DETAILED CONTENTS

	Preface	xii
	Acknowledgments	XV
	Table of Cases	xvii
	Table of Legislation	xl
	Amsterdam Treaty Table of Equivalence	xlvii
	Note on the Citation of Articles of the Treaties in Court Publications	lvii
	Abbreviations	lix
PART I	The Constitutional Law of the EU	1
1	The Evolution of the European Union	3
SECTION 1:	Introduction	3
2	The Sources of the Law	33
SECTION 1:	The Treaties	34
SECTION 2:	Legislation	42
	A: Legislation in the European Union	42
	B: The legislative process	45
	c: The principle of attributed competence	59
CECTIONIA	D: Reasoning Compared Dring simbon of Compared its Loss	68 71
SECTION 3:	General Principles of Community Law A: Proportionality	7 I 71
	B: Fundamental rights	78
	c: Technique	88
3	The Nature of Community Law: Supremacy	99
SECTION 1:	Supremacy	99
SECTION 2:	Direct Applicability	103
SECTION 3:	Pre-emption	104
4	The Enforcement of Community Law: 'Dual Vigilance'	109
- ·	Dual Vigilance	109
	Control at Community Level	111
	A: The nature of Article 226	111
	B: The effectiveness of Article 226	114
	c: Complaining to the Commission	121
SECTION 3:	Control at National Level	122
	A: The criteria governing direct effectB: Direct effect as a policy choice	123 128
	c: Procedure and remedies	131
5	The Direct Effect of Directives	141
SECTION 1:	Establishing the Principle	141
SECTION 2:	Curtailing the Principle	144
SECTION 3:	The Scope of the Principle: the State	149
SECTION 4:	'Incidental Effect'	152

SECTION 5: The Principle of Indirect Effect, or the Obligation of 'Conform interpretation'	159
6 State Liability	167
7 Article 234: The Preliminary Reference Procedure	187
SECTION 1: The Purpose of Article 234	187
SECTION 2: The Separation of Functions	188
SECTION 3: The Effect of an Article 234 Ruling	199
SECTION 4: Bodies Competent to Refer	200
SECTION 5: The Obligation to Refer and the Doctrine of <i>Acte Clair</i>	203
SECTION 6: The Power to Refer	207
SECTION 7: The Court's Notes for Guidance	209
SECTION 7: The Court Strotes for Guidantee SECTION 8: Reforming the Court System	211
8 Control of Community Institutions	215
SECTION 1: Introduction	215
SECTION 2: Article 230	216
A: Article 230, first to third paragraphs	217
B: Article 230, non-privileged applicants	219
C: Individual concern	220
D: Direct concernE: The example of the anti-dumping cases	224 226
F: Grounds for annulment	231
G: Interim measures	233
SECTION 3: Article 232	234
SECTION 4: Article 241	237
SECTION 5: Article 235 and 288	239
SECTION 6: Article 234	248
A: The function of Article 234 in judicial review	248
B: The limitations of Article 234 in judicial review	251
c: Article 234 and the validity of Community acts	254
D: The effect of an Article 234 ruling	260
SECTION 7: The Interrelation of the Several Remedies and Pressure for	262
Liberalization of the Standing Rules A: Pressure for liberalization, 1994–2001	262
B: Pressure for liberalization, 2002 and beyond	268
EPILOGUE TO PART ONE: CONSTITUTIONALISM	275
\mathcal{E}	
PART II Community Trade Law and Policy	287
2 Law and the Economic Objectives of the Community	289
SECTION 1: Introduction	289
SECTION 2: The Common Market	290
SECTION 3: The Internal Market: 1992	294
A: Background	294
B: The internal market defined	299
c: The anticipated benefits of the completion of the internal mark	et 299

	Detailed Contents	ix
SECTION 4:	Measuring the Impact of '1992'	303
JECHON I.	A: Measurement in 1996	303
	B: Measurement in 2002	305
	c: The business response	307
SECTION 5:	Managing the Internal Market	309
SECTION 6:	Economic and Monetary Union	317
10	Fiscal Barriers to Trade: Articles 25 and 90	325
SECTION 1:	Article 25	326
SECTION 2:	Article 90	330
SECTION 3:	Fiscal Harmonization	336
11	Physical and Technical Barriers to Trade: Articles 28–30	341
SECTION 1:	The Development of Article 28	341
SECTION 2:	The Application of Article 28	346
SECTION 3:	Article 30	366
	A: Public morality	367
	B: The protection of health and life of humans, animals, and plants	371
SECTION 4:	Eliminating Remaining Barriers to Trade	378
12	Beyond Discrimination: Article 28	381
SECTION 1:	Indistinctly Applicable Rules: the Cassis de Dijon Formula	381
SECTION 2:	Locating the Outer Limit of Article 28	392
SECTION 3:	Justifying Indistinctly Applicable Rules	408
SECTION 4:	What Sort of Market is Being Made? Some Consequences for Consumer Protection	415
13	The Free Movement of Workers: Article 39	427
SECTION 1:	Who is a Worker?	428
SECTION 2:	To What Advantages is the Worker Entitled?	431
SECTION 3:	Exceptions	437
14	Freedom of Establishment and the Free Movement of Services: Articles 43 and 49	445
SECTION 1.	The Rights	445
	Non-discrimination	446
		449
SECTION 3:	Beyond Discrimination A: Challenging and justifying obstructive national measures	450
	B: Cases dealing with company law	460
	c: Cases dealing with particularly sensitive State choices	464
SECTION 4:	Harmonization	471
15	European Citizenship Within an Area of Freedom,	
	Security, and Justice	475
SECTION 1:	Introduction	475
SECTION 2:	Free Movement of Persons Within an Area of Freedom, Security, and Justice	478
SECTION 2.	European Citizenship	483
JECTION 3.	Laropean Onizensinp	.03
EPILO	GUE TO PART TWO	491

21	What Sort of 'Europe'?	685
SECTION 1:	The Challenge of National Constitutional Courts	685
SECTION 2:	States and Beyond: Multi-level Governance and Constitutionalism	697
SECTION 3:	Legitimacy and Democracy	704
EPILO	GUE TO PART FOUR: EUROPE'S TRUE SOUL	711
FINAL	QUESTIONS	715
SELEC	TED BIBLIOGRAPHY	716
INDE		/19

INDEX

Detailed Contents xi