

Index

- abuse of dominant position, [951–2](#)
- abuse, what constitutes, [955–7](#)
- barriers to entry, [953–5](#)
- dominance, what constitutes, [952–3](#)
- market shares as dominance marker, [953](#)
- predatory pricing, [958–9](#), [998](#)
- reform proposals, [959–64](#)
- abuse of free movement restrictions on occupation in another State, [802–4](#), [811–17](#)
- access to documents, right of. *see* transparency
- accession to EU. *see* enlargement of EU
- accountability of ECB, [682–5](#)
- administration
 - cooperation between Member States in Services Directive, [778](#)
 - right to good administration, [377–9](#)
 - Services Directive, administrative simplification as aim of, [775](#)
- advertising, free movement of services as to, [756–8](#)
- affirmative or positive action programmes, [616–18](#)
- AFSJ. *see* Area of Freedom, security and Justice
- age discrimination, equal opportunities law and policy, [606–9](#)
- agreements covered by competition law, [928](#)
- Albania, application for EU membership, [28](#)
- algorithms, cartels' use of, [934–6](#)
- allocation of law-making power, [119–21](#)
- amendment of legislation under ordinary legislative procedure, [123–4](#)
- Amsterdam, treaty of (1997), [25–6](#)
- annulment findings in judicial review, [404–5](#)
- annulment findings in judicial reviews, [366](#)
- antitrust law. *see* competition law and policy
- applicant States, candidate status for, [28](#)
- Area of Freedom, security and Justice (AFSJ)
 - economic mercantilism and, [533–5](#)
 - establishment of, [25–6](#)
 - humanitarianism, [545–8](#)
 - national security issues, [535–6](#)
 - non-EU nationals and, [528–9](#), [532–3](#)
- Assembly (later European Parliament), [14](#)
- association agreements, [166](#). *see also* Ukraine/EU Association Agreement
- associations and organisations, import restrictions involving, [708–13](#)
- asylum-seekers and refugees. *see also* international protection
- Austria
 - accession to EU, [27](#)
 - EFTA membership, [17](#), [27](#)
- authoritarian governments, fundamental rights and, [251](#), [284](#)
- authority and autonomy of EU law, [202–48](#). *see also* conditional authority of EU law
- autonomy, doctrine of, [208](#)
- beginnings of, [204–7](#)
- challenges to, [219–24](#)
- claims of, [207–14](#)
- conditional authority, [224–43](#)
- consequences of, [202](#)
- doctrine of, [203](#)
- 'dynamic' EU laws, national parliamentary review of, [240–3](#)
- fidelity principle, [212–14](#)
- fundamental rights, and, [227–31](#)
- identity review, and, [235–40](#)
- legal foundations of, [203](#), [215](#)
- legitimacy of, [215–17](#)
- national courts, and, [203](#)
- pre-emption, forms of, [210–12](#)
- Primacy, doctrine of, [208–9](#)
- qualified acceptance by national courts, [224–7](#)
- reasons for, [217–19](#)
- in UK after Brexit, [203](#), [243–8](#)
- ultra vires* review, and, [231–5](#)
- autonomous adoption of EU law, [464–5](#)
- autonomy
 - of EU law. *see* authority and autonomy of EU law
 - individual autonomy, fundamental rights and, [266–72](#)
- balanced budget rule, [667](#)
- bank rescues, [1000–5](#)
- bank rescues and, [1000–5](#)
- banking union, [690–4](#)
- barriers to market entry, [953–5](#)
- Belgium
 - ECSC membership, [12](#)
 - EEC membership, [12](#)
- belief. *see* religion or belief
- below-cost (predatory) pricing, [958–9](#), [998](#)
- benefits. *see* social assistance and benefits
- BENELUX States. *see* Belgium; Luxembourg; Netherlands
- Bill of Rights. *see* European Union Charter for Fundamental Rights and Freedoms; fundamental rights
- binding effects of Court of Justice judgments, [196–7](#)
- block exemptions
 - competition law, [947–9](#)
 - e-commerce and, [949–51](#)
- Block Exemptions, GBER for state aid, [998–1000](#)
- border checks, [529–31](#)
- borders. *see* frontiers

1010 Index

- Bosnia and Herzegovina, application for EU membership, [28](#)
 Brexit, [406–8](#)
 authority and autonomy of EU law in UK after, [203](#), [243–8](#)
 authority of Court of Justice in UK after, [197–200](#)
 autonomous adoption of EU law, [464–5](#)
 ‘Brussels effect’ of EU law, [408](#), [460–3](#)
 CETA as model for future UK/EU relations, [408](#), [450](#)
 and competition law and policy, [867](#), [915–16](#), [968–9](#)
 competition law cooperation, [916–17](#)
 competition law workload, [916](#)
 continuance of Preliminary Reference Procedure, [198–9](#)
 continuing influence of EU law in UK in no-deal Brexit, [460](#)
 domestic legal consequences of Brexit, [50–2](#)
 EEA as model for future UK/EU relations, [408](#), [438–9](#)
 EFTA as model for future UK/EU relations, [408](#)
 equal opportunities law and policy, [623–4](#)
 and EU citizenship, [521–5](#)
 EU interests, protection of, [409](#)
 EU laws adopted after Brexit, status of, [247–8](#)
 existing EU law, status of, [243–5](#)
 fundamental rights, and, [250](#), [281–4](#)
 invocation of EU law in UK courts after, [291](#), [325–6](#)
 models for future UK/EU relations, [408](#), [437](#)
 no-deal Brexit trade relations, [408](#), [457](#)
 notification under Article 50 TEU, [409](#)
 Political Declaration. *see* Political Declaration on the Future Relationship between the European Union and the United Kingdom
 post-Brexit relations with EU, [48–50](#)
 referendum to leave EU (2016), [45–6](#)
 retained EU law and other UK law in relation, [245–6](#)
 scenarios for future UK/EU relations, [410](#)
 and state aid law, [1006–7](#)
 and state aid policy, [1005](#)
 territorial extension of EU law, [408](#), [463–4](#)
 transitional jurisdiction of Court of Justice, [197–8](#)
- Ukraine/EU Association Agreement as model for future UK/EU relations, [408](#), [445–6](#)
 uncertainties over, [407](#)
 Withdrawal Agreement. *see also* Withdrawal Agreement (UK/EU)
 withdrawal negotiations, [46–8](#)
 WTO rules and no-deal Brexit, [457–60](#)
- Britain. *see* United Kingdom
 ‘Brussels effect’ of EU law, [408](#), [460–3](#)
 budget. *see* deficits; finance and budget
 Bulgaria, accession to EU, [27](#)
 business activities, right to pursue, [806–7](#)
- Cabinets, Commission, [67](#)
 Canada, CETA, [408](#)
 candidate status for applicant States, [28](#)
 capital, free movement of, [656](#), [659](#)
 carers of children, residence rights of, [504–7](#)
 cartels, [928–34](#), [998](#)
 algorithms, use of, [934–6](#)
 monopolies, behaving like, [928–34](#)
 causation, non-contractual liability, [402–4](#)
 Central and Eastern European States, admission of, [27](#)
 certification procedures, internal market, [647](#)
 CETA. *see* Comprehensive Economic and Trade Agreement between Canada and the EU (CETA)
 children, residence rights of, [504–7](#). *see also* family rights
 citizenship, third-country. *see* non-EU nationals
 citizenship of EU, [466–525](#). *see also* family rights; free movement and residence of persons; immigration
 Brexit and, [521–5](#)
 free movement and residence, right of, [467](#), [475–6](#)
 ideas of citizenship, [467](#)
 modern concepts of citizenship, development of, [468–71](#)
 nature of, [471–5](#)
 political rights of EU citizens, [468](#), [519–21](#)
 civil rights, derogation of free movement due to, [824](#)
 collective identity formation, as legitimisation strategy, [23](#), [26](#), [32](#)
 comitology
 committee procedures, [146–9](#)
 practice of, [149–51](#)
 Commission
 agenda-setting powers, [72–7](#)
 bureaucracy, [63–7](#)
 Cabinets, [67](#)
 College of Commissioners, [63–7](#)
 competition law enforcement powers. *see* enforcement of competition law by Commission
 Directorates General (DGs), Commission, [66](#)
 establishment of, [14](#)
 and euro area State budgets, [672–4](#)
 European Parliament as rival agenda-setter in legislative process, [123–4](#)
 executive powers, [77–8](#)
 infringement proceedings management by, [329](#), [352–5](#)
 legislative and quasi-legislative powers, [67–72](#)
 powers of, [67–80](#)
 regulatory agencies, and, [80–2](#)
 state aid law policy of, [973–5](#)
 supervisory powers, [78–80](#)
 commitment decisions, [893–5](#), [966–8](#)
 Committee of Permanent Representatives (COREPER), [87–8](#)
 common borders policy, [529](#)
 common commercial policy, [13](#)
 common immigration policy for non-EU nationals, [530](#)
 common market. *see* internal market
 common policy on international protection, [530](#)
 companies
 discrimination and foreign companies, [810–11](#)
 free movement of, [781](#), [810–17](#)
 parents and subsidiaries, [919–21](#)
 compensatory damages. *see* damages
 competence
 additional competencies, as legitimisation strategy, [22](#), [25](#), [32](#)
 consolidation of EU competencies under Lisbon treaty, [32](#)
 internal market harmonisation, [627](#), [635–44](#)
 lack of as grounds for judicial review, [369](#)
 competition law and policy, [865–917](#). *see also* abuse of dominant position; cartels; enforcement of competition law by Commission; exclusions and exemptions from competition law coverage; mergers; private enforcement of competition law; regulatory authority over competition
 agreements, [928](#)
 aims of, [866–7](#)
 Brexit and, [867](#), [915–16](#), [968–9](#)
 Commission’s enforcement powers, [866](#)
 commitment decisions, [893–5](#), [966–8](#)
 concerted practices, [928](#)

