CONTENTS

Table of Cases		xi xlviii
Table of Treaties and Conventions	The Court and EU Governance	AIVIII
I INTRODUCTION	E EUROPEAN UNION FROM MAA	- 327
Paul Craig and Gráinne de Búrca	STITUTIONAL AND LEGAL UNIT	
2 INTEGRATION, DEMOCRACY, AND LEG	GITIMACY	13
Paul Craig	Institutional Sedimentation The Buropean Union as an Internal	
A. Neofunctionalism, the Legitimacy of C	Outcomes and the Limits	
of Democracy		14
B. Liberal Intergovernmentalism, Collecti	ve Action, and the Logic	
of Public Choice	ENLARGEMENTOITARDETMI JA	17
C. Multi-level Governance, New Institution		21
of Decision-making		21
D. Rational Choice Institutionalism, Cons		26
Contested Domain E. Democracy Deficit, Premise, and Argu		28
F. Evaluation, National, and International		31
G. Evaluation, Prioritization, and Conseq		33
H. Conclusion	Conclusion	40
3 INSTITUTIONS, POWER, AND INSTITU	TIONAL BALANCE	41
Paul Craig MAHORDIANA	THE EUROPEAN UNIONATHE BE	
A. Rome to the Single European Act: Init	ial Disposition. Development	
and Change	rise Cremona	43
B. From the SEA to Nice: Clarification, C	Contestation, and Complexity	54
C. The Constitutional Treaty to the Lisbo		
Executive Authority		72
D. Conclusion Rem U.S. add not without		83
4 POWERS AND PROCEDURES IN THE EU	J CONSTITUTION:	
LEGAL BASES AND THE COURT		85
Kieran St Clair Bradley		
A. Introduction: 'It is a Constitution We		85
B. Legal Basis Case Law: From Negligé to		89
C. The Internal Market: Not 'Unlimited'	Conclusions	94
D. The Last Chance Saloon: 'Necessary a	nd Proper' Powers	100
E. Conclusions: The Judicial Province	STOPPABLE WAVE	104
	2 Starskrubh	Pur

vi CONTENTS

5	INDEPENDENT AGENCIES Martin Shapiro	111
6	THE EUROPEAN COURT OF JUSTICE Alec Stone Sweet	121
	A. Constitutional Judicial Review B. The Court and Integration C. The Court and EU Governance	122 131 144
7	THE EUROPEAN UNION FROM MAASTRICHT TO LISBON: INSTITUTIONAL AND LEGAL UNITY OUT OF THE SHADOWS Deirdre M Curtin and Ige F Dekker	155
13	 A. Institutional Sedimentation B. The European Union as an International Organization C. Institutional Legal Practices of the European Union D. Conclusion 	155 157 174 184
8	EU ENLARGEMENT Christophe Hillion	187
21	A. First Generation of EU Enlargement Rules: Applying and Clarifying the Treaty ProcedureB. Second Generation of Enlargement Rules: From Enlargement	188
	Procedure to Enlargement Policy C. Third Generation of EU Enlargement Rules: Preserving the Integration Momentum?	193
	D. Conclusion	215
19	EXTERNAL RELATIONS AND EXTERNAL COMPETENCE OF THE EUROPEAN UNION: THE EMERGENCE OF AN INTEGRATED POLICY Marise Cremona	217
72 83	A. Introduction B. Internal Policies and External Powers C. Exclusive, Shared and Complementary Competence D. The Emergence of an International Identity for the EU	217 219 244 260
10	EU JUSTICE AND HOME AFFAIRS LAW (NON-CIVIL) Steve Peers	LEC
	A. Introduction B. Institutional Evolution C. Policy Evolution D. Conclusions	269 279 297
11	CIVIL JUSTICE—A NEWCOMER AND AN UNSTOPPABLE WAVE? Eva Storskrubb	
	A. Introduction B. Background	299 300

