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## Traditions and Change in European Administrative Law

EDITORS Roberto Caranta, Anna Gerbrandy

PUBLICATION June 2011

BINDING paperback, 335p

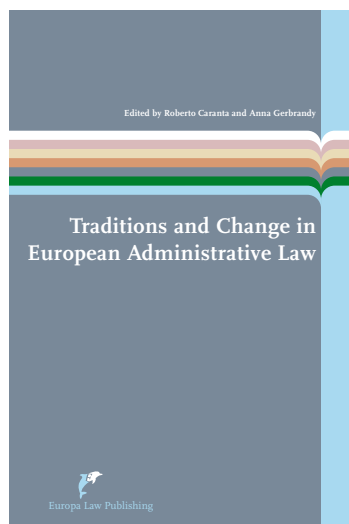
SERIES European Administrative Law Series (5)

ISBN 9789089520715

PRICE €62, \$110

The background to this collection of papers is formed by the changes in contemporary society. In modern-day western societies it is thought that individualism trumps collectivism. There is change from the paradigm of hierarchy to a paradigm of cooperation. This affects administrative law, which is traditionally top-down, but is slowly accepting and incorporating mechanisms of negotiation and bottom-up involvement of stakeholders and concerned individuals.

The contributors to this volume investigate these changes in administrative law and provide an assessment as to whether and to what extent they are reflected in the way judicial review of governmental action is shaped. The analysis covers the EU and a number of EU jurisdictions (France, Germany, United Kingdom, the Netherlands, Italy and Romania) representing different administrative law traditions and being differently responsive to change. To provide an outside comparison, the US administrative system is also covered.



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- *National Courts and the Standard of Review in Competition Law and Economic Regulation*, edited by O. Essens, A. Gerbrandy and S. Lavrijsen. ISBN 9789089520012.

# Legitimacy in European Administrative Law. Reform and Reconstruction

EDITOR M. Ruffert

PUBLICATION January 2011

BINDING paperback, 360p

SERIES European Administrative Law Series (6)

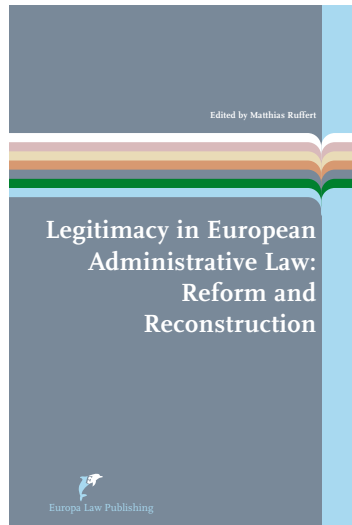
ISBN 9789089520982

PRICE €62, \$110

Administrative Law has been the object of thorough reforms in the various European jurisdictions. This process of transformation has considerable impacts on administrative legal scholarship in the respective countries. Profound changes in administrative activity have established new forms of administrative institutions which raise issues of legitimacy. Besides the consensus that administrative law, administrative activities and administrative institutions have to be legitimate, the concept of legitimacy with respect to a common European framework is more than ambiguous. An analysis of the concept of legitimacy in the different national legal systems promises valuable results for a discussion on the European Union level. Although the respective jurisdictions have different starting points with respect to issues of legitimacy, common sources can be detected. This is necessary in shaping and analyzing administrative law in European Union. This volume comprises the results of the third workshop of the Dornburg Research Group of New Administrative Law which took place in Paris in October 2009. The Dornburg Research Group of New Administrative Law was founded at Dornburg Castle near Jena, Germany, in 2005. Its purpose is a long-term transnational exchange of ideas between administrative law scholars from European jurisdictions.

## About the editor

Matthias Ruffert is Professor of Public Law, European Law and Public International Law at the Friedrich-Schiller Universität Jena, Germany. He initiated the group and is co-leading it with Pascale Gonod, Université de Paris I, Panthéon-Sorbonne, and Andrew Le Sueur, Queen Mary College, University of London.



