

The Evolving Concept Of Community Citizenship From The Free Movement Of Persons To Union Citizenship

[#Union Citizenship](#) [#Community Citizenship](#) [#Free Movement of Persons](#) [#European Citizenship Evolution](#) [#Citizenship Rights EU](#)

Explore the dynamic transformation of citizenship within the European framework, charting its progression from the fundamental right of free movement for individuals to the more encompassing legal status of Union Citizenship. This analysis uncovers the shifting definitions and implications of belonging in a connected Europe.

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The Evolving Concept of Community Citizenship: From the Free Movement of Persons to Union Citizenship

This book is based on the doctoral thesis which the author prepared and defended at the European University Institute in Florence. Following the adoption of the Treaty on European Union, the concept of Community or Union citizenship has been the subject of widespread academic and political debate. Part I of this book provides a framework within which to examine the concept of Community or Union citizenship. It distinguishes nationality and citizenship, discusses the importance of Member State nationality for both free movement of persons in the European Community and Union citizenship and, finally, examines the traditional requirement in Community law of involvement in an economic activity. Part II focuses on the relationship between the principle of equal treatment and Union citizenship, given the fact that many of the rights conferred on Union citizens are simply extended to them on the basis of the principle of equal treatment. Finally, Part III looks beyond equal treatment and questions whether a direct relationship can be said to exist between Union citizens and the Union. It also suggests some of the issues relevant to citizenship which may feature at the forthcoming Intergovernmental Conference in 1996. The overall objective of the book is to discuss whether citizenship is an appropriate description of the rights which Union citizens enjoy on the basis of Community law or the duties to which they may become subject.

Multiple Nationality And International Law

This book is a comprehensive overview of multiple nationality in international law, and contains a survey of current State practice covering over 75 countries. It examines the topic in light of the historical treatment of multiple nationality by States, international bodies and commentators, setting out the

general trends in international law and relations that have influenced nationality. While the book's purpose is not to debate the merits of multiple nationality, but to present actual state practice, it does survey arguments for and against multiple nationality, and considers States' motivations in adopting a particular attitude toward the topic. As a reference work, the volume includes a detailed examination of the nature of nationality under international law and the concepts of nationality and citizenship under municipal law. The survey of State practice also constitutes a valuable resource for practitioners.

EU Citizenship and Federalism

Leading experts in EU constitutional law examine the foundational importance of citizenship rights in delimiting the scope of EU law.

Questioning EU Citizenship

Introduction : the judicial deconstruction of Union citizenship / Daniel Thym -- Extending citizenship rights and losing it all : brexit and the perils of "over-constitutionalisation" / Susanne K Schmidt -- The citizenship of personal circumstances in Europe / Dimitry Kochenov -- (De)Constructing the road to brexit : paving the way to further limitations on free movement and equal treatment? / Stephanie Reynolds -- Why did the citizenship jurisprudence change? / Urška Šadl and Suvi Sankari -- The evolution of citizens : rights in light of the European Union's constitutional development / Daniel Thym -- The engine of "europeanness" : free movement, social transnationalism and European identification / Ettore Recchi -- European citizenship and transnational rights : chronicles of a troubled narrative / Francesca Strumia -- Consolidating union citizenship : residence and solidarity rights for jobseekers and the economically inactive in the post-Dano era / Ferdinand Wollenschläger -- Back to the roots : no access to social assistance for Union citizens who are economically inactive / Paul Minderhoud and Sandra Mantu -- Integrating Union citizenship and the Charter of Fundamental Rights / Niamh Nic Shuibhne -- The constitutional status of foreigners and European Union citizens : loopholes and interactions in the scope of application of fundamental rights / Sara Iglesias Sánchez -- The integration exception : a new limit to social rights of third-country nationals in European Union law? / Karin De Vries -- Membership without naturalisation? : the limits of European Court of Human Rights case law on residence security and equal treatment / Clíodhna Murphy -- Conclusion : the non-simultaneous evolution of citizens' rights / Dora Kostakopoulou and Daniel Thym

European Union Citizenship

Although great efforts have been made to understand citizenship, it has remained a contested concept, largely because of the problem of the changing relationship between citizens and their community of membership or belonging. The European Union poses the most recent and dramatic change to this definition of citizenship. Arguing that citizenship must be explored from a perspective that takes this continual change into account, Antje Wiener develops the concept of citizenship practice; the process of policymaking and/or political participation which contributes to creating the terms of citizenship. The approach draws on both comparative social, historical literature on the state and the new historical institutionalism in European integration theories. "European" Citizenship Practice advances a discursive analysis of citizenship practice based on these related bodies of literature, which lie at the heart of this important contribution to citizenship studies.

