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Conflict Displacement and Legal Protection

- Charlotte Lülfi 2019-02-05

While the 21st century bears witness to several conflicts leading to mass displacement, the conflict in Syria has crystallised the need for a solid legal framework and legal certainty. This book analyses the relevant legal instruments for the provision of a protection status for persons fleeing to Europe from conflict and violence. It focuses on the conceptualisation of conflict and violence in the countries of origin and the different approaches taken in the interpretation of them in the 1951 Refugee Convention, the Recast Qualification Directive of the European Union and the European Convention on Human Rights. It traces the hierarchical order of protection granted, starting with refugee protection status, to subsidiary protection status and finally with the negative protection from non-refoulement. Recent case law and asylum status determination practices of European countries illustrate the obstacles in the interpretation as well as the divergence in the application of the legal instruments. The book fills an important gap in examining the current practices of key actors, including the United Nations High Commissioner for Refugees and European states, tracing changes in national and international policies and revealing discrepancies towards contemporary approaches to conflicts. It refines the interaction and cross-fertilisation of the different relevant fields of

European asylum law, human rights law and the laws of armed conflict in order to further the development of a harmonised protection regime for conflict-induced displacement.

[The Legal Protection of Foreign Investment](#) - Wenhua Shan 2012-06-14

The law of foreign investment is at a crossroads. In the wake of an unprecedented global financial crisis and a sharp surge of investment arbitration cases, states around the world are reflecting on the pros and cons of the current liberal investment regime and exploring new ways ahead. This book brings together leading investment lawyers from more than 20 main jurisdictions of the world to tackle the challenge of producing a first comparative study of foreign investment law. Based on the General and National Reports presented at the 'Protection of Foreign Investment' Session at the 18th International Congress of the International Academy of Comparative Law (Washington DC, July 2010), the book is a unique resource for investment lawyers. Part I of the book presents a comparative overview of key aspects of foreign investment protection in the world today, including admission, investment contracts, treatment standards, tax regime and incentives, performance requirement, property and expropriation, monetary transfer and dispute settlement. Part II presents in-depth and detailed accounts of the investment laws of more than 20 jurisdictions, including Argentina,

Australia, Canada, China, Croatia, Czech Republic, Ethiopia, France, Germany, Greece, Italy, Japan, South Korea, Macau, Peru, Portugal, Russia, Singapore, Slovenia, Turkey, the UK and the USA. The book will be an invaluable guide to legal and business communities with an interest in the law and practice of foreign investment in the world in general and in these jurisdictions in particular. [Standing to Enforce European Union Law before National Courts](#) - Hilde K Ellingsen 2021-03-25

Access to court has long been recognised as an essential element of a Union based on the rule of law. This book asks, how can Member States ensure that their rules on standing guarantee that right? The book answers this question by analysing the requirements of EU law from two angles: first, the effective protection of Union rights; second, the effectiveness of Union law per se. With detailed case law examination, the book formulates an autonomous Union law doctrine of standing based on the principle of effective judicial protection. It then goes further, setting out an effectiveness test of Member States' enforcement mechanisms, to ensure that EU law is rendered operative in practice. This is a rigorous study on a question of immense importance.

Judicial Protection in the EC: The Use of Article 288 (2) - Jill Wakefield 2002-08-08

The last decade has seen an evisceration of the once-dominant democratic legal concept of "public interest". Its place is being steadily usurped by a problematic "compensation culture" which, in an ostensible effort to protect the individual, is wreaking havoc with the principles of responsibility and liability that underlie the rule of law, especially in the commercial context. Nowhere is this troubling development more evident than in the jurisprudence surrounding Article 288(2)EC, which has grown from a measure of sanction against the Community Institutions for maladministration into a remedy for infraction or injury through the fault of those Institutions or, by extension, as a result of Member State breach of Community law. Judicial Protection in the EC is the first in-depth analysis of this "hot spot" in EC law. With prodigious scholarship and persuasiveness, the author investigates the relevant case law of the Court of Justice from the

