

## Directives In Ec Law 2 E Oxford European Union Law Library

The implementation of the Lisbon Treaty is profoundly changing many areas of EU law and policy. This volume gathers leading specialists in the field to analyse the implementation process and the directions of legal reform post-Lisbon, situating the Lisbon reforms in the broader context of on-going policy programmes.

Against the background of the European legal framework, this book offers a comprehensive analysis of the use of alternative regulatory instruments, such as self- and co-regulation, to protect minors in the digital media environment.

Approaching the theme from an antitrust perspective and focusing on telecommunications and television broadcasting, this volume examines how traditional European competition law doctrines and principles can be applied to this converging sector. The application of antitrust rules to the communications sector is often one of the most controversial areas of law and policy. The shift towards a more competition law oriented form of regulation is one of the main principles inspiring the recent reform of European sectorial regulation enshrined in the 2002 Electronic Communication Package. The Package was adopted in 2002 and is in the process of being implemented throughout the Union. This monograph provides a detailed description of the new regulatory package and highlights the interplay between regulatory provisions and EC competition law. It then follows the pattern of a typical antitrust analysis containing chapters on the definition of relevant market in the sector and various forms of abuses of market power. The book also critically examines the Commission's practice and policy in the field of merger control and considers its relationship with wider regulatory policies. Finally it analyses the sector from the perspective of the 'European' public interest and the changed nature of communications as a public service.

This fourth edition has been thoroughly updated and revised to provide a comprehensive introduction to the German legal system and covers institutional, public, and private law. Included are extracts from the Grundgesetz and a glossary of German legal terms.--Preface.

This is the first book to offer a profound, practical analysis of the framework for the judicial and pre-judicial protection of rights under the supranational banking supervision and resolution powers in the European Banking Union (EBU). It is also unique in its in-depth commentary on the developing case law from the European Court of Justice in this new field of EU litigation.

The present volume is the second of a series. In addition to revising those parts of the ACQP which were published in the "Contract I" volume, it presents numerous new rules, in particular on remedies for non-performance and on certain specific situations or contracts such as delivery of goods, package travel and payment services. The work is particularly aimed at enriching the current controversial debate on the way forward for European contract and consumer law stimulated by the European Commission's Proposal for a Directive on Consumer Rights. The Acquis Principles include: - General rules formulated on the basis of existing EC law - An accompanying commentary, outlining the foundations in the Acquis - Definitions of core legal terms and a glossary on terminology The Acquis Group aims to reformulate the present patchwork of directives, regulations and judgments on EC private law as a coherent Restatement, the Acquis Principles (ACQP). These Principles present the current state of EC law in a structure which allows readers to identify commonalities, contradictions and gaps in the Acquis.

A modern approach to the institutional and substantive law of the EU. It provides a comprehensive introduction and combines a popular text, cases, and materials format with a range of supportive learning features.

No one doubts any longer that sustainable development is a normative imperative. Yet there is unmistakably a great reluctance to acknowledge any legal basis upon which companies are obliged to forgo 'shareholder value' when such a policy clearly dilutes responsibility for company action in the face of continuing environmental degradation. Here is a book that boldly says: 'Shareholder primacy' is wrong. Such a narrow, short-term focus, the author shows, works against the achievement of the overarching societal goals of European law itself. The core role of EU company and securities law is to promote economic development, notably through the facilitation of market integration, while its contributory role is to further sustainable development through facilitation of the integration of economic and social development and environmental protection. There is a clear legal basis in European law to overturn the poorly substantiated theory of a 'market for corporate control' as a theoretical and ideological basis when enacting company law. With rigorous and persuasive research and analysis, this book demonstrates that: European companies should have legal obligations beyond the maximization of profit for shareholders; human and environmental interests may and should be engaged with in the realm of company law; and company law has a crucial role in furthering sustainable development. As a test case, the author offers an in-depth analysis of the Takeover Directive, showing that it neither promotes economic development nor furthers the integration of the economic, social and environmental interests that the principle of sustainable development requires. This book goes to the very core of the ongoing debate on the function and future of European company law. Surprisingly, it does not make an argument in favour of changing EU law, but shows that we can take a great leap forward from where we are. For this powerful insight – and the innumerable recognitions that support it – this book is a timely and exciting new resource for lawyers and academics in 'both camps': those on the activist side of the issue, and those with company or official policymaking responsibilities.

