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Review of European Administrative Law; *REALaw*

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Review of European Administrative Law

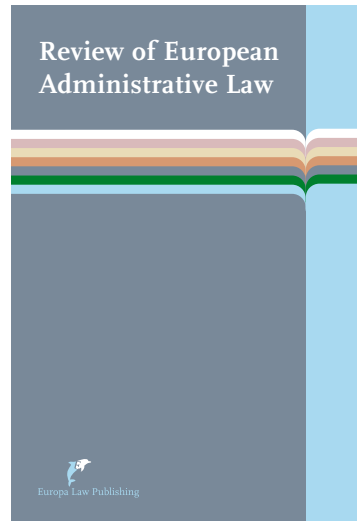
(*REALaw*) is a law review, published twice a year (online at www.realaw.eu and in print), in the English language edited at the Department of Administrative Law and Public Administration of the University of Groningen and the Institute of Constitutional and Administrative Law and the Europa Instituut of Utrecht University. *Review of European Administrative Law* provides a forum for the discussion of issues in the development of European administrative law. The journal aims to cover all aspects of European administrative law, reflecting the role of the European Union, the role of domestic legal orders and their mutual relation and influence.

The editors invite papers for this scholarly, peer-reviewed publication of original articles and analysis of current developments in the field. The journal covers all aspects of European administrative law, reflecting the role of the European Union, in addition to the role of domestic legal orders.

There are two to three scholarly articles of 10-15,000 words, excluding footnotes, per issue. The editors welcome articles from scholars anywhere in the world writing in English about developments in any jurisdiction on any aspect of European administrative law. The editors also welcome shorter articles or analysis from anywhere in the world, including analysis of case law (ECJ or from national courts), and lengthy book review articles dealing with significant new publications. The editors welcome expressions of interest from authors and publishers wishing to submit review copies. Publishers are requested to send review copies to the book review editor of *Review of European Administrative Law*.

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The Netherlands



European Administrative Decisions; How the EU Regulates Products on the Internal Market

AUTHOR Dr. A.M. Keessen

PUBLICATION May 2009

BINDING hardback, 271p

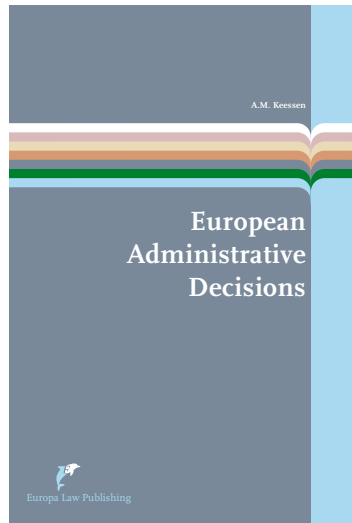
SERIES European Administrative Law Series (2)

ISBN 978-90-8952-056-2; PRICE €68, \$112

In view of the alleged democratic deficit at the European level, it is all the more important that the administration of European law suffers neither from an application or enforcement deficit nor from a judicial deficit. This concern is particularly acute when the Member States depend on each other for the effective implementation of European law. Since the Treaty leaves the administration of European law primarily in the hands of the Member States without offering a legal basis for the harmonisation of procedural administrative law, each area of law has its own administrative procedural rules. It is evaluated in the context of Community product regulation whether the available European rules are adequate to enable the administration to achieve the aims of the legislation – the free movement of authorized products on the internal market and a high level of protection for the environment or public health – and guarantee respect for the right to be heard and the right to judicial protection as well.

This research showed that many lessons could be learned from the regulation of products in order to improve the drafting of European legislation that produces European administrative decisions. Then it is no longer necessary to reinvent the wheel each time effective implementation requires administrative cooperation between the Member States and the Community institutions and bodies. The main result of administrative cooperation between the Member States, with the aid of the Community institutions and bodies, is the creation of administrative decisions with EU-wide effect. This occurs for instance through mutual recognition of administrative decisions. The exchange of information and mutual assistance should give enforcement EU-wide effect as well, but this is still fledgling in the area of EC product regulation. The development of rules which ensure respect for the right to be heard and to judicial protection is also lagging behind. That leads to gaps in the legal protection of individuals.

Dr. Andrea Keessen is post-doc at the Institute for Constitutional and Administrative Law at the Utrecht University and a member of the research school *Ius Commune*.



National Courts and the Standard of Review in Competition Law and Economic Regulation

EDITORS Oda Essens, Anna Gerbrandy and Saskia Lavrijssen

PUBLICATION October 2009; BINDING hardback, 305p

SERIES European Administrative Law Series (1)

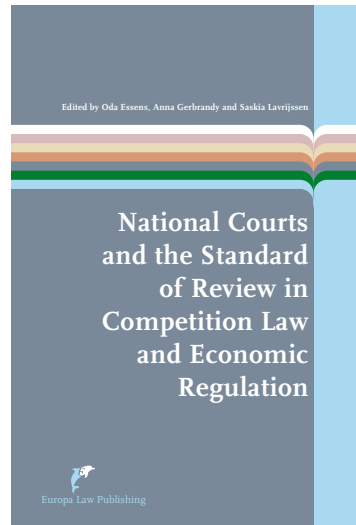
ISBN 978-90-8952-001-2

PRICE €75, \$130

This book deals from a comparative perspective with the question of the impact of European law, especially the *Tetra Laval* case-law, on the standard of review applied by national courts in the area of competition law and economic regulation.

The book is a follow-up to the conference on 'Judicial review in competition law and economic regulation' held by the Europa Institute at Utrecht University on May 23-24, 2008. It contains contributions on this issue by academics and practitioners from the Member States and from the European institutions.

The book analyses the differences and the similarities between the crucial concepts related to judicial review and the way judicial review functions in practice in different EU Member States. It will seek to answer the question whether a more common approach towards judicial review is needed and if so, how this can be achieved.



Oda Essens worked as a researcher on her Ph.D on the enforcement of environmental law in the Netherlands, England and Wales and Germany. In 2007, she came to work as a University Lecturer/Researcher in Economic Public Law for the Europa Institute of Utrecht University. Her current research interests include European and national enforcement and implementation issues, levels of regulation, state aid and other competition law issues.

Anna Gerbrandy worked as a lawyer in the European law practice of an internationally oriented law firm, and later at the competition law chamber of the District Court of Rotterdam. Returning to her roots at the Europa Institute of Utrecht University, Anna has co-authored two books on competition law and she finalised a phd-thesis on the convergence between European and Dutch competition law in administrative review proceedings.

