

## Directives In Ec Law 2 E Oxford European Union Law Library

The European Union has strict laws, embodied in the EC Treaty and in particular Article 90, on the conduct of competition within Europe, in order to ensure that monopolies are not allowed to distort competition. The rules of the Treaty are complemented by directives dealing with the main utility sectors. State Monopolies Under EC Law, which is in two Parts, takes the reader through this law relating to state monopolies, its application and its development. Part 1 details the legal position of state monopolies under Article 90 and associated Articles, and discusses the relevant case law with particular reference to the important decisions of Sacchi, Terminal Equipment and Corbeau. Part 2 gives provides an in-depth analysis on the application of this law as it affects specific utility sectors, in particular: \* energy \* telecommunications \* broadcasting \* postal \* transport In conclusion, State Monopolies Under EC Law provides a vital guide to both Article 90 and its application for lawyers, corporate and industry advisers and EC consultants.

**Directives: Rights and Remedies in English and Community Law** analyses the impact of EC Directives on national law, which has long been a problem and continues to be so - both in terms of interpretation and implementation. This book from barrister Richard Brent provides the reader with practical and invaluable insights on the legislative processes involved, the legal basis for adoption of Directives, the transposition and implementation of Directives.

**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.

**For the first time in the English language, this book offers the reader everything they need to know on European copyright law in one volume. Thoroughly covering all of the EU Directives and related rights, with detailed article-by-article analysis of the provisions, it is a must have for copyright lawyers across Europe and the rest of the world.**

**Implementing EC Law in the United Kingdom**

**European Union Law**

**International Environmental Law Reports**

**A guide to the European VAT directives**

**German Legal System and Laws**

**Article-by-Article Commentary**

A modern approach to the institutional and substantive law of the EU. It provides a comprehensive introduction and combines a popular text, cases, and materials format with a range of supportive learning features.

Seminar paper from the year 2006 in the subject Law - Comparative Legal Systems, Comparative Law, grade: 2,0, University of Vienna (Institut für Unternehmens und Wirtschaftsrecht), course: Diplomandenseminar aus Technologierecht, 15 entries in the bibliography, language: English, abstract: On behalf of international e-commerce law there are a lot of different entities that deal with international trade law. For example there is the UNCITRAL ( United Nations Commissions on International Trade Law) embodied in the United Nations. In this context the UNCITRALs report "UNCITRAL Model Law on Electronic Commerce" has to be mentioned.The problem of UNCITRAL is that it cannot produce any binding instruments on international basis. It can only give recommendations for the national regulations of the membership states. The states themselves can choose to follow these "model laws" by UNCITRAL. On the other side there is the WTO (World Trade Organisation), which prepares on behalf of its members international treaties. In Europe, the e-commerce law has been enforced by the European Union - as well as the Counsel of Europe for certain topics like cyber crime. Examples for European legislation are the E-C directive, the Distance Selling Directive, and the E-Privacy Directive. In general, these directives focus on the problems that come along with the so-called "information-society," like copyrights of software and their protection, problems with databases and personal information and so on. In Austria the Distant Selling Directive has been transposed into the so-called "Konsumentenschutzgesetz," with 1.June 2000. The UK Consumer Protection Regulations came into force on 31 October 2000 The provisions of the Distance Selling Directive are only the minimum level of protection laid down by the European Union. Each member state is free to protect its consumers better, but every consumer can rely that he has at least this minimum protection - Art 12 Distance Selling Directive."

**Law of the European Union** provides an introductory guide to help you understand European Law at a time of considerable change and challenge. It offers a clear and accurate explanation of the constitutional law of the EU and the institutions, as well as the substantive law, presented in a systematic and logical way to support learning and revision.

Value added tax (VAT) is responsible for generating approximately €903 billion per year in tax revenues across the European Union – revenues that play a huge role in budgetary policymaking in the Member States. This extremely useful book provides not only a thorough description of the current state of EU VAT law, but also a detailed explanation of the system’s rationale and its legislative provisions. It puts the elements of the system in perspective and shows how they are linked to each other. The focus lies on the rules which can be deduced from the sources of EU VAT law and on their application in practice. The systematic presentation covers such issues and topics as the following: • sources of EU VAT law, including principles derived from CJEU case law; • principles underlying the EU VAT system; • relations among the layers of VAT law – primary and secondary EU law, national law; • how to apply the VAT legislation and case law; • allocation of taxing rights (place of supply rules); • invoicing requirements and other administrative obligations; • exemptions, VAT rates and the taxable amount; • the right of deduction of input VAT; • intra-Community transactions, importation and exportation; • immovable property; and • how far a national court must and can go in interpreting national provisions in the light of the VAT Directive and the principles underlying the VAT system. The book follows the structure of the VAT Directive/VAT determination scheme, with additional topical chapters on immovable property, intra-Community transactions, and importation and exportation of goods. With its detailed attention to the meaning and interpretation of each legislative provision and court ruling, this book serves as an incomparable guide for practitioners. Its emphasis on the rationale and systematics of the EU VAT system make it an indispensable reference for all tax law professionals and researchers.

