

THE EEA AND THE EFTA COURT

Decentred Integration

Edited by
the EFTA Court



The Eea And The Efta Court Decentred Integration

Graham Butler



The Eea And The Efta Court Decentred Integration:

The EEA and the EFTA Court EFTA Court,2014-11-27 The EEA Agreement extends the free movement of persons goods services and capital to the EEA EFTA States Iceland Liechtenstein and Norway It provides for equal conditions of competition and abolishes discrimination on grounds of nationality in all 31 EEA States The successful operation of the EEA depends upon a two pillar system of supervision involving the European Commission and the EFTA Surveillance Authority A two pillar structure has also been established in respect of judicial control with the EFTA Court operating in parallel to the Court of Justice of the European Union The EFTA Court which celebrates its 20th anniversary in 2014 has jurisdiction with regard to EFTA States which are parties to the EEA Agreement The jurisdiction of the EFTA Court accordingly corresponds to the jurisdiction of the Court of Justice of the European Union over EU Member States in matters of EEA law The essays in this collection assembled to celebrate the 20 year landmark and written by members of the Court and external experts review the successes and shortcomings of the Court its interface with EU law and the prospects for its future development **The EEA and the EFTA Court** Efta Court,2017-01-26 The EEA Agreement extends the free movement of persons goods services and capital to the EEA EFTA States Iceland Liechtenstein and Norway It provides for equal conditions of competition and abolishes discrimination on grounds of nationality in all 31 EEA States The successful operation of the EEA depends upon a two pillar system of supervision involving the European Commission and the EFTA Surveillance Authority A two pillar structure has also been established in respect of judicial control with the EFTA Court operating in parallel to the Court of Justice of the European Union The EFTA Court which celebrates its 20th anniversary in 2014 has jurisdiction with regard to EFTA States which are parties to the EEA Agreement The jurisdiction of the EFTA Court accordingly corresponds to the jurisdiction of the Court of Justice of the European Union over EU Member States in matters of EEA law The essays in this collection assembled to celebrate the 20 year landmark and written by members of the Court and external experts review the successes and shortcomings of the Court its interface with EU law and the prospects for its future development **The EEA and the EFTA Court** EFTA Court,2014-11-27 The EEA Agreement extends the free movement of persons goods services and capital to the EEA EFTA States Iceland Liechtenstein and Norway It provides for equal conditions of competition and abolishes discrimination on grounds of nationality in all 31 EEA States The successful operation of the EEA depends upon a two pillar system of supervision involving the European Commission and the EFTA Surveillance Authority A two pillar structure has also been established in respect of judicial control with the EFTA Court operating in parallel to the Court of Justice of the European Union The EFTA Court which celebrates its 20th anniversary in 2014 has jurisdiction with regard to EFTA States which are parties to the EEA Agreement The jurisdiction of the EFTA Court accordingly corresponds to the jurisdiction of the Court of Justice of the European Union over EU Member States in matters of EEA law The essays in this collection assembled to celebrate the 20 year landmark and written by members of the Court and external experts review the

successes and shortcomings of the Court its interface with EU law and the prospects for its future development *The EU and the WTO: Ever the Twain Shall Meet*. Freya Baetens,Stefaan Van den Bogaert,2023-04-25 The European Union EU and the World Trade Organization WTO are becoming ever more important players on the international legal scene as well as points of reference for the development and functioning of similar institutions elsewhere Both institutions initially had a relatively small trade focused mandate which has been significantly expanded over the past decades so that there are few legal issues today that are not in some way affected by EU or perhaps to a lesser extent WTO law Today the EU and the WTO interact on a global scale as rule makers and enforcers with repercussions for the entire world s population Nevertheless they are currently experiencing a backlash Both institutions are likely to undergo major reform in the next years the book scrutinizes current proposals and makes an educated attempt at predicting upcoming changes in the EU and the WTO format For this reason the book takes a macro approach looking at the EU and the WTO in a broader context as well as a micro approach analysing specific high profile issues including the EU the WTO and Brexit environmental sustainability in EU competition law and free trade agreements the EU s proposed Carbon Border Adjustment Mechanism CBAM WTO safeguards and rules of origin in services reform of WTO dispute settlement procedures and the Appellate Body the WTO the EU Green Deal and renewable energy investment EU external relations with Mercosur the EEA and Switzerland EU human rights law and the freedom of artistic expression and international trade law s contribution to combatting pandemics Contributors to the book are experts active in legal academia international legal practice or both who wish to honour Marco Bronckers upon his retirement from the Chair of WTO and EU Law at the University of Leiden A variety of audiences stands to benefit from the book s discussion and proposed solutions legal practitioners scholars and students of international and European law as well as related disciplines such as political science and economic theory *The Legitimacy of International Trade Courts and Tribunals* Robert Howse,Hélène Ruiz-Fabri,Geir Ulfstein,Michelle Q. Zang,2018-04-12 The recent rise of international trade courts and tribunals deserves systemic study and in depth analysis This volume gathers contributions from experts specialised in different regional adjudicators of trade disputes and scrutinises their operations in the light of the often debated legitimacy issues It not only looks into prominent adjudicators that have played a significant role for global and regional integration it also encloses the newly established and or less known judicial actors Critical topics covered range from procedures and legal techniques during the adjudication process to the pre and post adjudication matters in relation to forum selection and decision implementation The volume features cross cutting interdisciplinary discussions among academics and practitioners lawyers philosophers and political scientists In addition to fulfilling the research vacuum it aims to address the challenges and opportunities faced in international trade adjudication *Building Bridges in European and Human Rights Law* Michael-James Clifton,Suzanne Rab,David Scorey KC,2024-02-08 This unique book formed as a series of essays in honour of the memory of Paul Heim CMG the founder of Lincoln s Inn European Group focusses on the building of