This eagerly awaited new edition has been significantly revised after extensive user feedback to meet current teaching requirements. The first major textbook to be published since the rejuvenation of the Lisbon Treaty, it retains the best elements of the first edition – the engaging, easily understandable writing style, extracts from a variety of sources showing the creation, interpretation and application of the law and comprehensive coverage. In addition it has separate chapters on EU law in national courts, governance and external relations reflecting the new directions in which the field is moving. The examination of the free movement of goods and competition law has been restructured. Chapter introductions clearly set out what will be covered in each section allowing students to approach complex material with confidence and detailed further reading sections encourage further study. Put simply, it is required reading for all serious students of EU law.

### THE LAW AT YOUR FINGERTIPS.

This is the ultimate legal resource on public procurement in the European Union. It combines and links the full texts of the procurement directives in force today - i.e. Directive 2004/17/EC (the new Utilities Directive) and Directive 2004/18/EC (the new Public Sector Directive) - with more than eighty judgments rendered by the European Court of Justice during the period 1982-2007 regarding public procurement. In one easy-to-use volume it provides: 1. the texts of the Public Sector Directive and the Utilities Directive, with the articles of these directives linked to the relevant Court of Justice case law; 2. in-depth analysis of 84 judgements rendered by the Court of Justice in connection with subject matter treated by the articles of the two directives; 3. the essential excerpts from the chronologically ordered judgments, with each excerpt preceded by an overview of the subject matter and points of law treated in the judgment; 4. pertinent passages of opinions of the Advocate General; 5. texts of supplementary legislation, including the relevant articles of the EC Treaty and interpretative communications and explanatory notes of the European Commission; and 6. an exhaustive subject index. By bringing the reader into direct contact with the relevant jurisprudence of the European Court of Justice - which has been instrumental in interpreting the public procurement legal framework - the book clearly manifests the reality of public procurement in the European Union. It will be of great value to practitioners and officials charged with ensuring that contracts are awarded in an open, fair and transparent manner that allows domestic and

non-domestic firms to compete for business on an equal basis, and that the high quality and fair cost of purchases made by awarding authorities are maintained.

The fourth edition of *Media and Entertainment Law* has been fully updated, analysing some of the most recent judgments in media law from across the United Kingdom, such as *Cliff Richard v the BBC*, *Max Schrems v Facebook* and the Irish Information Commissioner, developments on the 'right to be forgotten' (NT1 and NT2) and *ABC v Daily Telegraph* (Sir Philip Green). The book's two main themes are freedom of expression and an individual's right to privacy. Regulation of the communication industries is covered extensively, including discussion of the print press and its online editions following Leveson, traditional broadcasting regulations for terrestrial TV and radio as well as media activities on converged devices, such as tablets, iPads, mobile phone devices and 'on demand' services. Intellectual property law (specifically copyright) in the music and entertainment industries is also explored in the book's later chapters. Also new to this edition are sections on: A focus on freedom of expression: its philosophical foundations; the struggles of those who have fought for it; and the varied ways in which the courts interpret freedom of expression regarding the taking and publishing of photographs. The 'right to be forgotten', data breaches, and the General Data Protection Regulation (GDPR). The media's increasing access to the courts, particularly when considering the privacy of those who are suspected of sexual offences. Press regulators, broadcasting and advertising regulations, and film and video regulations. Election and party-political broadcast regulations, with a focus on social media and recent election fraud. The emergence of online music distribution services, internet radio and free digital streaming music services, and their effect on the music industry. The fourth edition also features a variety of pedagogical features to encourage critical analysis of case law and one's own beliefs.

This fully revised and updated new edition offers a detailed exposition of EC Directives, individual rights, and the protection of those rights in national courts. Three central themes are investigated: the characteristics of EC Directives; the role played by national courts in protecting the rights which individuals derive from Directives; and the 'devices' and means by which the courts may implement this protection. Focussing initially upon clear examples from the ECJ case law, the author then moves on to discuss specific 'lines' within that case law, and to examine how these 'lines' complement or contradict each other. Throughout the text, the author's empirical argument is enriched by discussion of doctrine and theory. Less orthodox ideas are also incorporated through selective use of a comparative approach which illuminates the workings of EC directives from the broader perspective of the EC as a whole. In an updated conclusion, the prospects of Directives in the future and in the light of the nascent European Constitution are discussed. The result is an extensive and in-depth analysis of Directives, the case-law of the ECJ, and legal writing on the topic, which also engages with the more practical issues of implementation and enforcement in the courts.

