Public Access to Documents in the EU

Leonor Rossi and Patricia Vinagre e Silva

All litigants before the European Court or indeed before any European body or agency will need to have full access to the European Union’s internal documents. Though the legislation regulating the field, Regulation 1049/2001, has been in force for some time, it is a complex field for all would-be litigants. In this book the authors, both experienced practitioners in the area, clearly set out the documentation, access requirements and processes. They include a helpful glossary of terms, tables and appendices setting out the relevant legislation. This will be the seminal text for all practitioners who need to access EU internal documentation.

Leonor Rossi is Professor of EU law at Nova School of Business and Economics, Lisbon. Patricia Vinagre e Silva is a partner at Gouveia Pereira Costa Freitas and Associates, Lisbon.

Jan 2017 | 9781509905331 | 350pp | Hbk
RSP: £70

EU Competition Law

FIFTH EDITION

An Analytical Guide to the Leading Cases

Ariel Ezrachi

This book is designed as a working tool for the study and practice of European competition law. It is an enlarged and updated fifth edition of the highly practical guide to the leading cases of European competition law.

This fifth edition focuses on Article 101 TFEU, Article 102 TFEU and the European Merger Regulation. In addition it explores the public and private enforcement of competition law, the intersection between intellectual property rights and competition law, the application of competition law to state action and state aid laws.

Each chapter begins with an introduction which outlines the relevant laws, regulations and guidelines for each of the topics, setting the analytical foundations for the case entries. Within this framework, cases are reviewed in summary form, accompanied by analysis and commentary.

Ariel Ezrachi is the Slaughter and May Professor of Competition Law at the University of Oxford.

Sept 2016 | 9781509909834 | 768pp | Pbk
RSP: £40

European Capital Markets Law

SECOND EDITION

Edited by Rüdiger Veil

European capital markets law has developed rapidly in recent years. The former directives have been replaced by regulations and numerous implementing legal acts aimed at ensuring a level playing field across the EU. The financial crisis has given further impetus to the development of a European supervisory structure. This book systematises the European law and examines the underlying concepts from a broadly interdisciplinary perspective. National experiences in selected Member States – Austria, France, Germany, Italy, Spain, Sweden and the United Kingdom – are also explored.

Rüdiger Veil is a professor at Bucerius Law School, Hamburg.

Mar 2017 | 9781782256526 | 480pp | Pbk | RSP: £50
Among the most significant legal developments of our time is the emergence of a European private law. The European Union enacts directives which profoundly affect the practice, teaching and study of core areas of ‘classical’ private law. Internationally, commissions have formulated principles of European trusts, contract and commercial law. Furthermore, uniform private law can be found in a number of international conventions.

This second edition gathers together fundamental texts from these three sources into one convenient volume. Its emphasis is on general civil and commercial law, particularly on the obligations and property aspects of these.

This second edition is a sister volume to the original German edition, now in its 5th edition.

Oliver Radley-Gardner is a barrister at Falcon Chambers, London.
Hugh Beale is a Professor of Law at the University of Warwick and a former law commissioner for England and Wales.
Reinhard Zimmermann is Director of the Max-Planck-Institut fuer auslaendisches und internationales Privatrecht in Hamburg.
Reiner Schulze is professor of German and European Civil law at the Westfälische Wilhelms-Universität Münster, Germany.

Second Edition
Fundamental Texts on European Private Law
Edited by Oliver Radley-Gardner, Hugh Beale, Reinhard Zimmermann and Reiner Schulze

European Private International Law
Geert van Calster

As one of the most definitive texts on the market, European Private International Law provides an essential guide for both students and practitioners to the complex field of international litigation within the EU. The private international law of the Member States is increasingly regulated by European law, making private international law ever less ‘national’ and ever more EU based. Consequently EU law in this area has penetrated national law to a very high degree, making it an essential area of study and an area of increasing importance to practising lawyers. This book provides a thorough overview of core European private international law, including the Brussels I, Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and tort), while additional chapters deal with the recently adopted Succession Regulation, private international law and insolvency, freedom of establishment, and the impact of PIL on corporate social responsibility.

Geert Van Calster is Professor and Head of the Department of International and European Law at KU Leuven.

Apr 2016 | 9781849466721 | 576pp | PbK
RSP: £32
European State Aid Law
A Commentary
Edited by Franz Jürgen Säcker and Frank Montag

The regulation of State Aid belongs to the core areas of European Union law. Without the general prohibition of state subsidies to undertakings, competitiveness would be distorted and the benefits of the internal market would be put in jeopardy. This book deals systematically article-by-article with the basic principles, the proceedings, and the implementation of State Aid law as laid down in Articles 107 to 109 TFEU, as well as the general block exemptions regulation (Regulation No 800/2008) and the Council Regulation ((EC) No 659/1999) laying down detailed rules for the application of Article 93 TEC. Further, this commentary deals in detail with the rules regulating State Aid in specific sectors such as telecommunication, postal services, broadcast and television, energy/coal, banking, railroads, road transport, shipping, air traffic/airports, automotive industry, shipbuilding, steel, housing, agriculture, fishery, culture/tourism/sport and health.

Franz Jürgen Säcker is Professor of Civil Law at the Free University of Berlin and director of the Institute for German and European Business, Competition and Regulatory Law, Berlin. Frank Montag is an antitrust, competition and trade partner in the Brussels office of Freshfield Bruckhaus Deringer.

Oct 2016 | 9781849461900 | 800pp | Hbk
RSP: £325

THIRD EDITION
European State Aid Law and Policy
Conor Quigley QC

This third edition of Conor Quigley’s highly acclaimed book offers the most comprehensive and detailed examination of European State Aid law. The book is designed to provide lawyers, regulators, public officials and students with a definitive statement of the law and practice of State Aid. At the same time as placing State Aid law and policy in its economic, commercial and industrial context, the book fully explores the concept of State Aid and its function as a tool of EU law. All of this is achieved by means of the most thorough examination of the extensive jurisprudence of the European Courts and the decisions, legislation and guidelines of the Commission in declaring aid compatible or incompatible with the internal market. The analysis incorporates all the developments wrought by the European Commission’s 2013 State Aid Modernisation programme, including detailed chapters on Research & Development, environment and energy, restructuring aid, risk capital for SMEs, as well as sectoral aid including, in particular, a detailed assessment of State Aid and the financial crisis. The Commission’s supervisory powers as well as the means of enforcing State Aid law in the EU and national courts are also fully explained.

Conor Quigley QC is a barrister specialising in EU law at Serle Court Chambers.

Oct 2015 | 9781849466271 | 888pp | Hbk
RSP: £230
The European Crisis and the Transformation of Transnational Governance
Authoritarian Managerialism versus Democratic Governance
Edited by Christian Joerges and Carola Glinski

The debate on law, governance and constitutionalism beyond the state is confronted with new challenges. In the EU, confidence in democratic transnational governance has been shaken by the authoritarian and unsocial practices of crisis management. The ambition of this book, which builds upon many years of close co-operation between its contributors, is to promote a viable interdisciplinary alternative to these developments. “Conflicts-law constitutionalism” is a concept of transnational governance which derives democratic legitimacy from the supranational control of the external impact of national decision-making, on the one hand, and the co-operative responses to problem interdependencies on the other. The first section of the book contrasts Europe’s new modes of economic governance and crisis management with the conditionality of international investments, and reflects upon the communalities and differences between emergency Europe and global exceptionalism. Subsequent sections substantiate the problématique of executive and technocratic rule, explore conflict constellations of prime importance in the fields of environmental and labour law, and discuss the impact and limits of liberalisation strategies. Throughout the book, European and transnational developments are compared and evaluated.

Christian Joerges is Professor of Law and Society (part time) at the Hertie School of Governance, Berlin. He is also a Co-director of the Centre of Law and Politics at the University of Bremen.
Carola Glinski is a Researcher at the Collaborative Research Center ‘Transformations of the State’, at the University of Bremen.

The European Social Charter and the Employment Relation
Edited by Niklas Bruun, Klaus Lörcher, Isabelle Schömann and Stefan Clauwaert

This collection addresses the potential of the European Social Charter to promote and safeguard social rights in Europe. Drawing on the expertise of ETUI Transnational Trade Union Rights expert network members from across Europe, it provides a comprehensive commentary on these fundamental rights. Taking a two part approach, it offers an in-depth legal analysis of the European Social Charter as a new social constitution for Europe, investigating first the potential of the general legal frame in which the Charter is embedded. In a second phase a series of social rights are examined in light of the jurisprudence of the ECSR, to demonstrate the crucial but difficult role of the Charter’s supervisory bodies to secure the respect and promotion of social rights at national level, bearing in mind the reciprocal influence of other international social rights instruments. This examination is timely, given the pressure exerted on those rights during the recent period of economic crisis. Furthermore, in the light of the predominantly economic vision of Europe, such analysis is crucial. The collection will stimulate academic scrutiny and raise awareness amongst practitioners and trade unions about the necessary anchor of the social dimension of Europe in legal and political practice.

