

The Kadi Case European Journal Of International Law

This new edition provides a definitive, comprehensive and systematic analysis of the law governing the EU's action in the world. Updated to take into account the Lisbon Treaty and recent case law, the book covers all constitutional aspects of the EU's international action and the procedures for treaty-making. It analyses the relationship between the EU and its Members with emphasis on mixed agreements, and the status of international law in the EU legal order. It explores the links between the EU and international organisations (such as the WTO) and examines the EU's external economic and political relations and its various links with third countries, including its neighbours. It analyses, amongst others, the Common Commercial Policy, sanctions, the Common Foreign and Security Policy, and the Common Security and Defence Policy. This new edition is the most up-to-date work of its kind, examining both the law and practice in a wide range of external policies, placing the law in its political and economic context and exploring the links between the EU's external and internal actions.

Examination of the effects of law's de-nationalisation by placing European law in the context of transnational law.

This collection of papers examines a variety of areas and issues related to, or raised by, the EU Internal Security Strategy. It covers such matters as critical infrastructure protection and environmental crime, from a range of disciplinary perspectives, including law, geography and politics. The EU Internal Security Strategy is becoming increasingly complex as it develops over time, as it has to operate against the background of growing diversity in law enforcement systems across EU member states. It is clear that the EU Internal Security Strategy is, and will continue to be for a long time, a work in progress, not only in its aim to address traditional transnational security threats, but also in reacting to emerging concerns, either in new crime areas or issues arising from the implementation of earlier phases of the strategy. This will be a subject matter for many academic discipline areas for some time to come.

This collection of essays originated in a series of seminars given at the summer courses of the Academy of European Law at the European University Institute, Florence in 1999.

A Comparative Analysis

The Rule of Law at the National and International Levels

Principles of European Constitutional Law

Essays in Honour of Judge Bruno Simma

Proceedings of the 20th Eurasia Business and Economics Society Conference - Vol. 2

From Bilateralism to Community Interest

This is the second edition of EU Criminal Law, which has become since its publication in 2009 a key point of reference in the field. The second edition is updated and substantially expanded, to take into account the significant growth of EU criminal law as a distinct legal field and the impact of the entry into force of the Lisbon Treaty on European integration in criminal matters. The book offers a holistic and in-depth analysis of the key elements of European integration in criminal matters, including EU powers and competence to criminalise, the evolution of judicial co-operation under the principles of mutual recognition and mutual trust, EU action in the field of criminal procedure including legislation on the rights of the defendant and the victim, the evolving role of European bodies and agencies (such as Europol, Eurojust and the European Public Prosecutor's Office) in European criminal law, and the development of EU-wide surveillance and data gathering and exchange mechanisms. Several chapters are devoted to the external dimension of EU action in criminal matters (including transatlantic counter-terrorism cooperation and the impact of Brexit on EU Criminal Law) Throughout the volume, the constitutional and fundamental rights implications of European integration in criminal matters are highlighted. Covering all the key principles of EU law, with clear explanation and rigorous analysis, this will give scholars, students, policy makers and legal practitioners interested in the subject a strong understanding of this fascinating but sometimes complex field.

The supranational law of the European Union represents a uniquely powerful, far-reaching, and controversial instance of the growth of international legal governance, one that has forever altered the political and legal landscape of its Member States. The EU has attracted significant attention from political scientists, economists, and lawyers who have analysed its polity and constructed theoretical models of the integration process. Yet it has been almost entirely neglected by analytic philosophers, and the philosophical tools that have been developed to analyse and evaluate the Union are still in their infancy. This book brings together legal philosophers, political philosophers, and EU legal academics in the service of developing the philosophical analysis of EU law. In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law. Combining both abstract thought in legal and political philosophy and more tangible theoretical work on specific legal issues, the essays in this volume make a significant contribution to developing work on the philosophical foundations of EU law, and will engender further debate between philosophers, political philosophers, and EU legal academics. They will be of interest to all those engaged in understanding the nature and purpose of this unique legal entity.

