

INDEX

absolute rights, 189-190 Reform Treaty and, 134 ACP Group, 377-381, 391-392 Treaty of Lisbon and, 141 human rights and, 388 Arendt, Hannah, 261 Action Plan, Stockholm Programme, on equality, 263-264 84 - 85on human rights, 263, 283, 290 Action Plan on Asylum and Migration on inclusion, 265 Management, 249 on slavery, 266-268 adjudicative model, 163-164 on statelessness, 265-267, 273-274 Advocate General, 180-181 on universal rights, 287 African legal systems, 7 asylum, 140-141. See also Common AFSJ. See Area of Freedom, Security, European Asylum System and Justice function of, 237 agency in Greece, 249 citizenship and, 187-188, 190-193 harmonisation of laws, 242-243 history of, 236-237 definition, 189 human rights and, 245-246 humaneness and, 202-205 parameters for, 189, 198 humaneness and, 236-237, 254-259 Treaty of Lisbon and, 202-205 immigration and, 242-243 AGR. See Annual Growth Report in Italy, 249 Aikrich, 222 Price on, 237 AMISOM, 315-316 refugee law and, 241-244 Amnesty International, 249 rights, 245-247 Amsterdam Treaty, 137 asylum law, 258 Anker, 222 paradoxes of, 257 Annual Growth Report (AGR), 31-32 in practice, 247-254 annulment, 81-84 asylum seekers, 235-236, 259 anthropic principle, 399 ill-treatment of, 249 anthropoplassy, 395 Atalanta, 328 Area of Freedom, Security, and Justice austerity, 21-22, 48, 60-61, 72-73, 406 (AFSJ), 75, 406-407 in Cyprus, 61-62 Court of Justice and, 148-149 impact of, 55-56 designated chamber and, 151-154 Austria, 231 on fundamental rights, 84-85, 102 autonomy of Union law, 91-94 humaneness in, 152-154 Avramopoulos, D., 246 judicial protection in, 134-135 preliminary ruling procedure, Babbitt, Susan, 19 136-137, 152-154 Bangladesh, 342-344



418

banking crisis, 49-54

Bartels, L., 358

Baubock, R., 265

INDEX

Baumbast, 165-166, 216-217, 222 - 223Beer, Angelika, 309-310 Belarus, 360-361 Benhabib, Seyla, 286 Berlin Wall, 370 Besselink, L., 101 Bettray, 159-160 Bickel and Franz, 169-172, 175-178 bifurcation, 246-247 biometric identification, 211-212 Birthright Lottery, 286 Blitz, B., 273 Boethius, 199-201 Bonsignore, 221-222 Bouchereau, 221-222 Brazil, 357-358 British Nationality Act, 277-278 Broudy, H.S., 4-5 Brown, R. C., 342-343 Bruegel Report, 69 Buddhism, 19 building sector, 39 Bulgaria, 217, 226-227, 249-251 Bull, Hedley, 298-299 Calmfors, L, 65-66 Capability Development Plan, 331-332 Capability Improvement Conference, 330-331 capitalism, citizenship and, 183 Carens, J., 264-265 Caritas, 58-59 Carpenter, 169-172, 175-178, 223 CAT. See Convention Against Torture Cave, Andrew, 55-56

CCP. See Common Commercial Policy

CEAS. See Common European Asylum

Centre for Economic and Social Rights,

CFSP. See Common Security and

Chain of Command, 335-337

Foreign Policy

System

57-58

Charter of Fundamental Rights, 42, 77, 111, 134-135, 337-338, 370. See also fundamental rights Article 1, 351-352 Article 35, 115-116, 119, 128-129 Article 47, 78-79, 83-84 Article 53, 91-92 on discrimination, 227-228 ECHR and, 112-113 elevation of legal status of, 87 on human dignity, 255 incorporation of, 199-204, 284 Kokott on, 78-79 legal status, 80-81 prioritising, 79 Title IV, 55-56 Chen, 223, 270-271 China, 357-358 Chinese traditional culture, 5-6 Christianity, 199 citizens' rights, 86-87 Stockholm Programme and, 86-87 citizenship, 401-402, 407-408 agency and, 187-188, 190-193 Article 21 TFEU and, 196 capitalism and, 183 connecting factors, 190-193 critiques of, 204-205 economically inactive persons and, 164 equality and, 183, 187 EU Commission on, 269-270 expulsion, 220-221 free movement and, 155-158, 161-164, 229-232 fundamental rights and, 156 fundamental status of, 188-189 good, 351 human need and, 185 human rights and, 284 humanisation and, 156 immigration and, 194-195 internal markets and, 161-164, 185 Kostakopoulou on, 169 law, 45-46 liberalism and, 183-184 market, 182-185, 198-199 market integration and, 185



INDEX 419

migrant, 194-196 neediness and, 193-198 non-discrimination and, 187 participatory dimension of, 230 personalism and, 198-204 post-national conceptions of, 189-190 revoking, 278-279 Roma and, 209-210, 229-232 statelessness and, 268-275 static, 190-193 supranational, 269-270 traditional views on, 155-156 in United Kingdom, 276-277 value of, 161-164 welfare state and, 183 Citizenship Directive, 224-226, 228 CJEU. See Court of Justice CLS. See core labour standards CMR. See Critical Maritime Routes Coalition Government, 67-69 co-creation, 398 Code of Conduct, 311 COE. See Council of Europe Cold War, 370 collective labour agreements, 41 Collins, 169-170, 175-177 Cologne European Council, 326 Colombia, 359 colonialism, 376-377 Commission v Austria, 196 Commission v Germany, 222 Commission v Luxembourg, 181–182 Commission v Netherlands, 221-222 Commission v The Netherlands. 176 - 177Common Commercial Policy (CCP), 344 globalisation and, 345-346 common debates, 1-3 Common European Asylum System (CEAS), 241-242, 255-256 minimum standards, 244 mutual trust and, 248-249 second phase of, 244 common objectives, 389-392 Common Security and Defence Policy (CSDP), 301, 321, 329 human rights and, 339-340