Niklas Bruun is Professor of Law at the Hanken School of Law, Helsinki.
Klaus Lörcher is former Legal Adviser to the European Trade Union Confederation (ETUI) and former Legal Secretary of the Civil Service Tribunal of the European Union.
Isabelle Schömann is Senior Researcher at the European Trade Union Institute (ETUI).
Stefan Clauwaert is a Senior Researcher at the European Trade Union Institute (ETUI).
Labour and social security law studies have addressed the topic of the decline of the standard employment relationship mainly from the point of view of the growing number of atypical relationships. Only a limited number of studies have examined the issue from the perspective of the differentiation between core and contingent work. Such examination is necessary as the increase of contingent works leads to complicated legal questions, touching the work relationship from a labour as well as from a social security point of view, putting at risk, already in the short run, the social cohesion within undertakings and European society. The aim of this book is to analyse those questions adopting an innovative approach and to put forward proposals for safeguarding that social cohesion.

Edoardo Ales is Professor of Labour Law at the Faculty of Law, University of Cassino. Olaf Deinert is Professor of Civil Law, Labour and Social Law at Georg-August University, Gottingen. Jeff Kenner is Professor of EU Law at the University of Nottingham.

Jan 2017 | 9781782258681 | 288pp | Hbk
RSP: £55

Territorial Pluralism in Europe
Vertical Separation of Powers in the EU and its Member States
Nikos Skoutaris

Governmental powers can be apportioned vertically at different levels. Five levels of vertical government are distinguishable: (1) local, ie municipal or citywide; (2) substate-regional (3) State; (4) supranational, eg the European Union; (5) and arguably global eg the WTO and the UN. This book focuses on levels (2) (3) and (4). It intends to analyse the interaction of the constitutional and political orders of EU Member States that exhibit varying degrees of territorial pluralism, their sub-state entities and the supranational organisation to which they belong. It does so by comparing the division of competences for internal policies but also for external affairs, the various models of fiscal federalism and the different systems for the effective protection of individual and collective rights within various European multi-level constitutional orders.

Nikos Skoutaris is Lecturer of EU Law at the University of East Anglia.

Series: European and National Constitutional Law
Mar 2017 | 9781849463867 | 344pp | Hbk
RSP: £65

European Competition Law Annual 2013
Effective and Legitimate Enforcement of Competition Law
Edited by Philip Lowe, Mel Marquis and Giorgio Monti

This volume contains papers presented at the 18th Annual EU Competition Law and Policy Workshop. The papers examine means of balancing effective (public) competition law enforcement and the requirements of legitimate and accountable exercise of public authority. The authors address the design and performance of various enforcement tools at European and national levels.

Philip Lowe is a Non-Executive Director of the UK Competition and Markets Authority. Mel Marquis is Part-time Professor of Law and Giorgio Monti is Professor of Competition Law, both at the European University Institute in Florence.

Series: European Competition Law Annual
Apr 2016 | 9781849467452 | 688pp | Hbk | RSP: £130
Air Passenger Rights
Ten Years On
Edited by Michal Bobek and Jeremias Prassl

Regulation 261/2004 on Air Passengers’ Rights has been amongst the most high-profile pieces of EU secondary legislation of the past years. The Regulation has led to equally challenging decisions across the Member States, ranging from judicial enthusiasm for passenger rights to domestic courts holding that a Regulation could not be relied upon by an individual claimant or even threatening outright to refuse to apply its provisions. At the same time the Regulation should, according to the Treaty, have uniform, direct and general application in all the Member States of the Union. This book brings together leading experts to present a series of case studies from 15 Member States as well as the extra-territorial application of Regulation 261, combined with high-level analysis from the perspectives of Aviation law and EU law.

Michal Bobek is Professor of European Law at the College of Europe.
Jeremias Prassl is an Associate Professor in the Faculty of Law, University of Oxford.

Viking, Laval and Beyond
Edited by Mark Freedland and Jeremias Prassl

This book focuses on the uneasy relationship between the economic freedoms enshrined in Articles 49 and 56 TFEU and the right of workers to take collective action. This conflict has been at the forefront of EU labour law since the CJEU’s much-discussed decisions in C-438/05 Viking and C-341/05 Laval, as well as the Commission’s more recent attempts at legislative reforms in the failed Monti II Regulation. This book explores judicial and legislative responses to these measures in 10 Member States, and finds that the impact on domestic legal systems has been much more varied than traditional accounts of EU law would suggest.

Mark Freedland is Emeritus Professor of Employment Law in the University of Oxford.

Central European Judges Under the European Influence
The Transformative Power of the EU Revisited
Edited by Michal Bobek

The onset of the 2004 EU enlargement witnessed a number of predictions being made about the approaches, capacity and ability of Central European judges who were soon to join the Union. Ten years later, this volume revisits these predictions and critically assesses the evolution of Central European judicial mentality, institutions and constitutionality under the influence of the EU membership.

Series: EU Law in the Member States
Jan 2016 | 9781849468244 | 400pp | Hbk | RSP: £60

Series: EU Law in the Member States

Series: EU Law in the Member States
Sept 2015 | 9781849467742 | 464pp | Hbk | RSP: £60
EU Criminal Law after Lisbon
Rights, Trust and the Transformation of Justice in Europe
Valsamis Mitsilegas

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. 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.

Valsamis Mitsilegas is Head of the Department of Law at Queen Mary, University of London.

Series: Hart Studies in European Criminal Law
Jun 2016 | 9781849466486 | 336pp | Hbk
RSP: £50

Challenges in the Field of Economic and Financial Crime in Europe and the US
Edited by Vanessa Franssen and Katalin Ligeti

In the past few years, criminal justice systems have faced important global challenges in the field of economic and financial crime. The 2008 financial crisis revealed how strongly financial markets and economies are interconnected and illustrated that misconduct in the economic and financial sectors is often of a systemic nature, with wide-spread consequences for a large number of victims. The prevention, control and punishment of such crimes is thus confronted with a strong globalisation. Moreover, continuous technological evolutions and socio-economic developments make the distinction between socially desirable and undesirable behaviour more problematic. Besides, economic and financial misconduct is notoriously difficult to detect and investigate. In light of these challenges, legislators and law enforcers have been searching for adequate responses to combat economic and financial crime by adapting existing policies, norms and practices and by creating new enforcement mechanisms. The purpose of this volume is to analyse those challenges in the field of economic and financial crime from different perspectives, and to examine which particular solutions criminal justice systems across Europe give to those challenges.

Vanessa Franssen is an assistant professor at the University of Liège. Katalin Ligeti is Professor of European and International Criminal Law at the University of Luxembourg.

Series: Hart Studies in European Criminal Law
Jan 2017 | 9781509908035 | 272pp | Hbk
RSP: £65
Sanctions in EU Competition Law
Principles and Practice
Michael J Frese

In the early decades of European integration the enforcement of EU competition law was highly centralised. Virtually all enforcement actions under Articles 101 and 102 TFEU were initiated by the European Commission. More recently the enforcement of EU competition law has become less centralised - many would say even decentralised. In 2004, essentially in an effort to increase enforcement capacity in the wake of EU enlargement, the involvement of Member State competition authorities was significantly reinforced by national authorities being given power to pursue infringements of EU competition law largely on the basis of their domestic enforcement regimes. This combination of decentralisation and enforcement autonomy raises questions about the relationship between EU law and national law, as well as about the costs of enforcement. This new book links these questions by analysing how competences in the area of sanctions are distributed between EU and national law, and how this influences the costs of enforcement.

Michael J Frese is a fellow at the Amsterdam Centre of European Law and Governance.

Jun 2016 | 9781509907038 | 312pp | New in Pb | RSP: £36.99

Private Power, Online Information Flows and EU Law
Mind The Gap
Angela Daly

This monograph examines how European Union law and regulation address concentrations of private economic power which impede free information flows on the Internet to the detriment of Internet users’ autonomy. In particular, competition law, sector specific regulation (if it exists), data protection and human rights law are considered and assessed to the extent they can tackle such concentrations of power for the benefit of users. Using a series of illustrative case studies, of Internet provision, search, mobile devices and app stores, and the cloud, the work demonstrates the gaps that currently exist in EU law and regulation.

Angela Daly is Vice Chancellor’s Research Fellow, Faculty of Law, Queensland University of Technology.