standpoint of the fundamental legal principles involved. She finds that the distinct problem of the accountability of the Community Institutions, so important where democratic controls are weak, has been subsumed to the responsibility to compensate. In her penetrating commentary she identifies an erosion of basic democratic principles and points the way to ensuring that policies claimed to be in the public interest actually serve that public interest. Cases examined in detail include the "Isoglucose" cases, Brasserie, Factortame, SchandÖppenstedt, Bergaderm, LandÜtticke, and Eurocoton. The author refers extensively to the ECSC Treaty which, although it expires in July 2002, continues to provide significant authority for the interpretation of Article 288(2)EC.

The Federalist Papers - Alexander Hamilton 2009-04-28

This authoritative edition of the complete texts of the Federalist Papers, the Articles of Confederation, the U.S. Constitution, and the Amendments to the U.S. Constitution features supporting essays in which leading scholars provide historical context and analysis. An introduction by Ian Shapiro offers an overview of the publication of the Federalist Papers and their importance. In three additional essays, John Dunn explores the composition of the Federalist Papers and the conflicting agendas of its authors; Eileen Hunt Botting explains how early advocates of women's rights, most prominently Mercy Otis Warren, Judith Sargent Murray, and Charles Brockden Brown, responded to the Federalist-Antifederalist debates; and Donald Horowitz discusses the Federalist Papers from the perspective of recent experiments with democracy and constitution-making around the world. These essays both illuminate the original texts and encourage active engagement with them.

Judicial Protection in the European Communities - Henry G. Schermers 2013-11-21

International Law, Conventions and Justice - David A. Frenkel 2011

The articles are based on selected presentations at International Conferences on Law, organized by the Athens Institute for Education and Research (ATINER) held in Athens, Greece --

Introd.

Enforcement of Intellectual Property Rights in Dutch, English and German Civil

Procedure - George Cumming 2008-01-01

EU Directive 2004/48 EC obliges Member States to seek to achieve 'partial harmonization' of the remedies, procedures and measures necessary to enforce intellectual property law. These obligations provide what may be termed a minimum standard which must be fulfilled by the Member States in the course of their implementation of the Directive. However, the Directive is not faring well at the Member State level. The three authors' vastly detailed, article-by-article analysis of the fortunes of Directive 2004/48 EC in three EU jurisdictions offers enormously valuable insights into the complex ways Member States respond to Community law, and in so doing provides an important addition to the ongoing inquiry into the nature of the reciprocal tensions between EU law (both judicial and legislative) and the laws of Member States. The particular investigation undertaken here reveals three paradigmatic situations: the situation in which the Directive has not been implemented at all, either because the Member State believes that its current legislation is adequate or that the wording of the Directive is such that no special legislation is required (England); the situation in which implementation has been inadequate, because either the pre-existing legislation constitutes inadequate legislation or because the specifically adopted legislation proves to be legally uncertain (The Netherlands); and the situation in which the relevant time for implementation for the Directive has elapsed and no specific legislation has been adopted (Germany). If there really is, as the European Commission contends, an 'enforcement deficit' in the protection of intellectual property rights by national rules of procedure, then the most effective remedial approach, Cummings shows, is through the principles of legal certainty, full effect, and effective judicial protection. These principles will assist the national court in interpretation of the precise meaning of the substantive obligations under the Directive. Drawing on the tenor of ECJ law that national procedural rules should not present an obstacle to adequate judicial protection, the author considers the

conditions that must be fulfilled before an eventual claimant, who has suffered loss and damage caused by either the non-implementation or the incorrect implementation of a directive, may bring an action against the State for breach of Community law. The author presents his analyses of the implementation of the Directive in Dutch and English national procedure and his proposals for German implementation as three separate cases rather than comparatively, as any attempt to compare either the method of national implementation or the degree of adequacy or inadequacy inevitably obscures the essential particularities of each of the three national systems in relation to the Directive. Although this book will repay the study of anyone interested in European law, it will be of special value to practitioners and policymakers engaged in intellectual property law, particularly in EU Member States.

