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Fundamental Rights in International and European Law

Public and
Private Law Perspectives

Christophe Paulussen · Tamara Takács
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Fundamental Rights In International And European Law Public And Private Law Perspectives

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Fundamental Rights In International And European Law Public And Private Law Perspectives:

Fundamental Rights in International and European Law Christophe Paulussen, Tamara Takacs, Vesna Lazić, Ben Van Rompuy, 2015-11-04 In this book various perspectives on fundamental rights in the fields of public and private international law are innovatively covered Published on the occasion of the 50th anniversary of the T M C Asser Instituut in The Hague the collection reflects the breadth and scope of the Institute's research activities in the fields of public international law EU law private international law and international and European sports law It does so by shedding more light on topical issues such as drone warfare the fight against terrorism the international trade environment nexus and forced arbitration that can be related to the theme of fundamental rights which runs through all these four areas of research Points of divergence and areas of common ground are uncovered in contributions from both staff members and distinguished external authors having long standing academic relations with the Institute The Editors of this book are all staff members of the T M C Asser Instituut each of them representing one of the areas of research the Institute covers *Fundamental Rights in the EU Area of Freedom, Security and Justice* Sara Iglesias Sánchez, Maribel González Pascual, 2021-07-29 The development of the Area of Freedom Security and Justice has transformed the European Union and placed fundamental rights at the core of EU integration and its principles of mutual recognition and trust The impact of the AFSJ in the development of an EU standard of fundamental rights which has come to the fore since the Treaty of Lisbon is a topic of great theoretical and practical importance This is the first systematic academic study of the AFSJ and its implications from the point of view of fundamental rights The contributions to this collection examine the normative and jurisprudential development of the AFSJ in order to assess its effects on the overall construction of the scope and standards of protection of EU fundamental rights in this particularly complex and sensitive field of integration The expert contributors systematically map and critically assess this area of EU law together with the relevant case law **The Horizontal Effect of Fundamental Rights in the European Union** Eleni Frantziou, 2019-01-31 This book analyses the horizontal effect of fundamental rights in the European Union from a constitutional perspective It advances two main arguments First it argues that the horizontal effect of fundamental rights i.e. their application to disputes between private parties cannot be usefully discussed based on the existing EU horizontality doctrine which associates horizontality with the exercise of horizontal direct effect only That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case specific nature that lacks overall constitutional coherence Secondly the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters In the fundamental rights context horizontal effect has organisational implications for society which go beyond specific intersubjective disputes It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation e.g. the workplace and a discussion of the role of fundamental rights therein At the same time a constitutionally adequate model of horizontality involves an acknowledgment of the

supranational character of EU adjudication the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice but the precise manifestation of horizontal effect e.g. direct indirect or state mediated effect rests with national courts

The EU Charter of Fundamental Rights in the Member States Michal Bobek, Jeremias Adams-Prassl, 2020-12-24 Ten years after the Charter of Fundamental Rights of the European Union became part of binding primary law and twenty years since its adoption this volume assess the application of the EU Charter in the Member States How often and in particular by which actors is the EU Charter invoked at the national level In what type of situations is it used Has the approach of national courts in general and of constitutional courts in particular to EU law to EU fundamental rights law changed following the entry into force of the Charter What sort of interplay does the Charter generate with the national bill of rights and the European Convention Is the life with the Charter on the national level a harmonious praktische Konkordanz or rather a messy ménage à trois These and other questions are discussed in the four parts that form the book Part I is dedicated to the normative foundations Part II sets out Member States Perspectives providing a structured in depth account of the Charter's operation in 16 different Member States Part III provides a detailed evaluation of selected rights contained within the Charter Part IV synthesises the materials presented up to that point to develop a series of broader perspectives looking to discover underlying lessons about the relationship between EU fundamental rights law and national legal systems