Dec 2016 | 9781509900633 | 144pp | Hbk | RSP: £50

The More Economic Approach to EU Antitrust Law
Anne C Witt

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

Anne C Witt is a Lecturer in Law at the University of Leicester.

Nov 2016 | 9781849466967 | 384pp | Hbk | RSP: £65

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Nov 2016 | 9781849466967 | 384pp | Hbk | RSP: £65
This series contains the best new monographic works on EU law by younger scholars. The series embraces the full scope of scholarship on EU law from doctrinal analysis to theoretical exploration, and also encourages inter-disciplinary, comparative and historical approaches, the overall aim being to publish innovative work which will widen knowledge and understanding of the place of law in the creation of Europe.

**European Law on Unfair Commercial Practices and Contract Law**  
*Mateja Durovic*  
The book examines the ambiguous relationship between the European law on unfair commercial practices and contract law. In particular, the book demonstrates that the Directive 2005/29/EC on unfair commercial practices (UCPD) has had a major impact on contract law, despite the declaration concerning the formal independence between the two branches of law established by Article 3(2) UCPD. The insights and conclusions identified in the book contribute to a better understanding of European private law and the general process of Europeanisation of private law in the European Union, and in particular of contract law.  
*Mateja Durovic* is Assistant Professor at the School of Law of the City University of Hong Kong.

**Strengthening the Rule of Law in Europe**  
*From a Common Concept to Mechanisms of Implementation*  
*Edited by Werner Schroeder*  
Respect for the ‘rule of law’ is, according to Article 2 of the Treaty on European Union, a value on which the Union is founded and a prerequisite for the accession of new Member States. However in some Member States there are deficiencies as regards the independence of the justice system or other aspects of the rule of law, and on several occasions the Union has been confronted with a rule of law crisis. In order to address this problem the book elucidates the principal elements of a common European rule of law in a global context, and explores the different mechanisms and instruments appropriate to safeguard the rule of law and to address future rule of law crises in the Member States.  
*Werner Schroeder* is Full Professor of Law at the University of Innsbruck.

**The European Union’s External Action in Times of Crisis**  
*Edited by Piet Eeckhout and Manuel Lopez-Escudero*  
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.  
*Piet Eeckhout* is Professor of EU Law, University College London.  
*Manuel Lopez-Escudero* is Professor of EU law and Public International Law, University of Granada.
Exceptions from EU Free Movement Law

Derogation, Justification and Proportionality

Edited by Panos Koutrakos, Niamh Nic Shuibhne and Phil Syrpis

This collection of essays brings together contributions from judges, legal scholars and practitioners in order to provide a comprehensive assessment of the law and practice of exceptions from the principle of free movement.

It aims: to conceptualise how justification arguments relating to exceptions to free movement operate in the case law of the Court of Justice of the European Union and national courts; to develop a comprehensive and original account of empirical problems on the application of proportionality; to explore the legal and policy issues which shape the interactions between the EU and national authorities, including national courts, in the context of the efforts made by Member States to protect national differences.

The book analyses economic, social, cultural, political, environmental and consumer protection justifications. These are examined in the light of the rebalancing of the EU constitutional order introduced by the Lisbon Treaty and the implications of the financial crisis in the Union.

Panos Koutrakos is Professor of European Union Law at City University London.

Niamh Nic Shuibhne is Professor of European Union Law at the University of Edinburgh.

Phil Syrpis is Reader in Law at the University of Bristol.

Series: Modern Studies in European Law

Dec 2016 | 9781849466202 | 352pp | Hbk | RSP: £70

The European Court of Justice and External Relations Law

Constitutional Challenges

Edited by Marise Cremona and Anne Thies

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.

Marise Cremona is Professor of European Law at the European University Institute in Florence.

Anne Thies is Associate Professor of European and international law at the University of Reading.

Series: Modern Studies in European Law

EU Asylum Procedures and the Right to an Effective Remedy
Marcelle Reneman

Adequate and fair asylum procedures are a precondition for the effective exercise of rights granted to asylum applicants, in particular the prohibition of refoulement. In 1999 the EU Member States decided to work towards a Common European Asylum System. In this context the Procedures Directive was adopted in 2005 and recast in 2013. This directive provides for important procedural guarantees for asylum applicants, but also leaves much discretion to the EU Member States to design their own asylum procedures. This book examines the meaning of the EU right to an effective remedy in terms of the legality and interpretation of the Procedures Directive in regard to several key aspects of asylum procedure: the right to remain on the territory of the Member State, the right to be heard, the standard and burden of proof and evidentiary assessment, judicial review and the use of secret evidence.

Marcelle Reneman is Assistant Professor in the Migration Law Section at VU University Amsterdam.

Series: Modern Studies in European Law
Aug 2016 | 9781509909742 | 428pp | New in Pbk | RSP: £30

Shaping the Single European Market in the Field of Foreign Direct Investment
Philip Strik

The Treaty of Lisbon (2009) has brought foreign direct investment (FDI) within the scope of the European Union’s common commercial policy (CCP). In light of this development, this book analyses the internal and external dimension of EU law and policy in the field of FDI. It takes four perspectives: (i) the operation of the internal market mechanism to direct investment; (ii) the implications of the Lisbon amendments to the CCP under Article 207 TFEU for the Union’s competence and practice in the field of FDI; (iii) the interaction between EU law and Member States’ bilateral investment treaties (BITs) with third countries; (iv) the interplay between EU law and BITs that are currently in force between two Member States (intra-EU BITs). The book focuses on the extent to which the European Union operates as a Single Market for EU and non-EU investors.

Philip Strik is a Legal Adviser in the EU law team in the Ministry of Foreign Affairs of the Netherlands and a member of its Diplomatic Service.

Series: Modern Studies in European Law
The EU Accession to the ECHR
Edited by Vasiliki Kosta, Nikos Skoutaris and Vassilis P Tzevelekos

Article 6 of the Treaty on European Union (TEU) provides that the EU will accede to the system of human rights protection of the European Convention on Human Rights (ECHR). Protocol No 9 in the Treaty of Lisbon opens the way for accession. This represents a major change in the relationship between two organisations that have co-operated closely in the past, though the ECHR has hitherto exercised only an indirect constitutional control over the EU legal order through scrutiny of EU Member States. The accession of the EU to the ECHR is expected to put an end to the informal dialogue, and allegedly also competition between the two regimes in Europe and to establish formal (both normative and institutional) hierarchies.

In this new era, some old problems will be solved and new ones will appear. Questions of autonomy and independence, of attribution and allocation of responsibility, of co-operation, and legal pluralism will all arise, with consequences for the protection of human rights in Europe.

This book seeks to understand how relations between the two organisations are likely to evolve after accession, and whether this new model will bring more coherence in European human rights protection. The book analyses from several different, yet interconnected, points of view and relevant practice the draft Accession Agreement, shedding light on future developments in the ECHR and beyond. Contributions in the book span classic public international law, EU law and the law of the ECHR, and are written by a mix of legal and non-legal experts from academia and practice.

Vasiliki Kosta is Assistant Professor of European Law at Leiden University. Nikos Skoutaris is Lecturer of EU Law at the University of East Anglia. Vassilis P Tzevelekos is a Lecturer in Public International Law at the University of Hull.

The Constitutionalization of European Budgetary Constraints
Edited by Maurice Adams, Federico Fabbrini and Pierre Larouche

The recently enacted Treaty on the Stability, Coordination and Governance of the Economic and Monetary Union (generally referred to as the Fiscal Compact) has introduced a ‘golden rule’, which is a detailed obligation that government budgets be balanced. Moreover, it required the 25 members of the EU which signed the Treaty in March 2012, to incorporate this ‘golden rule’ within their national Constitutions. This requirement represents a major and unprecedented development, raising formidable challenges to the nature and legitimacy of national Constitutions as well as to the future of the European integration project. This book analyses the new constitutional architecture of the European Economic and Monetary Union (EMU), examines in a comparative perspective the constitutionalization of budgetary rules in the legal systems of the Member States, and discusses the implications of these constitutional changes for the future of democracy and integration in the EU. By combining insights from law and economics, comparative institutional analysis and legal theory, the book offers a comprehensive survey of the constitutional incorporation of new fiscal and budgetary rules across Europe and a systematic normative discussion of the legitimacy issues at play. It thus contributes to a better understanding of the Euro-crisis, of the future of the EU, and the reforms needed towards a deeper and genuine EMU.

Maurice Adams is Professor of Democratic Governance and Rule of Law (vfund chair) and Professor of General Jurisprudence at Tilburg Law School. Federico Fabbrini is Assistant Professor of European and Comparative Constitutional Law at Tilburg Law School. Pierre Larouche is Professor of Competition Law and Director of Studies of the Bachelor Global Law at Tilburg Law School.

