

elder law evolving european perspectives

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Explore the dynamic landscape of elder law across Europe, examining current trends, future challenges, and diverse legal perspectives on protecting and supporting an aging population within the European Union. This insightful overview delves into how regulations are evolving to meet contemporary needs.

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Elder Law

The ageing population poses a huge challenge to law and society, carrying important structural and institutional implications. This book portrays elder law as an emerging research discipline in the European setting in terms of both conceptual and theoretical perspectives as well as elements of the law.

Ageing, Ageism and the Law

Europe is ageing. However, in many European countries, and in almost all fields of life, older persons experience discrimination, social exclusion, and negative stereotypes that portray them as different or a burden to society. This pivotal book is the first of its kind, providing a rich and diverse analysis of the inter-relationships between ageing, ageism and law within Europe.

Contemporary Perspectives on Ageism

This open access book provides a comprehensive perspective on the concept of ageism, its origins, the manifestation and consequences of ageism, as well as ways to respond to and research ageism. The book represents a collaborative effort of researchers from over 20 countries and a variety of disciplines, including, psychology, sociology, gerontology, geriatrics, pharmacology, law, geography, design, engineering, policy and media studies. The contributors have collaborated to produce a truly stimulating and educating book on ageism which brings a clear overview of the state of the art in the field. The book serves as a catalyst to generate research, policy and public interest in the field of ageism and to reconstruct the image of old age and will be of interest to researchers and students in gerontology and geriatrics.

Beyond Elder Law

All over the world, there is a growing interest in the relationship between law and aging: How does the law influence the lives of older people? Can rights, advocacy and representation advance the social position of the aged and combat ageism? What are the new and cutting-edge frontiers in the field of elder law? Should there be a new international human rights convention in this field? These are only a few of the many questions that arise. This book attempts to answer some of these questions and to set the agenda for the future development of elder law across the globe. Taking into account existing research and knowledge, leading scholars from different continents (North America, Europe, Asia, and Australia) present in this book original and novel ideas regarding the future development of elder law. These ideas touch upon key topics such as elder guardianship, citizenship, mental capacity, elder abuse, human rights and international law, family relationships, age discrimination, and the right to die. This book can thus serve as an important reference work for all those interested in understanding where law and aging are headed, and for those concerned about the future legal rights of older persons.

Reforming Age Discrimination Law

Age is a critical issue for labour market policy. Both younger and older workers experience significant challenges at work. Despite the introduction of age discrimination laws, ageism remains prevalent. *Reforming Age Discrimination Law* offers a roadmap for the future development of age discrimination law in common law countries, to better address workplace ageism. Drawing on theoretical, doctrinal, and empirical legal scholarship, and comparative perspectives from the United Kingdom, Australia, and Canada, the book provides a socio-legal critique of existing age discrimination laws and their enforcement and proposes concrete suggestions for legal reform and change. Building on legal and interdisciplinary insights, it examines the challenges and limitations of existing legal frameworks and the individual enforcement model for addressing age discrimination in employment. It also maps the stages of claiming, negotiation, or alternative dispute resolution, and hearing and judgment, using mixed-method case studies of the enforcement of age discrimination law in the United Kingdom and Australia. This volume puts forward a four-fold model of reform which aims to improve the individual enforcement model, strengthen positive equality duties, bolster the roles of statutory equality agencies, and enhance collective enforcement. It goes on to critically consider how these options might address the limits of existing laws, and the practical measures necessary to ensure their success and to move beyond the individual enforcement of age discrimination law.

The Evolution of EU Law

This last decade has been particularly turbulent for the EU. Beset by crises - the financial crisis, the rule of law crisis, the migration crisis, Brexit, and the pandemic - European Law has had to adapt and change in a way not previously seen. First published in 1999, the goal then was to reflect on the important developments that had been made since the creation of the EEC. That goal has not changed. From EU Administrative Law through to the Regulation of Network Industries, each chapter in this seminal work assesses the legal and political forces that have shaped the evolution of EU law. With new chapters covering the Rule of Law, Judicial Reform, Brexit, Constitutional and Legal Theory, Refugee and Asylum law, and Data Governance, this third edition of *The Evolution of EU Law* is a must read for any student or academic of EU law.