European Yearbook of International Economic Law 2017 Marc Bungenberg, Markus Krajewski, Christian Tams, Jörg Philipp Terhechte, Andreas R. Ziegler, 2017-10-06 Volume 8 of the EYIEL focuses on the external economic relations of the European Union as one of the most dynamic political fields in the process of European integration The first part of this volume analyses the recent controversial questions of the external economic relations of the Union dealing with the complexity of mixed agreements transparency and legitimacy issues as well as recent proposals in relation to Investor State Dispute Settlement the Trade Defence Instruments and the implications of the Brexit in this context The second part of EYIEL 8 addresses ongoing bilateral and multilateral negotiations of the EU with China Japan Australia Canada and Taiwan Moreover the third part deals with the EU in international organisations and institutions in particular the recent institutional aspects of the EU UN relationship representation in the IMF as well as WTO jurisprudence involving the EU in 2015 The volume concludes with reviews of recent books in international economic law

The International Olympic Committee, Law, and Accountability Ryan Gauthier, 2016-12-19 The Olympic Games is unquestionably the largest and most important sporting event in the world Yet who exactly is accountable for its successes and failures This book examines the legitimacy and accountability of the International Olympic Committee IOC This non governmental organisation wields extraordinary power but there is no democratic basis for its authority This study questions the supremacy of the IOC arguing that there is a significant accountability deficit Investigating the conduct of the IOC from an international legal perspective the book moves beyond a critique of the IOC to explore potential avenues for reform means of improving

democratic procedures and increasing accountability If the Olympics are to continue to be our most celebrated sporting event those who organise them must be answerable to the citizens that they can potentially harm as well as benefit Full of original insights into the inner workings of the IOC this book is essential reading for all those interested in the Olympics sport policy sport management sport mega events and the law Fundamental legal problems of surrogate motherhood. Global perspective. Piotr Mostowik,Marta Soniewicka,Nathalie Baillon-Wirtz,Mirosław Boruta,Justyna Holocher,Błażej Kmiecik,Ewa Kozerska,Tomasz Scheffler,Katażyna Mikša,Natalja Žitkevits,Avishalom Westreich,Andrea Nicolussi,Andrei A. Novikov ,Carlos Martínez de Aguirre,Monika Wałachowska,Alla Anatoliivna Herts,Witold Borysiak,Agnieszka Czubik,Łukasz Mirocha,Agata Niżnik-Mucha,Aleksandra Dębowska,Marcin Sokołowski,Agnieszka Wedeł-Domaradzka,Olga Bobrzyńska,Dita Frintová,Ondřej Frinta,Janusz Gajda,Rafał Łukasiewicz,Elena Júdová,Martin Píry,Wojciech Lis,Piotr Telusiewicz,Michał Wojewoda,Edyta Figura-Góralczyk,Radosław Flejszar,Piotr Rodziewicz,Konrad Burdziak,Łukasz Pohl,Wojciech Górowski,Agnieszka Laber,Dominik Zając,Karolina Sęk,2019-07-01 The observation that mater semper certa est remains accurate under most legal systems in the world Maternity is defined as the personal status filiation of a woman who gave birth to a child It is typically complemented by the fatherhood of the man from whom the child biologically originates often quem nuptiae demonstrant However in some states a kind of competitive way of acquiring the legal status of mother and father or homosexual parents A and B has been introduced via concluding a contract with a surrogate mother Usually with a woman coming from poorer societies and with the assistance of professional intermediaries and organizers The postulates to change substantive family law or at least to recognize the effects of foreign law and procedures a kind of procreative tourism appear nowadays also in states generally prohibiting surrogate motherhood The issues discussed in this volume concern both national law and international court cases Recent examples include the opinion of the European Court of Human Rights of 10 April 2019 initiated by the French Cour de cassation the judgement of the German Bundesgerichtshof of 20 March 2019 and dilemmas of Polish administrative courts Focusing on the international perspective the present volume as well as an accompanying book in Polish are the results of the international cooperation of over 30 experts from both member states and observer states of the Council of Europe The monograph is structured from the general to the detail and includes a comprehensive view as well from the issues of philosophy and sociology of law to human rights standards of national constitutions and international agreements to principles of ordre public of forum and their protection with measures of private public and penal law This allows readers including legislators and judges the better understanding of the fundamental legal problems that surrogate motherhood brings both in states where law creates them in a narrower or wider extent and in other countries of the world to which these problems can be imported with the movement of people and with de lege lata and de lege ferenda postulates Law Enforcement by EU Authorities Miroslava Scholten,Michiel Luchtman,2017-11-24 EU law and governance have faced a new development the proliferation of EU enforcement authorities

