## Subject Index

A	protection of fundamental right, 723
Adjudicating on origin of products, Israel	EAW, 705
and West Bank, 37–50	enforceable rights, 728
Advocate General's opinion, 41-43	implementation, nationality and
comments, 45–49	residence clauses, 709-714
councils, customs committees and	constitutionality, Italian law, 710
arbitration, 48–49	financial solidarity, 714
international law relationship, 46-48	functioning, EAW, 709
interpretation of association	paternalistic vision, 711
agreements, 45–46	transposition at national level, 713
ECJ views and judgment, 38	value of European integration, 712
European importers, 49	legal order of international law,
factual content and legal context, 40-41	726–727
legal certainty, 49	Lisbon Treaty legal framework, 706
Mediterranean states, 38-40	mutual recognition and mutual trust era,
association agreements, 38-39	707–709
EC-Israel Association Agreement,	metamorphosis, 709
39–40	revolutionary element, 707
Middle East Peace Process, 39	sources of law, 708
politically sensitive issues, 37	non-discrimination and mutual
role of court in adjudicating, 37-38	recognition, 714–720
Area of freedom, security, and justice	approach of self-restraint, 715
(AFSJ), European citizenship,	case-by-case assessment, 720
705–728	Dutch legislation at Article 6(5),
constitutional significance, 720-726	718
Citizenship Directive, 725	EU instruments, 719
comparative analysis, 721	harmonious construction, 714
divergence and inequalities, 726	mutual recognition, 717
'ever closer union', 724	supplementary administrative
logic of mutual recognition, 722	requirement, 716
prism of interaction, 720-721	Treaty of Lisbon, 727

A	L.:-1. C.:: 1-1: 470 470
Austrian experience in	Irish Guidelines, 478–479
telecommunications sector, 51–60	purposes, 479
EU, judicial protection, 51–53	requirements, 478
national procedural autonomy, 51	European Commission's Impact
national rules on standing, 52-53	Assessment Board, 471–472
principles of equivalence and	government and business, 472
effectiveness, 52	impact assessment processes, 470
EU Law and Access to Court, 51-60	judicial review of EU legislation,
judicial protection, 53–55	523–525
administrative court system, 53	constitutional and democratic
administrative procedural law, 54-55	deficits, 524
Verwaltungsgerichtsh (VwGH) case,	framework of Lisbon Treaty,
55–60	524–525
broader access to courts, EU law,	intervention, 523
56–58	judicial review of regulatory acts,
equivalent scope, EU law and	507-508
national law, 59	development, 508
	economic growth, 507
В	policies and instruments, 508
Better Regulation (BR), 467–484,	OECD, 467–468
507–525	politics of EU lawmaking, 470
appeal in United States, 519-522	principles of constitutional and
changing relationships, 521	administrative law, 468
heightened scrutiny of agency	public law and regulatory scholarship
regulation, 520	468–469
judicial review resulting, 521–522	and public law, regulation, public
'notice-and-comment' rulemaking,	policy, 472–475
519	development, 473
'ossification', 522	legislative powers, 473
rulemaking issues, 522	policy boom, OECD, 474
standards in case law, 520–521	regulatory activity and political
approaches, public law, 476	systems, 475
broad ambitions and instruments, 471	scholarship, 474–475
change of dynamics, 516–518	regulation identified, Mandelkern
appeal of legislative acts, 516–517	Group, 469
procedural requirements, 518	regulatory reform processes, 483–484
regulatory acts, 518	requirement of
consultation and thin reflexivity,	proportionality–regulators, 470–471
477–479	review of legislation, ECJ, 509–516
commitments, 477	consultation and participation,
engagement of policymakers,	513–514
477–478	Court of Auditors (CA), 509
177 770	Court of Muditors (CM), 307