bridges between individuals and institutions in European international and human rights law The book features contributions from some of the foremost current or former European and international judges leading practitioners and officials each with links to Lincoln s Inn and former recipients of Lincoln s Inn s dedicated scholarship programmes The approachable style of the book makes it readily accessible for a wide range of readers including legal scholars practitioners students and those with a general interest in the application of the law and justice in today s interconnected world Each contribution provides personal reflections and expertise on selected aspects of European and human rights law and the personal professional and technical bridges involved in their development and maintenance together with insights into their future The book provides multi level perspectives on the Court of Justice of the European Union the EFTA Court the European Court of Human Rights and the International Criminal Court and the interaction of their jurisprudence with domestic law and between themselves alongside our ever evolving societies

The Handbook of EEA Law Carl Baudenbacher, 2015-12-11 This Handbook comprehensively addresses the breadth of law encompassed by the EEA Agreement which extends the European Union s Single Market to three EFTA countries Iceland Liechtenstein and Norway The Handbook is first and foremost intended for practitioners and legal scholars but its approachable style makes it readily accessible for students The Handbook provides the reader with a thorough grounding in the EEA Agreement detailing how secondary EU law becomes applicable in the EFTA pillar and the roles played by the EFTA Surveillance Authority and the EFTA Court It considers the EEA Agreement from the respective perspectives of the national authorities courts and the legal professions of Iceland Liechtenstein and Norway The book meticulously examines substantive EEA law beginning with the general principles and the four freedoms through competition law and State aid to such aspects as the precautionary principle tax law and mutual administrative and legal assistance Emphasis is placed on jurisprudence and especially that of the EFTA Court Each chapter has been written by a judge noted practitioner or eminent academic in their respective fields and the book is divided into twelve parts Part I History and main features of the EEA Agreement Part II Genesis of EEA Law Part III Institutions and Procedure Part IV National Authorities in the EFTA Pillar Part V National Courts in the EFTA Pillar Part VI The Practicing Bar in the EFTA Pillar Part VII General Principles and Prohibition Part VIII The Fundamental Freedoms Part IX Competition Law and Related Matters Part X Further Areas of Economic Law Part XI Law of Natural and Economic Resources Part XII Social Protection and Public Health

Changing Consumer Law in the United Kingdom after Brexit? Katharina Steinbrück, 2021-06-14 Dem britischen Gesetzgeber er ffnen sich durch den weitgehenden Wegfall von Bindung an EU Recht im Verbraucherrecht neue regulatorische Möglichkeiten Dieses Werk widmet sich der Frage ob Normen des bisher von der EU bestimmten Verbraucherkredit und AGB Rechts beibehalten oder geändert werden sollten Eine historische Analyse beantwortet die Frage inwieweit EU Recht in der Vergangenheit durch das Vereinigte Königreich gestaltet und rezipiert wurde Auf Grundlage einer umfassenden rechtsvergleichenden Betrachtung wird zudem analysiert ob alternative europäische Kooperationsmodelle mehr

regulatorischen Freiraum bieten und die Nicht Umsetzung von Verbraucherrecht als Vorbild für neue Regulierung im Vereinigten Königreich dienen könnten **International Investment Law and the Global Financial Architecture** Christian J. Tams, Stephan W. Schill, Rainer Hofmann, 2017-02-24 This book explores whether investment law should protect against such regulatory measures including where these have the support of multilateral institutions It considers where the line should be drawn between legitimate regulation and undue interference with investor rights and equally importantly who draws it