While the EU has championed "effective multilateralism" and experienced a dramatic internal reform process to improve its performance in external relations, broader multilateral processes have also undergone dramatic change. This handbook addresses the increasingly contested issue of profound political importance: Europe's presence in multilateral institutions. It assesses both the evolving role of Europe in international institutions, and the transformations in international institutions themselves. Acknowledging that the category of international institutions comprises a highly diverse field of multilateral engagements this handbook presents a state of the art approach that analyzes both what we have learned about the EU and international institutions as well as identifying promising avenues for further research. The handbook is divided into six parts: Part I examines the EU's diplomatic and legal personality in international relations that constitutes the internal foundation for the EU's engagement with international institutions. Part II assesses how EU multilateralism intersects with other international institutions and provides a means to assess the performance of international institutions as well as the EU itself in multilateral processes. Part III focuses on the EU's participation with key institutions within the general UN system, such as the UN Security Council and the Human Rights Council as well as specific policy domains such as human rights across UN institutions. Part IV focuses on EU relations with wide range of international organizations in a variety of fields, from organizations in economic and security realms to environmental institutions and specialized agencies. Part V focuses on the EU's engagement in a broad spectrum of issue-specific international agreements and international regimes, addressing issues such as non-proliferation of WMDs, climate change, information technology, and the emerging Gx-system (G7, G8, G20 etc). Part VI examines broader contextual factors that influence the relationship between the EU and international institutions, including the evolution of multilateralism, the trans-Atlantic relationship, global norms and the emergence of multipolarity. This comprehensive volume brings together scholars and practitioners to summarize and synthesize existing knowledge in the field. It will be of great interest to students and scholars of European politics, the EU's external relations, international relations, international organizations and international political economy.

Paul Craig's analysis of UK, EU and global administrative law examines the challenges facing each system and reveals the commonalities in and differences between their foundational assumptions. The challenges which they face may be particular to that legal order, endemic to any legal system of administrative law or the result of interaction between the three systems. The inter-relationship between the three levels is important. The legal and practical reality is that developments at one level can have an impact on the other two. Legal doctrine fashioned at the national level may therefore inform developments in EU and global administrative law. The doctrine thus created may then function symbiotically, shaping developments within a domestic legal order. The inter-relationship is equally marked from the regulatory perspective, since many such provisions originate at the global or EU level.

National Courts and the International Rule of Law

The Role of the Highest Courts of the United States of America and South Africa, and the European Court of Justice in Foreign Affairs

Kadi on Trial

International Investment Agreements and EU Law

New Perspectives on the Divide Between National and International Law

The European Union 's External Action in Times of Crisis

Was bedeutet "accountability" internationaler Organisationen und transnationaler Unternehmen? Wie können diese ausreichend verantwortlich gemacht werden? Dieses Buch analysiert und vergleicht die Ausgestaltung von "accountability" - Begründungsansätze, Konzeptionierung, Grundstruktur und Mechanismen. Exemplarisch hierfür werden zwei Einrichtungen genau untersucht: die Vereinten Nationen und Siemens. Gemeinsamkeiten und Unterschiede der Konzeptionierungen und Mechanismen werden herausgearbeitet und kritisch hinterfragt. Hierfür bedient sich das Buch auch ökonomischer Theorien. Zu Grunde gelegt wird ein prozessuales Verständnis von "accountability", das ursprünglich in den Politikwissenschaften und internationalen Beziehungen entwickelt wurde und hier weiter verfeinert wird. Schließlich wird untersucht, inwiefern "accountability" ein rechtliches Konzept ist. Die Arbeit leistet einen Beitrag dazu, "accountability" näher zu bestimmen und weiter zu konzeptualisieren.

Jan Klabbers examines how membership of the European Union affect treaties concluded between the member and non-member states.