vi

C. Institutional and Political Evolution	302
D. Legislative Framework	
E. Themes	318
F. Conclusion of the Background and Drafting of the	321
12 DIRECT EFFECT, PRIMACY, AND THE NATURE OF	
THE LEGAL ORDER	323
Bruno de Witte	
A. The Foundation Years	324
B. Evolution of the Direct Effect Doctrine	329
C. Evolution of the Primacy Doctrine	340
D. The Reception of the Doctrines at the National Level	346
E. Constitutional Reservations	350
F. The Role of Primacy and Direct Effect in the European	
Integration Process	358
G. The Nature of the Legal Order Mar QUARROSHAR ROTHAMAYOM AND	361
13 PRELIMINARY RULINGS AND EU LEGAL INTEGRATION:	
EVOLUTION AND STASIS	363
Thomas de la Mare and Catherine Donnelly	B
A. Introduction Objectives of the West UE to excite the Movement of Persons and UE to excite the Objectives of the West UE to excite the UE to	363
B. Diversification and Consolidation	365
Legislative Transformation	365
D. Perspectives on a Multi-Functioning Procedure	376
E. Consequences of the Current Scheme of Preliminary Rulings	387
F. Evolving out of Stasis	393
Movement of Persons Salary Tales	
14 THE VICISSITUDES OF LIFE AT THE COALFACE:	Ð
REMEDIES AND PROCEDURES FOR ENFORCING	177
UNION LAW BEFORE THE NATIONAL COURTS	407
Michael Dougan	u172
A. Introduction The 'Come Numerica' on National Remodiscent and to inampoleved add	407
B The Core Narrange on Nanonal Remedies	408
C. Beyond and Besides the 'Core Narrative' on National Remedies	421
D. Concluding Remarks	437
15 THREE PHASES IN THE EVOLUTION OF EU	
ADMINISTRATIVE LAW	439
Carol Harlow	
A. Introduction	439
B Phase 1: Building Blocks	444
C. Phase 2: Consolidation and Change	450
D. Phase 3: Post-Lisbon Challenges	455
F Conclusions: Towards Pluralism?	463
the European Union	

16 THE EVOLUTION OF EU HUMAN RIGHTS LAW	465
Gráinne de Búrca	и я
A. Introduction	465
B. Phase 1: The Background and Drafting of the	167
European Political Community Treaty 1952–1953	467
C. Phase 2: From the Rome Treaty to the Maastricht Treaty: The Disappearance of Human Rights from the EC Treaty	
Framework and their Return	475
D. Phase 3: From the Maastricht to the Lisbon Treaty:	A
The Emergence of an EU Constitutional Framework for	
Human Rights Protection	480
E. Comparing the EU Constitutional Framework for Human	g55 ·
Rights Protection as Drafted in the 1950s and Today	483
F. Conclusion Practices of the European Union Passon I noticing and	495
17 FREE MOVEMENT OF PERSONS AND SERVICES	499
Siofra O'Leary	
A. Introduction	400
B. Changing Patterns of EU Migration	502
C. The Objectives of EU Law on the Free Movement of Persons	
and Services attent of Enlargement Rule House Difference Bonk House House	505
D. Legislative Transformation	508
E. Who's Who?—Delimiting the Parameters of the Free Movement	d
of Persons and Services	526
F. Reassessing the Place and Scope of the Provisions on the Free	534
Movement of Persons	544
G. Conclusions	13l
18 FREE MOVEMENT OF CAPITAL: EVOLUTION	547
AS A NON-LINEAR PROCESS	547
Jukka Snell	A
A. The Development of the Freedom	548 554
B. The Notion of Restriction	564
C. The External Dimension D. Conclusion	573
IREE PHASES IN THE EVOLUTION OF THE BARRA SMOR OLD STITZULUE OF	CPD 10 45
19 CITIZENSHIP: CONTRASTING DYNAMICS AT THE	IA
INTERFACE OF INTEGRATION AND	575
CONSTITUTIONALISM	373
Phase 1: Building Blocks	575
A. Introduction B. K. Overtions in (EU) Citizenship Studies	578
B. Key Questions in (EU) Citizenship StudiesC. Citizenship, Free Movement, and the 'Old' Constitutionalism of	.g 78
the European Union	584
D. Citizenship: Lost in Transition from 'Old' to 'New' Constitutionalism	597
E. Citizenship's Future: Integrative or Constitutive?	608

