

Laws & Cases Cheat Sheet

Introduction to the EU Institutions

<p>Treaty of European Union (Maastricht Treaty)</p>	<ul style="list-style-type: none"> • Signed in 1992, enforced 1993 • Pillar 1: EEC>EC • Pillar 2: Framework for Member States to cooperate in the fields of Justice and Home Affairs • Pillar 3: Co-Operative framework for Member States to adopt common positions on areas of common foreign and security policy • NOTE: Treaty – nothing to give EU control over the foreign or security policies of any of the Member States • Euro formed + European Central Bank established • 'Social Chapter' – further rights for workers and social policy issues (but UK negotiated opt-out)
<p>Treaty of Lisbon Treaty on the Functioning of the European Union (TFEU)</p>	<ul style="list-style-type: none"> • Gave the current structure of the EU • Amended TEU • Amend Treaty of Rome
<p>Primary Legislation</p>	<p>EU Treaties</p> <ul style="list-style-type: none"> • TFEU & TEU • European Convention on Human Rights is NOT an EU Treaty and has NO direct relationship with the EU
<p>Secondary Legislation</p>	<p>Regulations</p> <ul style="list-style-type: none"> • Legislation adopted using legislative procedure • Directly applicable to Member States • Apply in member states without them having to enact their own legal measures to implement or give effect to them <p>Directives</p> <ul style="list-style-type: none"> • Member states must pass national legislation to implement them • Binding as to the result but national authorities choose form and methods • Deadline <ul style="list-style-type: none"> ◦ In the Directive (usually 2 years) ◦ 20 days after publication - Article 297 TFEU • Failure to implement -> ECJ <p>Decisions of the ECJ</p> <ul style="list-style-type: none"> • Legally binding on parties they are addressed to <p>Case Law & Soft Law</p> <ul style="list-style-type: none"> • Ability to enforce rights under EU law in national courts • Non-binding recommendations and opinions

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Michael Rajnik



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Business Periodicals Index, 1993 The Margins of European Law Ian Ward, 1996-09-18 The Margins of European Law attempts to provide a critical and sceptical approach to European law The related themes of the book attempt to introduce a historical and theoretical context for European law Ultimately it is suggested that the new European order requires a very different legal and jurisprudential approach one which is distinctively post modern European Community law at its margins is a mass of inconsistencies and injustices and a post modern model can better effect the erasing of the margins of European law *Compliance and the Enforcement of EU Law* Marise Cremona, 2012 *EU Law of Free Movement of Goods and Customs Union* Laurence W. Gormley, 2009-11-26 A detailed treatment of the subject examining both the relevant legislation and the case law of the EC Court of Justice this work derives from a section in the looseleaf Law of the EU Vaughan Robertson eds and is made available here for the benefit of those who don't subscribe to the looseleaf

Unjustified Enrichment Christian von Bar, Stephen Swann, Study Group on a European Civil Code, 2010 Unjustified enrichment is one of the three main non contractual obligations dealt with in the Draft of a Common Frame of Reference In recent years unjustified enrichment has been one of the most intellectually animated areas of private law In an area of law whose territory is still partially uncharted and whose boundaries are contested this volume of the series Principles of European Law will be invaluable for academic analysis of the law and its development by the courts During the drafting process comparative material from over 25 different EU jurisdictions has been taken into account The work therefore is not only a presentation of a future model for European rules to come but provides also a fairly detailed indication of the present legal situation in the Member States **Research Handbook on the Enforcement of EU Law** Miroslava

Scholten, 2023-09-06 This comprehensive Research Handbook investigates the success of EU law enforcement processes Going beyond traditional analyses of administrations and courts in isolation it focuses on the increased cooperation seen between national and EU authorities and on the widening variety of means used to enhance compliance with EU norms

Research Handbook on the Law of the EU's Internal Market Panos Koutrakos, Jukka Snell, 2017-01-27 While the internal market has been at the heart of the European project from the very beginning it has rarely been the subject of sustained and comprehensive scholarly examination in its entirety In the face of profound legal political and policy pressures this timely Research Handbook reflects on the cutting edge issues horizontal themes and the big questions which illuminate the shape of the internal market It places the law and policy of the internal market within the context of the financial crisis and the existential questions this has raised for future European integration **The Passing-On Problem in Damages and**

Restitution under EU Law Magnus Strand, Ignacio García-Perrote Martínez, 2023-12-11 Passing on occurs when harm or loss incurred by a business is passed on to burden that business's customers or the next level of the supply chain In this thoroughly revised and updated second edition the authors provide the only available comprehensive examination of passing

on in damages and restitution under EU law The analysis covers a broad range of contexts including competition damages and the repayment of charges

