

EUROPEAN JUDGES AND THE CHALLENGE OF THE NEW GLOBAL LEGAL LANDSCAPE

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SUMMARY

- Globalisation: the legal dimension
- Towards a transnational European jus commune: two illustrations
 - Human rights
 - European Community law
- The consequences for judges and the courts

GLOBALISATION: THE LEGAL DIMENSION

New legal rules

- Origin
 - The end of the monopoly of the State or the States.
 - A variety of new sources
- Main areas concerned
- Shape
- Effects
 - Internationalisation of the law
 - Permeability of legal systems
 - Competition between them
 - Expansion of available sources of legal information
 - The global legal system: more a network than a pyramid

TOWARDS A EUROPEAN TRANSNATIONAL EUROPEAN JUS COMMUNE: TWO ILLUSTRATIONS

- Human rights: the system of the European Human Rights Convention
- The invention of European Community law

HUMAN RIGHTS: THE SYSTEM OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS

- A new instrument: the ECHR
- A new Court: The European Court of Human Rights
- A legal revolution: the right of individual petition
- The outcome: half a century of case law
 - Implementing the Convention
 - Interpreting key legal notions : fair hearing, independent and impartial tribunal, reasonable delay, effective remedy, procedural obligations of the States, proportionality

THE INVENTION OF EUROPEAN COMUNITY LAW (1)

- **Instruments:** treaties, EU legislation and decisions, the case law of the ECJ and CFI.
- **Basic rules:** free movement of goods, capital, workers and other EU citizens ; freedom of establishment and to provide services.
- **Policies:** competition ; common agricultural policy ; consumer protection ; environment.

THE INVENTION OF EUROPEAN COMUNITY LAW (2)

- **Characters of EC law:** supremacy ; direct effect ; uniformity
- **Principles:** proportionality ; legitimate expectation ; fundamental rights.
- **Institutions:** the Commission ; the Council ; the European Parliament ; the European Courts: the ECJ and the CFI ; the European Council

THE CONSEQUENCES FOR JUDGES AND THE COURTS

- European law creates remedies national courts
- European law takes precedence over domestic law
- European law creates a dialogue between courts
- A new intellectual and cultural horizon: access to and use of legal information