Marking the 50th anniversary of the influential ERTA doctrine, this book analyses and contextualises the entire breadth of the jurisprudence of EU external relations law through a systematic, case-by-case account of the field. The entire framework of EU external relations law has been built from the ground up by the jurisprudence of the Court of Justice of the European Union. At the beginning of the field's emergence, the legal questions to be answered concerned the division of powers and competence between, firstly, the Member States and that of the Union; and secondly, the division of powers and competence between the different institutions of the Union. Questions on such matters continue to be asked, but more contemporarily, new legal questions have arisen that have been in need of adjudication, including questions concerning the autonomy of Union law; the relationship between the Union and other international organisations; the relationship between Union law and international law; the scope and breadth of international agreements; amongst others. The book features established academic scholars, judges, agents of institutions and Member States, and legal practitioners in the field of EU external relations law, analysing over 90 cases in which the Court has legally shaped the theory and practice of the external dimension of legal Europe.

The book analyses the position of the ECtHR which has been more and more confronted with criticism coming from the national sphere, including the judiciary. This culminated in constitutional court judgments declaring a particular ECtHR judgment non-executable, for reasons of constitutional law. Existing scholarship does not differentiate enough between cases of mere political unwillingness to execute an ECtHR judgment and cases where execution is blocked for legal reasons (mainly of constitutional law nature). At the same time, the discussion under EU law on national/constitutional identity limiting the reach of the former has been only loosely linked with the ECHR context. This book presents a new dogmatic concept - 'principled resistance' - to analyse such cases. Taking up examples from the national level, it strives to find out whether the legal reasoning behind 'principled resistance' shows enough commonalities in order to qualify such incidents as expression of a 'new paradigm'.

EU Criminal Law

Rights, Trust and the Transformation of Justice in Europe

Foundations and Challenges

The Value of Due Process in Security Council Sanctions Decision-Making

EU International Relations Law

Constitutional Challenges

Since the Frontex Border Agency's establishment in 2004, its activities have foregrounded the complexity and difficulty of protecting the human rights of those seeking access to the European Union. In this connection, protection from refoulement should be paramount in the Agency's work. By navigating through the intricacies of Frontex's structure and working methods, this book answers abiding questions: which circumstances would trigger European Union responsibility if violations were to occur in Frontex's joint operations? What is the legal standing of the principle of non-refoulement in relation to Frontex's activities? Can Frontex be entrusted with an exclusive search and rescue mandate? This book offers a theoretical and practical insight into the legislative intricacies of Frontex's work, examining the responsibility of the EU, and scrutinising the interaction of international law and EU law with a focus on the principle of non-refoulement.

An increasing number of challenges against the activities and decisions of international organisations are brought before national courts. This book offers an overview of how different courts have dealt with these cases and an analysis of the legal framework which applies to them, identifying common ground across jurisdictions.

In this volume Kushtrim Istrefi explores the normative and policy effects of European court decisions as regards Security Council targeted sanctions and security detentions interfering with fundamental rights.

For the time being, the political project of basing the European Union on a document entitled 'Constitution' has failed. The second, revised and enlarged edition of this volume retains its title nonetheless. Building on a scholarly rather than black-letter law account, it shows European constitutional law as it looks following the Treaty of Lisbon, with the EU's foundational treaties mandating the exercise of public authority, establishing a hierarchy of norms and legitimising legal acts, providing for citizenship, and granting fundamental rights. In this way the treaties shape the relations between legal orders, between public interest regulation and market economy, and between law and politics. The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law, how it offers theoretical and doctrinal insights, and how it adds critical perspective. From Reviews of the First Edition: "...should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe's constitutional foundations...It is impossible to present the richness of thought contained in the 833 pages of the book in a short review." Common Market Law Review "an enduring scholarly work, which gives an English-speaking audience important, and overdue, access to the long-standing and forever-vigorous traditions of (European) constitutional law... unhesitatingly recommend[ed]." European Law Journal "...real scholarship in the profound sense of the word..." K Lenaerts, Professor of European Law, Leuven

A Multifaceted Analysis of the Kadi Trial

Analysis, Cases, and Materials

Eurasian Economic Perspectives

Philosophical Foundations of European Union Law

Routledge Handbook on the European Union and International Institutions

Challenging Acts of International Organizations Before National Courts

This book analyses one of the most pressing issues of modern international law: the relationship between the international legal order and the domestic legal orders of sovereign states. It contains different perspectives on the legal complexity that results from the interactions between the international and domestic spheres.