- Court of Justice on, [910–12](#), [936–8](#), [964–6](#)
 ‘culture of competition,’
 development of, [865](#)
 decisions by trade associations, [928](#)
 e-commerce and block
 exemptions, [949–51](#)
 economic appraisals, [940–4](#)
 economics perspective on, [867–73](#)
 effect of agreement, restriction of
 competition as, [940–4](#)
 ‘effect on trade,’ what constitutes,
 [922–3](#)
 evidentiary requirements, [940–4](#)
 evolution of, [875–8](#)
 excluded agreements, [923–6](#)
 exemption decision, burden of
 proof, [944](#)
 General Court versus Court of
 Justice on, [936–8](#)
 global financial crisis and, [878–9](#)
 negative and positive
 harmonisation, [908–9](#)
 object of agreement, restriction of
 competition as, [938–40](#)
 parents and subsidiaries, treatment
 of, [919–21](#)
 political dimensions of, [873–5](#)
 predatory pricing, [958–9](#)
 private enforcement of, [867](#)
 prohibited restrictive practices,
 [927–8](#)
 Regulation 1/2003, [866](#)
 regulatory competition, [651–5](#)
 restriction of competition, notion
 of, [936–8](#)
 state aid law and, [971–3](#)
 undertaking, what constitutes,
 [919–21](#)
 complainants in infringement
 proceedings, [356–7](#)
 Comprehensive Economic and Trade
 Agreement between Canada and
 the EU (CETA)
 institutional settlement, [455–6](#)
 market access and liberalisation
 under, [450–3](#)
 as model for post-Brexit UK/EU
 relations, [408](#), [450](#)
 regulatory cooperation and
 regulatory protection, [453–5](#)
 conception of Europe and of
 European Union, [4–11](#)
 concerted practices covered by
 competition law, [928](#)
 conditional authority of EU law,
 [224–43](#)
 Constitutional Treaty, [30](#), [216](#)
 consultation in EU law-making
 procedure, [128–31](#)
 consumer protection
 free movement of services and, [778](#)
 product rules and standards for,
 [720–3](#)
 cooperation procedure, [20](#)
 COREPER (Committee of Permanent
 Representatives), [87–8](#)
 Council, European. *see* European
 Council
 Council of Ministers
 consent procedure, [131–2](#)
 consultation procedure, [128–31](#)
 COREPER, [87–8](#)
 decision-making and voting
 processes, [84–7](#)
 establishment of, [14](#)
 powers of, [82–4](#)
 President, [88](#)
 sanctions due to, [674–7](#)
 trilogues, [124–8](#)
 Court of Justice, [160–3](#). *see also*
 judicial review by Court of
 Justice; preliminary reference
 procedure
 on abuse of dominant position,
 [964–6](#)
 authority in UK after Brexit,
 [197–200](#)
 binding effects of judgements,
 [196–7](#)
 on competition law, [910–12](#),
 [936–8](#), [964–6](#)
 on damages in private enforcement
 of competition law, [910–12](#)
 dispute resolution role, [186–8](#)
 establishment of, [14](#)
 infringement proceedings for
 failure to comply with
 judgments of, [359–60](#)
 institutional relations with
 national courts, [166–8](#)
 interaction with national courts,
 [168–70](#)
 judicial review of EU institutions,
 [182–3](#)
 sanctions on Member States, [329](#)
 on state aid, [952–3](#), [988](#)
 unity of EU law, and, [179–83](#)
 Court of Justice of the European
 Union, [160](#)
 courts. *see* judicial order of EU;
 national courts; *specific courts*
 criminal law. *see* judicial cooperation
 in criminal justice
 cross financing, prohibition on,
 [677–80](#)
 culture. *see* socio-cultural preferences
 customs union, [13](#)
 Cyprus, accession to EU, [27](#)
 Czech Republic, accession to EU, [27](#)
 damages, in discrimination claims,
 [594–5](#). *see also* private
 enforcement of competition law
 Damages Directive, [912–14](#)
Dassonville case, [698–700](#)
 ‘dawn raids’ (competition law
 inspections), [883–6](#)
 de Gaulle, Charles, [14](#), [17](#)
de minimis rule
 for import restrictions, [706](#)
 for right to take up or pursue
 occupation in another State,
 [794–5](#)
 state aid, [988](#)
 death and family rights, [503–4](#)
 decisions by trade associations,
 [928](#)
 decisions by trade associations and
 competition law, [928](#)
 defence rights in EU law, [374–6](#)
 defences to discrimination charges
 genuine occupational requirement
 defence, [591–2](#)
 legitimate aim defence to indirect
 discrimination, [587–9](#)
 public security, order, and safety,
 [592](#)
 deficits
 balanced budget rule, [667](#)
 commitment not to incur excessive
 deficits as element of EMU, [656](#)
 EU oversight of national fiscal
 and economic performance,
 [665–6](#)
 Excessive Deficit Procedure, [667](#)
 extension of oversight and
 sanctioning powers of ECU
 regarding, [657](#)
 MTBO, [667](#), [674–7](#)
 sanctions for deviating
 significantly from agreed
 adjustment path, [674–7](#)
 Significant Observed Deviation
 procedure, [674–7](#)
 sovereign debt crisis of 2008,
 [38–44](#), [657](#), [663–5](#)
 Delors, Jacques, and Delors Report,
 [20](#), [658](#)
 ‘democratic identity’ under Lisbon
 Treaty, [35–8](#)
 democratic qualities of EU law-
 making, [151–7](#)
 Denmark
 accession to EEC, [17](#)
 differentiated integration, [23](#)
 EFTA membership, [17](#)
 Maastricht Treaty ratification,
 [24](#)
 deportation
 EU nationals deported from
 another Member State,
 [515–19](#)
 Returns Directive on non-EU
 nationals, [548–51](#)
 public interests and public goods.
 see public interest and public
 goods
 DGs (Directorates General,
 Commission), [66](#)
 dialogue on equal opportunities law
 and policy, [618–19](#)