The Human Face of the European Union -

Nuno Ferreira 2016-08-18

This title assesses EU law and policy using a novel and alternative framework based on the notion of humaneness.

The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law -La Cour de Justice et la Construction de l'Europe: Analyses et Perspectives de Soixante Ans de

Jurisprudence - Court of Justice of the European Un 2012-12-05

This book is a contributed volume published by the Court of Justice of the European Union on the occasion of its 60th anniversary. It provides an insight to the 60 years of case-law of the Court of Justice and its role in the progress of European Integration. The book includes contributions from eminent jurists from almost all the EU Member States. All the main areas of European Union are covered in a systematic way. The contributions are regrouped in four chapters dedicated respectively to the role of the Court of Justice and the Judicial Architecture of the European Union, the Constitutional Order of the European Union, the Area of EU Citizens and the European Union in the World. The topics covered remain of interest for several years to come. This unique book, a "must-have" reference work for Judges and Courts of all EU Members States and candidate countries, and academics

and legal professionals who are active in the field of EU law, is also valuable for Law Libraries and Law Schools in Europe, the United States of America, Latin America, Asia and Africa and law students who focus their research and studies in EU law.

Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations - Orin S. Kerr 2001

Effective Judicial Protection Consumerhb - VAN DUIN 2022-03-30

This book explores the role of Article 47 of the EU Charter of Fundamental Rights--which guarantees the right to effective judicial protection--in consumer cases before the Court of Justice of the European Union, as well as civil courts in Spain and the Netherlands.

"The" Legal Protection of Traditional Knowledge in the Pharmaceutical Field - Tobias Kiene 2009

Judicial Protection of Economic, Social and Cultural Rights - Bertie G. Ramcharan 2005-08-01

This volume seeks to bring together, for the first time, a collection of documents and case-law from different parts of the world, which shows the Courts at work in providing judicial protection of economic, social and cultural rights.

The Legal Protection of Databases - Estelle Derclaye 2008-01-01

Dr Derclaye's book is well structured. . . the methodology is theoretical and comparative. . . Derclaye's work on database law is timely and readable, presenting a sound thesis to the perceived problems. Patricia Akester, *Journal of Intellectual Property* This book has a wide-ranging, detailed appeal for all lawyers, students and those in the public and private sectors. . . Richard Chambers . . . this book is a detailed, comprehensive and well-researched examination of legal protection of databases, which offers a valuable template for reform that will be of great interest to academics and policymakers alike. Tanya Aplin, *European Intellectual Property Review* The protection of the investment made in collecting, verifying or presenting database contents is still not harmonised internationally. Some laws over-protect database contents,

whilst others under-protect them. This book examines and compares several methods available for the protection of investment in database creation namely, intellectual property, unfair competition, contract and technological protection measures in order to find an adequate type and level of protection. To this effect, the author uses criteria based on a combination of the economics of information goods, the human rights to intellectual property and to information, and the public interest, proposing a model that can be adopted at international and national levels. The Legal Protection of Databases will be of interest to intellectual property lawyers, competition lawyers, as well as general commercial lawyers because of the breadth of laws reviewed. It will also appeal to practitioners, policymakers, economists and students.

Judicial Protection in the European Communities - Henry G. Schermers 1979

At head of title: Europa Instituut, University of Leiden.