Saskia Lavrijssen is senior lecturer of Economic Public Law at the Europa Institute of the Utrecht School of Law. In 2006 she defended her well received PhD thesis on Economic regulators and good governance at Tilburg University. Until 2007 she was lecturer of European law at Tilburg University. She was also researcher and research coordinator at the Tilburg Law and Economics Center (TILEC). During her PhD research she worked at an international law firm.

European Administrative Law, Top Down and Bottom up; Proceedings of the First REALaw Research Forum

EDITORS K.J. de Graaf, J.H. Jans, A. Prechal, R.J.G.M. Widdershoven

PUBLICATION November 2009

BINDING paperback, ±200p

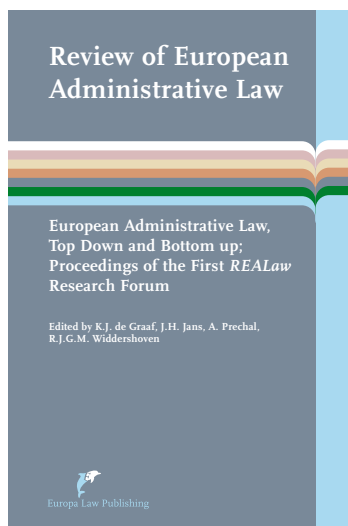
SERIES European Administrative Law Series (3)

ISBN 978-90-8952-072-2; PRICE ±€45, \$78

The *Review of European Administrative Law*, in cooperation with the Department of Administrative Law and Public Administration of the University of Groningen and the Institute of Constitutional and Administrative Law and the Europa Instituut of Utrecht University, held a one-day conference. The aim of it was to give researchers dealing with any aspect of European administrative law the opportunity to present their work (in progress) and to encourage exchange between scholars in the field of European administrative law. The conference was held on 3 June 2009.

Theme of the conference was the mutual (top-down and bottom-up) relation of EU administrative law and national administrative law. This volume contains a selection of papers presented at the conference.

European Administrative Law, Top Down and Bottom up; Proceedings of the First REALaw Research Forum is also published as the 2009/2 issue of the *Review of European Administrative Law*.



European Administrative Law Series

The newly established *European Administrative Law Series* hosts academic publications related to the development of European administrative law. The series aims to cover all aspects of European administrative law, reflecting the role of the European Union, the role of domestic legal orders and their mutual relation and influence.

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BINDING hardback, 175p

ISBN 978-90-76871-05-9; PRICE €45, \$62

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EDITOR Dr. Annette Schrauwen

BINDING hardback, 134p

ISBN 978-90-76871-06-6; PRICE €39, \$54

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EDITORS Dr. Jolande M. Prinssen, Dr. Annette Schrauwen

BINDING paperback, 320p

ISBN 978-90-76871-21-9; PRICE €60, \$82

Rule of Reason; Rethinking another Classic of EC Legal Doctrine

EDITOR Dr. Annette Schrauwen

BINDING hardback, 238p

ISBN 978-90-76871-34-9; PRICE €65, \$112

The Invalid Directive; The Legal Authority of a Union Act Requiring Domestic Law Making

AUTHOR Dr. Thomas A.J.A. Vandamme

BINDING hardback, 392p

ISBN 978-90-76871-39-4; PRICE €79, \$136

General Principles of Community Law

AUTHOR Dr. Xavier Groussot

BINDING hardback, 480p

ISBN 978-90-76871-67-7; PRICE €92, \$145

Interface between EU Law and National Law

EDITORS Dr. D. Obradovic & Dr. N. Lavranos

BINDING hardback, 389p

ISBN 978-90-76871-72-1; PRICE €79, \$128

The Constitutional Dilemma of the European Union

AUTHOR Prof. J. Nergelius

PUBLICATION April 2009

SERIES The Hogendorp Papers (8)

BINDING hardback, 125p

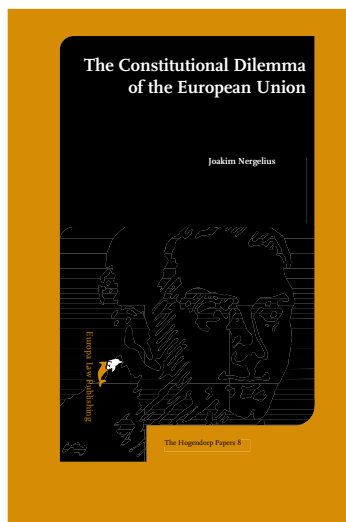
ISBN 978-90-8952-062-3

PRICE €48, \$78

This book aims at discussing the future steps in the European Integration, which are to be taken after the likely entry into force in 2010 of the Lisbon Treaty. Against the background of the drafting of this new treaty and the constitutional discussion within EU law during the last decades, the author questions whether the treaty and leading EU law theorists have really grasped and addressed the true future challenges of European integration. Instead of always trying to balance supra-nationalism and inter-governmentalism and seeing the EU as less democratic than a nation-state, at least the doctrine, normally more radical than political decision-makers, ought to embrace the most characteristic trait of European integration, namely supra-national decision-making, and discuss its future potential.

In the book, recent changes in EU constitutional law and constitutional theory in general are observed. Leading EU theorists such as Weiler, Majone and Habermas are analysed critically, with a view to their inability to see the EU today for what it really is. Finally, alternative strategies for the next decades, which may make the EU work more efficient and at the same time bridging the gap between the Union and its citizens are discussed.

Joakim Nergelius is Professor of Law at the University of Örebro, Sweden, since 2003. He has previously worked at the European Court of Justice and the EU Committee of Regions.