Series: Modern Studies in European Law

The Constitutionalization of European Budgetary Constraints
Edited by Maurice Adams, Federico Fabbrini and Pierre Larouche

The recently enacted Treaty on the Stability, Coordination and Governance of the Economic and Monetary Union (generally referred to as the Fiscal Compact) has introduced a ‘golden rule’, which is a detailed obligation that government budgets be balanced. Moreover, it required the 25 members of the EU which signed the Treaty in March 2012, to incorporate this ‘golden rule’ within their national Constitutions. This requirement represents a major and unprecedented development, raising formidable challenges to the nature and legitimacy of national Constitutions as well as to the future of the European integration project. This book analyses the new constitutional architecture of the European Economic and Monetary Union (EMU), examines in a comparative perspective the constitutionalization of budgetary rules in the legal systems of the Member States, and discusses the implications of these constitutional changes for the future of democracy and integration in the EU. By combining insights from law and economics, comparative institutional analysis and legal theory, the book offers a comprehensive survey of the constitutional incorporation of new fiscal and budgetary rules across Europe and a systematic normative discussion of the legitimacy issues at play. It thus contributes to a better understanding of the Euro-crisis, of the future of the EU, and the reforms needed towards a deeper and genuine EMU.

Maurice Adams is Professor of Democratic Governance and Rule of Law (vfund chair) and Professor of General Jurisprudence at Tilburg Law School. Federico Fabbrini is Assistant Professor of European and Comparative Constitutional Law at Tilburg Law School. Pierre Larouche is Professor of Competition Law and Director of Studies of the Bachelor Global Law at Tilburg Law School.

Series: Modern Studies in European Law
Equal Citizenship and Its Limits in EU Law: We the Burden?
Päivi Johanna Neuvonen

Equal Citizenship and Its Limits in EU Law: We the Burden? is a critical study of the scope of EU citizenship as an ‘equal status’ of all Member State nationals. The book re-conceptualises the relationship between the status of EU citizenship and EU citizens’ fundamental right to equal treatment by asking what indicates the presence of agency in EU law. A thorough analysis of the case-law is used to support the argument that the present view of active citizenship in EU law fails to explain how EU citizens should be treated in relation to one another and what counts as ‘related’ for the purposes of equal treatment in a transnational context. In addressing these questions, the book responds to the increasing need to find a more substantive theory of justice for the European Union. The book suggests that a more balanced view of agency in the case of EU citizens can be based on the inherent connection between citizens’ agency and their subjectivity. This analysis provides an integrated philosophical account of transnational equality by showing that a new source of ‘meaningful relationships’ for the purposes of equal treatment arises from recognizing and treating EU citizens as full subjects of EU law and European integration. The book makes a significant contribution to the existing scholarship on EU law, first, by demonstrating that the undefined nature of EU citizenship is fundamentally a question about transnational justice and not just about individual rights and, secondly, by introducing a framework within which the current normative indeterminacy of EU citizenship can be overcome.

Päivi Johanna Neuvonen was, until December 2015, a Post-doctoral Research Fellow at The Policy Research Centre on Equality Policies, KU Leuven.

The Impact of Union Citizenship on the EU’s Market Freedoms
Alina Tryfonidou

This book’s aim is to consider the impact that the introduction and development of the status of Union citizenship has had on the interpretation of the EU’s market freedoms. Starting by providing, in its introductory part (part one), a comprehensive and up-to-date analysis of the status of Union citizenship and its development from 1998 onwards, the book proceeds in part two to provide an in-depth examination of the relationship between this status and the Union’s market freedoms. The central argument of the book is that, as a result of the move towards the creation of a meaningful status of Union citizenship, the market freedoms have been reconceptualised as fundamental, Union citizenship, rights and their interpretation has adapted accordingly.

Part three of the book analyses the result of this process of transforming the market freedoms into sources of fundamental, Union citizenship, rights and considers where it is likely to lead in the future. It demonstrates that, despite the fact that this development appears to be the next natural step in the process of constructing a meaningful notion of Union citizenship, it brings with it a number of issues that the EU will have to consider and carefully address. In particular, the method which the Court seems, up until now, to have employed to facilitate the metamorphosis of the market freedoms into citizenship rights, has led to criticisms on the grounds of legitimacy and coherence and will, undoubtedly, lead to further problems in the future. Hence part three of the book also identifies the difficulties that may emerge as a result of this process and suggests ways in which they may be overcome.

Alina Tryfonidou is Associate Professor in EU Law at the University of Reading.

Series: Modern Studies in European Law
Apr 2016 | 9781782258155 | 232pp | Hbk
RSP: £55

Series: Modern Studies in European Law
Feb 2016 | 9781849461672 | 288pp | Hbk
RSP: £50
The Legitimacy of Family Rights in Strasbourg Case Law
‘Living Instrument’ or Extinguished Sovereignty? Carmen Draghici

Modern family life exhibits a huge variety of new forms. Legal responses to these new forms illustrate the continuing differences between European nations. Nonetheless, the Strasbourg Court has been increasingly active in this area, which provides fertile ground for testing the legitimacy of the Court’s interpretation of the European Convention on Human Rights. When national law refuses to recognize a claimed right, litigants regularly reassert that right before the Strasbourg Court. This has forced it to seek answers to complex domestic controversies such as the legal recognition for same-sex partners and transgender persons, the ethics of adoption and reproductive rights, the legal regime for cohabitants, or the accommodation of immigrants’ aspiration to family reunion.

Placing family rights at the core of the judicial legitimacy debate, this book provides a critical analysis of the standards of family rights protection under the Convention. It evaluates the Court’s interpretive methodology and discusses the tensions inherent in its supranational quasi-constitutional function. These include the risk of excessive deference to national authorities, at the expense of the effective enforcement of universal rights; the addition of “new rights”; and inattention to the division of responsibilities between democratic processes within sovereign States and the subsidiary international review.

Carmen Draghici is a Senior Lecturer in Law at the City Law School.

Reconceptualising European Equality Law
A Comparative Institutional Analysis Johanna Croon-Gestefeld

This important new book seeks to widen the understanding of the principle of equality within European law. Firstly, it deconstructs the European Court of Justice’s adjudication of cases in the field. It then explores how the Member States’ courts decide on the question of equality. This detailed rigorous research allows the author to argue for a reconceptualised equality doctrine. Such an adaptation, the author argues, will provide judges, practitioners and academics with the tools to balance institutional considerations against legalist interpretation. Theoretically ambitious, while grounded in practical application, this is a significant restatement of one of the key principles of European law: the equality doctrine.

Johanna Croon-Gestefeld is Postdoctoral Fellow at the Chair of Civil Law at Bucerius Law School.
This book analyses the interaction between European standardisation of the free movement of services and private law. Its starting point is an investigation into the ability of European standardisation of services to increase convergence in private law – allowing the private law orders of the Member States to be more closely aligned through European standardisation. However, it argues that there are some serious difficulties with both the relationship between European standardisation and services, and the relationship between standardisation and private law. This can be attributed to two paradoxes of convergence. First, it seems that while the European Commission would like European standardisation of services to develop in such a way that it can really contribute to the improvement of the internal market for services, it has not taken steps to control it or guarantee that any such standardisation complies with free movement law. Second, while stakeholders would like to apply European standards in private law, it would appear that they are less worried about the requirements that are imposed by private law before European standards can successfully be applied. It is not until these paradoxes are resolved that the aspiration of convergence in private law through European standardisation might become a reality.

Barend van Leeuwen is lecturer in law at Groningen University.

Series: Modern Studies in European Law
Mar 2017  |  9781509908332  |  240pp  |  Hbk
RSP: £60
EU Counter-Terrorism Law
Pre-Emption and the Rule of Law
Cian C Murphy
This study of the EU response to the 11 September 2001 attacks demonstrates how European counter-terrorism law strengthens state powers of coercion and control and weakens the rule of law. In this expanded new paperback edition a new Afterword examines mass surveillance in Europe and the implications for data privacy, the increasing court scrutiny of counter-terrorist finance measures, and policies that aim to prevent combatants from taking part in terrorism overseas. It asks where the limits of legality lie – and whether courts and parliaments can safeguard political freedom in the face of ongoing efforts to combat terrorism.

Cian C Murphy is Academic Co-Director of the Centre for Transnational Legal Studies at King’s College London.

Series: Modern Studies in European Law
Sept 2015 | 9781849468732 | 312pp | New in Pbk
RSP: £23.99

Fundamental Rights in EU Internal Market Legislation
Vasiliki Kosta
This book attempts to systematise the present interrelationship between fundamental rights and the EU internal market in the field of positive integration. Its intention is simple: to examine the way in which, and the extent to which, fundamental rights protection is realised through EU internal market legislation. To that end, the analysis is conducted around four rights or sets of rights: data protection, freedom of expression, fundamental labour rights and the right to health. The book assesses not only what substantive level of protection is achieved for these fundamental rights, but it also estimates whether there is a ‘fundamental rights culture’ that informs current legislative practice. Finally, it asks the overarching question whether the current state of harmonisation amounts to a ‘fundamental rights policy’.