Judicial Protection in Transnational Criminal Proceedings - Martin Böse 2020-10-28

This book proposes and outlines a comprehensive framework for judicial protection in transnational criminal proceedings that ensures the right to judicial review without hampering the effective functioning of international cooperation in criminal matters. It examines a broad range of potential approaches in the context of selected national criminal justice systems, and offers a comparative analysis of EU Member States and non-Member States alike. The book particularly focuses on the differences between cooperation within the EU on the one hand and cooperation with third states on the other, and on the consequences of this distinction for the scope of judicial review. *Model Rules of Professional Conduct* - American Bar Association. House of Delegates 2007 The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's

purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

Judicial Review in EU Law - Alexander H. Türk
2010-01-01

Judicial review constitutes an important aspect of any legal system operating under the rule of law. This book provides a comprehensive account of judicial review in EU law by assessing the vast and complex case-law of the European Court of Justice (ECJ) in this area and the academic opinion which has accompanied its rulings over the years. It questions the prevalent view in academic literature that the Court's restrictive approach to allowing individuals direct access to the Community Courts, in case of a challenge against normative acts, amounts to a denial of an effective remedy. The author argues that the emerging constitutional nature of the European Union and its federal structure requires a more balanced view. While it will improve direct access for individuals to the Union's judiciary, the Lisbon Treaty will not radically alter the system of judicial review in the European Union. *Judicial Review in EU Law* will be of great interest to academics, and given its detailed discussion of case-law of the ECJ it will also appeal to postgraduate students of European law. Dealing with an important aspect of legal practice, it will be invaluable reading for practitioners in law firms and officials working in local, regional and central government.

Fundamental Rights in International and European Law - Christophe Paulussen
2015-11-04

In this book various perspectives on fundamental rights in the fields of public and private international law are innovatively covered. Published on the occasion of the 50th anniversary of the T.M.C. Asser Instituut in The Hague, the collection reflects the breadth and scope of the Institute's research activities in the fields of public international law, EU law, private international law and international and European sports law. It does so by shedding more light on topical issues – such as drone warfare, the fight against terrorism, the

international trade environment nexus and forced arbitration – that can be related to the theme of fundamental rights, which runs through all these four areas of research. Points of divergence and areas of common ground are uncovered in contributions from both staff members and distinguished external authors, having long-standing academic relations with the Institute. The Editors of this book are all staff members of the T.M.C. Asser Instituut, each of them representing one of the areas of research the Institute covers.

Legal Protection for Traditional Knowledge - Anindya Bhukta
2020-06-18

Legal Protection for Traditional Knowledge calls attention to the vital contributions that aboriginal knowledge makes to global development and how the legal systems in place, particularly in India, must change to protect this knowledge. This book is a must-read for researchers in economics, development studies, and international law.

Yearbook of European Law 2009 - Piet Eeckhout
2010-02-25

Now in its 28th year, the *Yearbook of European Law* is one of the most highly respected periodicals in the field. Featuring extended essays from leading scholars and practitioners, the *Yearbook* has become essential reading for all involved in European legal research and practice. This year's issue includes a special symposium on the recent Kadi case in the European Court of Justice, with contributions by Giorgio Gaja, Christian Tomuschat, Enzo Cannizzaro, Riccardo Pavoni and Martin Scheinin.

The American Convention on Human Rights - Thomas M. Antkowiak
2017

This book offers a thorough, critical, and accessible analysis of the American Convention on Human Rights which is the main human rights treaty of the Americas. The authors closely review the jurisprudence and the binding judgments of the two institutions charged with interpreting the Convention: The Inter-American Court of Human Rights and The Inter-American Commission on Human Rights. They focus on the rights most developed by the Court and Commission, namely the rights to equality, life, humane treatment, personal liberty, property, due process and judicial protection, as well as

the freedom of expression and reparations. They examine the case law with a victim-centered lens while identifying key jurisprudential developments, discussing critical areas that lack consistency and rigor, and proposing alternative conceptual approaches. Each chapter contains an Introduction to compare the Convention right's formulation with equivalent rights in other major international and regional treaties; a background section to consider the right's negotiation history; a Scope of Protection section to analyze the right's provisions (paragraph-by-paragraph or topic-by-topic); and lastly, a Limitations section, if applicable, to study any limitations to the right. In addition, the book's Introduction presents an up-to-date overview of the dynamic Inter-American Human Rights System, discussing the System's legal instruments, major institutions, significant impact, key developments, and current challenges.