Political Accountability and European Integration

EDITORS Luc Verhey, Philipp Kiiver & Sandor Loeffen

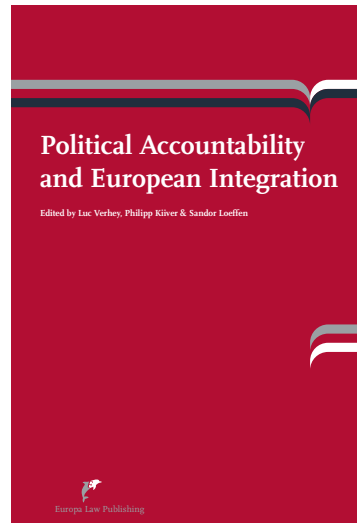
PUBLICATION April 2009

BINDING paperback, 171p

ISBN 978-90-8952-055-5

PRICE €40, \$62

This volume addresses the future of political control and accountability in a European and comparative perspective. It is based on the contributions to an international conference hosted by the Montesquieu Institute (Centre of European Parliamentary History and Constitutional Development) at Maastricht in March 2008. The conference concluded a larger research project that was devoted to identifying features of domestic constitutional law that could help develop a system of effective accountability for the European Union. This volume contains contributions from Thomas Christiansen, Paul Craig, Deirdre Curtin, Bruno de Witte, Philipp Kiiver, Veith Mehde, Dawn Oliver, Jit Peters, Michael Shackleton, Jan Jacob van Dijk, Walter van Gerven, Luc Verhey and Anchrit Wille.



Luc Verhey is Professor of Constitutional and Administrative Law, Maastricht University, and Director of the Maastricht branch of the Montesquieu Institute. Philipp Kiiver is Associate Professor of European and Comparative Constitutional Law, Maastricht University. Sandor Loeffen is Researcher at the Department of Public Law at Maastricht University.

Europeanization of Procedural Law and the New Challenges to Fair Trial

EDITORS Antti Jokela, Laura Ervo and Minna Gräns

PUBLICATION June 2009

BINDING paperback, 248p

ISBN 978-90-8952-005-0

PRICE €48, \$75

Despite European integration, judicial procedure has long remained autonomous, i.e. a purely national regulatory object. In recent years, however, it has been possible to notice increasing traces of the Europeanization of procedural Law on multiple levels.

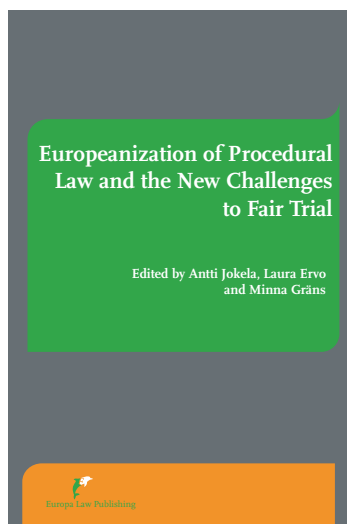
The rapid internationalization development of procedural law advancing on multiple levels sets challenges to the research of procedural law as well as to the conduct of judicial procedure.

The aim of this research project is to meet these requirements as fully as possible.

The book is based on the research project, which consists of a number of independent but interrelated theses and post doc research projects. At the end of the project the essential results of these sub-projects have been composed into this book named after the project, which is intended to be a coherent work on the research subject.

Project leader: Antti Jokela, LL.D, professor of procedural law, University of Turku, Faculty of Law. He has acted as an expert of many legislative reforms of civil and criminal procedure and the reform of appeal in Finland.

Other authors include: Laura Ervo, LL.D, Universities of Turku, Helsinki and Joensuu; Minna Gräns, LL.D, University of Uppsala; Pekka Haapaniemi, LL.M. (Turku and Amsterdam), reporting judge of the Supreme Court of Finland; Eerik Kergandberg, PhD, visiting professor, University of Tarttu, justice of the Estonian Supreme Court; Tuula Linna, LL.D (Turku), counselor of legislation, Ministry of Justice; Kenneth Nordback, LL.D, University of Uppsala; Mikko Vuorenää, LL.D, University of Turku.



EC and EEA Law; A Comparative Study of the Effectiveness of European Law

AUTHOR M. Elvira Méndez-Pinedo

PUBLICATION September 2009

BINDING paperback, 344p

ISBN 978-90-8952-066-1

PRICE €42, \$72

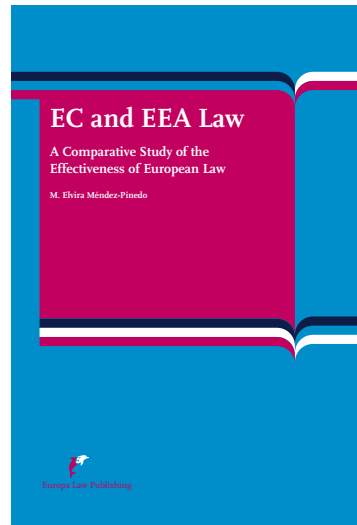
An inspection copy of this edition is available to law teachers

The effectiveness of European Community law is probably the most distinguishing feature of this unique legal order in contrast with classic international law. By contrast, the effectiveness of European Economic Area law (EEA Law), the way this other even more sui generis legal system provides comparable rights for EFTA-EEA citizens, is a silent revolution brought by the EFTA Court that has not been properly researched and exposed in the field of European law.

This book addresses first the relationship between Community law and national systems following the doctrine of the *effet utile* or effectiveness as established by the European Court of Justice (ECJ). The main contribution of the book is to describe how the EFTA Court has managed, in its fifteen years of existence, to assure the same effectiveness of EEA law in this parallel legal order.

The book summarizes and explain the basic principles governing the relationship between EEA law and the national legal systems while searching for similarities and differences with EC law. These questions are explored from a European perspective in order to help students, scholars, practitioners and other professionals understand the effectiveness of European law, the special relationship between the Community/EEA legal orders with the national legal systems when the enforcement of European rights and the judicial protection of individuals are at stake.

M. Elvira Méndez-Pinedo is Associate Professor of European Law (EC and EEA law) at the Law Faculty of the University of Iceland where she has the general supervision of this area of law, teaching both at graduate and post-graduate levels and doing academic research. Graduated in Law at the University Complutense of Madrid, she holds a Masters Degree or *Diplome d'Études Approfondies* in Community law from Paris II- Assas University and a Doctoral Degree in European Law from the University of Alcalá de Henares (Madrid). She joined the Faculty of Law as an Assistant Professor in 2007. She has written different articles on Community/EEA law and is the author of two other books on European Consumer Law. Her research in the field of European consumer procedural law was awarded with three prizes in Spain and brought her to work as a legal expert for the European Commission. She has extensive experience as a lawyer working for different institutions and firms in Europe and in the USA.



