

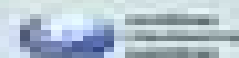
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# THE FOUNDATIONS OF EUROPEAN COMMUNITY LAW

*Sixth Edition*



TC HARTLEY



# Foundations Of European Community Law

**Trevor Clayton Hartley**



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**The Foundations of European Community Law** Trevor Clayton Hartley, 1992      **The Foundations of European Community Law** Trevor Clayton Hartley, 1983      The Concept of Legislation in European Community Law Alexander Türk, 2006-01-01 A notable trend in recent scholarship on the nature of the European Union and its democratic legitimacy focuses on the concept of legislation and its employment within the European Community's legal system In this remarkable work of synthesis Alexander Türk exposes and elucidates the underlying uncertainty as to the meaning of the term and even its legitimate use within the Community's legal order He arrives at a clear evaluation of the extent to which the concept of legislation can be applied in the EC through a comparative analysis of the British French and German constitutional systems and proceeds to reveal and highlight aspects of the concept of legislation derived from this analysis appearing in areas of EC law A number of crucially significant insights emerge among them the following the distinction between legislation in form and legislation in substance defining the addressee of Community acts judicial determination of the general application of an act the relevance of the EU's system of functional rather than personal representation and the co decision and assent procedures of the EU institutions as legislation in form All those interested in the nature of the EC legal system and the state of its development will find this study richly rewarding Building rigorously on detailed analysis of EC case law and on prior scholarship the book shows the way to a new understanding of the relevance of the concept of legislation to the solution of some of the EU's most pressing legal issues      *The Foundations of European Private Law* Roger Brownsword, Hans-W. Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance      **Soft Law in European Community Law** Linda Senden, 2004-09-28 This book offers the first systematic investigation of the phenomenon of soft law within the framework of the EC the first pillar of the EU and its use by the European Commission and Council of Ministers It focusses upon how soft

law fits into the Community legal system and how it is used and in particular how it relates to Community legislation. Differentiation of the Community instruments including the instruments of soft law is often thought to enhance the effectiveness, legitimacy and transparency of the Community. This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and if so in what cases and under what conditions. Furthermore, the author asks to what extent the use of soft law implies good governance and throws fresh light on this very heterogeneous phenomenon by looking at frequently used instruments in many different areas of Community law such as competition law, state aid, environment, social policy, etc. In the process, identifying their different characteristics, aims, functions and legal effects. What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy, effectiveness and transparency of Community action. This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law. It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution and goes beyond the immediate problems of soft law to touch upon issues such as competence, legal protection, division of powers between the EC and the Member States, institutional balance, lawmaking by the Community Courts, the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law.

*The Action for Damages in Community Law* Ton Heukels, Alison McDonnell, Europa Instituut (Leyde, Pays-Bas), T.M.C. Asser Instituut, 1997-02-18. Examining EC provisions for dealing effectively with the need to compensate individuals for wrongful acts, this volume covers topics ranging from non-contractual liability of the Community for different kinds of legal act to questions of damages and the Community's contractual liability.

**Foundations of European Community Law** T. C. Hartley, 1994

**Restitution and European Community Law**

Alison Jones, 2020-11-26. The growth in prominence of the law of restitution and European Community law has resulted in the creation of a body of case law which is contained within this work. This book examines the Community rules that affect restitutionary claims commenced in the English courts. This book considers the effect that EC rules may have on the development of specific areas of the English law of restitution; it sets out the circumstances in which the development of English rules governing restitutionary claims might be affected by the requirements of Community law and examines in detail the Community rules which affect restitutionary claims commenced before the national courts and attempts to rationalise and to explain them within the framework of the principle of unjust enrichment. It is essential reading for practitioners as well as academics and postgraduate students.

**1996 European Community Law** Academy of European Law Staff, 1999-06-09. The Academy of European Law was established by the European University Institute in 1990 and extends the Institute's current programmes into a larger field of interest. It has as its main activity the holding of annual Summer Courses in the law

of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French

**European Community Law for the New Economy** Lucas Bergkamp, 2003 The European Community EC has embarked on an ambitious legislative program for the new economy In European Community Law for the New Economy professor Lucas Bergkamp analyzes the EC's current and proposed new economy legislation The new economy according to Bergkamp is not only the internet the information society and biotechnology but also a different kind of old economy a different kind of corporate governance and a different kind of government Accordingly in addition to the EC's e-commerce data protection and biotechnology legislation this book discusses also the grand principles of EC policy making such as sustainable development and the precautionary principle the theory of corporate social responsibility and EC government reform With its wide ranging insightful and engaging analyses and devoid of obliquity EC Law for the New Economy is a unique publication This book must be read by everybody who wants to gain a deeper understanding of the effects of EC legislation the root causes of regulatory failures and possible solutions to these problems It is of interest to lawyers politicians policy makers government officials political scientists advanced students and autodidacts Lucas Bergkamp is a lawyer at the Brussels Bar and Professor of International Liability Law Erasmus University Rotterdam The Netherlands

**Public Procurement and the EU Competition Rules** Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

**Using Human Rights Law in English Courts** Murray Hunt, 1997-03-01 The primary purpose of this book is to demonstrate the scope that already exists for using international human rights law in English courts regardless of its status as incorporated or unincorporated Murray Hunt

addresses directly what are commonly supposed to be the theoretical obstacles to using human rights law in English courts and aims to raise awareness of the extent to which these have now fallen away in light of recent developments in English judicial practice The book was first published in hardback in March 1997

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**European Community Law** ,1995-01-01

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**Free Movement of Persons within the European Community** A. Pieter Van der Mei,2003-02-24 This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States Are European citizens and third country nationals who have moved to other Member States entitled to claim minimum subsistence benefits to receive medical care or to be admitted to education Does Community law provide for a freedom of movement for patients students and persons in need of social welfare benefits If so to what extent does Community law have regard for the Member States fears for and concerns about welfare tourism Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross border access to public services the author analyses how Community law and the Court of Justice in particular have sought to reconcile the Community s objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain

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