little common ground, 510–511 principles of EU law, 515–516	delegate/centralize language policy, 126–127
proportionality and subsidiarity,	design of laws, 113–118
514–515	cultural stuff, 113
soft law, 511–513	legal policies and implications,
transparency, 515	117–118
role of government, 483	legitimacy claims, 114–116
rule-based models of regulation,	minority language rights, 113
476–477	right to protect minority languages,
thicker forms of reflexive governance,	116–117
479–483	migrants linguistic policy, 134–135
commitments, 481–482	minority language regime, 111
consultation processes, 480	multi-lingual institutions, 127–134
'decentring', 479	administration, 127–128
development of EIPs, 481	education, 128–131
establishment of regulatory agencies,	judiciary, 131–133
482–483	media, 133–134
formalization, stakeholder	recognize or not recognize languages,
engagement, 479–480	118–124
Better Regulation (BR) through	aim of recognition policies, 123
experimental legislation, 539–553	Åland Islands, 121
definitions, 541–542	Andean region, 121–122
examples and advantages, 542-547	Bolivia, 122
antidote to symbolic legislation,	Finland, 121
547	implied obligations, 123-124
Directive 77/388/EEC, EU	minority rights, 118
Example, 544-545	national identity, 119
disconnect, scientific evidence and	official recognition, 118
lawmaking, 546	Spain, 119-121
'political lubricant', 542	tailored and balanced models, 135-138
states as laboratories, United States,	global language, cultural secure, 138
543-544	legitimacy, language policies, 135
legal concerns, 547-552	migrant communities, 136
equal treatment, 548-550	minority language claims, 135-136
legal certainty, 550-552	politically weak and strong
precautionary principle, 548	minorities, 136-137
legislative framework, 553	territoriality and recognition,
research question, 540-541	137–138
'Smart Regulation', 539-540	territoriality and recognition languages,
Blueprints for Babel, 111-138	112, 137
accommodation migrants' language,	territorially/personally defined rights,
114	124–125

C	implementing acts, 325–328
Choosing judges and judging the people's	aligning, 327-328
choice, Sweden, 213-222	lamfalussy, 327
appointing the higher judges, 215-216	TFEU, Art. 291, 325-326
career bureaucrats in public service,	implementing measures, 330
courts and judges, 214-215	legal instruments and procedure,
general elections, 218-219	316–321
judging the elections, 219-220	legislative and non-legislative acts,
law of politics and the politicians,	316–317
220–221	ordinary legislative procedure, 318
legitimacy of judges and elections,	primacy, 320-321
213–214	trilogues, 318–319
sceptical judges, new generations, and	Libson Treaty, 321-325
nordic neighbours, 216-217	delegated acts, limits, 321-322
Swedish electoral system, 218	delegated bodies, 324-325
	fututre comitology, 322-324
D	new EU delegation system under the
Dating Cinderella, 649–660	Treaty of Lisbon, 313-330
comparative approach to EU, 649-650	regulation, 330
Italian Constitutional Court, 660	regulatory procedure, 330
law in action, 655-658	trust, 328–329
Community acts, 655	Devolution in Scotland, 399-414
'early warning mechanism', 657	analysis, 408–414
Euro-sceptical judgment, 658	borrowing powers, 410–411
fundamental concepts, 656	economic and policy context, 412
motivation, 656	emphasis, 414
loyalty duty, 660	evidence, 413
principle of sincere cooperation, 659	financial arrangements, 410
subsidiarity, 'Noble Dream', 651-655	political and economic
Commission Communication,	circumstances, 413–414
654–655	post-devolution political system,
destabilization factor, 654	UK, 409
economic level, 652	Calman Commission's proposals,
'Form of Union', 652	400–407
institutional actors, 653	block grant, 403–404
Oxford English Dictionary, 653	borrowing, 404
Delegation is matter of confidence,	civil service, 406–407
313–330	cooperation, UK and Scottish
agreement framework, 330	Parliaments and Governments,
comitology, 314–315	404–407
compromise, 330	devolved functions, 401
contribution structure, 315–316	devolving taxes, 403