- differentiated integration
 agreements between Member States outside EU law-making framework, **144**
 on border checks, immigration, and asylum, **530**
 differentiated rule-making other than enhanced cooperation, **143–5**
 in EMU, **657, 662–3**
 Enhanced Cooperation, **138–43**
 in law-making, **138–45**
 Maastricht Treaty and, **23**
 direct concern requirement for standing, **390–1**
 direct discrimination in employment, **575, 584–5**
 direct effect
 development of individual rights, and, **291–6**
 development of Regulations, remedies and procedures, and, **290, 296**
 of Directives, **290, 303**
 duty to refrain from compromising of objective of Directive, **309–10**
 emergence of, **289, 291–3**
 EU procedures and remedies in national courts, **302–3**
 horizontal (against private parties), **290, 294–6**
 incidental, **290**
 individual rights, development of, **290**
 of international agreements, **303**
 justiciability test, **293–4**
 of Regulations, **303**
 of secondary legislation, **290, 303–10**
 vertical (against State), **290**
 Directives
 direct effect of, **290, 303**
 duty to refrain from compromising of objective of, **309–10**
 infringement proceedings for failure to transpose, **358–9**
 Directorates General (DGs), Commission, **66**
 disability, equal opportunities law and policy, **603–6**
 discretion, abuse of institutional discretion, **371**
 discrimination. *see* equal opportunities law and policy; non-discrimination; *specific types of discrimination*
 dispute resolution by Court of Justice, **186–8**
 dispute resolution under Withdrawal Agreement (UK/EU), **417–19**
 divorce and family rights, **503–4**
 documents, right of access to. *see* transparency
 domestic institutions and laws. *see* *entries at national*; Member States
 Dublin Regulation, **528, 558–63**
 Dutch. *see* Netherlands
 'dynamic' EU laws, national parliamentary review of, **240–3**
 Early Warning Mechanism, **135–7**
 Eastern and Central European States, admission of, **27**
 ECB. *see* European Central Bank
 ECHR. *see* European Convention for the Protection of Human Rights and Freedoms
 ECJ (European Court of Justice). *see* Court of Justice; Court of Justice of the European Union
 ECN (European Competition Network), **904**
 e-commerce, block exemptions and, **949–51**
 Economic and Monetary Union (EMU), **656–8**. *see also* deficits; European Central Bank
 cross financing, prohibition on, **677–80**
 Delors Report, **658**
 differentiated integration regarding, **657, 662–3**
 elements of, **659**
 elements of economic union, **659**
 ESCB, **657, 659**
 EU oversight of national fiscal and economic performance, **665–6**
 European Semester for Economic Policy, **657, 669**
 European Stability Mechanism (ESM), **40–1**
 free movement of capital as element of, **656, 659**
 macroeconomic imbalances, moderation and correction of, **668**
 macroeconomic policy, **659**
 oversight and sanctioning powers, extension of, **657**
 prior to Maastricht Treaty, **20**
 single currency as element of, **656**
 sovereign debt crisis, effects of, **3, 38–44, 657, 663–5**
 Treaty framework for, **605, 656**
 economic freedoms, **13**
 economic integration and internal market, **629–31**
 economic mercantilism, non-EU nationals and, **533–5**
 economic reasons, no derogation purely for, **826**
 economics and competition law, **867–73**
 ECSC (European Coal and Steel Community), **12**
 education, professional diplomas and qualifications, **796–802**
 EEA (European Economic Area), **27**
 EEC (European Economic Community) and EEC Treaty, **13–14**
 effectiveness
 effective judicial protection principle, **296–300**
 effective judicial protection, right to, **290**
 public interest and public goods, effectiveness of measure to protect, **834–8**
 EFTA (European Free Trade Area), **17, 27**
 elections, citizenship rights to hold office and vote in, **513–15**
 employment. *see* labour law and labour market
 EMS (European Monetary System), **658**
 EMU. *see* Economic and Monetary Union
 enforcement of competition law by Commission
 adjudication stage, **886**
 block exemption regulations, **947–9**
 commitment decisions, **893–5, 966–8**
 current role of, **903–4, 906–7**
 economic appraisals, **940–4**
 fines and fining policy, **889–91**
 fundamental rights and, **895–9**
 guidance provided by Commission, **903–4**
 information requests and interviews, **880–3**
 inspections ('dawn raids'), **883–6**
 investigations, **880**
 leniency policy, **891–3**
 modernisation of, **900–3**
 NCA decisions, checking, **906–7**
 oral hearings, **887**
 political nature of decision process, critiques of, **899–900**
 powers of enforcement, **866, 879–80**
 private enforcement initiatives, **909–10**
 remedies, **887–8**
 report on functioning of new regulatory authority, **906–7**
 statement of objections, **886–7**
 enforcement of state aid law, **971, 988–93**
 Commission, supervision by, **988–9**
 notification requirements, **988–9**
 private enforcement, **991–3**
 recovery of unlawful aid, **989–93**
 Enhanced Cooperation, **138–43**

- enlargement of EU
 - from 1991 to present, [3](#), [27–9](#)
 - additional criteria for participation in some EU policies, [28](#)
 - additional policing of new Member States with particular institutional risks, [28](#)
 - candidate status for applicant States, [28](#)
 - current applications for membership, [28](#)
 - EEC accessions, from 1961 to 1986, [3](#), [17–18](#)
 - entry into market, barriers to, [953–5](#)
 - environmental protection, [849–53](#)
 - product standards and, [723–4](#)
 - recycling, [723–4](#)
 - equal opportunities law and policy, [574–624](#). *see also* defences to discrimination charges; disability; nationality discrimination; non-discrimination; racial or ethnic origin; religion or belief; sex and gender; sexual orientation
 - affirmative or positive action programmes, [616–18](#)
 - age and, [606–9](#)
 - Brexit and, [623–4](#)
 - compensatory damages in, [594–5](#)
 - core provisions, [575](#)
 - development of policy, models for, [575](#)
 - dialogue as means of promoting, [618–19](#)
 - direct discrimination, [575](#), [584–5](#)
 - disability and, [603–6](#)
 - economic and non-economic visions of, [575](#)
 - enhancement of, [613](#)
 - equality grounds for
 - discrimination claims, [595–6](#)
 - excluded groups, [611–13](#)
 - formal versus substantive equality, [581–2](#)
 - gender equality, [596–8](#)
 - harassment, [575](#), [589–90](#)
 - indirect discrimination, [575](#), [585–9](#)
 - labour market as common core of, [582–3](#)
 - limitations of, [575](#)
 - ‘mainstreaming’ of equality, [620–3](#)
 - need for EU equal opportunities policy, [575](#)
 - part-time workers, [589–90](#)
 - prohibition of discrimination, [575](#)
 - and race and ethnic origin, [598–600](#)
 - and religion or belief, [600–2](#)
 - remedies for discrimination, [593–5](#)
 - sexual equality, [596–8](#)
 - sexual orientation and, [609–10](#)
 - sources of law, [575](#), [578](#)
- equal pay, [596–8](#)
- ESCB (European System of Central Banks), [657](#), [659](#)
- establishment
 - freedom of, [781](#), [817–18](#)
 - secondary establishment
 - restrictions, [795–6](#), [811–17](#)
 - Services Directive and, [781](#)
 - Services Directive on, [817–18](#)
- Estonia, accession to EU, [27](#)
- ethnicity. *see* racial or ethnic origin
- EU. *see* European Union (EU) and EU law
- EUCFR. *see* European Union Charter for Fundamental Rights and Freedoms
- EURATOM (European Atomic Energy Community), [12](#)
- euro and euro area. *see* Economic and Monetary Union
- ‘Europe,’ conceptions of, [4](#)
- Europe and European Union, ideas of, [4](#)
- European Atomic Energy Community (EURATOM), [12](#)
- European Central Bank (ECB), [656](#), [680](#)
 - accountability of, [682–5](#)
 - banking union, and, [690–4](#)
 - Executive Board, [680–2](#)
 - expansion of monetary powers, [685–90](#)
 - financial supervision by, [690–4](#)
 - Governing Council, [680–2](#)
 - increase in power during Sovereign Debt Crisis, [43–4](#)
 - independence of, [682–5](#)
 - Supervisory Board, [680–2](#)
- European citizenship. *see* citizenship of EU
- European Coal and Steel Community (ECSC), [12](#)
- European Commission. *see* Commission
- European Communities, establishment of, [2](#)
- European Competition Network (ECN), [904](#)
- European Convention for the Protection of Human Rights and Freedoms (ECHR), alignment with EUCFR, [265](#)
- European Council
 - consent procedure, [131–2](#)
 - in EU institutional settlement, [92–4](#)
 - institution of, [89](#)
 - powers of, [89–92](#)
 - President of, [89](#)
- European Court of Justice (ECJ). *see* Court of Justice; Court of Justice of the European Union
- European Economic Area (EEA), [27](#)
 - institutional settlement of, [442–5](#)
 - as model for post-Brexit UK/EU relations, [408](#), [438–9](#)
- principles of EEA legal order, [439–42](#)
- European Economic Community (EEC) and EEC Treaty, [13–14](#)
- European Free Trade Area (EFTA), [27](#)
- European Free Trade Association (EFTA)
 - EFTA Court of Justice, [444](#)
 - EFTA Surveillance Authority, [444](#)
 - Joint Committee, [443](#)
 - as model for post-Brexit UK/EU relations, [408](#), [438–9](#)
- European Monetary System (EMS), [658](#)
- European Parliament
 - amendment of legislation by, [123–4](#)
 - authority of, [94–7](#)
 - composition of, [94–7](#)
 - consent procedure, [131–2](#)
 - consultation procedure, [128–31](#)
 - financial powers, [102–3](#)
 - legislative powers of, [99](#)
 - office, right to hold, [513–15](#)
 - power of parliamentary government, [101–2](#)
 - powers over executive, [99–101](#)
 - as rival agenda-setter to Commission, [123–4](#)
 - strength of powers, gauging, [97–9](#)
 - trilogues, [124–8](#)
- European Semester for Economic Policy, [657](#), [669](#)
- European society, existence of, [10](#)
- European System of Central Banks (ESCB), [659](#)
- European Union Charter for Fundamental Rights and Freedoms (EUCFR), [250](#), [255–60](#)
 - alignment with ECHR, [265](#)
 - events leading to signing of, [29–31](#)
 - Explanations of the Secretariat to the Convention, [264](#)
 - incorporation into Constitutional Treaty, [31](#)
 - interpretation of, [263–6](#)
 - main features of, [256](#)
 - rights, freedoms and principles, [256](#)
 - sources for, [256](#)
- European Union (EU) and EU law, [1–56](#). *see also* enlargement of EU
 - authority of, [202–48](#). *see also* authority and autonomy of EU law
 - autonomous adoption of EU law, [464–5](#)
 - Brexit and, [406–8](#). *see also* Brexit
 - ‘Brussels effect,’ [408](#), [460–3](#)
 - citizenship, [466–525](#). *see also* citizenship of EU
 - Communities, establishment of, [2](#)

