

Constitutional Law and Economics of the European Union



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Constitutional Law Economics In The European Union

**Mads Andenas, Tarjei Bekkedal, Luca
Pantaleo**



Constitutional Law Economics In The European Union:

Constitutional Law and Economics of the European Union Dieter Schmidtchen, Robert Cooter, 1997-01-01 Most papers are followed by remarks from two commentators which provide a useful summary of the issues at stake Keith Tribe The Economic Journal With its constitutional law and economics approach to European integration this book is both interesting and useful for academics policymakers and students of the EU Nina Grager Journal of Peace Research The process of European integration is at a crossroads As the Union becomes larger in terms of members the institutional structures and decision making procedures will have to change in order for it to make policy initiatives To meet these challenges the Union will need an effective institutional and constitutional structure which must be both democratic and acceptable to its citizens Constitutional Law and Economics of the European Union Dieter Schmidtchen, Robert Cooter, 1997 The process of European integration is at a crossroads As the Union becomes larger in terms of members the institutional structures and decision making procedures will have to change in order for it to make policy initiatives To meet these challenges the Union will need an effective institutional and constitutional structure which must be both democratic and acceptable to its citizens This major book evaluates recent developments considers the present situation and assesses the prospects for the future of the European Union A wide variety of institutional and constitutional issues are addressed with special attention being paid to three main topics decision making and including a critique of attempts to analyse European decision making using traditional power indices and a discussion of the different procedures laid down in the comitology decision federal structures with an analysis of the politics of European federalism among other issues institutional change which compares the relative merits of enlarging or deepening the Union suggesting a fifth freedom by a single European market for governments and discussing non technical aspects of legislation in the European Union Constitutional Law and Economics of the European Union will of interest to policymakers academics and students of European economic and political affairs and institutional and constitutional structures **Economic and Social Integration** Dagmar Schiek, 2012-01-01 Dagmar Schiek has written a timely and vital book Following financial and sovereign debt crises the European Union is in crisis As responses to crisis for example fiscal union appear to be couched in wholly technocratic terms a European public is entitled to ask whether the European Union has any respect for established national traditions of social constitutionalism and social welfare Dagmar Schiek addresses these questions both in a historical and contemporary context of social constitutionalism arguing forcefully for the need to establish social legitimacy within Europe I recommend this book to all researchers and students of European Union Michelle Everson Birkbeck College University of London UK Is there a European social space What is the place of social integration alongside economic integration in the EU Has a socially embedded constitutionalism been developed in parallel with the internal market case law of the CJEU Dagmar Schiek in her comprehensive and interdisciplinary study gives refreshing new answers under the recent Lisbon Treaty Norbert Reich

Universität Bremen Germany At a time of crisis and therefore a crucial juncture in European politics Dagmar Schiek offers us an inspiring vision of the potential of the European Union In her brilliant study she exposes the obstacles that economic integration has posed for achievement of social justice and provides a bold solution Rejecting more limited models of constitutionalism she presents a convincing alternative which is socially embedded allowing space for action by manifold actors at multiple levels of governance Tonia Novitz University of Bristol UK This well researched book analyses the positioning of EU constitutional law towards economic and social integration by contrasting liberal and socially embedded constitutionalism The book draws on a unique content and discourse analysis of all Grand Chamber decisions on substantive EU law since May 2004 It finds the EU's judicial constitution to be more nuanced and more uniform than expected While the Court of Justice enforces the constitution of integration it favours economic freedoms under mainly liberal paradigms but socially embeds constitutionalism in citizenship cases The judicial constitution contrasts with EU Treaties after the Treaty of Lisbon in that their new value base enhances European social integration However the Treaties too seem contradictory in that they do not expand the EU's competence regime accordingly In the light of these contradictions Dagmar Schiek proposes a constitution of social governance the Court and EU institutions should encourage steps towards social integration at EU level to be taken by transnational societal actors rather than condemn their relevant activity Economic and Social Integration will appeal to academics and postgraduate students in EU law EU politics European sociology international relations international law labour law and welfare state theory Undergraduate students in labour law policy advisors on EU social policy and welfare state government departments and EU Commission departments will also find much to interest them in this book

Between Competition and Free Movement Julio Baquero Cruz, 2002-08-04 This is the first book length treatment of the interaction and gaps between the free movement and competition rules of the EC Treaty