Constitutional Law in Greece - Philippos C. Spyropoulos 2017-11-20

Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in Greece provides essential information on the country's sources of constitutional law, its form of government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying

contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in Greece will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law.

The Legal Protection of Know-how in the United States of America - François Dessemontet 1976

Article 47 of the EU Charter and Effective Judicial Protection, Volume 1 - Matteo Bonelli 2022-12

The principle of effective judicial protection ('PEJP') is specifically provided for in the EU Charter of Fundamental Rights Article 47. But how effective is the provision and the protection it affords? This ambitious, innovative project examines that question over two volumes. In the first volume an expert team explores how the Court of Justice of the European Union (CJEU) has interpreted the PEJP, as expressed in particular by Article 47, in selected policy areas, and reflects on the impact of the principle on the EU's constitutional structure. Taking both a horizontal interpretation, analysing the constitutional themes in play, and a vertical one, which looks at the Court's interpretation in specific policy areas, it shows the interplay of the protection within the wider architecture of the EU. Addressing key questions such as legal certainty, judicial autonomy and division of competences, it significantly adds to our understanding of judicial protection within the EU.

The Legal Protection of Women From Violence - Rashida Manjoo 2018-03-22

Violence against women remains one of the most pervasive human rights violations in the world today, and it permeates every society, at every level. Such violence is considered a systemic, widespread and pervasive human rights violation, experienced largely by women because they are women. Yet at the international level, there is a gap in the legal protection of women from violence. There is currently no binding international convention that explicitly prohibits such violence; or calls for its elimination; or,

mandates the criminalisation of all forms of violence against women. This book critically analyses the treatment of violence against women in the United Nations system, and in three regional human rights systems. Each chapter explores the advantages and disadvantages coming from the legal instruments, the work of the monitoring systems, and the resulting findings and jurisprudence. The book proposes that the gap needs to be addressed through a new United Nations Convention on the Elimination of All Forms of Violence against Women, or alternatively an Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women. A new Convention or Optional Protocol would be part of the transformative agenda that is needed to normatively address the promotion of a life free of violence for women, the responsibility of states to act with due diligence in the elimination of all forms of violence against all women, and the systemic challenges that are the causes and consequences of such violence.

EU Administrative Law - Paul Craig
2018-10-25

The third edition of EU Administrative Law provides comprehensive coverage of the administrative system in the EU and the principles of judicial review that apply in this area. This revised edition provides important updates on each area covered, including new case law; institutional developments; and EU legislation. These changes are located within the framework of broader developments in the EU. The chapters in the first half of the book deal with all the principal variants of the EU administrative regime. Thus there are chapters dealing with the history and taxonomy of the EU administrative regime; direct administration; shared administration; comitology; agencies; social partners; and the open method of coordination. The coverage throughout focuses on the legal regime that governs the particular form of administration and broader issues of accountability, drawing on literature from political science as well as law. The focus in the second part of the book shifts to judicial review. There are detailed chapters covering all principles of judicial review and the discussion of the law throughout is analytical and

contextual. It begins with the principles that have informed the development of EU judicial review. This is followed by a chapter dealing with the judicial system and the way in which reform could impact on the subject matter of the book. There are then chapters dealing with competence; access; transparency; process; law, fact and discretion; rights; equality; legitimate expectations; two chapters on proportionality; the precautionary principle; two chapters on remedies; and the Ombudsman.

Judicial Application of International Law in Southeast Europe - Siniša Rodin 2015-04-24

This edited volume presents comparative research on how the courts in Southeast Europe apply international law. After the introductory Part I, Part II discusses specific areas of international law, notably the law of Association Agreements between the EU and third countries, the law of the World Trade Organization, and international environmental law (the Aarhus Convention). Part III consists of country reports on how national courts in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia are currently applying international law.