## 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.

## Legal and Institutional Aspects of the European Anti-Fraud Office (OLAF). An Analysis with a Look Forward to a European Public Prosecutor's Office

AUTHOR J.F.H. Inghelram

PUBLICATION May 2011; BINDING hardback, 308p

ISBN 9789089521002

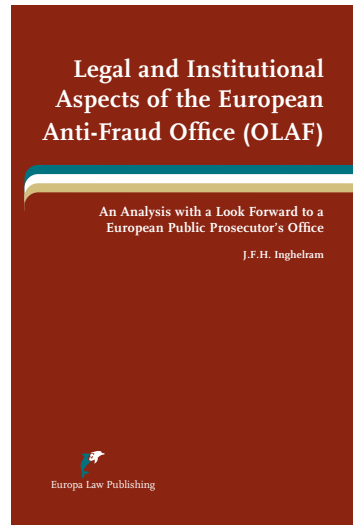
PRICE €72, \$110

The European Anti-Fraud Office (Office de lutte anti-fraude, OLAF) was created in 1999, in the wake of the political crisis which led to the collective resignation of the European Commission. It has operated for more than ten years in a specific legal and institutional environment, which, in turn, has been affected by the entry into force of the Treaty of Lisbon. The latter put an end to the pillar structure of the EU, turned the Charter of Fundamental Rights into a binding legal instrument and laid the foundation for the establishment of a European Public Prosecutor's Office (EPPO).

Starting from the broader context of the protection of EU financial interests and touching upon the circumstances surrounding OLAF's creation, the book provides an in-depth analysis of OLAF's position in this environment.

The book also speculates on how OLAF and the EPPO could interact, should the latter be established. Although an EPPO will be established from Eurojust, part of its competences will be of an investigative nature, which it will exercise in the same legal and institutional environment as OLAF. Therefore, an understanding of OLAF appears essential for comprehending and interpreting the (investigative) competences of the EPPO, including the way in which judicial review of acts adopted by the EPPO should be effectuated. On the other hand, it appears beyond doubt that the establishment of the EPPO will fundamentally affect the functioning of OLAF.

The book provides insights which can be useful in the context of both the upcoming discussions on the reform of OLAF and the future discussions on the establishment of the EPPO, as well as gives legal practitioners an overview of the relevant legal issues related to OLAF investigations. The book takes account of developments until January 2011. Nevertheless, insofar as the book discusses Commission proposals on the reform of OLAF, the analysis equally applies to the Commission proposal of 17 March 2011 (COM(2011) 135 final), the provisions of which appear to correspond either literally or in substance to those included in the Commission's 2006 proposal (COM(2006) 244 final) referred to in the book.



## The National Judicial Treatment of the ECHR and EU Laws. A Comparative Constitutional Perspective

EDITORS Giuseppe Martinico & Oreste Pollicino

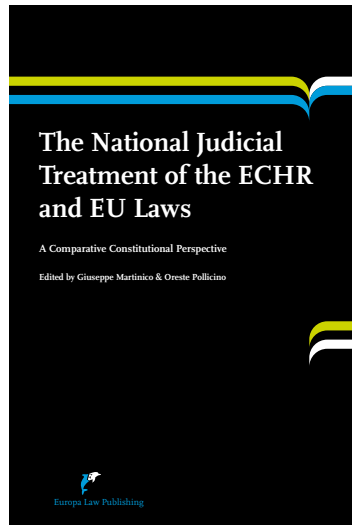
PUBLICATION June 2010

BINDING paperback 511p

ISBN 9789089520692

PRICE €75, \$115

The book collects the proceeding of an international conference at the Scuola Superiore Sant'Anna of Pisa (16-17 January 2010). Do 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.



