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The Application of EU Law in the New Member States

Brave New World

Edited by

Adam Łazowski

Brave New World: the Application of EU Law in the New Member States is a unique volume, providing readers with an in-depth analysis of EU-related legal developments in the twelve new Member States of the European Union.

As anticipated, the new Member States have experienced considerable challenges in the transposition and application of EU law. The first five years have also brought a series of controversial decisions of constitutional and supreme courts on the principle of the supremacy of EC law and the position of third pillar legislation in national legal systems. There is also a growing body of highly interesting decisions of lower courts, proving that EU law is slowly making its way and its effectiveness should not be at risk in the long term. Having passed the phase of shyness, domestic courts in at least a few of those countries have already started to send references for the preliminary rulings to the European Court of Justice. Despite some early disappointments, the new references are, in most cases, admissible and very interesting from the substantive point of view. A purely technocratic approach may immediately lead to a conclusion that all these efforts are not sufficient and that the newcomers are underperforming. However, if one takes into account the breadth of the reforms and changes those countries have undergone in the past two decades the conclusion may be different. The emerging picture is quite impressive when economic, political and social factors are taken into account. The countries of Central and Eastern Europe, which had managed to escape the brain draining ruthless Soviet empire, have spent the last twenty years in a deep, multidimensional transformation. Membership of the European Union is yet another challenge they are faced with. One should not think of those countries as children of a lesser God, but rather a *Brave New World* negotiating its way in the contemporary Europe. This book is important reading for academics, practitioners and civil servants in the EU Member States and candidate countries.

Dr Adam Łazowski is a Reader in Law at the School of Law, University of Westminster, London.

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The Integration of the Mediterranean Neighbours into the EU Internal Market

by

Karolien Pieters

With a Foreword by Herman Van Rompuy, President of the European Council

The European Union's neighbouring countries to the south and the east of the Mediterranean have never been able to establish a regional form of integration of their own. Instead, the Maghreb, Mashreq and Israel have always vied for a stake in the EU internal market. At the beginning of the European integration process, the Mediterranean neighbours were offered few economic advantages. Confronted with emerging trading powers such as China and Russia in the 1990s, the EU changed tack and sought increased levels of integration of the Mediterranean countries into its internal market.

This book offers the first comprehensive overview and analysis of policies and instruments employed to integrate the Mediterranean countries in the EU internal market. In particular, the author examines the Euro-Med Partnership, the European Neighbourhood Policy, the 'Barcelona Process: the Union for the Mediterranean', the Euro-Med Association Agreements, and the ENP Action Plans. Combined with a thorough analysis of the most relevant case law of the European Court of Justice concerning the Euro-Med movement of goods, services, capital and persons, the author establishes a complete and up-to-date state of the integration of the Mediterranean countries with respect to the four above-mentioned fundamental freedoms of the EU internal market.

The book will be an important resource and a tool for decision-makers, officials and academics involved in the external relations of the EU and the export of the internal market acquis.

Dr. Karolien Pieters is a senior research fellow in EU law and a member of the Centre for the Law of EU External Relations (CLEER) at the T.M.C. Asser Instituut in The Hague.

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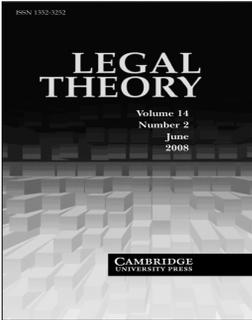
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Legal Theory draws contributions not only from academic law, but from a wide range of related disciplines in the humanities and social sciences, including philosophy, political science, economics, history and sociology. Topics covered fall mainly into the broad categories of analytical and normative jurisprudence, doctrinal theory, policy analyses of legal doctrines and critical theories of law.

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