which have grown in number over the last 15 years. These entities either acting alone or together with national enforcement authorities have been investigating and sanctioning private actors on their compliance with EU law. Law Enforcement by EU Authorities investigates whether the system of control in terms of both judicial and political accountability has evolved to support the new system of law enforcement in the EU. *The Foundations of European Transnational Private Law* Anna Beckers, Hans-W Micklitz, Rodrigo Vallejo, Pia Letto-Vanamo, 2024-05-30. Since Anu Bradford's groundbreaking book on the Brussels Effect, there is a vastly evolving literature on the EU as a global regulatory actor as well as the global reach of EU law. This edited collection connects to this debate. Yet it shifts the focus from the currently predominant public law focus to investigating European and EU private law and to connecting to literature and research on transnational law. To that end, it proceeds first conceptually by introducing and giving shape to the notion of a European Transnational Private Law through four conceptual contributions by the editors. Secondly, it focuses on several sectors: finance, taxation, investment, consumer law, labour law, and topics: climate litigation, global value chains, non-discrimination, to trace sector specifically the role of EU private law in relation to transnational legal ordering.

Future Directions in Surrogacy Law Kirsty Horsey, Zaina Mahmoud, Katherine Wade, 2025-03-27. This edited collection brings together a range of experts on surrogacy at a time when the law in the UK has been fully reconsidered for the first time in generations. Society has developed significantly since surrogacy laws were first written and the existing law is out of date and no longer fit for purpose. Each chapter in this collection considers one aspect of surrogacy regulation and analyses the potential effectiveness of proposed reforms or suggests what changes should be made based on experience in other jurisdictions. This is an unprecedented contribution to the public and regulatory debate on surrogacy.

The European Union as Guardian of Internet Privacy Hielke Hijmans, 2016-09-06. This book examines the role of the EU in ensuring privacy and data protection on the internet. It describes and demonstrates the importance of privacy and data protection for our democracies and how the enjoyment of these rights is challenged by particularly big data and mass surveillance. The book takes the perspective of the EU mandate under Article 16 TFEU. It analyses the contributions of the specific actors and roles within the EU framework: the judiciary, the EU legislator, the independent supervisory authorities, the cooperation mechanisms of these authorities as well as the EU as actor in the external domain. Article 16 TFEU enables the Court of Justice of the EU to play its role as constitutional court and to set high standards for fundamental rights protection. It obliges the European Parliament and the Council to lay down legislation that encompasses all processing of personal data. It confirms control by independent supervisory authorities as an essential element of data protection and it gives the EU a strong mandate to act in the global arena. The analysis shows that EU powers can be successfully used in a legitimate and effective manner and that this subject could be a success story for the EU in times of widespread euroskepticism. It demonstrates that the Member States remain important players in ensuring privacy and data protection. In order to be a success story, the key stakeholders should be prepared to go the extra mile so it

is argued in the book The book is based on academic research for which the author received a double doctorate at the University of Amsterdam and the Vrije Universiteit Brussels It builds on a long inside experience within the European institutions as well as within the community of data protection and data protection authorities It is a must read in a time where the setting of EU privacy and data protection is changing dramatically not only as a result of the rapidly evolving information society but also because of important legal developments such as the entry into force of the General Data Protection Regulation This book will appeal to all those who are in some way involved in making this regulation work It will also appeal to people interested in the institutional framework of the European Union and in the role of the Union of promoting fundamental rights also in the wider world

Yearbook of International Sports Arbitration 2015 Antoine Duval, Antonio Rigozzi, 2016-10-21 The Yearbook of International Sports Arbitration is the first academic publication aiming to offer comprehensive coverage on a yearly basis of the most recent and salient developments regarding international sports arbitration through a combination of general articles and case notes The present volume covers decisions rendered by the Court of Arbitration for Sport CAS and national courts in 2015 It is a must have for sports lawyers and arbitrators as well as researchers engaged in this field It provides in depth articles on burning issues raised by international sports arbitration and independent commentaries by esteemed academics and seasoned practitioners on the most important decisions of the CAS e g the Dutee Chand case and national courts e g the Pechstein and Wilhelmshaven decision rendered by the OLG M nchen and OLG Bremen in Germany Dr Antoine Duval is Senior Researcher for International and European Sports Law at the T M C Asser Instituut in The Hague He holds a Ph D on the interaction between Lex Sportiva and EU Law from the European University Institute in Florence Prof Antonio Rigozzi teaches international arbitration and sports law at the University of Neuch tel Switzerland and is the partner in charge of the sports arbitration practice at L vy Kaufmann Kohler a Geneva based law firm specializing in international arbitration