The book offers a much more varied picture of the EU’s fundamental rights policy in and through the EU internal market than perhaps initially expected. Moreover, it builds the case for a more conscious approach to dealing with and enhancing fundamental rights protection in and through internal market legislation, and advocates a leading role for the legislature in the establishment of an internal market that is firmly based on respect for fundamental rights.

Vasiliki Kosta is Assistant Professor of European Law at Leiden University.

Series: Modern Studies in European Law
Nov 2015 | 9781849467117 | 384pp | Hbk
RSP: £60

Nudge and the Law
A European Perspective
Edited by Alberto Alemanno and Anne-Lise Sibony
This book explores the legal implications of the emergent phenomenon of behavioural regulation by focusing on the challenges and opportunities it may offer to EU policy-making and beyond.

Alberto Alemanno is Jean Monnet Professor of EU Law and Risk Regulation at HEC Paris.
Anne-Lise Sibony is Professor of EU Law at the University of Louvain.

Series: Modern Studies in European Law
Sept 2015 | 9781849467322 | 400pp | Hbk
RSP: £50

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The European Union is a key participant in international organisations with its involvement taking different forms, ranging from full membership to mere observer. Moreover, there is also not only one status of observer, but different ones depending on the constituent charters of the organisations. This book provides a comprehensive overview of the participation of the EU in five international organisations: the UN, the ILO, the WTO, the WHO and the WIPO. It identifies its role and influence in diverse areas of global governance, such as foreign policy, peace, human rights, social rights, trade, health and intellectual property.

EU and international experts, diplomats and scholars have contributed to this book to give an overview of the different aspects linked to the participation of the EU in these organisations and to the coordination that takes place internally with its Member States. They also examine the EU’s actual influence in the various areas and its contribution to global governance. The combination of these two dimensions allows the work to identify the strengths and weaknesses of the participation of the EU in these five international organisations.

The book provides valuable insights for scholars, policymakers and is useful for representatives of other international organisations and civil society actors.

Christine Kaddous is Professor, Jean Monnet Chair ad personam and Director of the ‘Centre d’études juridiques européennes’ (CEJE) at the University of Geneva.

Series: Modern Studies in European Law
Sept 2015  |  9781849467001  |  312pp  |  Hbk
RSP: £68

What Form of Government for the European Union and the Eurozone?
Edited by Federico Fabbrini, Ernst Hirsch Ballin and Han Somsen

What is the form of government of the European Union (EU)? And how is the institutional governance of the Eurozone evolving? These questions have become pressing during the last few years. On the one hand, the Euro-crisis and the legal and institutional responses to it have had major implications on the constitutional architecture of the EU and the Eurozone. On the other hand, the May 2014 elections for the European Parliament and the ensuing struggle to form the European Commission have brought to the fore new tensions in the EU political system. The purpose of this book, which brings together the contributions of EU lawyers, comparative constitutional lawyers and political scientists, from all over Europe and the United States, is to offer a new look at the form of government of the EU and the Eurozone and consider its potential for future development. While offering a plurality of perspectives on the form of government of the EU and the Eurozone, this book emphasises how the Euro-crisis represents a watershed in the process of European integration, makes the case for a more legitimate and effective form of government for the EU and the Eurozone, and identifies possible windows of opportunity for future treaty reforms.

The volume will provide food for thought for scholars, policy-makers and the public at large as they continue debating the most apt form of government for the EU and the Eurozone.

Federico Fabbrini is Associate Professor of European and International Law at the Faculty of Law, University of Copenhagen. Ernst Hirsch Ballin is Professor of Dutch and European Constitutional Law and Han Somsen is Professor of European Law, both at Tilburg University.

Series: Modern Studies in European Law
Aug 2015  |  9781849468107  |  344pp  |  Hbk
RSP: £60
SECOND EDITION
EU International Relations Law
Panos Koutrakos

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.

Panos Koutrakos is Professor of European Union Law and Jean Monnet Professor of European Law at City University London.

The Struggle for European Private Law
A Critique of Codification
Leone Niglia

The European codification project has rapidly gathered pace since the turn of the century. This monograph considers the codification project in light of a series of broader analytical frameworks – comparative, historical and constitutional – which make modern codification phenomena intelligible. This new reading across fields renders the European codification project (currently being promoted through the Common Frame of Reference and the Optional Sales Law Code proposal) vulnerable to constitutionally-grounded criticism, traceable to normative considerations of private law authority and legitimacy. Arguing that modern codification phenomena are more complex than positivist, socio-legal and historical approaches have suggested over the past two centuries, the book stages a pathbreaking method of analysis of the law-discourse (nomos-centred) which questions at once the reduction of private law to legislation and of law to power.

Leone Niglia is Director of the Centre for European Legal Studies at the University of Exeter.

Uniformity of Customs Administration in the European Union
Kathrin Limbach

The central question of this book concerns the challenge presented to executive federalism in the EU Customs Union by the WTO. It also examines those safeguard measures for uniform customs administration which are in operation. Valuable empirical analysis of the decision-making procedures and practices of the national customs authorities allows for the fullest understanding of the operation of the customs administration. Scholarly, rigorous and timely, this important study will be required reading for all scholars of EU customs law.

Kathrin Limbach is a Research Associate at the German Research Institute for Public Administration at Speyer.
Interparliamentary Cooperation in the Composite European Constitution
Edited by Nicola Lupo and Cristina Fasone

This collection analyses the place and the functioning of interparliamentary cooperation in the EU composite constitutional order, taking into account both the European and the national dimensions. The chapters join the recent scholarship on the role of parliaments in the EU after the Treaty of Lisbon. The aim of this volume is to highlight the constitutional significance of interparliamentary cooperation as a permanent feature of EU democracy and as a new parliamentary function as well as to investigate the practical side of this relatively new phenomenon. To this end the contributors are academics and parliamentary officials from all over Europe.

The volume discusses the developments in interparliamentary cooperation and its implications for the organisation and procedures of national parliaments and the European Parliament, for the fragmented executive of the EU, and for the democratic legitimacy of the overall EU composite Constitution. These issues are examined by looking at the European legislative process, the European Semester and the Treaty revisions. Moreover, the contributions take into account the effects of interparliamentary cooperation on the internal structure of parliaments and analyse the different models of interparliamentary cooperation, ie from COSAC to the new Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union provided by the Fiscal Compact.

Nicola Lupo is Professor of Public Law and Cristina Fasone is Assistant Professor of Comparative Public Law, both at LUISS Guido Carli University, Rome.

NEW SERIES! Parliamentary Democracy in Europe
May 2016 | 9781782256977 | 384pp | Hbk
RSP: £60

The Concept of Abuse in EU Competition Law
Law and Economic Approaches
Pinar Akman

The objective(s) of Article 102 TFEU, what exactly makes a practice abusive and the standard of harm under Article 102 TFEU have not yet been settled. This lack of clarity creates uncertainty for businesses and raises an important question of legitimacy. This book inquires into the possible objectives of Article 102 TFEU and proposes a modern approach to interpreting ‘abuse’. In doing so, it establishes an overarching concept of ‘abuse’ that conforms to the historical roots of the provision, to the text of the provision itself and to modern economic thinking on unilateral conduct. This book therefore inquires into what Article 102 TFEU is about, what it can be about and what it should be about.

The book demonstrates that the separation of exploitative abuse from exclusionary abuse is artificial and unsound. It examines the roots of Article 102 TFEU and the historical context of the adoption of the Treaty, the case law, policy and literature on exploitative abuses and, where relevant, on exclusionary abuses. The book investigates potential objectives, such as fairness and welfare, as well as potential conflict between such objectives. Finally, it critically assesses the European Commission’s modernisation of Article 102 TFEU, before proposing a reformed approach to ‘abuse’ which is centred on three necessary and sufficient conditions: exploitation, exclusion and a lack of an increase in efficiency.

Pinar Akman is Professor of law at the University of Leeds.

Jun 2015 | 9781849469722 | 376pp | New in Pb
RSP: £24.99
The Images of the Consumer in EU Law
Legislation, Free Movement and Competition Law
Edited by Dorota Leczykiewicz and Stephen Weatherill

This book consists of contributions exploring from different perspectives the ‘images’ of the consumer in EU law. The purpose of the volume is to establish what visions of the consumer there are in different contexts of EU law, whether they are consistent, and whether EU law’s engagement with consumer-related considerations is sincere or merely instrumental to the achievement of other goals.