equity, efficiency and accountability, 402	legislative and executive measures, 208–209
European Union (EU) matters, 406	Ministerial decisions and subordinate
income tax, 403	legislation, challenges, 209-210
intergovernmental cooperation,	post-Belfast Agreement case law, 210
405–406	Scotland Act 1998, 208
legislation, 404-405	Police Service for Northern Ireland
relations between parliaments and	(PSNI), 199
governments, 405	political developments, 197
working methods, 407	purposes of rapport, 197–198
the Scotland Bill, 407–408	structures, 200–208
White Paper, 399-400	DPP, 205–206
Devolution in transition in Wales, 25–34	functions of the Advocate General,
2006 Act, 25	204–205
acts of parliament, 28-30	the judiciary, 207–208
assembly's powers, 28–29	Justice Minister, 201–203
balance of powers, 29	office of Attorney General, 203–204
framework powers, 30	PSNI and the policing board,
transferring executive powers, 29–30	206–207
devolved nature of powers, Assembly,	
30–31	E
general reflections, 31-33	Embedding consultation procedures,
Legislative Competence Orders	527–538
(LOCs), 26–28	evident, 537-538
draft order, 26	expectations and use of Consultation-IA
pre-legislative stage, 26	'Vehicle', 532-537
proposed LCO, 26-27	Commission's proposal, 536-537
review LOC process, 27-28	Impact Assessment Board (IAB), 532
use assembly powers, 27	incremental norm formation, 534-537
move Part 3 to 4, 2006 Act, 33-34	legitimate activity, 535
national assembly as legislature, 25-26	risk assessment, 533
Devolution of policing and criminal	'structural partnership', 535-536
justice, Northern Ireland, 197–211	UEAPME case, 533
Belfast Agreement of 1998, 198-200	'participation euphoria', 527
PSNI, 199	varieties, 528-532
St Andrews and Hillsborough	IA Guidelines, European
Agreement, 200	Commission, 529–531
Stormont and Westminster	pluralism and neo-corporatism,
parliament, 198–199	531–532
Director of Public Prosecutions (DPP),	'Textbook IA', 528–529
205–206	European Arrest Warrant (EAW)
Northern Ireland Act 1998, 208-210	domestic law, 715

execution, automatic refusal, 712	concepts of 'people' and 'practical
legal framework, 707–709	difficulty', 670
European citizenship, 417-435	consequences of impeachment,
dishonest intentions, 434	629–631
'dynamic patchwork', 417-418	context of application, 662-664
factual background, 418-419	facts, 662-663
intentional fraudulence, 428-430	Greek law, 663-664
Advocate General's Opinion, 429	court's workload and institutional
dishonest intention, 430	reforms, 605-608
German naturalization procedure,	Advisory Panel, 607-608
430	backlog of applications, 605
misrepresentation, 428	Izmir Declaration, 608
naturalization process, 428	Priority Policy, 606-607
Judgment, Court of Justice, 422-424	transport company, 605-606
arguments, 422	display of crucifixes in state school
withdrawal of naturalization, 423	classrooms, 625–629
opinion of the Advocate General,	neutrality and secularism, 626
419–422	religious symbol, 626-627
'deprivation of nationality', 421	weak legal foundations, 628-629
free movement rights, 420	domestic constitution and instruments,
issue of admissibility, 419	Council of Europe, 668–670
role of Austrian authorities, 421-422	financial guarantees for bail, 613-614
potential loss, 433	oil spill, 613
proportionality, 431-433	professional environment, 614
Court's approach, 431	findings of the court, 664-668
national identity, 431	argument, Greek constitutional law,
'personal circumstances' test, 432	666
twofold effect, 432-433	discrimination vis-a-vis Greeks
purely internal situation argument, 433	resident, 666-667
ratione materiae of EU law, 424-425	legal assessment, 665
constructivist interpretation, 425	role of international instruments,
'purely internal situation', 424	667–668
social rights, 424	'vision of democracy', 665
Rottmann and internal situation,	lawfulness of jury system, 615-617
425–428	nature of torture and asylum claims
cross-border element, 426	process, 609–612
Member State nationality, 427	decision-making process, 611
principle of proportionality, 427	immigration challenges, 612
ratione materiae of EU law, 425-426	liability of Member States,
scrutiny of nationality law, 434	610–611
European Court of Human Rights	maltreatment of Gafgen, 609
(ECtHR), 605–631, 661–671	mental suffering, 610