Nigel Foster provides a concise and clear explanation of EU law, covering both institutional aspects and key substantive areas, offering an accessible entry point to the subject.

This series aims to provide the readers an overview of the consumers' protection in EU law through the most relevant situations where the weaker parties normally are involved. Through the analysis of the sources of law, together with reports of landmark case law from the European Court of Justice as well, consumers will find a straightforward guide to learn about their rights in certain day-to-day situations, while the legal professionals, in general, can easily find a list of consumer laws and case law. Consumer law is indeed one of the biggest and most actual areas of law that keeps growing up quickly because of the fast implementation of the services that are provided on the global market. The demand of new services has indeed become bigger day by day. This requires new providers as well and so new law to protect the consumers from abuses in an area where they are the weaker party. That is also why European Union has established a consumer policy programme for always better consumer protection. The impact of EU Law on national systems of law is huge. Many national laws are indeed the application of EU secondary law, i.e. directives and regulations. At the same time, it is also important to always keep an eye on the European Court of Justice case law (ECJ). This series consists of multiple volumes. The first one is general and concerns the European law system and its legal basis, related to a general historical overview of consumer protection and the actual consumer policy.

A right to equality and non-discrimination is widely seen as fundamental in democratic legal systems. But failure to identify the human interest that equality aims to uphold reinforces the argument of those who attack it as morally empty or unsubstantiated and weakens its status as a fundamental human right. This book argues that an understanding of the human interest which equality aims to uphold is feasible within the jurisprudence of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ). In comparing the evolution of the prohibition of discrimination in the case-law of both Courts, Charilaos Nikolaidis demonstrates that conceptual convergence within the European Convention on Human Rights (ECHR) and the EU on the issue of equality is not as far as it might appear initially. While the two bodies of equality law are extremely divergent as to the requirements they impose, their interpretation by the international judiciary might be properly analysed under a common light to emphasise the substantive dimension of equality in European Human Rights law. The book will be of great use and interest to scholars and students of human rights, discrimination law, and European politics.

A critical overview of European Union energy law and policy, this book takes a law-in-context approach as it examines the development of EU energy law from the 1950s to the present day. It discusses the development of EU energy law; the application of general EU law into energy; the regulation of EU energy markets; international aspects of EU energy law; and policy, sustainability, and energy regulation. Presenting an up-to-date overview of EU energy law and policy and a critical analysis of its sub-areas, the book extends the discussion from electricity and natural gas markets to other areas of energy, including oil. This holistic approach to the subject is then placed within the broader context of the international geopolitical sphere which EU energy law and policy operates, as the author considers the impact of regional and international energy policies and markets on the EU markets and the overall EU policy. He also draws on the wider context and takes into account non-legal factors such as the impact of unconventional energy sources, the rise of the BRICS, and the 'Arab spring'. The book frames EU energy law as a topic that can provoke intellectual, political, and professional discussion about the slowly moving train of economic regulation under the typical pressures and contradictions of countries and the European Union in the global economy.

Directives in EC Law Oxford University Press on Demand

Uglješa Grušić examines the legal regulation of transnational employment relationships in the private international law of the European Union.

Value added tax (VAT) is responsible for generating approximately €903 billion per year in tax revenues across the European Union – revenues that play a huge role in budgetary policymaking in the Member States. This extremely useful book provides not only a thorough description of the current state of EU VAT law, but also a detailed explanation of the system's rationale and its legislative provisions. It puts the elements of the system in perspective and shows how they are linked to each other. The focus lies on the rules which can be deduced from the sources of EU VAT law and on their application in practice. The systematic presentation covers such issues and topics as the following:

- sources of EU

VAT law, including principles derived from CJEU case law; • principles underlying the EU VAT system; • relations among the layers of VAT law – primary and secondary EU law, national law; • how to apply the VAT legislation and case law; • allocation of taxing rights (place of supply rules); • invoicing requirements and other administrative obligations; • exemptions, VAT rates and the taxable amount; • the right of deduction of input VAT; • intra-Community transactions, importation and exportation; • immovable property; and • how far a national court must and can go in interpreting national provisions in the light of the VAT Directive and the principles underlying the VAT system. The book follows the structure of the VAT Directive/VAT determination scheme, with additional topical chapters on immovable property, intra-Community transactions, and importation and exportation of goods. With its detailed attention to the meaning and interpretation of each legislative provision and court ruling, this book serves as an incomparable guide for practitioners. Its emphasis on the rationale and systematics of the EU VAT system make it an indispensable reference for all tax law professionals and researchers.

