

Jens Dammann

Materielles Recht und Beweisrecht im System der Grundfreiheiten

[The Relationship Between Substantive and Evidentiary Rules in the Law of the Fundamental Freedoms.]

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The fundamental freedoms guaranteed by the Treaty establishing the European Community limit the regulatory autonomy of the member states. These limits are determined not only by the substantive rules contained in the fundamental freedoms, but also by evidentiary rules such as rules regarding the burden and standard of proof. Moreover, these two areas of the law do not function independently of each other. Rather, the impact of the fundamental freedoms is determined by the combined effect of substantive and evidentiary rules. Jens Dammann suggests an interpretation of the fundamental freedoms that does justice to this insight.

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