Legal Protection of Vulnerable Groups in Lithuania, Latvia, Estonia and Poland

This book analyses the current legal situation and protection of vulnerable groups in Lithuania, Latvia, Estonia and Poland. In recent decades, national legislation in many European states has especially focused on vulnerable groups with the aim of securing their enhanced protection and social inclusion. This trend is also noticeable in North-Eastern Europe, where the legal frameworks are constantly being revised to address the needs of vulnerable parts of society, including women, children, the elderly, people with disabilities, and minorities, as well as prisoners and victims of crime. But despite these positive changes, many challenges persist. In this book, the authors provide a comprehensive, comparative analysis of legal regulations and practices intended to protect vulnerable groups in Lithuania, Latvia, Estonia and Poland, and in the process, share insights into the current situation and trends in this often-overlooked region. Part I introduces readers to the topic by defining the concept of vulnerable groups and elaborating on its understanding in the European and national contexts. Part II analyses the legal protection of groups characterised by inherent and/or circumstantial vulnerability,

while Part III addresses specific crime-related vulnerability issues in the target region. In closing, Part IV puts the spotlight on three specific vulnerable groups in the discussed countries.

International Social Security Law

Although a sophisticated body of international social security law is active and growing, a number of States still appear unable to honour it. This thorough, well-researched survey and analysis of existing international social security law – its sources, its content, its historical development – is thus especially valuable for its informed consideration of the barriers to the law's full effectiveness. Part of the renowned multi-volume Encyclopaedia of Laws, the book focuses on the analysis of the International Labour Organization (ILO) Conventions and Recommendations on Social Security. It examines the most recent public debates on social protection (dealing with health insurance, unemployment benefits, pension age, minimum income, social security benefits in case of expatriation, parental leave, and much more), includes an updated bibliography, and opens some perspectives for the future work of the global institutions. It integrates the latest instruments, in particular ILO Recommendation No. 202 concerning national floors of social protection. Even in the absence of ratification and therefore of legal force, international social security standards are invaluable benchmarks in comparative law. Indeed, ILO standards are both useful instruments of analysis and excellent yardsticks for identifying common denominators among national systems. For these reasons this book will be welcomed by legislators, government officials, employers' organizations, trade unions, and the judiciary, as well as by human resources managers and academics.

Elderly Care and Upwards Solidarity

A book series dedicated to the harmonisation and unification of family and succession law in Europe. The series includes comparative legal studies and materials as well as studies on the effects of international and European law making within the national legal systems in Europe. The books are published in English, French or German under the auspices of the Organising Committee of the Commission on European Family Law (CEFL). The ageing population poses a huge challenge to law and society and has important structural and institutional implications. This book portrays elder law as an emerging research area and brings together authors from different disciplines (history, sociology and law) and from different legal jurisdictions (Austria, Belgium, England, Germany, the Netherlands and Spain). Topics discussed inter alia include: the recognition of informal care in private law and in inheritance law, the question of whether special consumer protection is needed for the elderly, intergenerational support duty between children and their parents, and public law offering options to support informal care by means of leaves for employees. In doing so, this book reflects on the allocation of responsibilities between different actors and answers questions at an institutional level: what is the role of the state, the family and the individual in taking care of the elderly? This book will appeal to academic scholars and postgraduate students of law and social sciences. With contributions by Elisabeth Alofs (Free University of Brussels), Susanne Burri (Utrecht University), Christian Dorfmayr (University of Vienna), Susanne Heeger-Hertter (Utrecht University), Leen Heylen (Thomas More University of Applied Sciences), Jeroen Knaeps (Thomas More University of Applied Sciences), Dimitri Mortelmans (University of Antwerp), Froukje Pitstra (University for Humanistic Studies), Jordi Ribot (University of Girona), Wendy Schrama (Utrecht University), Ute Christiana Schreiner (University of Vienna), Brian Sloan (University of Cambridge), Veerle Vanderhulst (Free University of Brussels) and Frauke Wedemann (University of Münster). Elisabeth Alofs is Professor of Family (Property) Law and Director of the Master of Laws in Notarial Studies at the Free University of Brussels. She is a post-doctoral researcher at the University of Antwerp and is Vice President of the Flemish Association of Lawyers. Elisabeth publishes on family law and social security law and is an editor of several law journals and book series. Wendy Schrama is Professor of Family Law and Comparative Law and Director of the Utrecht Centre for European Research into Family Law (UCERF) at Utrecht University. She serves as an editor of several family law journals and commentaries, and has published extensively on family law issues. She also is a part-time family law judge at a Dutch district court and has previously worked at the Dutch Ministry of Justice.