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## European Environmental Law. After Lisbon

AUTHORS Jan H. Jans, Hans H.B. Vedder

PUBLICATION August 2011

BINDING paperback, ±400p

ISBN 9789089521057 (hbk) 9789089521064 (pbk)

PRICE €98, \$175 (hbk) €52, \$90 (pbk)

Forthcoming

This leading monograph on European Environmental Law now completely updated and revised. Taking into account new case law of the Court of Justice, recent environmental directives and regulations and the new provisions of the Reform Treaty. This book provides an in-depth analysis of important legal issues of European environmental law. What are the legal grounds for EC environmental policy and on what principles are directives and regulations based upon? To what extent preclude EC environmental directives more stringent national environmental standards? What are the requirements the Court of Justice has imposed on the Member States implementing environmental directives? To what extent can European environmental law be relied upon and challenged before national courts and the Court of Justice? How do the Treaty rules on the Internal Market and undistorted competition interfere with national environmental policy? Answers to these questions can be found in this book. The book discusses all major environmental directives and regulations, integrating important judgments of the Court of Justice on their interpretation. Various national case law on the application of European environmental law is being taken into account.



## European and Dutch Water Law

AUTHORS H.F.M.W. van Rijswijk, H.J.M. Havekes

PUBLICATION December 2011

BINDING paperback, €250p

ISBN 9789089521071

PRICE €52, \$88

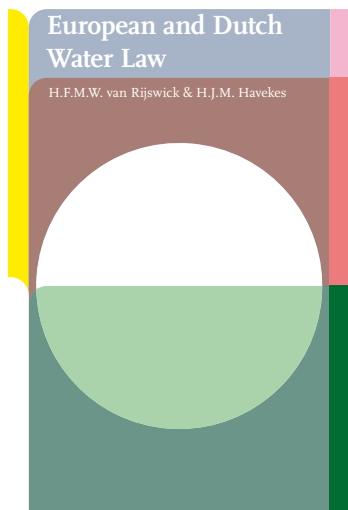
Forthcoming

Water law has become more and more important over the last decades. Starting as part of European environmental law it now develops towards integrated water management based on a river basin management approach. The focus broadens from the protection and improvement of water quality towards sustainable use of water as a natural resource combined with the protection against flooding, protection of the marine environment and safe drinking water and fresh water supply. The right to water is recognized by the European Union but will have its effect through European water directives. This development has its impact on the law of the national member states.

In this book modern European water law and its implementation in the Netherlands is being described and analysed. The Netherlands has a long history in water management, both regarding governance and management. Its legal system dates from the 12th century and it is an example of a resilient legal system that has been able to adapt towards necessary water management in the 21st century; a time in which countries have to deal with the effects of climate change and in which the water needs of millions of people must be guaranteed in a fair and sustainable way. The book deals both with general concepts as the right to water, leading principles, transnational river basin management, the programmatic approach, shared responsibilities and the financing of water management based on the principle of cost recovery for water services.

There is specific attention for the recent integration in European and Dutch water law as a result of the European Water Framework Directive and the typical Dutch organization of regional water management by regional water authorities.

The main water issues like the protection of water quality, the protection against flooding, fresh water supply, drinking water supply, waste water collection and treatment, the relation with spatial planning and the protection of the marine environment are being discussed from both a European and a Dutch perspective.



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

EDITOR Prof. Marc Pallemmaerts

PUBLICATION June 2011

BINDING paperback, 440p

ISBN 9789089520487

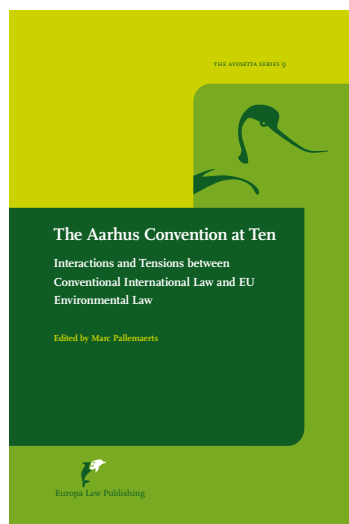
PRICE €68, \$110

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 Amsterdam Center for Environmental Law and Sustainability. 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](http://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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PUBLICATION May 2008  
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## The Law of Succession: Testamentary Freedom. European Perspectives

