

Judicial control of the principle of conferral

- Only one decision declaring an EU act void because of the lack of EU competence :
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- Background : Kompetenz-Kompetenz doctrine of the German Bundesverfassungsgericht

Judicial Control In The European Union Procedures And Principles

P. C. van Duyne



Judicial Control In The European Union Procedures And Principles:

Judicial Control in the European Union Alicia Hinarejos Parga, 2009 The EU's activity under its intergovernmental pillars The Common Foreign and Security Policy and Justice and Home Affairs has traditionally been beyond the scope of judicial control offered by the central EC legal system The increasing importance of this activity and its growing intrusion into the lives of individuals has led to a sense that the level of judicial oversight and protection is insufficient and that the constitutional balance of the Union stands in urgent need of reform While the need for reform is widely recognised wholesale constitutional change has been stalled by the failure to ratify the Constitutional Treaty and the delay in ratifying the Treaty of Lisbon This book charts the attempts to develop more satisfactory judicial control over the intergovernmental pillars in the face of such constitutional inertia It examines the leading role played by the European Court of Justice in reforming its own jurisdiction and analyses the ECJ's development as a constitutional court in comparison with more established constitutional adjudicators Throughout the book the current constitutional position is compared extensively to the reforms introduced by the Treaty of Lisbon offering a timely snapshot of the EU's federal structure in a state of flux *Judicial Review in the European Union* Alexander H. Türk, 2025-06-09 This book delivers a comprehensive analysis of the various avenues for judicial review in EU law Alexander Türk sets out the diverse actions available to litigants dissects current regulations and procedures and traces the evolution of the functions of judicial review in the Union's legal system Coverage includes actions for annulment standing requirements pleas of illegality and interim relief Also analysed are the attempts to widen direct access to EU courts within the current decentralised system **Constitutional Principles of EU External Relations** Geert De Baere, G. de Baere, 2008 This book explores how foreign policy fits within the complex constitutional structure of the EU providing both an analysis of the constitutional reality of EU foreign policy and a theoretical analysis suggesting possibilities for reform *Administrative Law and Policy of the European Union* Herwig C.H. Hofmann, Gerard C. Rowe, Alexander H. Türk, 2011-10-27 This book is a comprehensive detailed and highly systematic treatment which both describes and critically analyses the administrative law and policy of the European Union *Judicial Review* Susana Galera, Council of Europe, 2010-01-01 The traditional state model based on a domestic approach to rule of law is currently evolving towards a new one where international factors and relations play a prominent role This trend is also characterized by the pre-eminence of executive powers along with a weakening of parliamentary balances and judicial controls This work seeks to answer two essential questions concerning the rule of law how can citizens challenge public decisions affecting them and what kinds of public decisions can be judicially controlled Two groups of legal regulations are considered in this analysis the so-called European legal tradition covering nine national laws strongly influenced by Council of Europe legal standards since 1950 and the more recent body of European Union law The authors conclude that the issue of individual guarantees vis-à-vis public powers should be carefully monitored in Europe *European Union Law* Damian Chalmers, Gareth Davies, Giorgio

Monti,2019-09-12 The most current contextual and authoritative EU law text including Brexit the euro and the migration crisis Judicial Review of Administration in Europe Giacinto Della Cananea,Mads Andenas,2021 This title explores the

procedural and substantive principles of administration law It uses case studies and comparative studies of procedural fairness and propriety in courts to find the similarities and differences among various legal systems Along with several European countries it also covers Latin America and China **Oxford Principles of European Union Law** Robert

