

The Law and Policy of Harmonisation in Europe's Internal Market

edited by Isidora Maletić

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The book focuses on the interpretation of the legal aspects of European Economic Integration regarding the creation of the single market. It does not tackle issues of the single currency or fiscal alignment but sheds light on what is the heart of the EU structure: the single internal market. Isidora Maletić's book would be interesting for lawyers interpreting the treaty on the creation of the single market and for economists who would like to understand the legal aspects of the creation of the single market.

The book attempts to address, successfully, many legal questions that were still open concerning the interpretation of Article 114 of the Treaty on the Functioning of the European Union, which is the principal Treaty on European market building through harmonization. It provides also interpretations of Article 114 regarding provisions that allow Member States, to protect certain major interests, not national, but rather of general importance e.g. the protection of the public health and the protection of the environment.

The book takes the view that market harmonisation is attained through 'positive' and 'negative' integration, the former being the adaptation of measures by the legislation of the Member States in alignment with European legislation in order to promote market harmonization, while the latter refers to the deregulatory effects on the Member State laws imposed by the European judiciary in order to abolish measures that inhibit the functioning of the Single Market. Several examples of both aspects of the integration process are presented with particular attention paid to the interpretation of the cases of negative harmonization; the role of the Member States, the Commission, the Legislature and that of the Courts is analysed and presented.

It is an essential book for everyone seeking to understand the process of market harmonization of the European Union. Potential readers are students, academics, judges, government representatives, policy-makers, European Union officials and anyone generally interested in the dynamics of EU market harmonisation.

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