

Contents

<i>List of Tables, Boxes and Figures</i>	vii
<i>Foreword by William E. Paterson</i>	ix
<i>Preface</i>	xi
Introduction	1
1 The Court in the European Institutional System	5
Composition and functioning	6
From international to constitutional justice	16
Conclusion: the birth of a constitutional jurisdiction	34
2 The Constitutionalization of the Community Legal Order	36
Direct effect	37
Supremacy	41
Ensuring the effectiveness of EC law	46
The delimitation of Community competences	56
The protection of human rights	62
Conclusion	66
3 The Court and the Dynamics of Integration	70
The Court as a law-maker	71
Integration through law	78
The Court as a policy-maker	82
Conclusion: the dynamics of legal integration	94
4 The Juridification of the Policy Process	97
Gaining access to the courtroom: the saga of the European Parliament	97
The development of judicial politics	104
The strategic use of litigation	109
Conclusion: judicial policy-making and its limits	114

5	The Paradox of Compliance	117
	Systemic factors	120
	The behaviour of the Court of Justice	123
	The Court and its interlocutors	135
	Conclusion: environmental factors as a determinant of judicial behaviour	146
6	The Structural Roots of Judicial Self-Restraint	148
	A retreat from activism?	148
	A new institutional context	154
	Maastricht and the threat of political overruling	162
	Judicial politics after Maastricht	169
	Integration as disintegration	173
	Conclusion	176
7	Conclusion: The ECJ as an Integration Catalyst	177
	The ECJ as a strategic actor	178
	Looking at the future	179
	The dangers of constitutionalization	185
	<i>Appendix A: Table of Equivalence between the Former and the Renumbered Versions of the Treaty on European Union</i>	187
	<i>Appendix B: Table of Equivalence between the Former and the Renumbered Versions of the Treaty Establishing the European Community (The EC Treaty or Treaty of Rome)</i>	188
	<i>Guide to Further Reading</i>	193
	<i>Bibliography</i>	195
	<i>Index of Cases Cited</i>	202
	<i>General Index</i>	206