This book aims to enhance understanding of the interactions between the international and national rule of law. It demonstrates that the international rule of law is not merely about ensuring national compliance with international law. International law and institutions (eg, international human rights treaty-monitoring bodies and human rights courts) respond to national contestations and show deference to the national rule of law.

While this might come at the expense of the certainty of international law, it suggests that the international rule of law can allow for flexibility, national diversity and pluralism. The essays in this volume are set against the background of increasing conflict between international and national legal norms. Moreover the book shows that international law and institutions do not always command blind national obedience to international law, but incorporate a process of adjustment and deference to national law and policies that are protected by the rule of law at the national level.

The UN Security Council's transition to 'targeted sanctions' in the 1990s marked a revolutionary shift in the locus of the Council's decision-making from states to individuals. The establishment of the targeted sanctions regime, should be regarded as more than a shift in policy and invites attention to an emerging tier of international governance. This book examines the need to develop a due process framework having regard to the uniquely political and crisis-based context in which the Security Council operates. Drawing on Anglo-American jurisprudence, this book develops procedural principles for the international institutional context using a value-based approach as an alternative to the formalistic approach taken in the literature to date. In doing so, it is recognized that due process is more than a set of discrete legal standards, but is a touchstone for the way the international legal order conceives of far larger questions about community, law and values.

This book deals with what the author considers a sorely neglected question, namely the role of the judiciary in states' foreign policy processes. Eksteen argues that the impact of the judiciary on foreign affairs is understudied and that recognition of its role in foreign affairs is now due. This makes it a ground-breaking scholarly contribution that should first of all prove of value to students, scholars, researchers and practitioners in the two broad fields of politics and law for the wide scope of issues it covers and the very comprehensive reference lists it contains. Secondly, professionals working within politics, including members of the legislatures of the United States, the European Union and South Africa, as well as members of the judiciaries there, should find this book of benefit. A detailed examination has been undertaken of the role of the United States Supreme Court, the two high courts in South Africa, namely the Constitutional Court and the Supreme Court of Appeal, and the European Court of Justice of the European Union, in foreign affairs. The author substantiates the unmistakable fact that these Courts have become involved in and influence foreign affairs. Furthermore, that they have not shied away from using their judicial authority when dealing with cases touching on foreign affairs and especially presidential overreach. The lack of recognition of the judiciary's role in foreign affairs is still noticeable in Foreign Policy Analysis (FPA) literature. This book concludes that FPA has to accept and give proper recognition to the judiciary and its increasing relevance in foreign affairs. Dr. Riaan Eksteen is a Former South African Ambassador residing in Namibia; from 1968-1973 he served at the South African Embassy in Washington D.C.; between 1976-1994, he subsequently served as Ambassador and Head of Mission at the U.N. in New York (1976-81), in Namibia (1990-91), at the U.N. in Geneva (1992-94), and in Turkey, with accreditation also to Azerbaijan, Kyrgyzstan, Turkmenistan and Uzbekistan (1995-97). He obtained his Ph.D. from the University of Johannesburg in October 2018.

The Case of the EU and the COMESA

Frontex and Non-Refoulement

UK, EU and Global Administrative Law

The European Union's Shaping of the International Legal Order

The International Responsibility of the EU

European Judicial Responses to Security Council Resolutions

This book explores how the Internet impacts on the protection of fundamental rights, particularly with regard to freedom of speech and privacy. In doing so, it seeks to bridge the gap between Internet Law and European and Constitutional Law. The book aims to emancipate the debate on internet law and jurisprudence from the dominant position, with specific reference to European legal regimes. This approach aims to inject a European and constitutional "soul" into the topic. Moreover, the book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration, with particular emphasis on judicial dialogue. This innovative book provides a thorough analysis of the forms, models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States. The book offers the first comparative analysis in which the notion of (judicial) frame, borrowed from linguistic and cognitive studies, is systematically applied to the theories of interpretation and argumentation. With a Foreword by Robert Spano, President of the European Court of Human Rights.