European Citizenship Practice

"European Citizenship, although derived from the nationalities of the Member States, came to play a significant independent role in reforming European constitutionalism in unanticipated ways by undermining some of the key assumptions underlying the notions of citizenship, equality and democratic accountability. Instead of lingering merely as a super- structure atop Member State nationalities, it instead reshuffles the constitutional basics and not all Europeans emerge as winners as a result"--

European Citizenship Under Stress

Exploring a key aspect of European integration, this clear and thoughtful book considers the remarkable experiment with common rights and citizenship in the EU. Governments around the world traditionally distinguish insiders (citizens) from outsiders (foreigners). Yet over the past half-century, an extensive set of supranational rights has been created in Europe that removes member governments' authority to privilege their own citizens, a hallmark of sovereignty. The culmination of supranational rights, European

citizenship not only provides individuals with choices about where to live and work but also forces governments to respect those choices. Explaining this innovation--why states cede their sovereignty and eradicate or redefine the boundaries of the political community by including "foreigners"--Willem Maas analyzes the development of European citizenship within the larger context of the evolution of rights. Imagining more than simply a free trade market, the goal of building a "broader and deeper community among peoples" with a "destiny henceforward shared"--creating European citizens--has informed European integration since its origins. The author argues that its success or failure will not only determine the future of Europe but will also provide lessons for political integration elsewhere.

Creating European Citizens

EU citizenship law is revealed to have been a tragedy thirty years in the making in the era of Brexit.

Fissures in EU Citizenship

This book provides a critique of the way in which European citizenship is imagined and practiced. Setting their analysis in its full historical context, the authors challenge preconceived ideas about European citizenship on the basis of a detailed reconstruction of political, social and economic practice. In particular, they show the extent to which the elimination of formal internal borders within Europe has come hand in glove with the emergence of new socio-economic boundaries and the hardening of external borders. The book concludes with a number of concrete proposals to forge a genuinely post-national form of membership.

Challenging European Citizenship

Explores the dynamic relationship between courts and legislatures in the governance of the EU internal market.

The Judiciary, the Legislature and the EU Internal Market

Exploring a key aspect of European integration, this clear and thoughtful book considers the remarkable experiment with common rights and citizenship in the EU. Explaining this innovation—why states cede their sovereignty and eradicate or redefine the boundaries of the political community by including "foreigners"—Willem Maas analyzes the development of European citizenship within the larger context of the evolution of rights. More than simply a free trade market, the goal of building a community among peoples—creating European citizens—has informed European integration since its origins. The author argues that its success or failure will not only determine the future of Europe but provide lessons for political integration elsewhere.

Creating European Citizens

This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States. Are European citizens and third country nationals who have moved to other Member States entitled to claim minimum subsistence benefits, to receive medical care or to be admitted to education? Does Community law provide for a freedom of movement for patients, students and persons in need of social welfare benefits? If so, to what extent does Community law have regard for the Member States' fears for, and concerns about, welfare tourism? Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross-border access to public services, the author analyses how Community law, and the Court of Justice in particular, have sought to reconcile the Community's objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain adequate social services within the Community. In addition, the book contains a detailed analysis of United States constitutional law on cross-border access to public services, exploring the question whether the European Community can possibly learn from the American experience.

Free Movement of Persons Within the European Community

This book argues that core concepts in EU citizenship law are riddled with latent fissures traceable back to the earliest case law on free movement of persons, and that later developments simply compounded such defects. By looking at these defects, not only could Brexit have been predicted, but it could also have been foreseen that unchecked problems with EU citizenship would potentially lead to its eventual dismantling during an era of widespread populism and considerable challenges to further integration.

Using a critical constructivist approach, the author painstakingly outlines the 'temple' of citizenship from its foundations upwards, and offers a deconstruction of concepts such as 'worker', the role of non-economic actors, the principle of equal treatment, and utterances of citizenship. In identifying inherent fissures in the concept of solidarity and post national identification, this book poses critical questions and argues that we need to reconstruct EU citizenship from the bottom up.

Fissures in EU Citizenship

Reverse Discrimination in the European Union offers an up-to-date standard reference work on reverse discrimination.