Die Regeln zum digitalen EU-Binnenmarkt gelten als Meilenstein des Verbraucherschutzes. Sie haben die Bereitstellung digitaler Inhalte und Online-Verkäufe europaweit harmonisiert. Der neue Kommentar zum "EU Digital Law" kommentiert Artikel für Artikel die wichtigsten europäischen Regelungen zum digitalen Recht in der EU: die Digitale-Inhalte-Richtlinie; die EU-Verbraucherrechte-Richtlinie; die E-Commerce Richtlinie; die Portabilitäts-Verordnung. Damit wird der Rechtsrahmen für digitale Inhalte fundamental neu gefasst. Die Autor/innen sind Experten aus der ganzen EU. Ihre Kommentierungen bieten detaillierte Erläuterungen zu Hintergrund und Zweck der Bestimmungen und zeigen konkrete Wege zur Umsetzung auf.

To strengthen the credibility of the EU and its policies, the European Community is increasingly concerned to emphasise effective enforcement of EC law. This book engages in the debate on the better application of European law by offering an integrated analysis of a new institutional arrangement - one that relies on networks grouping the Commission and national administrative authorities. Taking the traditional enforcement paradigms of decentralisation, centralisation and agency-based enforcement as starting points, their benefits and downsides are described and critiqued, and the author concludes that there is considerable room for improvement. The book then undertakes a comprehensive analysis of the network model to determine its core characteristics and assess its effectiveness. European competition law and electronic communications law are used as case studies because, inter alia, the networks there have developed an adequate level of sophistication. The book also employs a bottom-up approach, considering how four key Member States (France, Germany, the Netherlands and the United Kingdom) have given effect to the relevant European rules. At the core of the book is a critique of the wider normative attractiveness of the network model. The discussion is kaleidoscopic, engaging with a wide variety of notions including legitimacy, judicial review, subsidiarity, institutional balance and efficiency. The thrust of the book is that network-based governance deserves careful consideration as the model that is able to mediate the competing concerns of coherence for Internal Market reasons, and of diversity and respect for local autonomy. This book is useful for EC competition law and communications law practitioners, and those with a keen interest in institutional and administrative law.

The focus of this monograph is on the evolution of EU policies designed to realize specific fundamental rights, and how this is delivered in EU equality law.

The book assesses the EU Returns Directive against international human rights norms and standards. Izabella Majcher explores protection gaps in the EU return policy and highlights how the provisions of the Directive should be implemented in line with member states' human rights obligations. Informed by this assessment, the book discusses draft amendments to the Directive, proposed by the European Commission in September 2018.

This book offers an extraordinary wealth of information, from the ground up, of the law governing and regulating air transport today, with a strong emphasis on international aviation. A team of distinguished authors in the field of aviation law provide a cogent synthesis from which sound legal opinions and strategies of legal action may be confidently built. Among the many topics here in depth are the following: definition and classification of airspace; distinction between civil and state aircraft; air navigation and air traffic control services; airport charges and overflight charges; structure of ICAO; standard-setting functions and audit functions of ICAO; functions of the International Air Transport Association (IATA); policy and effects of deregulation and liberalization of air transport policy; the International Registry for Aircraft Equipment; air carrier liability regimes and claims procedure; measures to combat aviation terrorism, air piracy and sabotage; and the Open Skies Agreements. This publication cites significant legislation and court rulings, including from the United States and the European Union, where far-reaching measures on market access, competition and passenger rights have set trends for other regions of the world. The special case of Latin America has a chapter to itself. At a time when commercial aircraft have been used as lethal weapons for the first time, aviation law finds itself in the front line of responsibility for maintaining global aviation security.

A complete reference resource for students of employment law. Well established as the most regularly updated casebook on the market, it offers a wide range of case law and statutes along with plenty of non-statutory material, providing students with a thorough grounding in the subject.

Written by leading experts in the field, the fifth edition of Business Law is designed to provide trainee solicitors with a clear understanding of key aspects of business law, one of the most challenging and dynamic areas of law in study and in practice. Each chapter gives a clear overview of the subject as well as focusing on the legal issues that solicitors face in practice. Coverage includes: establishing and operating a business, buying and selling a business, selected business law issues, and business arrangements. This fifth edition of the book features new chapters on corporate governance and on terms and conditions of sale. The manual is essential reading for trainee solicitors on the Law Society of Ireland's Professional Practice Courses, and is also an excellent resource for Irish legal practitioners.

