SOVEREIGNTY IN THE SHARED LEGAL ORDER OF THE EU: CORE VALUES OF REGULATION AND ENFORCEMENT

Edited by

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PREFACE

This book, Sovereignty in the shared legal order of the EU: Core Values of Regulation and Enforcement, is a valuable addition to the literature on EU law and governance. It is the product of the Utrecht Centre for Regulation and Enforcement in Europe (Renforce), which was established in 2013. The book asks important questions, and the authors, individually and collectively, pursue the inquiries with skill and insight. It explores the EU’s core values, assessing how these shape EU policy when it interacts with regulation and enforcement at national level within the regime of shared administration that characterizes service delivery in most areas of EU governance.

Two more particular inquiries serve as the focus for the analysis that runs throughout the book. The first concerns how such core values impact on the relationship between: European territoriality and national territory; EU and national citizenship; and between national institutional autonomy and European regulatory initiatives. The second question is related but distinct, with the focus being on how conflicts between diverging core values are addressed within this shared legal order, and more particularly how they play out in the three domains of territory, citizenship and regulatory authority. The authors are fully mindful of the symbiotic link between EU core values and those that subsist at national level, with the latter influencing the former as well as vice-versa in a way that is continually evolving.

The thesis of the research project is profitably pursued through a combination of studies of different policy areas, which are followed by three more cross-sectoral studies on the concepts of authority, citizenship and regulation. The sectoral policy studies perforce differ in detail, but they nonetheless address the same key issues. They ask which are the core values within the particular policy domain; why they have that status; how such values interact with each other in the three domains adumbrated above; and the nature of the symbiotic link between the EU and the national orders, viz, the way in which the core values are themselves influenced by change in the shared legal order. The three more horizontal, cross-cutting chapters complement the vertical studies, bringing out common themes and probing the rationale for difference.

The theme explored in the book is challenging, a fact which the authors readily acknowledge. The very identification of EU core values is a considerable intellectual task in and of itself. The discourse leading to the conception of core
values adopted for the purpose of the book is however valuable in its own terms, since such matters are all too often assumed in conclusory terms, without being clear as to the analytical and normative assumptions that drive the conclusion. The authors articulate a conception of core values, in the context of this Renforce research project, as being those multiple (legal) values, which function as the standard of normative evaluation, which are not instrumental and which are inherent in the shared European-national legal order. This includes a specific sub-set of constitutional core values.

It is recognized that the divide between intrinsic and instrumental values can be difficult to maintain. It is also recognized throughout the study that different policy domains may contain their own core values, that the particular conception of such values may differ in different domains, or that they may vary in terms of their relative significance according to the subject matter studied.

This book will be of interest to all those concerned with law and governance in the EU. It raises issues that are central to the kind of shared polity that is the EU. It tackles concerns that have been prevalent within the EEC since its inception, notwithstanding the fact that they may manifest themselves differently over time. The authors make no pretence that there are easy answers to the questions posed, but the book advances our understanding of this important terrain.