UNHCR's letter, 611 restrictions on abortion, 617–622 depression, 618 Irish abortion laws, 619 Irish constitution, 618 NGOs, 618–619 psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 624–625 discrimination, 624–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739 First community and federation, 293–311 basic guidelines, 294–295 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post–Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 ombating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post–Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 ombating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 constitution, Art. 23, 294 scope, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulat
depression, 618 Irish abortion laws, 619 Irish constitution, 618 NGOs, 618–619 psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 624–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  deferation, 293–311 basic guidelines, 294–295 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
Irish abortion laws, 619 Irish constitution, 618 NGOs, 618–619 psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  basic guidelines, 294–295 combating corruption, 309–310 Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, of 5–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
Irish constitution, 618 NGOs, 618–619 psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
NGOs, 618–619 psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  Convention, Protection of Individuals, 297–298 ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Cedo of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
psychological and physical stresses, 620–621 terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Cedo of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
terminations of pregnancies, 622 right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733—741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  ECHR, 296–297 2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  2009 federal law, 301 Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
right of sexual minorities to peacefully demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  Niliten's case, 296 political structure, 293 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
demonstration, 622–625 discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671 European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  discussion of homosexuality, 624 in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
discrimination, 624–625 discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671  European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  in post-Soviet Russia, 293 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
discussion of homosexuality, 624 municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671  European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  discussion of homosexuality, 624 regulation, Art. 23, 294 scope, 295 on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
municipal authorities, 622–623 non-pecuniary damage, 625 role of international law, 671  European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  scope, 295 on security law, 295 source, 293–294  Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308  French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
non-pecuniary damage, 625 role of international law, 671  European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  on security law, 295 source, 293–294 Specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
role of international law, 671  European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  source, 293–294 specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
European Court of Justice (ECJ) advances equality in Europe, 729–743 case law before Equality Directives, 730–733 agricultural policy, 732 Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  specification, 301–304 On State Secrets, 1993 law, 295–296, 299–300 transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
equality in Europe, 729–743  case law before Equality Directives, 730–733  agricultural policy, 732  Equal Treatment Directive, 733  international treaties, 730–731  policy-making powers, 731  human rights instruments, 743  legislative developments, 733–741  Community law framework, 737  constitutional quality, 736  direct effect, Equality Directives, 739  On State Secrets, 1993 law, 295–296, 299–300  transparency in action, 305–308  French Revolution, 61–70  constitutionalism, 70  Dutch Supreme Court, 62  implications, party regulation, 65–69  CEDAW Committee, 67–68  Code of Good Practice, 68–69  disqualification of a list, 67  Elections Act, 66  Germany, 69
case law before Equality Directives,  730–733  agricultural policy, 732  Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  Cappado transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
730–733 transparency in action, 305–308 agricultural policy, 732 French Revolution, 61–70 Equal Treatment Directive, 733 international treaties, 730–731 Dutch Supreme Court, 62 policy-making powers, 731 Dutch Supreme Court, 62 implications, party regulation, 65–69 human rights instruments, 743 CEDAW Committee, 67–68 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  transparency in action, 305–308 French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
agricultural policy, 732  Equal Treatment Directive, 733 international treaties, 730–731 policy-making powers, 731 human rights instruments, 743 legislative developments, 733–741 Community law framework, 737 constitutional quality, 736 direct effect, Equality Directives, 739  French Revolution, 61–70 constitutionalism, 70 Dutch Supreme Court, 62 implications, party regulation, 65–69 CEDAW Committee, 67–68 Code of Good Practice, 68–69 disqualification of a list, 67 Elections Act, 66 Germany, 69
international treaties, 730–731  policy-making powers, 731  human rights instruments, 743  legislative developments, 733–741  Community law framework, 737  constitutional quality, 736  direct effect, Equality Directives, 739  Dutch Supreme Court, 62  implications, party regulation, 65–69  CEDAW Committee, 67–68  Code of Good Practice, 68–69  disqualification of a list, 67  Elections Act, 66  Germany, 69
policy-making powers, 731 implications, party regulation, 65–69 human rights instruments, 743 CEDAW Committee, 67–68 legislative developments, 733–741 Code of Good Practice, 68–69 disqualification of a list, 67 constitutional quality, 736 Elections Act, 66 direct effect, Equality Directives, 739 Germany, 69
human rights instruments, 743  CEDAW Committee, 67–68  legislative developments, 733–741  Code of Good Practice, 68–69  disqualification of a list, 67  constitutional quality, 736  direct effect, Equality Directives, 739  CEDAW Committee, 67–68  disqualification of a list, 67  Elections Act, 66  Germany, 69
legislative developments, 733–741 Code of Good Practice, 68–69 Community law framework, 737 disqualification of a list, 67 constitutional quality, 736 Elections Act, 66 direct effect, Equality Directives, 739 Germany, 69
Community law framework, 737 disqualification of a list, 67 constitutional quality, 736 Elections Act, 66 direct effect, Equality Directives, 739 Germany, 69
constitutional quality, 736 Elections Act, 66 direct effect, Equality Directives, 739 Germany, 69
direct effect, Equality Directives, 739 Germany, 69
Englishment English Direction
Employment Equality Directive, jurisprudence regarding party
740–741 closures, 68
Equality Directives, 2000, 735 lack of internal party democracy, 67
equal treatment, 741 Netherlands, 66
German measure, 738 party closure, 66
legislative activity, 734 Venice Commission's 2004, 67
protection against discrimination, legal-political choice, human rights,
733 62–65
national courts, 742 balancing fundamental rights, 62–63
prohibition of discrimination, 730 core of a human right, 63
right to equality/non-discrimination, passive female suffrage forms, 63
restrictive measures, 63–64
scope, Community law, 742 rise of welfare state, 65

