

OXFORD

# THE SUBSTANTIVE LAW OF THE EU

*The Four Freedoms*

SEVENTH EDITION



CATHERINE BARNARD

# Barnard The Substantive Law Of The Eu

**RC Schank**



## **Barnard The Substantive Law Of The Eu:**

The Substantive Law of the EU Catherine Barnard, 2016 Widely acclaimed and respected this is the leading text on the four freedoms of the European Union Unparalleled coverage of the subject area is paired with expert author insight and presented in a concise and user friendly format accompanied by engaging case studies and diagrams *The Substantive Law of the EU* Catherine Barnard, 2019 **The Substantive Law of the EU** Catherine Barnard, 2010-08-12 Notable for its detailed coverage of the substantive aspects of European law and including case studies flowcharts and diagrams this text focuses principally on the four freedoms the free movement of goods persons services and capital and the rules regulating movement from one Member State to another **Commercial Law of the European Union** Gabriël Moens, John Trone, 2010-04-23 The Hon Michael Kirby AC CMG This splendid book performs the heroic task of introducing readers to the large canvas of the commercial law of the European Union EU The EU began as an economic community of six nations but has grown into 27 member states sharing a significant political social and legal cohesion and serving almost 500 million citizens It generates approximately 30% of the nominal gross world product The EU is a remarkable achievement of transnational co operation given the history including recent history of national racial ethnic and religious hatred and conflict preceding its creation Although as the book recounts the institutions of the EU grew directly out of those of the European Economic Community created in 1957 the genesis of the EU can be traced to the sufferings of the Second World War and to the disclosure of the barbarous atrocities of the Holocaust Out of the chaos and ruins of historical enmities and the shattered cities and peoples that survived those terrible events arose an astonishing pan European Movement

**Grundfreiheit ohne Markt** Ferdinand Wollenschläger, 2007 Ferdinand Wollenschläger untersucht die pratorische Entfaltung der Unionsburgerschaft Er leistet indes nicht nur eine für Wissenschaft und Praxis gleichermassen bedeutsame dogmatische Strukturierung der kaum noch überschaubaren Rechtsprechung des EuGH zur Unionsburgerschaft deren methodische Belastbarkeit und Konsequenzen namentlich für die nationalen Sozialleistungssysteme kritisch hinterfragt werden Der Autor beleuchtet zudem Kontinuitäten und Brüche Illusionen und Perspektiven beim Übergang von einem marktfreiheitlichen zu einem unionsbürgerlichen Freizugigkeitsregime und zeigt die hierdurch erforderlich gewordenen Neujustierungen im System der Grundfreiheiten auf Gleichzeitig entfaltet er das neue Institut der Unionsburgerschaft als zur nationalen Staatsangehörigkeit komplementären Baustein in einem durch mehrfache Zugehörigkeiten gekennzeichneten Mehrebenensystem Europäische Union Dieses Buch wurde mit dem Fakultatspreis der Juristischen Fakultät der LMU München und dem Promotionspreis der Münchener Juristischen Gesellschaft ausgezeichnet **Der Streit um das VW-Gesetz** Benjamin Werner, 2013-11-07 Eine Vereinheitlichung der Unternehmenskontrollsysteme in der EU ist bis heute an den gegensätzlichen Interessen der Mitgliedstaaten gescheitert Inzwischen haben die Europäische Kommission und der Europäische Gerichtshof begonnen eigenständig marktliberale Vorgaben zur Regulierung der Unternehmenskontrolle

durchzusetzen Benjamin Werner rekonstruiert diese Entwicklung anhand der Auseinandersetzungen um Goldene Aktien und das deutsche VWGesetz Dabei deckt er die politischen Bedingungen auf die es den supranationalen Organen erm glichen bedeutende Integrationsfortschritte gegen den Willen der Mitgliedstaaten zu erzielen **The Law of the European Union**