Constitutional Pluralism in the European Union and Beyond Matej Avbel, Jan Komárek, 2012-02-29 Constitutional pluralism has become immensely popular among scholars who study European integration and issues of global governance Some of them believe that constitutionalism traditionally thought to be bound to a nation state can emerge beyond state borders most importantly in the process of European integration but also beyond that for example in international regulatory regimes such as the WTO or international systems of fundamental rights protection such as the European Convention At the same time the idea of constitutional pluralism has not gone unchallenged Some have questioned its compatibility with the very nature of law and the values which law brings to constitutionalism The critiques have come from both sides from those who believe in the traditional European constitutionalism based on a hierarchically superior authority of the European Union as well as from scholars focusing on constitutions of particular states The book collects contributions taking opposing perspectives on constitutional pluralism some defending and promoting the concept of constitutional pluralism some criticising and opposing it While some authors can be called the founding fathers of constitutional pluralism others are young

academics who have recently entered the field Together they offer fresh perspectives on both theoretical and practical aspects of constitutional pluralism enriching our existing understanding of the concept in current scholarship *EU Constitutional Law* Allan Rosas, Lorna Armati, 2012-08-03 The second revised edition of this acclaimed book brings the story of the EU's constitutional journey up to date The EU's constitution composed of a myriad of legal texts case law and practice is a moving target subject to continuous change and the past two years have seen no slacking in the pace of that change With a wider geographical ambit than ever the EU faces unprecedented political economic and cultural challenges all of which impact upon the evolution of its constitution Moreover the crisis in the Eurozone has given rise to the need for a whole new chapter focussing on the institutional reforms embarked upon in the quest to restore financial order The book succeeds where others have struggled in making sense of the EU's complex constitutional order focussing on its essential features but taking into account the profound changes that have taken place over the past 20 years The EU has become much more than an internal economic market and has recently become active in areas such as immigration and third country nationals security and defence policy and penal law and procedure while the crisis in the Eurozone has triggered an increasing focus on economic and fiscal policy Eschewing too much detail the authors underline the essential values principles and objectives of the integration regime as well as its basic normative structure and hierarchy In this context the decentralised nature of the EU is highlighted as an integral part of its constitutional make up Recurring themes include European citizenship fundamental rights and the rule of law The book also confronts head on the problems and challenges facing the Union and the gap which is often perceived between lofty ideals and harsh realities The book will be useful to students of EU law and European integration but will also appeal to a broader audience of researchers and practitioners including political scientists

Constitutional Law and the EU Balanced Budget Principle Simina Tănăsescu, Eric Oliva, 2021-11-29 Exploring the balanced budget rule as an economic standard and as a legal principle this book explains the context and content of the balanced budget rule and presents a critical appraisal of its impact on legal systems political institutions and social values and particularly an evaluation of its constitutionalization in the European and national legal systems Examining a range of perspectives on the balanced budget rule as a legal principle a series of chapters investigate the feasibility and effectiveness of the balanced budget rule The book considers the impact this may have on the separation of powers within the state on democratic decision making on the European social model and on the protection of fundamental social rights within the European Union It suggests that this impact goes beyond the ethical issue of the public debt considered as a burden placed on future generations and beyond injunctions imposed by international financial institutions on national public finances The transfiguration of fiscal discipline from an economic requirement into a legal rule demanding a balanced budget embodies a challenge to the political nature of the budgetary process while creating the flexibility needed in order to further fiscal federalism within the European Union This book argues that the balanced budget rule is nothing more than it has always

been an instrument for devising public policies in a rational manner a tool for conceiving qualitative choices regarding the well being of citizens **The Pluralist Character of the European Economic Constitution** Clemens Kaupa,2016-08-25

This monograph intervenes in the long standing and controversial debate on the socio economic orientation of the European Union Arguing that the European economic constitution is pluralist in the sense that it does not favour any specific socio economic paradigm it shows that European law allows the pursuit of very different regulatory projects by the European and the national legislators This pluralist character of the European economic constitution stands in an uncomfortable relationship with the policies currently pursued by the European Union which are often neoliberal in their orientation The book takes an interdisciplinary approach it analyses the Treaty on the Functioning of the European Union as interpreted and developed in the case law of the Court of Justice its history and its regulatory purpose in the light of conflicting socio economic paradigms By challenging the orthodoxy the book makes a bold proposition that will likely resonate in both European economic law scholarship and European law in general With the ongoing economic crisis triggering a significant interest in economic questions among legal scholars it is particularly timely and topical The European Union after Lisbon

Hermann-Josef Blanke,Stelio Mangiameli,2011-10-12 The book contains 24 contributions from European law scholars and practitioners analysing the constitutional basis of the European Union and the normative orientation of the Common Foreign and Security Policy CFSP as well as the central economic and monetary provisions TFEU after the Reform Treaty of Lisbon Presenting the findings of a European research team which is composed of authors from eight Member States the publication underlines the aspiration of the editors to thoroughly analyse the constitutional law of the European Union currently in force