This volume presents selected papers on recent management research from the 20th Eurasia Business and Economics Society (EBES) Conference, which was held in Vienna in 2016. Its primary goal is to showcase advances in the fields of public economics, regional studies, economic development and inequality, and economic policy-making. Reflecting the contemporary political climate, many of the articles address the effectiveness, relevance and impact of European Union policies. In addition, the volume features empirical research from less-researched countries such as Kazakhstan, the Republic of Macedonia, Belarus, and Lithuania, among others.

This is an open access title available under the terms of a CC BY-NC-ND 3.0 International licence. It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations. Comprehensively examining the legal effects of EU concluded treaties, this book provides a thorough analysis of this increasingly important and rapidly growing area of EU law. The EU has concluded more than 1000 treaties including recently its first human rights treaty (the UN Rights of Persons with Disability Convention). These agreements are regularly invoked in litigation in the Courts of the member states and before the EU courts in Luxembourg but their ramifications for the EU legal order and that of the member states remains underexplored. Through analysis of over 300 cases, the author finds evidence of a twin-track approach whereby the Court of Justice of the European Union (CJEU) adopts a maximalist approach to Treaty enforcement where EU agreements are invoked in challenges to member state level action whilst largely insulating EU action from meaningful review vis-à-vis agreements. The book also reveals novel findings regarding the use of EU agreements in EU level litigation including: the types and which specific EU agreements (including the types of provisions) have arisen in litigation; the nature of the proceedings (preliminary rulings or direct actions) and the number of occasions in which they have been addressed in challenges to member state or EU action and the outcomes; who has been litigating (individuals, institutions, or member states) and which domestic courts have been referring questions to the CJEU. The significance of the judicial developments in this area are situated within the context of the domestic constitutional ramifications for member state legal orders thus revealing a neglected dimension in the constitutionalization debates

which traditionally emphasized the ramifications of internal EU law for the domestic constitutional order without expressly accommodating the constitutional significance of this external category of EU law nor the different challenges that this poses domestically. This volume will serve as a reference point for future work in this area and will also be of assistance to EU law practitioners dealing with EU agreements. The judgment of the European Court of Justice concerning the Kadi case has raised substantive and procedural issues that have caught the attention of scholars from many disciplines including EU law, constitutional law, international law and jurisprudence. This book offers a comprehensive view of the Kadi case, and explores specific issues that are anticipated to resonate beyond the immediate case from which they derive. The first part of the volume sets out an analysis of the new judgment of the Court, favouring a "contextual" reading of what is the latest link in a judicial chain. The following three parts offer interdisciplinary accounts of the decision of the European Court of Justice, including legal theory, constitutional law, and international law. The book closes with an epilogue by Ernst-Ulrich Petersmann, who studies the role of the Kadi case in the methodology of international law and its contribution to the concept of global justice. The book brings together legal scholars from a range of fields, and discusses pressing topics such as the European Union's objective of 'the strict observance and the development of international law', the EU as a site of global governance, constitutional pluralism and the protections of fundamental rights.

The European Court of Justice and External Relations Law

A Road Towards Digital Constitutionalism?

Principled Resistance to ECtHR Judgments - A New Paradigm?

