

Annual Index

A

- Animal experiment regulations,
 - Sweden, 197–205
 - advisory committees, 198–199
 - animal protection organization, 205
 - comparative survey, 201–202
 - concept, Three R's, 202
 - Council of Europe Convention, 201
 - ethical review processes (ERP), 202
 - European Commission Directive 86/609/EEC, 201–202
 - ethical assessments, 204
 - legal security, 203
 - regulatory system, 198
 - rules, Animal Protection Act (APA), 199–200
 - animal ethics experimentation committee, 199, 203
 - section 19 and 21, 199–200
 - species hierarchy, 203
 - statistical data, 200–201
- Asylum court, Austria, 157–160
 - Administrative Court Rules, 159
 - appeals confinement, 160
 - classification, 157–158
 - establishment of, 158–159
 - internal organization, 159
 - legal-political evaluation, 160
- Austrian Constitution, 151–162
 - asylum court, 157–160
 - Administrative Court Rules, 159
 - appeals confinement, 160
 - classification, 157–158
 - establishment of, 158–159
 - internal organization, 159
 - legal-political evaluation, 160
- 'Convention on the Future of Europe,' 152
- Federal Act Reassessing Constitutional Law, 155
- Federal Constitutional Act, 151–152, 155
 - New Article 20, 156–157
 - previous legal situation, 156
- first draft bill, 154
- government bill, 154–155
- grand coalition, 153
- New Article 20, 156–157
- organization and objectives, Convention, 152–153
- preliminary discussions, Special Committee, 152–153
- previous legal situation, 156
- reassessment, 155
- self-administrative bodies, 160–161
 - non-territorial self-administration, 161
 - social partnership, 160–161
- State and Administrative Reform, 154

B

- Belgium, 5–15
 - Brussels-Halle-Vilvoorde (BHV) issue, 5–15
 - BHV electoral district, 6–15
 - solution, 10–11
 - Constitutional court's judgments, 7–11
 - Elections Act, 7–9
 - encroaching Frenchification, 6
 - Institutional Reform Act, 13
 - Leterme I administration, 10
 - management/escalation, 12–14
 - origins of BHV debate, 6–7
 - Verhofstadt I administration, 7, 10–12
 - Wallobrux* and *zone urbaine*, 15
 - Walloon and Flemish Brabant, 6–8, 12–13

C

- Constitutional amendments,
 - Turkey, 533–538
- definition, unamendable clause, 534
- 'unamendable' provisions, 533–538
 - Article 9 of 1961, 536
 - Article 148, 536–537
 - Articles 2 and 3, 534–535
 - Articles 10 and 42, 537
 - constitutional democracy, 538
 - European practice on, 535
 - practical importance, 535–536
- Constitutional reform,
 - England, 289–294
- accountability, 291
- agenda for change, 289
- Armed Forces deployment, 290
- Bill of Rights and Duties, 293
- citizenship agenda, 292–293
- Constitutional Renewal Bill, 294
- electoral reform, 292
- 'limiting power of executive,' 290–291
- participation in politics, 292

- 'Ponsonby Rule,' 290
- re-invigorating democracy, 291–292
- White Paper and draft Bill, 289–290

D

- Demanding minority (linguistic) rights,
 - EU, 379–402
- assessment, 382–385
- Council of Europe (CoE), 383
- definition, minority languages, 385–386
- European Charter for Regional or Minority Languages (ECRML), 384
- Human Rights Committee (HRC), 384
- inadequacy, existing treaty provisions, 399–401
- International Covenant on Civil and Political Rights (ICCPR), 384
- minority languages, International Law, 385–391
 - definition, 385–386
 - non-discrimination, 388–391
 - protection, 386–388
- non-discrimination, minority languages, 388–391
 - as component, 389–391
 - as separate ground, 388–389
- objectives, 379–382
- protection, minority languages, 386–388
- rights, Mother Tongue, 391–399
 - additional cross-border rights, 396–398
 - Article 149 EC, 392–393
 - Article 150 EC, 394
 - Article 151 EC, 394–395
 - Article 157 EC, 395–396
 - minority educational establishments, 399
 - teaching others, 396–399