Reverse Discrimination in the European Union

The EU Citizenship Directive defines the right of free movement for citizens of the European Economic Area. It applies to EU citizens and their family members who move to another Member State. This might at first seem like a straightforward definition, but immediately questions arise. Who determines if a person is an EU citizen at all? What about dual citizens of two Member States, or of one Member State and a non-Member State (a "third State")? What is the position of EU citizens who move to one Member State, and then return to their home Member State? This book provides a comprehensive commentary of the EU's Citizens' Directive tracing the evolution of the Directive's provisions, placing each article in its historical and legislative context. Special emphasis is placed on highlighting the connections and interactions between the Directive's constituent provisions so as to permit a global appreciation of the system of free movement rights to which the Directive gives effect. Each provision is annotated containing a detailed analysis of the case-law of the Court of Justice as well as of related measures impacting upon the Directive's interpretation including European Commission reports and guidelines on the Directive's implementation. This fully-updated new edition includes discussion of relevant case law since the first edition, and has been expanded to include detailed discussion of rights of EU and UK citizens after Brexit in the withdrawal agreement.

The EU Citizenship Directive: a Commentary

Migration on the Move offers a critical review of the profound transformations that have taken place in the field of migration and asylum laws and policies in the past 20 years, and their implications for the refugee and migration issues faced by EU states.

Migration on the Move

How 'free' is the free movement of persons? Why does the law that enables it need to be 'revisited'? This collection of essays, curated by Claire Kilpatrick and Joanne Scott for the European University Institute's 2020 Academy of European Law, addresses these questions. Across different examples - migration, posted workers, social security, Brexit, and Union citizenship - each chapter revisits the categories that have become entrenched in EU law on the free movement of persons and the boundaries that have been constructed as a result. Do they still represent meaningful differences? Are they valuable compass points or inhibitors of progress? Do they ensure comprehensive or fragmented protection of the person? In reconsidering the fundamentals of EU free movement law, the book draws attention to tensions that have not yet been properly resolved: between appropriate difference and problematic discrimination, or between the mythology and the experienced reality of free movement for the people who actually move. Its chapters consider how the free movement of persons connects to and is shaped by the EU legal spaces beyond free movement as well as by the space beyond law. The contributors do not shy away from provoking a rethink of core principles. They interrogate these fundamentals and the changing objectives of the free movement of persons to take up the challenge of doing it better: of making it both more protective of people and more resilient in ethical, systemic, and sociological terms.

Revisiting the Fundamentals of the Free Movement of Persons in EU Law

This book provides a comprehensive article by article commentary of the EU's Citizenship Directive. In doing so it offers readers a "one-stop" guide to a fundamental Union legislative act that governs the right of Union citizens and their family members to travel to or take up residence in other Member States of their choosing.

The EU Citizenship Directive

Focuses on economically active persons resident in one country while working in another, which traditionally embraced frontier and posted workers, but nowadays takes new forms. Outlines the correlations between citizenship, bona fide residence, labour migration, and socio-economic rights of partial migrants in the European Union, with particular reference to Union citizenship, and examines problems associated with rights in the areas of social security, taxation, and housing. Scrutinizes the latest case law of the European Court of Justice.

Ubiquitous Citizens of Europe

European Union citizenship is a novel and complex legal status. Since its formal conception in the Maastricht Treaty, EU citizenship has catalysed an extraordinary, and ongoing, legal experiment, the development and implications of which are traced comprehensively throughout this book. EU Citizenship Law articulates, explains, and analyses the legal framework and legal developments that have shaped the status of EU citizenship and the rights that it confers on Member State nationals. By examining how the rights and responsibilities produced by EU citizenship relate to other rights conferred by EU law, the distinctive meaning and scope - the added legal value - of EU citizenship is uncovered. But the legal story examined here sits in deeper and wider economic, political, social, and emotional contexts because EU citizenship is also an idea: a vector of European integration, collective personhood, and multi-layered identities that reflects the paradoxically inclusive and exclusive qualities of citizenship more generally. EU citizenship challenges us to consider the worth and deepen the protection of the person, and to shape a European Union where principles and values really matter. Thorough yet accessible, this work provides a comprehensive legal reference point for the progression of debates about what EU citizenship law actually 'is,' and for the continuing study and practice of EU citizenship law.