EU and EEA Law Litigation Before National Courts Zsófia Varga, 2024-03-07 This book provides practical and comprehensive guidance for national practising lawyers judges and litigation attorneys on the application of EU EEA law before national courts It describes the essential rules regarding the application of EU EEA law before national judicial instances and structures them systematically in order to enable national judges and litigation attorneys to comprehend the main standards In short the book is about legal norms that would fall under the category of civil and administrative procedural law in a national legal order These rules developed by the ECJ and the EFTA Court govern when and how national judges should apply EU EEA law in national proceedings The book is divided into six chapters each dealing with a specific topic For pragmatic purposes the structure of the chapters is uniform and each chapter can be read individually As the norms have been developed by the ECJ EFTA court and consist mainly of case law principles the topics are presented based on thorough analysis of the judgments rendered by those courts The book s unique practical focus makes a great addition to the library of any national lawyer and EU law expert

The Legacy of Bosman

Antoine Duval, Ben Van Rompuy, 2016-05-25 In December 1995 the Court of Justice of the European Union delivered its judgment in its most famous case to date the Bosman case Twenty years later this book explores in detail how this landmark judgment legally and politically transformed the relationship between the European Union and sport Written by leading academics in the field the ten contributions in this book reflect on how Bosman fundamentally shaped the application of EU law to sport and its transformative effects on sports governance The book's innovative perspectives on the Bosman ruling makes it important reading for scholars practitioners and policy makers concerned with EU law and Sports law With a foreword by Prof Dr Carl Otto Lenz Advocate General at the Court of Justice in the Bosman case Dr Antoine Duval is Senior Researcher for International and European Sports Law at the T M C Asser Instituut in The Hague He holds a Ph D on the interaction between Lex Sportiva and EU Law from the European University Institute in Florence where he was the conveyor of the Transnational Law Working Group Prof dr Ben Van Rompuy is a senior researcher at the T M C Asser Instituut where he heads the ASSER International Sports Law Centre and is Visiting Professor of Competition Policy at the Free University of Brussels VUB He holds a Ph D in law from the VUB and held visiting scholar positions at Georgetown University and New York University The book appears in the ASSER International Sports Law Series under the editorship of Prof Dr Ben Van Rompuy Dr Antoine Duval and Marco van der Harst LL M *Nineteenth Century Perspectives on Private International Law* Roxana Banu, 2018-07-18 Private International Law is often criticized for failing to curb private power in the transnational realm The field appears disinterested or powerless in addressing global economic and social inequality Scholars have frequently blamed this failure on the separation between private and public international law at the end of the nineteenth century and on private international law's increasing alignment with private law Through a contextual historical analysis Roxana Banu questions these premises By reviewing a broad range of scholarship from six jurisdictions the United States France Germany the United Kingdom Italy and the Netherlands she shows that far from injecting an impetus for social justice the alignment between private and public international law introduced much of private international law's formalism and neutrality She also uncovers various nineteenth century private law theories that portrayed a social relationally constituted image of the transnational agent thus contesting both individualistic and state centric premises for regulating cross border inter personal relations Overall this study argues that the inherited shortcomings of contemporary private international law stem more from the incorporation of nineteenth century theories of sovereignty and state rights than from theoretical premises of private law In turn by reconsidering the relational premises of the nineteenth century private law perspectives discussed in this book Banu contends that private international law could take centre stage in efforts to increase social and economic equality by fostering individual agency and social responsibility in the transnational realm **The Foundations of European Private Law** Roger Brownsword, Hans-W Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project

