



Between Competition and Free Movement

**The Economic Constitutional
Law of the European
Community**

Julio Baquero Cruz

B L O O M S B U R Y

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Between Competition and Free Movement Julio Baquero Cruz, 2002-08-04 This is the first book length treatment of the interaction and gaps between the free movement and competition rules of the EC Treaty Principles and Practice in EU Sports Law Stephen Weatherill, 2017 *Principles Practice in EU Sports Law* provides an overview of EU Sports Law In particular it assesses sporting bodies claims for legal autonomy from the ordinary law of states and international organisations Sporting bodies insist on using their expertise to create a set of globally applicable rules which should not be deviated from irrespective of the territory on which they are applied The application of the *lex sportiva* which refers to the conventions that define a sport s operation is analysed as well as how this is used in claims for sporting autonomy The *lex sportiva* may generate conflicts with a state or international institution such as the European Union and the motives behind sporting bodies claims in favour of the *lex sportiva* s autonomy may be motivated by concern to uphold its integrity or to preserve commercial gain Stephen Weatherill s text underlines the tense relationship between *lex sportiva* and national and regional jurisdictions which is exemplified with specific focus on the EU The development of EU sports law and its controversies are detailed reinforced by the example of relevant legal principles in the context of the practice of sports law The intellectual heart of the text endeavours to make a normative assessment of the strength of claims in favour of sporting autonomy and the comparison between different jurisdictions and sports is evident Furthermore the enduring dilemma facing sports lawyers running throughout the text is whether sport should be regarded as special and in turn how far its special character should be granted legal recognition **Greening EU Competition Law and Policy** Suzanne

Kingston, 2011-10-27 One of the fundamental challenges currently facing the EU is that of reconciling its economic and environmental policies Nevertheless the role of environmental protection in EU competition law and policy has often been overlooked Recent years have witnessed a shift in environmental regulation from reliance on command and control to an increased use of market based environmental policy instruments such as environmental taxes green subsidies emissions trading and the encouragement of voluntary corporate green initiatives By bringing the market into environmental policy such instruments raise a host of issues that competition law must address This interdisciplinary treatment of the interaction between these key EU policy areas challenges the view that EU competition policy is a special case insulated from environmental concerns by the overriding efficiency imperative and puts forward practical proposals for achieving genuine integration Steiner & Woods EU Law Lorna Woods, Philippa Watson, Marios Costa, 2017 Trusted by students and lecturers for almost thirty years *Steiner Woods EU Law* is the most comprehensive black letter guide to the subject leading the reader through the subject in a straightforward way and bringing together the expertise of three authors engaged in the teaching and practice of EU law The book includes a well balanced range of topics for students taking an EU law course at any level Offering a careful blend of institutional and substantive coverage it focuses on explaining the law clearly for student readers

Case detail is clearly sign posted throughout the text with key cases highlighted and discussed in feature boxes ensuring students are up to speed with the most important case law in the area End of chapter reading suggestions along with a detailed bibliography provide a helpful starting point for essay preparation and independent research The book is accompanied by an Online Resource Centre which includes self test questions and answers a flashcard glossary downloadable diagrams from the text an interactive map and timeline of the EU and video clips relating to the development and procedures of the EU As the process of the UK leaving the EU unfolds readers can also visit the OUP European Union Law Resource Centre for up to date comment opinion and updates created by our authors to engage students with the legal and political issues and considerations at play

EC Competition Law Alison Jones, B. E. Sufrin, 2008 Ideal for students taking a course on competition law in its European context this book guides students through a wide range of carefully selected cases and materials with exceptional analysis and comment The selection of writings has been chosen to present the most important perspectives on the subject as well as the broader socio economic context of EC competition law This third edition has been fully updated with all the recent developments within EC Competition Law since 2004 including coverage of the review of Article 82 and the green paper on damages as well as further information on US anti trust law Each chapter now begins with a central issues section which helps students to focus and direct their learning Editions are kept up to date via an accompanying Online Resource Centre which also contains relevant weblinks and material including an additional chapter on State Aids Combining the strengths of a modern textbook and traditional materials book Cases and Materials on EC Competition Law provides a wide ranging and thorough guide to the study of Competition Law enabling students to engage with both legal and economic aspects and making it ideal for both under and postgraduate courses on EC Competition Law