Inscribing Solidarity

This volume offers insights into the consequences of a growing reliance on the principle of solidarity to 'inscribe' social policies.

European Family Law Volume III

This four-volume set maps the emerging European family law. It is intended to serve as a resource for anyone interested in this area of law, as well as a basis for teaching on comparative and international family law courses. The first volume examines t

The Mimetic Evolution of the Court of Justice of the EU

This book provides fresh perspectives in the legal study of the Court of Justice of the European Union. In the context of European studies, the Court has mainly been analysed in light of its central role in the process of continental integration. Moreover, the Court has traditionally been studied by specialists for its important role as an agent of comparative law. This book studies the evolution of the Court itself, rather than that of the EU legal order in its judge-made dimension, and addresses several institutional aspects of its structure and organization, selected and constructed as a complete range of symptomatic figures of judicial institutionalisation. In doing so, the author seeks to showcase how the development and the institutional evolution of the CJEU happened through a selective internalization of comparative influences.

A History of Regulating Working Families

Families in market economies have long been confronted by the demands of participating in paid work and providing care. Across Europe the social, economic and political environment within which families do so has been subject to substantial change in the post-World War II era and governments have come under increasing pressure to engage with this important area of public policy. In the UK, as elsewhere, the tensions which lie at the heart of the paid work/unpaid care conflict remain unresolved posing substantial difficulties for all of law's subjects both as carers and as the recipients of care. What seems like a relatively simple goal – to enable families to better balance care-giving and paid employment – has been subject to and shaped by shifting priorities over time leading to a variety of often conflicting policy approaches. This book critiques how working families in the UK have been subject to regulation. It has two aims: · To chart the development of the UK's law and policy framework by focusing on the post-war era and the growth and decline of the welfare state, considering a longer historical trajectory where appropriate. · To suggest an alternative policy approach based on Martha Fineman's vulnerability theory in which the vulnerable subject replaces the liberal subject as the focus of legal intervention. This reorientation enables a more inclusive and cohesive policy approach and has great potential to contribute to the reconciliation of the unresolved conflict between paid work and care-giving.

Routes to a Resilient European Union

The fifth volume of the Interdisciplinary European Studies series aims to explore the EU's pursuit of societal resilience and its role in the transition to a green economy. It brings together scholars from economics, law, and political science to provide insights related to climate change and the protection of the environment, the role of innovation in the green economy, resilience of national public health systems after the COVID-19 pandemic, regulatory resilience in the face of financial instability, and immigration. All chapters are based on up-to-date research, succinct assessment of the current state of affairs, and ongoing debates. They conclude with policy recommendations for decision-makers on European and national levels. *Legal Preconditions for an Environmentally Sustainable European Union* is available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

The EU Charter of Fundamental Rights

This Commentary on the Charter, the first in English, written by experts from several EU Member States, provides an authoritative but succinct statement of the how the Charter impacts upon EU, domestic and international law.

Caring Responsibilities in European Law and Policy

This book explores the emerging engagement of EU law with care and carers. The book argues that the regulation of care by the EU is crucial because it enables the development of a broad range of policies. It contributes to the sustainability of society and ultimately it enables individuals to flourish. Yet, to date, the EU approach to regulating the caring relationship remains piecemeal and lacks the underpinning of a cohesive strategy. Against this backdrop, this book argues that the EU can and must

take leadership in this area by setting principles and standards in accordance with the values of the treaty, in particular gender equality, human dignity, solidarity and well-being. The book further makes a case for a stronger protection for carers, who should not only be protected against discrimination, but should also be supported, valued and put in a position to make choices and lead full lives. In order to achieve this, a proactive approach to rebalancing the relationship between paid and unpaid work is necessary. Ultimately, the book puts forward a series of legal and policy recommendations for a holistic approach to care in the EU.