While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance

Gender-Competent Legal Education Dragica Vujadinović, Mareike Fröhlich, Thomas Giegerich, 2023-02-03 Male dominated law and legal knowledge essentially characterized the whole of pre modern history in that the patriarchy represented the axis of social relations in both the private and public spheres Indeed modern and even contemporary law still have embedded elements of patriarchal heritage even in the secular modern legal systems of Western developed countries either within the content of legislation or in terms of its implementation and interpretation This is true to a greater or lesser extent across legal systems although the secular modern legal systems of the Western developed countries have made great advances in terms of gender equality The traditional understanding of law has always been self evidently dominated by men but modern law and its understanding have also been more or less malestreamed Therefore it has become necessary to overcome the given maskulinity of legal thought In contemporary legal and political orders gender mainstreaming of law has been of the utmost importance for overcoming deeply and persistently embedded power relations and gender based unequal social relations At the same time and equally importantly the gender mainstreaming of legal education to which this book aims to contribute can help to gradually eliminate this male dominance and accompanying power relations from legal education and higher education as a whole This open access textbook provides an overview of gender issues in all areas of law including sociological historical and methodological issues Written for students and teachers around the globe it is intended to provide both a general overview and in depth knowledge in the individual areas of law Relevant court decisions and case studies are supplied throughout the book

Minimum Contract Justice Lyn K L Tjon Soei Len, 2017-05-04 The collapse of the Rana Plaza in Bangladesh 2013 is one of many cases to invoke critical scrutiny and moral outrage regarding the conditions under which consumer goods sold on our markets are produced elsewhere In spite of abiding moral concerns these goods remain popular and consumers continue to buy them Such transactions for goods made under deplorable production conditions are usually presumed to count as normal market transactions ie transactions that are recognized as valid consumer contracts under the rules of contract law Minimum Contract Justice challenges this presumption of normality It explores the question of how theories of justice bear on such consumer contracts how should a society treat a transaction for a good made under deplorable conditions elsewhere This Book defends the position that a society that strives to be minimally just should not lend

its power to enforce support or encourage transactions that are incompatible with the ability of others elsewhere to live decent human lives As such the book introduces a new perspective on the legal debate concerning deplorable production conditions that has settled around ideas of corporate responsibility and the pursuit of international labour rights

Uncovering European Private Law Marija Bartl, Laura Burgers, Chantal Mak, 2025-06-05 Aimed at bridging a crucial gap in legal education Uncovering European Private Law provides a comprehensive introduction to the evolving field of European private law This innovative handbook addresses the interplay of national European and transnational rules governing relationships between private actors including individuals and businesses Designed with students in mind this volume not only covers foundational concepts but also explores cutting edge developments in areas such as contract tort property and company law What sets this handbook apart is its contextual approach By integrating societal and theoretical perspectives it encourages students to critically evaluate private law's role in addressing global challenges like digitalization sustainability and globalization Gathering the expertise of over twenty international law scholars the handbook reflects the expertise of academics deeply engaged in teaching and research With structured chapters and accessible narratives this handbook replaces piecemeal materials previously used in courses It offers coherence and depth making it an essential resource for understanding the legal frameworks that shape commerce legal practice and broader societal issues Whether for mandatory or elective courses this guide empowers students to navigate and critically assess the dynamic field of European private law providing an essential resource for the private lawyers of the future

Routledge Handbook of Sport in the Middle East Danyel Reiche, Paul Michael Brannagan, 2022-04-27 This Handbook provides a succinct overview of sport in the Middle East drawing in scholars from a wide variety of geographical and disciplinary backgrounds history politics sociology economics and regional studies with different methodological approaches to create the go to text on the subject After the introduction 33 chapters from leading subject experts cover areas including history politics society economy and nationhood The authors help shed light on how certain Middle Eastern countries have become increasingly active in international sports and the efforts made to positioning themselves as the new global sports hubs Split into five sections the book offers a multi disciplinary analysis of a diverse range of sports across the geographic Middle East including football mixed martial arts rugby athletics and cycling The authors highlight and respond to issues such as the naturalisation of athletes female athleticism sports media and supporter cultures The Routledge Handbook of Sport in the Middle East stands apart from previous research through offering first hand accounts of sport in the area from authors who live and work in the region or have a history of regularly visiting and conducting research in the region It will be of interest to academics and students alike in the fields of Middle East politics sport in the Middle East international relations governance and sociology

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