Common Security and Foreign Policy (CFSP), 301 common values, 373-374 Commonwealth Immigration Acts, 2.77 communes, 178-179 community concept, 289 compassion, 4-5 competition law, 25 comprehensive approach, 295, 302-303 Comte, Auguste, 199-201 conditionality gap, 388 conflict, 10 Confucianism, 6-7 ethic-of-care and, 8-9 connecting factor, 190-193 Constitutional Treaty, 83, 133 construction sector, 42 consumer law directives, 123-124 Consumer Price Index (CPI), 57 Consumer Rights Directive, 123-124 Consumer Sales Directive, 123-124, 129 Contracting Parties to the Convention, 89-90, 96 Convention Against Torture (CAT), 362 Convention on Nationality, 276 Convention on the Rights of the Child (CRC), 362 Copenhagen European Summit, 299-300 Copenhagen School, 297–298 core labour standards (CLS), 352-353 co-respondent mechanism, 95-96 Cornuaille, 222 corporate approach, 4-11 correlativismus, 403-405 Costa, Jean-Paul, 89, 96-97 Cotonou Convention, 369-370, 376 Article 1, 383-384 Article 2, 383-384 revisions, 381, 385 Cottey, A., 301-302 Council Directive 2003/86/EC, 258 Council Directive 2008/115/EC, 144-145 Council Joint Action, 306-307



420 INDEX

Council of Europe (COE), 89, 98-99 Convention on Nationality, 276 on human rights, 370-371 Parliamentary Assembly, 48 Roma and, 208 Council Regulation 343/2003, 247 counter-piracy, 305-306 country strategy paper (CSP), 385 Court of Auditors, 66-67, 71-72 Court of Justice (CJEU), 23, 42, 44-45, 75, 80-82, 111-112, 261-262 AFSI and, 148-149 on cross-border health care, 116-123 on discrimination, 198-199 on Draft Accession Agreement, 96 on economic actors, 159-160 on economic freedoms, 26-27 on free movement, 177-178 human rights and, 88-89, 101-102 humaneness and, 148-149 on internal markets, 23-24 jurisprudence consistency, 153-154 on labour rights, 24 left-wing critique of, 23-24 in Libert, 180-181 on mutual trust, 93-94 Opinion 2/13, 75-76, 79, 91-94 on Patient Rights Directive, 116-123 preliminary ruling procedure and, 143, 147 re-organisation, 149-152 Rules of Procedure and, 142-143 specialised chamber of, 149-152 Treaty of Lisbon and, 79-80 CPI. See Consumer Price Index CRC. See Convention on the Rights of the Child criminal matters police and judicial cooperation in, 137-139 against Roma, 215 crisis management development, 323 fundamental rights and, 337-338 human rights and, 322-323, 338 military personnel in, 336-337 in Somalia, 328 stages of, 327-328

critical financial functions, 48-49 safeguarding, 49-54 Critical Maritime Routes (CMR), 310 critical social functions, 48-49, 406 Growth and Stability Pact and, 63-65 safeguarding, 49-54 cross-border health care, 116-123 CSDP. See Common Security and Defence Policy CSP. See country strategy paper Cyprus austerity in, 61-62 unemployment in, 60-61 Dano v Jobcenter Leipzig, 197-198 Dauvergne, Catherine, 257-258 Davis, Terry, 210-211 de facto statelessness, 271-272 de jure statelessness, 271 de Witte, B., 59-61 Decent Work Agenda (DWA), 352-353 promotion of, 354 Decent Work Communication, 354 Decision 1093/2012, 229 deep trade agenda, 348-349 default, 54 defence rights, 84-87 deficit reduction, 56-57 dehumanisation, 265-266 democracy, 375, 384 liberal, 267-268 Democratic Republic of Congo, 330-331 Dereci, 191-192 Derin, 222 derogating from free movement, 220 - 228Derrida, Jacques, 10 designated chamber AFSJ and, 151-154 preliminary ruling procedure in, 151 development, right to, 368-369, 376 developmental policy, 408-409 human rights and, 383, 386-387

