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'Does European regulatory private law offer a genuine model of justice for society? Beyond its initial libertarian focus on economic integration through the market citizen, might it now serve the

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social inclusion of the vulnerable? In the wake of Hans Micklitz's inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships, this rich collection explores the implications of new, specifically European, forms of

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access rights, which ensure (horizontally and vertically) enforceable and non-discriminatory opportunity for market participation.' ***Horatia Muir Watt, Columbia Law School, US*** ***This insightful book, with contributions from leading international scholars,***

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examines the European model of social justice in private law that has developed over the 20th century. The first set of articles is devoted to the relationship between corrective, commutative, procedural and social justice, more particularly the role and function of commutative justice

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in contrast to social justice. The second section brings together scholars who discuss the relationship between constitutional order, the values enshrined in the constitutional order and the impact of constitutional values on private law relations. The third section

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The final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour, consumer and competition law. The Many Concepts of Social Justice in European Private Law will prove to be of great interest to academics of

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Debates about citizenship in Europe are increasingly topical as the EU expands. This book charts the development of mobility and welfare rights for retired people moving or returning home under

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the Free Movement of Persons provisions. It raises important issues around the future of social citizenship in an increasingly global and mobile world.

The State exists to deliver security and welfare to citizens. One of the principal functions of the State is to

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enhance welfare through the production of legal regimes. Law contributes to welfare in many ways, one of which is in its contacts with markets. In this chapter, we trace the evolution of the role of law in the private sphere, with special attention to EU law. Our thesis is

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that the State is in a process of evolution from a Nation State to a Market State. Looking at private law confirms this evolution.

This book examines the specific reforms in social protection that took place during the European financial crisis, while embedding

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the Lisbon Treaty
The Evolution of EU Private Law
Governance, Welfare, and Law in Two EU Member States
Welfare Economics and Antitrust Policy - Vol. II
European Welfare State
Constitutions After the Financial

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Crisis

A Labour Law Perspective

This edited book draws on a cross-cultural and historical lens to theoretically and practically analyse gambling regulations and the use of gambling revenue. It takes on a broad spectrum of

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perspectives, from the origin of the money, to the regulators, operators and beneficiaries of gambling, and looks at the interests, networks and power relations involved. This multidisciplinary collection elicits a shift in analysis,

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shedding light on a broader societal, historical and economic view of gambling and gambling policies, by its attention to implicit networks of power, influential legislation, gambling provision and infrastructure. Gambling Policies in European

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Welfare States will be of interest to students and scholars alike who are seeking cross-national and interdisciplinary analyses of welfare, politics, sociology and economics.

This book explores how the right to the free movement of goods,

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persons, services and capital in the European Union legal order affects welfare states. These "four freedoms", as they are known, are vital instruments for the protection of a European market unencumbered by internal frontiers. The European

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Constitution, Welfare States and Democracy explore the relationships and conflicts that have emerged between the European constitution and the legal regulation of mixed economies and markets within welfare-states. In particular, it

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examines the threat posed to the discretionary powers enjoyed by national governments and administrative authorities. Christoffer C. Eriksen has undertaken a comprehensive analysis of a series of judgments in which the European Court of

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Justice has clearly indicated the ways in which the four freedoms may be incompatible with the current practice of entrusting national administrative authorities with discretionary powers and thus highlights how the four freedoms are provoking

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democratic dilemmas, previously neglected in the academic literature. The book is written in a style which communicates beyond an audience of specialized legal scholars and although it includes analysis of black letter law, its methodology also draws

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from the disciplines of philosophy, political science, and sociology.

This collection of essays addresses a topical subject of current importance, namely the impact of the EU on national welfare state systems. The

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volume aims to question the perception that matters of social welfare remain for Member States of the EU to decide, and that the EU's influence in this field is minor or incidental. The various essays trace the different ways in which the EU is having an

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impact on the laws and practices of the Member States in the area of welfare, looking at issues of social citizenship and the influence of the Charter of Fundamental Rights, as well as at the impact of EU economic freedoms - competition law and

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free movement law in particular - on both 'services of general economic interest' and on national health-care systems. The significance of the so-called Open Method of Coordination in developing a new compromise on 'social Europe' is discussed, as

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well as the tensions between market liberalization and social protection in the specific context of this transnational political system are examined. While the various authors clearly have different views on the likelihood of a robust form of European

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social solidarity developing, the book as a whole suggests the emergence of a distinctive, although partial and fragmented, European Union welfare dimension.