Schütze,Takis Tridimas,2018-02-23 Since the 1957 Rome Treaty the European Union has changed dramatically in terms of its composition scope and depth Originally established by six Western European States the EU today has 28 Members and covers almost the entire European continent and while initially confined to establishing a common market the EU has come to influence all areas of political economic and social life In parallel with this enormous geographic and thematic expansion the constitutional and legislative principles underpinning the European Union have constantly evolved This three volume study aims to provide an authoritative academic treatment of European Union law Written by leading scholars and practitioners each chapter offers a comprehensive and critical assessment of the state of the law Doctrinal in presentation each volume nonetheless tries to present a broader historical and comparative perspective Volume I provides an analysis of the constitutional principles governing the European Union It covers the history of the EU the constitutional foundations the institutional framework legislative and executive governance judicial protection and external relations Volume II explores the structure of the internal market while Volume III finally analyses the internal and external substantive policies of the EU

Procedural Rules in Tax Law in the Context of European Union and Domestic Law Michael Lang,2010-01-01
EUCOTAX European Universities Cooperating on TAXes is a network of tax institutes currently consisting of eleven universities WU Vienna University of Economics and Business in Austria Katholieke Universiteit Leuven in Belgium Corvinus University of Budapest Hungary Universite Paris I Pantheon Sorbonne in France Universitat Osnabruck in Germany Libera Università Internazionale di Studi Sociali in Rome and Università degli Studi di Bologna for the research part in Italy Fiscaal Instituut Tilburg at Tilburg University in the Netherlands Universidad de Barcelona in Spain Uppsala University in Sweden Queen Mary and Westfield College at the University of London in the United Kingdom and Georgetown University in Washington DC United States of America This network aims at initiating and coordinating both comparative education in taxation through the organisation of activities such as winter courses and guest lectures and comparative research in the field by means of joint research projects international conferences and exchange of researchers between various countries European Union law barely deals with procedural questions even though they are essential for proper implementation of European Union law The European Court of Justice has developed procedural principles in its rulings which also affect proceedings before national authorities This is due to the fact that the principle of procedural autonomy of the Member States finds its limits where European Union law might be infringed Therefore domestic procedural principles and rules of

the EU countries need to be interpreted in the context of European Union law requirements This timely work seeks to identify the differences between the domestic procedural rules and principles of an array of EU and non EU countries and analyse them in the context of European Union law requirements Specific attention is paid to the impact of State aid rules on procedural law in tax matters on constitutional law requirements as well as tax treaty law issues Since customs law is already harmonized in the form of the Community Customs Code it serves as a starting point to examine the extent to which harmonized procedural law is possible Harmonized procedural law is also discussed in the context of a possible future Common Consolidated Corporate Tax Base as well as an EU tax levied at the European Union level *The Future of Legal Europe: Will We Trust in It?* Gavin Barrett, Jean-Philippe Rageade, Diana Wallis, Heinz Weil, 2021-05-12 With this Liber Amicorum around 50 contributors from the legal and judicial professions from academia and from politics pay tribute to Dr Wolfgang Heusel the Director of the Academy of European Law ERA in Trier from 2000 to 2020 The contributions provide a thorough analysis of some of the most relevant legal and political challenges faced by the European Union including in the fields of data protection rules artificial intelligence the rule of law human rights protection institutional reform of the EU and changes in the legal and judicial professions The book is primarily aimed at postgraduate students legal practitioners and scholars interested in EU legal matters

Specialized Administrative Law of the European Union Herwig Hofmann, Gerard C. Rowe, Alexander Türk, 2018 This edited collection would offer a companion volume to the volume co authored by the same team Administrative Law and Policy of the European Union clarifying and examining the administrative law applicable to different sectors of EU Law