humaneness and, 367-370, 376-383,

practical implementation of,

universal values and, 370-375

390-392

383-390



Dewey, J., 400-401	economic crisis, 35
Dhaka, 342-343	economic forecasting, 69
dialogue, 369-370, 381	economic freedoms
Diatta, 222–223	competition law and, 25
differentiation, 35	Court of Justice on, 26-27
dignity, 113-114, 240, 245-246, 255	free movement and, 26
Directive 96/71, 182	economic integration, 21-22
Directive 2003/109/EC, 190-194	Economic Partnership Agreements
Directive 2004/38, 165-166, 180-181	(EPAs), 386
Article 16, 195-196	economic rights, 55-62
Article 24, 195-196	troika and, 54–55
discrimination	economic suicides, 58
Charter of Fundamental Rights on,	economic values, 4-11
227–228	social values and, 2-3
Court of Justice on, 198-199	economically inactive persons,
against Roma, 212-213	164–166, 176–177, 193
Williams on, 246-247	citizenship and, 164
diversification, 35	free movement of, 166-167
domestic judiciaries, 146	EDA. See European Defence Agency
Donatella Calfa, 221–222	EEAS. See European External Action
Dougan, Michael, 180-181	Service
Douglas-Scott, Sionaidh, 99	El Salvador, 362
Douzinas, Costas, 10	Elchinov, 118–119
Draft Accession Agreement, 75-76,	embedded liberalism, 35-36
88-89, 91-92, 96	employment systems, 36-37
amendments to, 100	EMU. See European Economic and
Article 3(6), 96–97	Monetary Union
co-respondent mechanism in, 95-96	Enabling Clause, 355
Court of Justice on, 96	Enlightenment, 199-201
Explanatory Report, 100	EPAs. See Economic Partnership
involvement procedure, 95-96	Agreements
renegotiating, 99-100	equality
revisions to, 89-90	Arendt on, 263-264
treaty change, 101	in Article 18 TFEU, 189-204
drones, 324. See also unmanned	citizenship and, 183, 187
systems	Locke on, 264-265
Dublin Regulation, 251	migrant citizens and, 194-196
Dunne, T., 351	Orwell on, 263-264
DWA. See Decent Work Agenda	personhood and, 203
Č	of Roma, 231-232
EBA. See Everything-But-Arms	Thucydides on, 266-267
ECHR. See European Convention of	ERRC. See European Roma Rights
Human Rights	Centre
economic actors	ESDP. See European Security and
Court of Justice on, 159–160	Defense Policy
definitions of, 159-160	ESM. See European Stability
in free movement, 164, 167	Mechanism
human need and, 158-161	ESS. See European Security Strategy



422 INDEX

ethic-of-care futures for accession, 98-99 Confucianism and, 8-9 Kokott on, 99 jen and, 7-9 obstacles to accession, 91 ethics prior involvement procedure, 96-97 Levinas on, 4-5 Protocol 4, 228 of responsibility, 350-351 Protocol 8, 101 unmanned systems, 323-326 Protocol 14, 88 EU. See European Union Protocol 16, 94 EU Commission, 30-31 renegotiation, 99-100 on accession, 98 European Convention on Nationality, Annual Growth Report, 31-32 266 on citizenship, 269-270 European Defence Agency (EDA), on growth, 347-348 320 - 321GSP and, 360-361 Capability Development Plan, on Independent Fiscal Agency, 331-332 66-67 defence capabilities outlined by, EU Framework for National Roma 331-332 Integration Strategies, 230-231 goals of, 331 EU Independent Fiscal Institution permanent structured cooperation (EUIFI), 70-72 and, 332-333 benefits of, 70-71 Treaty of Lisbon and, 332-333 form of, 71-72 European Defence Community, 326 eu zen, 394-395 European Development Fund, 383-384 EUIFI. See EU Independent Fiscal European Economic and Monetary Institution Union (EMU), 28-29 EUNAVFOR, 306-309, 317 European Economic and Social EuroGroup, 70 Committee, 231 Europa Roma Rights Centre, 239-240 European Economic Community, Europe 2020 Strategy, 55-56 18 - 19European Arrest Warrant, 144-145 European External Action Service European Capability Plan, 330-331 (EEAS), 309, 384-385 European Central Bank, 30-31 European Grouping of Territorial European Citizens' Initiative, 74 Cooperation, 45–46 European Commission, 312 European Investment Bank, 383–384 Humanitarian Aid department, 314 European Parliament on Human Rights European Consensus, 381 and Implications of the Usage of European Consensus on Development, Drones and Unmanned Robots in 381 Warfare, 341 European Convention of Human European Roma Rights Centre (ERRC), Rights (ECHR), 79, 111, 114, 207 223-224, 337-338. See also human European Security and Defense Policy (ESDP), 299-300 rights abandonment of accession to, 99 human rights and, 340 Article 57, 96 European Security Strategy (ESS), 297, Charter of Fundamental Rights and, 301, 334-335 112-113 European Semester, 31-32 desirability of, 88-91 European Social Charter, 228 EU accession to, 87-88 European Social Model, 25-28



INDEX 423

European Stability Mechanism (ESM), 48 - 49default under, 54 European trade unions, 39-42 European Union (EU). See also citizenship common debates, 1-3 critiques of, 1-2 ECHR accession, 87-88 human face of, 301-303 humaneness in, 11 law in, 12 normative commitments, 25 popular perceptions, 1-3 poverty risks in, 58-59 social market economy in, 20 EuroSummit, 70 Eurozone, 393-394 Evans, Andrew, 204 Everson, Michelle, 198-199 Everything-But-Arms (EBA), 357-358 exchange programmes, 44 Explanatory Report, 100 expulsion, 211-212, 214-215 external policies, 13-14

Fabbrini, S., 72 Falco, Valentina, 338-339 Fassin, Didier, 368-369 on humanitarianism, 369 Federation of Small Businesses, 55-56 feminism, 7-8, 405 Ferreira, Nuno, 74, 394 Ferry, 108-109 financial sector, 53-54 financial stability, 121 fingerprinting, 210-211 Finnish trade unions, 40-41 Fiscal Compact of the EU, 63-65, 67, 70, 404-405 on Independent Fiscal Agency, 66-67 fiscal reforms, consequences of, 57-58 fiscal surveillance, 30-31 Flanders, 179-180 subsidies in, 180-181 Flemish Decree, 178-179 floor of rights, 11