'Dagmar Schiek has written a timely and vital book. Following

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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

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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

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***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**

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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

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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

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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

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***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**

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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

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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

Read Book *Eu Law And The Welfare State: In Search Of Solidarity* (Collected Courses Of The Academy Of European Law). ***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***

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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

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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

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***EU Citizenship and Social Rights
European Contract Law and the
Welfare State***

***The Politics of Systematization in
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Market, State, Collectivity, and
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The EU Services Directive: Law or Simply Policy?

Searching for Synergy

Welfare Integration Through EU Law

How can the EU's community

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of welfare states adapt their public policies to economic globalization? What happens when the economic and social aims of the EU come into conflict? This book

Read Book *Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law)* examines the developing legal regimes and regulation of public services in the UK and other European countries. Public services are examined through a case-

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study of the complex area of public employment services. These are job-placement and vocational training services which aim to maximize employment and minimize unemployment

Read Book *Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law)* within EU member States' Active Labour Market policies. Employment services are at the centre of a complex web of rules in both hard and soft forms of law deriving from

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the EU, national public law and from private, and at times contractual, agreements. They also lie at the crossroads of a series of trends in regulation, and priorities

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have been inspired by an array of conflicting policy rationales. These policy rationales include the establishment of an open and competitive European internal market,

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the establishment of an efficient welfare state, the scaling down of state administrative machinery, the fulfilment of core public service responsibilities, and the

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creation of public-private partnerships. Public employment services provide a highly informative and novel case study of the interaction and conflict between the

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economic and social aims of the EU and between regulation at national and supranational levels, and the changing forms which this regulation has taken. EU equality law is

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multidimensional in being based on different rationales and concepts. Consequently, the concept of discrimination has become fragmented, with different instruments

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envisaging different scopes of protection. This raises questions as to the ability of EU law to address the situation of persons excluded on a number of grounds. This

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edited collection addresses the increasing complexity of European Equality Law from jurisprudential, sociological and political science perspectives.

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Internationally renowned researchers from Scandinavian, Continental and Central European countries and Britain analyse consequences of multiplying discrimination

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grounds within EU equality law, considering its multidimensionality and intersectionality. The contributors to the volume theorise the move from formal to substantive

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equality law and its interrelation to new forms of governance, demonstrating the specific combination of non-discrimination law with welfare state models which

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reveal the global implications of the European Union. The book will be of interest to academics and policy makers all over the world, in particular to those

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researching and studying law, political sciences and sociology with an interest in human rights, non discrimination law, contract and employment law or European studies.

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Politically sensitive and economically important, welfare services such as health care, health insurance and education have opened up a heated debate in the EU. The

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application of EU law to welfare services raises discontent from the part of the Member States who perceive their systems to be under threat. Resisting to the application of the

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EU law is sometimes seen as part of protecting those values. This book suggests that this resistance is largely unjustified. EU law is not damaging to welfare

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systems, but it provides adequate balancing mechanisms to ensure that all interests are protected. The approach taken in analysing the impact of EU law on

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welfare services is to look at the negative integration process and answer the questions related to the extent to which EU law applies to welfare services and the

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kinds of safeguards the Court offers for these services. The proportionality principle distinguishes itself as the central element in balancing national and

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Community interests. Being part of the broader integration process, negative harmonization creates legislative lacunae, and therefore, this book also looks at

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alternative solutions to the negative harmonization process, namely positive and soft law.