**and the European Communities** Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union including the institutional framework the Internal Market Economic and Monetary Union and external policy and action Completely revised and updated with many newly written chapters this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union EU Written by a new team of experts in their respective areas of European law its coverage incorporates and embraces many current controversial and emerging issues and provides detailed attention to historical development and legislative history of EU law Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening including the following powers and functions of the EU law institutions and relationship among them the principles of equality loyalty subsidiarity and proportionality free movement of persons goods services and capital mechanisms of constitutional change treaty revisions accession treaties withdrawal agreements budgetary principles and procedures State aid rules effect of Union law in national legal systems coexistence of EU European Convention of Human Rights ECHR and national fundamental rights law migration and asylum law liability of Member States for damage suffered by individuals competition law cartels abuse of dominant position merger control social policy equal pay and equal treatment environmental policy consumer protection public health cultural policy education and tourism nature of EU citizenship its acquisition and loss and law and policy of the EU s external relations The fifth edition embraces many new ongoing and emerging European legal issues As in the previous editions the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle EU Law and Obesity Prevention Amandine Garde, 2010-01-01

Since the 1980s there has been an alarming increase in the prevalence of obesity in virtually every country in the world As obesity is known to lead to both chronic and severe medical problems it imposes a cost not only on affected individuals and their families but also on society as a whole In Europe the Obesity Prevention White Paper of May 2007 followed by the adoption of an EU School Fruit Scheme the acknowledgement that food advertising to children should be limited and proposed legislation to make nutrition labeling compulsory has firmly placed obesity on the EU agenda by laying down a

multi sectoral strategy and a basis for future action In accordance with this growing sense of urgency this is the first book to offer an in depth legal analysis of obesity prevention with particular reference to Europe It describes what the EU has done and could do to support Member States in fighting the obesity epidemic and clearly shows the way to locating advocacy strategies within the framework of EU law The thorough analysis includes a discussion of the following issues the need to address nutrition and physical activity as important health determinants the emphasis traditionally placed at EU level on food safety rather than food quality the need for the development of databases on nutrition and physical activity comparable common indicators and risk assessment mechanisms mainstreaming public health into all EU policies the scope of EU powers in the case law of the Court of Justice the role of information in the EU s obesity prevention strategy the Commission s proposed Mandatory Nutrition Declaration the Food Claims Regulation the regulation of food marketing to children and in particular the role of the Audiovisual Media Services Directive the Unfair Commercial Practices Directive and industry self regulation food reformulation the use of economic instruments in the EU s obesity prevention strategy with an emphasis on the Common Agricultural Policy and the EU s taxation policy and EU action in the fields of sport occupational health and safety and transport policy The author convincingly shows that conflicts of interest inherent in market forces demand a strong EU intervention preferably through legislation than self regulation She also demonstrates the urgent need to reach an agreement on the basis of reliable data about what is effective in practice to improve lifestyles The study acknowledges that the law is not a panacea but nonetheless has an influential role to play in making the healthy choice an easier choice and must move decisively towards ensuring that the societal costs associated with obesity are sustainable and that the ultimate goal of a healthy population is achievable The book is essential reading for everyone involved or interested in the development of the EU s obesity prevention policy EU Consumer Law and Policy Stephen Weatherill,2005-01-01

Providing a comprehensive and up to date introduction to the subject this title explains the evolution of consumer law and policy in the EC both in terms of legislative and judicial activity *Specialized Administrative Law of the European Union* Herwig C. H. Hofmann, Gerard C. Rowe, Alexander H. Türk, 2018-11-30 This volume deals with the law governing the administrative implementation of European Union public policy Much of this law is specific to individual policy sectors The volume provides a study of such specialized administrative law for more than twenty sectors This cross sectoral approach allows for detailed comparisons of EU administration in diverse policy fields It identifies situations where legal structures and approaches may be unnecessarily duplicated thus indicating where a comprehensive general system could be advantageous for both Union law and policy achievement The comparative nature of the study also draws attention to policy fields which have proven to be testing grounds for approaches adopted subsequently in other areas In addition the work highlights the distinctive highly networked and strongly cooperative character of EU administration as a reflection of and a foundation for the operative nature of the European Union as a whole **Der europarechtliche Einfluss auf die**