legitimacy, 70 passive suffrage, 62	Governance and Better Regulation (BR), 555–568
From van Duy to Josemans, EU's freedom, 277–289	efficiency and economic growth, 555 EU concept of 'governance', 558–560
direct effect doctrine, 277	legitimacy paradox, 560-568
free movement, 281–282	arguments, 561
intra-border crime, 288	decision making, governance model,
'no foreigners allowed', 278-283	560
case facts, 279-281	judicial review, 565-568
drug tourism, 282–283	minimum standards, 564-565
freedom of movement, 281-282	multilevel legitimacy, 563-564
lost freedoms, 278–279	output legitimacy, 561-563
Opium Act 1976, 279	representativeness and transparency,
public policy and ECJ, 283-288	requirements, 566-567
issues, 284–286	risk regulation, 566
judgments, 286–288	role of regulatory watchdog,
van Duyn case, 283–284	567–568
G	shift in concept of democracy, 555–558 decision-making levels, 557–558
General principles of EU law, 437-451	rationality, 556-557
Advocate General's Opinion,	
439–440	K
assessment of discrimination, 441-444	Kadi case, 745–767
fundamental rights, 442	comparison, EU judgments, 762-766
international instruments, 442	community institutions, 763
Lisbon Treaty, 443	. 1 = 4
	monist approach, 764
proportionality control, 444-445	Plenary Session, 764–765
proportionality control, 444–445 scope of Union law, 443–444	Plenary Session, 764–765 principles of human rights, 763–764
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives,	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session,
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450 contentious national legislation, 448	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of Istanbul, 750–751
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450 contentious national legislation, 448 fundamental rights, 448–449	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of Istanbul, 750–751 financial assets and economic
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450 contentious national legislation, 448 fundamental rights, 448–449 interrogations, 447	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of Istanbul, 750–751 financial assets and economic resources, 753–754
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450 contentious national legislation, 448 fundamental rights, 448–449 interrogations, 447 misconstruction, 447	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of Istanbul, 750–751 financial assets and economic resources, 753–754 fundamental rights and freedoms,
proportionality control, 444–445 scope of Union law, 443–444 Court's ruling, 440–441 employment law, 437–438 factual and legal background, 438–439 horizontal direct effect of directives, 445–451 consumer protection, 449–450 contentious national legislation, 448 fundamental rights, 448–449 interrogations, 447 misconstruction, 447 mutatis mutandis, 449	Plenary Session, 764–765 principles of human rights, 763–764 10th Division's judgment, 765–766 implementation of security council resolutions, 749–755 appellate decision of Plenary Session, 753–755 4th criminal court of peace of Istanbul, 750–751 financial assets and economic resources, 753–754 fundamental rights and freedoms, restriction, 752