Equal Access to Justice for All and Goal 16 of the Sustainable Development Agenda: Challenges for Latin America and Europe - Helen Ahrens 2019

The book provides an extensive overview of objectives and current implementation of Goal 16 of the Sustainable Development Goals in Latin America and Europe. Based on discussions at the GIZ-EIUC conference in Venice of May 2017, the book offers new insights into specifically Goal 16.3 from a Latin American and European perspective. Current challenges to access to justice before the European and the Inter-American Courts of Human Rights as well as common and different challenges to the European and Inter-American Human Rights systems are assessed. Based on the foundational work of the GIZ-DIRAjus project in Latin America specific challenges of access to justice in Mexico, Peru, Brazil, El Salvador and Chile are comprehensively examined. The issues identified in the book based on Latin American and European efforts in ensuring access to justice offer guidance in what way additional indicators for Goal 16.3 could be developed.

Legal Constraints on EU Member States in Drafting Accession Agreements - Narin Idriz
2022-06-22

Do Member States of the EU have a free hand in drafting Accession Treaties, or are there legal constraints on their primary law-making powers in this regard? That is the main question this book addresses. It argues that such constraints do exist, and seeks to identify them, thereby providing a number of insights into the nature of the EU's legal order. The point of departure as well as the main focus of the study is the proposed permanent safeguard clause (PSC) on the free movement of persons in the Negotiating Framework for Turkey. Legal provisions, rules, principles and norms that might constrain Member States in this regard are identified with reference to the PSC. The book examines constraints on Member States stemming from three sources of EU law: Association Law, based on the existing legal framework built on the EEC-Turkey Association Agreement (Part I); EU Enlargement Law, comprised of past practice and existing EU rules on enlargement (Part II); and the foundations of EU Constitutional Law (Part III), which constrain Member States whenever they act within the scope of Union law both as primary and secondary lawmakers. Part III reveals what the Court of Justice of the EU considers to be the essence or the 'very foundations' of the Union's legal order, which it protects against encroachment. This is similar to what some constitutional courts do to protect the 'inner unity' or 'basic structure' of their constitutions. The findings of this book can be applied to the accession of any candidate state. It also sheds light on important implications for future treaty amendments, and for identifying possible limits to differentiated integration.

European Court Procedure - Viktor Luszcz
2020-10-29

"More than just another new theoretical study, this book really is a practical and useful tool that I sincerely recommend." From the foreword by Mr Marc van der Woude, President of the General Court of the European Union The new Rules of Procedure of the General Court, in force as of 2015, as well as the reform of the General Court and the re-establishment of a two-tier EU judiciary in September 2016 are the last bricks in the post-Lisbon legal structure governing

litigation before the EU Courts. This work covers the already sizeable case-law developed after the completion of these reforms and explains the changes in the Courts' practice entailed by them. Written by experienced EU Court and Commission insiders, it gives a detailed and practice-oriented overview of the whole spectrum of litigation procedure before the EU judiciary. It also presents the entire system of judicial avenues that enable litigants to enforce their rights under EU law against European institutions, Member States or private parties. The book is thus a comprehensive reference tool for practising lawyers and helps them present their cases effectively, while at the same time offering valuable guidance to national judges dealing with cases raising points of EU law. Moreover, it provides insights into the reasoning process of the EU Courts, which will be of interest to scholars in the field, and is built around a structure that facilitates its use as a teaching material.

The Judicial Application of Human Rights Law - Nihal Jayawickrama 2002-12-12

10 The right to life

Effective Judicial Protection and the Environmental Impact Assessment Directive in Ireland - Aine Ryall 2009-06-23

This work is concerned with enforcement of the Environmental Impact Assessment (EIA) directive in Ireland, and by extension, in the European Union more widely. As a case study it delves into the complex situation pertaining in Ireland. At a more general level it offers an up-to-date, theoretically rich and critically incisive examination of the enforcement of the EIA directive in Europe, with the main focus being on the role of the national courts in overseeing the correct application of the directive by the competent authorities via the judicial review process. The procedural requirements set down in the EIA directive are examined against the backdrop of the role played by the public in environmental decision-making. Amendments to the directive prompted by the Aarhus Convention are explained and their impact in practice is assessed. The core elements of the concept of effective judicial protection developed by the European Court of Justice are explored. Following an analysis of the EIA case law from the Irish Superior Courts to date, the work

examines the extent to which Irish planning and administrative law meets the requirements of the principle of effective judicial protection and the access to justice provisions articulated in the Aarhus Convention.