**Entwicklung des nationalen Heilberuferechts** Jasmin Ludwig ,2018 Der Zugang zu den Heilberufen und die Gestaltung ihrer Ausbildung werden von nationalem und unionalem Recht geprägt Die Berufsqualifikationsanerkennungsrichtlinie Richtlinie 2005/36/EG liefert die wesentlichen Vorgaben hierzu Damit wird die gegenseitige Anerkennung der heilberuflichen Qualifikationen in den EU Mitgliedstaaten ermöglicht In dem vorliegenden Werk Dissertation Univ Kiel werden die Einflüsse des unionalen Rechts auf die bundesrechtliche Regulierung der Heilberufe untersucht

**Die Sitzverlegung der Europäischen Aktiengesellschaft** Wolf-Georg Ringe,2006 English summary With the introduction of the new legal form of the European Company Statute Societas Europaea at the end of 2004 European Community lawmakers have created an instrument which enables large European firms to choose a corporate structure which is based on the same standards in all of the European Community One special advantage of this new legal form is the simplification of cross border restructuring in particular the transfer of the corporation's registered office to another country However the statutory provisions for this transfer are relatively restrictive and do not take the creditors and shareholders request for protection into consideration Wolf Georg Ringe studies the extent to which these newly created regulations for the transfer of a European Company's seat comply with the requirements of an authentic legal form of European Community law and in particular whether or not they are compatible with the basic freedoms stipulated in the EC Treaty German description Wolf Georg Ringe untersucht die neue gemeinschaftsweit gültige Rechtsform der Europäischen Aktiengesellschaft Societas Europaea Mit ihr hat der Gemeinschaftsgesetzgeber Ende 2004 ein Instrument geschaffen dass es europäischen Grossunternehmen erstmals erlaubt eine gemeinschaftsweit einheitliche Unternehmensverfassung zu wählen Ein besonderer Vorteil der neuen Rechtsform ist die Vereinfachung grenzüberschreitender Restrukturierungen insbesondere der grenzüberschreitenden Sitzverlegung Diese Möglichkeit steht Gesellschaften nationalen Rechts bisher noch nicht umfassend zu Kollisionsrechtlich versucht sich der Gemeinschaftsgesetzgeber im Rahmen der relevanten divergierenden mitgliedstaatlichen Theorien Sitz und Grundungstheorie einer Stellungnahme zu enthalten Materiellrechtlich ist die ausführliche Regelung der Sitzverlegung einer Societas Europaea SE relativ restriktiv ausgefallen so müssen beispielsweise immer gleichzeitig Sitz und Hauptverwaltung zugleich verlegt werden was in einem Spannungsverhältnis zu der jüngeren Rechtsprechung des EuGH steht Überseering Inspire Art Ausserdem wird den Schutzanliegen von betroffenen Kreisen wie Gläubigern und Aktionären Rechnung getragen Den Mitgliedstaaten steht es zudem frei zusätzliche Schutzmassnahmen zu schaffen Der Autor untersucht grundlegend aus kollisions- und sachrechtlicher Perspektive ob das geschaffene Sitzverlegungsregime den Anforderungen an eine genuin gemeinschaftsrechtliche Rechtsform gerecht wird insbesondere ob es mit den dem EG Vertrag zugrundeliegenden Grundfreiheiten in Einklang steht