- European Union (EU) and EU law (cont.)
 communities, establishment of, **11–20**
 competition, **865–969**. *see also* competition law and policy
 competition with Nation State, **8**
 conceptual agendas, tension between, **4**
 content of current study, **2–4**
 criminal law in. *see* judicial cooperation in criminal justice
 crisis of liberal values (2010–present), **52–6**
 EMU, **656–8**. *see also* Economic and Monetary Union
 equal opportunities law and policy in, **574–624**
 establishment of, **20–6**
 European society, existence of, **10**
 in financial crisis of 2008, **38–44**
 fundamental rights, **249**
 ‘German’ strategy for, **22**
 goods, free movement of, **695–733**
 governance. *see also* governance government through law, theme of, **2**
 ‘Greek’ strategy’ for, **22**
 idea of ‘European Union,’ **2, 4–11**
 increase in interaction across Europe’s borders, **10**
 infringement proceedings, **328–63**. *see also* infringement proceedings
 institutional reform in, **29–38**
 institutional settlements of, **57–109**. *see also* institutions of EU
 internal market, **626–7**. *see also* harmonisation; internal market
 judicial development of EU law, **180–2**
 judicial order of, **158–200**. *see also* judicial order of EU
 judicial review in, **364–405**. *see also* judicial review by Court of Justice
 legislation and law-making, **111–57**. *see also* legislation and law-making
 legitimisation strategies, **2, 21, 25**
 non-EU nationals, **527–72**. *see also* non-EU nationals
 occupation undertaken in another State, **780–818**. *see also* occupation undertaken in another State
 political authority, intergovernmental and supranational models of, **14–17**
 public interest and public goods, **820–64**. *see also* public interest and public goods
 ‘Roman’ strategy for, **22**
 services, free movement of, **734–78**. *see also* free movement of services
 state aid law, **970–1007**. *see also* state aid law
 territorial extension of EU law, **408, 463–4**
 as vehicle for national governments’ interests, **9**
 Excessive Deficit Procedure, **667**
 exclusion or expulsion from a State, **515–19**
 exclusions and exemptions
 free movement derogations due to public interests and public goods. *see* public interest and public goods
 state aid, **971, 993–1005**
 exclusions and exemptions from competition law coverage
 agreements excluded, **923–6**
 block exemption regulations, **947–9**
 individual exemptions, **945–7**
 Executive Board of ECB, **680–2**
 executive powers
 of Commission, **77–8**
 European Parliament’s powers over, **99–101**
 exit restrictions on free movement of persons, **497–8**
 Explanations of the Secretariat to the EUCFR, **264**
 exports, restrictions on, **731–3**
 expulsion or exclusion from a State, **515–19**
 external frontiers, **540–5**
 externalities, derogation of free movement due to, **824**
 failure to act by EU institutions, judicial review of, **365**
 failure to act, judicial review of, **397–9**
 fair trial, right to, **374–9**
 family rights
 children and their carers, **504–7**
 death and, **503–4**
 definition of ‘family,’ **500–3**
 divorce and, **503–4**
 exclusion or expulsion from a State, **504–7**
 exclusion or expulsion from another Member State, **515–19**
 for non-EU nationals, **556**
 reunification rules, **556**
 right to be with one’s family, **498–9**
 separation and, **503–4**
 u-turns and, **511–15**
 fidelity principle, **212–14**
 finance and budget. *see also* deficits; state aid law
 Commission financial powers, **77–8**
 Commission involvement with euro area State budgets, **672–4**
 European Parliament powers, **102–3**
 European Semester guidance on, **672–4**
 macroeconomic imbalances, moderation and correction of, **668**
 MTBO, **667, 674–7**
 no derogation to protect, **826**
 financial crisis of 2008, **38–44, 657, 663–5, 878–9, 1000–5**
 financial penalties in infringement proceedings, **361–3**
 fines. *see* sanctions and penalties
 Finland
 accession to EU, **27**
 EFTA membership, **27**
 fiscal compact. *see* Treaty on Stability, Coordination and Governance in the Economic and Monetary Union
 Former Yugoslav Republic of Macedonia (FYROM), application for accession to EU. *see* Northern Macedonia
 Fouchet Plan (1961), **15**
 ‘four freedoms,’ **13**
 France
 EEC membership, **12**
 Maastricht Treaty ratification, **25**
 free establishment, **781, 817–18**
 free movement. *see also* Area of Freedom, security and Justice; free movement and residence of persons; free movement of goods; free movement of services
 achievement of, **632**
 balanced with other interests, **821–2, 827–8**
 of capital, **656, 659**
 of companies, **781, 810–17**
 derogations due to public interests and public goods. *see* public interest and public goods
 mutual recognition and, **633**
 non-discrimination and, **633**
 of workers, **781**. *see also* occupation undertaken in another State
 free movement and residence of persons. *see also* family rights; immigration; social assistance and benefits
 administrative formalities, **482–4**
 AFSJ on, **25–6**
 categories of residence, **476–8**
 citizenship and, **467**
 concept of, **475–6**
 conditions of residence, **478–82**

1015 Index

- equal treatment, specific exceptions to, [491–2](#)
- equality in host state, [484–95](#)
- exclusion or expulsion from another Member State, [515–19](#)
- exit restrictions, [497–8](#)
- family rights, [498–519](#)
- integration requirement for social assistance entitlement, [492–5](#)
- 'lawfully resident,' definition of, [490–1](#)
- level of resources required, [481](#)
- long-term residence in another Member State (three months or more), [476](#)
- market access, [634–5](#)
- permanent residence rights, [477](#)
- prohibition on nationality discrimination, [484–7](#)
- proportionality and, [479–80](#)
- residence in another Member State for periods of more than three months, [476](#)
- restrictions by other member states, [497](#)
- restrictions on movement, [495](#)
- returnees, restrictions on movement, [495–7](#)
- Schengen Agreements, [28](#)
- self-sufficiency requirement, [478–9](#)
- short-term residence (less than three months), [476](#)
- 'social assistance,' definition of, [488–9](#)
- social assistance, equal entitlement to, [487–8](#)
- 'unreasonable' request for social assistance, definition of, [489–90](#)
- u-turns, rights and restrictions as to, [495, 511–15](#)
- free movement of goods, [695–733](#). *see also* import restrictions; domestic production regulations and, [707–8](#); exports, [794–6](#)
- free movement of services, [734–78](#). *see also* Services Directive; access to regulated industries and professions, [758–61](#); advertising and, [756–8](#); consumer protection and, [778](#); cross-border service, what constitutes, [735, 737](#); defining services, [738–9](#); definition of services, [735](#); integration issues, [735–7](#); justification of restrictions, [735, 754–6](#); marketing and pricing restrictions, [756–8](#); non-economic considerations, [763–5](#); non-profits and charities, [741–4](#); private actors, restrictions imposed by, [735, 747–54](#); prohibited restrictions, [735, 744–7](#); remuneration for services, [741–4](#); social impact of, [735, 763–5](#); taxation and, [761–3](#); welfare state and, [735, 765–73](#)
- free movement of services, restrictions on, [747–54](#)
- freedom of establishment, [781, 817–18](#)
- frontiers
 - border checks at, [529–31](#)
 - common borders policy, [529](#)
 - external, [540–5](#)
 - as policing zones, [536–9](#)
- fundamental rights, [249](#). *see also* European Convention for the Protection of Human Rights and Freedoms; European Union Charter for Fundamental Rights and Freedoms; alignment with national constitutional traditions, [265](#); authoritarian governments, and, [251, 284](#); Brexit and, [250, 281–4](#); duty to disapply domestic law conflicting with EU law expressing fundamental right, [290, 322–5](#); enforcement of competition law by Commission and, [895–9](#); foundational principles of, [26](#); fundamental rights review, scope over national measures, [277–81](#); general principles of law, [250, 260–3](#); humanitarianism toward non-EU nationals, [545–8](#); individual autonomy, and, [266–72](#); institutions bound by, [250, 272–6](#); interpretation of, [263–6](#); legislation, interpretation of, [272–6](#); main features of Treaty framework for, [249](#); national fundamental rights, EU law conditioned by, [227–31](#); national laws, and, [276–7](#); policing by EU of domestic constitutional breakdown, [249, 253–4](#); as premise for EU legal order, [249, 251–2](#); sources of, [249, 252, 259](#); standard of protection for, [250, 263–72](#)
- FYROM (Former Yugoslav Republic of Macedonia), application for accession to EU. *see* Northern Macedonia
- GBER (General Block Exemption Regulation) for state aid, [998–1000](#)
- gender. *see* sex and gender
- General Block Exemption Regulation (GBER) for state aid, [998–1000](#)
- General Court
 - on competition law and policy, [936–8](#)
 - institution of, [163–5](#)
- general principles of law guaranteeing fundamental rights, [250, 260–3](#)
- genuine occupational requirement defence for discrimination, [591–2](#)
- geographical selectivity of state aid, [982–3](#)
- 'German' legitimization strategy, [22, 26, 32](#)
- Germany
 - EEC membership, [12](#)
 - Maastricht Treaty ratification, [25](#)
- global financial crisis of 2008, [38–44, 657, 663–5, 878–9, 1000–5](#)
- globalisation, [820](#)
- goods, free movement of. *see* free movement of goods
- governance. *see also* proportionality; subsidiarity; transparency
- Governing Council of ECB, [680–2](#)
- Great Britain. *see* United Kingdom
- Greece
 - accession to EEC, [18](#)
 - sovereign debt crisis and, [663–5](#)
- 'Greek' legitimization strategy, [22, 25, 32](#)
- guardians of children, residence rights of, [504–7](#)
- harassment, as workplace practice, [575, 589–90](#)
- harmonisation
 - competence to legislate for, [635–44](#)
 - competition law and policy, [908–9](#)
 - as element of internal market, [13](#)
 - internal market, [627](#)
 - minimum, [648–9](#)
 - non-economic interests and, [649–51](#)
 - regulatory competition, as means of addressing, [651–5](#)
 - of technical standards, [644–6](#)
- Heads of Government, Council of. *see* European Council
- health care. *see* public health; social assistance and benefits
- hearings
 - fundamental right to oral hearings in Commission enforcement proceedings on competition, [887](#)
 - right to hearing, [376–7](#)
- High Authority, [12](#)