EU Citizenship Law

Do Member States of the EU have a free hand in drafting Accession Treaties, or are there legal constraints on their primary law-making powers in this regard? That is the main question this book addresses. It argues that such constraints do exist, and seeks to identify them, thereby providing a number of insights into the nature of the EU's legal order. The point of departure as well as the main focus of the study is the proposed permanent safeguard clause (PSC) on the free movement of persons in the Negotiating Framework for Turkey. Legal provisions, rules, principles and norms that might constrain Member States in this regard are identified with reference to the PSC. The book examines constraints on Member States stemming from three sources of EU law: Association Law, based on the existing legal framework built on the EEC-Turkey Association Agreement (Part I); EU Enlargement Law, comprised of past practice and existing EU rules on enlargement (Part II); and the foundations of EU Constitutional Law (Part III), which constrain Member States whenever they act within the scope of Union law both as primary and secondary lawmakers. Part III reveals what the Court of Justice of the EU considers to be the essence or the 'very foundations' of the Union's legal order, which it protects against encroachment. This is similar to what some constitutional courts do to protect the 'inner unity' or 'basic structure' of their constitutions. The findings of this book can be applied to the accession of any candidate state. It also sheds light on important implications for future treaty amendments, and for identifying possible limits to differentiated integration.

Legal Constraints on EU Member States in Drafting Accession Agreements

Sport is recreational, social, educational, healthful, and cultural. It has always been all of these things. Perhaps also it has always been political. In recent years, however, it has become something else besides: economic. Nowadays a lot of money is invested in sport, and sporting competitions often generate enormous amounts of revenue. This has entailed serious repercussions, especially for the relations between individual sportsmen/sportswomen and the sporting clubs and federations that act as brokers for their careers. Into this protected area for decades a closed shop now come the European institutions, especially the European Court of Justice and the European Commission, with the declared intention of ensuring respect for the exigencies of Community law while at the same time protecting the specificity and the integrity of sport. This important book presents an in-depth analysis of the viability under Community law of traditional sports regulations such as transfer rules and nationality clauses both sets of rules seriously compromised by the Bosman case of 1995. The author asks in particular whether certain rules elaborated by sporting associations can withstand the test of compatibility with the free

movement provisions of the EC Treaty. In the light of Bosman, he also rigorously investigates: whether valuable arguments exist for keeping certain sporting rules and practices entirely outside the scope of the EC Treaty; and whether the private nature of sporting clubs constitutes a stumbling block for the application of the relevant free movement rules. *Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman* comes at a moment when clarification of where this complex and contentious matter currently lies is essential if we are to gauge where it is going. The topic is of special and increasing interest, as official declarations on sport were attached to the Treaties of both Amsterdam and Nice. And, if the draft Constitution for Europe actually enters into force, sport will even become an official area of Union policy. This trend confirms the value and significance of this ground-breaking book for practitioners, policymakers, and regulators in the burgeoning field of sports law. *European Monographs* 48

Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman

This title is a comprehensive textbook of EU constitutional law, setting out the structure, values, procedures, and policies of the European Union. It is a first point of reference for issues of EU constitutional law. The book encompasses six major parts. The first part addresses the formation history of the European Union, the treaties, the accessions, and the withdrawal of the United Kingdom. The second part covers the competences of the European Union. It contains an extensive analysis of the key constitutional principles governing the exercise of competences by the Union and the balance of power between the Union and its Member States, followed by an in-depth analysis of EU citizenship and the four freedoms, followed by an overview of the main internal and external policy domains. The third part addresses the role and workings of the various institutions (European Council, Council, European Parliament, Commission, European Court of Justice, and European Central Bank), the position of the Member States of the Union, and various other institutional matters. Part four explores the various decision-making processes, addressing not only the legislative and executive decision-making, but also the budget, CFSP, and external action. The fifth part looks at the legal instruments and the position of EU law in the EU and national legal orders, with an attention to the key principles of primary and direct effect, and the role of fundamental rights and the Charter of Fundamental Rights. The final part sets out the complete and coherent system of judicial protection in the European Union, offering an overview of the various courses of action before the EU courts and in the national legal orders to enforce EU law or to obtain judicial protection.