Research Handbook on EEA Internal Market Law Graham Butler, 2025-02-12 This Research Handbook focuses on the internal market aspects of the European Free Trade Association EFTA pillar of the European Economic Area EEA Leading academics judges and practitioners examine the EEA internal market in a structured and systematic manner Throughout they provide an in depth analysis of the free movement and horizontal aspects of the EFTA pillar of the EEA *The EEA Agreement in a Revised EU Framework for Welfare Services* Karin Fløistad, 2018-10-02 This book addresses some of the most debated topics preceding the UK referendum on membership of the EU namely welfare services and free movement of citizens The work improves understanding of the implications of the European Economic Area EEA Agreement which is the most integrated form of association agreement with the EU for non member states The author considers the impact of EEA law on both European Free Trade Association EFTA states and on EU Member States and looks at case law A broad range of welfare services are analysed including public healthcare and educational services various social services and public utilities such as transport and public broadcasting Free movement of students of patients and public financing of welfare services are among the issues explored The focus here is particularly on legal aspects and the demonstrated development of the EEA Agreement into the welfare sphere This work enables a sophisticated analysis about the nature of the principles of homogeneity and dynamism The book is essential reading for scholars who seek to understand the EU's legal framework the EEA Agreement and its implications The topics covered are also relevant to UK EU discussions on future relations both for intermediate and long term arrangements **The EFTA Court** EFTA Court, 2024-08-08 The EEA Agreement extends the four freedoms persons goods services and capital to Iceland Liechtenstein and Norway It provides for equal conditions of competition and abolishes discrimination on grounds of nationality The EFTA Court celebrating its 30th anniversary in 2024 has jurisdiction over parties to the Agreement This jurisdiction corresponds to that of the Court of Justice of the European Union over EU Member States in matters of EEA law This collection of essays written by members of the Court and external experts reviews the successes and shortcomings of the Court its interface with EU law and its future development **The Fundamental Principles of EEA Law** Carl Baudenbacher, 2017-10-24 This book features eleven contributions on the fundamental principles of EEA law legislative and judicial homogeneity reciprocity prosperity priority authority loyalty proportionality equality liability and sovereignty Written by EFTA Court and national judges high EFTA officials private practitioners and scholars it raises awareness of EEA law and provides insights for EEA and EU law practitioners and

researchers It focuses on the principles at the core of EEA law some of which are common to EU and EEA law while others have a specific place in EEA law and some ensure consistency between the EEA Agreement and the Treaty on the Functioning of the European Union It is the only book to focus on the fundamental principles of EEA law Broberg and Fenger on Preliminary References to the European Court of Justice Morten P. Broberg, Niels Fenger, 2021 A fully revised and updated third edition this book details the form contents and procedures for preliminary references Written for both practitioners and academics this is an essential guidebook covering all aspects of preliminary references

The European Union's Non-Members Erik Oddvar Eriksen, John Erik Fossum, 2015-06-03 The EU is a supranational organization whose reach and influence extends well beyond its member states especially to the many states that have signed various forms of association agreement with it This book asks whether qualifying states who have eschewed EU membership experience negative effects on their legal and political self governing abilities or whether they manage their independence with few such effects It explores the idea that the closer the affiliation a non member state has with the EU the more susceptible to hegemony the relationship appears to be In addition the book provides an overview of the total range of agreements the EU has with non member states This text will be of key interest to scholars and students of in EU European studies Scandinavian studies European and comparative politics international relations and democratization studies

Judicial Independence Carl Baudenbacher, 2019-01-30 This book is about law but it is not a law book It is aimed at all interested contemporaries lawyers and non lawyers alike Richly seasoned with personal memories and anecdotes it offers unique insights into how European courts actually work It is generally assumed that independence is part and parcel of the role and function of a judge Nevertheless European judges sometimes face difficulties in this regard Owing to their being nominated by a government their limited term of appointment and the possibility of being reappointed or not their judicial independence can be jeopardized Certain governments have a track record of choosing candidates who they believe they can keep on a leash When this happens private parties are at risk of losing out The EFTA Court is under even more pressure since the EEA EFTA states Iceland Liechtenstein and Norway essentially constitute a pond with one big fish Norway and two minnows For quite some time now certain Norwegian protagonists have sought to effectively transform the EEA into a bilateral agreement with the EU This attitude has led to political implications that have affected the author himself The independence of the EFTA Court is also endangered by the fact that it operates alongside a large sister court the Court of Justice of the European Union And yet the EFTA Court has established its own line of jurisprudence and its own judicial style It has remained faithful to specific EFTA values such as the belief in free trade and open markets efficiency and a modern view of mankind During the first 24 years of its existence it has even had an over proportionate influence on ECJ case law Since EEA Single Market law is economic law the importance of economics an often overlooked aspect is also addressed In closing the book explores Switzerland's complicated relationship with and Britain's impending departure from the EU In this regard it argues that the