investigations, 750–751	crucifix in the classroom, 147
mandatory decisions of international	defence of crucifix, 145
organizations, 749–750	humanist values, 146
planning of terrorist acts, 750	Italian legislation, breach of Art. 2,
prevention, 752–753	148
terrorist activities, 754	justify religious symbol, 148
international agreements, Turkish legal	protected freedom of religion, Art. 9,
system, 746–749	145
approaches, 747-748	public education system, Art. 2,
constitutional ranking, 748-749	144–145
fragmentation, 746-747	examined national patterns, impact of,
transformation, 746	163–165
Plenary Session, 755–762	historical background, 139-141
administrative act, 759-760	Italian cases, crucifixes, 152-161
constitutional principles, 761-762	classrooms, 152–156
contradictions, 762	courtrooms, 160–161
decisions of international	polling stations, 156-159
organizations, 756–757	Italian Constitutional law, impact of,
lack of transparency, feelings, 757	163–165
legality of smart sanctions, 757	Italian Government appeal, 167
listing, 760–761	Italian society, 168
non-self-executing, 758	Lautsi beforedomestic courts, 143-144
self-executing, 759	principle of secularism, 148
smart sanctions, 745–746	religious freedom and secularism,
Solange approach, 766-767	141–143
	supranational court, 168
L	Legal implications of Better Regulation
Lautsi v. Italy, religious symbols by state,	(BR), 455–466
139–168	Administrative Procedure Act, 458–459
background and ECtHR, 148-152	contributions, 465–466
Austria, 152	convergence of regulatory management
France, 152	and legal principles, 461–464
Germany, 148–150	consultation and IA procedures, 462
Spain, 151	instruments, 463–464
Switzerland, 150	non-delegated legislative power,
boundaries of, 161–163	462–463
crucifixes in public establishments,	preparatory assessments, 463
166–167	proportionality test, 461
European Court of Human Rights	'sovereignty', 461–462
(ECtHR), 144–148	need for legal safeguards, 464–465
breach of the ECHR, 146–147	constitutional design, 464
concept of secularism, 146	laws and lawmaking procedures, 465

OMC, 465	challenging the legality of EU act,
opaque procedures, 457	496–503
principles of proper lawmaking,	cotton production, 500
459–461	drafting stage, 497-498
ECtHR, 460-461	EU institutions, 501
evidence-based lawmaking, 460	preliminary assessments, 499
quality standards, 459-460	principle of subsidiarity, 497
public law scholarship, 457	procedural check, 497
rise of BR, 455–456	proportionality, 498–499
empirical justification, 455	Roaming Regulation, 502
IA framework, 456	substantive check, 497-502
'Smart Regulation', 456	civic omniscience, 486
soft regulation and non-regulatory	Commission's impact assessment
instruments, 458	system, 487–492
subsidiarity and proportionality,	evolution of IA system, 488–489
457–458	genesis, 487–488
	IA guidelines and scope, 489–490
M	quality control system, 490–492
Mangold and Kücükdeveci, glimpse of soli-	direct encounters, judicial lens, 495–496
darity in the aftermath of, 225–240	ex ante evaluation meets ex post
comment on Kücükdeveci, 236–237	control, 485–505
direct effects reload, Mangold II,	'juridification', 504–505
230–232	legal status of IA System, EU legal
factual background and legal	order, 492–495
framework, 226-227	self-imposed rules, 494-495
horizontal effect of, 232-234	'soft law', 493
incidental horizontal effects, 234-236	'pre-legality checks', 504
lesson of solidarity, 237-240	regulatory IA and ex post judicial
beneficiaries, 238	control met, 502–503
'damaging', 238	'Smart Regulation', 485
European citizenship, 240	_
incentives, 239	N
non-discrimination principle, 239	Ne Bis in Idem, EU competition law
prohibition of unjustifiable	antitrust enforcement, consistency,
discrimination, 237	241–242
Mangold	ECN and parallel application, TFEU
to Kücükdeveci, 228–230	Art. 101 and 102, 246-250
precedent, 227-228	absence harmonization, 247
supremacy reload, Simmenthal II, 232	Commission investigation, 248
Meeting of minds on impact assessment	competent authority, 249
(IA), 485–505	Court of First Instance, 248
advantages and disadvantages, 486	creation of, 246