E

- ECJ's case law on time limits, 615–652
 - administrative procedural system,
 - compliance assessment
 - English law, 641–643
 - German law, 629–631
 - Italian law, 619–620
 - claim against planning permission, 620–625
 - comparative analysis, 615–652
 - English law, 636–646
 - administrative procedural system, 641–643
 - application against judgment, 643–645
 - promptness requirement, 645–646
 - rules, 636–640
 - European Court of Human Rights (ECtHR), 617
 - German legal system, 627–635
 - administrative procedural system, 629–631
 - application against judgment, 631–635
 - rules, 627–629
 - Italian legal system, 617–627
 - administrative procedural system, 619–620
 - claim against planning permission, 620–625
 - rules, 617–619
 - national limitation period, 615–616
 - rules on time limits
 - English law, 636–640
 - German law, 627–629
 - Italian law, 617–619
 - time frames, 615
- EU law national judge, 225–238
 - challenges, 235–237
 - Article 230 EC, 236
 - Treaty on the Functioning of the European Union (TFEU), 236–237
 - European Court of Justice (ECJ), 225–238
 - expert on procedural law, 228–233
 - proven experience and background, 226–228
 - responsibility, 233–235
 - role, 225–226
 - expert on procedural law, 228–233
 - administrative decision, 231
 - definition, judicial power, 228
 - obligations, 229
 - principles, 230
 - relationship, national courts and ECJ, 233
 - rulings, 232
 - series of judgments, 230–231
 - job description, 226–235
 - expert on procedural law, 228–233
 - proven experience and background, 226–228
 - responsibility, 233–235
 - necessary reprimands, 237–238
 - proven experience and background, 226–228
 - responsibility, 233–235
- European Community (EC) law,
 - Ireland, 515–522
 - analysis, 519–520
 - Article 234 preliminary reference, 520–521
 - factual and legal background, proceedings, 517
 - High Court decisions, 517–519
 - Equality Tribunal, 518
 - Impact v. Minister for Agriculture and Food*, 517–519
 - 'Metric Martyrs' case, 521–522
 - procedural obstacles, 520
 - supremacy/primacy, 515–516
- European Convention
 - on Human Rights, 75–81
 - in Irish Courts, 81–83

European Court of Human Rights
(ECHR), 467–500

Article 3, Protocol 1, 496–498

electoral system, 498

Yumak and Sadak v. Turkey, 496–498

Article 4, Protocol 7, 494–495

crime-identity *vs.* fact-identity, 495

Sergey Zolotukhin v. Russia, 494–495

Article 7, 474–477

Kononov v. Latvia, 477

Korbely v. Hungary, 474–476

Article 8, 478–484

Bykov v. Russia, 481–484

S. and Marper v. UK, 478–481

Article 10, 484–490

Leroy v. France, 486–487

Times Newspapers Ltd (Nos 1 and 2)