The Copyright-Competition Interaction within the EU Dino Gliha, 2025-07-09 This book provides a comprehensive analysis of the copyright competition interaction issue in the EU and provides a sustainable method of approach The research identifies several approaches to the copyright competition issue some of which were extensively applied in practice while others were considered more theoretical However none of the discussed approaches has proved to be an adequate fundament to understanding the copyright competition interaction issue and there is still a considerable disagreement on how to deal with this matter It is vital to start with the relationship between copyright law and competition law to overcome the flaws of the identified approaches The issue can be elegantly settled through the existent principles of both laws From the perspective of copyright law the application of competition law is a limitation of the author's right in a broader sense originating outside of copyright law From the perspective of competition law the presence of copyright should be comprehended as a specific situation in which the focus should mainly be on the effects of copyright instead of allocation and productiveness at the same time the concept of authorship should be taken into consideration in the light of consumer welfare Only after the fundamental approach to the copyright competition interaction issue is settled is it possible to analyse

specific situations further In practice several types of exercises have been recognised as the matter of the copyright competition interaction The research focuses on the interference between the exercise of copyright and competition rules on prohibited agreements i e licensing practices and abuse of dominant position i e refusal to license copyright Each situation is analysed separately based on the common understanding of the copyright competition interaction issue and following the fundamental principles of copyright law and competition law In doing so a detailed critical analysis of the relevant case law and literature is provided After the analysis of the relevant case law and doctrine for both situations are conducted the research produces a specific approach and method of analysis specific for the copyright competition interaction cases dealing under Article 101 and Article 102 TFEU It should be noted that the approaches are primarily construed from the perspective of copyright civil law tradition and EU competition law although such approach might as well be considered in other legal systems and traditions In the end a special view is given to the digital industry sector and the assessment of further potential developments in that field that might potentially fall under the scope of the copyright competition interaction issue

EU Competition Law Alison Jones, Brenda Sufrin, 2016 The essential guide to EU competition law for students in one volume extracts from key cases academic works and legislation are paired with incisive critique and commentary from two leading experts in the field In this fast paced subject area Alison Jones and Brenda Sufrin carefully highlight the most important cases legislation and developments to allow students to navigate the breadth of legislation and case law With their clear explanations and commentary the authors provide invaluable support to students as they approach this complex and highly technical area of law Extracts provide opportunities for students to understand the law in practice and to see its relevance to business Indispensable for undergraduate and postgraduate students alike this is the standalone guide to the competition law of the EU The text is accompanied by an Online Resource Centre containing An additional chapter on State Aid An interactive map and timeline of the EU Web links Updates in the law

The Ne Bis in Idem Principle in EU Law Bas van Bockel, 2010-01-01 The legal principle of ne bis in idem restricts the possibility of a defendant being prosecuted repeatedly on the basis of the same offence act or facts This book describes obstacles that stand in the way of a single autonomous and uniformly applicable general ne bis in idem principle of EU law

Judicial Review in European Union Law: Essays in Honour of Lord Slynn Gordon Slynn Baron Slynn of Hadley, 2000-06-14 Paradigm in Judicial Review

Reasonableness and Law Giorgio Bongiovanni, Giovanni Sartor, Chiara Valentini, 2009-08-19 Reasonableness is at the centre of legal debate both in academic circles and in practice This unique reference work adopts an interdisciplinary perspective merging jurisprudence legal theory political philosophy and the different branches of law All aspects relating to reasonableness and law are addressed by the most prominent scholars in the field In the first part of the book the focus is on jurisprudential analyses of the concept of reasonableness and on its moral political and constitutional implications In the second part reasonableness is examined in the different fields of law like Public Private and International Law Here in more detail the

practical consequences of reasonableness are worked out making this work of interest to practitioners as well as legal theorists

The Constitution of Private Governance Harm Schepel, 2005-02 The book offers the first systematic treatment of European American and international standards law in the English language

The Internal Market as a Legal Concept Stephen Weatherill, 2017 An inquiry into the internal market as an ambiguous legal concept this volume will consider the vertical distributions of competences between the EU and its Member States and the horizontal distribution of powers between the Court and the legislative institutions of the EU

The Economic Constitution Tony Prosser, 2014 There has been little analysis of the constitutional framework for management of the UK economy either in constitutional law or regulatory studies This is in contrast to many other countries where the concept of an economic constitution is well established as it is in the law of the European Union Given the extensive role of the state in attempting to resolve recent financial crises in the UK and elsewhere in Europe it is particularly important to develop such an analysis This book sets out different meanings of an economic constitution and applies them to key areas of economic management including taxation and public borrowing the management of public spending including the Spending Review monetary policy financial services regulation industrial policy including state shareholdings and government contracting It analyses the key institutions involved such as the Treasury and the Bank of England also including a number of less well known bodies such as the Office for Budget Responsibility There is also coverage of the international context in which these institutions operate especially the European Union and the World Trade Organisation It thus provides an account of the public law applying to economic management in the UK This book also adopts a critical approach assessing the degree to which there is coherence in the arrangements for economic management the degree to which economic policy making is constrained by constitutional norms and the degree to which economic management is subject to deliberation and accountability through Parliament the courts and other institutions

