

General Principles of  
European Community Law

Author

25

EUROPEAN MONOGRAPHS

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# The Autonomy Of Community Law European Monographs S

**Zsófia Varga**

## **The Autonomy Of Community Law European Monographs S:**

The Autonomy of Community Law R. Barents,2004-01-01 This book is the English version of my *De communautaire rechtsorde* which was published by Kluwer Deventer the Netherlands in 2000 Where necessary I have updated the text by taking account of developments until the beginning of 2003 Foreword *The Autonomous Legal Concept of Communication to the Public* Branka Marušić,2023-05-09 The economic right of a copyright holder to communicate to the public has become an increasingly important and complex issue in recent years this is partially due to changes in the way that content is accessed and consumed online This innovative book analyses the right of communication to the public taking account of what legal standing an autonomous legal concept can hold and how this is impacted by wider harmonisation efforts at an EU level

Belastingontwijking en de EG-Verdragvrijheden Dennis Weber,2005-01-01 This unique book investigates the extent to which a taxpayer may invoke the freedom of movement within the Community in order to avoid national direct taxes A Member State's right to protect its taxing authority and tax jurisdiction may collide with a Union citizen's right to free movement under Community law The author shows what at the national level is viewed as abuse may often be viewed from an EC law perspective as invoking the Treaty freedoms As his starting point the author describes relevant Community law as it stands at present whereby Member States are exclusively authorized to determine the types tax bases rates and procedural aspects of direct taxes He goes on to examine the possibilities offered by primary EC law to cross border taxpayers who seek to avoid tax basing his presentation on an in depth analysis of the tax and non tax case law of the Court of Justice of the European Communities Among the issues raised in the course of the analysis are the following applicability of each of the freedoms of the citizen of goods of workers of establishment of services and of capital tests entailed by Community law the economic activity test the artificiality test and the substance test the extent to which holding and letterbox companies may invoke the freedom of movement and the fiscal cohesion justification The author describes the implicit concept of avoidance that the Court apparently uses by examining its tax and non tax decisions in avoidance like cases thus offering a valuable discussion of whether the anti abuse doctrine development by the Court is a principle of Community law In its thorough investigation of a major current manifestation of the emblematic conflict between state taxing authority and personal freedom this thoughtful and well researched analysis will be of great value to tax professionals officials and academics not only on Europe but wherever this fundamental problem in tax law applies

**The Effectiveness of the Köbler Liability in National Courts** Zsófia Varga,2020-10-15 Over the last 15 years Köbler liability has resulted in the allocation of damages on only five occasions Why is that And what are the practical implications of the Köbler judgment in the Member States This book offers a unique analysis of the principle not from the usual EU focused point of view but from the view of the practical Member State and thus follows the track set by earlier books in the EU Law in the Member States series It thoroughly examines the national jurisprudential and legislative acceptance of the state liability principle and explores the existence of

alternative remedies available in the Member States in case of such breaches The conclusions based on a systematic assessment of 300 national judgments from the 28 Member States lead to a reconsideration of the role of the K bler doctrine in the system of judicial remedies against violation of EU law by national supreme courts After the pronouncement of the ECJ judgment in K bler legal scholars and practitioners have forecast the eradication of the principle of res judicata and the endangering of judicial independence The judgment caused a lot of ink to flow according to the ECJ s records at least 100 studies are directly devoted to the analysis of this decision This book is however the first to offer a comprehensive analysis on the genuine life of the K bler liability in the Member States Individual Rights in EU Law Bjarte Thorson,2016-06-25 This book explores the EU law notion of individual rights It examines which sorts of rules grant EU legal rights to individuals how it is decided if a right is conferred and which individuals may claim the judicial protection of a right It further discusses the legal implications and consequences of holding an EU legal right with respect to the interpretation and application of EU law in general and to specific remedies such as declaratory remedies injunctions restitution and damages On a more overarching level the book explores the question of how the idea of EU law rights relates to other fundamental EU law concepts such as the principles of effectiveness and direct effect and discusses the legal stringency of the EU courts rights language in light of the overall aim of European integration It thus contributes to the body of literature that aims to shed new light on the borders of the *sui generis* legal order that is EU law