v. UK, 484–486

TV Väst v. Norway, 487–490

Article 11, 490–494

Demir and Baykara v. Turkey, 490–492

Wilson, NUJ and Others v. UK, 492–494

Article 46, 498–500

Burdov v. Russia (No. 2), 498–500

causes, nonenforcement, 499–500

caselaw from May 2008 to April 2009, 467–500

preventive detention (Article 5/15), 469–474

applicants compensation, 474

Article 5(4), 473

Article 15 misinterpretation, 472

Crime and Security Act 2001, 469

derogation validity, 470

‘finding that the applicants’ detention, 471–472

McCann case, 474

Part 4 of 2001 Act implementation, 469–470

special advocate system, 473–474

Protocol 14bis adoption, 467–468

Special Immigration Appeals

Commission (SIAC), 469–470

European Court of Justice (ECJ), 225–238

expert on procedural law, 228–233

proven experience and background, 226–228

responsibility, 233–235

role, 225–226

F

Free speech right, 111–131

celebrity gossip case, 115–118

Connolly, consistency and Article 10, 111–131

Connolly v. DPP, 114–115

Human Rights Act 1998, 111–131

interference, 121–123

‘journalist’ and ‘non-journalist,’ 112

Malicious Communications Act 1988, 114–115

practice of judgments, 118–121

interference, 121–123

procedural difference, 124–125

public watchdog function, 123–124

press complaints commission (PCC), 125

A principle, non-journalist, 125–127

procedural difference, 124–125

public watchdog function, 123–124

undeveloped approach, 127–129

G

Global environmental governance, 49–61

Aarhus Convention, 59

administrative-law type mechanisms, 49–61

Basel Convention, 59

beyond participation, 49–61

collaborative governance, 55–56

Commission for Environmental
Cooperation (CEC), 59
effects and interlinkages, 50–53
Framework Convention on Climate
Change (FCCC) process, 56–57
GATT/WTO *Shrimp-Turtle*
dispute, 54
globalization, 49–61
Kyoto Protocol CDM, 53
legitimacy and participation, 53–57
North American Agreement on
Environmental Cooperation
(NAAEC), 59
‘one-state-one-vote’ system, 54
participation, and, 57–61
participatory rights, 50, 58–60
principles of, 52
procedural legitimacy, 58
states and non-state actors, 56–57
substantive legitimacy, 55
types, global regulatory systems, 53

H

Human rights, non-judicial national
institutions, 403–428
analysis, Turkish presidential veto,
417–422
administrative supervision, 418
appointment, 418–419
constitutional order, 419
independence, Ombudsman
institution, 419
jurisdiction, 420–421
principle, separation of powers,
417–418
regulation, 422
concepts, 405–408
National human rights institutions
(NHRI), 406
Ombudsman, 406–407
types, NHRI, 407–408
Council of Europe (COE), 411–412

international organizations, 408–413
Council of Europe (COE),
411–412
Organization for Security and
Cooperation in Europe (OSCE),
412–413
United Nations (UN), 409–411
issues, Turkish Ombudsman Act,
423–425
age, Ombudsman, 423
annual reports, 423–424
financial and social rights, 424
investigation of complaints, 424–
425
role, human rights protection, 424
Ombudsman institution, Turkey,
413–427
analysis, Turkish presidential veto,
417–422
effectiveness issues, 426–427
issues, 423–425
President’s veto, 414–417
Organization for Security and
Cooperation in Europe (OSCE),
412–413
President’s veto, Turkish Ombudsman
Act, 414–417
appointment, 415–416
jurisdiction, 416–417
regulation, 417
sovereignty, 414–415
Turkish Ombudsman Act
issues, 423–425
presidential veto, 414–417
United Nations (UN), 409–411
characteristics, Ombudsman
institution, 410
Economic and Social Council
(ECOSOC), 409
Paris principles, 409–410
Hungary, 295–306
Act on the Right of Assembly, 301

- Domestic Law with EU Law
 - compatibility, 297–299
 - Article 2/A, 299
 - competences, 298–299
 - Founding Treaties, 297
 - parallel opinion, 298
 - EU Law with Domestic Law
 - compatibility, 299–301
 - Common Agricultural Policy (CAP) reform, 301
 - constitutional control, 299–300
 - Surrender Agreement, 300
 - European Court of Human Rights (ECtHR), 295
 - Europe clauses, EU membership, 296–297
 - conditions, 296
 - Treaty and Act of Accession, 296–297
 - Hungarian Constitutional Court (HCC), 295
 - spontaneous/rapid assemblies, 301–304
 - 72-hour rule, 302–303
 - ARA 1989, 301–303
 - judgment, ECtHR, 302–303
 - obligation, prior notification, 303–304
 - totalitarian symbols and freedom of speech, 304–306
 - circumstance of transition, 305
 - Section 269/B, 304–306
- I**
- Independence option, Scotland, 38–41
 - EU membership, 40
 - monarchical and social union, 40–41
 - process for, 39–40
 - Information System for Legislation and Approximation Law (ISLAP), 186–188
 - International sanctions against individuals, 351–378
 - Article 308 EC, joint legal basis, 359–362
 - CFSP decision, 360
 - common market element, 361–362
 - objectives, 361
 - Opinion 2/94*, 360
 - use, 359
 - Articles 301 and 60 EC, legal basis, 357–359
 - economic reality, 357
 - fundamental rights and judicial protection, 358
 - limit of interpretation, 357
 - state sanctions, 358
 - UN sanctions against appellants, 359
 - binding force, 362–364
 - ECOWAS judgment, 363
 - Member States, 362
 - common foreign and security policy (CFSP), 356
 - compromise on substance, 374–377
 - court of first instance (CFI), 352
 - European and international legal orders, 364–377
 - factual and legal context, 353–356
 - annulments listings, OMPI, 354
 - community institutions, 354–355
 - freezing assets, 353–354
 - issues, CFI and ECJ rulings, 355–356
 - UN Sanctions Committee, 353–354
 - German Constitutional Court (GCC), 370
 - listing practice, 356–357
 - moving competences, 356–364
 - ramparts, European legal order, 368–371
 - right standard, 372–374
 - Solange approach, 371–372
 - UN security council, 364–368
 - Article 39 UNC, 366

