DETAILED CONTENTS

	Preface Acknowledgments	xi xv xliii liii 'lxxiii
	Table of Cases	
	Table of Legislation	
	Lisbon Tables of Equivalence Abbreviations	
PART ONE	The Constitutional Law of the EU	1
1	The Evolution of the European Union	3
2	The Sources of the Law	27
SECTION 1:	The Treaties	27
SECTION 2:	Legislation	30
	A: Legislation in the European Union	30
	B: The principle of conferral	33
	c: The choice of legal base	47
CD OTTONIO	D: Reasoning Compared principles of I Indian January	51
SECTION 3:	General principles of Union law A: Proportionality	54 54
	B: Fundamental rights	61
ų	c: Technique	72
3	The Nature of Union Law: Supremacy	79
SECTION 1:	Supremacy	79
SECTION 2:	Direct applicability	84
SECTION 3:	Pre-Emption	85
4	The Enforcement of Union Law: 'Dual Vigilance'	91
SECTION 1:	Dual vigilance	91
SECTION 2:	Control at EU level	93
	A: The nature of Article 258 TFEU	93
	B: The effectiveness of Article 258 TFEU C: Complaining to the Commission	96
CEODIONIO	c: Complaining to the Commission	103
SECTION 3:	Control at national level A: The criteria governing direct effect	104 105
	B: Direct effect as a policy choice	110
	c: Procedure and remedies	113
5	The Direct Effect of Directives	125
SECTION 1:	Establishing the principle	125
SECTION 2:	Curtailing the principle	128
SECTION 3:	The scope of the principle: the State	134
SECTION 4:	'Incidental effect'	136

SECTION 5:	The principle of indirect effect, or the obligation of 'conform-interpretation'	143
6	State Liability	155
7	Article 267: The Preliminary Reference Procedure	177
SECTION 1:	The purpose of Article 267	177
SECTION 2:	The separation of functions	179
SECTION 3:	The effect of an Article 267 ruling	189
SECTION 4:	Bodies competent to refer	190
SECTION 5:	The obligation to refer and the doctrine of Acte Clair	193
SECTION 6:	The power to refer	197
SECTION 7:	The Court's information note on references	199
SECTION 8:	Reforming the Court system	200
8	Judicial Control of the Institutions of the EU	205
SECTION 1:	Introduction	205
SECTION 2:	Article 263	207
	A: Article 263, first to third paragraphs	208
	B: Article 263, non-privileged applicantsC: Direct concern	210 210
	Direct Confection Direct C	212
	E: Challenging a 'regulatory act'	222
	F: Grounds for annulment	224
	G: Interim measures	225
	Article 265	226
	Article 277	229
	Articles 268 and 340	230
SECTION 6:	The Article 267 preliminary reference procedure A: The function of the Article 267 preliminary reference	238
	procedure in judicial review	238
	B: The limitations of Article 267 in judicial review	24
	c: Article 267 and the validity of Union acts	244
CECTION 7	D : The effect of an Article 267 ruling The interrelation of the several remodies	25
	The interrelation of the several remedies	252 254
SECTION 8:	The narrative of constitutionalism	254
PART TWO	Union Trade Law and Policy	257
9	Law and the Economic Objectives of the Union	259
SECTION 1:	Introduction	259
SECTION 2:	Economic integration in context	260
SECTION 3:	The internal market: 1992	265
	A: The background	265
	B: The anticipated benefits of the completion of the internal market	270
SECTION 4:	Measuring the impact of '1992'	273
	A: Measurement in 1996 B: Measurement in 2002	273 274
	c: The business response	277