**Directives: Rights and Remedies in English and Community Law**

**Options for Tax Policy in the Context of the Treatment of Hybrid Financial Instruments in the Parent-Subsidiary Directive and the Interest and Royalties Directive**

**Business Law**

**The EU Treaties and the Charter of Fundamental Rights**

**USITC Publication**

**The Coherence of EU Law**

This Commentary provides an article-by-article summary of the TEU, the TFEU, and the Charter of Fundamental Rights, offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice. Written by a team of contributors drawn from the Legal Service of the European Commission and academia, the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice. The Commentary follows a set structure, offering a short overview of the Article, the Article text itself, a key references list including essential case law and legislation, and a structured commentary on the Article itself. The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects.

Written by leading experts in the field, the fifth edition of Business Law is designed to provide trainee solicitors with a clear understanding of key aspects of business law, one of the most challenging and dynamic areas of law in study and in practice. Each chapter gives a clear overview of the subject as well as focusing on the legal issues that solicitors face in practice. Coverage includes: establishing and operating a business, buying and selling a business, selected business law issues, and business arrangements. This fifth edition of the book features new chapters on corporate governance and on terms and conditions of sale. The manual is essential reading for trainee solicitors on the Law Society of Ireland’s Professional Practice Courses, and is also an excellent resource for Irish legal practitioners.

**Directives in EC Law**Oxford University Press on Demand

This Handbook is the first comprehensive account of comparative environmental law. It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries from four vantage points: country studies from all continents, responses to common problems (including air pollution, water management, nature conservation, genetically modified organisms, climate change and energy, chemicals, waste), foundational components of environmental law systems (including principles, property rights, administrative and judicial organisation, command-and-control regulation, market mechanisms, informational techniques and liability mechanisms), and common interactions of environmental protection with the broader public, private, and criminal law contexts. The volume brings together the foremost authorities in this field from around the world to provide a concise, self-contained, and technically rigorous account of environmental law as a single overall system.

The European Private International Law of Employment

National Tax Policy, the Directives and Hybrid Finance

European Copyright Law

Fundamentals of EU VAT Law

New Directives and New Directions

Exclusive Rights and State Monopolies Under EC Law

**The right of legislation in the area of taxation is part of the sovereign right of each Member State, providing that State with autonomy of decision-making as regards its tax policy measures. This autonomy, however, is restricted by EU law in three ways:1. member States are bound by the Four Freedoms, and in the determination of those freedoms by the jurisdiction of the ECJ. 2. member States are subject to secondary EU Law in the form of regulations, directives and decisions.3. member States are bound by the code of conduct for business taxation.The focus of this article rests on the effect of secondary EU Law, in the form of directives, on the autonomy of national tax policy in the Member States in the area of direct taxation. Up to now, directives have been a major tool used by the Council in bringing the national law of the Member States into line with the requirements of a common domestic market within the European Community. Most of these directives contain very detailed provisions in order to achieve their intended goals. Directives in the area of direct taxation, although few in number, are rather detailed and, thus, effectively constrain the Member States' autonomy in implementing tax policy. Nevertheless, apart from a wilful decision not to implement a directive, either in full or in part, some leeway remains for tax policy in the Member States in the course of the implementation of the directives. It is the aim of this article to show that there is indeed room for tax policy in the Member States, taking the treatment of hybrid cross-border finance between associated companies as an example. We look at this in the context of the Parent-Subsidiary Directive (90/435/ECC) and the Interest and Royalties Directive (2003/49/EC). These directives have been chosen, because they are interrelated, very detailed and have been implemented by the majority of the Member States.**