CONTENTS ix

20	THE PRINCIPLE OF EQUAL TREATMENT: WIDENING	
		611
	Mark Bell ARLE OF CASES HOURING	
	A. Introduction ADMANG OF CHIMATE CHANGE GOVERNMENT	611
	B. Widening the Principle of Equal Treatment	
	C. Deepening the Principle of Equal Treatment	625
	D. Widening and Deepening Reconsidered	638
21	EU 'SOCIAL' POLICY: FROM EMPLOYMENT LAW	
	TO LABOUR MARKET REFORM	641
	Catherine Barnard	
	A. Introduction	641
	B. The Traditional Story of the Development of EU Social Policy	642
	C. The Role of the Court of Justice	662
	D. The Battle for the Future Soul of Social Policy	676
	E. Conclusions	685
22	EMU—INTEGRATION AND DIFFERENTIATION:	
		687
	Francis Snyder	
	A. Introduction at Rights to the office and Consumer Protection to the Area of Consumer Protection	687
	B. Origins and Evolution: 1950–2000	688
	C. EMU—From Nice to Lisbon: 2000–2010	700
	D. Conclusion	715
23	COMPETITION LAW MODERNIZATION:	
	AN EVOLUTIONARY TALE?	, . ,
	Imelda Maher	
	A. Competition Policy: a Policy Apart?	718
	B. Evolution Compaction Limiting Stream of Characteristics and Cha	720
E 85	C. The Evolution of Competition Law and Policy	723
	D. Modernization	727
	E. Conclusion	740
24	THE COMING OF AGE OF EU REGULATION OF NETWORK	
	INDUSTRIES AND SERVICES OF GENERAL ECONOMIC INTEREST	743
	Leigh Hancher and Pierre Larouche	
	A. Introduction	743
	B. Substantive Law	745
	C. Institutions Turken Ve Trearer Deutsche Post AG v Commission (T-266/02	766
	D. Conclusion \(\text{Application 45036} \) \([2008] ECR II-1233 \) \(\text{[2008] E	779
25	EU FINANCIAL REGULATION: FEDERALIZATION,	
	CRISIS MANAGEMENT, AND LAW REFORM	783
	Takis Tridimas	
	A. Five Phases in the Development of Financial Law	784
	B. The Financial Services Action Plan and the Lamfalussy Process	785

CONTENTS

C. Trends and Features of the Harmonization Programme D. The Post-Crisis Phase	THE PEINCIPLE OF Mark Bell Mark Bell	795
E. Conclusion		
26 THE MULTI-LEVEL GOVERNANCE OF CLIMATE CHAN		805
Joanne Scott)
A. Introduction). Widening and Do	805 807
B. Emissions Trading		
C. Carbon Dioxide Emissions from Passenger Cars (and t	O LABOUR MARKE	824
Free Movement Rules) D. Renewable Energy: Sustainability Criteria for Biofuels	atherine Barnard 16	828
F Conclusion		834
E. Companie inc Ed Constitutional Transcription of a grant of the gran	t. The Traditional St.	837
Ct-tl Manthamill	L. The Role of the Co	195
1 mint of more arming a special profile.		837
A. Introduction B. Market Integration and Consumer Policy	Conclusions	838
C. The Consumer before the Court	MU-INTEGRATION	840
D. Legislative Competence	ON MEN MEMBERS	844
E. Harmonization Policy	rancis Snyder enoers	
F. Directives in the Area of Consumer Protection	L Introduction	851 861
是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个	 Origins and Evolut EMU—From Nice. 	863
H. The Commission's Review of Contract Law I. Conclusion	Conclusion	866
		526
28 THE EVOLUTION OF CULTURAL POLICY IN THE		869
EUROPEAN UNION Rachael Craufurd Smith	N EVOLUTIONARY nelda Maher	
A. The Conception of Culture in EU Law		872
B. The Court of Justice and Domestic Cultural Policy	Evolution	875
C. EU Legislative and Financial Measures: An Indirect C		883
D. The Development of an Explicit EU Cultural Policy	. Modernization	889
E. Conclusion	Conclusion	894
C The External Dimension of MOLTA HIDER UP TO	HE COMING OF AG	897
Index	IDUSTRIES AND SE	1573
19 CITIZENSHIP: CONTRASTING DYNAMICS APPOINT ST	righ Hancher and Pie	Li
ENITERFACE OF INTEGRATION AND		
Z4*CONSTITUTIONALISM	Substantive Law	
	Institutions	
	. Conclusion	
B. Key Ougstions in (EU) Givierastia Augustian MOITAL	J FINANCIAL REGU	1878
E8 C. Citizenship, Free Movement, and Chan WALTHAM	RISIS MANAGEMEN	10
	ikis Tridimas	1968 .507
18 D. Citizenship: Lost in Transition from the mangel voc	Five Phases in the T	