EFTA pillar should be expanded into a second European structure under British leadership and with Swiss participation

The Transformation of Private Law - Principles of Contract and Tort as European and International Law Maren Heidemann, 2024-04-20 Eminent lawyers from academia international judiciary and legal practice join up to honour Professor Mads Andenas KC Hon Contributions form a cutting edge volume across legal disciplines led by an advisory editorial committee including Prof Guido Alpa Prof Carl Baudenbacher Prof Eirik Bjorge Prof Giuseppe Conte and Prof Duncan Fairgrieve The general private law of tort and delict is subject to a transformation where the traditional national framework is becoming gradually less relevant Much of the modernisation of private law takes place not at the domestic level but at a European or international level such as in international commercial conventions or EU consumer protection legislation Remedies in regulatory law are becoming ever more important The role of the European Court of Justice in developing general principles of contract and tort is ever increasing Tort liability is an important subject of international conventions with the caselaw of the International Court of Justice developing general principles of tort liability in public international law

EU Neighbourhood Law Alessandro Petti, 2024-09-05 The rekindling of the European Union enlargement talks and Brexit require a reappraisal of the law of the EU s proximity policies In that light this book turns Wider Europe into an analytical concept to capture the legal and political facets of the extension of the EU s legal space in the Union s neighbourhood The book follows three lines of inquiry Firstly it reflects on the similarities and differences between internal and external integration drawing a distinction between EU membership law and EU neighbourhood law Secondly it unravels the techniques for the extension of the EU s legal space across different partnerships in the Union s neighbourhood Thirdly it sheds light on the political covenants underlying the variety of institutional arrangements of the extended EU s legal space The book discusses how EU neighbourhood law entails a reconfiguration of how sovereignty is exercised both in the EU and in third countries participating in the Wider Europe

Preliminary References to the Court of Justice of the European Union and Effective Judicial Protection Clelia Lacchi, 2020-09-09 The preliminary reference procedure under Article 267 TFEU is the keystone of the EU judicial system and its legal order Based on a dialogue between the Court of Justice and national courts it is strictly linked to the protection of the rights that individuals derive from EU law This book focuses on this procedure from the perspective of the right to effective judicial protection in light of Article 19 1 second subparagraph TEU and Article 47 of the Charter of Fundamental Rights of the EU It explores the level of protection that is ensured to individuals in order to access to the Court of Justice through preliminary references on the validity of EU acts and on the interpretation of EU law The book offers a threefold perspective on preliminary references through an analysis of the case law of the Court of Justice itself of the European Court of Human Rights in relation to Article 6 1 ECHR and of the constitutional courts of Austria Croatia Czech Republic Germany Slovakia Slovenia and Spain where the national courts refusals to refer can lead to the violation of national constitutional rights It further investigates the obligations for Member States and national courts in

the framework of the preliminary reference procedure and how the right to effective judicial protection affects them The examination outlines the implications that could flow from the recognition of a right for individuals to have a question referred to the ECJ as part of the right to effective judicial protection under EU law in particular its nature and its enforcement Building upon the existing system of sanctions for the violations of the obligation to submit a preliminary question the book advances some proposals to rethink the current system of remedies *Transformation of Civil Justice*

Alan Uzelac, Cornelis Hendrik (Remco) van Rhee, 2018-09-03 National civil justice systems are deeply rooted in national legal cultures and traditions However in the past few decades they have been increasingly influenced by integration processes at the regional supra national and international level As a by product of the emergence of economic and political unions and globalisation processes there is pressure to harmonise or even unify the way in which national civil justice systems operate In an attempt to create a genuine area of justice new unified procedures are being developed which operate in parallel with national civil procedures and sometimes even strive to replace them As a reaction to the forces that endeavour to harmonise and unify procedural laws and practices an opposing trend is gaining momentum one that insists on diversity and pluralism of national civil procedures This book focuses on the evolution of procedural reforms in various jurisdictions and the ongoing transformation of national civil justice systems

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