This is the second edition of the well-received documents collection on European Union law, first published in 1999. The volume provides a compact collection of the most important primary and secondary sources of EU law, and is a quick desk reference guide for rapid and frequent consultation. This collection differs from other EU document collections as it includes many documents relating to the institutions of the EU and their decision-making process, such as Rules of Procedure of Parliament, Council, Commission, and both Courts of the EU. All regulations and directives are reproduced with their preambles and all documents are printed with article headlines, most of which have been added by the editor. (This collection is Volume 1 of a three-volume set on European Union law which will be published in 2008/2009. Volume 2 will cover European Union case law and Volume 3 will be a textbook on the European Union.) This fully revised and updated new edition offers a detailed exposition of EC Directives, individual rights, and the protection of those rights in national courts. Three central themes are investigated: the characteristics of EC Directives; the role played by national courts in protecting the rights which individuals derive from Directives; and the 'devices' and means by which the courts may implement this protection. Focussing initially upon clear examples from the ECJ case law, the author then moves on to discuss specific 'lines' within that case law, and to examine how these 'lines' complement or contradict each other. Throughout the text, the author’s empirical argument is enriched by discussion of doctrine and theory. Less orthodox ideas are also incorporated through selective use of a comparative approach which illuminates the workings of EC directives from the broader perspective of the EC as a whole. In an updated conclusion, the prospects of Directives in the future and in the light of the nascent European Constitution are discussed. The result is an extensive and in-depth analysis of Directives, the case-law of the ECJ, and legal writing on the topic, which also engages with the more practical issues of implementation and enforcement in the courts.

**The principle of loyalty requires the EU and its Member States to co-operate sincerely towards the implementation of EU law. Under the principle, the European courts have developed significant public law duties on States to deepen the reach of EU law. This is the first full-length analysis of the loyalty principle and its legal implications.**

**The European Public Procurement Directives and 25 Years of Jurisprudence by the Court of Justice of the European Communities : Texts and Analysis**

**Complete EU Law**

**European Community and International Media Law**

**A Commentary**

**Cases and Materials on Employment Law**

**The Law on Age Discrimination in the EU**

This is the ultimate legal resource on public procurement in the European Union. It combines and links the full texts of the procurement directives in force today - i.e. Directive 2004/17/EC (the new Utilities Directive) and Directive 2004/18/EC (the new Public Sector Directive) - with more than eighty judgments rendered by the European Court of Justice during the period 1982-2007 regarding public procurement. In one easy-to-use volume it provides: 1. the texts of the Public Sector Directive and the Utilities Directive, with the articles of these directives linked to the relevant Court of Justice case law; 2. in-depth analysis of 84 judgements rendered by the Court of Justice in connection with subject matter treated by the articles of the two directives; 3. the essential excerpts from the chronologically ordered judgments, with each excerpt preceded by an overview of the subject matter and points of law treated in the judgment; 4. pertinent passages of opinions of the Advocate General; 5. texts of supplementary legislation, including the relevant articles of the EC Treaty and interpretative communications and explanatory notes of the European Commission; and 6. an exhaustive subject index. By bringing the reader into direct contact with the relevant jurisprudence of the European Court of Justice - which has been instrumental in interpreting the public procurement legal framework - the book clearly manifests the reality of public procurement in the European Union. It will be of great value to practitioners and officials charged with ensuring that contracts are awarded in an open, fair and transparent manner that allows domestic and non-domestic firms to compete for business on an equal basis, and that the high quality and fair cost of purchases made by awarding authorities are maintained.

"Provides an analysis of the constitutional principles governing the European Union. It covers the history of the EU, the constitutional foundations, the institutional framework, legislative and executive governance, judicial protection, and external relations"--Publisher's website. A complete reference resource for students of employment law. Well established as the most regularly updated casebook on the market, it offers a wide range of case law and statutes along with plenty of non-statutory material, providing students with a thorough grounding in the subject.

This fourth edition has been thoroughly updated and revised to provide a comprehensive introduction to the German legal system and covers institutional, public, and private law. Included are extracts from the Grundgesetz and a glossary of German legal terms.--Preface.

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

Documents

Oxford Principles of European Union Law

State Monopolies Under EC Law

The Effects of Greater Economic Integration Within the European Community on the United States

Directives in EC Law

*The EC Directive establishing a general framework for equal treatment in employment and occupation covers a number of grounds of discrimination including age. The EU's population is ageing, but there is much evidence that age discrimination is widespread. The Directive is a reaction to that and the consequent desire to encourage greater participation in the labour market by older workers. This is the first time that age discrimination has been made unlawful by the EU and, as a result, there are now laws in every Member State making such discrimination unlawful. The Directive, and much of the national legislation, however, treats age discrimination differently to the other grounds for unlawful discrimination. It is the only area which permits direct discrimination. Age discrimination generally may still be objectively justified by a legitimate aim if the means of achieving that aim are appropriate and necessary. Such aims include legitimate employment policy, labour market, and vocational training objectives. This insightful book--written by national experts in eight Member States and at the EU level--considers the ways in which the Directive has been implemented in some of the Member States and the extent to which they have taken advantage of the exceptions that are inherent in the Directive. Particular issues that are covered are: \* what legislation has been adopted in each country \* the development of the case law that exists in some States \* the demographic imperative existing in each country \* measures taken to improve the position of young people \* retirement and the exit from the workforce of older workers \* the approach and case law*