- judgment, International Court of Justice (ICJ), 367
 - limitations, 367
 - sanctions committee, 365–366
 - UN listings, 364–365
- Irish Referendum, 163–170
 - Charter of Fundamental Rights, 166–167
 - Crotty judgment*, 165–167
 - electorate vote ‘No’ campaign, 167–170
 - Entry into European Economic Community (EEC), 164
 - European treaties, 164
 - Lisbon Treaty, 163–170
 - membership, EU and EC, 166
 - Millward-Brown Irish Marketing Surveys (IMS), 167–168
 - ratification, Title II and III, 165
 - Single European Act (SEA), 164, 165
 - Third Amendment of Constitution Act 1972, 164
- Irish Special Criminal Court, 65–87
 - admissibility, belief evidence, 69–72
 - Article 6, Convention (ECHR), 76–77
 - belief evidence, 67–69
 - admissibility of, 69–72
 - weight of, 72–75
 - Costello J’s judgment, 69–70
 - Court of Criminal Appeal, 72–74
 - Doorson judgment, 78–79
 - European Convention
 - on Human Rights, 75–81
 - in Irish Courts, 81–83
 - evidence and national security, 65–87
 - history of, 66–67
 - Irish National Liberation Army (INLA), 67
 - Irish Republican Army (IRA), 67
 - Offences Against the State Act 1939, 66, 67, 84
 - principal feature, 66–67
 - weight, belief evidence, 72–75
 - witness intimidation, 84–85
 - witness protection programme, 68
- Israel, 17–32
 - Agranat Commission, 19–20
 - governmental commission of inquiry, 17–32
 - investigation of war, 18–20
 - second Lebanese war investigation, 20–23
 - Winograd Commission, 20–27
- interim and final report, 27–30
- investigation of war, 18–20
 - history of, 19–20
 - normative framework, 18–19
- Israeli Defense Forces (IDF), 19–20
- Kahn Commission, 19–20, 24
- normative framework, 18–19
- second Lebanese war investigation, 20–23
- Winograd Commission, 20–27
 - judicial ‘battle,’ 23–25
 - supreme court supervision, 26–27
- Yom Kippur war, 19–20, 24
- Italian Constitutional Court, 89–109
 - Article 117, 89–91, 93
 - Cassation case law, 95–98
 - community law, 97
 - constitutional status, ECHR, 92–93
 - Conventional Review on National Laws, 89–109
 - counter-limits, 101–103
 - judgment No. 348, 103–106
 - judgment No. 349, 106–108
 - new judgments, 98–101
 - counter-limits, 101–103
 - No. 348, 103–106
 - No. 349, 106–108
 - Pinto Act, 96–97
 - reform of Title V, 92
 - status of ECHR, 95–98
 - Strasbourg case law, 89–90

supra-legislative rank, 93, 95, 99
 traditional position, 93–95

J

Jurimetrics in Slovakia, 185–196
 documentary legal informatics,
 186–187
 examples, 186–187
 objective, 186
 information system, 186–191
 difference, JIS and ISLAP, 189
 Information System for Legislation
 and Approximation Law (ISLAP),
 186–188
 ISLAP modules, 187–188
 Joint Information System (JIS),
 188–191
 advantages, 189–190
 JIS project, 191
 objectives, 190
 legislative techniques, 192–193
 legismatics, 186
 legistics, 191–193
 legislative techniques, 192–193
 material and formal legistics, 192
 nomography and legislative rules,
 193–196
 EC/EU legal acts, 195
 groups, EU Member States,
 193–195