EDITORS Miriam Anderson and Esther Arroyo i Amayuelas

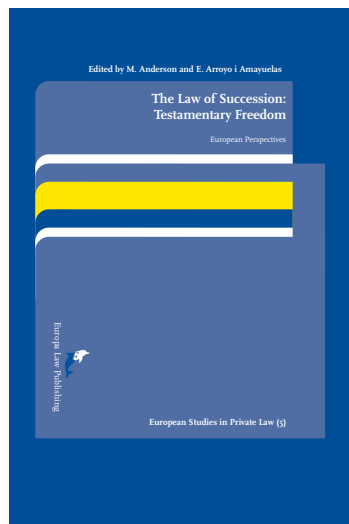
PUBLICATION May 2011

BINDING paperback, 336p

ISBN 9789089520876

PRICE €62, \$95

The Law of Succession, which has been traditionally confined to domestic limits, is becoming a frequent topic of discussion in international forums, due to the increasing mobility of people and assets. Freedom of testation is in the centre of all initiatives tending to harmonize or at least approximate legislations in this field, even if, to date, efforts in this direction have focused on international private law. In April 2010, an international conference was held in Barcelona, where the scope of freedom of testation was checked against the limitations imposed by human rights, by domestic rules granting forced shares and other rights to the deceased's next of kin, and by provisions dealing with inheritance agreements. These reports, together with other contributions by experts from different countries commissioned specially for this publication, address, as well as Continental domestic regulations, the English common law system and Eastern European solutions.



## European Contract Law and the Welfare State

EDITOR J. Rutgers

PUBLICATION August 2011

BINDING paperback, ±250p

ISBN 9789089520807

PRICE ±€52, \$88

**Forthcoming**

In the European Union, a debate is on-going about the Europeanization of contract law. However, its impact on the different welfare states' types, as they are developed in political science, has not been discussed elaborately. Nearly all Member States of the European Union can be characterized as a welfare state or may be post-welfare state. There are many definitions and descriptions of the welfare state. It is generally accepted that social citizenship is a common characteristic of the welfare states in the European Union; another one is that they are capitalist economies in a global economy in which a service industry prevails. This book publishes the papers of a workshop held at the Free University of Amsterdam and which aimed to explore the potential of applying the political science theory of the welfare-state-types to contract law.

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## The European Right to Confrontation in Criminal Proceedings; Absent, Anonymous and Vulnerable Witnesses (2nd, revised edition)

AUTHOR Stefano Maffei

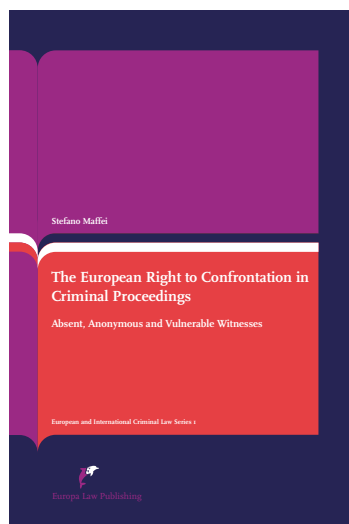
PUBLICATION December 2011

BINDING paperback ±300p

ISBN 9789089520708; PRICE ±€55, \$90

Forthcoming

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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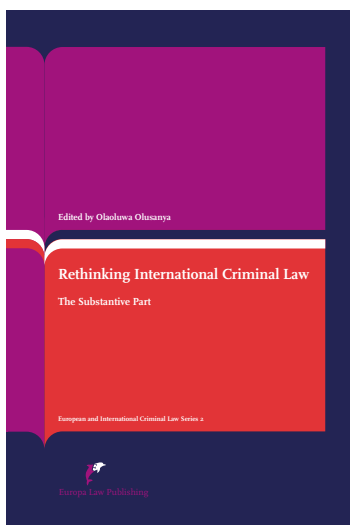
EDITOR Dr. Olaoluwa Olusanya (University of Wales, Aberystwyth)

SERIES European and International Criminal Law Series (2)