Foffi, Filippo Maria, 253-254 food standards, 124-126 Force Headquarter, 307 Förster, 195-196 Framework Convention of the Protection of National Minorities, France nationalism in, 212-213 Roma in, 211-215 Franck, Thomas, 397 free movement, 20-21, 407-408 Article 21 TFEU and, 172 in Article 45 TFEU, 190 breachability of, 170-171, 175-178 citizenship and, 155-158, 161-164, 229-232 Court of Justice on, 177-178 derogating from, 220-228 economic actors in, 164, 167 economic freedoms and, 26 of economically inactive persons, 166-167 as fundamental right, 157-158, 175-178 fundamentalisation of, 165-168 human need and, 156-157, 174-175 humaneness and, 174-175 humanisation of, 165-174 in internal market, 168-174 justification of breaches, 178-182 labour markets and, 35-36 legitimising, 165-168 policies, 139-141 protection of, 167 recognition of, 159-160 Regulation 1612/68 and, 159-160 Roma and, 209-210, 215-228 transitional periods, 217 free trade, 347-348 free trade agreements (FTAs), 354 Freedom of Association, 358-359 Frontex, 243, 252-253 FTAs. See free trade agreements functional mailboxes, 148 fundamental rights, 166-167, 407. See also Charter of Fundamental Rights; human rights



> INDEX 424

fundamental rights (cont.) AFSJ on, 84-85, 102 citizenship and, 156 crisis management and, 337-338 free movement as, 157-158, 175-178 health care and, 113-115 human flourishing and, 110-113 litigating, 79-81 types of, 111 gap-filling for defence rights, 84-87 judicial protection, 81-84 Gaspard database, 214 GATT. See General Agreement on Tariffs and Trade Genealogy of Morals (Nietzsche), 404-405 General Agreement on Tariffs and Trade (GATT), 355 General Principles of Union, 77-79 Generalised System of Preferences (GSP), 342-344 as developmental safety net, 362-363 EU Commission and, 360-361 human rights and, 359 overview, 352-358 preferences granted by, 359-360 problems with, 358-364 special arrangements under, 356 success of, 362-363 tariffs under, 345-346, 357-358 vulnerability requirements, 357-358 withdrawal procedure, 360-361 Geneva Conventions, 341 Georgetown Agreement, 377 Geraets-Smits and Peerbooms, 117-118 Geven, 173, 176-177 Gilligan, Carol, 7-8 Glinos, I. A., 123 global financial crisis, 51, 56-57 Saiz on, 64-65 social rights and, 59-61 welfare rights and, 59-61 Global Sustainability Compact (GSC), 342-344 globalisation

Williams on, 365 World Commission on, 352-353 golden mean, 6 good citizen, 351 good life, 199-205 goodness, 374-375 governance, 32-33 Grass, Günter, 233-234 Greece, 52, 57-58 asylum in, 249 public debt in, 72 Grotius, Hugo, 237 growth, 347-348 Growth and Stability Pact critical social functions and, 63-65 demonstration of compliance with, 63-65 Grundmann, Stefan, 105-106 Grzelczyk, 165-166, 175-177, 216-217, 284-287 GSC. See Global Sustainability Compact GSP. See Generalised System of Preferences Guild, Elspeth, 270-271 Gül, 222 Gulf of Aden, 312 Guterres, António, 251-252 Hageman, R., 65-66 Hague Programme, 85-86 failures of, 86-87 Hammarberg, Thomas, 290-291 Hartmann, 173, 176-177 Hashi, Mahdi, 280 Hathaway, James on refugee law, 238-239 on refugee rights, 239-240 Hatzopoulos, V., 122 health care cross-border, 116-123

CCP and, 345-346



INDEX 425

higher education, 44 fee regimes, 44-45 social governance constitution and, 42 - 46Hintermeier, S., 301-302 HIV/AIDS, 301-302, 367-368 Horn of Africa, 312 Horvath and Kiss v Hungary, 231-232 Huber, 166-167, 222 Human Development Report, 367 human dignity, 9-10, 246, 256-257 Charter of Fundamental Rights on, 255 human flourishing, 110-113 human need citizenship and, 185 conflicting, 174-175 economic actors and, 158-161 free movement and, 156-157, 174-175 human rights, 2-11, 246. See also European Convention of Human Rights; fundamental rights ACP Group and, 388 Arendt on, 263, 283, 290 asylum and, 245-246 citizenship and, 284 conditionality, 347-348, 350, 357-358 Court of Justice and, 88-89, 101-102 crisis management and, 322-323, 338 CSDP and, 339-340 developmental policy and, 383, 386-387 dialogue in, 369-370, 381 dialogues on, 386-388 ESDP and, 340 in European Consensus, 381 European Council on, 370-371 GSP and, 359 humaneness and, 109-110, 256-257 humanism and, 108-109 inalienable, 283 interconnectedness and, 19 Lomé Convention and, 379 mainstreaming, 322-323, 339-340 obligations, 335 optimalisation of, 107-108

private law and, 107-109 protection of, 109-110 self-governance and, 19 slavery and, 266-267 statelessness and, 263-264 universality of, 107-109 unmanned systems and, 321-322 Williams on, 350-351 after World War II, 239-240 Human Rights Group, 60 Human Rights Watch, 250-251 human-centredness, 4 humaneness, 4, 13-14, 408-411 in AFSJ, 152-154 agency and, 202-205 assessment of, 11-14 asylum and, 236-237, 254-259 Broudy on, 4-5 Court of Justice and, 148-149 definition, 4-5, 235-236 developmental policy and, 367-370, 376-383, 390-392 in EU, 11 free movement and, 174-175 goodness and, 374-375 history of, 236-241 human rights and, 109-110, 256-257 interaction and, 19-20 international security and, 295, 316-317 Levinas on, 4-5 in preliminary ruling procedure, 152 - 154private law and, 107-109, 115-116 socio-economic constitution and, 18 - 21socio-economic integration and, 18 Western ethics and, 4-5 human-in-the-loop systems, 324 humanisation, 9-10, 411 citizenship and, 156 of free movement, 165-174 humanism, 14, 394-396 definition, 395 human rights and, 108-109 Kostakopoulou on, 116 non-metaphysical, 10



426

humanism (cont.)