L

Language rights as legal norms,
 541–574
 categories, 547
 and constitutional order, 557–566
 Article 3(2) , Spanish Constitution,
 559
 Article 6, Italian Constitution,
 558–559
 Article 34(2), Czechoslovakia
 Constitution, 561–562

Central and Eastern Europe (CEE)
 countries, 559–560
 constitutional provisions, language,
 557–558
 South African official languages,
 562–563
 definition, 544
 demarcation, 546
 in domestic law, 557–573
 dominant vs. non-dominant
 languages, 544
 as fundamental rights, 566–573
 designated language(s) approach,
 570–572
 individual freedom and autonomy,
 572–573
 minimal position approach,
 566–570
 Human Rights Committee (HRC),
 549
 integral part, human rights
 Article 27 ICCPR, 550–551
 international legal instruments, 549
 soft law instruments, 548
 International Covenant on Civil and
 Political Rights (ICCPR), 549
 in international law, 548–554
 linguistic human rights, 542–543
 poor status
 linguistic tolerance *vs.* linguistic
 promotion regime, 552
 public recognition and non-
 discrimination, 553
 recognition
 constitutionalism, CEE countries,
 565–566
 fundamental political decision,
 563–564
 international/interstate agreement,
 564–565
 regional standards, linguistic
 minorities, 554–556

ECHR, 556
 European Charter's report, 554–555
status positivus, status negativus and
status activus, 547
 tolerance- and promotion-oriented
 rights, 545–546
 Legal norms
 concretization, 268–275
 commitment decision, 273
 ex-ante, 268–273
 ex-post, 268–273
 general competition law,
 269–270, 274
 imperative act, 268–269
 settlement, 272
 Treaty rules, competition, 274–275
 nature, 266–267
 legislative acts, 266–267
 precise rules, 267
 Luxembourg, 501–511
 actions against community, 506–509
 FLAMM Technologies v. Council and
 Commission, 507–508
 immunity, 509
 legal effects vis-à-vis third parties,
 508–509
 Masdar (UK) v. Commission,
 506–507
 caselaw report, 501
 citizenship, 503–505
 Article 12 EC preclusion, 504–505
 Article 18 EC preclusion, 503–504
 ‘national of non-member country’
 rights, 503
 common foreign and security
 policy, 510
 community law, 505–506
 Article 234 EC, 506
 Article 249 EC, 505
 court activities in 2008, 501–511
 fundamental rights, 502–503
 member state failure, 509–510

PDO ‘Parmigiano Reggiano,’ 509–510
 urgent preliminary ruling procedure,
 510–511

M

Mandatory contractor exclusions, UK
 public procurement, 429–444
 contracting authority's knowledge,
 439–442
 CRB or Disclosure (Scotland), 440
 due diligence, 440
 pre-qualification questionnaire,
 440–441
 request information, 440–442
 derogation, 442–443
 offences and convictions, 433–435
 enforcement, foreign penal sanc-
 tions, 434
 foreign convictions, 434
 OGC Guidance, 435
 Regulation 23(1), 433
 range of persons, 435–438
 rationale, 432–433
 time limits, 438–439

O

Ombudsman institution, Turkey,
 413–427
 analysis, Turkish presidential veto,
 417–422
 effectiveness issues, 426–427
 issues, 423–425
 President's veto, 414–417
 appointment, 415–416
 jurisdiction, 416–417
 regulation, 417
 sovereignty, 414–415

P

Poland, 171–182
 chancellor system, 181
 competency, 173–180

Council of Ministers, 177–180
 president, 173–177
 constitution, 171–182
 constitutional regulation of executive
 power, 173
 Council of Ministers competencies,
 177–180
 characteristics, 178–179
 role, 177–178
 division of power, 180
 historical introduction, 171–172
 legal system, 182
 parliamentary system, 171–182
 position, President, 179–180
 president's competencies, 173–177
 role, president, 174–177
 Cabinet Council, 175
 foreign policy, 174–175
 functioning of government,
 176–177
 National Security Council, 175
 prerogative result, 174
 Sejm, 171, 172, 176–178, 180
 Preliminary references, public
 administrative bodies, 207–221
 administrative appeal boards, 217–218
 advisory bodies, 218–220
 court or tribunal, 207–221
 criterion, 208–215
 adversary procedure, 211–212
 assessment, 214–215
 decisions, basis of legal rules,
 212–213
 establishment by law, 208–209
 independence, 209–211
 judicial solution, 214
 jurisdiction, 211
 members, 213
 permanent character, 209
 settlement of dispute, 213–214
 observations, 216–217
 Competition Commission, 216–217