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PRICE €65, \$106



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## Security: A General Principle of Social Security Law in Europe

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

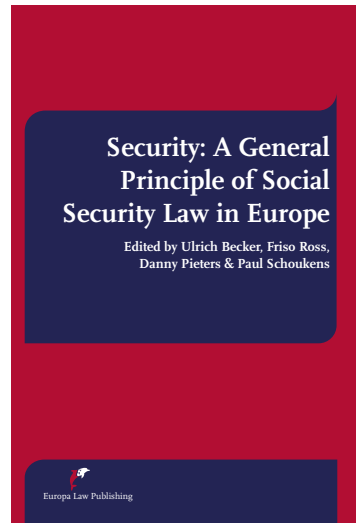
PUBLICATION August 2010

BINDING paperback, 649p

ISBN 9789089520630

PRICE €98, \$135

Social security systems are experiencing a profound change all over Europe, due to internal as well as to external reasons: changes in society, in the labour markets and globalisation. The normative dimension of these changes is often overlooked. This book takes the first step in filling the gap, concentrating on security as a general principle of European social security law (GPSoc), explaining what this principle means and how it works. It reflects the way in which legal comparison can be used to gain a better understanding of social security law. It brings together detailed reports from 14 European countries. And it analyses the effects of security on legislative, as well as on administrative, action. By so doing, it not only provides detailed information about the institutions and the instruments through which social security works in practice, but also offers a better understanding of its normative basis. This basis is fundamental: It explains the role which social security plays in modern societies, since it is, after all, a core element of the nation state which holds these societies together in times in which they can no longer be based on religion or social class.



## Concise Introduction to EU Private International Law (2nd. edition)

AUTHOR Michael Bogdan

PUBLICATION April 2012

BINDING paperback, ±250p

ISBN 9789089521088

PRICE ±€35, \$55

Forthcoming

This concise book is mainly intended to be used as an introduction to the rules of private international law belonging to the legal system of the European Union. It provides legal practitioners with an overview of this highly complex field of law and can serve as an introductory textbook in elective undergraduate courses and master programs offered today by many law schools both to their own students and to exchange students from other countries.

Michael Bogdan is Professor of Comparative and Private International Law at the University of Lund, Sweden.

## The EU Competition Rules. Landmark Cases of the EU Courts and the European Commission

AUTHOR F.O.W. Vogelaar

PUBLICATION August 2010

BINDING paperback, 432p

ISBN 9789089520913

PRICE €38, \$60

This book aims at providing the Legal Masters student throughout Europe's universities with a thorough selection of case law that would be of direct help when studying the subject for the first time. The primary criterion for selection has been whether a particular case has contributed to the development of one of the doctrines or notions that are so important to the understanding of EU competition law. All cases and decisions have been incorporated with their key recitals and texts only, so as to make the amount of text digestible in the context of an introductory course in EU competition law. Furthermore, for each case there is the mention of its relevance within the legal system and each case is accompanied with a short summary of its facts and circumstances. The sequence of cases follows the logic order in which EU competition law may or, in the author's view, should be taught. Wherever of practical use to the reader, cross-references are being made, be these of a general nature for a specific chapter as a whole or for a single specific case. These cross-references refer to relevant sources in EU secondary legislation and Commission Notices, to a selection of further cases on the same issue, to leading scholarly articles on the subject and to interesting annotations adding to the understanding of a particular case. In this way, the book offers the possibility for further study and reading to those who would find this necessary without burdening the students with extra and extensive obligatory reading material, which would go beyond the scope of their course format. As such the book also provides the young legal practitioner or in-house counsel with invaluable and time-saving background information in this important field of the law. All texts in this third edition are in conformity with the new Article numbering and the terminology as used in the Treaty of Lisbon.



Prof. Vogelaar is emeritus professor of Economic Regulation with emphasis on EU and Netherlands' competition law at the Law Faculty of the Universiteit van Amsterdam. After his retirement, he continues to be a research fellow at the Amsterdam Center for Law & Economics, ACLE, of that same University.

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