INDEX

polarity and, 396-397 universalist, 107-109 humanitarianism, 314 refugee law and, 239, 257-258 human-out-of-the-loop systems, 324 ICCPR. See International Covenant on Civil and Political Rights ICESCR. See International Covenant on Economic, Social and Cultural Rights idealisation, 4-5 identification papers, 272 IfS. See Instrument for Stability IHL. See international humanitarian law Iida, 177-178 illegal status, 273-274 ILO. See International Labour Organisation IMF. See International Monetary Fund immigration, 140-141, 217 asylum and, 242-243 citizenship and, 194-195 IMO. See International Maritime Organization In a different voice (Gilligan), 7-8 inclusion, 265 Independent Fiscal Agency, 65-69 EU Commission on, 66-67 Fiscal Compact of the EU on, 66 - 67individual rights, 11 individualism, 399-400 individuals, 4-11 as ends in themselves, 399 Inga Rinau, 145 institutional givenness, 398 institutional layering, 398

Instrument for Stability (IfS), 309-310,

317-318

interaction, 19-20

interconnectedness

18 - 19

human rights and, 19

social interpretation of, 20–21 socio-economic constitution and,

Intergovernmental Conference, 83 intergovernmentalism, 394-395 internal frontiers, 241 internal market, 20-21, 168-174 citizenship and, 161-164 Court of Justice on, 23-24 European Social Model and, 27-28 hard law of, 23-24 left-wing critique of, 24-25 neoliberalism and, 22-28 International Convention on the Elimination of All Forms of Racial Discrimination, 228 International Convention on the Suppression and Punishment of the Crime of Apartheid, 357 International Covenant on Civil and Political Rights (ICCPR), 362 International Covenant on Economic, Social and Cultural Rights (ICESCR), 114-115 international debts, 51-53 International Donor Conference on Somalia, 315-316 international humanitarian law (IHL), 321, 341 International Labour Organisation (ILO), 60, 342-344, 359 CLS promoted by, 352-353 International Maritime Organization (IMO), 304-305 International Monetary Fund (IMF), 30-31, 72-73 International Public Sector Accounting Standards, 72 international refugee law, 240-241 international security, 408-409 humaneness and, 295, 316-317 theoretical background, 296-298 interplay, 77-79 involvement procedure, 95-96 Italy asylum in, 249 Roma in, 210-211 James, William, 410



INDEX 427

Jipa, 163–164, 223
Jones, Philip, 309
judicial cooperation, 137–139
judicial protection
in AFSJ, 134–135
maintenance of gaps in, 81–84
Stockholm Programme and, 81
justice, 4–5, 7–8
Justice and Home Affairs, 137

Kaczorowska, Alina, 119 Kampala, 315-316 Kant, Immanuel, 371 Kaur, 270-271, 277-278 Keukeleire, Stephan, 301-302 Keynes, M. J., 403 Khaliq, Urfan, 350-351 Kilpatrick, Claire, 59-61 King, T., 382 Kirchner, E., 302 Knox, Katharine, 240-241 Kohll, 117-118 Kokott, A. G., 91-92, 94, 406-407 on Article 344 TFEU, 95 on Charter of Fundamental Rights, 78 - 79on ECHR, 99 Kostakopoulou, Dora, 74 on citizenship, 169 on humanism, 116 on Maastricht Treaty, 165

labour constitutions, 34–36 labour markets, 21 exclusion from, 36–37 free movement and, 35–36 self-regulation of, 39–42 transnational, 39–42 labour rights, 342–344 in Bangladesh, 342–344 Court of Justice on, 24 human rights and, 349–350 Laval quartet, 39–40, 42 law in EU, 12 as tool, 12

values and, 3

Kushner, Tony, 240-241

LDCs. See Least Developed Countries League of Nations, 238-239 Least Developed Countries (LDCs), 357-358, 362-363 LeBlond, Patrick, 63-64 Lebon, 169-170 legality, 323-326 Legality of the Threat or Use of Nuclear Weapons, 325 Levinas, Emmanuel ethics, 4-5 on humaneness, 4-5 liberal democracy, 267-268, 398 liberalism citizenship and, 183-184 Heater on, 184 Libert, 156-157, 172-173, 178-179 Court of Justice in, 180-181 libertarianism, 110, 121 liberty, 375 Llewellyn, K. N., 402-403 Locke, John, 264-265 locus standi requirements, 136 Lomé Convention, 376-377 human rights and, 379 opposition to, 377-378 Lomé II, 378-379 Lomé III, 378-379 Lomé IV, 378-379 low-income households, 57 Lucien, Arnaud, 273 Luisi and Carbone, 171-172 Luxembourg, 149-150, 181-182

