

Reinforcing Rule of Law Oversight in the European Union

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Hardback ISBN: 9781107108882
Price: £70.00 / \$110.00

This book provides the definitive reference point on all the issues pertaining to dealing with the 'crisis of the Rule of Law' in the European Union. Both Member State and EU levels are considered. Particular attention is paid to the analysis of the concrete legal bases and instruments that the EU may avail itself of for enforcing Rule of Law and the volume clearly demonstrates that a number of legally sound ways of Rule of Law oversight are available. Contributors are leading scholars who assess the potential role to be played by the various bodies in the context of dealing with the EU's Rule of Law imperfections.

Part I. Establishing Normative Foundations: 1. Reinforcing EU monitoring of the rule of law: normative arguments, institutional proposals and the procedural limitations; 2. Beyond legality – before democracy: rule of law caveats in the EU two-level system; 3. Overseeing the rule of law in the EU: legal mandate and means; 4. Protecting democracy inside the EU: on article 7 TEU and the Hungarian turn to authoritarianism; 5. Enforcing the basic principles of EU law through systemic infringement actions; 6. Mutual trust: the virtue of reciprocity – strengthening the acceptance of the rule of law through peer review; 7. The rule of law and the role of fundamental rights: seven practical pointers; 8. The potential of the EU charter of fundamental rights for the development of the rule of law indicators; 9. The EU charter of fundamental rights as the most promising way of enforcing the rule of law against EU member states; 10. Protecting the rule of law (and democracy!) in the European Union: the idea of a Copenhagen Commission; 11. From Copenhagen to Venice; Part III. Identifying Deeper Problems: 12. EU democratic oversight and domestic deviation from the rule of law: sociological reflections; 13. Why improve EU oversight of the rule of law? The two-headed problem of defending liberal democracy and fighting corruption; 14. The issuing EU rule of law; Epilogue: living in a glass house: Europe, democracy and the rule of law.

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