Judicial Protection in the European

Communities - Henry Schermers 2013-11-11

I. Purpose of the book § 1. The Court of Justice plays a significant role in the development of the European Communities, to some extent comparable with the role of the Supreme Court in the early years of the United States of America. Both are constitutional courts charged with the preservation and the development of the law in a new society. The powers of both are in fact limited by the 1 existing political situation. Each court plays a vital role in the protection of the individual against a vast and increasingly influential administration. In the present book the attempt is made to describe the nature of the judicial protection within the sphere of European Community law, that is available to individuals and undertakings as well as to the Member States. The study is heavily based on the case-law of the Court of Justice, which in principle is described rather than criticized, mainly for three reasons. (I) The author has great admiration for the Court of Justice and for the manner in which it operates. He considers that a detailed description of the Court's case-law portrays a fine legal system that is not susceptible to a great amount of fundamental criticism.

The Practice of Judicial Interaction in the Field of Fundamental Rights - Casarosa,

Federica 2022-02-04

This insightful and timely book provides a comparative assessment of selected legal issues emerging from the EU legal context which impact profoundly on the national legal systems. It argues that judicial interaction can answer complex legal questions relating to the implementation of the EU Charter.

Judicial Protection in the European Union -

Henry G. Schermers 2001-12-20

Appearing at a time when the ancient problem of the individual versus the state once again occupies the minds of thinking Europeans, this important new book thoroughly evaluates the judicial system of the European Union, fully describing the nature of the judicial protection

available to individuals, undertakings, and member States. With attention to the rapid and continuing development of the Community legal order, Schermers and Waelbroeck provide a much-needed perspective on the reasoning of the European Court of Justice in significant decisions, especially recent cases, and shed revealing light on how the rule of law may develop in future. An introductory chapter offers a masterful description of how Treaty provisions, Community acts, international law, and national legal orders interact in the procedures and decisions of the Court of Justice. Further chapters provide analysis and insight into such matters as the following: the crucial role of national courts as guarantors of the rights of individuals in Community law the validity of acts taken by Community institutions and member States, and protection against them the delivery of non-judicial opinion and other tasks of the Court of Justice the composition, function, and rules of procedure of the Court the organisation of the Court of First Instance and the appeal procedure against its decisions. Judicial Protection in the European Union is organised to facilitate its prodigious reference value. All important cases are examined, and abundant footnotes clearly indicate relevant precedents in each case. This is a fundamental source for students of European law, as well as a basic reference for practitioners and a valuable analysis of the strengths and weaknesses of the European system of judicial protection.

Judicial Protection of Fundamental Rights on the Internet - Oreste Pollicino 2021-04-22

This book explores how the Internet impacts on the protection of fundamental rights, particularly with regard to freedom of speech and privacy. In doing so, it seeks to bridge the gap between Internet Law and European and Constitutional Law. The book aims to emancipate the debate on internet law and jurisprudence from the dominant position, with specific reference to European legal regimes. This approach aims to inject a European and constitutional "soul" into the topic. Moreover, the book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration, with particular emphasis on judicial

dialogue. This innovative book provides a thorough analysis of the forms, models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States. The book offers the first comparative analysis in which the notion of (judicial) frame, borrowed from linguistic and cognitive studies, is systematically applied to the theories of interpretation and argumentation. With a

Foreword by Robert Spano, President of the European Court of Human Rights.
Slovenia Investment and Business Guide Volume 1 Strategic and Practical Information - IBP USA 2013-08
Slovenia Investment and Business Guide - Strategic and Practical Information
Judicial Protection of Human Rights - Mark Gibney 1999
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