SECTION 5:	Managing the internal market	278
SECTION 6:	Economic and monetary union	291
10	Fiscal Barriers to Trade: Articles 30 and 110 TFEU	297
SECTION 1:	Article 30 TFEU	298
SECTION 2:	Article 110 TFEU	302
SECTION 3:	Fiscal harmonization	308
11	Physical and Technical Barriers to Trade: Articles 34–36 TFEU	313
SECTION 1:	The development of Article 34	313
SECTION 2:	The application of Article 34	318
SECTION 3:	Justification pursuant to Article 36 TFEU A: Public morality	339 340
	B: The protection of health and life of humans, animals, and plants	344
SECTION 4:	Eliminating remaining barriers to trade	352
12	Beyond Discrimination: Article 34 TFEU	355
SECTION 1:	Indistinctly applicable rules: the Cassis de Dijon formula	355
SECTION 2:	Locating the outer limit of Article 34 TFEU	366
	A: The road to Keck and Mithouard The ruling in Keck and Mithouard	367
	B: The ruling in Keck and MithouardC: The application of Article 34 TFEU to restrictions on advertising	371 374
	D: The application of Article 34 TFEU to restrictions on use	380
SECTION 3:	Justifying indistinctly applicable rules	384
	What sort of market is being made? Some consequences for consumer protection and beyond	394
13	The Free Movement of Workers: Article 45 TFEU	405
SECTION 1:	Who is a worker?	406
SECTION 2:	To what advantages is the worker entitled?	410
SECTION 3:	Exceptions	416
14	Freedom of Establishment and the Free Movement	405
CECTION 1.	of Services: Articles 49 and 56 TFEU The rights	425 425
	Non-discrimination	426
		1142-714
SECTION 3:	Beyond discrimination A: Challenging and justifying obstructive national measures	429 429
•	B: Cases dealing with company lawC: Cases dealing with collective labour action	ہد. 445
	D: Cases dealing with health care provision	449
SECTION 4:	Harmonization	459
15	European Citizenship Within an Area of Freedom,	
	Security, and Justice	463
SECTION 1:	Introduction	463
SECTION 2:	Free movement of persons within an area of freedom, security, and justice	469
SECTION 3.	European citizenship	473

16	Competition Law and Policy	489
SECTION 1:	The scheme of EU competition law and policy	489
SECTION 2:	Article 101 TFEU	495
	A: The objective of Article 101	495
	B: The 'agreement' and the 'concerted practice'	498
	c: The restriction or distortion of competition	505
	D: Assessing a 'restriction of competition' in its full context	515
	E: Exemption	521
SECTION 3:	Article 102 TFEU A: The dominant position: defining the market	522 523
	B: Abuse	534
SECTION 4.	State involvement	544
	The enforcement of the competition rules	549
SECTION 5.	A: Enforcement by the Commission	550
	B: Enforcement at national level	560
PARTTHRE	E Policy-making, Governance, and the	
	Constitutional Debate	567
17	Harmonization and Common Policy-Making	569
SECTION 1:	Introduction	569
SECTION 2:	Harmonization policy	571
	A: Harmonization as an introduction to the wider debate	572
	B: The New Approach to harmonization policyC: Questioning the New Approach	575 580
CECTION 2.	Methods of harmonization	584
SECTION 3:	A: Harmonization and the allocation of competence between the EU and Member States	584
	B: The management of Article 114(4) <i>et seq</i>	585
	c: Harmonization, competence, and the scope for minimum rules	589
SECTION 4:	The example of consumer law	594
	A: Minimum harmonization	595
	B: The Product Liability Directive	595
	c: Uniform application of EU consumer law	601
	D : The Product Liability Directive and pre-emption	606
18	Subsidiarity, Flexibility and New Forms of Governance	613
SECTION 1:	Subsidiarity	614
SECTION 2:	Variable integration and flexibility	625
SECTION 3:	Instruments of governance	636
19	What Sort of 'Europe'?	647
SECTION 1:	The challenge of national constitutional courts	647
SECTION 2:	States and beyond: multi-level governance and constitutionalism	663
SECTION 3:	Legitimacy and democracy	670
	Europe's true soul	678
	QUESTIONS	683
SELECTED BIBLIOGRAPHY		
INDEX		687
		007