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Nota di contenuto	The Reach of Free Movement and the Gradualist Approach of the CJEU: An Introduction -- The Reach of Free Movement -- The Reach of Free Movement. A Defence of Court Discretion -- The Reach of the Provisions Governing the Free Movement of Persons Through the Lens of the Notions of 'Discrimination' and 'Restriction' -- Restrictions on the Use of Goods and Services -- To Use or Not to Use – That's the Question: On Article 34 and National Rules Restricting the Use of Lawfully Marketed Products -- Justifications and Proportionality -- Justifications to Restrictions to Free Movement: Towards a Single

Normative Framework? -- The Justification and Proportionality of Certain Administrative, Regulatory and Political Concerns that Entail Restrictions on the Freedom of Movement -- The Guardianship of European Constitutionality: A Structural Critique of European Constitutional Review -- The Function of the "Consistent and Systematic Manner" Criterion in Free Movement Law -- Fundamental Rights -- Legitimacy and The Charter of Fundamental Rights Post-Lisbon -- False Friends and True Cognates: On Fundamental Freedoms, Fundamental Rights and Union Citizenship -- Fundamental Freedoms, Fundamental Rights, and the Many Faces of Freedom of Contract in the EU -- The Charter of Fundamental Rights and the Reach of Free Movement Law -- Looking Abroad -- Creating a National Market in the United States Through the Dormant Commerce Clause? -- Beyond Parallel Powers. EU Treaty-Making Power Post-Lisbon -- Table of Cases.

Sommario/riassunto

The reach of free movement within the EU Internal Market and what constitutes a restriction are the topics of this book. For many years the tension between free movement and restrictions have been the subject of intense discussion and controversy, and this includes the constitutional reach of the rights conferred by the Treaty of Lisbon. Anything that makes movement less attractive or more burdensome may constitute a restriction. Restrictions may be justified, but only if proportionate. The reach of free movement is fundamental to the Internal Market, both for the economic constitution and increasingly for individual rights in a European legal order that provides constitutional guarantees for rights, exceeding those of free movement. The interaction between fundamental rights and fundamental freedoms to movement distinguishes the EU legal order from the national legal systems. The book falls into four parts, 'The reach of free movement', 'Justifications and Proportionality', 'Fundamental rights', and 'Looking Abroad'. The clear discussion of the fundamentals and dilemmas regarding the subject of this book should prove useful for academics, practitioners, graduate students as well as EU officials and judges wishing to stay updated on the ongoing scholarly debate regarding relevance to case law. Mads Andenas is Professor at the Department of Private Law, University of Oslo and at the Institute of Advanced Legal Studies, School of Advanced Studies, University of London. Tarjei Bekkedal is Professor at the Centre for European Law, University of Oslo and the Chair of the Norwegian Association for European Law. Luca Pantaleo is a Lecturer in EU law at The Hague University of Applied Sciences, who obtained a Ph.D. in International and EU Law in 2013 at the University of Macerata in Italy, and who was previously a Senior Researcher at the T.M.C. Asser Institute and Postdoctoral researcher at the University of Luxembourg.