EU Constitutional Law

In the EC context

Towards a EU Right to Education

This book analyses the principle of equality from three perspectives: public international law, private international law and EU law. It is the first book in English providing a comprehensive overview of this principle in these areas of law and showing the current trends and issues concerning its application. Its main goal is to understand whether and to what extent the principle of equality has been affirmed in public and private international law, as well as EU law, and what – if any – the common core of this principle is. The analysis carried out in this contributed volume starts from general analyses of the principle of equality in the areas of the law covered by the book and then discusses the principle in more specific areas, such as human rights law, international adjudication (including investment law) and the law of international organizations. The book is intended to become a benchmark for academics dealing with matters of equality in public international law, private international law and EU law. It will be a useful tool for practitioners too, the collected chapters being based on the relevant case law dealing with the principle of equality. Daniele Amoroso is Professor of International Law in the Department of Law of the University of Cagliari, Cagliari, Italy. Loris Marotti is Assistant Professor of International Law in the Department of Law at the Federico II University of Naples, Italy. Pierfrancesco Rossi is Postdoctoral Fellow in International Law in the Department of Law of Luiss University, Rome, Italy. Andrea Spagnolo is Professor of International Law in the Department of Law of the University of Turin, Turin, Italy. Giovanni Zarra is Professor of International Law and International Litigation in the Department of Law at the Federico II University of Naples, Italy.

More Equal than Others?

This Research Handbook provides a panoramic guide to the study and research of EU citizenship and its development within a challenging environment characterised by restrictive access to social benefits, Brexit, Euroscepticism and Covid-19. It combines theoretical perspectives with analyses of both the existing and future rights, duties and social protection that EU citizens ought to enjoy in a democratic and principled European Union.

Research Handbook on European Union Citizenship Law and Policy

The first part of the book reviews the multi-level system of protection currently operating in Europe and its constitutional implications. The Charter is analysed from a legal, political and practical standpoint. The activity of the European Parliament as a fundamental rights actor will also be examined, as well as the right to a fair trial and to effective judicial protection before and by the EU Courts. The second part of the volume addresses the impact of a binding Charter on specific areas of EU Law. The order in which the contributions have been set out reflects the structure of the Treaty on the functioning of the European Union: free circulation of persons; the internal market; the area of freedom security and justice (civil and criminal aspects); social rights protection; environmental policy; enlargement; international trade and the Common Foreign and Security Policy.

The EU Charter of Fundamental Rights

The book explores the current role of nationality from the point of view of international law, reassessing the validity of the 'classical', state-centered, approach to nationality in light of the 'new' role the human being is gradually acquiring within the international legal order. In this framework, the collection assesses the impact of international human rights rules on the international discourse on nationality and explores the significance international (including private international) law attaches to the links individuals may establish with states other than that of nationality. The book weighs the significance of the bond of nationality in the context of regional integration systems, and explores the fields of international law in which nationality still plays a pivotal role, such as diplomatic protection and dispute settlement in international investment law. The collection includes contributions from legal scholars of different nationalities and academic backgrounds, and offers an excellent resource for academics, practitioners and students undertaking advanced studies in international law.

The Changing Role of Nationality in International Law

Understanding the dynamics of the illiberal practices of liberal states is increasingly important in Europe today. This book examines the changing relationship between immigration, citizenship and integration at the European and national arenas. It studies some of the main effects and questions the comprehensiveness of the exchange and coordination of public responses to the inclusion of third country nationals in Europe, as well as their compatibility with a common European immigration policy driven by a rights-based approach and the respect of the principles of fair and equal treatment of third country nationals. The volume reviews key national experiences of immigration and citizenship laws, the use of integration and the 'moving of ideas' between national arenas. The framing of integration in immigration and citizenship law and the ways in which policy convergence is being achieved through the EU framework on integration raises a number of conceptual dilemmas and a set of definitional premises in need of reflection and consideration.

Illiberal Liberal States

Immigration law continues to be an issue of substantial interest in the European Union. The institutions and the Member States are formulating the type of immigration law which the Union will have following the substantial move of competence in the field from Member State level to the Union with the amendments to the EC Treaty introduced by the Treaty of Amsterdam in 1999. This is a particularly important period within which to take stock of the existing immigration law of the European Union and how it has been developed. In order to understand the current law and lay the foundations for the future, a historical analysis of the development of European Union immigration law is needed. This volume charts the development of European Community immigration law from the conclusion of the EEC Treaty to the present day, first focussing on the development of the law relating to Community nationals and their third country national dependents, then looking at the extension of Community immigration law to third country nationals through agreements between their states of origin and the EC. Special attention is given to the rights of Turkish workers under the agreement between Turkey and the EC and the possibilities of residence and economic activity for nationals of the Central and Eastern

European countries under the Europe Agreements. The centre of analysis of this book is the individual migrant: what are the rights and duties of the individual and what is his or her relationship of rights on the one hand with the Member State and on the other hand with the European Community? This book examines the structure and content of European Community immigration law from the perspective of the individual most closely affected by that law.