Dorota Leczykiewicz is Associate Professor of Law and Stephen Weatherill is the Jacques Delors Professor of European Law, both at the University of Oxford.

Series: Studies of the Oxford Institute of European and Comparative Law
Jan 2016 | 9781849465441 | 488pp | Hbk | RSP: £75

Passing Wealth on Death
Will-Substitutes in Comparative Perspective
Edited by Alexandra Braun and Anne Röthel

For the first time, this collection of contributions looks at will-substitutes from a comparative perspective. The aims of the volume are to show the complexity and dynamics of wealth transfers on death across jurisdictions, to identify patterns between jurisdictions, and to report the attitudes towards the different modes of transfer in light of their utility and the potential frictions they give rise to with policies and principles underpinning current laws.

Alexandra Braun is Professor of Comparative Private Law at the University of Oxford. Anne Röthel is Professor of Law at the Bucerius Law School in Hamburg.

Series: Studies of the Oxford Institute of European and Comparative Law
Jul 2016 | 9781849466981 | 408pp | Hbk | RSP: £75

The EU Charter of Fundamental Rights as a Binding Instrument
Five Years Old and Growing
Edited by Sybe de Vries, Ulf Bernitz and Stephen Weatherill

The entry into force of the Treaty of Lisbon in 2009 caused the EU’s Charter of Fundamental Rights to be granted binding effect. This raised a host of intriguing questions. Would this transform the EU’s commitment to fundamental rights? How, if at all, can we balance competing rights and principles? How deeply does the EU conception of fundamental rights reach into and bind national law and practice? How much flexibility has been left to the Court in making these interpretative choices? This book addresses all of these questions in the light of five years of practice under the Charter as a binding instrument.

Sybe de Vries is Professor of EU Single Market Law and Fundamental Rights at Utrecht University. Ulf Bernitz is Professor of European Law at Stockholm University.

Series: Studies of the Oxford Institute of European and Comparative Law
Dec 2015 | 9781782258254 | 416pp | Hbk | RSP: £70
The Freedom of Peaceful Assembly in Europe
Edited by Anne Peters and Isabelle Ley

This volume presents an accessible overview of the current state of the legislation on the freedom of assembly in eleven selected member states of the Venice Commission: the UK, France, the US, Belgium, Germany, Turkey, the Russian Federation, the Ukraine, Poland, Hungary and Tunisia. The volume may serve as a work of reference for the researcher or practitioner who seeks specific information on the legal bases, restrictions, or implementation of the freedom of assembly in a specific country or on more recent themes such as the legal implications of flashmobs. It is also a helpful starting point for anyone interested in comparing the state of assembly legislation in Europe and beyond. Next to information on details of the domestic regulation of assemblies, each study contains information on recent events, changes and debates on the laws on assemblies. Examples are the handling of the Arab spring in Tunisia, freedom of assembly-implications and management of the Gezi Park protests in Turkey, or the constitutional upheavals in the Ukraine.

Anne Peters is Director of the Max Planck Institute for Comparative Public Law and International Law.

Isabelle Ley is senior research fellow at the Max Planck Institute for Comparative Public Law and International Law.

Jun 2016 | 9781509906994 | 352pp | Hbk RSP: £100

The Recovery of Maintenance in the EU and Worldwide
Edited by Paul Beaumont, Burkhard Hess, Lara Walker and Stefanie Spancken

This book grew out of a major European Union (EU) funded project on the Hague Maintenance Convention of 2007 and on the EU Maintenance Regulation of 2009. The project involved carrying out analytical research on the implementation into national law of the EU Regulation and empirical research on the first year of its operation in practice. The project also engaged international experts in a major conference on recovery of maintenance in the EU and worldwide in Heidelberg in March 2013. The contributions in this book are the revised, refereed and edited versions of the best papers that were given at the conference. The book is divided into four parts: (i) comparative context (ii) international, looking at national and non-European regional practice and how the Hague Convention could change things; (iii) international and the EU, looking at issues covered by both the Hague Convention and the EU Regulation; and (iv) the EU - looking at the Maintenance Regulation. This is the first study to look carefully at both of the new cross-border maintenance regimes globally and in Europe and to begin the examination of the practical operation of the latter regime. The approval of the Hague Convention by the EU on 9 April 2014 is a major step forward for its practical significance in enabling the recovery of child and spousal support, as from 1 August 2014 all of the 28 EU Member States apart from Denmark will be bound by the Convention.

Paul Beaumont is Professor of European Union and Private International Law at the University of Aberdeen. Burkhard Hess is the Director of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. Lara Walker is a Lecturer in Law at the University of Sussex. Stefanie Spancken is undergoing legal traineeship at the District Court of Münster.

National and Regional Parliaments in the EU-Legislative Procedure Post-Lisbon
The Impact of the Early Warning Mechanism
Edited by Anna Jonsson Cornell and Marco Goldoni

Much has changed in European constitutional law after the Lisbon Treaty, not least the efforts to increase democratic legitimacy by engaging national legislatures and introducing a stricter subsidiary review process (namely the Early Warning Mechanism (EWM)). This collection looks at the how national parliaments have adapted to their new roles and looks at how the new system has impacted on relations between the EU legislative bodies and these national parliaments. A team of experts from across Europe explore the effect of the EWM on the national constitutional orders; analyse the regional impact of EWM and evaluate the new system of scrutiny.

Anna Jonsson Cornell is Associate Professor of Comparative Law at the University of Uppsala. Marco Goldoni is lecturer at the Law School, University of Glasgow.

Jan 2017 | 9781782259176 | 336pp | Hbk | RSP: £60

Brussels Commentary on EU Maritime Law
Henning Jessen and Michael Jürgen Werner

Waterborne transport is of crucial importance within the European Union. Almost 90% of the EU’s external freight trade and 40% of the intra EU-exchanges of goods and passengers are carried by sea. 23 EU Member States are coastal states and 26 are Flag States. EU shipowners manage 30% of the world’s vessels and 35% of the global shipping tonnage. Each year, more than 400 million passengers pass through European ports.

The Framework of the ‘Erika Packages’ adds another regulatory level to the existing global legal regime. As a result, almost all aspects of maritime transport and shipping are now regulated by EU Law.

Brussels Commentary on EU Maritime Law provides a comprehensive article-by-article analysis of the most relevant of these EU Regulations and EU Directives.

Henning Jessen is Professor at the University of Hamburg. Michael Jürgen Werner is Partner at Norton Rose Fulbright LLP, Brussels, Belgium.

Jun 2016 | 9781509905607 | 1504pp | Hbk | RSP: £303

Constructing the Person in EU Law
Rights, Roles, Identities
Edited by Loïc Azoulai, Ségolène Barbou des Places and Etienne Pataut

The European Union places the ‘individual’ or person, ‘at the heart of its activities’. It is a central concept in all of EU economics, politics, society and ethics. The 15 chapters in this innovative edited collection argue that EU law has had a transformative effect on this concept. The collection looks at the mechanisms used when ‘constructing the person’ in EU law. It goes beyond traditional literature on ‘Europe and the Individual’, exploring the question of personhood through critical and contextual perspectives. Constructing the Person in EU Law: Rights, Roles, Identities brings together contributions and debates from experts around Europe to this key question.

Loïc Azoulai is Professor of European Law at Sciences Po Law School. Ségolène Barbou des Places is Professor of Public Law and Etienne Pataut is Professor of Private Law, both at the Sorbonne School of Law, University Paris-I.

Jul 2016 | 9781782259336 | 344pp | Hbk | RSP: £55
EU Civil Justice
Current Issues and Future Outlook
Edited by Burkhard Hess, Maria Bergström and Eva Storskrubb

This book brings together some of the most prominent scholars working within the fast-evolving field of EU civil justice. Civil justice has an impact on matters involving, inter alia, family relationships, consumers, entrepreneurs, employees, small and medium-sized businesses and large multinational corporations. It therefore has great power and potential. Over the past 15 years a wealth of EU measures have been enacted in this field. Issues arising from the implementation thereof and practice in relation to these measures are now emerging. Hence, this volume will explore the benefits as well as the challenges of these measures.

Burkhard Hess is Director at the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. Maria Bergström is Associate Professor of European Law and Eva Storskrubb is Marie Curie Research Fellow, both at Uppsala University.

Swedish Perspectives on Private Law Europeanisation
Edited by Annina H Persson and Eleonor Kristoffersson

As part of the European integration, an ambitious programme of harmonisation of European private law is taking place. This book the work of both legal scholars and politicians, aims to create a modern codification in the tradition of the great continental codifications such as the BGB and the Code Civil. A significant step towards this development was taken in 2009 with the creation of the Draft Common Frame of Reference which contains model rules for a large part of central private law.