The Capability Approach to Labour Law

Forty years ago Amartya Sen introduced to the world a novel approach to the idea of equality: the notion of 'basic capability' as 'a morally relevant dimension' and the claim that we should focus upon equality of basic capabilities ('a person being able to do certain basic things'). These ideas, as developed by Sen and Martha C. Nussbaum, have launched an academic armada now proceeding under the flag of the 'capability approach' (CA). While that flag has ventured far and wide and engaged many areas of inquiry, this volume of essays is the first to explore how CA might shed light upon labour law. The capabilities approach can illuminate our understanding of labour law across three dimensions. Part I looks at the nature of the basic relationship between CA and labour law-do they share common ground or disagree about what is important? Can the CA provide a normative 'foundation' for labour law? Part II goes further by examining the relationship of the CA and other well-established perspectives on labour law, including economics, history, critical theory, restorative justice, and human rights. Part III examines the possible relevance of the CA to a range of specific labour law issues, such as freedom of association, age discrimination in the workplace, trade, employment policy, and sweatshop goods.

EU Anti-Discrimination Law Beyond Gender

The EU has slowly but surely developed a solid body of equality law that prohibits different facets of discrimination. While the Union had initially developed anti-discrimination norms that served only the commercial rationale of the common market, focusing on nationality (of a Member State) and gender as protected grounds, the Treaty of Amsterdam (1997) supplied five additional prohibited grounds of discrimination to the EU legislative palette, in line with a much broader egalitarian rationale. In 2000, two EU Equality Directives followed, one focusing on race and ethnic origin, the other covering the remaining four grounds introduced by the Treaty of Amsterdam, namely religion, sexual orientation, disabilities and age. Eighteen years after the adoption of the watershed Equality Directives, it seems timely to dedicate a book to their limits and prospects, to look at the progress made, and to revisit the rise of EU anti-discrimination law beyond gender. This volume sets out to capture the striking developments and shortcomings that have taken place in the interpretation of relevant EU secondary law. Firstly, the book unfolds an up-to-date systematic reappraisal of the five 'newer' grounds of discrimination, which have so far received mostly fragmented coverage. Secondly, and more generally, the volume captures how and to what extent the Equality Directives have enabled or, at times, prevented the Court of Justice of the European Union from developing even broader and more refined anti-discrimination jurisprudence. Thus, the book offers a glimpse into the past, present and – it is hoped – future of EU anti-discrimination law as, despite all the flaws in the Union's 'Garden of Earthly Delights', it offers one of the highest standards of protection in comparative anti-discrimination law.

Collective Bargaining and Collective Action

This book offers a unique contribution that examines major recent changes in conflict, negotiation and regulation within the labour relations systems and related governance institutions of advanced societies. The broad scope of analysis includes social welfare institutions, new forms of protest including judicialisation, transnational structures and collective bargaining itself. As the distinguished group of participating authors shows, the accumulation of numerous crucial changes in the interactions of unions, employers, political parties, courts, protestors, regulators and other key actors makes it imperative to reframe the study of collective bargaining and related forms of governance. The shifting dynamics include the growing relevance of multi-level interactions involving transnational entities, states and regions; the increasing tendency of workers and unions to turn to the courts as part of their overall strategy; new forms of solidarity among workers; and the emergence of new populist and nationalist actors. At the same time, sectors of the workforce that feel under-represented by existing institutions have contributed to new types of protest and 'agency'. Building on classical debates, the book offers

new theoretical and practical approaches that insert the study of collective bargaining into the analysis of governance, solidarity, conflict and regulation, as they are broadly construed.

The UN Convention on the Rights of Persons with Disabilities and the European Union

This book analyses the impact of the UN Convention on the Rights of Persons with Disabilities (CRPD) on EU non-discrimination law and governance. The CRPD places the protection of persons with disabilities at the heart of international human rights law. The Convention is the first human rights treaty open for signatures by regional organisations, and the European Union favourably acceded to it in December 2010. Ten years after this historic event, this book explores whether the theory has been put into practice, and examines the effects of the CRPD on EU non-discrimination law and governance. This book brings together the practices of the European Court of Justice (CJEU) with regard to disability discrimination to show whether the CRPD is living up to its full potential to substantially improve the protection of the rights of persons with disabilities in the EU. It examines whether the judicial interpretation of the Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation, does or does not comply with the new legal background delineated by the CRPD. In addition, it investigates whether the governance mechanisms underlying the EU Framework for promoting, protecting and monitoring the CRPD are effectively fostering the implementation of the CRPD and the role of civil society. The prohibition of discrimination on grounds of disability has undergone substantial changes and developments since it was first introduced under international and EU law. This book highlights the main changes to disability discrimination which have occurred in the EU legal order in the last ten years. The book will be of interest to academics, law students and legal practitioners working in the field of EU non-discrimination and equality law.