Governing Social Inclusion Kenneth A. Armstrong, 2010-08-19 In May 1997 European leaders met in Amsterdam to agree a further round of revisions to the founding Treaties of the European Union Embedded within its new social policy provisions was an objective for the EU and the Member States to combat social exclusion By 2000 a new governance technique the Open Method of Co ordination had emerged as the means of taking forward this objective utilising a combination of EU level objective setting and decentralised policy making May 1997 also saw a new Labour government sweep to power promising constitutional change including devolution of powers to Scotland Wales and Northern Ireland and pledging to tackle poverty and social exclusion Strategies to tackle social exclusion are now conducted in a multi level context On the one hand the EU is seeking to steer national systems through the open method of co ordination On the other hand in the United Kingdom it is not only central government policies that aim to tackle social exclusion but also the devolved administrations and local government It is not only the levels of governance that have changed but also the techniques and the actors involved New forms of partnership have emerged at EU national and sub national levels between

governmental and non governmental organisations All of which raises challenges to orthodox democratic constitutionalism and possibilities for democratic experimentalism In all of this law and in particular European Union law seems to have been decentred in favour of new normalising practices associated with social indicators and the mapping of exclusion By exploring this changing governance context the book addresses the impact of new modes of governance on the conduct of social inclusion strategies in the EU and UK

Between Competition and Free Movement Julio Baquero Cruz, 2002-08-04 This book takes as its starting point the interaction and gaps between the free movement and competition rules of the EC Treaty and is the first book length treatment of the topic Competition and free movement are well known as fundamental elements of the Community legal order and are normally treated separately by different specialists Hence their interaction has tended to receive less doctrinal analysis This work bridges the gap and examines the interaction of these disparate rules using a framework which is defined by the author as the economic constitutional law of the European Community The book then examines in depth specific issues such as for example the economic orientation of the constitution of the Community the structure and principles of interpretation relating to it or the gaps presented by this structure and the ways in which they have been filled by the European Court of Justice Particular attention is given in separate chapters to two important topics the possible extension of the application of the free movement rules to protectionist private conduct and that of the competition rules or principles extracted from them to State action The problem of the public private divide a pressing one for contemporary constitutionalism and societies is a major concern for the chapters devoted to these topics and it is seen by the author as the central question of the economic constitutional law of the Community The book is equally concerned with theoretical and practical issues and will be of use and interest to academics and practitioners interested in the European Community legal order In addition to the wealth of information it contains and its challenging analysis of the law the book also provides a way of thinking afresh about the problems presented by these established branches of Community law

The Trade and Customs Law of the European Union Dominik Lasok, 1998-04-10 Rev and extended ed of The customs law of the European Economic Community 2nd ed c1990

State-Initiated Restraints of Competition Josef Drexler, Vicente Bagnoli, 2015-02-27 This new book addresses important current problems and challenges arising from a large variety of state initiated restraints Beyond state owned enterprises rules on government procurement and the control of state subsidies the contributions also ana

Private Regulation and the Internal Market Mislav Mataija, 2016 How does EU internal market law in particular the rules on free movement and competition apply to private regulation Through a close analysis of three case studies sports the legal profession and standard setting this book studies how internal market law is used as a control mechanism over private regulators

The European Fundamental Freedoms Pedro Caro de Sousa, 2015 Law can be looked at from both an internal legal perspective reflected in the official discourse supporting legal decisions and an external perspective which is pursued by studies that look at the law from the outside as the subject of sociological economic or

philosophical analysis This external dimension related to extra legal factors that impact the law such as the institutional environment in which the law is applied is usually ignored or not addressed systematically by studies that focus on the internal perspective By systematically internalizing these external elements into legal theory and practice contextual approaches lead to the development of better descriptive theories and more attractive normative models of the law and specifically EU law than de contextualized approaches allow for Additionally contextual approaches are more self aware than de contextualized approaches since they are able to make sense of the role that legal practice by judges legal practitioners and academics plays in the development of the law It is through a contextual approach that Pedro Caro de Sousa develops a general theory of European constitutional law in particular free movement law and the EU fundamental freedoms As a contribution to the development of EU constitutionalism this monograph focuses on the interplay between the different normative concerns behind the EU s market freedoms identified in traditional legal discourse and the various extra legal and institutional factors that affect how that law is applied and develops in practice Moving away from traditional studies of free movement law Caro de Sousa s book offers a fresh approach to free movement law Rather than proposing normative approaches he uses this approach to construct a broader thesis that the EU law of free movement can best be understood as interplay of traditional legal doctrines and practices and the specific institutional environment where this law is applied and developed

Cassis de Dijon Albertina Albors-Llorens, Catherine Barnard, Brigitte Leucht, 2021-02-25 Why is the 1979 the Court of Justice judgment in Cassis de Dijon so famous and so significant in the evolution of EU trade law As this landmark judgment approaches middle age this book revisits this decision with the benefit of hindsight why did the Court of Justice decide Cassis de Dijon as it did How has the decision been developed by the EU And looking forward how has the decision been used to develop international trade This book brings together some of the leading writers in the field of EU trade law constitutional law and European history for a fresh examination of this ground breaking judgment looking at it from the perspective of its past who what and why its present is it making a difference and its future how does it fit in international trade agreements

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