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and Access to Social Benefits

Social Welfare and EU Law
Welfare State Strategies
Against Unwanted EU Law

This article analyzes the political impact of the European Court of

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Justice's (ECJ) case law concerning the free movement of EU citizens and their cross-border access to social benefits. Public debates about 'welfare migration' or 'social tourism' often fluctuate between populist hysteria and outright denial, but they obscure

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the real political and legal issues at stake: that ECJ jurisprudence incrementally broadens EU citizens' opportunities to claim social benefits abroad while narrowing member states' scope to regulate and restrict access to national welfare systems. We

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argue that legal uncertainty
challenges national administrations
in terms of workload and rule-of-
law standards, while domestic
legislative reforms increasingly
shift the burden of legal
uncertainty to EU migrants by
raising evidentiary requirements

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and threatening economically inactive EU citizens with expulsion. We illustrate this argument first with a brief overview of the EU's legal framework, highlighting the ambiguity of core concepts from the Court's case law, and then with

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empirical evidence from the UK, Germany and Austria, analyzing similar domestic responses to the ECJ's jurisprudence. We conclude that EU citizenship law, while promising to build the union from below on the basis of equal legal entitlements, may, in fact, risk

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rousing further nationalism and decrease solidarity across the union.

The assumption that Member States of the European Union enjoyed exclusive competence over social provision has been shaken by the realisation that they

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are now “ semi-sovereign welfare states ” whose policy choices are subject to increasing scrutiny under Community law. This book seeks to take stock of how Community membership is reshaping the legal environment of welfare provision across Europe.

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Topics covered include: the evolving economic and governance debates about Community intervention in social rights; the relationship between public services and Community competition and state aids law; the crucial developments which have

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taken place in the sphere of health care; and recent judgments on free movement and equal treatment for Union citizens as regards national education and social assistance policies. Social Welfare and EU Law provides a valuable collection of essays overall exploring the

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emergence of new models of social solidarity within the European Union.

The EU has limited legislative competence in the field of social law. However, the Member States are increasingly modernizing social services and social (welfare)

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protection, attempting to make social services more efficient by increasingly looking to the market for the provision of such services. This policy move brings social services into the radar of EU law. The EU response to this sensitive issue has resulted in a piecemeal

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and fragmented approach towards the treatment of a new policy area of Social Services of General Interest (SSGI) in EU law and policy. This book is a first contribution towards charting how SSGI have emerged as a special category of SGI in the EU, the

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reaction of the Member States and stake-holders and how policy is being made through new governance processes, carve-outs and safe havens in legislation and soft law, especially in the light of the new values of the EU introduced by the Treaty of Lisbon

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Read Book *Eu Law And The Welfare State: In Search Of Solidarity* (Collected Courses Of Law, University of Copenhagen, Denmark. Erika Szyszczak is a Jean Monnet Professor of European Law ad personam, Professor of European Competition and Labour Law at the University of Leicester, Barrister, Littleton Chambers, UK. Johan W. van de

Read Book Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law) is Professor of European Law at the Radboud University of Nijmegen, The Netherlands.

Markus Krajewski is Professor of Public and International law at the University of Erlangen-Nuremberg.

This is the first comprehensive

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analysis of the European Union law of food regulation. It details the way in which EU law impacts upon the production and sale of food throughout the Union. It examines the legal protection accorded to the free movement of food within the EU, discussing those

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circumstances in which Member States may derogate from this principle, in particular where this is done to protect human health or safeguard consumer interests. Chapter four discusses and places in context the international trade law influences on EU food law.

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Chapter five describes EU responses to recent food safety crises - avian influenza and BSE. The book also deals with issues such as nutrition law and policy, obesity, GMOs, organic food, animal welfare and food naming and labelling. This book offers an

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account of the historical, political, sociological and jurisprudential context of European Union food law. The author, who is an academic and consultant in this area, translates the legal and scientific complexities of food law into a lucid and compelling

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narrative. The resulting work will also prove an indispensable guide to the practitioner.

EU Food Law

The More Economic Approach to

EU Antitrust Law

New Europe - Old Values?

From the Nation State to the

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Market
Legal Principle in the Making
Senior Citizenship?
Unity in Adversity
Explores labour, environmental, and animal welfare standards for the sale of goods produced abroad from an EU law

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This book is Volume II of a two-volume set on antitrust policy, analyzing the economic efficiency and moral desirability of various kinds of antitrust-policy-coverable conduct and various possible government responses

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to such conduct, including US
and EU antitrust law. The overall
study consists of three parts. Part
I (Chapters 1-8) introduces
readers to the economic, moral,
and legal concepts that play
important roles in antitrust-policy
analysis. Part II (Chapters 9-16)

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analyzes the impacts of eight types of conduct covered by antitrust policy and various possible government responses to such conduct in terms of their economic efficiency, their impact on liberal moral rights, and their instantiation of various utilitarian

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two bodies of law could increase economic efficiency, protect liberal moral rights, and instantiate various morally defensible conceptions of the moral good. This second volume contains the last 6 chapters of Part II, which focus respectively

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on horizontal (M&A)s, conglomerate (M&A)s, surrogates for vertical integration, vertical (M&A)s, joint ventures, and internal growth and Part III, which focuses on US antitrust law and EU competition law. The book

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will appeal to undergraduate and graduate students of economics and law who are interested in welfare economics, antitrust policy, and The General Theory of Second Best.