**Koordinationsmethoden im Internationalen Privat- und Verfahrensrecht** Richard Johannes Bader,2019-12-16 Das Internationale Privat und Verfahrensrecht enthält eine Vielzahl von Rechtsakten die auf drei unterschiedlichen Regelungsebenen entstanden sind auf nationaler EU rechtlicher und staatsvertraglicher Ebene Bei

der Fülle von Rechtsnormen auf diesen Regelungsebenen stellt sich die Frage ob die jeweiligen Normgeber darauf achten dass diese mit anderen Normen und Rechtsakten auf derselben oder auf einer anderen Ebene koordiniert sind und wenn das nicht der Fall ist wie die Koordination verbessert werden kann Zu diesem Zweck arbeitet Richard Johannes Bader zunächst die einzelnen Methoden dieser Koordination heraus und kategorisiert sie Aus den so herausgearbeiteten Methoden leitet er sodann Koordinationsprobleme ab und führt sie jeweils einer Lösung zu Diese Lösungen werden nach Gruppen geordnet um hieraus schliesslich Prinzipien zur Lösung von Koordinationsproblemen herzuleiten **Die Entwicklung des allgemeinen**

**Freizügigkeitsrechts der Unionsbürger und seiner sozialen Begleitrechte** Susanne Stewen, 2011 English summary Although the general right of free movement as formulated in the Maastricht Treaty was non committal the European Court of Justice has given it a broad interpretation Citizens of the European Union are entitled to benefits for maintaining a minimum standard of subsistence and social security benefits may be exported It is almost impossible to terminate the residence status of foreign nationals on the basis of insufficient finances Susanne Stewen analyzes and systematizes this development in judicial decisions German description Susanne Stewen untersucht das allgemeine Freizugigkeitsrecht welches durch den Vertrag von Maastricht primärrechtlich kodifiziert wurde Das insgesamt zurückhaltend ausgestaltete Freizugigkeitsrecht hat erst seit Ende der 1990er Jahre an Bedeutung gewonnen als der EuGH darauf soziale Rechte nicht erwerbstätiger Unionsbürger gründete Die Autorin unterzieht im zentralen dritten Kapitel des Buches die diesbezügliche Entwicklung einer rechtsdogmatischen Analyse und systematisiert die teilweise selbstreferenzielle Rechtsprechung Während sie sich im ersten Kapitel mit dem Unionsbürgerstatus als Basis des Freizugigkeitsrechts auseinandersetzt befasst sie sich im zweiten Kapitel mit dem freiheitsrechtlichen Gehalt des Freizugigkeitsrechts und seiner Grenzen vor allem der Aufenthaltsbeendigung aufgrund von finanzieller Hilfsbedürftigkeit **An Introduction to European Law** Robert

Schütze, 2015-06-25 The second edition of this classic introduction to European law features a new chapter on goods and rich online resources Ausländische Staatsfonds und staatliche Sonderrechte Johanna Wolff, 2009-01-01 Mit der Gründung neuer Staatsfonds in China und Russland begann im Jahr 2007 eine kontroverse politische Diskussion über den richtigen Umgang mit ausländischem staatlichem Kapital Dieses Buch bertrgt die Debatte die zunächst überwiegend aus ökonomischer Perspektive geführt wurde in juristische Begriffe und leistet damit einen Beitrag zu ihrer rechtlichen Einordnung und Bewertung So fehlte bislang eine Beschreibung des Phänomens Staatsfonds die in juristischen Kategorien den Unterschied zu anderen privaten Investitionsvehikeln herausstellt Das Buch fllt außerdem eine Lücke indem es konkrete Gefahren für die Zielländer der Investitionen von Staatsfonds aufzeigt Hierfür wurden anhand des deutschen Gesellschaftsrechts Handlungsmöglichkeiten ermittelt mit denen Staatsfonds etwa in Deutschland staatsfondstypische Schäden anrichten können Auf diese Darstellung folgt eine Untersuchung des europäischen und völkerrechtlichen Rahmens für Staatsfondsinvestitionen Einen Schwerpunkt bildet hierbei die europarechtliche Überprüfung der Novelle des deutschen Außenwirtschaftsgesetzes vom April