Jurisdictional Competition; Selected Cases in International and European Law

AUTHOR Dr. Nikolaos Lavranos

PUBLICATION October 2009

BINDING paperback, 109p

ISBN 978-90-8952-067-8

PRICES €30, \$50

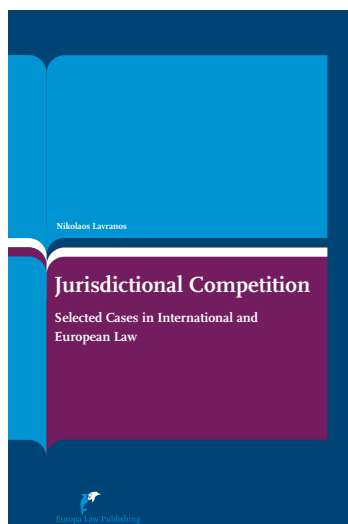
Jurisdictional competition is a relatively new but increasingly important phenomenon in European and international law. The ongoing proliferation of various international courts and tribunals results in a multiplication of judgments and arbitral awards, which potentially conflict with each other. Moreover, the ever expanding exclusive jurisdiction of the ECJ into international law issues further exacerbates and complicates the problem by mixing European law principles into international law.

The selected cases examined in this book, which cover different areas of international and European law, illustrate the methods applied by various international courts and tribunals to deal with overlapping jurisdictions.

Since any formal hierarchy or coordination between the various international courts and tribunals is lacking, it is argued that only soft law methods, such as the application of comity, in particular the Solange-method, appears to be a useful tool to deal with the negative effects associated with jurisdictional competition.

Dr. Nikolaos Lavranos (1971) is Max Weber Fellow at the European University Institute (EUI) in Florence. Before he was Senior Researcher International law and Assistant Professor European law at the University of Amsterdam, Law Faculty. He is NWO VENI laureate (2005-09).

He also worked as Senior Advisor (European & International Strategy) for the Board of the Dutch Competition Authority, The Hague. In 2004 he received his doctoral degree from Maastricht University for his dissertation Decisions of International Organizations in the European and Domestic Legal orders of selected EU Member States. In the same year the dissertation has been published by Europa Law Publishing under the title Legal interaction between decisions of International Organizations and European law. Moreover, he has published widely on various topics of European and international law and their interaction.



The Aarhus Convention at Ten; Interactions and Tensions between Conventional International Law and EU Environmental Law

EDITOR Prof. Marc Pallemmaerts

PUBLICATION November 2009

BINDING paperback, ±375p

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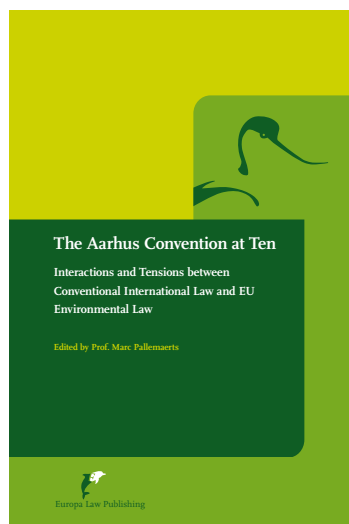
PRICE ±€68, \$110

In 2008, it was ten years ago that the Convention on Access to information, Public Participation in Decision-making and Access to Justice in Environmental Matters was signed in the Danish city of Aarhus.

The contributions assembled in this volume focus on various aspects of the relationship between the provisions of the Convention and the development of EU environmental law. They discuss the new legislative acts and amendments to existing legislation adopted by the EU institutions in order to implement the Aarhus Convention. Other contributions address tensions that have arisen between normative developments within the framework of the Aarhus Convention and the internal legislation and policies of the EU. These concern contentious issues such as

access to justice in environmental matters, where a Commission proposal for a Directive that would guarantee a minimum level of access to review procedures for environmental groups in the Member States remains stalled in the Council of the EU since 2004. Another area of tension discussed in this volume concerns public participation in regulatory decisions with respect to genetically modified organisms. A final group of contributions examine critical issues of implementation of the Aarhus Convention and related EU legislation in selected Member States. Together, the various contributions to this volume address synergies and conflicts across the three 'pillars' of the Aarhus Convention and examine the broader legal and institutional implications of these interactions for the development of both EU law and international environmental law.

Marc Pallemmaerts is Professor of European Environmental Law at the Centre for Environmental Law, University of Amsterdam. In addition to his academic position at the University of Amsterdam, Marc Pallemmaerts is also Senior Fellow and Head of the Environmental Governance Research Programme at the Institute for European Environmental Policy (IEEP), an independent non-profit research institute with offices in Brussels and London, since 2005.



The Avosetta Series

The Avosetta Group is a small informal group of lawyers whose main purpose is to further the development of environmental law in the European Union and its Member States. Avosetta is the Latin name of a rare bird which resulted in the European Court of Justice establishing far-reaching principles of European nature protection law in the German *Leybucht* case. It has its own website on www.avosetta.org.

Those participating in Avosetta are invited due to the recognition of their distinction in European environmental law, and they take part in a personal and independent capacity. Nevertheless, Avosetta discussions aim to reflect a comprehensive cross-section of legal cultures within Europe.

The Avosetta Series, published by Europa Law Publishing, publishes texts that present innovative discourse on European Environmental Law.

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AUTHOR Dr. Nele Dhondt
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AUTHOR Dr. Hans Vedder
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EDITOR Prof. Richard Macrory
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AUTHORS Nicolas de Sadeleer, Gerhard Roller & Miriam Dross
BINDING hardback, 228p
ISBN 978-90-76871-28-0; PRICE €62, \$106

Reflections on 30 Years of EU Environmental Law

EDITOR Prof. Richard Macrory
BINDING hardback, 628p
ISBN 978-90-76871-50-9; PRICE €125, \$190

Sustainable Development in International and National Law

EDITORS Prof. Hans Christian Bugge & Dr. Christina Voigt
PUBLICATION May 2008
BINDING paperback, 591p
ISBN 978-90-76871-84-4
PRICE €80, \$145

European Fisheries Law; From Promotion to Management

AUTHOR Dr. Till Markus

PUBLICATION August 2009

BINDING paperback, 392p

ISBN 978-90-8952-003-6

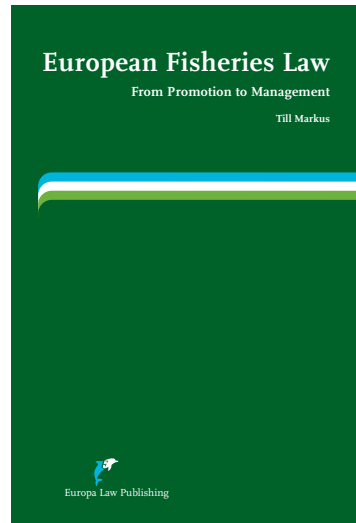
PRICE €68, \$110

The Community's Common Fisheries Policy was established to ensure that the exploitation of living aquatic resources in Community waters and by Community fisheries is carried out at sustainable levels. However, since its inception in 1970, the CFP has pursued conflicting objectives. On one hand, it has tried to manage fisheries by establishing and implementing a complex system of conservation, control and enforcement measures. On the other hand, it has heavily subsidised its fisheries sector to secure food supplies, increase employment and the sector's competitiveness as well as to further economic development in coastal regions.