directeur des contributions, 216
 ombudsmen, 220–221

R

Refugee Procedures Directive, 335–347
 Advocate General opinion v. ECJ
 judgment, 341
 aim, 336
 Article 67 EC procedures, 336
 Article 202 EC and Comitology,
 341–342
 comments, 341–347
 Advocate General opinion v. ECJ
 judgment, 341
 Article 202 EC and Comitology,
 341–342
 ECJ position, EU constitutional
 architecture, 345–347
 institutional balance, 343–344
 rule of law, 344–345
 secondary legal bases, 342–343
 ECJ position, EU constitutional
 architecture, 345–347
 European Parliament v. Council [2008]
 ECR I-3189, 335–347
 institutional balance, 343–344
 judgment, Grand Chamber of Court,
 339–341
 opinion, Advocate General, 336–339
 rule of law, 344–345
 secondary legal bases, 342–343
 Treaty on the Functioning of the
 European Union (TFEU), 346
 Revision of Regulation 1049/2001,
 239–256
 commission proposals, 244–254
 beneficiaries and scope, 245–246
 copyright, 251
 court proceedings and legal advice,
 248
 environment protection, 247
 exceptions, 246–251

facilitating access, 252–253
 multilevel governance issues,
 251–252
 objectives, 255–256
 privacy and integrity, individual,
 248–250
 procedure and remedies, 253–254
 protection, decision-making pro-
 cess, 250
 selection procedures, 247
 copyright, 251
 features, 240–244
 beneficiaries and scope, 240
 document originating from
 Institution, 243
 document originating from Mem-
 ber State, 242–243
 exceptions, 240–241
 facilitating access, 243
 multilevel governance issues,
 241–243
 procedure and remedies, 244
 history, 239–240

S

Scotland, 33–46

Barnett formula, 43
 Calman Commission, 38
 constitutional future, 33–46
 Council Tax reform, 45
 deepening devolution, 41–45
 fiscal autonomy, 43–45
 reserved matters, 41–43
 devolved government, 33–34
 EU membership, 40
 fiscal autonomy, 43–45
 independence option, 38–41
 EU membership, 40
 monarchical and social union,
 40–41
 process for, 39–40
 monarchical and social union, 40–41

national conservation, 37–38
 Commission on Scottish
 Devolution, 38
 Referendum Bill, 37
 suggestion, white paper, 37
 process, achieving independence,
 39–40
 Referendum Bill, 37
 reserved matters, 41–43
 Scotland Act, 37
 scottish constitutional convention, 46
 Scottish Nationalist Party (SNP)
 government, 34–46
 taxation of SNP government, 36
 Sector-specific regulation and
 competition law, 257–275
 aims, 258–263
 market integration, 264–266
 ‘undistorted competition’ *vs.*
 ‘promotion of competition,’
 263–264
 concretization, legal norms, 268–275
 commitment decision, 273
 ex-ante, 268–273
 ex-post, 268–273
 general competition law, 269–270,
 274
 imperative act, 268–269
 settlement, 272
 Treaty rules, competition, 274–275
 effective competition
 competition law, 258–259
 sector-specific regulation, 259–263
 legal norms, 266–275
 market integration, 264–266
 nature, legal norms, 266–267
 legislative acts, 266–267
 precise rules, 267
 sector-specific regulation, 259–263
 access obligations, 259–263
 ordo-liberal concept, 259–260
 regulatory regime, 262