Older Women in Europe

This book is about older women's strength, freedom, tenacity, determination, resilience, independence, social and political involvement and, in particular, it is about re-imagining ageing. Older women represent the great majority of older people. The book describes instances of age and gender discrimination and examples of social inclusion and protagonism of older women in Europe. It solicits a change in perspective, focusing on the necessary societal changes to make space to older people and older women in particular. How is society going to address age and gender discrimination in social and institutional settings? How should work settings change to effectively make space to older workers and in particular older women? How should the pension system change? How could public health systems could provide effective care to older people and be sustainable? This edited collection focuses on older women's rights rather than their needs, adopting a human rights based approach. Preservation of older women's dignity, autonomy and security is its central topic, that is, ensuring that their rights are recognised. This collection offers insights valuable to a wide array of human rights activists, professionals, policymakers and social scientists, and older women themselves.

The Present and Future of European Family Law

The Present and Future of European Family Law explores the essence of European family law – and what its future may be. It compares and analyses existing laws and court decisions, identifies trends in legislation and jurisprudence, and also forecasts (and in some cases proposes) future developments. It establishes that while there is, at present, no comprehensive European family law, elements of an 'institutional European family law' have been created through decisions by the European Court on Human Rights and by the Court of Justice of the European Union as well as other EU instruments. At the same time an 'organic European family law' is beginning to emerge. The laws in many European jurisdictions have developed similarly and have 'grown together', not only as a result of the aforementioned institutional pressures, but also as a result of societal developments, and comparable reactions to medical and societal advances and changes. Hence there already is a body of institutional and organic European family law, and it will continue to grow. This book, and the others in the set, will serve as an invaluable resource for anyone interested in family law. It will be of particular use to students and scholars of comparative and international family law, as well as family law practitioners.

An Ever-Changing Union?

Allan Rosas is one of the leading European Union jurists of his generation. His impact on the legal landscape of the EU has been immense. This collection brings together colleagues from the worlds of the judiciary, academia and practice to grapple with one of the key questions underpinning his

contribution: is the trajectory of EU law one of ever-changing union? With essays exploring a range of topics from national identity and European construction to Brexit, this collection is a fitting tribute to an unrivalled EU law career.

The Evolution of Humanitarian Protection in European Law and Practice

Humanitarian protection has evolved from an act of charity into a legal obligation not to remove certain categories of non-nationals.

Restatement of Labour Law in Europe

This book is part of a series which sets out a restatement of labour law in Europe. Its second volume looks at atypical employment relationships in Europe. Opening with a restatement, the book provides comparative commentary on the question of how fixed-term employment relationships, part-time employment relationships and temporary agency work is regulated by law in the individual states, which case law of the courts must be observed in this respect and which possibilities exist for shaping such relationships on the basis of collective bargaining agreements. The book goes on to systematically explore the national regulatory framework of: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom. In this area, which is largely shaped by EU law in many countries, the commonalities and differences with regard to the relevant regulatory issues are examined. This important new project provides the definitive survey of labour law in Europe today.

How Does Elderly Family Care Evolve Over Time ?

This thesis focuses on the care provided by the spouse and children and tries to answer 3 questions : Who is receiving family care ? What are the characteristics of the received care ? How do they evolve over time...

Collective Bargaining Developments in Times of Crisis

In many EU Member States, the various economic crises of recent years provided grounds for a rarely equalled level of state intervention in the regulation of labour relations with an explicit aim: the decentralisation of collective bargaining. An extensive body of research – summed up and analysed expertly in the chapters of this very important book – reveals that the process of decentralisation has more often than not led to a situation where salaries and labour conditions are ever more frequently determined by direct negotiations between employer and employees, with the State becoming the sole guarantor of employee protection even as it encourages decreasing labour costs to ensure that companies remain competitive. The comparative approach offered in this book adds to this synthesis by providing examples of specific recent developments in fourteen Member States and Turkey. Among the numerous topics and issues that arise are the following: – ‘opt-out’ clauses that derogate unfavourably from sectoral agreement standards; – extension of the employer’s unilateral decision-making power; – ‘memoranda of understanding’ imposed by the ‘troika’ (EU, ECB, and IMF); and – ‘stand-by arrangements’ imposed by the IMF. However, notwithstanding the strong emphasis on changing the structure of collective agreements by shifting the centre of gravity closer to the company, research finds promise in the reconstituted support for sector-level agreements increasingly found among very small businesses, networked businesses, and work via digital platforms. This is the first book to take stock of the current state of collective bargaining in Europe. It is an essential study for labour and employment law practitioners, and an exemplary analysis of immeasurable value to policymakers and academics in the field.