Given that many fish stocks exploited by Community fisheries are overfished and catches continue to decline, it could be argued that Community management and promotion measures have generally failed. Conservation measures, such as total allowable catches, effort restrictions, and technical measures often encourage fishing at unsustainable levels; and control and enforcement measures have lacked effectiveness. Subsidies, on the other hand, have, in many cases, increased fishing and processing capacities of the Community's fisheries industry. High capacity in the sector, however, demands high catch rates, putting pressure on marine capture resources. It has only been recently that the CFP has really begun to adjust its support practices to correspond to the situational and legal management requirements. Nevertheless, such subsidisation continues even under the new European Fisheries Fund.

It is the purpose of this book to: (a) explain and make accessible the CFP's complex management and promotional regimes; (b) identify problems and failures in both systems; (c) assess whether CFP measures are coherent as well as consistent with higher ranking law, (d) find out how consistency between promotion and management can be increased.

Till Markus currently works as an associate scientist at the Research Centre for European Environmental Law at the University of Bremen (Germany).



The International Law of EEZ Fisheries; Principles and Implementation

AUTHOR Dr. Marion Markowski

PUBLICATION November 2009

BINDING paperback, 225p

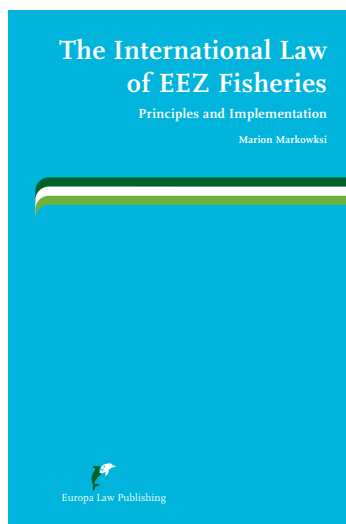
ISBN 978-90-8952-004-3

PRICE €45, \$84

As fish stocks continue to decline worldwide, coastal states seem to have largely failed in managing fisheries in their EEZs effectively. This study examines the international legal principles for effective EEZ fisheries management, and undertakes to assess their domestic implementation in a comparative perspective. The 1982 UNCLOS as well as general international law provide a useful range of norms for sustainable EEZ fisheries management, if carefully interpreted. These include the coastal state's obligation to ensure that the maintenance of the living resources in its EEZ is not endangered by over-exploitation; the duty to maintain or restore populations of target species at sustainable levels; the determination of catch limits for stocks affected by exploitation; and the duty to apply the precautionary approach. In addition to such environmental requirements, issues of distributive justice and procedural fairness are also included in the analysis.

The second part of the study evaluates the implementation of the international legal standards in five selected coastal states (Kenya, Namibia, Indonesia, Brazil and Mexico) and the EC. It focuses on the determination of total allowable catch, the allocation of individual fishing authorisations, and the regulation of foreign access to EEZ fisheries as exemplary management measures.

Marion Markowski works at the Research Centre for European Environmental Law, University of Bremen.



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Civic Integration and Modern Citizenship

AUTHORS Dr. J.F.I. Klaver & Dr. A.W.M. Odé

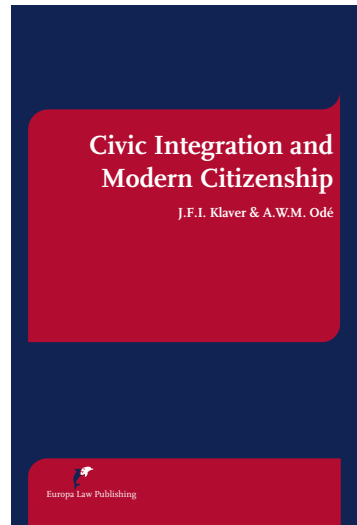
PUBLICATION October 2009

BINDING paperback, 204p

ISBN 978-90-8952-065-4

PRICE €45, \$76

In this study the experience in the Netherlands with civic integration policies will be explained in a detailed and systematic way. As it stands, the Netherlands presently has one of the most encompassing and coercive civic integration policies, which is characterised by overseas civic integration testing, a general obligation to pass a civic integration exam for all foreign nationals and the existence of an elaborate sanctioning regime. Our main purpose is to understand the legitimacy of civic integration in this country, particularly through analysing its main implications and effects from a broader perspective. This perspective consists of an historical context, a framework of modern citizenship rights, and a cross border comparison of different national integration concepts. The principal issues to be addressed are the political and social arguments which lay behind the introduction of civic integration policies, and the extent to which these policies fit within academic notions of modern citizenship. In addition, the Dutch model of civic integration will be set against alternative national integration strategies as prevailing in some other immigrant receiving countries, particularly Belgium, Canada and the United States.



Authors are invited to discuss with the publisher any new book proposal. We are happy to read and review any manuscript submitted to us. Main language of publication will be English but manuscripts in Dutch will be considered also. In particular we welcome manuscripts related to European Union Law, the European Convention on Human Rights and International Trade Law (WTO, GATT).

European Film Policies in the Context of EU and International Law; Culture and Trade – Marriage or Misalliance?