m	St. 1 . 1
ex officio, 247–248	Charter's rights, Art. 41, 353–354
members and function, 246	concept of, 356
NCA application, 246	content, 356–357
NCAs, investigation and sanction,	EO stresses, 354
249	individual legal rights, 357
notice, 249–450	legally enforceable right, 357
ECtHR, 242	legal standards, 355
effectiveness, 242	means and impression, 353-354
legal and cultural revolution, 241	procedural rules, 355
Lisbon treaty and future reforms,	responsibility, 356
258–260	rules and principle, 354
origin and violation, 242-243	traditional and human rights,
parallel application, 242	354–355
positive effects, cartel, 242	emergence institutions, 349
potential violation, EU antitrust	enjoy democratic legitimacy, 351
enforcement, 250-258	EO's Code, 351
concurrent application, 256-258	function, legal mandate and review,
multiple prosecutions, TFEU,	351–353
254–255	cure legitimacy problem, 351-352
NAC and EC, 253-254	extra-legal/soft-law review, 353
TFEU Art. 101 and 102, EC,	maladministration, 352–353
251-252	office, 351–352
world wide cooperation, 250-251	investigation, 350
scope, 243–246	legalistic approach, 357–358
apply criminal proceedings, 243	model and schemes, 349–350
CISA, Art. 54, 245	norm-development role
EU antitrust proceedings, 246	lawful v. good administrative bena-
natural person, free movement, 245	viour, 361–363
non-double jeopardy, ECJ, 245–246	objections, 363–364
notion, penal procedure, 243	Ombudsnorms, 358–360
offence, conduct/cause, 244	norms developer, 351
same offence, Art. 4, 245	Quango-control and extra-judicial
Zolotukhin v. Russia, 244	redress, 350
TFEU, Art. 101 and 102, 241	redress and mediation, 350-351
,	tenders, 365–366
0	Open government in Poland
Ombudsman's role, EU, 349–368	change interpreting role, 263
adaptations, mode of operation,	citizens rights, 262
366–368	civic society, 262–263
Dutch, 350	consitutional system, 265–269
EC Code, good administrative	first publication, 268–269
behaviour, 353–357	LAPI, 267
John Violet, Job Jol	11111, 201

operating systems, issues, 265–266	Terrorism Act 2000, 333
Polish statute and entities, 267–268	omit requirement, 331
public authority, 265	recent and proposed legislation,
right to information, 266	332–333
transparency, 269	Protection of EU citizens abroad, 91-109
definition, civic society, 263	application form, 108–109
law making process, UN, 270-274	commission action plan, 106
BIP, 271–272	constitutional nature of protection,
foundations, democratic state,	97–99
270–271	diplomatic and consular relations, 99
information rights, 269-270	ECHR, 98
legislative work, 272	international practice, 99
legation, plan, 271	protection of Germans abroad,
lobbying, 270	97–98
lobbying transparency, 271	diplomatic and consular agents
public hearings, 272-273	responsibilities, 99-100
registration, scope, 273-274	ECJ in Hague regarding matters, 105
limitation, direct democracy, 264-265	inactive persons, 106
new technologies, 261	inadequate protection, 102
principles, 264	non-Community country, 106-107
recipient duties, 262	origins, 91–94
in UK, 262	Adonnino Committee proposal, 93
	concert of Europe, 91
P	diplomatic protection, 93-94
Police power to conduct a search without	effective bond of nationality, 92
'reasonable suspicion' in Australia,	identity of EU citizens, 92-93
331–347	referral mechanism, 107-108
arguments v. Victorian legislation,	result-based obligation, 101-102
338–347	role of protecting own citizens, 101
breach, rule of law, 338–341	space of freedom, justice, and security,
constitution entrenched, 341–344	103–104
interpretation, international and	TFEU analysis, Art. 23, 94–97
common law, 344–347 Territory Charter, 338	equal treatment among Europeans, 96–97
concept, 331	EU directives, Art. 288, 95
Gillan litigation, 333–338 articles, Sec. 45, 334	facilitating the exercise of the rights, 95
authorization search, Sec. 44, 334	natural person, 94
Code of Practice, 334–335	permanent representation of the
ECtHR, 336–338	State, 94–95
House of Lords decision, 335-336	special legislative procedure, 95–96
punishment, Sec. 47, 334	TFEU Art. 23 and 35, 105-106

R	naturalization, 639
Ramifications of the EU/IMF loan to	permanent residence, 637-638
Ireland, 387–397	General Court, 642
bilateral loans, 388	proceedings concerning, legality of
'Celtic Tiger' economy, 387	measures, 642–643
consequences of deal, Irish law and	supremacy, 640-641
society, 395–396	Union competences, 641–642
deal, 393–394	Russian citizens influence in public
diminution, 397	decision-making, 675-704
economic crisis in Ireland, 388-390	application, separate participatory
initial investments, 389	modes, 687–703
NAMA, 389–390	active engagement, 696
property prices, 388-389	aim, conference, 691
European Central Bank (ECB) Statute,	amalgamation processes, 693
392	civic education and access to
international regulatory framework for	information, 701-702
banks (Basel III), 393-394	'constitutional assembly', 690
National Asset Management Agency	Court of Appeal, 689
(NAMA), 389–390	dispute resolution, 698–699
role of EU Law in Irish economic crisis,	exhaustive analysis, 688
390–393	Human Rights Committee,
argument, 390–391	689
ECB Statute, 392	ICCPR, 698
Economic and Financial Committee,	language and culture, 694
391	petitioning state and municipal
Recent developments in Luxembourg,	authorities, 688
633–646	principle, recognition, 697
actions for damages, 644	public chamber, Russian federation,
CJEU human rights jurisprudence,	694–696
634–637	public hearings, 699-700
EAFRD, 634	public opinion heard by public
grounds of age, 637	authorities, 702–703
judicial protection, 635–636	regulating issues, 687
non-discrimination principle, 636	Sami Parliament, 692
principle of subsidiarity, 634	territorial entities, 691
protection of personal data, 634-635	bilateral communication, 683
common foreign and security policy,	civic awareness, 681
643–644	clarifying terms, 683-687
court of justice in 2010, 633-634	arguments for substantive
European citizenship, 637-639	participation, 684–685
free movement and residence,	context of international obligations,
638–639	683–684

