

Civil Procedure and EU Law



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著者:Storskrubb, Eva

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The regulation of cross border civil and commercial litigation is a burgeoning EU policy

area. Legislative measures and other initiatives now provide a framework for the regulation of cross border service of documents, obtaining evidence, establishing jurisdiction and enforcement of judgments, enforcement orders, legal aid, alternative dispute resolution, payment orders, and small claims. In addition, overarching measures have been enacted including the creation of a judicial network and judicial training structures. This book offers the first detailed analysis of the EU's activity in procedural harmonization, spanning civil procedure, private international law and European law. The book situates the development of the policy area and its regulation in relation to broader themes of the European integration process: market building, citizenship, fundamental rights, subsidiarity and governance. It provides a detailed analysis of the legislative measures and assesses their impact on fundamental principles of civil justice, including due process rights. The case-law in the area is also analysed, including the introduction of the principle of mutual recognition. The book concludes with a comparative analysis of the EU's approach with broader international efforts for procedural harmonization.

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