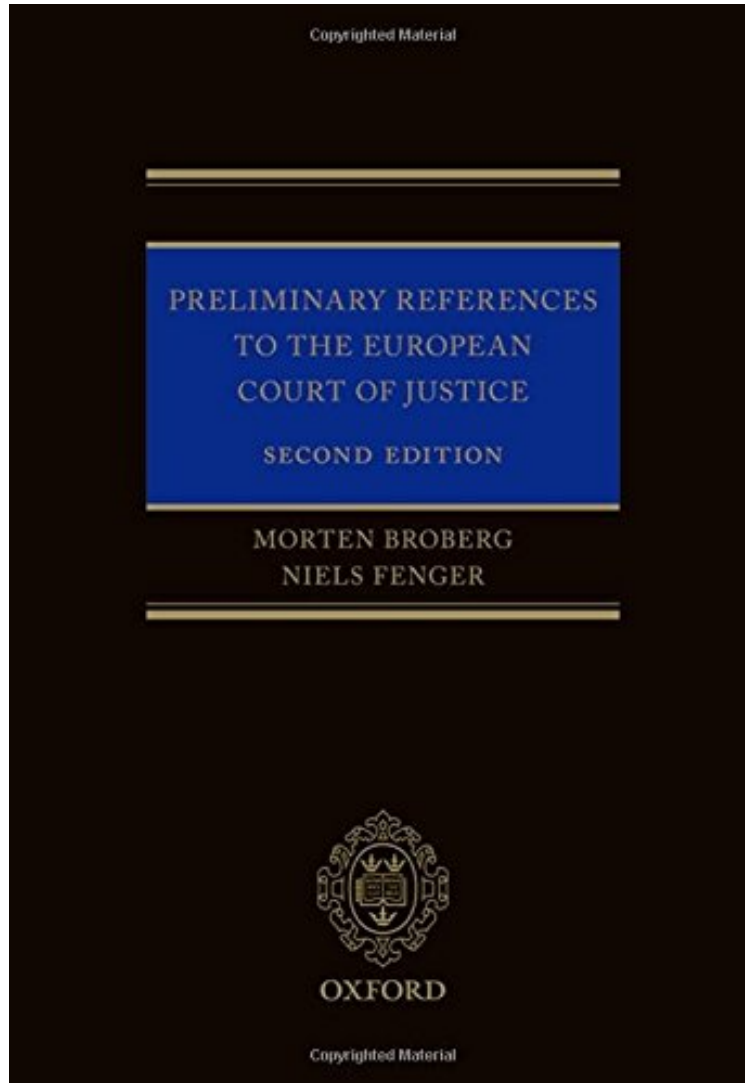


(Read free) Preliminary References to the European Court of Justice

Preliminary References to the European Court of Justice

Morten Broberg, Niels Fenger
*ePub | *DOC | audiobook | ebooks | Download PDF*



 Download

 Read Online

#2506878 in Books 2014-05-06Original language:EnglishPDF # 1 6.90 x 1.40 x 9.80l, .0 #File Name: 019870402X576 pages | File size: 42.Mb

Morten Broberg, Niels Fenger : Preliminary References to the European Court of Justice before purchasing it in order to gage whether or not it would be worth my time, and all praised Preliminary References to the European Court of Justice:

0 of 0 people found the following review helpful. Thorough....By Phillip Taylor MBEAND CONCISE ADVICE TO PRACTITIONERS ON SUBMITTING PRELIMINARY REFERENCES TO THE ECJAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersPreliminary references are a mechanism created to ensure the homogenous application of EU law throughout the Member States, explain the authors of this scholarly and rigorously detailed work of reference which should certainly clarify any number of issues pertaining to the workings