*of the European Court of Justice As an important contribution towards an understanding of age discrimination within the European Union, this book opens a field of law that has heretofore not been considered in all its seriousness. It will be of real value to lawyers, human resource management professionals, and those with an interest in discrimination and EU issues. It is an important contribution to what will be a developing field of study*

*It is widely accepted that the future development of environmental law depends not on further legislation, but on more effective enforcement. Within the EC legal system, the conventional view is that the enforcement deficit is due to the fact that the environment is distinct from other fields of Community law. EC environmental law normally does not confer rights on individuals and may therefore not be judicially enforced in the same manner as rules concerning the internal market, competition and gender discrimination. The Enforcement of EC Environmental Law explores and challenges this assumption. Drawing from constitutional aspects of EC law, the author examines to what extent the general case law on procedures and remedies may be transposed to the field of environment, whilst at the same time taking stock of the existing environmental case law and the distinctive features of environmental legislation. In a critical exposition and assessment of 50 years of jurisprudence by the European Court of Justice as well as recent legislative developments, the author explores the potential of enforcement of environmental law through law suits by individuals as well as the European Commission. By demonstrating that the environment is not so different from other fields of law in terms of rights and remedies, the book provides not only new insights to the enforcement of EC environmental law but also to the central characteristics of Community constitutional law.*

*The focus of this monograph is on the evolution of EU policies designed to realize specific fundamental rights, and how this is delivered in EU equality law.*

*This is the second edition of this wide-ranging survey of EU law. The new edition has been significantly enlarged. Unlike many other EU law books it takes full account not only of the Lisbon Treaty changes to the EU treaties, but also of the fact that the EU Charter of Fundamental Rights now has the same legal value as the EU Treaties. It therefore not only covers the relevant case law of the Court of Justice of the European Union, but also ties that case law into the decisions of the European Court of Human Rights, because it is clear that EU law can only now properly be understood and applied against this background of European fundamental rights jurisprudence. The book sets out very clearly the broad shape of the European Union's legal systems, while also giving the reader a good feel for the policy motivations in the Court of Justice of the European Union and the scope of EU legislative activity. Written in a lively and accessible style, it is an ideal guide for practitioners, whether those coming to the subject for the first time or those already with a background in EU law. Among the additions and changes in this expanded edition the book includes new chapters on the EU and fundamental rights, on commercial agency, on criminal law and on private international law in the EU. It also contains a full treatment of EU equality law. The first edition 'EC Law for UK Lawyers' by Aidan O'Neill and Jason Coppel (ISBN: 9780406024596) was published by Butterworths in 1994.*

*EU Anti-Discrimination Law*

*European Public Procurement Law*

*Cases and Materials*

*Oxford Handbook of Comparative Environmental Law*

*EU Digital Law*

The implementation of the Lisbon Treaty is profoundly changing many areas of EU law and policy. This volume gathers leading specialists in the field to analyse the implementation process and the directions of legal reform post-Lisbon, situating the Lisbon reforms in the broader context of on-going policy programmes.

Uglješa Grušić examines the legal regulation of transnational employment relationships in the private international law of the European Union.

The understanding of Article 86 (formerly Article 90) of the EC Treaty is vital to any competition lawyer working in Europe. Writing with first-hand experience of dealing with Article 86 cases at DG IV, the author provides the first such detailed examination of this Article and the law concerning exclusive rights and State monopolies. Clearly written, with penetrating analysis of the relevant case-law, this study pays attention to all the key areas including: the definition of 'exclusive rights' and 'economic activities', the remedial possibilities offered by the often neglected Article 31 (formerly Article 37), the application of Article 86(1) in conjunction with the competition rules (Article 82 (formerly Article 86)), proportionality in the context of Article 86(2) and decisions and directives under Article 86(3) and their relationship with harmonization directives. With practical insights and intelligent solutions to many of the problems posed by the applications of these rules, Exclusive Rights and State Monopolies under EC Law will become an indispensable work for all practitioners in this field.

This volume examines the problems of legal and linguistic diversity in the EU legal system. In a union of 27 member states, with 23 different languages, how can the coherence of EU law be guaranteed? Is there a common understanding between lawyers from different national backgrounds as to the meaning and domestic application of EU law? The volume addresses these central questions from a range of theoretical and practical perspectives.