Harmonisation of Family Law in Europe

This book provides an overview of the developments in family law in Europe during the last two millennia. It aims to examine the so-called ‘cultural constraints argument’, which suggests that family law is unsuitable for harmonisation because the family laws of the European countries are deeply imbedded in their unique national cultures and history. It follows the path of the greatest-ever harmonisation event in European legal history: the creation of the medieval canon family law, and shows how, under the impact of pan-European economic, cultural and ideological trends, medieval uniformity turned into

present-day diversity. Everywhere in Europe the evolution of family law generally followed the same pattern - from a traditional restrictive family law, built upon communitarian, transpersonal premises, to a more permissive family law, based upon modern personalistic ideology - yet national differences seem not to be disappearing. It appears, however, that this has little to do with the

General Principles of EC Law in a Process of Development

What are the basic principles underlying European Community Law? Although no one seeks a purely descriptive answer to this question, the discussion it gives rise to is of immense significance both for theoretical legal studies and for legal practice. Over the years, scholars have convened from time to time to re-examine the question in the light of new developments. This important volume offers insights and findings of the latest such conference, held at Stockholm in March 2007, and sponsored by the Swedish Network for European Legal Studies. The nineteen essays here printed are all final author-edited versions of papers first presented at that conference. Far from merely an updating of the First Edition, which marked a 1999 conference held under the same auspices at Malmö, this book is entirely new. It underscores the importance of discovering the emergence of new general principles--linked, indeed, to such fundamental continuing concerns as democracy, accountability, transparency, direct effect, good administration, and European citizenship--as they develop in such increasingly important areas as the following: core aspects of competition and financial integration law; the ongoing process of European constitutionalization; the application of general principles in the new Member States; the growth of European private law; the successive creation of a *jus commune europaeum*; and the instrumental function of the EC Court. There is also special consideration attached to such overriding issues as the gap-filling function of the principles within the Community legal system, and the implications of the use of a comparative methodology. The authors include both eminent, well-known experts, many of whom took part in the 1999 Conference, and representatives of a new generation of younger scholars in the field. For the myriad parties involved in the evolution of the European project from a legal perspective, this book serves as a watershed, a thorough inspection of the foundations as they are perceived and understood at the present moment. It is sure to be consulted and cited often in the years to come.

Supporting Legal Capacity in Socio-Legal Context

This collection brings together leading international socio-legal and medico-legal scholars to explore the dilemma of how to support legal capacity in theory and practice. Traditionally, decisions for persons found to lack capacity are made by others, generally without reference to the person, and this applies especially to those with cognitive and psycho-social disabilities. This book examines the difficulties in establishing effective and deliverable supported decision-making, concluding that approaches to capacity need to be informed by a grounded understanding of how it operates in 'real life' contexts. The book focuses on the UN Convention on the Rights of Persons with Disabilities (CRPD), which recognises the equal right to legal capacity of people with disabilities and requires States Parties to provide support for the exercise of this right. However, 10 years after the CRPD came into force, the shift to legal frameworks for supported decision-making remains at best only partial. With 16 chapters written by contributors from the UK, Canada, Finland, India, Ireland, Spain, Sweden, and Turkey, the collection takes a comparative and interdisciplinary approach. Many of the contributors have been directly involved in law reform processes in their home jurisdictions, and thus can combine both academic expertise and practical, grounded awareness of the challenges of legal change.