European Union Law Alina Kaczorowska-Ireland, 2016-05-26 The fourth edition of this well established and highly regarded work on EU law maintains its character by combining comprehensive yet accessible coverage with in depth analysis of the law and student friendly pedagogy It is fully up to date so encompassing critical examination of new important judgments of EU and national courts and developments in institutional constitutional and substantive EU Law The book keeps its unique style in that it is both a textbook and a casebook Case summaries are highlighted in colour tinted boxes for ease of reference and are accompanied by key facts and critical analysis often in the light of subsequent developments The student friendly approach is enhanced by market driven pedagogical features including Concise outlines at the beginning of each chapter describing its content and assisting in revision An aide m moire often presented in diagrammatic form at the end of each chapter to highlight and reinforce key points End of chapter recommended reading lists to encourage and facilitate further research End of chapter problem and essay questions testing the students ability to apply what they have learnt Cross references to show how topics are interrelated and A map identifying EU Member States candidate States and potential candidate States The book s companion website offers a range of teaching and learning resources including an interactive timeline of the EU useful web links self test questions and much more This book is essential reading for those studying EU law on both undergraduate and postgraduate courses and will be

of interest to students of political science social science and business studies

National and Regional Parliaments in the EU-Legislative Procedure Post-Lisbon Anna Jonsson Cornell, Marco Goldoni, 2017-01-12 Much has changed in European constitutional law after the Lisbon Treaty not least the efforts to increase democratic legitimacy by engaging national legislatures and introducing a stricter subsidiary review process namely the Early Warning Mechanism EWM This collection looks at how national parliaments have adapted to their new roles and looks at how the new system has impacted on relations between the EU legislative bodies and national parliaments A team of experts from across Europe explore the effect of the EWM on the national constitutional orders analyse the regional impact of EWM and evaluate the new system of scrutiny

Relative Authority of Judicial and Extra-Judicial Review Michal Krajewski, 2021-07-29 Do independent boards of appeal set up in some EU agencies and the European Ombudsman compensate for the shortcomings of EU Courts This book examines the operation of EU judicial and extra judicial review mechanisms It confronts the formal legal rules with evolving practices relying on rich statistical data and internal documents It covers detailed institutional arrangements the standard of review the types of cases and litigants and the activity of the parties in the process It makes visible the diverse but complementary ways in which the mechanisms enhance the authority of EU legal acts and processes It also reveals that scarce resources and imprecise rules restrict the scope of review and hinder independent empirical investigations Finally it casts light on how a differentiated system of judicial and extra judicial review can accommodate various kinds of technical and political discretion exercised by EU institutions and bodies

Research Handbook on General Principles in EU Law Ziegler, Katja S., Neuvonen, Päivi J., Moreno-Lax, Violeta, 2022-04-22 This Research Handbook offers a comprehensive study of existing and emerging general principles of EU law by scholars from a wide range of expertise in EU law international law legal theory and different areas of substantive law It explores the theory content role and function of general principles in EU law to better understand general principles as a mechanism for the substantive openness of the EU legal order as well as for cross fertilization and coherence of legal orders Their potential as a tool to manage the interaction of legal regimes and orders is a particular focal point and will make this Handbook a must read for scholars of EU Law

Judging Composite Decision-Making Filipe Brito Bastos, 2024-11-14 This book examines the European Court of Justice s principles relating to composite decision making Through rigorous case law analysis it shows how these rely on national and Union observance of rule of law requirements under what the book calls the Unitary Protection doctrine It explores the theoretical dimension of this doctrine illustrating how it represents a departure from the EU s foundational federalist approach to administrative law This fills a long standing gap in the literature and in our full understanding of composite decision making a key tenet of EU law EU constitutional and administrative law scholars will be fascinated by this compelling study

Cross-border Crime in a Changing Europe P. C. van Duijne, 2001 Contents Cross Border Crime A Relative Concept and Broad Phenomenon Cross Border Crime Patterns between Eastern Europe and the European Union

Transnational Organised Crime and Cross Border Trafficking in Human Beings in the Czech Republic Multi Disciplinary and Pro Active Approach to the Human Trafficking Phenomenon Trafficking in Migrants A European Perspective Drug Trafficking in Poland Cross Border Crime Between Finland and Estonia Organised Economic Crime Problems in the Ukraine Credit Card Fraud in International Perspective Fraud Against the European Public Funds Financial Investigations and Crime Money Facts and Myths About Underground Banking Organised Crime and Money Laundering The Proceeds of Crime and their International Recovery in Europe Extra and Sneaky Legal Evidence in Cross Border Investigations Afterword