Immigration Law in the European Community

Scrutinizes issues in EU Law, the law of the Council of Europe and Comparative Law which have come to the fore during the year preceding publication.

Cambridge Yearbook of European Legal Studies Vol 4, 2001

The process of European integration has had a marked influence on the nature and meaning of citizenship in national and post-national contexts as well as on the definition and exercise of civil rights across Member States. This original edited collection brings together insights from EU law, human rights and comparative constitutional law to address this underexplored nexus. Split into two distinct thematic parts, it first evaluates relevant frameworks of civil rights protection, with special attention on enforcement mechanisms and the role of civil society organisations. Next, it engages extensively with a series of individual rights connected to EU citizenship. Comprising detailed studies on access to nationality, the right to free movement, non-discrimination, family life, data protection and the freedom of expression, this book maps the expanding role of European law in the national sphere. It identifies a number of challenges to core civil rights that the current supranational framework is at pains to address. The contributors suggest and develop several new ideas on how to take the EU integration project forward. *Civil Rights and EU Citizenship* provides an innovative perspective on both the conceptual dimensions and the actual realities of rights-based citizenship which will be of interest to legal scholars, practitioners and policy-makers alike.

Civil Rights and EU Citizenship

EU citizenship and Free Movement Rights examines how EU citizenship reconstructs in unexpected ways what citizenship as a status means and stands for in relation to family reunification, social rights, expulsion and discusses the effects of Brexit for EU citizens.

EU Citizenship and Free Movement Rights

The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights - including such landmark judgments as *Factortame* and *Francovich*. This book offers a critical analysis of the Court's fast-changing approach to national procedural autonomy, and explores the difficult conceptual framework underpinning the caselaw. The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project, in particular, the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence. Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order, much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration. It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh, having regard to the recent growth of regulatory differentiation within the Community system. *National Remedies Before the Court of Justice* provides a challenging account of this crucial field of EU legal studies. It includes detailed discussion of issues such as Member State liability in damages, Community control over national limitation periods, and the principles governing state aid and competition law enforcement. This book is of value to academics and practitioners alike.

National Remedies Before the Court of Justice

More than a decade has passed since the appearance of the first issue of the *European Journal of Migration and Law*, which was established to examine the intertwining of issues of law and migration in the EU. This volume has been compiled to celebrate that anniversary.

The First Decade of EU Migration and Asylum Law

Politically sensitive and economically important, welfare services such as health care, health insurance and education have opened up a heated debate in the EU. The application of EU law to welfare services raises discontent from the part of the Member States who perceive their systems to be under threat. Resisting to the application of the EU law is sometimes seen as part of protecting those values. This book suggests that this resistance is largely unjustified. EU law is not damaging to welfare systems, but it provides adequate balancing mechanisms to ensure that all interests are protected. The approach taken in analysing the impact of EU law on welfare services is to look at the negative integration process and answer the questions related to the extent to which EU law applies to welfare services and the kinds of safeguards the Court offers for these services. The proportionality principle distinguishes itself as the central element in balancing national and Community interests. Being part of the broader integration process, negative harmonization creates legislative lacunae, and therefore, this book also looks at alternative solutions to the negative harmonization process, namely positive and soft law.

Public Services and the European Union

The Oxford Handbook of Migration Crises focuses on two interrelated aspects of migration crises: the contexts that give rise to such crises, and the role of the media and public officials in framing migratory flows as crises. It critically examines what crises are, where they arise, and how this concept is used in scholarship and policy.

The Oxford Handbook of Migration Crises

This Commentary provides an article-by-article summary of the TEU, the TFEU, and the Charter of Fundamental Rights, offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice. Written by a team of contributors drawn from the Legal Service of the European Commission and academia, the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice. The Commentary follows a set structure, offering a short overview of the Article, the Article text itself, a key references list including essential case law and legislation, and a structured commentary on the Article itself. The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects.

Commentary on the EU

This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States. The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States. In particular the book focuses on political, social and civil rights, drawing from T.H. Marshall's typology. In endorsing an appropriate analytical framework, the book challenges both existing law and secondary literature in order to argue that the terminology, the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care. This is particularly apposite given the complexity of constitutional diversity, in terms of national constitutions and their reception of EC law. It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other.

The Impact of European Rights on National Legal Cultures