**A Constitutional Order of States?** Anthony Arnall,Catherine Barnard,Michael Dougan,Eleanor Spaventa,2011-03-03 This collection celebrates the career of Professor Alan Dashwood a leading member of the generation of British academics who organised explained and analysed what we now call European Union law for the benefit of lawyers trained in the common law tradition It takes as its starting point Professor Dashwood s vivid description of the European Union as a constitutional order of states He intended that phrase to capture the unique character of the Union On the one hand it is a supranational order characterised by its own distinctive institutional dynamics and an unprecedented level of cohesion among and penetration into the national legal systems On the other hand it remains an organisation of derived powers the Member States retaining their character as sovereign entities under international law

This theme permeates both the constitutional and the substantive law of the Union Contributors to the collection include members of the judiciary and distinguished practitioners officials and academics They consider the foundations strengths implications and shortcomings of this conceptual framework in various fields of EU law and policy The collection is an essential purchase for anyone interested in the constitutional framework of the contemporary European Union *In Search of the Perfect Citizen?* Sergio Carrera,2009-05-11 This book studies the normative intersection between integration immigration and nationality in the European Union EU It examines the relationship between integration and the legal frameworks of admission stay and access to nationality by third country nationals at national and European levels Integration is being subject to multifaceted processes transforming its traditional policy and legal settings as well as its classical

theoretical premises and approaches The Europeanisation of immigration policy has provoked the emergence of distinctive European approaches on integration The legal elements of integration are being developed through two parallel settings the EU Framework on Integration and European immigration law These venues constitute two of the main pillars upon which the common EU immigration policy is being constructed and their nexus raises several elements in need of reflection and study This book examines the processes through which integration becomes a norm in nationality and immigration law and policy at the national and EU levels and the implications of these processes for the legal status of third country nationals and the overall coherency of the common EU immigration policy [Aanwinsten van de Centrale Bibliotheek \(Queteletfonds\)](#)

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Comitology in the perception of political science 5 Comitology in the European Polity **Practical Regulation of the**

**Mobility of Sportsmen in the EU Post Bosman** Stefaan Van den Bogaert,2005-01-01 Sport is recreational social

educational healthful and cultural It has always been all of these things Perhaps also it has always been political In recent years however it has become something else besides economic Nowadays a lot of money is invested in sport and sporting competitions often generate enormous amounts of revenue This has entailed serious repercussions especially for the relations between individual sportsmen sportswomen and the sporting clubs and federations that act as brokers for their careers Into this protected area for decades a closed shop now come the European institutions especially the European Court of Justice and the European Commission with the declared intention of ensuring respect for the exigencies of Community law while at the same time protecting the specificity and the integrity of sport This important book presents an in depth analysis of the viability under Community law of traditional sports regulations such as transfer rules and nationality clauses both sets of rules seriously compromised by the Bosman case of 1995 The author asks in particular whether certain rules elaborated by sporting associations can withstand the test of compatibility with the free movement provisions of the EC Treaty In the light of Bosman he also rigorously investigates whether valuable arguments exist for keeping certain sporting rules and practices entirely outside the scope of the EC Treaty and whether the private nature of sporting clubs constitutes a stumbling block for the application of the relevant free movement rules Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman comes at a moment when clarification of where this complex and contentious matter currently lies is essential if we are to gauge where it is going The topic is of special and increasing interest as official declarations on sport were attached to the Treaties of both Amsterdam and Nice And if the draft Constitution for Europe actually enters into force sport will even become an official area of Union policy This trend confirms the value and significance of this ground breaking book for practitioners policymakers and regulators in the burgeoning field of sports law European Monographs 48 [Current](#)

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Robert Michael Willes Chitty,1975    Public Procurement:A Harmonization of the National Judicial Review Of The Application of European Community Law Dorthe Dingel,1999-05-21 Public Procurement analyzes the extent to which European Community law harmonizes the national judicial review of the application of Community law in the field of public procurement Community law is regarded here as comprising the Government Procurement Agreement the GPA as concluded within the framework of the World Trade Organization The national judicial review is harmonized through principles of Community law in particular those of direct effect supremacy Community conform interpretation of national law State liability Member States institutional and procedural autonomy non discrimination and effectiveness through Directives 89/665 EEC and 92/13 EEC and through the GPA    **The British National Bibliography** Arthur James Wells,2007    **EEA Annual Report** European Environment Agency,1995    **Monograph** ,1972    European Access ,1998    **The European Legal Forum** ,2003    **Documentation Internationale Du Travail** International Labour Office. Central Library and Documentation Branch,1983

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