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# ABBREVIATIONS

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<tr>
<td>ACER</td>
<td>Agency for the Cooperation of Energy Regulators</td>
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<td>ACM</td>
<td>Authoriteit Consument en Markt</td>
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<td>AFSJ</td>
<td>Area of Freedom, Security and Justice</td>
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<td>BEPG</td>
<td>Broad Economic Policy Guidelines</td>
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<td>BFP</td>
<td>Business Finance Partnership</td>
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<td>B2C</td>
<td>Businesses and Consumers</td>
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<td>B2B</td>
<td>Contracts Between Businesses</td>
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<td>BRP</td>
<td>Marseille vice squad</td>
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<td>CEBS</td>
<td>Committee of European Banking Supervisors</td>
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<tr>
<td>CESEDA</td>
<td>Code of Entry and Residence of Aliens and the Right to Asylum</td>
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<td>CESL</td>
<td>Common European Sales Law</td>
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<td>CESR</td>
<td>Committee of European Securities Regulators</td>
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<tr>
<td>CEIOPS</td>
<td>Committee of European Insurance and Occupational Pensions Supervisors</td>
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<tr>
<td>CIGS</td>
<td>UN Convention on Contracts for the International Sale of Goods</td>
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<td>CJEU</td>
<td>Court of Justice of the European Union</td>
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<td>Commission</td>
<td>European Commission</td>
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<td>CPVO</td>
<td>Community Plant Variety Office</td>
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<tr>
<td>CRD</td>
<td>Capital Requirements Directive</td>
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<td>CRD package</td>
<td>Capital Requirements Directive and Capital Requirements Regulation</td>
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<tr>
<td>DCFR</td>
<td>Academic Draft Common Frame of Reference</td>
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<tr>
<td>EASA</td>
<td>European Aviation Safety Agency</td>
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<td>EBA</td>
<td>European Banking Authority</td>
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<td>ECB</td>
<td>European Central Bank</td>
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<td>ECHA</td>
<td>European Chemicals Agency</td>
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<td>ECN</td>
<td>European Competition Network</td>
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<td>ECHR</td>
<td>European Convention on human rights</td>
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<td>EDP</td>
<td>Excessive deficit procedure</td>
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<td>EEA</td>
<td>European Economic Area</td>
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<td>EEC</td>
<td>Treaty Establishing the European Community</td>
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<td>EIO directive</td>
<td>Directive on the European Investigation Order</td>
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<td>EIO</td>
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<td>EIOPA</td>
<td>European Insurance and Occupational Pensions Authority</td>
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<td>ETS</td>
<td>Emissions Trading System</td>
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<td>EJN</td>
<td>European Judicial Network</td>
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<td>EMIP</td>
<td>Excessive Macroeconomic imbalances procedure</td>
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<td>EMA</td>
<td>European Medicines Agency</td>
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<td>EMU</td>
<td>European Monetary Union</td>
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<td>EPPO</td>
<td>European Public Prosecutor's Office</td>
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<td>ESA</td>
<td>European Supervisory authorities</td>
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<td>ESMA</td>
<td>European Securities and Markets Authority</td>
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<td>ESRB</td>
<td>European Systemic Risk Board</td>
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<td>ESFS</td>
<td>European System of Financial Supervisors</td>
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<td>ESM</td>
<td>European Stability Mechanism</td>
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<td>EU Charter</td>
<td>Charter of Fundamental Rights</td>
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<td>EU</td>
<td>European Union</td>
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<td>FATF</td>
<td>Financial Action Task Force</td>
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<td>FIU</td>
<td>Financial Intelligence Units</td>
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<tr>
<td>FLS</td>
<td>Funding for Lending Scheme</td>
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<td>FSAP</td>
<td>Financial Services Action Plan</td>
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<td>FSR</td>
<td>Financial Services Regulators</td>
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<td>GFCC</td>
<td>German Federal Constitutional Court</td>
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<td>ISD</td>
<td>Investment Services Directive</td>
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<td>ICAO</td>
<td>International Civil Aviation Organization</td>
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<td>JHA</td>
<td>Justice and Home Affairs</td>
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<td>JIRS</td>
<td>Specialised Inter-regional Courts</td>
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<td>KPCS</td>
<td>Kimberley Process Certification Scheme</td>
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<td>MiFID</td>
<td>Markets in Financial Instruments Directive</td>
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<td>MiFID2</td>
<td>Second Markets in financial instruments</td>
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<td>MTO</td>
<td>Medium-term budgetary objective</td>
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<td>NCA</td>
<td>National Competition Authorities</td>
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<td>OMC</td>
<td>Open Method of Coordination</td>
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<td>OHIM</td>
<td>Office for Harmonisation in the Internal Market</td>
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<td>SSMR</td>
<td>Single Supervisory Mechanism Regulation</td>
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<tr>
<td>SSM</td>
<td>Single Supervisory Mechanism</td>
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<tr>
<td>TEU</td>
<td>Treaty on the European Union</td>
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<td>TFEU</td>
<td>Treaty on the functioning of the European Union</td>
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<tr>
<td>TSCG</td>
<td>Treaty on Stability, Coordination and Governance</td>
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<td>UN</td>
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