



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

Between Competition And Free Movement Between Competition And Free Movement

**Giorgio Bongiovanni, Giovanni
Sartor, Chiara Valentini**



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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

The Regulation of the State in Competitive Markets in the EU Erika Szyszczak, 2007-08-31 This book looks at the changing role and nature of the regulation of State intervention in the liberalised and privatised markets of the European Union It examines how the traditional role of the State is now challenged by European Union law and the implications for traditional public services provided by the State For the first time in an academic work the book brings together the interaction of the Internal Market and the Competition rules of the European Union when they are applied to State economic activity Individual chapters examine specific rules which address squarely the permissible role of State activity in competitive markets for example an examination of the State aid rules the rules in Article 86 EC regulating State monopolies and the controversial application of Articles 81 and 82 EC to the State Other chapters examine the processes of privatisation and liberalisation with case studies on the postal sector utilities and telecommunications

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

Private Regulation and the Internal Market Mislav Mataija, 2016-03-11 How does EU internal market law in particular the rules on free movement and competition apply to private regulation What issues arise if a bar association were to regulate advertising when a voluntary product standard impedes trade or when a sporting body restricts the cross border transfer of a football player Covering the EU's free movement and competition rules from a general and sector specific angle focusing specifically on the legal profession standard setting and sports this book is the first systematic study of EU economic law in areas where private regulation is both important and legally controversial Mislav Mataija discusses how the interpretation of both free movement and competition rule adapts to the rise of private regulation and examines the diminishing relevance of the public private distinction As private regulators take on increasingly important tasks the legal scrutiny over their measures becomes broader and moves towards what Mataija describes as regulatory autonomy This approach broadly disciplines but also recognizes the legitimacy of private regulators granting them an explicit margin of discretion and focusing on governance and process considerations rather than on their impact on trade and competition The book also demonstrates how the application of EU

internal market law fits in the context of strategic attempts by the EU institutions to negotiate substantive reforms in areas where private regulation is pervasive. Surveying recent case law of the Court of Justice of the European Union and the practice of the European Commission, Mataija demonstrates how EU internal market law is used as a control mechanism over private regulators.

Principles and Practice in EU Sports Law Stephen Weatherill, 2017-08-11

Principles and 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 organizations. 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 variation 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.

Professional Services in the EU Internal Market Tinne Heremans, 2012-01-31

Professional services are a key component of the EU internal market economy yet also significantly challenge the legal framework governing this internal market. Indeed, specific professional regulatory structures which are often the result of a blend of government and self-regulation hold clear potential for conflict with EU free movement and competition law rules. Hence, this book looks at the manner in which both free movement and competition laws might apply to such self and co-regulatory set-ups and at the leeway given to quality considerations apparently conflicting with free movement or competition objectives. In addition, since court action will seldom suffice to genuinely integrate a market, the book also explores those instruments of EU secondary legislation that are likely to impact the most on the provision of professional services. However, the book goes beyond a mere inventory to ask how EU Internal Market policy could contribute to the optimal legal environment for professional services. A law and economics analysis is employed to investigate the need for specific professional rules, the preferred type of regulator (self-co or government regulation) and the level (national and/or European) at which regulation should be adopted. As becomes clear, the story of the market for professional services is one of market and government failure; the author is thus left to compare imperfect situations where market failures compete with rent-seeking efforts, the tendency towards over-centralisation and national protectionism. This

book offers both an in depth legal analysis of the EU framework as it applies to professional services as well as a more normative evaluation of this framework based on insights from law and economics scholarship It will therefore be a valuable resource for all practitioners policy makers and academics dealing with professional services as well as more generally with questions of quality and self regulation

The Law of the Single European Market Catherine Barnard, Joanne Scott, 2002-06-28 This edited collection explores the legal foundations of the single market project in Europe and examines the legal concepts and constructs which underpin its operation While an apparently well trodden area of EU law such is the rapid evolution of the European Court's case law that confusion persists as to the meaning of core concepts The approach adopted is a thematic one with each theme being explored in the context of the different freedoms The themes covered include discrimination horizontality mutual recognition market access pre-emption and harmonization enforcement mandatory requirements flexibility subsidiarity and proportionality Separate chapters explore the link between competition law and the single market the rapidly evolving case law on capital and the external dimension of the single market Contributors also address the WTO dimension and its important implications for the single market project in Europe

Reverse Discrimination in EC Law Alina Tryfonidou, 2009-01-01 Discrimination is an incongruity in the contemporary EC Then the author provides an in depth analysis of two of the post Maastricht developments in the context of free movement the establishment of the status of Union citizenship by the Treaty of Maastricht in 1993 and the development of that status through the Court's recent jurisprudence and the formal completion of the internal market in 1993 as required by the provisions inserted into the EC Treaty by the Single European Act Focusing on the central issue of whether reverse discrimination is and should remain outside the scope of EC law the author explains what has been the impact of each of these developments on the question of the permissibility of reverse discrimination in EC law A brief discussion of the available solutions to the problem and their advantages and disadvantages concludes the presentation This is a ground breaking study in an area of European law that has received scant academic attention so far and is just beginning to be explored In it scholars policymakers and practitioners will discover a firm foundation from which to pursue and ultimately define the limits of reverse discrimination in EC law

Judicial Authority in EU Internal Market Law Vilija Velyvte, 2022-11-17 This book examines the role of the European Court of Justice in the regulation of the internal market from a competence perspective However rather than focusing on the Court's role in enforcing the limits of EU competence in the EU's political decision making it explores a related albeit understudied question to what extent does the Court observe the constitutional limits of EU competence and its own institutional powers in the interpretation of EU internal market law laid down in the Treaties The book provides an answer to this question through the analysis of EU free movement case law in light of the constitutional principles that govern the allocation of competences and powers in the EU conferral subsidiarity and proportionality on the vertical level and institutional balance on the horizontal level Why should the Court be bound by

these principles What do they mean when applied to judicial practice To what extent are they observed in the free movement case law The book argues that the Court's observance of the four principles has been inconsistent thereby creating substantive and constitutional tensions in the EU's relationship with the Member States and upsetting the institutional balance of powers between the EU legislature and judiciary Shortlisted for the UACES Best Book Prize 2023 Runner up of the 2024 Peter Birks Prize for Outstanding Legal Scholarship *Landmark Cases in EU Law, Volume 2* Paul Craig, Robert Schütze, 2025-07-10 From Van Gend en Loos and Costa v ENEL to Cassis de Dijon and Consten and Grundig *Landmark Cases in EU Law* explores the most important and well known EU law cases in two volumes These volumes show how the European Court of Justice has played a fundamental role in the construction of the European Union in the past 70 years Many EU landmark cases have been controversial yet no one can deny that they have been essential in defining the Union legal order as we find it today Volume 2 explores the substantive cases that have shaped the Union's internal market its competition law as well as its internal and external policies Each of the twenty cases within this volume is placed in its historical and doctrinal context and each chapter also presents the history of its reception by the Court and academia

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