EU Law and the Harmonization of Takeovers in the Internal Market Thomas Papadopoulos,2010-01-01 Although some provisions of the Directive are obligatory for all Member States two key provisions have been made optional the non frustration rule which requires the board to obtain the prior authorization of the general meeting of shareholders before taking any action that could result in the frustration of the bid and the breakthrough rule restricting significant transfer and voting rights during the time allowed for acceptance of the bid Other relevant legal issues covered in the course of the analysis include the following A the right of establishment as a right of legal persons A vertical vs The Law and

Economics of the European Union Paul B. Stephan,Francesco Parisi,Ben Depoorter,2002-12-31 **Encyclopedia of Law and Society** David S. Clark,2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two

jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries

Fundamental Rights in Europe Federico Fabbrini, 2014-02-13 The European architecture for the protection of fundamental rights combines the legal regimes of the states the European Union and the European Convention on Human Rights The purpose of this book is to analyse the constitutional implications of this multilevel architecture and to examine the dynamics that spring from the interaction between different human rights standards in Europe The book adopts a comparative approach and through a comparison with the federal system of the United States it advances an analytical model that systematically explains the dynamics at play in the European multilevel human rights architecture It identifies two recurrent challenges in the interplay between different state and transnational human rights standards a challenge of ineffectiveness when transnational law operates as a ceiling of protection for a specific human right and a challenge of inconsistency when transnational law operates as a floor and considers the most recent transformations taking place in the European human rights regime The book tests the model of challenges and transformations by examining in depth four case studies the right to due process for suspected terrorists the right to vote for non citizens the right to strike and the right to abortion In light of these examples the book then concludes by reassessing the main theories on the protection of fundamental rights in Europe and making the case for a new vision a neo federal theory which is able to frame the dilemmas of identity equality and supremacy behind the European multilevel architecture for the protection of human rights

New Economic Constitutionalism in Europe George Gerapetritis, 2019-10-31 New Economic Constitutionalism in Europe focuses on the institutional mutation of constitutionalism following the major economic crisis in the Eurozone and globally The main axis is that a new economic constitutionalism has arisen which trespasses on the conventional conceptual foundations and needs to be addressed with novel institutional vehicles The author

proposes an original and searching analysis of the significant constitutional evolutions that have taken place in member states in response to the global financial crisis The book combines a sophisticated theoretical model of a new form of economic constitutionalism with detailed practical argumentation This important new work provides a valuable addition to the understanding of this hugely important topic *The SAGE Handbook of European Union Politics* Knud Erik Jørgensen, Mark Pollack, Ben Rosamond, 2007-01-03 This volume is one to which anyone trying to make sense of the EU of the early 21st century will return again and again A terrific line up that combines diverse talents from North America and Europe Few books of this kind could live up to the billing definitive benchmark but this one certainly does John Peterson University of Edinburgh A most useful book that can be highly recommended A strong analytical framework coupled with unparalleled coverage of the major issues of the political science research of the EU makes this volume a formidable tool for teaching and a significant input to new scholarly research It is both relatively sophisticated and very accessible to graduate students and advanced researchers The clear writing style and the richness of information presented will certainly make this book interesting for non academic readers Igor Vidacak Institute for International Relations Zagreb Journal of Common Market Studies An admirably comprehensive source book for those interested in how the tools of political science inspire EU area studies The editors enlist leading researchers to synthesize the state of the art in their field of expertise The Handbook of European Union Politics will be an indispensable intellectual resource for researchers teachers and graduate students of the European Union Liesbet Hooghe University of North Carolina at Chapel Hill USA Presents an excellent overview of political science research on the EU It finds the right balance between establishing the state of the art and pointing the reader to theoretical diversity Highly recommended for advanced students and scholars looking for quick and solid orientation in a fragmented field and for new ideas for research Frank Schimmelfennig ETH Zurich Switzerland This is a milestone in the study of EU politics The authors include the most knowledgeable practitioners in the field and collectively they provide a comprehensive and highly competent overview of the state of theory and research on EU institutions politics and policies Fritz Scharpf Max Planck Institute for the Study of Societies Germany The European Union EU poses quite profound questions for scholars and students of the social and political sciences This benchmark handbook is designed to provide an authoritative state of the art guide to the scope of the field suitable for both established scholars and students of the EU reflect and contribute to the debates about the nature of the field of EU studies and EU politics in particular explore in detail the development of the many approaches to the study of EU politics Divided into four sections the Handbook focuses on theorizing European integration the EU as polity politics and policy making in the EU and the EU and the international system Its appeal will reside not only in its comprehensive and authoritative coverage of the field but also in the quality of its contributors and the diversity of theoretical and methodological approaches included The resulting volume is a must have for all scholars and advanced students of the EU and European integration *Services of General Economic Interest as a*