EU External Relations Law

Rights, Power and Security

Rethinking European Law and Legal Thinking

This book originates from the proceedings of the 10th anniversary conference of the Centre for the Law of EU External Relations (CLEER) in which renowned experts in the field took stock of recent evolutions in the law and practice of the EU's external relations. In particular, the book addresses the question of how the evolving legal and political framework affects the nature of EU external relations law. The contributions discuss the actions (and reactions) of the EU through external action instruments in a number of substantive areas such as migration, trade, neighbouring policies, security and defence. By shedding light on the most significant developments of the past decade this edited volume attests to the ever-evolving nature of the field of EU External Relations Law. Thus, this book is essential reading for academics, practitioners and policy makers at the EU level interested in the field of EU External Relations Law. Dr. W.Th. Douma is an Independent legal expert at the European Environmental Law Consultancy and EU Legal – Centre for European and International Law, both based in The Netherlands, voluntary researcher at Ghent University in Belgium, and Senior Legal Adviser at the Dutch Ministry of Social Affairs and Employment. Prof. Dr. C. Eckes is Professor of European Law at the University of Amsterdam and director of the Amsterdam Centre for European Law and Governance, The Netherlands. Prof. Dr. P. Van Elsuwege is Professor of European Union Law at Ghent University and co-director of the Ghent European Law Institute, Belgium. Dr. E. Kassoti is Senior researcher in EU and International Law at the Asser Institute and academic co-ordinator of the Centre for the Law of EU External Relations (CLEER), The Netherlands. Prof. Dr. A. Ott is Professor of EU External Relations Law and Jean Monnet professor in EU Law at Maastricht University, The Netherlands. Prof. Dr. R.A. Wessel is Professor of European Law and Head of the European and Economic Law Department at the University of Groningen, The Netherlands.

The Lisbon Treaty modified the legal framework of EU external action and these innovations must be applied in a period of deep economic and financial crisis interacting with other more specific crises affecting the EU's external activities. This volume investigates the recent institutional and substantive developments in EU external relations law and practice in this context of multiple crises for the EU. The economic and financial crisis has a major impact on EU external action, but other crises too affect this sensitive area of the EU's activity and the book takes them into account. For instance, there is a crisis in the relationship between EU law and international law after the ECJ judgement in the Kadi case. In addition to exploring these questions, the volume also examines questions of legitimacy in fields such as foreign investment protection and arbitration. Representing the output of a powerful research team composed of leading scholars in the field this comprehensive collection will appeal to both an expert and non-expert readership.

Kadi on TrialA Multifaceted Analysis of the Kadi TrialRoutledge

Food safety has become a major concern for consumers in the developed world and Europe in particular. This has been highlighted by the recent spate of food scares ranging from the BSE (mad cow) crisis to Chinese melamine contamination of baby formula. To ensure food safety throughout Europe, stringent food safety standards have been put in place 'from farm to fork'. At the same time, poor African countries in the COMESA rely on their food exports to the European market to achieve their development goals yet have difficulty meeting the EU food safety standards. This book examines the impact of EU food safety standards on food imports from COMESA countries. It also critically examines both EU and COMESA food safety standards in light of the WTO SPS Agreement and the jurisprudence of the WTO panels and Appellate Body. The book makes ground-breaking proposals on how the standards divide between the EU and the COMESA can be bridged and discusses the impact of EU food safety standards on food imports from poor African countries.

Contestations and Deference

The European Union and Human Rights

Accountability of International Organizations and Transnational Corporations

International Law as Law of the European Union

The Cases in Context

Judicial Protection of Fundamental Rights on the Internet

A collection of essays constructs and analyses a new approach in which the European Union is perceived as an active co-creator of the international legal order in a variety of arenas.

This title provides analysis of the EU's human rights commitments through legislation, case law, and policy documents. Key developments to the EU's engagement with human rights, both internally and externally, are examined and it covers the topics of non-discrimination and competition law, migration, trade policy, and development cooperation.

This edited collection appraises the role, self-perception, reasoning and impact of the European Court of Justice on the development of European Union (EU) external relations law. Against the background of the recent recasting of the EU Treaties by the Treaty of Lisbon and at a time when questions arise over the character of the Court's judicial reasoning and the effect of international legal obligations in its case law, it discusses the contribution of the Court to the formation of the EU as an international actor and the development of EU external relations law, and the constitutional challenges the Court faces in this context. To what extent does the position of the Court contribute to a specific conception of the EU? How does the EU's constitutional order, as interpreted by the Court, shape its external relations? The Court still has only limited jurisdiction over the EU's Common Foreign and Security Policy: why has this decision been taken, and what are its implications? And what is the Court's own view of the relationship between court(s) and foreign policy, and of its own relationship with other international courts? The contributions to this volume show that the Court's influence over EU external relations derives first from its ability to shape and define the external competence of the EU and resulting constraints on the Member States, and second from its insistence on the autonomy of the EU legal order and its role as 'gatekeeper' to the entry and effect of international law into the EU system. It has not - in the external domain - overtly exerted influence through shaping substantive policy, as it has, for example, in relation to the internal market. Nevertheless the rather 'legalised' nature of EU external relations and the significance of the EU's international legal commitments mean that the role of the Court of Justice is more central than that of a national court with respect to the foreign policy of a nation state. And of course its decisions can nonetheless be highly political.

