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Soft Law in Court Competition Law, State Aid and the Court of Justice of the European Union Oana Stefan Kluwer

2013 Introduction Encouraged by the White Paper on Governance and by initiatives such as the Lisbon Strategy and Lisbon 2020, recourse to 'soft law' is booming in many policy fields at the European Union level.

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Senden explains that, while earlier case law of the CJEU painted towards the conclusion that soft law could be considered as nothing more than a voluntary interpretation aid for national courts, after Grimaldi and the subsequent Deutsche Shell (C-188/91 Deutsche Shell [1993] ECR I- 5357) case, soft law should be used as a mandatory interpretation aid the national judiciary.

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The EU courts make extensive use of soft law in sectors such as competition and state aid, 24 yet fail to engage with instruments issued from Open Method of Coordination (OMC) processes related to macroeconomic and employment policy coordination 25 with soft law having

some impact on adjudication in the context of implementation of the Water Framework Directive. 26 Soft law is not systematically reviewed by the Court of Justice, due to a particularly rigid understanding of the notion of ...

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- On hard law: soft law can be used to grant direct effect to a hard law provision. One notice, for example, enables individuals to bring competition cases in front of their national courts and invoke EU hard law.

European Law: The Impact of Soft Law on the Courts | HEC Paris

The aim of this article is to analyse the extent to which European Union (EU) soft law is hardened in administrative court procedures, whether national courts recognise the legal effects of soft law, and can live with the coexistence of soft and hard law. References to EU soft law instruments at national level are most common in administrative law cases, especially in competition law, regulated markets, environmental law, and consumer protection law cases.

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of European Soft Law ...

A soft law instrument can also be judicially invoked and recognized on its own (stand-alone invocation) when the court sees it as a 'shorthand reference' to well-known principles and rules established in hard law. To illustrate those two instances of judicial recognition, a few examples will now be discussed.

Competition soft law in French and German courts: A ...

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arguments based on soft law instruments have been put forward in trials before the ECJ since the 1970s.¹⁵ Recently, a "legal and cultural revolution"¹⁶ has taken place in European competition law and the courts of the member states have been called to deal with European competition cases,

and implicitly with European soft law.

European Competition Soft Law in European Courts: A Matter ...

The term "soft law" refers to quasi-legal instruments which do not have any legally binding force, or whose binding force is somewhat weaker than the binding force of traditional law, often contrasted with soft law by being referred to as "hard law". Traditionally, the term "soft law" is associated with international law, although more recently it has been transferred to other branches of domestic law as well.

Soft law - Wikipedia

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European Law Moot Court (ELMC) On Friday 10 th July, King's College London student Giulio Preti (LLM in Competition Law) competed in the final of the European Law Moot Court (ELMC) Competition. Giulio made it to the final after winning the regional final in Leiden in early February. In preparing for his pleading in the final, Giulio was ably supported by Aurélie Werbrouck and Yaël Rager ...