Constitutional Concept of EU Law Caroline Wehlander, 2016-06-23 This book offers a legal understanding regarding the core elements of SGEI Services of General Interest and of how the post Lisbon constitutional framework on SGEI affects the application of the EU market rules by the EU Court of Justice including procurement rules to public services It is built up of three parts namely Part I No Exit from EU Market Law for Public Services Part II SGEI as a Constitutional Voice for Public Services in EU Law and Part III The cost of loyalty the relationship between EU procurement and state aid legislation on social services and the Treaty rules on SGEI ending with a case study of Swedish systems of choice Analyses are also provided on how the EU legislator engages in the Europeanisation of social services through EU procurement and state aid rules that have an ambiguous relationship to the Treaty framework on SGEI Some explanation to this ambiguity is proposed by studying how the application of EU state aid rules could hinder the development of Swedish systems of choice liberalizing publicly funded elderly care and school education Included are propositions on crucial but yet unsettled legal questions in particular what the legal meaning and relevance of the notion of economic activity in EU market law are and which core elements characterize SGEI This book is therefore mainly aimed at legal academics and practitioners but may also be of interest to political scientists Caroline Wehlander studied at Ume University and holds the title of Doctor of Laws She lives and works in Sweden

The Reach of Free Movement Mads Andenas, Tarjei Bekkedal, Luca Pantaleo, 2017-09-26 The reach of free movement within the EU Internal Market and what constitutes a restriction are the topics of this book For many years the tension between free movement and restrictions have been the subject of intense discussion and controversy and this includes the constitutional reach of the rights conferred by the Treaty of Lisbon Anything that makes movement less attractive or more burdensome may constitute a restriction Restrictions may be justified but only if proportionate The reach of free movement is fundamental to the Internal Market both for the economic constitution and increasingly for individual rights in a European legal order that provides constitutional guarantees for rights exceeding those of free movement The interaction between fundamental rights and fundamental freedoms to movement distinguishes the EU legal order from the national legal systems The book falls into four parts The Reach of Free Movement Justifications and Proportionality Fundamental Rights and Looking Abroad The clear discussion of the fundamentals and dilemmas regarding the subject of this book should prove useful for academics practitioners graduate students as well as EU officials and judges wishing to stay updated on the ongoing scholarly debate regarding relevance to case law Mads Andenas is Professor at the Department of Private Law University of Oslo and at the Institute of Advanced Legal Studies School of Advanced Studies University of London Tarjei Bekkedal is Professor at the Centre for European Law University of Oslo and the Chair of the Norwegian Association for European Law Luca Pantaleo is a Lecturer in EU law at The Hague University of Applied Sciences who obtained a PhD in International and EU Law in 2013 at the University of Macerata in Italy and who was previously a Senior Researcher at the T M C Asser Institute and Postdoctoral researcher at the University of Luxembourg Specific to this book

Up to date analysis of the reach of free movement within the EU Internal Market and what constitutes a restriction Chapters by leading authorities and a number of young scholars active in various interconnected fields such as European law Constitutional law and Human Rights law international law global governance European trade and commercial law European Financial Services law and procedural law The strength of the content lies both in its highly practical and theoretical applicability

National Judges As EU Law Judges: The Polish Civil Law System Urszula Jaremba, 2013-10-17 National Judges as EU law Judges The Polish Civil Law System by Urszula Jaremba aims at filling a research gap in one of the key areas of EU law concerning its enforcement at the national level and the phenomenon of judicial behaviour More precisely it examines the way civil judges in Poland function as EU law judges and the practical problems they encounter while striving to actualise this constitutive role However the book goes beyond the formal law scenario and investigates how Polish civil judges establish their own understanding of EU law and the new requirements it has imposed upon them To this end the study employs an empirical that is to say quantitative and qualitative methodology and theory to result in a socio legal study that combines legal and empirical insights into the way national judges function in the context of EU law

The Constitutional Framework for Enhanced Cooperation in EU Law Robert Böttner, 2021 Introduction Flexibility in the logic of European integration Practice of enhanced cooperation The authorisation phase of enhanced cooperation The implementing phase of enhanced cooperation Accession to withdrawal from and termination of an established cooperation Judicial review in enhanced cooperation Other forms of closer cooperation in Union law Conclusions and prospects

Rhode Island and the Formation of the Union Frank Greene Bates, 1898

Embracing the Song of Term: An Mental Symphony within **Constitutional Law Economics In The European Union**

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Constitutional Law Economics In The European Union Introduction

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