This monograph is the first comprehensive analysis of the impact of the entry into force of the Treaty of Lisbon on EU criminal law. By focusing on key areas of criminal law and procedure, the book assesses the extent to which the entry into force of the Lisbon Treaty has transformed European criminal justice and evaluates the impact of post-Lisbon legislation on national criminal justice systems. The monograph examines the constitutionalisation of EU criminal law after Lisbon, by focusing on the impact of institutional and constitutional developments in the field including the influence of the EU Charter of Fundamental Rights on EU criminal law. The analysis covers aspects of criminal justice ranging from criminalisation to judicial co-operation to prosecution to the enforcement of sanctions. The book contains a detailed analysis and evaluation of the powers of the Union to harmonise substantive criminal law and the influence of European Union law on national substantive criminal law; of the evolution of the Europeanisation of prosecution from horizontal co-operation between national criminal justice to forms of vertical integration in the field of prosecution as embodied in the evolution of Eurojust and the establishment of a European Public Prosecutor's Office; of the operation of the principle of mutual recognition (by focusing in particular on the European Arrest Warrant System) and its impact on the relationship between mutual trust and fundamental rights; of EU legislation in the field on criminal procedure, including legislation on the rights of the defendant and the victim; of the relationship between EU criminal law and citizenship of the Union; and of the evolution of an EU model of preventive justice, as exemplified by the proliferation of measures on terrorist sanctions. Throughout the book, the questions of the UK participation in Europe's area of criminal justice and the feasibility of a Europe à-la-carte in EU criminal law are examined. The book concludes by highlighting the possibilities that the Lisbon Treaty opens for the development of a new paradigm of European criminal justice, which places the individual (and not the state), and the protection of fundamental rights (and not security) at its core.

The Power of Process

The Evolving Nature of EU External Relations Law

Challenges and Critiques of the EU Internal Security Strategy

Treaty Conflict and the European Union

EU Criminal Law after Lisbon

Performance, Policy, Power

"This is a book about how we might fruitfully think about global law. Few terms are more topical in the transnational legal literature. Yet there has been little serious discussion - and little agreement where there has been discussion - on what is meant by 'global law', if, indeed, it means anything of note at all. In what follows, I suggest that we can nonetheless arrive at a core sense of global law as an emergent idea and practice"--

With a view to recent developments in both the EU and the global legal order, International Law as Law of the European Union explores how, and to what extent, international law still forms part of, and plays a role in, the current legal order of the European Union.

Bruno Simma, the dedicatee of the book, was born in Querschied (Saar) in 1941. After a distinguished career in international law and diplomacy, serving, among others, in the UN Committee on Economic, Social, and Cultural Rights as well as the International Law Committee, he was elected judge of the International Court of Justice, or World Court, in 2001.

This book explores how domestic courts contribute to the maintenance of the rule of international law by providing judicial control over the exercises of public powers that may conflict with international law. The main focus of the book will be on judicial control of exercise of public powers by states. Key cases that will be reviewed in this book, and that will provide empirical material for the main propositions, include Hamdan, in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions; Adalah, in which the Supreme Court of Israel held that the use of local residents by Israeli soldiers in arresting a wanted terrorist is unlawful under international law, and the Narmada case, in which the Indian Supreme Court reviewed the legality of displacement of people in connection with the building of a dam in the river Narmada under the ILO Indigenous and Tribal Populations Convention 1957 (nr 107). This book primarily explores what it is that international law requires, expects, or aspires that domestic courts do, and against this backdrop of what international law requires it seeks to map patterns of domestic practice in the actual or possible application of international law, and to determine what such patterns mean for the protection of the rule of international law.