Judicial Activism at the European Court of Justice

“This well-constructed, and well-written, collection fills a gap in the scholarship. It offers a rounded and plausible picture of the Court’s role in Europe, engaging with the complexity of the law without losing sight of the bigger political picture. Well-contextualised, critical, but nuanced, discussions of the role of rights, economics, science, and institutions, and of the important particularities of EU adjudication, will make this volume unmissable for those interested in the political role of the Court of Justice of the EU.”
— Gareth Davies, VU University of Amsterdam, The Netherlands
This book delves into the rationale, components of, and responses to accusations of judicial activism at the European Court of Justice. Detailed chapters from academics, practitioners and stakeholders bring diverse perspectives on a range of factors — from access rules to institutional design and to substantive functions — influencing the European Court’s political role. Each of the contributing authors invites the reader to approach the debate on the role of the Court in terms of a constantly evolving set of interactions between the EU judiciary, the European and national political spheres, as well as a multitude of other actors

vested in competing legitimacy claims. The book questions the political role of the Court as much as it stresses the opportunities and corresponding responsibilities that the Court's case law offers to independent observers, political institutions and civil society organisations. Judicial Activism at the European Court of Justice will appeal to researchers and graduate students as well as to EU and national officials.

The Principle of Effective Legal Protection in Administrative Law

This collection presents a comparative analysis of the principle of effective legal protection in administrative law in Europe. It examines how European states consider and enforce the related requirements in their domestic administrative law. The book is divided into three parts: the first comprises a theoretical introductory chapter along with perspectives from International and European Law; part two presents 15 individual country reports on the principle of effective legal protection in mostly EU member states. The core function of the reports is to provide an analysis of the domestic instruments and procedures. Adopting a contextual approach, they consider the historical, political and legal circumstances as well as analysing the relevant case law of the domestic courts; the third part provides a comparative analysis of the country reports. The final chapter assesses the influence and relevance of EU law and the ECHR. The book thus identifies the most important trends and makes a valuable contribution to the debate around convergence and divergence in European national administrative systems. The Open Access version of this book, available at <https://www.taylorfrancis.com/books/principle-effective-legal-protection-administrative-law-zolt%C3%A1n-szente-konrad-lachmayer/e/10.4324/9781315553979>, has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license.

Constitutional Courts and Democratic Values

Víctor Ferreres Comella contrasts the European 'centralised' constitutional court model, in which one court system is used to adjudicate constitutional questions, with a decentralised model such as that of the United States, in which courts deal with both constitutional and non-constitutional questions.

European Family Law Volume I

The Impact of Institutions and Organisations on European Family Law looks at the impact that institutions and organisations have had, and continue to have, on European family law. In many ways the chapters in this volume provide the easiest explanation for the existence of a European family law. While there is no European body that could actually legislate definitively on family law – even the European Union has no such mandate – there are still some obvious institutions that have a very direct impact on European family law. These can be divided into two groups; namely those that have a direct impact, such as the European Court of Human Rights and the European Union, and those that have an indirect impact, such as the Commission on European Family Law (CEFL), the Council of Europe and the International Commission on Civil Status (ICCL/CIEC) as well as the private international law instruments of the Hague Conference (HCCH) and the EU. Together, with religion, all of these institutions are contributing to the creation of a European family law. This book, and the others in the set, will serve as an invaluable resource for anyone interested in family law. It will be of particular use to students and scholars of comparative and international family law, as well as family law practitioners.

One Country, Two Systems, Three Legal Orders - Perspectives of Evolution

“One Country, Two Systems, Three Legal Orders” – Perspectives of Evolution – : Essays on Macau's Autonomy after the Resumption of Sovereignty by China” can be said, in a short preamble-like manner, to be a book that provides a comprehensive look at several issues regarding public law that arise from, or correlate with, the Chinese apex motto for reunification – One Country, Two Systems – and its implementation in Macau and Hong Kong. Noble and contemporary themes such as autonomy models and fundamental rights are thoroughly approached, with a multilayered analysis encompassing both Western and Chinese views, and an extensive comparative law acquis is also brought forward. Furthermore, relevant issues on international law, criminal law, and historical and comparative evolutions and interactions of different legal systems are laid down in this panoramic, yet comprehensive book. One cannot but underline the presence, in the many approaches and comments, of a certain aura of a modern Kantian cosmopolitanism revisitation throughout the work, especially when dealing with the cardinal principle of «One Country, Two Systems», which enabled a peaceful and integral reunification ex vi international law – the Joint Declarations – that ended an external and distant control.

