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ISSN: 1861-7301 - Suggested citation: VEEu

Last updated: 26/11/2020. Prices are subject to change.

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Bauerschmidt, Jonathan

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Auswirkungen differenzierter Integration durch Völkerrecht auf die Europäische Union

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The European Union is still in transformation. Not long after the Lisbon Treaty was consolidated, a new form of differentiated integration has emerged during the Euro crisis in which international law treaties of some member states challenge the EU's constitution. Jonathan Bauerschmidt traces and evaluates these developments from a constitutional perspective.

Junge, Oliver Jürgen

Imperium

Die Rechtsnatur der Europäischen Union im Vergleich mit imperialen Ordnungen vom Römischen bis zum Britischen Reich

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Historically, the European Union is regarded as being one of a kind, unique and incomparable. Oliver Jürgen Junge takes a comparative view of imperial systems, notably the Roman and British empires, along with the Holy Roman Empire and others, to reveal amazingly plausible and up-to-date parallels with the European Union as it finds itself in the process of European integration.

Unsel, Christopher

Zur Bedeutung der Horizontalwirkung von EU-Grundrechten

Eine rechtsvergleichende Studie zur Dogmatik und Rationalität einfach- und verfassungsrechtlicher Durchsetzung und Abwägung von Grundrechten

Volume 14
2018. X, 360 pages.

ISBN 9783161558184
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The German third-party effect of fundamental rights (»Drittwirkung«) is predominantly perceived as a positive achievement. Christopher Unsel shows, by leaning on Foucault's theory on governmentality and recapitulating the US Supreme Court's »state action doctrine«, that this is by no means self-evident. His thesis raises doubts as to whether the CJEU's seemingly progressive horizontal effect jurisprudence truly represents a positive twist on the European constitutional project.

Michl, Fabian

Unionsgrundrechte aus der Hand des Gesetzgebers

Volume 13
2018. XVIII, 335 pages.

ISBN 9783161560224
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Even though the Charter of Fundamental Rights has been an integral part of EU constitutional law for several years now, many questions remain unanswered. Fabian Michl's study addresses a particularly intricate problem: How can EU fundamental rights protect against the legislator while still being subject to laws that define their very content and limits?

Poulou, Anastasia

Soziale Grundrechte und europäische Finanzhilfe

Anwendbarkeit, Gerichtsschutz, Legitimation

Volume 12
2017. XIX, 353 pages.

ISBN 9783161551284
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To what extent are fundamental social rights threatened by European financial assistance conditionality? Anastasia Poulou sheds light on the applicability and the scope of EU social rights in the context of European financial assistance and pleads for a democratically legitimate judicial protection of social rights in times of crisis.

Mannefeld, Lisa-Karen

Verfassungsrechtliche Vorgaben für die europäische Integration

Die Rechtsprechung des deutschen und des italienischen Verfassungsgerichts

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2017. XX, 355 pages.

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Since European integration began in the 1970s, Germany's constitutional court has – in terms of the limits of constitutional identity, the protection of fundamental rights and ultra-vires reviews – been developing detailed jurisdiction. Lisa-Karen Mannefeld contrasts German handling of the situation with corresponding case law in Italy and the Czech Republic.

Simantiras, Nikolaos I.

Netzwerke im Europäischen Verwaltungsverbund

Legitimation durch Verantwortung polyzentrischer Governance-Strukturen

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Nikolaos I. Simantiras examines networks as an expanding governance structure in the EU from the perspective of their accountability and constitutional legitimacy. Through a reconstruction of the principle of democracy, his research for alternative options for constitutional legitimacy also reveals the democratic nature of judicial review and thus the importance of an optimization of its effectiveness in European governance networks.

Ohlendorf, Lutz

Grundrechte als Maßstab des Steuerrechts in der Europäischen Union

Volume 9
2015. XXII, 479 pages.

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The role of fundamental rights in European tax law is only beginning to unfold. Lutz Ohlendorf explores the potential of equality and property rights for the enforcement of tax equity, drawing on an analysis of national constitutional traditions and taking into account the specific conditions of a partially integrated legal order.