1016 Index

- Holland. *see* Netherlands
 homosexuality. *see* sexual orientation
 horizontal direct effect (against private parties), 290, 294–6
 housing. *see* social assistance and benefits
 humanitarianism toward non-EU nationals, 545–8
 Hungary, accession to EU, 27
- Iceland, EFTA membership, 27
 idea of Europe and of European Union, 4–11
 Idea of 'European Union,' 11
 identity, collective identity formation, as legitimisation strategy, 23, 26, 32
 identity review, 235–40
 illegality, plea of, 365, 399–400
 immigration. *see also* family rights; frontiers; non-EU nationals
 common immigration policy for non-EU nationals, 530
 EU competencies regarding, 529–31
 Returns Directive for irregular immigrants, 548–51
 import restrictions. *see also* measures of equivalent effect; product rules and standards
 associations and organisations, measures by, 708–13
 de minimis rule, 706
 defining quantitative restrictions, 695
 domestic production and, 707–8
 form of, 704–6
 prohibition of, 696
 public versus private measures, 708–13
 quantitative restrictions, definition of, 696–8
 selling arrangements, 696, 724–7
 incidental direct effect, 290
 indirect discrimination
 concept of, 585–7
 in employment, 575, 585–9
 legitimate aim defence for, 587–9
 indirect effect, 290, 310–13
 individual autonomy, fundamental rights and, 266–72
 individual concern requirement for standing, 393–7
 individual exemptions from competition law coverage, 945–7
 information
 ease of access to. *see* transparency
 requests for information and interviews in Commission investigations of competition violations, 880–3
 infringement of Treaties as ground for judicial review, 379–88
 infringement proceedings, 328–63
 accountability of State actors, 344
 for acts and omissions of all State agencies, 341–4
 administration and management of, 329, 352–7
 Commission's management of, 329, 352–5
 complainants, 356–7
 compliance with EU law, policing and enforcement of, 331–5
 EU Pilot database, use of, 347–8
 for failure to comply with court judgment, 359–60
 for failure to transpose directive, 358–9
 financial penalties, 361–3
 formal pre-litigation stage, 348
 informal pre-litigation stage, 347–8
 letter of formal notice, 348
 lump sum penalties, 361–3
 Member State responsibilities covered by, 341
 penalty payments, 361–3
 period allowed for national compliance, 349–51
 political interaction and negotiation via, 338–41
 potential infringements, initial screening and resolution of, 347–8
 provisions and purposes of, 328, 330–1
 as public policy tool, 335–8
 Reasoned Opinion, 349–51
 sanctions procedures, 357–8
 scope of Member State responsibilities covered by, 329
 stages of, 329, 346
 inspections ('dawn raids') in enforcement of competition law by Commission, 883–6
 institutional reform
 decade of reform (1999–2009), 29–38
 as legitimisation strategy, 23, 26, 32, 38
 period of, 3
 institutions of EU, 57–109. *see also* Commission; consultation; Council of Ministers; European Council; European Parliament
 distinction between regulatory acts and other acts, 389–90
 failure to act, judicial review of, 365, 397–9
 framework for, 59–63
 fundamental rights and, 250, 272–6
 judicial institutions, 158–200
 judicial review of, 182–3. *see also* judicial review by Court of Justice
 transparency. *see* transparency
 integration. *see also* differentiated integration; political integration
 free movement of services and, 735–7
 integration requirement for social assistance entitlement, 492–5
 intergovernmental model of EU political authority, 14–17
 internal market, 626–7. *see also* common commercial policy; customs union; economic freedoms; harmonisation
 certification procedures, 647
 competence for harmonisation, 627
 definition of, 631
 economic integration, 629–31
 ensuring of fair competition between undertakings, 632
 establishment of, 19
 establishment of common market, 13
 free movement, achievement of, 632
 harmonisation techniques, 627, 631
 legal framework for, 626, 629–35
 market access restriction, prohibition of measures for, 631, 634–5
 methods for achieving, 631–2
 minimalist, 651–5
 mutual recognition and, 633
 new approach to regulation, 646–8
 non-discrimination, 633
 non-economic interests in, 649–51
 prevention of State aid, 632
 purposes of, 626, 627
 regulatory competition and, 627, 651–5
 regulatory techniques, 644–9
 state aid law and, 971
 technical standards, harmonisation of, 644–6
 international agreements
 direct effect and, 303
 between Member States, 144
 international protection, 557–8
 allocation of national responsibilities for, 558–63
 common policy on, 530
 Dublin Regulation, 528, 558–63
 humanity of transfer of applicants, 563–5
 policing of applicants via welfare system, 569–72
 provision of material reception conditions, 568–9

1017 Index

- right to remain pending
 examination of application, 565–8
- interpretation
 of fundamental rights, 263–6
 of legislation, 272–6, 179–83
- investigations in enforcement of
 competition law by Commission, 880
- Ireland
 accession to EEC, 17
 differentiated integration, 23, 26
 Protocol on Ireland and Northern
 Ireland, 407
- Italy, EEC membership, 12
- 'Jersey option.' *see* Protocol on
 Ireland and Northern Ireland
 (UK/EU)
- judicial liability, 320–2
- judicial order of EU, 158–200. *see*
 also Court of Justice; General
 Court; preliminary reference
 procedure
- architecture of, 166–80
- autonomy of, 170–7
- development of EU law by, 180–2
- functions of, 180–8
- institutional relations between
 Court of Justice and national
 courts, 166–8
- institutions of, 160
- interaction between Court of
 Justice and national courts,
 168–70
- management processes for, 188
- subjects of, 177–80
- Unified Patent Court, 167
- judicial protection, right to effective,
 290
- judicial review by Court of Justice,
 364–405. *see also* non-
 contractual liability; standing
 requirements for judicial review
- abuse of institutional discretion,
 371
- annulment findings, 366, 404–5
- defence, rights of, 374–6
- distinction between regulatory acts
 and other acts, 389–90
- enforcement of competition law by
 Commission, 895–9
- EU institutions subject to, 182–3
- failure to act by EU institutions,
 for, 365, 397–9
- grounds for, 365, 369
- illegality, plea of, 365, 399–400
- infringement of Treaties or any
 related rule of law as grounds
 for, 379–88
- lack of competence as grounds for,
 369–71
- legal certainty, principle of,
 381
- legitimate expectations, principle
 of, 381–3
- manifest error of assessment, 371
- non-contractual liability, action
 for, 366
- non-discrimination, protection
 from, 379–80
- privileged standing for, 365
- procedural rights, 374–9
- right to good administration,
 377–9
- right to hearing, 376–7
- scope of, 365–9
- standing requirements, 365,
 388–97
- subsidiarity principle and, 383–5
- justiciability and direct effect, 293–4
- Kohl, Helmut, 20
- labour law and labour market. *see*
 also equal opportunities law and
 policy; occupation undertaken
 in another State; trade unions;
 worker residents
- part-time workers, 589–90
- self-employed versus employed
 persons, 783–5
- language, linguistic restrictions on
 occupation in another State,
 791–2
- Latvia, accession to EU, 27
- law-making. *see* legislation and
 law-making
- least restrictive option to protect
 public goods, 840–6
- legal authority of EU. *see* authority of
 EU
- legal certainty and judicial review,
 381
- legislation and law-making, 111–57.
 see also Directives; ordinary
 legislative procedure
- allocation of law-making power,
 119–21
- annulments, 366, 404–5
- binding laws, 113–16
- comitology, 146–51
- Commission powers for, 67–72
- consent procedure, 131–2
- consultation procedure, 128–31
- cooperation procedure, 20
- Decisions, 290
- democratic qualities of, 151–7
- differentiated lawmaking,
 138–45
- direct effect and EU secondary
 legislation, 290, 303–10
- European Parliament powers,
 99
- fundamental rights and, 272–6
- interpretation of, 272–6, 179–83
- judicial review and, 182–3,
 389–90
- national parliaments, role of,
 132–3
- ordinary legislative procedure,
 121–8
- procedures for, 121–32
- soft law (recommendations and
 opinions), 116–19
- types of legal instrument, 113
- unity of EU law, 179–83
- legitimate aim defence for indirect
 discrimination, 587–9
- legitimate expectations, principle of,
 381–3
- legitimation strategies of EU, 2, 21,
 25
- leniency policies and documents,
 Commission enforcement of
 competition law, 891–3
- letter of formal notice in
 infringement proceedings, 348
- liability. *see* non-contractual
 liability; State liability doctrine
- liberal values, crisis of (2010-
 present), 52–6
- Liechtenstein, EFTA membership, 27
- Lisbon Treaty
 on authority of EU law, 216
- democratic values under, 35–8
- drafting and signing of, 32
- events leading to signing of, 31–2
- institutional reform under, 3, 38
- legitimation strategies used by, 32
- TEU and TFEU, 32
- Lithuania, accession to EU, 27
- local governments, state aid law,
 982–3
- locus standi*. *see* standing
 requirements for judicial review
- long-term residents. *see also*
 permanent residents
- acquisition of status as, 552–3
- EU nationals living in another EU
 country three months or more,
 476
- non-EU nationals, 528, 551
- lump sum penalties in infringement
 proceedings, 361–3
- Luxembourg
 ECSC membership, 12
- EEC membership, 12
- Luxembourg Accords (1966), 15
- Maastricht Treaty (Treaty on
 European Union or TEU)
 differentiated integration under, 23
- entry into force, 25
- events leading to signing of,
 20–1
- legitimation strategies for EU, 21
- ratification of, 24
- Macedonia, Former Yugoslav
 Republic of (FYROM),
 application for accession to EU.
 see Northern Macedonia