Towards a Sustainable European Company Law Beate Sjøfjell, 2009-01-01 No one doubts any longer that sustainable development is a normative imperative Yet there is unmistakably a great reluctance to acknowledge any legal basis upon which companies are obliged to forgo shareholder value when such a policy clearly dilutes responsibility for company action in the face of continuing environmental degradation Here is a book that boldly says Shareholder primacy is wrong Such a narrow short term focus the author shows works against the achievement of the overarching societal goals of European law itself The core role of EU company and securities law is to promote economic development notably through the facilitation of market integration while its contributory role is to further sustainable development through facilitation of the integration of economic and social development and environmental protection There is a clear legal basis in European law to overturn the poorly substantiated theory of a market for corporate control as a theoretical and ideological basis when enacting company law With rigorous and persuasive research and analysis this book demonstrates that European companies should have legal obligations beyond the maximization of profit for shareholders human and environmental interests may and should be engaged with in the realm of company law and company law has a crucial role in furthering sustainable development As a test case the author offers an in depth analysis of the Takeover Directive showing that it neither promotes economic development nor furthers the integration of the economic social and environmental interests that the principle of sustainable development requires This book goes to the very core of the ongoing debate on the function and future of European company law Surprisingly it does not make an argument in favour of changing EU law but shows that we can take a great leap forward from where we are For this powerful insight and the innumerable recognitions that support it this book is a timely and exciting new resource for lawyers and academics in both camps those on the activist side of the issue and those with company or official policymaking responsibilities

EU Law Enforcement

Stefano Montaldo, Francesco Costamagna, Alberto Miglio, 2021-02-22 The existence of a structured enforcement system is an inherent feature of national legal orders and one of the core elements of State sovereignty The very limited power to issue sanctions has often been deemed a gap in the EC legal order Over the years the situation has progressively changed The Union's institutional setting is growing in complexity and a variety of agencies has been or is expected to be endowed with law enforcement responsibilities In addition the so called competence creep has led the EU to play an increasingly prominent role in several areas of EU law enforcement including the issuing of sanctions This book examines these developments focusing on both the general features of the EU legal order and the analysis of key substantive areas such as banking and monetary union environmental law and data protection The work thus presents a general framework for understanding EU sanctioning based on structural features and general legal principles Part I develops an analytical framework tracking the most significant evolutive patterns of EU sanctioning powers Part II adopts a more practical approach focusing on specific

issues and policy areas The book bridges a gap in existing literature and sheds new light on the relationship between the exercise of jus puniendi and the evolution of EU integration European Corporate Law Adriaan F.M. Dorresteyn et al.,2022-07-26 This fully updated new edition provides an overview of the law regarding companies business organizations and capital markets in Europe at both the European Union EU and Member State levels It introduces the reader to the EU harmonization programme and describes how this has influenced corporate law in the various EU Member States The authors describe common denominators as well as differences in the approach of national corporate laws The authors highlight current and emerging trends in these areas of corporate law including the freedom of establishment of companies within the EU the European harmonization process and Member States implementation of EU legislation employee involvement in business organizations the division of power between the different corporate bodies the functioning and regulation of company groups and cross border business combinations takeovers and restructuring tools The laws of France Germany and the Netherlands in particular are discussed and contrasted This discussion also includes the United Kingdom although no longer an EU Member State As in earlier editions the authors demonstrate that analysis and comparison of national corporate laws yield highly valuable general principles and observations not least because business organizations wherever located tend to show a fundamentally similar set of legal characteristics The Fourth Edition will continue to be of great value to practitioners and academics who wish to acquire a better understanding of European corporate law in its supranational dimension as well as in the similarities and differences among the various national legal systems It can also be used as a handbook for comparative corporate law courses **E-Directives:Guide to European Union Law on**

E-Commerce - Commentary on the Directives on Distance Selling, Electronic Signatures, Electronic Commerce, Copyright in the Information Society, and Data Protection Arno Lodder,2002-01-30 *Regional Private Laws and Codification in Europe* Hector L. MacQueen,Antoni Vaquer,Santiago Espiau Espiau,2003-10-16 Regions within European Union member states such as Scotland in the UK and Catalonia in Spain have their own legal systems how will the process of Europeanization affect them This volume examines the phenomenon of regional private law in the European Union considering jurisdictions and laws below those of the member states and drawing comparisons with other such jurisdictions elsewhere in the world such as Louisiana and Quebec The whole is considered in relation to the development of European private law and the use of codification in that process This volume will be of interest to academic lawyers worldwide advanced law students and European policy makers *The Making of European Private Law: Why, How, What, Who* ,2013