2009 nach der Unternehmensbeteiligungen durch Staatsfonds untersagt werden können *Sexuelle Orientierung im Völker- und Europarecht* Rebekka Wiemann, 2013-01-01 Hauptbeschreibung Rechtliche Regelungen zu sexueller Orientierung gehen weltweit erheblich auseinander Während etwa in einigen Staaten gleichgeschlechtliche Paare verschiedengeschlechtlichen Paaren rechtlich gleichgestellt sind wird in anderen Staaten einverständliche Homosexualität zwischen Erwachsenen verfolgt und teilweise mit schwerer Strafe belegt Vor diesem Hintergrund analysiert diese Arbeit umfassend die völker und europarechtlichen Vorgaben für den Schutz sexueller Orientierung Dabei werden alle relevanten Bereiche des Völker und Europarechts in den Blick genommen insbesondere Menschenrechte internationales Flüchtlingsrecht Völkerstrafrecht und das Dienstrecht internationaler Organisationen Zu jedem dieser Bereiche werden Kernprinzipien herausgearbeitet und die rechtlichen Entwicklungen des jeweiligen Bereichs analysiert und bewertet Die zentralen rechtlichen Problemfelder der Einzelrechtsgebiete werden im Anschluss rechtsgebietbergreifend analysiert wobei auf Parallelen Interdependenzen und Spannungsfelder eingegangen wird **Rechtsangleichungsprozesse in der Europäischen Union** Eva Julia

Lohse, 2017-02-20 Long description Eva Julia Lohse beschäftigt sich mit grundlegenden Fragen der Rechtsangleichung in der Europäischen Union Neben den rechtlichen Funktionsmechanismen geht sie vor allem auf diejenigen Faktoren ein die sich unabhängig von einem konkreten Angleichungsvorgang auf den Erfolg dieses wichtigen Ziels europäischer Politik auswirken können European Union Law in Context Ester Herlin-Karnell, Gerard Conway, Aravind Ganesh, 2021-09-23 This textbook provides an explanatory and contextual view of EU law and its impact in a simple and easily accessible yet analytical manner It illustrates the power struggles behind a given EU law act to allow for full understanding of how it developed This allows the student to understand EU law as a force in the increasingly globalized world rather than as technical and doctrinal subject The textbook begins by setting the scene of EU integration how we got there and why it is important Thereafter it explores the constitutional framework for understanding EU law in context and by discussing inter alia division of competences accountability legitimacy enforcement human rights participation rights and so on as well as the general principles of the EU and citizenship rights Subsequently the textbook explores the essentials of the internal market as well as the principles of competition law It also discusses free movement rights and links to the growing Area of Freedom Security and Justice Finally the textbook offers fresh insights on the external dimension of EU law and the role of the EU in the world today before concluding with an outlook on the future of EU law including the consequences of events such as Brexit

**Enhanced Cooperation and European Tax Law** Caroline Heber, 2021-06-17 The enhanced cooperation mechanism allows at least nine Member States to introduce secondary EU law which is only binding among these Member States From an internal market perspective enhanced cooperation laws are unique as they lie somewhere between unilateral Member State laws and uniform European Union law The law creates harmonisation and coordination between the participating Member States but may introduce trade obstacles in relation to non participating Member States This book reveals that the



enhanced cooperation mechanism allows Member States to protect their harmonised values and coordination endeavours against market efficiency. Values which may not be able to justify single Member State's trade obstacles may outweigh pure internal market needs if an entire group of Member States finds these values worthy of protection. However, protection of the harmonised values can never go as far as shielding participating Member States from the negative effects of enhanced cooperation laws. The hybrid nature of enhanced cooperation laws, their nexus between the law of a single Member State and secondary EU law, also demands that these laws comply with state aid law. This book shows how the European state aid law provisions should be applied to enhanced cooperation laws. Furthermore, the book also develops a sophisticated approach to the limits non-participating Member States face in ensuring that their actions do not impede the implementation of enhanced cooperation between the participating Member States.

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