Annina H Persson is Professor in Private Law and Eleonor Kristoffersson is Professor in Tax Law, both at Örebro University, Sweden.

Harmonising EU Competition Litigation
The New Directive and Beyond
Edited by Maria Bergström, Marios Iacovides and Magnus Strand

This book heralds the new harmonised regime of private enforcement of EU competition law. In 2013, the Commission issued a Communication and Practical Guide to the quantification of harm in antitrust litigation and a Recommendation on collective redress. In 2014, the long-awaited Directive on actions for damages for infringements of EU competition law was finally adopted. In 2016, the Commission is expected to issue guidelines on the passing-on of overcharges. This book examines these recent developments and offers the perspectives of judges, officials, practitioners and academics.

Marios Iacovides is a Doctoral Candidate in European Law and Magnus Strand is Doctor of Laws in European Law, both at Uppsala University.
The European Banking Union
A Compendium
Edited by Jens-Hinrich Binder and Christos Gortsos

The creation of the European Banking Union and the transfer of supervisory and resolution powers from the Member States to the European level has drastically changed the institutional setting for banking supervision within the Eurozone. Against this backdrop, the book combines a collection of the legal instruments pertaining to the Banking Union with introductory chapters on the policy background and relevant institutional and substantive issues, including procedural matters and questions of legal redress. It thus offers a straightforward access to the relevant policy and substantive issues, which will be of help for practitioners, academics and students. Both editors have published on the relevant aspects before and combine the perspectives of different jurisdictions.

Jens-Hinrich Binder is Professor of Law at Eberhard-Karls-Universitaet Tuebingen. Christos Gortsos is Professor of International Economic Law at the Panteion University of Athens.

Jan 2016 | 9781509904532 | 384pp | Pbk RSP: £74.99

SECOND EDITION
EU Immigration and Asylum Law
A Commentary
Edited by Kay Hailbronner and Daniel Thym

National rules on immigration and asylum have been transformed in recent years. EU Directives and Regulations, including the relevant case law of the European Court of Justice, have become ever more important – for those working in ministries, immigration authorities, national courts, academia, non-governmental organisations and also for those who are practising lawyers. The fundamentally revised and amended second edition of this book focuses on core legislation, including the Asylum Qualification Directive, the Asylum Procedure and Reception Directives, the Dublin III Regulation, the Border Code, Visa and Frontex Regulations, the Family Reunion Directive, the Blue Card Directive, the Long Term Residents’ Directive and the Return Directive.

Kay Hailbronner is Professor Emeritus of law at the University of Konstanz. Daniel Thym holds the chair of Public, European and International Public Law at the University of Konstanz.

Jun 2016 | 9781849468619 | 1500pp | Hbk RSP: £285

Violations of Personality Rights through the Internet
Jurisdictional Issues under European Law
Edina Mártan

This book considers jurisdictional issues on violations of personality rights through the Internet under the so-called ‘Brussels-Lugano Regime’ and centres on the special rule of jurisdiction in matters relating to tort, delict, or quasi-delict. It notes the governing objectives and underlying principles of this special rule; analyses its interpretation through the judgments of the ECJ, especially Bier, Shevill, and eDate and Martinez; and explores views expressed in legal theory and national judicial practice regarding its application for localising online violations of personality rights.

Edina Mártan was PhD Student at University of Saarbrucken.

Jun 2016 | 9781509908028 | 384pp | Hbk | RSP: £95
The Transformation of Enforcement
European Economic Law in a Global Perspective
Edited by Hans W Micklitz and Andrea Wechsler

This insightful book considers the phenomenon of the transformation of enforcement in European economic law while adopting a distinct global perspective. The editors identify and respond to the need for reflection on transformation processes in the area of enforcement by bringing together the leading international and European scholars in a variety of disciplines to share and compare experiences and learning in different areas of law.

Rooted in a wide and regulatory understanding of enforcement, this book showcases the transformation of enforcement with reference to both European economic law (especially transnational commercial law, competition law, intellectual property law, consumer law) and to the current context of significant global economic challenges. Comparative perspectives facilitate the formation of a holistic perspective on enforcement that reaches beyond distinct theoretical accounts, political agendas, regulatory systems, institutional patterns, particular remedies, industry sectors, and stakeholder perspectives. As the first comprehensive and comparative analysis of the enforcement of European economic law that reaches beyond closely confined areas of law, it constitutes a crucial contribution to the theoretical and policy questions of how to design a coherent European enforcement architecture in accordance with essential principles and objectives of the EU economic order.

This unique study will have broad appeal. By exploring enforcement transformations from a legal and a cross-disciplinary perspective, it will be essential reading for scholars, practitioners and policymakers from different disciplines.

Hans W Micklitz is Professor of Economic Law at the European University Institute.
Andrea Wechsler is Professor of Economic Law at Pforzheim University.

Abuse of EU Law and Regulation of the Internal Market
Alexandre Saydé

How can the concept of abuse of European Union law – which can be defined as undesirable choice of law artificially made by a private citizen – generate so much disagreement among equally intelligent individuals? Seeking to transcend the classical debate between its supporters and adversaries, this book submits that the concept of abuse of EU law is located on three major fault-lines of EU law, which accounts for the well-established controversies in the field.

The first fault-line, which is common to all legal orders, opposes legal congruence (the tendency to yield equitable legal outcomes) to legal certainty (the tendency to yield predictable legal outcomes). Partisans of legal congruence tend to advocate the prohibition of abuses of law, whereas partisans of legal certainty tend to oppose it.

The second fault-line is specific to EU law and divides two conceptions of the regulation of the internal market. If economic integration is conceived as the promotion of cross-border competition among private businesses (the paradigm of ‘regulatory neutrality’), choices of law must be proscribed as abusive, for they distort business competition. But if economic integration is intended to promote competition among Member States (the paradigm of ‘regulatory competition’), choices of law by EU citizens represent a desirable process of arbitrage among national laws.

The third and final fault-line corresponds to the tension between two orientations of the economic constitution of the European Union, namely the fear of private power and the fear of public power. Those who fear private power most tend to endorse the prohibition of abuses of law, whereas those who fear public power most tend to reject it.

Alexandre Saydé works as a Référendaire at the Court of Justice of the European Union in Luxembourg.
EU Law and Integration
Twenty Years of Judicial Application of EU law
José Luís da Cruz Vilaça

This book contains a collection of articles on different aspects of EU law written by one of Europe’s most distinguished jurists during the past twenty years, some of which appear here for the first time in English. The book is divided into five parts, covering EU constitutional law, the EU’s judicial architecture, access to justice, European competition law and various other aspects of substantive EU law. Drawing on his own experiences, the author examines the problems and challenges facing the setting up of a new EU court and explores different lines of reform of the EU judicial system.

José Luís da Cruz Vilaça is Judge at the European Court of Justice.

Sept 2016 | 9781509909889 | 386pp | New in Pbk
RSP: £24.99

European Contract Law
Reiner Schulze and Fryderyk Zoll

European contract law is often an unfamiliar subject as its content, methods and objectives are overshadowed by national laws.

This book provides fundamental information about the content, methods and objectives of European legislation in the field of contract law and explains the interaction between the legislator, judges and academics during the creation of European contract law. It attempts to show how a system arises from the dialogue between the different sources. It therefore focusses not only on current EU legislation but also the extensive preparatory works in which the authors of this book were actively involved.

Reiner Schulze is Professor of German and European Civil Law at the University of Münster. Fryderyk Zoll is Professor of Polish and European Private Law at the University of Osnabrück.

Jan 2016 | 9781509900428 | 300pp | Hbk
RSP: £95

Food Security, Food Safety, Food Quality
Current Developments and Challenges in European Union Law
Edited by Ines Härtel and Roman Budzinowski

Today the security, quality and availability of food are very important. The complex relations of the above mentioned issues evolve in different fields of law. This book covers a wide range of topics via analysis and discussion in the European context, such as the right to food, Common Agricultural Policy, contractual relations and value chains in the agri-food sector, organic farming, food production safety issues, questions of food labelling, Health Claims, Novel Food, Patents, the role of institutions such as EFSA, the responsibility of trade and CSR. Legal frameworks, essential concerns and future developments of food security, food safety and food quality are the basis for discussion and solution finding.

Ines Härtel is Vice-President and law professor at Viadrina University Frankfurt/Oder, Germany. Roman Budzinowski is law professor and faculty director at Adam Mickiewicz University Poznan, Poland.