General Principles of EU Law and the EU Digital Order Ulf Bernitz,Xavier Groussot,Jaen Paju,Sybe de Vries,2020-01-09 Digitalization of societies has important ramifications for citizens and businesses The digital landscape is rapidly changing whereas at the same time there are growing concerns about how market access in the EU s digital market as well as fundamental rights can be sufficiently safeguarded in the shadow of big data and algorithms This timely and

important book presents expert analyses of how digitalization raises questions of the future role for general principles of European Union EU law including the foundational principles of the EU s fundamental economic freedoms and EU competition rules Examining a number of issues revolving around the internal market the digital single market competition law intellectual property data protection democracy and the rule of law the contributors provide deeply informed insights of the challenges as to effects of the technological disruption on the doctrine of general principles the resilience of general principles in the digital society the need to rely on new general principles in the digital society the realization of the digital single market the safeguarding of fundamental rights and the rule of law The contributors are highly esteemed scholars from major European universities A common theme is the need for judicial evolution of EU fundamental rights law in the digital era alongside penetrating analyses of recent Court of Justice of the European Union case law on the impact of digitalization Dealing as it does with an area of European law of particular complexity and rapidly growing importance the anthology provides insights and knowledge about the ways in which digitalization is rapidly changing EU law Are general principles of EU law as developed in an analogue world sufficiently resilient to withstand the rapid and often disruptive developments taking place in the digital marketplace The fresh look at the concept of general principles taken by the various contributors helps to clarify the actual application in EU law in areas related to the ongoing digitalization of our society It will be greatly appreciated by practitioners policymakers and academics active in any of the many fields of law affected by the digital revolution

EU Criminal Law and Justice Maria Fletcher, William C. Gilmore, 2010-01-01 this book fills a significant gap in the English language literature and must be read by all who seek to understand why profound reflection is needed on the theoretical underpinnings of EU criminal justice Samuli Miettinen *Journal of Common Market Studies* The book contains a number of interesting arguments and comments on the development of EU criminal law the authors efforts to provide a generalist book in this ever growing increasingly important and still under researched field of EU law must be welcomed Valsamis Mitsilegas *The Edinburgh Law Review* Today EU criminal law and justice constitutes a significant body of law potentially affecting most aspects of criminal justice This book provides a comprehensive accessible yet analytically challenging account of the institutional and legal developments in this field to date It also includes full consideration of the prospective changes to EU criminal law contained in the recent Lisbon Treaty While broadly speaking the authors welcome the objectives of EU criminal law they call for a profound rethinking of how the good of criminal justice however defined is to be delivered to those living in the EU At present despite sometimes commendable initiatives from the institutions responsible the actual framing and implementation of the Area of Freedom Security and Justice AFSJ suffers from a failure to properly consider the theoretical implications of providing the good of criminal justice at the EU level Written shortly before the recent entry into force of the Lisbon Treaty *EU Criminal Law and Justice* comprises a full overview of the key legal developments and debates and includes a user friendly guide to the institutional changes contained in the Treaty This timely

book will be of interest to both undergraduate and postgraduate students as well as to legal practitioners and policy makers at national and EU levels

Prohibition of Abuse of Law Rita de La Feria, Stefan Vogenauer, 2011 The Court of Justice has been alluding to abuse and abusive practices for more than thirty years but for a long time the significance of these references has been unclear Few lawyers examined the case law and those who did doubted whether it had led to the development of a legal principle Within the last few years there has been a radical change of attitude largely due to the development by the Court of an abuse test and its application within the field of taxation In this book academics and practitioners from all over Europe discuss the development of the Court's approach to abuse of law across the whole spectrum of European Union law analysing the case law from the 1970s to the present day and exploring the consequences of the introduction of the newly designated principle of prohibition of abuse of law for the development of the laws of the EU and those of the Member States

Law of the European Union PDF eBook John Fairhurst, 2016-02-01 Law of the European Union part of the Foundations Series offers a comprehensive clear and straightforward account of the law ideal for LLB and GDL students

European law and national criminal legislation Michal Tomášek, Vid Jakulin, Damjan Korošec, 2007

New Directions in the Effective Enforcement of EU Law and Policy Sara Drake, Melanie Smith, 2016-04-29 The EU is faced with the perpetual challenge of guaranteeing effective enforcement of its law and policies This book brings together leading EU scholars in law politics and regulation to explore the wealth of new legal and regulatory strategies practices and actors that are emerging to complement the classic avenues of central and decentralized enforcement The contributors evaluate the traditional dual vigilance framework of enforcement before examining networked enforcement from theoretical empirical and legal perspectives They assess innovations in key EU policy fields such as the environment consumer protection competition freedom security and justice and economic governance This multi disciplinary book will be of use to students and academics in law political science regulation and public policy It will also interest policy makers in EU institutions national administrations and courts engaged in the implementation and enforcement of EU law and policy

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