modes of substantive participation,	constitutional amendment, 6-7
685–687	death penalty, 8
decision-making processes, 675	judges and courts, 7–8
European Court of Human Rights, 704	judicial discipline, 9–10
multiparty system, 680	Medvedev Report, 1–2
processes of amalgamation, 682	Russian's ratification, protocol 14, 9
Russian Federation, 675–676	transparency of court decisions, 9
Soviet experiences of citizens, 679-680	upset in Constitutional Court, 2-6
territorial entities, 681	Chairman appointment, Art. 13, 5
universality, participatory standards,	court chairman, 2–3
676–679	Dmitriev, 5–6
'Deliberative Democracy', 677	Judicial Disciplinary Appeal
democratic decision-making, 677	Tribunal, 2
genuine and periodic elections, 678	judicial system, 3-4
international legal obligations, 679	Pushkarskaia's report, 3
process, good governance, 676	RF Council of Judges, 2
	wealth of potential report, 1
S	Treaty of Lisbon, EU integration, 73–89
Search of a modern Deus ex Machina,	analysis, 77–88
Greece, 181–196	constitutionalism and technocratism,
case of Latvia, 183-184	87–88
crisis in Europe, 182–183	efficacy/legitimacy, 83-87
financial assistance, 184–185	modern phoenix, 77–78
Greek case, 185-193	representative and direct democracy,
adoption of Law 3833/2010,	78–80
185–187	risk of falling victim, national leader,
Article 28 of Hellenic Constitution,	80–83
187–188	ratification, 74–77
Axing Trade Union Rights,	Constitutional Treaty, 75
192–193	economic rights, 74
form of government, 189–190	international legal personality, 75–76
'orderly' bankruptcy, 193–195	Ireland, 76–77
scrapping national, European and	legal order, 74
international labour rights,	Member States leaders, 76
190–192	Turkish Constitution, 11–23
	assessment, 20–23
T	amendment packages, 20
Tenure and discipline developments,	constitutional amendments., 22
Russia, 1–10	cosmetic changes, 21
abolition of capital punishment,	democratization process, 21
protocol 6, 8	executive powers, 21
conspiracy theories, 1	impact of reforms, 22–23
compilar, dicorres, i	impact of feroims, 22 23

reflecting process, 21–22 social and political systems, 24 violations of human rights, 22 1982 Constitution, 11 contents of amendments, 14-20 Bureau of the Assembly, Art. 94, 15 disciplinary proceedings, Art. 129, 15 equality before the law, Art. 10, 14 freedom of residence and movement, Art. 23, 14 functioning and trial procedure, Art. 149, 17–18 functions and powers, Art. 148, 17 High Military Administrative Court of Appeal, Art. 157, 18 High Military Court of Appeal, Art. 156, 18 loss of membership, Art. 84, 15 military justice, Art. 145, 15-16 organization of Constitutional Court, Art. 146, 16-17 planning, Art. 166, 19

privacy of personal life, Art. 20, 14 protection of family, Art. 41, 14 provisions relating to public servants, Art. 128, 15 recourse to judicial review, Art. 125, right of collective bargaining, Art. 53, 14 right of petition, Art. 74, 15 right to organize labour unions, Art. right to strike and lockout, Art. 54, substitute members of Constitutional Court Art. 18 and 19, 19-20 supervision of judges and public prosecutors, Art. 144, 15 supreme council of judges and public prosecutors, Art. 159, 18–19 termination of membership, Art. 147, 17 history of amendments, 11–13