*Law of the European Union*

*Fifth Follow-up Report*

*Article 86 (formerly Article 90) of the EC Treaty*

*The Distant Selling Directive 97/7/Eg*

*EU Equality Law*

*EU Law After Lisbon*

**The European Community relies on the Member States both to implement and enforce its laws, even in the face of conflict with existing national legislation. This important book examines how EC law is grafted onto the UK national legal system by a process of adjustment and co-operation. It focuses on the practical problems of implementation for those who are the object of Community regulation and those who are now required to administer it, with its increasingly prominent role in the control of government action and impact on the judiciary. The book is divided into three sections: Part 1: legal and administrative structures of indirect rule and implementation, in the UK and at Community level Part 2: illustrates how these structures work in practice by examining the implementation of specific EC directives in case studies ranging from food safety to audio-visual media Part 3: considers how the implementation of EC law has participated in processes of domestic governmental change and of European constitutional and administrative development Implementing EC Law in the United Kingdom is an essential resource for practitioners of European law and government, constitutional lawyers, and European businesses and trade associations.**

**EU Anti-Discrimination Law provides a detailed and critical analysis of the corpus of European Union law prohibiting discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation. It takes into account the changes brought about by the Treaty of Lisbon and contains a thorough examination of the relevant case law of the Court of Justice of the EU. The book examines the background to the legislation and explains the essential characteristics and doctrines of EU law and their relevancy to the topic of anti-discrimination. It also analyses the increasingly significant general principles of EU law, the Charter of Fundamental Rights, and the relevant law flowing from the European Convention on Human Rights. The key concepts contained in anti-discrimination law are subjected to close scrutiny. The substantive provisions of the law on equal pay and the workplace and non-workplace provisions of the governing Directives are similarly examined, as are the numerous exceptions permitted to them. The complex rules governing the rights of pregnant women and those who have recently given birth are dealt with comprehensively and in a separate chapter. Equality in social security schemes is also discussed. The book concludes with an assessment of the practical utility of the existing law and the current proposals for its reform.**

*utilities." --Book Jacket.*

**Compendium of dispute settlement or judicial decisions on environment-related issues under three international trade regimes.**

**The European Union legal order**

**EU Law for UK Lawyers**

**The Principle of Loyalty in EU Law**

**The Search for Unity in Divergent Concepts**

**Text, Cases, and Materials**

**Social and Environmental Policies in EC Procurement Law**

*This eagerly awaited new edition has been significantly revised after extensive user feedback to meet current teaching requirements. The first major textbook to be published since the rejuvenation of the Lisbon Treaty, it retains the best elements of the first edition – the engaging, easily understandable writing style, extracts from a variety of sources showing the creation, interpretation and application of the law and comprehensive coverage. In addition it has separate chapters on EU law in national courts, governance and external relations reflecting the new directions in which the field is moving. The examination of the free movement of goods and competition law has been restructured. Chapter introductions clearly set out what will be covered in each section allowing students to approach complex material with confidence and detailed further reading sections encourage further study. Put simply, it is required reading for all serious students of EU law.*

*Recoge: 1.Relationship between community freedoms and National Laws - 2.Freedom of establishment and freedom to provide services - 3.Distinction between media goods and media services - 4.Competition law - 5.Fundamental human rights and community law -*

*6.European Community directives - 7.International conventions - 8.Enforcing rights in broadcast and cable transmissions - 9.European audiovisual programmes.*

*Die Regeln zum digitalen EU-Binnenmarkt gelten als Meilenstein des Verbraucherschutzes. Sie haben die Bereitstellung digitaler Inhalte und Online-Verkäufe europaweit harmonisiert. Der neue Kommentar zum "EU Digital Law" kommentiert Artikel für Artikel die wichtigsten europäischen Regelungen zum digitalen Recht in der EU: die Digitale-Inhalte-Richtlinie; die EU-Verbraucherrechte-Richtlinie; die E-Commerce Richtlinie; die Portabilitäts-Verordnung. Damit wird der Rechtsrahmen für digitale Inhalte fundamental neu gefasst. Die Autor/innen sind Experten aus der ganzen EU. Ihre Kommentierungen bieten detaillierte Erläuterungen zu Hintergrund und Zweck der Bestimmungen und zeigen konkrete Wege zur Umsetzung auf.*

*Structures for Indirect Rule*

*The First Fundamental Rights Policy of the EU*

*Guide to the Implementation of Directives Based on the New Approach and the Global Approach*

*Collective Management of Copyright and Related Rights*

*The Enforcement of EC Environmental Law*