The ideal value-added tax (VAT) would carry an economic efficiency ratio of 100 as, in theory, VAT should not be susceptible to exemptions and rate variations. However, practical reality tells a different story, and it will come as no surprise to learn that the VAT systems of almost all countries remain far from the benchmark, and that this is particularly the case when VAT is applied to real estate. This book describes and analyses VAT treatment of real estate transactions in six representative countries: Australia, Canada, Germany, Japan, Mexico, and the United Kingdom. As in any jurisdiction, the VAT schemes covered must accommodate complex factual matrices that demand consistent, fair, and equal treatment. Among these VAT determinants the authors, each an expert in the national tax law of one of

the six countries, address the following: types of real estate sales; long versus short term leases; commercial versus residential use; newly constructed versus existing property; status of the parties involved as taxable or non-taxable for VAT; taxable and tax-free supplies; special rules for charities, mooring facilities, aircraft, sports facilities, etc.; subdivision of apartments into title units; commercial residential premises; construction work; cross-border supply of construction work and services; and transfer of a 'going concern'. The discussions also include the practical areas of accounting for VAT, administrative compliance, personal tax liability, and VAT refund and overpayment certification processes, as well as thorough consideration of relevant case law and examination of frequently litigated matters. Each author has designed his or her chapter to ensure that the technical nuances of each system are explained. An introductory chapter outlines economic theory and preferred VAT treatment of real estate transactions, and compares the variety of solutions applied in the six countries covered. Although a number of legal works exist on real estate under VAT in single jurisdictions, this is the first book to combine a multi-jurisdictional approach with attention to relevant economic theory, allowing for a very useful assessment of best practices. For this reason it is sure to be welcomed by practitioners and academics not only as an overview of the problem areas encountered when designing VAT policy, but also as a reference in applying VAT to real estate transactions.

utilities." --Book Jacket.

Although proven effective in protecting pregnancy, giving birth and breastfeeding – that is, the biological differences of women related to maternity – the current European Union (EU) legislative framework on maternity leave tends to overlook the roles of both parents, especially during the post-delivery period of 'bonding' with the child. This framework, along with EU law on parental leave, which does not encourage an equal take-up of the leave, gives rise to serious issues of gender equality affecting both men and women. This deeply researched and urgent book proposes alternative options for future EU law on child-related leave which can be applied to both employees and self-employed workers to mitigate these limitations and side effects. Analysing the various EU Directives which, directly or indirectly, relate to maternity leave, paternity leave, adoption leave and parental leave, as well as the corresponding case law of the Court of Justice of the EU, the author uses a social risk approach and tackles the following issues: narrow focus of the legislation on the delivering mother's incapacity to work; in practice, excessive emphasis on the protection of the delivering mother; silent assent to the unequal distribution of caring responsibilities within the family; lack of attention to women's labour market outcomes; and the new direction followed by the recently adopted Directive on work-life balance. The research focuses on working parents (including non-delivering parents in same-sex couples or adoption) and includes a comparative analysis of the law of six countries – Belgium, Ireland, Spain, the United Kingdom, Sweden and Portugal – chosen to illustrate the variety of national schemes available and how their desirable features can be introduced into EU law. A more balanced design of child-related leave is a must in today's society for reasons of fairness and also for economic considerations. This complete analysis of EU legislation and case law about child-related leave – including the first-ever systematic and in-depth analysis on whether maternity leave can be considered discriminatory against fathers and a review of economic literature on how child-related leave affects the situation of women in the labour market – offers forward-looking solutions for child-related leave to enhance gender equality. Practitioners and nongovernmental organisations dealing with EU and national matters related to labour and employment law, social security law and gender equality law will welcome this important book, as will academics and policymakers interested in maternity and other child-related leaves.

The European Union has strict laws, embodied in the EC Treaty and in particular Article 90, on the conduct of competition within Europe, in order to ensure that monopolies are not allowed to distort competition. The rules of the Treaty are complemented by directives dealing with the main utility sectors. *State Monopolies Under EC Law*, which is in two Parts, takes the reader through this law relating to state monopolies, its application and its development. Part 1 details the legal position of state monopolies under Article 90 and associated Articles, and discusses the relevant case law with particular reference to the important decisions of *Sacchi*, *Terminal Equipment* and *Corbeau*. Part 2 gives provides an in-depth analysis on the application of this law as it affects specific utility sectors, in particular: \* energy \* telecommunications \* broadcasting \* postal \* transport In conclusion, *State Monopolies Under EC Law* provides a vital guide to both Article 90 and its application for lawyers, corporate and industry advisers and EC consultants.