1018 Index

- machinery of the State, derogations due to preservation of, **825**
 macroeconomic imbalances, moderation and correction of, **668**
 macroeconomic policy in Economic and Monetary Union, **659**
 'mainstreaming' of equality, **620–3**
 Malta, accession to EU, **27**
 mandatory requirements
 distinguished from Treaty exceptions, **719–20**
 manifest error of assessment, **371**
 market access
 barriers, **953–5**
 prohibition of measures that restrict, **631, 634–5**
 market externalities, derogation of free movement due to, **824**
 market shares as marker of dominance, **953**
 marriage. *see* family rights
 material reception conditions for asylum-seekers and refugees, **568–9**
 material selectivity of state aid, **983–6**
 measures of equivalent effect (MEQRs), **695**
 Dassonville case, **698–700**
 de minimis rule, **706**
 domestic production regulations and, **707–8**
 form of measure, **704–6**
 limitations of, **700–4**
 private parties, and, **708–13**
 as quantitative restriction, **696–8**
 medical care. *see* health care; social assistance and benefits
 Medium Term Budgetary Objective (MTBO), **674–7**
 Member States. *see also* entries at national
 infringement proceedings against. *see* infringement proceedings
 international agreements between, **144**
 MEQRs. *see* measures of equivalent effect
 mergers, **916**. *see also* competition law and policy
 migration into EU. *see* immigration
 migration within EU. *see* free movement and residence of persons; occupation undertaken in another State
 minimalist internal market, **651–5**
 minimum harmonisation, **648–9**
 Ministers, Council of. *see* Council of Ministers
 minor children. *see* children; family rights
 Mitterrand, François, **20, 24**
 Monnet, Jean, **11**
 monopolies, cartels behaving like, **928–34**. *see also* competition law and policy
 Montenegro, application for EU membership, **28**
 movement, right of. *see* entries at free movement
 MTBO (Medium Term Budgetary Objective), **667, 674–7**
 mutual recognition
 free movement and, **633**
 internal market and, **633**
 of product rules and standards, **695, 716–19**
 of professional diplomas and qualifications, **796–802**
 national budgets, Commission involvement in, **672–4**
 National Competition Authorities (NCAs), **904, 906–7**
 national courts. *see also* direct effect; State liability doctrine
 authority and autonomy of EU law, and, **203**
 authority of EU law recognised by, **224–7**
 binding effects of Court of Justice judgements, **196–7**
 competition law in. *see* private enforcement of competition law
 duty to disapply domestic law conflicting with EU law
 expressing fundamental right, **290, 322–5**
 EU oversight of domestic remedies and procedures, **300–2**
 EU procedures and remedies in, **302–3**
 EU rights and remedies available from, **289–326**
 indirect effect, **290**
 indirect effect of EU law, and, **310–13**
 institutional relations with Court of Justice, **166–8**
 interaction with Court of Justice, **168–70**
 liability of, **320–2**
 referral to Court of Justice, **188–96**
 right to effective judicial protection, **290, 296–300**
 state aid law, private enforcement of, **991–3**
 UK courts after Brexit. *see* Brexit
 national infringements of EU law. *see* infringement proceedings
 national law
 duty to disapply, **290, 322–5**
 fundamental rights, and, **265**
 fundamental rights and, **249, 253–4, 276–7**
 fundamental rights review, and, **277–81**
 pre-emption by EU law, **210–12**
 national parliaments
 European Semester for Economic Policy, and, **657**
 legislative role of, **132–3**
 review of 'dynamic' EU laws, **240–3**
 role in EU lawmaking, **133–5**
 subsidiarity principle, Early Warning Mechanism and, **135–7**
 as 'third EU legislative chamber,' **137–8**
 national security. *see* security issues
 national sovereignty, **535–6**
 nationality discrimination, free movement of companies, **810–11**
 nations as members of EU. *see* Member States
 NCAs (National Competition Authorities), **904, 906–7**
 Netherlands
 ECSC membership, **12**
 EEC membership, **12**
 Nice, Treaty of, **30**
 non-contractual liability, **366**
 conditions for, **400–1**
 direct causal link between breach and loss, **402–4**
 judicial review and, **400**
 sufficiently serious breach of EU law, **402**
 non-discrimination. *see also* equal opportunities law and policy; specific types of discrimination
 and free movement, **633**
 and internal market, **633**
 judicial review of infringement of, **379–80**
 for non-EU nationals, **553–6**
 public goods, prohibition of arbitrary discrimination in derogations protecting, **838–40**
 non-EU nationals, **527–72**. *see also* asylum-seekers and refugees; immigration; international protection
 AFSJ and, **528–9, 532–3**
 border checks, **529–31**
 central EU competencies as to, **527, 529–31**
 differentiated integration regarding, **530**
 economic mercantilism and, **533–5**
 family rights, **556**
 humanitarianism, **545–8**
 long-term residents, **528, 551**
 national security issues, **535–6**
 non-discrimination requirements, **553–6**
 non-refoulement and, **546**
 Returns Directive, **528, 548–51**
 Schengen Agreements and, **530**