Details Connecting Welfare Diversity within the European

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Social Model Author(s):
SAKELLAROPOULOS, T.,
BERGHMAN, J., HEMERIJCK, A.,
STERGIOU, A., STEVENS, Y.
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Short Content This volume is the revised Report, which an international team of experts have prepared for the Greek Ministry of Labour and Social Security in the context of the

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Greek Presidency of the European Union and presented in the international conference "The Modernisation of the European Social Model. EU Policies and Practices" on 24-25 May 2003 at Ioannina Greece. The book focuses on the Open Method of

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Coordination (OMC) its relation to other policy tools used in the European Social Policy and its significance for the formation of a new European Social Model. The chapters follow the emergence the evolution and analyze the constituent elements of the OMC

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had full recognition as a tool for the implementation of European Social Policy. Everyone agreed that important social issues were dealt with more effectively through the OMC especially when the latter is consolidated after the inclusion of the Charter

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of the fundamental Rights in the new European Treaty. This progress is sufficiently reflected in the present volume where it is concluded that through OMC the European Social Model gained a new momentum in terms of effectiveness and legitimacy.

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Little attention has been paid to the extent to which EU law ensures the provision of welfare functions and whether there are any observable trends. This book brings together essays by leading legal scholars from a number of European countries on the

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question of whether welfare functions can be expected to become increasingly integrated into EU law following the possible ratification of the Treaty of Lisbon. The essays are evolutionary in their approach. They are based on papers

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presented at a research conference held at the Copenhagen Business School, Denmark, in August 2008. This broad conceptual approach mirrors the composition of the group of contributors who are all lawyers within different legal

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disciplines. They represent various legal cultures and styles partly related to different geographical backgrounds. The contributions address different dimensions of the evolution regarding welfare functions in EU law.

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Public Services in EU Law
The EEA Agreement in a Revised
EU Framework for Welfare
Services
In Search of Solidarity
Social Services of General

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Interest in the EU
Gambling Policies in European
Welfare States

The Foundations of European
Union Competition Law

**In the European Union, a
debate is ongoing about the
Europeanization of contract**

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law. However, its impact on the different welfare states' types, as they are developed in political science, has not been discussed elaborately. Nearly all Member States of the EU can be characterized

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as a welfare state, or maybe post-welfare state. There are many definitions and descriptions of the welfare state. It is generally accepted that social citizenship is a common characteristic of the

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welfare states in the EU. Another characteristic is that they are capitalist economies in a global economy in which a service industry prevails. This book contains the papers presented at a workshop held

Read Book *Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law)* at the Free University of Amsterdam, which explores the potential of applying the political science theory of the welfare-state-types to contract law. (Series: *European Studies in Private Law - Vol. 4*)

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In the 1990s, the Maastricht Treaty introduced the right to free movement for EU citizens. In practice, however, there are substantial barriers to making use of this right, particularly to integration

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and to accessing the social and welfare rights available. This is particularly true when it comes to accessing social rights, such as social assistance, housing benefit, study grants and health

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care. This book provides a detailed description and thorough analysis of these barriers, in both law and practice.

The European Union has evolved from a purely economic organisation to a

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multi-faceted entity with political, social and human rights dimensions. This has created an environment in which the concept of solidarity is gaining a more substantial role in shaping the EU legal order. This

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book provides both a retrospective assessment and an outlook on the future possibilities of solidarity's practical and theoretical meaning and legal enforcement in the ever-changing Union.

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This book examines the increasing role of the legal method of systematisation in European Union (EU) law. It argues that the legal method of systematisation that has been developed in a welfare-state context is

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increasingly used as a regulative tool to functionally integrate the market. The book uses the example of EU product regulation as a reference to illustrate the impact of systematisation on EU law.