Sept 2016 | 9781509911318 | 304pp | Hbk | RSP: £75
Regulation of Sexualized Speech in Europe and the United States
Lawrence Siry

This work is a unique, comprehensive study of sexualized speech regulation, reviewing the paradigms of enforcement and looking forward to determine how governments will react to challenges in an interconnected world. A challenge will be to find a balance between freedom of expression and protection of societal interests. Challenges of the freedom of expression are many and often restrictions seem reasonable and justified. The ideal of free expression is often more noble than the speech that is suppressed. It is particularly because of the unpopularity of some of this sexualized speech and some speakers that eternal vigilance may be required.

Lawrence Siry is a Research Assistant in the Faculty of Law, Economics and Finance at the University of Luxembourg.

Feb 2016 | 9781509905676 | 752pp | Hbk | RSP: £190

The EEA and the EFTA Court
Decentred Integration
Edited by Members of the EFTA Court

The EEA Agreement extends the free movement of persons, goods, services and capital to the EEA/EFTA States: Iceland, Liechtenstein and Norway. It provides for equal conditions of competition and abolishes discrimination on grounds of nationality in all 31 EEA States. The successful operation of the EEA depends upon a two-pillar system of supervision involving the European Commission and the EFTA Surveillance Authority. A two-pillar structure has also been established in respect of judicial control with the EFTA Court operating in parallel to the Court of Justice of the European Union. The EFTA Court, which celebrates its 20th anniversary in 2014, has jurisdiction with regard to EFTA States which are parties to the EEA Agreement. The jurisdiction of the EFTA Court accordingly corresponds to the jurisdiction of the Court of Justice of the European Union over EU Member States in matters of EEA law.

Jan 2015 | 9781849466264 | 596pp | Hbk | RSP: £75

EU Social Security Law
A Commentary on EU Regulations 883/2004 and 987/2009
Edited by Maximilian Fuchs and Robertus Cornelissen

From its earliest days, the European Union has placed a strong emphasis on social security and its coordination. The EU regulations on social security have the objective of protecting those employers who seek to rely on that core value of the European Union: the right to free movement. In addition, regulations in the field seek to provide protection for all workers and their family members who cross the Union's internal borders, whether for professional or personal reasons. However, the sheer variety of social security systems across the member states makes coordination in the field challenging. This authoritative and comprehensive work offers a clear exposition of the law in the field.

Maximilian Fuchs is Professor of Law, Catholic University of Eichstätt-Ingolstadt. Robertus Cornelissen is Guest-Professor of Law, University of Brussels.

Nov 2015 | 9781509903672 | 580pp | Hbk | RSP: £161
**Legal Insanity and the Brain**  
*Science, Law and European Courts*  
*Edited by Sofia Moratti and Dennis Patterson*

This landmark publication offers a unique comparative and interdisciplinary study of criminal insanity and neuroscience. Criminal law theories and ideologies which underpin the regulation of criminal insanity have always been the subject of controversy. The history of criminal insanity is characterised by conceptual and empirical tension between two disciplinary realms: the law and the mind sciences. The authors in this anthology explore in depth the state of the art of legal insanity and the numerous intricate, fascinating, pioneering and sophisticated questions raised by the integration of different criminal law and behaviour theories, diverse disciplines and methodologies, in a genuinely interdisciplinary perspective. This volume will serve as a practical guide for the comparative legal scholar and the judge, as well as stimulating scholarly reading for the neuroscientist, the social scientist and the philosopher with interdisciplinary scientific interests.

*Sofia Moratti* is Senior Research Fellow at the Department of Law of the European University Institute in Florence.  
**Dennis Patterson** is Board of Governors Professor of Law and Philosophy at Rutgers University.

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<th>Judging Europe’s Judges</th>
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| *The Legitimacy of the Case Law of the European Court of Justice*  
*Edited by Maurice Adams, Henri de Waele, Johan Meeusen and Gert Straetmans*|

After successive waves of EU enlargement, and pursuant to the entry into force of the Lisbon Treaty, the European Court of Justice finds itself on the brink of a new era. Both the institution itself and the broader setting within which it operates have become more heterogeneous than ever before. The issues now arriving on its docket are also often of great complexity, covering an unprecedented number of fields. The aims of this volume are to study the impact of these developments, examine the legitimacy of the Court’s output in this novel context and provide an appraisal of its overall performance. In doing so, specific attention is paid to its most recent case law on four topics: the general principles of EU law, external relations, the internal market and Union citizenship.

*Maurice Adams* is Professor of General Jurisprudence and ‘vfund’ Professor of Democratic Governance and the Rule of Law at Tilburg University.  
**Henri de Waele** is Professor of International and European Law at Radboud University Nijmegen and Guest Professor of European Institutional Law at the University of Antwerp.  
**Johan Meeusen** is Vice-Rector and Professor of European Union Law and Private International Law and  
**Gert Straetmans** is Professor of European Economic and Commercial Law, both at the University of Antwerp.

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The New European Patent
Alfredo Ilardi

On 17 December 2012, following a complex negotiation which lasted 12 years, the European Parliament adopted Regulations (EU) 1257/2012 and 1260/2012 and the text of the Agreement on a Unified Patent Court (UPC Agreement). These instruments institute the 'European patent with unitary effect', the first unified system for the protection of inventions within the European Union. The two Regulations will be applicable after the entry into force of the UPC Agreement, which was signed on 19 February 2013 by 24 Member States of the European Union.

This book traces the evolution of the idea behind the institution of the European patent with unitary effect, including a comparative analysis of the existing parallel regional and international procedures for the protection of inventions. It presents a synthesis of the different phases of the negotiations which led to the adoption of the first unitary patent system within the European Union. In addition it examines the provisions of the two Regulations, of the UPC Agreement and of the jurisdictional system under Brussels I Regulation. Finally, the Appendix contains the text of Regulations (EU) 1257 and 1260/2012 and of the UPC Agreement.

Alfredo Ilardi is former Head of the Collection of Laws and Treaties of the World Intellectual Property Organization (WIPO).

Europe’s Justice Deficit?
Edited by Dimitry Kochenov, Gráinne de Búrca and Andrew Williams

The gradual legal and political evolution of the European Union has not, thus far, been accompanied by the articulation or embrace of any substantive ideal of justice going beyond the founders’ intent or the economic objectives of the market integration project. This absence arguably compromises the foundations of the EU legal and political system since the relationship between law and justice—a crucial question within any constitutional system—remains largely unaddressed. This edited volume brings together a number of concise contributions by leading academics and young scholars whose work addresses both legal and philosophical aspects of justice in the European context. The aim of the volume is to appraise the existence and nature of this deficit, its implications for Europe’s future, and to begin a critical discussion about how it might be addressed.

There have been many accounts of the EU as a story of constitutional evolution and a system of transnational governance, but few which pay sustained attention to the implications for justice. The EU today has moved beyond its initial and primary emphasis on the establishment of an Internal Market, as the growing importance of EU citizenship and social rights suggests. Yet, most legal analyses of the EU treaties and of EU case-law remain premised broadly on the assumption that EU law still largely serves the purpose of perfecting what is fundamentally a system of economic integration. The place to be occupied by the underlying substantive ideal of justice remains significantly underspecified or even vacant, creating a tension between the market-oriented foundation of the Union and the contemporary essence of its constitutional system. The relationship of law to justice is a core dimension of constitutional systems around the world, and the EU is arguably no different in this respect.

Dimitry Kochenov, Gráinne de Búrca and Andrew Williams are respectively Professor of EU Constitutional Law at Groningen Faculty of Law, Florence Ellinwood Professor of Law at NYU Law School and Professor at Warwick School of Law.
The current economic and financial crisis erupted several years ago. Its effects impacted deeply upon society, in which legal rules and social patterns have developed to enable the establishment of civilisation, justice and peace. Over time it has become more and more obvious that policy, financial and economic actors have adopted austerity measures as a main tool to solve the ensuing problems, and that these measures have hit social policy standards sometimes dramatically.

Recent analyses have dealt with several aspects of this issue. This book focuses on one important element: the impact on collective labour law. It seeks to add to the debate by presenting mainly legal arguments derived from different sources and backgrounds, examining the EU and ‘Troika’ measures, the economic and political background and the sometimes dramatic consequences of austerity measures on democracy, collective bargaining and the right to strike. Against the framework of EU law, the relevant ILO Conventions, (Revised) European Social Charter and European Convention on Human Rights provisions, the non-compliance of these measures is analysed and demonstrated. The book is also dedicated to procedural questions, and in particular, how legal approaches may be used to challenge austerity measures.

Niklas Bruun is Professor of Law at the Hanken School of Economics in Helsinki. Klaus Lörcher is former Legal Adviser to the European Trade Union Confederation (ETUC) and former Legal Secretary of the Civil Service Tribunal of the European Union. Isabelle Schömann is Senior Researcher at the European Trade Union Institute (ETUI).