Transnational Law

The Worlds of European Constitutionalism

The Legal Effects of EU Agreements

A Consequentialist Assessment

Food Safety Standards in International Trade

The idea of the EU as a constitutional order has recently taken on renewed life, as the Court of Justice declared the primacy of EU law not just over national constitutions but also over the international legal order, including the UN Charter. This book explores the nature and character of EU legal and political authority, and the complex analytical and normative questions which the notion of European constitutionalism raises, in both the EU's internal and its external relations. The book culminates in a dialogical epilogue in which the authors' arguments are questioned and challenged by the editor, providing a unique and stimulating approach to the subject. By bringing together leading constitutional theorists of the European Union, this book offers a sharp, challenging and engaging discussion for students and researchers alike.

For almost a decade the European Union has been stuck in a permanent crisis. Starting with domestic constitutional crises, followed by an imported financial crisis, it has evolved into a fully formed political crisis. This book argues that none of the crises are exclusively internal to the EU and the responses to date, which have taken inward looking approaches, are simply inadequate. Resolution can only come when the EU engages more fully with transnational law. This highly topical book offers an innovative dual focus on both transnational and EU law together. It sets out the relationship between the two frameworks by exploring practical concrete problems that transnational law has posed to the EU. These problems are explored from the perspective of four key tenets of both systems, namely the rule of law, democracy, the protection of human rights, and justice. It does this by advancing the theoretical framework of principled legal pluralism. In so doing it offers clear normative guidance as to how the relationship between EU and transnational law should be developed and fostered.

The rapidly growing number of investors' disputes with states and the approach of arbitral tribunals, perceived by some, whether rightly or not, as being too investor-friendly, underlie a contentious debate about the need to strike a more effective balance between investors' rights under international investment agreements (IIAs) and the right of states to pursue legitimate regulation in the public interest. In this regard the European Union, with the exclusive external competence in foreign direct investment vested in it under the Lisbon Treaty, is emerging as the leader and driving force in the future development of international investment law. This book examines the competence of the EU to conclude investment treaties in the light of the investment protection rules of IIAs, explores how far the EU regime for cross-border investment and investors' rights under IIAs can be considered comparable, and brings about an extensive analysis of existing agreements of Member States and their compatibility with EU law, with detailed investigation of how the potentially conflicting obligations of Member States under the two regimes can be reconciled. The book covers such elements of the debate as the following: • 'standards of treatment' under IIAs; • investment-related provisions of EU law; • dispute settlement mechanisms and the conduct of investment disputes; • how recent controversies over bilateral investment treaties (BITs) shape emerging EU international investment policy; • effect of political and institutional interests; • transitional arrangements for BITs between Member States and third countries established by Regulation 1219/2012; • CJEU decisions concerning BITs concluded between EU Member States and third countries; • significant arbitral awards involving intra-EU BITs; • allocation of international responsibility for breaches of investors' rights; • intra-EU dimension of the Energy Charter Treaty (ECT); • possibilities for review of arbitral awards by courts of Member States; • desirability of international protection of foreign investment in developed countries; and • role of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) The author provides a number of well-grounded recommendations, taking into account throughout the legitimate interests and expectations of individual investors. As an invaluable commentary on developments related to the interplay between international investment law and EU law, and a guide to ameliorating the tensions and controversies surrounding this relationship, this book will appeal to a wide variety of readers. The questions dealt with are faced not only by negotiators and others involved in policymaking in the area of foreign investment, but also by specialists in international investment law, investment arbitration, EU international relations law, and anyone involved in cross-border law, as well as others who encounter these questions in the course of their professional or academic activities.

The European Court of Justice

The European Union under Transnational Law

A Pluralist Appraisal

Intimations of Global Law