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Law)
It draws conclusions from
this phenomenon and
redefines the current place
and origin of
systematisation in the EU
legal system. It puts
forward and demonstrates two
main arguments. First, in

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certain sectors such as in EU product safety law, the quality of EU law changes from a sector-specific and reactive field of law to an increasingly coherent legal system at European level. Therefore, instead of

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punctual market intervention, it increasingly governs whole market areas. By doing so, it challenges and often fully replaces the respective welfare-based legal systems in the Member

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States for the benefit of the ideal of a market-driven EU legal system. Second, at European level, the ideal is in development. This illustrates the change of the function of Statecraft from nation-states to market-

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states.?

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Solidarity in EU Law

Theoretical Perspectives and Practical Challenges for the EU

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The Four Freedoms vs
National Administrative
Discretion

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This book addresses some of the most debated topics preceding the UK referendum on membership of the EU, namely welfare services and free movement of citizens. The work improves understanding of the implications of the European

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Economic Area (EEA) Agreement, which is the most integrated form of association agreement with the EU for non-member states. The author considers the impact of EEA law on both European Free Trade Association (EFTA) states and on EU Member

Read Book *Eu Law And The Welfare State: In Search Of Solidarity* (Collected Courses Of The Academy Of European Law) *States, and looks at case law. A broad range of welfare services are analysed, including public healthcare and educational services, various social services, and public utilities such as transport and public broadcasting. Free movement of students, of patients*

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and public financing of welfare services are among the issues explored. The focus here is particularly on legal aspects and the demonstrated development of the EEA Agreement into the welfare sphere. This work enables a sophisticated analysis about

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the nature of the principles of homogeneity and dynamism. The book is essential reading for scholars who seek to understand the EU's legal framework, the EEA Agreement and its implications. The topics covered are also relevant to UK/EU discussions on

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future relations, both for intermediate and long-term arrangements.

This book examines in detail the status of children in the EU. Drawing on a range of disciplinary perspectives, including the sociology of childhood and human rights discourse, it offers

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a critical analysis of the legal and policy framework underpinning EU children's rights across a range of areas, including family law, education, immigration and child protection. Traditionally children's rights at this level have been

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articulated primarily in the context of the free movement of persons provisions, inevitably restricting entitlement to migrant children of EU nationality. In the past decade, however, innovative interpretations of EU law by the Court of Justice,

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coupled with important constitutional developments, have prompted the development of a much more robust children's rights agenda. This culminated in the incorporation of a more explicit reference to children's rights in the Lisbon Treaty, followed

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by the Commission's launch, in February 2011, of a dedicated EU 'Agenda' to promote and safeguard the rights of the child. The analysis presented in this book therefore comes at a pivotal point in the history of EU children's rights, providing a detailed

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Hit by the European financial and economic crisis in 2008, several Member States of the European

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Monetary Union (EMU) were unable to refinance their public debt through the financial markets. As a result, they asked for financial assistance from international institutions and European financial assistance mechanisms. That assistance often

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came at a high price for citizens, cuts in pensions and social assistance, and controversial reforms in public healthcare. These far-reaching reforms were, in many cases, experienced as violations of people's human rights. National constitutional

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courts, the Court of Justice of the EU, and the European Court of Human Rights issued a series of rulings on the conformity of the reforms in social protection initiated during the Eurozone crisis. This book offers a holistic analysis of the specific

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reforms in social protection introduced during the European financial crisis and their implications for constitutional law. Focusing on the social reforms of nine European countries that were greatly affected by the financial crisis, the volume seeks

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to address the legacy of the financial crisis on the application of constitutional law and the welfare state. The book will act as a helpful tool to legal academics interested in the challenges of constitutional and social law initiated by financial

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assistance conditionality, to advocates in quest of sound legal bases for the protection of individuals affected by social security reforms, and to national and international judges who are confronted with cases that question the legality and legitimacy of

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the crisis-related reforms.