1019 Index

- ‘unwelcome foreigners’ and Returns Directive, [528](#)
- worker residents, [528, 551](#)
- non-institutional actors, participation by. *see* citizenship of EU; private parties
- non-refoulement, [546](#)
- Northern Ireland, Protocol on Ireland and Northern Ireland, [407](#)
- Northern Macedonia, application for EU membership, [28](#)
- Norway
 - EFTA membership, [17, 27](#)
 - non-accession to EEC, [17](#)
- notification requirements, state aid law, [988–9](#)
- occupation undertaken in another State
 - abuse of free movement restrictions, [802–4, 811–17](#)
 - business activities, right to pursue, [806–7](#)
 - companies, free movement of, [781, 810–17](#)
 - cross-border occupation, what constitutes, [788–9](#)
 - de minimis* rule, [794–5](#)
 - equally applicable restrictions, [792–4, 807–10](#)
 - establishment, freedom of, [781, 817–18](#)
 - labour markets, discrimination in, [804–6](#)
 - language restrictions, [791–2](#)
 - professional diplomas and qualifications, [796–802](#)
 - reincorporation, [811–17](#)
 - restrictions on exercise of occupation, [781, 804](#)
 - restrictions on taking up an occupation, [781, 791–804](#)
 - right of, [789–90](#)
 - scope of right of, [780–3](#)
 - secondary establishment restrictions, [795–6, 811–17](#)
 - self-employed versus employed persons, [783–5](#)
 - significant economic activity requirement, [785–8](#)
 - U-turns, [811–17](#)
 - workers, free movement of, [781](#)
- official authority and public service, derogations for, [858–64](#)
- opinions and recommendations (soft law), [116–19](#)
- Oporto, Treaty of (1991), [27](#)
- oral hearings in Commission enforcement proceedings on competition, [887](#)
- ordinary legislative procedure
 - amendment of legislation by, [123–4](#)
 - commitment to reach early agreement, [124](#)
- European Parliament as rival agenda-setter to Commission, [123–4](#)
- national parliaments as ‘third EU legislative chamber,’ [137–8](#)
- TFEU requirements, [121–3](#)
- trilogues, [124–8](#)
- organisations. *see* associations and organisations; *specific organisations*
- parent and subsidiary companies, [919–21](#)
- parents. *see* family rights
- Paris, Treaty of (1952), [12](#)
- parliaments. *see* European Parliament; national parliaments
- part-time workers, [589–90](#)
- patents, Unified Patent Court, [167](#)
- penalties. *see* sanctions and penalties
- permanent residents, EU nationals living in another EU country, [477](#)
- Poland, accession to EU, [27](#)
- political authority,
 - intergovernmental and supranational models of, [14–17](#)
- political authority of EU,
 - intergovernmental and supranational models of, [14–17](#)
- Political Declaration on the Future Relationship between the European Union and the United Kingdom, [407](#)
- agreement on, [407, 409](#)
- Basis for Cooperation, [408, 432–3](#)
- content of, [432](#)
- Economic Partnership, [408, 433–5](#)
- governance of the Future Relation, provisions on, [436–7](#)
- Security Partnership, [408, 435–6](#)
- political dimensions of competition law, [873–5](#)
- political nature of Commission decision process in competition enforcement proceedings, [899–900](#)
- political rights, citizenship and, [468](#)
- political rights of EU citizens, [513–15](#)
- Portugal
 - accession to EU, [18](#)
 - EFTA membership, [17](#)
- positive or affirmative action programmes, [616–18](#)
- predatory pricing, [958–9](#)
- pre-emption of national law, [210–12](#)
- preliminary reference procedure
 - architecture of, [166–80](#)
 - binding effects of Court of Justice judgements, [196–7](#)
 - continuance in UK after Brexit, [197–200](#)
 - dispute resolution, [186–8](#)
 - functions of, [180–8](#)
 - institutional relations between Court of Justice and national courts, [166–8](#)
 - interaction between Court of Justice and national courts, [168–70](#)
 - judicial review of EU institutions via, [182–3](#)
 - management processes for, [188](#)
 - national court referral to Court of Justice, [188–96](#)
 - unity of EU law, [179–83](#)
- preservation of machinery of the State, derogations due to, [825](#)
- President of Council of Ministers, [88](#)
- pricing
 - free movement of services, marketing and pricing restrictions on, [756–8](#)
 - predatory pricing, [958–9](#)
- primacy of EU law, [208–9](#)
- private enforcement of competition law, [909–10](#)
 - Court of Justice support for damages claims in, [910–12](#)
 - Damages Directive, [912–14](#)
 - effectiveness of, [914–15](#)
 - state aid law, [991–3](#)
- private enforcement of state aid law, [991–3](#)
- ‘private investor test’ for state aid, [979–82](#)
- private parties
 - horizontal direct effect against, [290, 294–6](#)
 - import restrictions imposed by, [708–13](#)
 - standing requirements for judicial review as non-privileged applicants, [389–97](#)
 - state aid, involvement in, [979](#)
- procedural fairness of protective measures, [846–9](#)
- procedural rights, [374–9](#)
- product rules and standards
 - Cassis de Dijon* decision, [713–16](#)
 - for consumer protection, [720–3](#)
 - for environmental protection, [723–4](#)
 - mandatory requirements, [719–20](#)
 - mutual recognition of, [695, 716–19](#)
 - selling arrangements distinguished, [727](#)
- professions. *see* regulated industries and professions
- proportionality
 - free movement and residence rights, and, [479–80](#)

1020 Index

- proportionality (cont.)
 and judicial review by Court of Justice, **385–8**
- protection. *see also* international protection
 consumer protection, product rules and standards for, **720–3**
 of environment, **723–4**
- Protocol on Ireland and Northern Ireland (UK/EU)
 hard or soft border, **407, 420–4**
 indeterminate length of, **429–32**
 ‘Jersey option,’ **430**
 single customs territory, **424–9**
- public assistance. *see also* social assistance and benefits
 least restrictive option to protect, **840–6**
 public health, **853–5**
- public interest and public goods, **820–64**. *see also* environmental protection; public morality; public policy; security issues
 application of derogations, **821**
 arbitrary discrimination in derogations protecting, prohibition of, **838–40**
 civil liberties, **824**
 derogations in relation, **820**
 economic reasons, no derogation purely for, **825**
 effectiveness of measure to protect, **834–8**
 free movement balanced with other interests, **821–2, 827–8**
 globalisation and, **820**
 harmonisation and the internal market, non-economic interests in, **649–51**
 infringement proceedings as tool of, **335–8**
 least restrictive option requirement to protect, **840–6**
 necessity of measure to protect, **829–34**
 preservation of machinery of the State, **825**
 procedural fairness of measure to protect, **846–9**
 procedural principles for determining legitimacy of derogations, **821**
 protected goods, range and scope of, **820**
 protected under EU law, **822–7**
 public service and official authority, **858–64**
 public morality, **855–8**
 public policy, **855–8**
 harmonisation and the internal market, non-economic interests in, **649–51**
- infringement proceedings as tool of, **335–8**
 public security, order, and safety. *see* security issues
 public service and official authority, derogations for, **858–64**
 public versus private measures leading to import restrictions, **708–13**
- Qualified Majority Voting (QMV)
 by Council of Ministers, **14, 23**
 extension of, **26, 38**
 quantitative restrictions on imports. *see* import restrictions
- racial or ethnic origin
 equal opportunities law and policy, **598–600**
 positive or affirmative action programmes, **616–18**
- Reasoned Opinion in infringement proceedings, **349–51**
 recommendations and opinions (soft law), **116–19**
 recovery of unlawful state aid, **989–91**
 recycling, **723–4**
 reform of EU institutions. *see* institutional reform
- refugees. *see* asylum-seekers and refugees; international protection
- regional governments, state aid law, **982–3**
- regulated industries and professions. *see also* lawyers
 free movement of services and, **758–61**
 professional diplomas and qualifications, **796–802**
- Regulation 1/2003, **866**
 Regulations, direct effect of, **303**
- regulatory acts
 absence of implementing measures for, **391–3**
 other acts distinguished from, **389–90**
- regulatory agencies, independent, **80–2**
- regulatory authority over competition, **900–9**
 block exemption regulations, **947–9**
 case allocation, **905–6**
 Commission report on, **906–7**
 Commission’s role in, **903–4, 906–7**
 cooperation within ECN, **905–6**
 as deterrence-based enforcement ECN, **904**
 modernisation of competition enforcement, **900–3**
- NCA’s, **904, 906–7**
 negative and positive harmonisation, **908–9**
- regulatory competition, **651–5**
- reincorporation in another State, **811–17**
- religion or belief, equal opportunities law and policy, **600–2**
- remain in EU, individual’s right to, **507–11**
- remedies
 in competition enforcement proceedings by Commission, **887–8**
 against discrimination, **593–5**
 in national courts. *see* national courts
 recovery of unlawful state aid, **989–93**
- residence, right of. *see* free movement and residence of persons
- restriction of competition, notion of, **936–8**
- Returns Directive, **528, 548–51**
- right of access to documents. *see* transparency
- right of individuals to remain in EU, **507–11**
- right to effective judicial protection, **290, 296–300**
- right to hearing, **376–7**
- rights. *see also* Area of Freedom, security and Justice; civil rights; *entries at* free movement; family rights; fundamental rights; national courts
 of judicial process, **374–9**
 services, right to provide and receive, **775–7**
 of undertaking an occupation in another State, **789–90**
- ‘Roman’ legitimisation strategy, **22, 25, 32**
- Romania, accession to EU, **27**
- Rome, Treaties of (1957), **13–14**
- sanctions and penalties
 competition enforcement by Commission, **866, 887–8**
 deficit adjustment path, significant deviations from, **674–7**
 infringement proceedings imposing, **357**
 recovery of state aid, **989–93**
- Schengen Agreements, **26, 530**
- SEA (Single European Act), **18–20**
- search of premises in enforcement of competition law by Commission, **883–6**
- secondary establishment, **795–6, 811–17**
- security issues. *see also* Area of Freedom, security and Justice