Beyond Elder Law

All over the world, there is a growing interest in the relationship between law and aging: How does the law influence the lives of older people? Can rights, advocacy and representation advance the social position of the aged and combat ageism? What are the new and cutting-edge frontiers in the field of elder law? Should there be a new international human rights convention in this field? These are only a few of the many questions that arise. This book attempts to answer some of these questions and to set the agenda for the future development of elder law across the globe. Taking into account existing research and knowledge, leading scholars from different continents (North America, Europe, Asia, and Australia) present in this book original and novel ideas regarding the future development of elder law. These ideas touch upon key topics such as elder guardianship, citizenship, mental capacity, elder abuse, human rights and international law, family relationships, age discrimination, and the right to die. This book can thus serve as an important reference work for all those interested in understanding where law and aging are headed, and for those concerned about the future legal rights of older persons.

Making Community Law

This aptly-titled book, describing Sir Francis Jacobs career as one of the ECJ's longest-serving Advocates General, also offers a unique insight into the Court's judge-made law. The contributors, all pre-eminent in their respective fields, show how a widely-respected advocate-general can, through the intellectual force of his opinions, not only recommend, guide and warn the Court, but even on occasion persuade it to reverse its earlier case-law. Essential reading for those who need to understand the Court's internal dynamics. Judge Nicholas Forwood, Court of First Instance of the European Communities Second longest serving Advocate General at the European Court of Justice; 574 Opinions to his name. This excellent book is an unqualified acknowledgement of Francis Jacobs towering influence in the world of Community law. But it is much more than a festschrift, though it is certainly that. It is a collection of scholarly essays, of real value to academics and practitioners alike, by some of our foremost European lawyers: a textbook as well as a celebration. The Rt Hon Lord Justice Laws, Royal Courts of Justice, UK This is a readable book which will help parties and the court to solve problems. Counsel and solicitors in cases involving European Law should use it to help them give clear advice and make clear submissions with a prospect of success. For my part, I shall now re-read one of the chapters, and the Jacobs opinions referred to in it, in order to stimulate my mind on what I trust will as a result become a clearer judgment. The Rt Hon Sir Konrad Schiemann, Judge of the Court of Justice of the European Communities The inspirational ideas of Advocate General Francis Jacobs have been drawn together here for the first time in one volume. Fifteen leading EU law practitioners and academics have contributed, including both Sir Francis's predecessor and his successor, covering topics of current discussion in this continually evolving field. Each contributor deals with a discrete topic of EU law and discusses its evolution to date, its current state and its future development, always with specific reference to Sir Francis's opinions. Covering a diverse range of EU law topics, this book will be of great interest to anyone seeking a greater insight into the workings of the European Court of Justice and the role of the Advocate General, and also for anyone involved in the academic study of EU law or practising and litigating in the field. Making Community Law should provide a rich treasury of ideas, explaining both the current state of EU jurisprudence as well as considering the next steps in the making of EU law.

Commercial Trusts in European Private Law

In European legal systems, a variety of approaches to trust and relationships of trust meet the universal professionalisation of asset management services. This book explores that interface in order to seek a better understanding of the legal regulation of the entrustment of wealth. Within the methodology of the Common Core of European Private Law, the book sets out cases on the establishment and termination of management relationships, obligations of loyalty and of professionalism, and the choice of law. More specialized cases address collective investment, collective secured lending, pension funds, and securitisation. Reports on these cases from fifteen jurisdictions of the European Union tackle fundamental problems of trust law and show which legal techniques are deployed to solve them across Europe. In addition to a much-needed comparative treatment of the subject, the book discusses the scholarly setting for the issues and gives guidance on the terminology in the evolving European scene.

The Evolution of EU Law

Expanding European Union activity on the international scene has led to development of the legal concepts, principles and rules that govern it. External relations law and practice have also been affected by events within the EU. This volume takes stock of the recent developments in the external relations law and practice of the EC/EU and investigates the increasing interaction between these different fields of Union competence. The first part of this book addresses issues that are broadly constitutional or institutional in character. The second part deals with various aspects of substantive external relations considered in a geographical or geopolitical perspective. The third part selects two specific substantive law areas - intellectual property law and environment law - as examples that illustrate the specific relationship between domestic policy and external relations.

Law and Practice of EU External Relations