Walter, Maja Katharina

Verfassungsprozessuale Umbrüche

Eine rechtsvergleichende Untersuchung zur französischen Question prioritaire de constitutionnalité



Volume 8
2015. XIX, 418 pages.
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In 2010, the introduction of the *Question prioritaire de constitutionnalité* in France completed a process of change from a traditional legislative sovereignty to an actual supremacy of the constitution. This work explores the background and implications of this innovation, and identifies the factors leading to transformations of constitutional jurisdictions by legal comparison.

Betz, Alexander

Die verfassungsrechtliche Absicherung der Vorlagepflicht

Zum Bedürfnis einer nationalen Nichtvorlagerüge

Volume 7
2013. XXVI, 365 pages.
ISBN 9783161524677
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European Union law is constantly developing an increasing number of comprehensive regulations for all areas of peoples' lives in the Member States. Alexander Betz deals with a central problem in the European Union's legal protection system, a problem which is of considerable practical relevance for enforcing the rights of the individual and significant for the relationship between the national legal systems and the European Union's legal system.

Mayer, Martina

Die Europafunktion der nationalen Parlamente in der Europäischen Union

The responsibilities of the parliaments of the EU Member States in the course of the European integration process are of unique significance. As a consequence, they constitute a new parliamentary function, which Martina Mayer terms the »European function«. The author studies this function in regard to its purpose, content and practical enforcement in the national parliaments of the EU Member States of Denmark, Germany, France, Austria and Great Britain.

Volume 6
2012. XXXI, 613 pages.
ISBN 9783161517273
cloth 114,00 €

Fröhlich, Daniel

Das Asylrecht im Rahmen des Unionsrechts

Entstehung eines föderalen Asylregimes in der Europäischen Union

Volume 5
2011. XXI, 446 pages.
ISBN 9783161505881
cloth 89,00 €

Daniel Fröhlich traces the development of the basic right of asylum in Germany and determines its place in the Common European Asylum System. He describes the origins of a federal asylum regime within the European Union and outlines its normative framework and effects.

Wendel, Mattias

Permeabilität im europäischen Verfassungsrecht

Verfassungsrechtliche Integrationsnormen auf Staats- und Unionsebene im Vergleich

Volume 4
2011. XXXII, 764 pages.
ISBN 9783161507441
cloth 159,00 €

Introducing the concept of legal »permeability«, Mattias Wendel explores the constitutional foundations of the mutual openness of EU law and national law on a comparative basis.

Schröder, Meinhard

Gesetzesbindung des Richters und Rechtsweggarantie im Mehrebenensystem



Volume 3
2010. XVI, 347 pages.

ISBN 9783161503337
cloth 89,00 €

The internationalization of law leads to difficulties for judges in finding the applicable rule. This is a potential threat to the right to judicial review, which includes the right to a correct decision. The fact that in some cases judges are not only subject to international law but also to its interpretation by international bodies reduces this threat, but also the right to judicial review of the law concerned. Meinhard Schröder examines the resulting tension between the constitutional principles of judicial submission under the law and the right to judicial review with a focus on the review of legal provisions which were not created by the national legislative body.

Wollenschläger, Ferdinand

Grundfreiheit ohne Markt

Die Herausbildung der Unionsbürgerschaft im unionsrechtlichen Freizügigkeitsregime

Volume 2
2007; unrevised reprint 2017.
XXVI, 449 pages.

ISBN 9783161552465
sewn paper 74,00 €

Ferdinand Wollenschläger examines the emergence of European Union Citizenship. In doing so, he not only undertakes a doctrinal structuring of the European Court of Justice's almost incomprehensible jurisprudence on Union Citizenship, whose methodological coherence is questioned and whose consequences in particular for the national social security systems are criticised. The author also explores the continuities and rifts, the illusions and prospects accompanying the transition from a market- to a citizenship-based regime of the free movement of persons and thereby identifies necessary adjustments. At the same time he locates the new institution of Union Citizenship within the overall structure of the EU and presents national and Union Citizenship as complementary affiliations in the multi-level polity that is the EU.