- Structure-Conduct-Performance* (SCP), 262
- ‘undistorted competition’ vs. ‘promotion of competition,’ 263–264
- Services Directive, European Union, 523–531
- boundaries, 531
- challenge, European and national legal orders, 523–531
- content, 525
- enforcement, 527–531
 - non-transposition-strategy, 527
 - Notification Directive, 529
 - permit requirement, 528
 - unimplemented provisions, 529–530
- implementation, 526–527
 - Article 9, 526–527
 - Article 16, 527
- importance, EU rules, 523–525
 - Lisbon Strategy, 523–524
 - national legal systems, 524
- Services of general economic interest, 575–595
- characteristics, 583–585
 - CFI clarification, universal service, 585
 - public service obligations, 583–584
 - universal service concept, 584–585
- communautaire* definition, 585–587
 - Community legislation, 586
 - compulsory nature, 587
 - Member States competence, 585–586
 - principles, 587
- concept, 575–577
 - Article 16, 576
 - communautaire* definition, 576–577
- Court of First Instance (CFI), 579
- delimitation, competences and responsibilities, 577–583
- Amsterdam Treaty Declaration, 577
- Article 86(2) implementation, 577–578
- Commission’s role, 578–579
- Community law, 580–581
- Liberalization directives, 581–582
- Member States discretion, manifest error, 579–580
- provision groups, 583
- public ownership, 582
- limitations and exemptions, 591–594
 - Article 86, 592
 - development of trade, 592–593
 - principles, Article 86, 594
 - public procurement, 591–592
 - special/exclusive rights, in-house service providers, 593
- public undertaking concept, 588–591
 - Community competition rules, 590–591
 - definition, 588
 - economic activity, 589–590
 - social security systems, 589
- Spain, 319–331
 - access to information right, 321–323
 - citizenship, 321
 - collection and dissemination, 323
 - duty to supply information, 323
 - granting access and denial of requests, 323
 - limitations and exceptions, 322–323
 - access to justice, 324–325
 - environmental impact assessment, 325–327
 - EC Directive 85/337/EEC, 325
 - reforms, Royal Decree Law 1302/1986, 326
 - strategic environmental assessment (SEA), 327
- Environmental (Procedural) Law, 320–329

environmental liability, 327–329
 financial securities, 328
 locus standi, 329
 regimes, 327
 environmental protection, 319–331
 national procedural rules, 319–331
 procedural requirements and rights, 320
 public participation, 323–324
 Public Procurement Act, 329–331
 Act on Public Procurement, 330
 Green Public Procurement plan, 330–331
 Utilities Directive and Public Sector Directive, 329–330
 structure, Aarhus Convention, 321
 Spanish Constitutional Court, 597–612
 appeal of unconstitutionality, 601–607
 challengeable legislation, 603–604
 legal basis, decision, 604–605
 plaintiffs, 601–602
 procedure for appeal, 605–607
 effects, judgments, 610–612
 judicial review, parliamentary legislation, 597–599
 American-US model procedure, 598
 destructive power, 597–598
 European-Austrian model procedure, 598–599
 nature, judgments, 610
 procedure types, 599–601
 main procedures, 600
 secondary procedures, 600–601
 questioning of unconstitutionality, 607–610
 applicants, 607
 challengeable legislation and legal basis, 607–608
 procedure and decision, 608–610

T

The Netherlands, 307–318
 Act of Approval, Lisbon Treaty, 312–313
 Bill of Approval, 313
 ‘national convention,’ 312–313
 existent instruments, EU
 decision-making, 310–312
 ‘agenda procedure,’ 311
 ‘co-decision procedure,’ 311
 ‘fiches procedure,’ 310–311
 Schengen Agreement, 311
 Temporary Joint Committee
 Subsidiarity Review, 312
 factual evidence, 316–318
 co-decisive role, 316–317
 Schengen Border Code and SIS II, 318
 general scrutiny requirement, 318
 Referendum and Treaty of Lisbon, 308–310
 advisory opinion, 309
 political context, 308–309
 Raad van State, 309
 removal of consent requirement, 314
 role of National Parliament and EP, 314–316
 co-decisive powers, 315
 co-legislative powers, 316
 relationship, 314–315
 scrutiny reserve, 315
 Title IV of EC Treaty, 307–308
 Turkish Ombudsman Act
 issues, 423–425
 presidential veto, 414–417

W

Winograd Commission, 20–27
 judicial ‘battle,’ 23–25
 Supreme Court supervision, 26–27