AUTHOR Dr. Anna Herold

PUBLICATION November 2009

BINDING hardback, ±450p

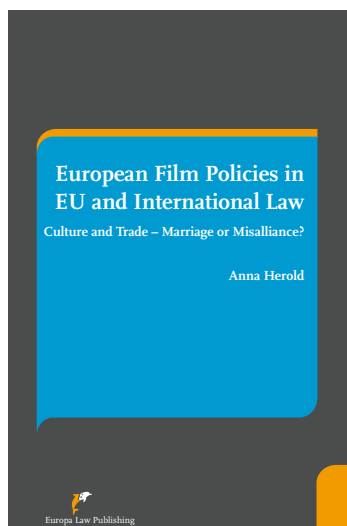
ISBN 978-90-8952-002-9

PRICE €89, \$150

The book presents in a comprehensive fashion European film policies in the context of both EU and international law. It relies on a broad survey of national and EU film policy measures, the EU practice in the areas of state aid, antitrust and merger law with respect to the sector and the application of international trade law to film policy instruments. These three different bodies of law are systematically analysed to assess how cultural policy considerations underlying film policy can be married to market forces. The EU experience is studied in depth as the book argues that it can effectively serve as a model to reconcile these sometimes conflicting goals in the global trade arena. This justifies the attention paid to the way in which cultural objectives of film policies are accommodated within the EU competition law framework.

The book contributes valuably to the current debate on cultural diversity and free trade by providing a more harmonious if not a symbiotic vision of this relationship.

Anna Herold holds a Ph.D. from the European University Institute in Florence, and currently serves as an official in the Audiovisual and Media Policies Unit of the Directorate-General for Information Society and Media of the European Commission, where she is dealing with the implementation and the development of the European regulatory policy in the audiovisual field. She has published widely on issues related to audiovisual policy, cultural diversity, competition law and international trade law.



The Walter van Gerven Lectures

The Walter van Gerven Lectures are organised by the Leuven Centre for a Common Law of Europe in honour of Walter van Gerven, emeritus professor at the Katholieke Universiteit Leuven and former Advocate-General at the Court of Justice of the European Communities.

The objective of Leuven CCLE is to focus research efforts of the Faculty of Law of the Katholieke Universiteit Leuven on legal developments that are common to the whole of Europe. Each year, the Centre invites a prominent European legal scholar to share perceptions and ideas about the existence or emergence of a common law of Europe. The lectures relate to the areas of interest of van Gerven, starting out from the idea that a *ius commune* is already present, but that one should continuously engage in uncovering it. Extensive information is available at: www.ccle.eu.

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EDITOR Prof. Antoni Vaquer

PUBLICATION May 2008

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AUTHOR Stefano Maffei

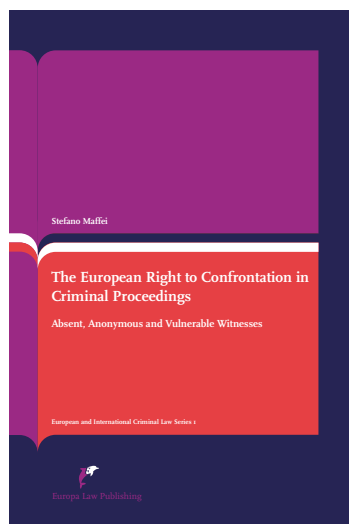
PUBLICATION November 2009

BINDING paperback ±300p

ISBN 978-90-8952-070-8; PRICE ±€55, \$90

This book investigates the theory and practice of the Right to Confrontation, the right of an accused person to examine witnesses against him. The book tackles the crucial question of what values and interests should allow incursions into this fundamental right. A conceptual analysis is developed in order to define the concept of testimonial evidence and to establish three categories of declarants: the absent, anonymous and vulnerable witnesses. U.S. law on the Sixth Amendment of the Federal Constitution and ECHR jurisprudence on Article 6 of the European Convention are discussed in an attempt to develop a supra-national approach to confrontation. The book then moves on to provide a comparative study of the Right to Confrontation, drawing on the rules of criminal procedure and evidence of Italy, France and England and Wales.

Dr. Stefano Maffei is Lecturer in Criminal Procedure at the University of Parma (Italy). A registered attorney since 2003, he completed a doctorate in Law at the University of Oxford in 2005 and was a Junior Research Fellow at Linacre College. Dr. Maffei joined the Harvard Law School as a Visiting Researcher in 2002 and the European Public Law Center (Greece) as a researcher in 2004. His publications, research and teachings interests are in the area of Human Rights, criminal evidence and procedure.



Review by Prof. Hannah R. Garry of the first edition (*Journal of International Criminal Justice* 2008): 'Scholars of criminal law, human rights and European law will find this book a particular and comprehensive resource.'

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AUTHOR Stefano Maffei

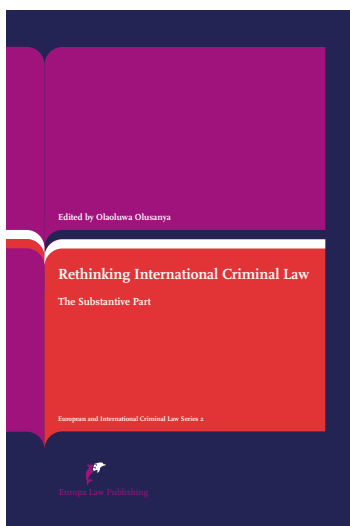
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Shaping Rule of Law Through Dialogue; International and Supranational Experiences

EDITORS Filippo Fontanelli, Giuseppe Martinico & Paolo Carrozza

PUBLICATION November 2009

BINDING paperback, ±450p

ISBN 978-90-8952-057-9

PRICE ±€72, \$115

The process of fragmentation of the international legal order and the absence of constitutional devices governing the connections between the various legal regimes can be reduced to a rational picture only through the activity of the judges. Against this background, the judges play a crucial role in creating connections between legal regimes and proceedings.

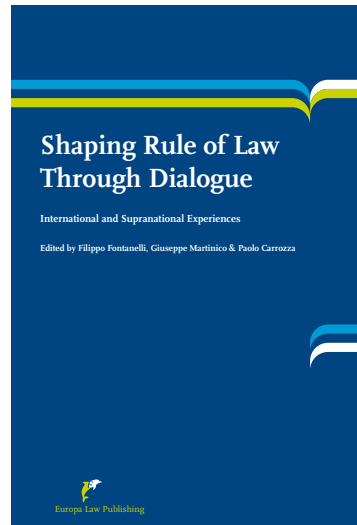
The metaphor of dialogue has been vastly used by the literature and this concept was variously understood in different meanings: vehicle for transplants, informal way of communication between judicial and political bodies, new paradigm of judicial relations between actors not belonging to the same legal order.

Starting from this assumption we attempted to put together scholars belonging to different fields of research (Constitutional Law, EU Law, WTO Law, Public International Law, Jurisprudence) in order to carry out a comprehensive appraisal of this phenomenon, and to provide a wide picture of the latest development of the role of the judges in the international legal order.