- as defence to discrimination charges, [592](#)
 - frontier controls, [536–45](#)
 - non-EU nationals and national security, [535–6](#)
 - public goods claims and derogation of free movement, [855–8](#)
 - selectivity test for prohibited state aid, [982](#)
 - self-employment, [783–5](#)
 - self-sufficiency requirement for free movement and residence, [478–9](#)
 - selling arrangements
 - as import restrictions, [696, 724–7](#)
 - notion of, [727–9](#)
 - product rules distinguished, [727](#)
 - unequal effect of, [727–9](#)
 - separation and family rights, [503–4](#)
 - Serbia, application for EU membership, [28](#)
 - Services Directive, [736](#). *see also* free movement of services
 - administrative cooperation between Member States in, [778](#)
 - administrative simplification as aim of, [775](#)
 - on freedom of establishment, [781, 817–18](#)
 - purpose of, [773](#)
 - right to provide and receive services enshrined in, [775–7](#)
 - scope and application, [774–5](#)
 - sex and gender
 - employment discrimination, gender based, [596–8](#)
 - equal pay, [596–8](#)
 - part-time workers, discrimination against, [589–90](#)
 - sexual harassment, [589–90](#)
 - sexual orientation, equal opportunities law and policy, [609–10](#)
 - short-term residence (less than three months), [467](#)
 - sickness insurance. *see* health care; social assistance and benefits
 - significant economic activity in another State, [785–8](#)
 - Significant Observed Deviation procedure, [674–7](#)
 - significant observed deviations, sanctions due to, [674–7](#)
 - single currency, [658](#)
 - Single European Act (SEA), [18–20](#)
 - single market. *see* internal market
 - Six Pack, [41–3](#)
 - Slovakia, accession to EU, [27](#)
 - Slovenia's accession to EU, [27](#)
 - social assistance and benefits
 - applicants for international protection, and, [569–72](#)
 - conditions on free movement and residence rights regarding, [487–8](#)
 - definition of 'social assistance,' [488–9](#)
 - equal entitlement to, [487–8](#)
 - equal rights for non-EU national residents, [553–6](#)
 - free movement of services and, [735, 765–73](#)
 - integration requirement for entitlement to, [492–5](#)
 - material reception conditions for asylum-seekers and refugees, [568–9](#)
 - services and treatment provided abroad, [765–73](#)
 - 'unreasonable' request for social assistance, definition of, [489–90](#)
 - socio-cultural preferences, derogations of free movement due to, [824](#)
 - soft drink containers, recycling rules for, [723–4](#)
 - soft law (recommendations and opinions), [116–19](#)
 - sovereign debt crisis of 2009, [657, 663–5](#)
 - effect of, [3](#)
 - emergency measures in response to, [40–1](#)
 - enhancement of fiscal and economic governance, [41–3](#)
 - European Stability Mechanism (ESM), [40–1](#)
 - Fiscal Compact, [42](#)
 - increased power of European Central Bank (ECB), [43–4](#)
 - onset of, [38–44](#)
 - 'six-pack,' [41–3](#)
 - unfolding of, [40–1](#)
- sovereignty, state, [535–6](#)
- Spaak, Henri-Paul, [12](#)
- Spaak Report (1956), [12](#)
- Spain
 - accession to EU, [18](#)
 - Maastricht Treaty ratification, [25](#)
- standards
 - product rules. *see* product rules and standards
 - technical standards, harmonisation of, [644–6](#)
- standing requirements for judicial review, [388–97](#)
 - direct concern requirement, [390–1](#)
 - distinction between regulatory acts and other acts, [389–90](#)
 - implementing measures for regulatory acts, absence of, [391–3](#)
 - individual concern requirement, [393–7](#)
- non-privileged applicants (private parties), [389–97](#)
- privileged applicants, [388](#)
- semi-privileged applicants, [388](#)
- State agencies, infringement proceedings for acts and omissions of, [341–4](#)
- State Aid Action Plan of 2005, [971, 973–5](#)
- state aid framework test, [995–8](#)
- state aid law, [970–1007](#). *see also* enforcement of state aid law
 - advantage given to recipient, 'private investor test' for, [979–82](#)
 - amount of aid provided, [986](#)
 - bank rescues during global financial crisis, [1000–5](#)
 - Brexit and state aid law, [1006–7](#)
 - Brexit and state aid policy, [1005](#)
 - Commission enforcement by recovery, [989–93](#)
 - Commission framework test for, [995–8](#)
 - Commission policy on, [973–5](#)
 - Commission supervision of, [988–9](#)
 - competition law, relationship to, [971–3](#)
 - de minimis* rule, [988](#)
 - definition of state aid, [971, 975–6](#)
 - exemptions, [971, 993–1005](#)
 - framework test for authorisation of state aid, [995–8](#)
 - GBER, [998–1000](#)
 - geographical selectivity, [982–3](#)
 - internal market and, [971](#)
 - involvement of state, [979](#)
 - justifications for, [971–3](#)
 - material selectivity, [983–6](#)
 - notification/reporting requirements, [988–9](#)
 - private enforcement of, [991–3](#)
 - private party involvement in, [979](#)
 - recovery of unlawful aid, [989–91](#)
 - resources of State, commitment of, [976–9](#)
 - restriction of trade/competition, [983–6](#)
 - selectivity test, [982](#)
 - state aid law enforcement by recovery, [989–93](#)
 - state aid law supervision by, [988–9](#)
 - State Aid Modernisation of 2012, [971, 973–5](#)
- State liability doctrine, [290](#)
 - conditions of, [316–20](#)
 - emergence of, [314–16](#)
 - liability of judicial institutions, [320–2](#)
- State sovereignty, [535–6](#)
- statement of objections, in enforcement of competition law by Commission, [886–7](#)

- States Members of EU. *see entries at national*; Member States
 subsidiaries and parent companies, **919–21**
 subsidiarity
 Early Warning Mechanism, **135–7**
 introduction of, **22**
 and judicial review by Court of Justice, **383–5**
 subsidies. *see* state aid law
 supervisory powers of Commission, **78–80, 988–9**
 supranational model of EU political authority, **14–17**
 Sweden
 accession to EU, **27**
 EFTA membership, **17, 27**
 Switzerland
 autonomous adoption of EU law, **464–5**
 EFTA membership, **17, 27**
 taxation, free movement of services, **761–3**
 technical standards, harmonisation of, **644–6**
 territorial extension of EU law, **408, 463–4**
 TEU (Treaty on European Union). *see* Lisbon Treaty; Maastricht Treaty
 TFEU (Treaty on the Functioning of the European Union), **32**. *see also* Lisbon Treaty
 third parties, direct effect of Directives on, **307**
 third-country nationals. *see* non-EU nationals
 trade associations, decisions by, **928**
 trade restrictions. *see* free movement and residence of persons; free movement of goods; free movement of services; occupation undertaken in another State; public interest and public goods
 trade unions, **751, 805**
 transparency
 exceptions to right of access to documents, **104–9**
 principle of, **103**
 scope of right of access to documents, **103–4**
 treaties. *see also* Lisbon Treaty; Maastricht Treaty
 Amsterdam (1997), **25–6**
 Constitutional Treaty, **30**
 derogations due to public interest and public goods. *see* public interest and public goods
 EEC and EEC Treaty (Treaty of Rome, 1957), **13–14**
 Nice, **30**
 Paris (1952), **12**
 Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG), **42**
 Treaty on the Functioning of the European Union (TFEU), **32**. *see also* Lisbon Treaty
 trilogues, **124–8**
 TSCG. *see* Treaty on Stability, Coordination and Governance in the Economic and Monetary Union
 Turkey, application for EU membership, **28**
 UK. *see* United Kingdom
 Ukraine/EU Association Agreement ‘close and privileged links,’ **445–6**
 Deep and Comprehensive Free Trade Area (DCFTA), **446–8**
 institutional settlement, **448–50**
 market access under, **446**
 as model for post-Brexit UK/EU relations, **408, 445–6**
 Political Dialogue, **448**
 Ukrainian legislative alignment with EU law, **447**
ultra vires review, **231–5**
 undertakings, for purposes of competition law, **919–21**
 Unified Patent Court, **167**
 unions. *see* trade unions
 United Kingdom. *see also* Brexit
 accession to EEC, **17**
 differentiated integration, **23, 26**
 EFTA membership, **17**
 Maastricht Treaty ratification, **24**
 withdrawal from EU. *see* Brexit
 unity of EU law, **179–83**
 utilities. *see* public services
 U-turns
 as abuse of free movement of workers, **811–17**
 reincorporation in another State, **811–17**
 u-turns (travel between home State and host State)
 and family rights, **511–15**
 restrictions on free movement of persons, **495**
 vote, right to, **513–15**. *see also* elections
 welfare. *see* social assistance and benefits
 Wesseling, R., **875–8**
 Withdrawal Agreement (UK/EU)
 agreement on, **409**
 content of, **411**
 dispute resolution under, **417–19**
 governance of, **407, 414**
 Joint Committee, **414–16**
 Protocol on Ireland and Northern Ireland. *see* Protocol on Ireland and Northern Ireland (UK/EU)
 regular dialogue, **416–17**
 transition period, **407, 411–14**
 uncertainties over, **407**
 women. *see* sex and gender
 worker residents
 acquisition of status as, **552–3**
 non-EU nationals, **528, 551**
 workers, free movement of, **781**. *see also* occupation undertaken in another State
 WTO rules and no-deal Brexit, **457–60**