 This book contains bibliographic references with abstracts and subject headings to public and social policy literature and to world politics published in print and electronic formats international focus **The Journal of Economic Perspectives** ,2004 This journal attempts to fill a gap between the general interest press and other academic economics journals Its articles relate to active lines of economics research economic analysis of public policy issues state of the art economic thinking and directions for future research It also aims to provide material for classroom use and to address issues relating to the economics profession □□□□ ,2005-04 *The 2007 Randolph W. Thrower Symposium* ,2007

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