Filippo Fontanelli is completing a PhD in 'Individual Person and Legal Protection' at the Sant'Anna School of Advanced Studies, Pisa, Italy, and he is currently LL.M. Global Hauser Scholar at the New York University Law School.

Giuseppe Martinico obtained a PhD in 'Individual Person and Legal Protection' (curriculum EU Constitutional law) from the Sant'Anna School of Advanced Studies, Pisa, Italy, where he is also conducting his post-doctoral research.

Paolo Carrozza is Full Professor of Comparative Constitutional Law at the Scuola Superiore Sant'Anna and at the University of Pisa.



National Judges and Supranational Laws; On the Effective Application of EC Law and the ECHR

EDITORS Giuseppe Martinico & Oreste Pollicino

PUBLICATION JUNE 2010

BINDING paperback ±300p

ISBN 978-90-8952-069-2

PRICE ±€55, \$90

Did the national judges start treating the provisions of the European Convention on Human Rights the same way they treat the EC law's norms?

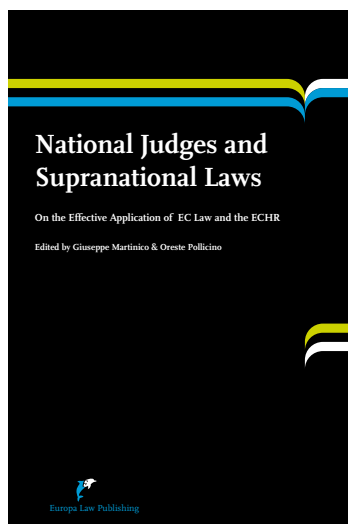
In order to answer this question the editors (Giuseppe Martinico and Oreste Pollicino) involved scholars from the countries that are members both of the EU and the Council of Europe.

The book collects the proceeding of an international conference scheduled for the 16th and 17th of January 2010 at the Scuola Superiore Sant'Anna of Pisa.

Giuseppe Martinico obtained a PhD in 'Individual Person and Legal Protection' (curriculum EU Constitutional law) from the Sant'Anna School of Advanced Studies, Pisa, Italy, where he is also conducting his post-doctoral research. He is currently Lecturer in Law at the University of Pisa (Center for Peace Studies), teaching 'Legal Issues in Cooperation for Development'.

Oreste Pollicino is Associate Professor of Comparative Public Law at the Bocconi University, Milan; he was educated at the University of Messina, Bologna University, College of Europe (Bruges) and State University (Milan), where he obtained his PhD. His research focuses on European Constitutional Law.

STALS (Sant'Anna Legal Studies) is a project made possible thanks to the financial support of the Sant'Anna School of Advanced Studies. It is designed to provide young scholars from all around the world with a concrete opportunity of having their ideas published along with contributions by long-time professors: its strict policy is to favour the discussion between students and lecturers, rather than stressing their formal role, and to accept papers written not only in English but also in French or Spanish.



Security: A General Principle of Social Security Law in Europe

EDITORS Ulrich Becker, Friso Ross, Danny Pieters, Paul Schoukens

PUBLICATION January 2010

BINDING hardback, ±475p

ISBN 978-90-8952-063-0

PRICE ±€98, \$150

With country reports by:

Danny Pieters and Paul Schoukens on Belgium;

Martin Stefkoon the Czech Republic;

Olga Angelopoulou on Greece;

Gudny Eydal and Stefan Olafsson on Iceland;

Mel Cousins on Ireland;

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Fanny Etienne-Robert on Luxembourg;

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Netherlands;

Grega Strbanon on Slovenia;

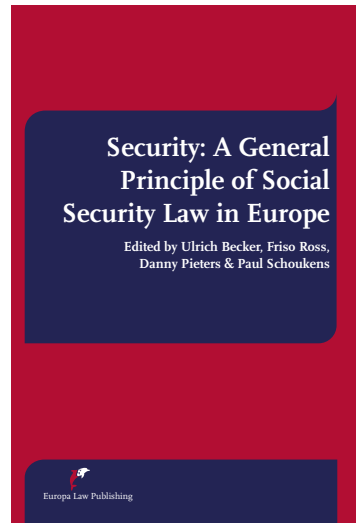
Cristina Sanchez Rodas on Spain;

Thomas Erhag on Sweden;

Thomas Gächter on Switzerland;

Neville Harris on the United Kingdom.

With a conclusion (The Principle “Security” and the European Social Security Law – An Overall Analysis) by Friso Ross and Paul Schoukens.



Moving Water and the Law; On the Distribution of Water Rights and Water Duties Within River Basins in European and Dutch Water Law

AUTHOR Prof. H.F.M.W. van Rijswijk

PUBLICATION November 2008

BINDING paperback, 112p

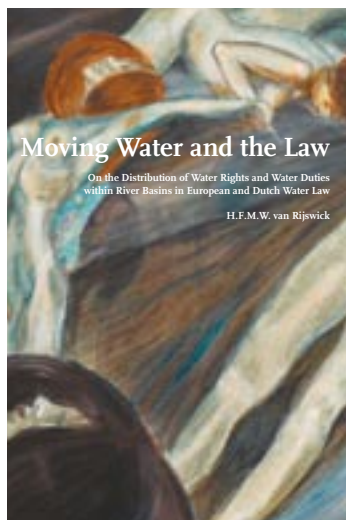
ISBN 978-90-76871-99-8

PRICE €28, \$48; LANGUAGE English (with a Dutch translation)

This inaugural address (June 5th, 2008) discusses water law from the perspective of the protection of water rights, granted in European and Dutch water Law, with a focus on a fair distribution of water rights. It looks for a connection between classical protection and regulation of water and new governance approaches. Special attention is paid to the legal consequences of the transnational river basin approach, especially the formulation and scope of water rights, the allocation and granting of powers, existing and new control mechanisms to protect water rights, joint responsibilities and conflict management.

H.F.M.W. (Marleen) van Rijswijk is Professor of European and Dutch water law at Utrecht University, Centre for Environmental Law and Policy/NILOS.