of the European Court of Justice (ECJ). Published by the Oxford University Press, and now in its second edition, this is a text of vital interest to practitioners involved with disputes scheduled to be held before the ECJ. Originally published in 2008 in Danish, the book has been translated into three other European languages, plus of course, English. This new English edition therefore makes a timely appearance following enactment of the Lisbon Treaty after 2009. It is worth noting that the preliminary reference which is made precedes the preliminary ruling of the Court (ECJ). This book is therefore especially useful for practitioners in that it deals with the amended procedures -- post-Lisbon -- involved in how to make a preliminary reference, which inevitably involves effective written advocacy, the one element what will make or break a case, as we have found with our own judicial review system here. This new edition contains much new material, including, for example a completely rewritten and expanded section of the doctrine of *acte clair*, which is examined at length -- and which provides yet more evidence of the continuing attempts to achieve further of harmonization of legal processes across the EU. Some will argue that such harmonization is but a distant dream and, as the authors have done, will to point out that the EU has expanded to (in 2013) 28 Member States and 24 official languages so far! Our observation -- and it is an obvious one is that this level of linguistic and cultural diversity will have any number of implications and consequences which the Court must address in arriving at judgments which are seen to be fair to all parties embroiled in disputes. For example, will it be necessary to check each of the official language versions of each applicable EU provision to ensure that each version means the same thing? Well, not really, or, er, not exactly. As the learned authors, Morten Broberg and Niels Fenger, have explained, the ECJ has merely reminded the national courts of the multilingual character of EU law and has thus drawn the attention of each national court to the fact that, even where the interpretation of the specific EU act may appear to be straightforward the interpretation of the same act may turn out to be much more complex when other language versions are taken into account. Practitioners involved in the complexities of this area of law will certainly appreciate this book as a guide, so to speak, as to what to do and what not to do when structuring a preliminary reference, the reference being in fact an application, as we would call it in the UK. We would draw attention to certain chapters which practitioners will find particularly useful. Chapter 8 focuses on the form and content of a reference, while Chapter 9 deals with proceedings before the referring court after a reference has been made. Chapter 10 deals with the procedure before the ECJ and the final chapter provides succinct and useful guidance on litigation, costs and legal aid. As an advice book for advisers, this volume of over 500 pages functions also as an invaluable research resource. Copiously footnoted throughout, it contains almost eighty pages of tables of cases and of legislation, including treaties and conventions and directives, plus a handy list of abbreviations. The detailed table of contents and comprehensive index aid navigation. As an up to date guide to what you as a practitioner have to do to make your application to the Court before you even set foot in it, this book will doubtless emerge as an indispensable addition to your professional library. The publication date is 2014.

This fully updated and revised second edition of *Preliminary References to the European Court of Justice* provides a meticulous and yet easily accessible examination of all aspects of the preliminary reference procedure. Since the first edition there have been significant changes to the European Union's legal foundations. First and foremost of those being the signing of the Lisbon Treaty, which has had both direct and indirect consequences for the preliminary reference procedure. In addition, the authors have taken into account amendments to the Rules of Procedure of the Court of Justice and the Court's amended Statute, they have added expanded treatment of the *acte clair* doctrine and the Court's *Cartesio* ruling and a more general revision of the text bringing it up to date by taking into account new case law and new legal writings. In addition to these important updates, the authors have also revised the structure of the book. With backgrounds as both practitioners and academics the two authors have produced a book that caters for the needs of both practitioners and academics.

As an up to date guide to what you as a practitioner have to do to make your application to the Court before you even set foot in it, this book will doubtless emerge as an indispensable addition to your professional library. * Phillip Taylor
*About the Author Morten Broberg, Professor and Jean Monnet Chair, University of Copenhagen, Niels Fenger, Professor, University of Copenhagen Morten Broberg Professor in the Faculty of Law of the University of Copenhagen and holds a Jean Monnet Chair. He is a qualified solicitor and has also worked as referendaire (legal secretary) at the European Court of Justice in Luxembourg. He has published extensively in the field of EU law. Niels Fenger is Professor in the Faculty of Law of the University of Copenhagen. He has been director of the Legal Service of the EFTA Surveillance Authority in Brussels. He has appeared in a considerable number of cases before the European courts. He is a qualified solicitor and has also worked as referendaire (legal secretary) at the European Court of Justice in Luxembourg. He has published extensively in the field of EU law.