Maastricht Treaty, 28–29, 72, 111–112, 155–156, 222–223, 245
Kostakopoulou on, 165
Maci, M., 180–181
Mackenstein, H., 302
MacNaughtan, Jennifer, 301–302
macroeconomic surveillance, 30–31
Madrid bombing, 85–86
Maduro, Miguel Poiares, 166–169
Magaro, P., 69
Mahoney, Paul, 89
mainstreaming, 322–323, 339–340
maintenance grants, 44
Mak, Vanessa, 104–105



428

Malmström, Cecilia, 246, 255 Manners, Ian, 295-296, 316-318 substantive normative principles, 299-300 Mare Nostrum, 252-253 maritime piracy, 295-296, 303-305 counter-piracy, 305-306 recommendations for addressing, root causes, 312-317 Maritime Security Centre: Horn of Africa (MSCHOA), 307-308, 317 - 318maritime transit, 306-309 market citizenship, 182-185, 198-199 market determinism, 21-22 market integration, 185 Marsh, S., 302 Martinez Sala, 165-166, 175-177 Marx, Karl, 400-401 Marxism, 19 Maupain, F., 349-350 McCarthy, 191-192 MDG. See Millennium Development Goals medical device standards, 124-126 Melloni case, 91-92 Memoranda of Understanding, 30, 53 Memorandum of Economic and Financial Policies, 59-61 mental integrity, 113-114 Micheletti, 261-262, 288 migrant citizens, 194-196 military actors, 323, 326-328 military personnel, 336-337 Millennium Development Goals (MDG), 367-368, 373-374, 383-384, 390-391 Mody, Ashoka, 72-73 Mogadishu, 316 moral hazard, 63-64 morality, unmanned systems, 323-326 Morijn, J., 98 MRAX, 221-222 MSCHOA. See Maritime Security Centre: Horn of Africa MSS v Belgium and Greece, 247-248

Mückenberger, Ulrich, 9–10
Muižnieks, Nils, 250–251
Muller-Fauré and Van Riet,
117–118
Multilateral Economic Co-ordination
and Surveillance, 49
mutual trust
CEAS and, 248–249
Court of Justice on, 93–94
Myanmar, 360–361

INDEX

Naert, Frederik, 338-339 Nansen, F., 238-239 Nansen International Office for Refugees, 238-239 Nation State, 260 National Health Service (NHS), 118-119, 273-274 National Roma Integration Strategies, 209-210 nationality, 260 statelessness and, 289 Nationality, Immigration and Asylum Act 2002, 279 Nazism, 52 neoliberalism, 17-18, 21-22, 373 internal markets and, 22-28 social policy and, 17-18 new economic governance, 28-33 definition, 29-30 fiscal surveillance, 30-31 macroeconomic surveillance in. 30 - 31social values and, 32-33 socio-economic policy and, 30-31 structural deficits, 33-34 technocratic style of, 30-31 NHS. See National Health Service NicShuibhne, Niamh, 168-169, 180-181, 226 Nietzsche, F., 404-405 Noll, Gregor, 242-243 Nomad Emergency, 210-211 non-discrimination, 190-191 in Article 18 TFEU, 189-204 citizenship and, 187 non-metaphysical humanism, 10 non-refoulement, 251



Normative Power Europe (NPE),	pluralism, 351
295–296	Pogge, Thomas, 368, 392
Nussbaum, Martha, 9–10	Poland, 138
	polarity, 396–397
OBR. See Office for Budget	police cooperation, 137–139
Responsibility	Political and Security Committee
Office for Budget Responsibility (OBR),	(PSC), 335–336
67–69	political personalism, 198-203
O'Flynn, 158–159	political will, 138
Ohlin Report, 21–22	popular perceptions, 1–3
OHQ. See Operational Headquarter	posting of workers, 39-42
Operation Commander, 335–336	poverty, 392
Operation Plan, 335-336	elimination of, 368
Operational Headquarter (OHQ), 307	in EU, 58–59
Orfanopoulos, 170-173, 222	global rates of, 367
original violence, 10	reduction of, 372-373
The Origins of Totalitarianism	risk calculation, 58
(Arendt), 262–263, 283	Povse, 145
Orwell, George, 263-264	preliminary ruling procedure, 79-80,
-	142, 149, 407
Pakistan, 357–358	in AFSJ, 136-137, 152-154
palingenesis, 393-394	Article 267 TFEU and, 145-146
Palm, W., 123	Court of Justice and, 143, 147
Pang-White, 8–9	in designated chamber, 151
partnership programs, 31	domestic judiciaries, 146
patient mobility, 120	functioning, 151–152
financial stability and, 121	humaneness in, 152-154
Patient Rights Directive, 106, 122,	limitations, 152
128–129	national courts, 145
Court of Justice on, 116-123	urgent, 143-144
patients, 129	usual, 144–148
pension systems, 36–37	Price, Matthew, 237
personalism	principle of proportionality, 222-224
citizenship and, 198-204	prior involvement procedure, 96-97
philosophical, 198-203	private law
political, 198–203	definition, 104–105
theological, 199–201	health care and, 115-116
types of, 199-201	human rights and, 107-109
personhood, 202-203	humaneness and, 107-109, 115-116
equality and, 203	relationships, 105
Petersberg tasks, 327	private universities, 44–45
pharmaceutical standards, 124-126	procedural rights, 86–87
philosophical personalism, 198–203	Product Liability Directive, 106,
physical integrity, 113-114	115–116, 127, 129
Piebalgs, Andris, 368	Protocol on Permanent Structured
Pieck, 221-222	Cooperation, 332–333
Pietro Infusino, 224–226	PSC. See Political and Security
Pisani-Ferry, J., 69	Committee