Deze inaugurele rede (5 juni 2008) behandelt het brede terrein van het waterrecht vanuit de bescherming van in het Europese en nationale recht toegekende waterrechten, waarbij de eerlijke verdeling van waterrechten centraal staat. Op die wijze wordt een brug geslagen tussen klassieke bescherming en regulering van water en de moderne sturing door middel van de governance benadering. Speciale aandacht wordt besteedt aan de juridische consequenties van de transnationale stroomgebiedbenadering. Daarbij spelen vragen omtrent de vormgeving en reikwijdte van waterrechten een rol, evenals de toekenning en verdeling van bevoegdheden, bestaande en nieuwe instrumenten waarmee de waterrechten verwezenlijkt kunnen worden, gedeelde verantwoordelijkheden en conflictbeheersing.



Political Accountability in Europe: Which Way Forward? A Traditional Concept of Parliamentary Democracy in an EU Context

EDITORS Prof. Luc Verhey, Dr. Hansko Broeksteeg and Dr. Ilse Van den Driessche

PUBLICATION March 2008

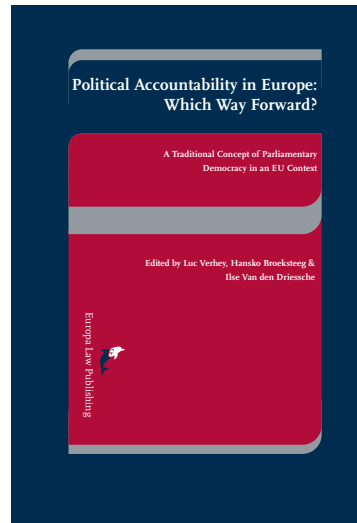
BINDING hardback, 344p

ISBN 978-90-76871-82-0

PRICE €85, \$140

There seems to be a growing tendency, as prominently shown by the fall of the Santer Commission in 1999 and more recently in the Constitutional Treaty, to construe the relationship between the Commission and the European Parliament as a parliamentary system. In a parliamentary system, the government gives account to Parliament and, where appropriate, suffers the consequences if errors have been made. The aim of this project is to further develop a European concept of political accountability. Therefore, it can be relevant to identify what political accountability precisely means in the various Member States. In order to identify common principles (*ius commune*), twelve distinguished constitutional lawyers and political scientists have analysed the concept of political accountability from their national perspectives. In a comparative chapter, the parallels and the differences between the national systems are identified and the extent to which common ground can be found in Europe is explored. In a final chapter, an analysis is made of the extent to which this '*ius commune*' can be applied to the EU-level.

Prof. Luc Verhey is professor of constitutional and administrative law at the University of Maastricht. Dr. Hansko Broeksteeg is associate professor of constitutional and administrative law at the Radboud University Nijmegen. Dr. Ilse Van den Driessche is Lecturer in Constitutional Law at the University of Maastricht.



Europeanisation of Administrative Justice? The Influence of the ECJ's Case Law in Italy, Germany and England

AUTHOR Dr. Mariolina Eliantonio

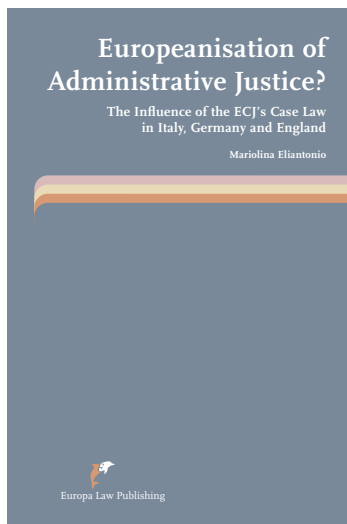
PUBLICATION January 2009

BINDING paperback, 416p

ISBN 978-90-76871-97-4

PRICE €68 , \$120

Some 40 years after van *Gend en Loos*, the impact of European law on the administrative laws of the Member States of the European Union has manifested itself intensely and in many different aspects, because of the influence of both the European Court of Justice and of EC legislation. This impact is particularly striking in relation to administrative law, because, as a part of public law, administrative law had long been deemed an area of monopoly of the State and a clear outgrowth of the State sovereign powers that precluded interference from any other jurisdiction. As of today, European law influences virtually all areas of substantive administrative law, administrative organisation, decision-making proceedings and judicial protection. Amongst those areas, this book focuses on the influence of the European Court of Justice's case law on five selected aspects of the Italian, German and English rules on the judicial review of administrative action. Taking as a starting point the ECJ's case law on domestic remedies, the book reports the results of an investigation as to whether, and to what extent, the national courts have applied the standards of protection set out in the ECJ's case law. Furthermore, it is investigated whether, in the areas in which a process of Europeanisation has taken place, the ECJ's case law has contributed to an increasing similarity between the three legal systems. Finally, the book discusses whether, for the purposes of ensuring an effective judicial protection of Community rights, the rules on the decentralised enforcement of EC law in administrative courts should be harmonised by the European legislator.



Mariolina Eliantonio studied law (cum laude) at the University of Marburg (Germany) and of Teramo (Italy), where she was awarded the prize for the best graduate for the academic year 2000/2001. In the academic year 2001/2002, she completed (cum laude) the Magister Iuris Communis LL.M. (European and Comparative Law) at the University of Maastricht. In September 2003, she joined the Faculty of Law of the University of Maastricht as Ph.D. researcher at the International and European Law Department. She is currently employed as a Lecturer (universitair docent) at the University of Maastricht. She is a member of the Ius Commune Research School and teaches European institutional law and comparative constitutional law.

Centrum voor Milieurecht

Het Centrum voor Milieurecht van de Universiteit van Amsterdam verricht juridisch wetenschappelijk onderzoek op het gebied van milieu, ruimte en natuur. Naast een integrale benadering van milieu en ruimtelijke ordening in het omgevingsrecht is er ruime aandacht voor Europese en internationale ontwikkelingen op deze terreinen. In het onderzoek wordt gebruik gemaakt van de binnen het Centrum voor Milieurecht aanwezige kennis van het bestuursrecht, strafrecht, privaatrecht en het Europese en internationale recht.

Europa Law Publishing verzorgt met ingang van 2004 de publicaties van het Centrum voor Milieurecht, Universiteit van Amsterdam.

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Dit boek bevat de hoofdlijnen van het omgevingsrecht, waarbij ook de samenhang tussen het recht op het terrein van milieu, natuur, ruimte en water aan de orde komt. Rechtsbescherming en de doorwerking van het Europese omgevingsrecht worden op structurele wijze meegenomen. Dit boek is primair bedoeld voor studenten in de bachelorfase van de rechtenstudie.

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