This open access book seeks to identify the ethical spirit of European Union (EU) law, a context in which we can observe a trend towards increasing references to the terms 'ethics' and 'morality'. This aspect is all the more important because EU law is now affecting more and more areas of national law, including such sensitive ones as the patentability of human life. Especially when unethical behaviour produces legal consequences, the frequent lack of clearly defined concepts remains a challenge, particularly against the background of the principle of legal certainty. This raises the question to which extent the content of these references is determined and whether it is possible to identify an ethical spirit of EU law. Answering that question, in turn, entails addressing the following questions: In references to ethics concerning EU law, can we identify references to a particular theory of practical philosophy at all; and, if so, to one or more normative ethical theories (deontology, consequentialism, or virtue ethics)? Further, should these non-legal concepts be imported in an unaltered way ("absolute approach"), or be adapted to the legal context ("relative approach")? This book explores the different layers of EU law (primary law, agreements, secondary law, and tertiary law), including the role of ethics in EU lawmaking and in EU case law, as well as the implementation of relevant EU directives in selected Member States. In addition to the above-mentioned normative philosophical lens, the book also analyzes the findings from the legal lens of EU integration, i.e., especially EU values, human rights and the cornerstone of human dignity.

Critical yet accessible, this book provides an overview of the current debates about the 'Europeanization' of contract law. Charting the extent to which English contract law has been subject to this activity, it is the ideal volume for readers unfamiliar with the subject who wish to understand the main issues quickly. It examines a range of key developments, including: a string of directives adopted by the European Union that touch on various aspects of consumer law recent plans for a European Common Frame of Reference on European Contract Law. Bringing together advanced legal scholarship, critically examining key developments in the field and considering the arguments for and against greater convergence in the area of contract law, this is an excellent read for postgraduate students studying contract and/or European law.

EU Directive 2004/48 EC obliges Member States to seek to achieve 'partial harmonization' of the remedies, procedures and measures necessary to enforce intellectual property law. These obligations provide what may be termed a minimum standard which must be fulfilled by the Member States in the course of their implementation of the Directive. However, the Directive is not faring well at the Member State level. The three authors' vastly detailed, article-by-article analysis of the fortunes of Directive 2004/48 EC in three EU jurisdictions offers enormously valuable insights into the complex ways Member States respond to Community law, and in so doing provides an important addition to the ongoing inquiry into the nature of the reciprocal tensions between EU law (both judicial and legislative) and the laws of Member States. The particular investigation undertaken here reveals three paradigmatic situations: the situation in which the Directive has not been implemented at all, either because the Member State believes that its current legislation is adequate or that the wording of the Directive is such that no special legislation is required (England); the situation in which implementation has been inadequate, because either the pre-existing legislation constitutes inadequate legislation or because the specifically adopted legislation proves to be legally uncertain (The Netherlands); and the situation in which the relevant time for implementation for the Directive has elapsed and no specific legislation has been adopted (Germany). If there really is, as the European Commission contends, an 'enforcement deficit' in the protection of

intellectual property rights by national rules of procedure, then the most effective remedial approach, Cummings shows, is through the principles of legal certainty, full effect, and effective judicial protection. These principles will assist the national court in interpretation of the precise meaning of the substantive obligations under the Directive. Drawing on the tenor of ECJ law that national procedural rules should not present an obstacle to adequate judicial protection, the author considers the conditions that must be fulfilled before an eventual claimant, who has suffered loss and damage caused by either the non-implementation or the incorrect implementation of a directive, may bring an action against the State for breach of Community law. The author presents his analyses of the implementation of the Directive in Dutch and English national procedure and his proposals for German implementation as three separate cases rather than comparatively, as any attempt to compare either the method of national implementation or the degree of adequacy or inadequacy inevitably obscures the essential particularities of each of the three national systems in relation to the Directive. Although this book will repay the study of anyone interested in European law, it will be of special value to practitioners and policymakers engaged in intellectual property law, particularly in EU Member States. The EU has long faced difficulties in ensuring compliance with its legal provisions, and as a result has developed sophisticated enforcement techniques that penetrate deep into the law and politics of member states. This book gathers leading experts to assess the legal procedures and political mechanisms at work in the EU to promote compliance. Compares the legal frameworks in Denmark, New Zealand, Norway, and the United States relevant to the development of wind energy.

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