Judicial Review in EU Law Alexander H. Türk, 2010-01-01 Judicial review constitutes an important aspect of any legal system operating under the rule of law This book provides a comprehensive account of judicial review in EU law by assessing the vast and complex case law of the European Court of Justice ECJ in this area and the academic opinion which has accompanied its rulings over the years It questions the prevalent view in academic literature that the Court's restrictive approach to allowing individuals direct access to the Community Courts in case of a challenge against normative acts amounts to a denial of an effective remedy The author argues that the emerging constitutional nature of the European Union and its federal structure requires a more balanced view While it will improve direct access for individuals to the Union's judiciary the Lisbon Treaty will not radically alter the system of judicial review in the European Union Judicial Review in EU Law will be of great interest to academics and given its detailed discussion of case law of the ECJ it will also appeal to postgraduate students of European law Dealing with an important aspect of legal practice it will be invaluable reading for practitioners in law firms and officials working in local regional and central government

EU Environmental Principles and Scientific Uncertainty before National Courts Mariolina Eliantonio, Emma Lees, Tiina Paloniitty, 2023-04-20 This comparative book explores the dynamics driving how courts across Europe and beyond understand and analyse scientific information in nature conservation The Habitats and the Birds Directives the core of EU nature conservation law are usually seen as the most uniform parts of EU environmental law This book analyses the case law from 11 current and former EU Member States courts and explores the dynamics of how and crucially why their understandings of scientific uncertainty on the one hand and EU environmental principles on the other vary The courts scope and depth of review access to scientific knowledge and scientific literacy all influence such decisions as does their interpretation of norms and principles How have the courts evaluated scientific evidence encompassing its essential uncertainties This book answers this and many more questions pertinent to EU environmental law comparative environmental law administrative law and STS studies Co edited by experienced leaders in the field and with outstanding contributors this book is an essential guide to the dynamics of nature conservation law

Infringement Proceedings in EU Law Luca Prete, 2016-04-24 Infringement proceedings constitute a significant proportion of proceedings before the Court of Justice of the European Union and play a key role in the development of EU law Their immediate purpose is to obtain a declaration that a Member State has by its conduct failed to

ful l an obligation under the EU Treaties The aim is to bring that conduct and its effects to an end and ultimately to eliminate infringements across the Union This book the first comprehensive and detailed full length work in English on infringement proceedings under Articles 258 260 TFEU provides not only an in depth discussion on the role and function of infringement proceedings within the EU legal order but also a critical assessment of the procedures as they currently stand complete with proposals for future changes Recognizing that Member States compliance with EU law is an integral part of the task of ensuring the rule of law throughout the Union the author thoroughly explains the functioning of infringement proceedings their requirements and related policies including issues such as the Commission s discretion to bring a case before the Court the author of the infringement including national courts or private entities Member States procedural and substantive defences the different procedures under Articles 258 259 and 260 2 and 3 TFEU rights of private parties interim measures financial sanctions Member States liability and the roles played by the European Parliament and the Ombudsman Particular attention is devoted to rules that have not yet been fully interpreted or where the current interpretation or application of the rules seems problematic The book tackles in particular whether infringement proceedings as they stand constitute an appropriate means of ensuring observance by Member States authorities of the EU acquis and if not what reforms should be implemented in order to achieve this in the future Such a detailed and in depth examination of this fundamental procedure of EU law will be of great and long lasting interest to EU and Member State administrators legal practitioners and academics Luca Prete is currently a r f rendaire Legal Secretary for Advocate General Wahl at the Court of Justice of the European Union on secondment from the Legal Service of the European Commission He is also a member of the Centre for European Law of the Free University of Brussels VUB He has published several articles in the fi eld of EU law and is a regular speaker at EU law seminars and conferences

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