430

Psychogiopoulou, E., 59–61 public debt, 72 public finances, 51–53

Qualification Directive, 243-244, 258

racism, 231–232 radicalised decoupling hypothesis, 21–22 Rana Plaza, 342–343

real link case law, 195–196

establishment of, 198

ReCAAP. See Regional Cooperation Agreement on Combating Piracy and Armed Robbery

Recast Qualification Directive, 243–244

Reception Directive, 259 Red Cross, 57–58

Reform Treaty, 133, 137, 148-149

AFSJ and, 134

Refugee Convention, 240-241

refugee law

asylum and, 241-244

Hathaway on, 238-239

humanitarianism and, 239, 257-258

international, 240-241

statist-driven view of, 239-240

refugee rights, 240

Hathaway on, 239-240

refugees, 235-236

ill-treatment of, 249

solidarity and, 246

Syrian, 249–250, 252–254

Refugees In An Age Of Genocide
(Kushner and Knox), 240–24

(Kushner and Knox), 240–241 Regional Advisory Boards of Romani

Affairs, 231

Regional Cooperation Agreement on Combating Piracy and Armed

Robbery (ReCAAP), 304-305 regional trade agreements (RTAs), 355

Regulation 472/2013, 404–405

Regulation 883/2004, 117

Regulation 1408/71, 117, 123

Regulation 1612/68, 158-159

free movement and, 159–160

INDEX

relativismus, 403-405

Renaut, A., 108-109

responsible agents, 202-203

Retail Price Index (RPI), 57

Reverence for Life, 4

reverse discrimination, 190-191

Rifkin, Jeremy, 4

right to development, 368-369, 376

Rittel, Horst, 347

Roadmap, 84–85

Roma (people), 206–207, 407–408

biometric identification of,

211-212

citizenship and, 209-210, 229-232

Council of Europe and, 208

crimes against, 215

discrimination against, 212-213

equality of, 231-232

essentialism and, 206

fingerprinting of, 210-211

in France, 211-215

free movement and, 209-210,

215-228

history of, 207

in Italy, 210-211

migration, 210–215 persecution of, 207–208

population, 206

as umbrella term, 206

Romania, 217, 226-227

Romanticism, 199-201

Rome, 267

Rottmann, 261-262, 288, 290-291

Royer, 221-222

RPI. See Retail Price Index

RTAs. See regional trade agreements

Rubio-Marín, R, 288–289

Ruiz Zambrano, 177-178, 191-193

rule of law, 282

Rules of Engagement, 335–336

Rules of Procedure

amendments to, 142 Article 23a, 146

Article 108, 147

Court of Justice and, 142-143

Treaty of Lisbon and, 141-143

Russia, 375

Rutili, 221-222



safety standards, 124-126	social subjectivism, 399-400
Sähköalojen ammttillitto, 40–41	social values, 4-11, 32-33
Saiz, Ignacio, 64-65	economic values and, 2-3
Sawyer, C., 273	new economic governance and,
Scharpf, F., 24–25	32–33
Scheinin M., 98	societal security, 297-298
Schuman declaration, 18-19	societies, 398–401
Schweitzer, Albert, 4	socio-economic constitution
self-governance, 19	humaneness and, 18-21
self-regulation of labour markets,	interconnectedness and, 18-19
39–42	socio-economic integration, 18
Sen, Amartya, 9–10	soft law, 33-34
sensus humanitatis, 409-411	soft-wired empathic civilisation, 4
September 11th, 2001, 85-86	solidarity, 113–114, 351
SGP1. See Stability and Growth Pact	refugees and, 246
al-Shabaab, 315-316	SOLVIT, 229
Shachar, A., 286	Somalia, 305
Sharpston, A. G., 192-193, 198	aid to, 306-307
Single European Act, 242-243, 245	crisis management in, 328
Single Resolution Mechanism, 49-54	structural conditions, 313
Single Supervision Mechanism,	sovereign debt crises, 49-54
49–54	responses to, 51–53
Skouris, Vassilios, 89, 96-97,	Spaak Report, 21–22
133–134	Spain, 57–58, 231
slavery	Sri Lanka, 362–363
Arendt on, 266–268	Stability and Growth Pact (SGP1),
human rights and, 266-267	31–32, 49, 63–64
as institution, 267	context to, 64
in Rome, 267	Multilateral Economic Co-
statelessness and, 267-268	ordination and Surveillance, 49
Smith, Karen, 299-300	stakeholder principle, 265
social evolution, 399	standing for individuals, 81-84
social governance constitution	stateless, 261
concept of, 37-38	statelessness, 261, 282-290, 407-408
higher education and, 42-46	Arendt on, 265-267, 273-274
practical relevance of, 39	citizenship and, 268-275
value basis for, 42-44	de facto, 271-272
social market economy, 20	de jure, 271
social policy	dehumanisation and, 265-266
economic integration decoupled	demographics, 268-269
from, 21–22	freedom of movement, 274-275
neoliberalism and, 17-18	human rights and, 263–264
re-nationalisation of, 34-36	nationality and, 289
social rights, 36-37, 55-62	political rights and, 274–275
global financial crisis and, 59-61	slavery and, 267-268
troika and, 54–55	types of, 271
social safety nets, 58-59	status aug. 267, 269
social solidarity, 110, 121, 176–177	status quo, 267–268 Stiglitz Commission Report, 54–55