In the EU public services, utilities and welfare services can be seen as both building blocks for the internal market and as a persistent irritant in the integration process. This book provides a comprehensive overview of

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the EU law on public services within the context of European integration. It brings together important analysis of the primary Treaty law, mainly on the internal market and competition, and of the secondary legislation at EU level, including different sector

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specific regimes. Particular attention is given to case law of the EU courts. This will be essential reading for those looking to have a broader understanding of the subject. EU Citizenship, Social Justice and the Cautionary Tale of the UK

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*European Welfare State Constitutions
after the Financial Crisis*

*The European Constitution, Welfare
States and Democracy*

*In the late 1990s, the European
Commission embarked on a long
process of introducing a 'more*

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economic approach' to EU Antitrust law. One by one, it reviewed its approach to all three pillars of EU Antitrust Law, starting with Article 101 TFEU, moving on to EU merger control and concluding the process with

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Article 102 TFEU. Its aim was to make EU antitrust law more compatible with contemporary economic thinking. On the basis of an extensive empirical analysis of the Commission's main enforcement tools, this

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book establishes the changes that the more economic approach has made to the Commission's enforcement practice over the past fifteen years. It demonstrates that the more economic approach not

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only introduced modern economic assessment tools to the Commission's analyses, but fundamentally changed the Commission's interpretation of the law. Emulating one of the key credos of the US Antitrust

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Revolution thirty years earlier, the Commission reinterpreted the EU antitrust rules as aiming at the enhancement of economic consumer welfare only, and amended its understanding of key legal concepts accordingly.

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This book argues that the Commission's new understanding of the law has many benefits. Its key principles are logical, translate well into workable legal concepts and promise a great degree of

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accuracy. However, it also has a number of serious drawbacks as it stands. Most worryingly, its revised interpretation of the law is to large extents incompatible with the case law of the European Court of Justice, which

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has not been swayed by the exclusive consumer welfare aim.

This situation is undesirable from the point of view of legal certainty and the rule of law.

Article 102 TFEU prohibits the abuse of a dominant position as

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incompatible with the internal market. Its application in practice has been controversial with goals as diverse as the preservation of an undistorted competitive process, the protection of economic freedom,

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the maximisation of consumer welfare, social welfare, or economic efficiency all cited as possible or desirable objectives. These conflicting aims have raised complex questions as to how abuses can be assessed

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and how a dominant position should be defined. This book addresses the conceptual problems underlying the tests to be applied under Article 102 in light of the objectives of EU competition law. Adopting an

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interdisciplinary approach, the book covers all the main issues relating to Article 102, including its objectives, its relationship with other principles and provisions of EU law, the criteria for the assessment of individual abusive

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practices, and the definition of dominance. It provides an in-depth doctrinal and normative commentary of the case law with the aim of establishing an intellectually robust and practically workable analytical

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framework for abuse of dominance.

'In this important contribution to the analysis and construction of European Union citizenship, Charlotte O'Brien provides her characteristic blend of rigorous

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legal scholarship and compelling social vision. She identifies challenging questions about the relationship between justice and vulnerability that should concern the shaping of law at all levels of governance.' Professor Niamh

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Nic Shuibhne, University of Edinburgh 'Piercing the veil of well-known proclamations of "equality" and "non-discrimination", in this intimate portrait of Union law O'Brien sounds a sobering wake up call.

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The Union, to the genuine surprise of some converted, is a powerful actor of injustice, failing the vulnerable Europeans at many a turn, blinded by its own proclaimed righteousness and goodness to be aware of the

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plight of those it lets down. The sooner we dispel the oxymoronic myth of a “market citizen” as a necessary tool of the uniquely benevolent EU internal market project, the sooner the process of healing the Union turning its

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back on the majority of Europeans can begin. This book is an important part of this beginning.' Professor Dimitry Kochenov, University of Groningen 'Doctrinal mastery. Intellectual rigour. Conceptual

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depth. Empirical enrichment. O'Brien's landmark text offers its readers all of these qualities. But she also writes with a clarity and honesty of purpose that is an inspiration to her readers. Particularly at a time when

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certain political actors seek to vilify “expertise”, Unity in Adversity is a testament to the value of independent and critical academic research.' Professor Michael Dougan, University of Liverpool The EU is at a

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crossroads of constitution and conscience. Unity in Adversity argues that EU market citizenship is incompatible with a pursuit of social justice, because it contributes to the social exclusion of women and