432

INDEX

stimulus packages, 54-55 Stockholm Programme, 76, 84-85 Action Plan, 84-85 citizens' rights and, 86-87 goals of, 85-86 judicial protection and, 81-84 Roadmap, 84-85 Strasbourg Court, 247-248 structural reforms, 31 consequences of, 57-58 suicides, 58 superpowers, 299-300 supranational citizenship, 269-270 sustainable development, 55-56 symbiopolitics, 401-403 Syrian refugees, 249-250, 252-254 Syriza, 72-73

Tampere Extraordinary European Council, 245-246 Tampere Program, 85-86 Tarakhel v Switzerland, 93-94 targeted killings, 324 tariffs, 345-346, 357-358 TCNs. See third-country nationals Temporary Protection Directive, 251-252 terrorism, 281-282 TEU. See Treaty on European Union TFEU. See Treaty on the Functioning of the European Union theological personalism, 199-201 Theophanous, A., 48-49 third-country nationals (TCNs), 76 Thucydides, 266-267 tort law, 7-8 Trade, Growth, and Development Communication, 347-348 Trade, Growth, and World Affairs Communication, 363-364 trade liberalisation, 348-349 trader, 171-172 translation, 146 transnational labour markets, 39-42 transport sector, 39 Treaty of Lisbon, 12, 74-76, 82-83, 137, 344, 371, 406-407 AFSJ and, 141

agency and, 202-205 Article 35 TEU and, 139 Article 267 TFEU and, 145 Court of Justice and, 79-80 EDA and, 332-333 evaluation of, 141-143 fundamental rights framework, 77 - 79hierarchy and, 77-79 interplay and, 77-79 litigation of fundamental rights, 79 - 81prospects after, 77 Rules of Procedure, 141-143 Treaty of Rome, 158, 376-377 Article 2, 158 Treaty on European Union (TEU), 117, 245 Article 2, 246, 351-352 Article 4(30), 95 Article 6, 134-135, 338-339 Article 6(2), 101 Article 19(1), 83-84 Article 35, 138-139 preamble of, 19-20 Title VI, 137–139 Treaty on Stability, Coordination and Governance, 63-65 Treaty on the Functioning of the European Union (TFEU) Article 3, 32-33, 42-44 Article 6, 78-79, 88 Article 9, 42-44 Article 18, 165-166, 189-204, 220 - 221Article 20, 161 Article 21, 128–129, 162–163, 165-166, 168-169, 172, 192-193, 196 Article 22, 161 Article 23, 161 Article 24, 161 Article 24(2), 194-196 Article 45, 158-159, 168-169, 173, 190 Article 45(2), 169-170 Article 47, 26-27

Article 56, 159-160, 169-170



INDEX 433

Article 67, 84-86 Article 119, 28-29, 32-33 Article 126, 30 Article 153, 26-27, 37-38 Article 165, 37-38, 45-46 Article 175, 45-46 Article 208(1), 372 Article 218, 98-99 Article 263(4), 74, 81-83, 136 Article 267, 136, 141, 145-146 Article 344, 95 Tridimas, Takis, 80-81 Tripartite Social Summit, 31–32 troika, 53-54, 70-71 economic rights and, 54-55 financial sector restructuring by, 53-54 social rights and, 54-55 Tsakouridis, 224-226 Two Pack arrangements, 64 UAVs. See unmanned aerial vehicles ubuntu, 7-9, 110, 405 UC. See Union Citizenship UDHR. See Universal Declaration of Human Rights UMS. See Unmanned Maritime Systems UN Committee on the Elimination

of Racial Discrimination, 213 - 214UN General Assembly, 387-388 unemployment, 60-61 Unfair Terms Directive, 123-124, 129 UNICEF, 211 Union Citizenship (UC), 261-262. See also citizenship fundamentality, 286-287 Union goods, 171-172 United Kingdom, 237-238 citizenship in, 276-277 nationality, 277-282 United Nations Development Programme, 367 Universal Declaration of Human Rights (UDHR), 114-115, 373

universal rights, 374-375 Arendt on, 287 critics of, 289-290 universal taxes, 61-62 universal values, 370-375 universalist humanism, 107-109 unmanned aerial vehicles (UAVs), 319, 325-326, 408-409 Unmanned Maritime Systems (UMS), 320-321 unmanned systems development of, 328-334 ethical concerns, 323-326 human rights and, 321-322 human-in-the-loop, 324 human-out-of-the-loop, 324 legal concerns, 323-326 moral concerns, 323-326 relevance of, 328-334 unperson status, 262-263, 275-277

Valette, M.-F., 358 Van Duyn, 221–222 Van Gend en Loos, 154, 287–288 VAT, 61–62, 72–73 Vattel, Emer de, 237 Vego, Milan, 305 Vetik, R., 269–270 Vevstad, Vigdis, 241–242 visas, 140–141

Watts, 118-119, 175-176

weapons of mass destruction (WMD), 301 welfare, 55-56 citizenship and, 183 rights, 59-61 state, 183 wicked problems, 347-348 Williams, Andrew on discrimination, 246-247 on globalisation, 365 on human rights, 350-351 Wishart, Pete, 278-279 WMD. See weapons of mass destruction Wolff, G. B., 69 World Bank, 342-343

Article 14, 245

Article 14(1), 243-244



434

World Commission, 352–353
World Development Report, 342–343
World Food Program, 306–307, 328
World Poverty and Human Rights
(Pogge), 368
World Trade Organization (WTO), 356
World War II, 239–240

Wren-Lewis, S., 65–66 WTO. See World Trade Organization

Yaoundé Convention, 376-377

Zambrano, 270–271 Zielonka, J., 365 Zwanenburg, M., 338–339