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children, promotes a class-based conception of rights, and tolerates in-work poverty. The limitations of EU citizenship are clearest when EU nationals engage with national welfare systems, but this experience has

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been neglected in EU legal research. Unity in Adversity draws upon the ground-breaking EU Rights Project, working first hand with EU nationals in the UK, providing advice and advocacy, and giving

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ethnographic insight into the process of navigating EU and UK welfare law. Its study of EU law in action is a radical new approach, and the case studies illustrate the political, legal and administrative obstacles to

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justice faced by EU nationals. Taken together, the strands demonstrate that 'equal treatment' for EU nationals is an illusion. The UK's welfare reforms directed at EU nationals are analysed as a programme of

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declaratory discrimination, and in light of the subsequent referendum, should be treated as a cautionary tale – both to the EU, to take social justice seriously, and to other Member States, to steer away from

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xenophobic law-making.

Shortlisted for the 2018 BBC Thinking Allowed Award for Ethnography. Shortlisted for the 2019 Hart-SLSA Book Prize.

This is an account of the development of European labour

Read Book *Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law)* and social security law as it interrelates with the evolution of market integration in the European Union. Giubboni presents, from a labour law perspective, a case study of the changes the European

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Community/European Union has undergone from its origins to the present day and of the ways these changes have affected the regulation of European Welfare States at national level. Drawing on the idea of 'embedded

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liberalism', Giubboni analyses the infiltration of EC competition and market law into national systems of labour and social security law and provides a normative framework for conceptualising the

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transformation of regulatory techniques implemented at the EU level. This important, interdisciplinary contribution to research in EU social law illustrates how the vision of social protection and solidarity is

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changing.

*The EU Social Market Economy
and the Law*

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Retirement, Migration and

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Welfare in the European Union
This volume, comprising
three parts and ten
chapters, all of them peer-
reviewed essays, arises
from the work of the
Swedish Network for

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European Legal Studies.
Its focus is on labour and social security law. The chapters, written by distinguished legal researchers associated with Swedish universities,

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provide insight into a range of topical and important developments, seeking new and interesting perspectives. Sweden has been a member of the European Union

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the European Welfare State, Sweden (and to some degree the other Nordic countries as well) can be said to represent a specific system, as regards both labour law

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and industrial relations and social security law.
In terms of influential comparative typologies or models (naturally 'flawed' by a certain element of vagueness and

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simplification, but also very helpful in analytical and pedagogical respects), Sweden has been described as a representative of, inter alia, a Nordic legal family, a Nordic labour

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law model, a social-collectivist industrial relations system, a consensual industrial relations system, a social-democratic welfare state regime, a Scandinavian

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social security law system (a 'sub-group' of the Beveridge system), and a coordinated market economy. But since 1995 EU law and European law perspectives have been

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extensively integrated into existing Swedish labour and social security law, and the chapters in this book go a long way in illustrating the far-reaching and multifaceted

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ways in which Swedish law has been 'Europeanised'. Investigating the extent to which the European Union can be defined as a "highly competitive social market economy", this

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edited collection
illustrates and tests the constitutional reverberations of Art. 3(3) of the Treaty on the European Union, and discusses its actual and

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potential transformative effect. In the aftermath of Brexit, and in the 60th anniversary of the Treaty of Rome, the book is particularly timely and topical, offering new and

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deeper insights on the complex and constantly evolving social dimension of the EU, ultimately reflecting on how the objective of (re)constituting the EU as

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a "highly competitive social market economy" might best be achieved.

Sport is often seen as an indicator of the civic maturity of a community, an aspect of the rights of

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citizens to health, education and social integration. This book examines the relationships between participation in sport and physical activity, and welfare

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policies across Europe. It argues that the success of campaigns for the promotion of sport depend on the existence of dedicated welfare policies promoted by the European

Read Book *Eu Law And The Welfare State: In Search Of Solidarity* (Collected Courses Of The Academy Of European Law) *states and explores variations in cultural models and structures of governance across Europe. Addressing the function of supranational institutions such as the EU as well as*

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voluntary networks, the book illuminates key issues in European societies such as migration, financial austerity and Brexit as they relate to sport

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policy. This is important reading for scholars and students in the fields of European sport and physical activity, sociology, political science and organisational

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analysis, as well as operators and managers of the sport systems involved in advanced training programmes.

The EU has only limited competence to regulate

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national health-care systems but recent developments have shown that health care is not immune from the effects of EU law. As Member States have increasingly

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experimented with new forms of funding and the delivery of health-care and social welfare services, health-care issues have not escaped scrutiny from the EU

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internal market and from competition and procurement rules. The market-oriented EU rules now affect these national experiments as patients and health-care providers

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turn to EU law to assert certain rights. The recent debates on the (draft) Directive on Patients' Rights further underline the importance, but also the difficulty (and

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controversy), of allowing EU law to regulate health care. The topicality of the range of issues related to health care and EU law was addressed, in October 2009, at a

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conference held in Nijmegen, The Netherlands. The present volume contains inter alia the proceedings of this conference and invited essays. This volume

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follows the publication of The Changing Legal Framework for Services of General Interest in Europe. Between Competition and Solidarity (Krajewski M et al (eds))

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general interest in the EU and to explore the issues raised by developments related to these services. The book is compulsory reading for everyone who is engaged in issues

Read Book *Eu Law And The Welfare State: In Search Of Solidarity (Collected Courses Of The Academy Of European Law)* relating to health care and EU law. Johan van de Gronden is Professor of European Law at the Law Faculty of the Radboud University Nijmegen, the Netherlands. Erika

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Szyszczyk is a Jean Monnet Professor of European Law ad personam and Professor of European Competition and Labour Law at the University of Leicester, UK. Ulla Neergaard is

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Professor of EU law at the Law Faculty of the University of Copenhagen, Denmark. Markus Krajewski is Professor of International Public Law, Faculty of Law, University

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Public Employment Services and European Law

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Union

The EU Services Directive is difficult to achieve without also affecting issues of national social policy, closely related to the welfare state. The EU Services Directive 's characteristics have raised numerous legal questions essential for its full understanding and implementation. It has become a

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“moving target” for the national administrations. In this book important issues are covered: is the EU Services Directive to be interpreted as law or simply policy and what are its actual effects on the regulatory autonomy of the Member States? Does it represent a new and innovative instrument which facilitates prosperous

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integration within the EU or, has the EU legislator gone beyond its regulatory competence? This book helps to understand the EU Services Directive and its effects on the regulatory autonomy of the Member States of the European Union in a broader perspective. It is valuable for academics, practitioners and officials both nationally as

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well within the EU institutions.

This book explores the reactions to Europeanization and globalization in times of economic distress, including the transformation of European values in national legal cultures. The authors explore how European values, tradition and new legal challenges interconnect and dictate the

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paths of transition between old and new Europe. The first chapter starts with a question: can Roman Legal Tradition play a role of identity factor towards a New Europe? Can it be considered as a general value identifying new Europe, built on a minimum core of principles – persona, dominum, obligation, contract and

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inheritance — composing the whole European private law tradition? Subsequent chapters attempt to provide possible responses to the question: what is Europe today? The answers diverge, depending on the research area. The inherent dichotomy of human rights protection in Europe and the concept of ‘ one law, one court ’ are

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investigated in the second chapter, whereas the third chapter focuses on asylum and the interrelation and interdependence of the Court of Justice of the EU and the European Court of Human Rights. The next three chapters concentrate on matters of equal treatment and non-discrimination. The first contribution in this part reflects on the crisis

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and methodological and conceptual issues faced by modern anti-discrimination law. It is followed by a specific analysis of the empowerment of women or gender-balancing in company boards. The third contribution reveals the impact of the Croatian anti-discrimination law on private law relations. The next chapter deals with

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the issue of social rights in Croatia and the method of their regulation in the context of the new European values. The immense challenges posed by the market integration imperative and democratic transition have brought about different reactions in the national legal systems and legal cultures of both old and new Member States. As such,

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Europe has effectively been reunited, but what about the convergence of national legal cultures? This is the focal point of the remaining chapters, which focus on various issues, from internal market, competition law, consumer welfare, liberalization of network industries to the EU capital market. The magnitude of EU activity in these areas

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offers conclusive evidence that old and new paradigms are evolving and shaping the future of the EU.

The Objective and Principles of Article 102