Editor: Rainer Nicke

Conflict of Laws and Laws of Conflict in Europe and Beyond

Patterns of Supranational and Transnational Juridification





Ius Commune Europaeum

Editor: Rainer Nickel
Conflict of Laws and Laws of Conflict in Europe and Beyond
ISBN 978-94-000-0123-7 D/2010/7849/116 NUR 828
© 2010 Intersentia Antwerp – Cambridge – Portland www.intersentia.com
Cover picture: "The Rape of Europa" by Walentin Alexandrowitsch Serow (1865–1911)
No part of this book may be reproduced in any form, by print, photocopy, microfilm or any other means, without written premission from the publisher.

ACKNOWLEDGEMENTS

The present volume contains the proceedings from the RECON project (www. reconproject.eu) workshop on 'Conflict of Laws and Laws of Conflict in Europe and Beyond – Patterns of Supranational and Transnational Juridification', which I organised and convened in September 2007 at the European University Institute in Florence. The event was held within the framework of RECON Work Package 9 – 'Global Transnationalisation and Democratisation Compared'.

I would like to thank John Erik Fossum and Christian Joerges as leaders of WP 9, Erik O. Eriksen as the overall scientific co-ordinator of RECON, and Geir Kvaerk and Marit Eldholm for their generous help and support, and all the contributors to this report and the participants in the discussions in Florence for their efforts. I also wish to express my gratitude to Marlies Becker (EUI) for her wonderful help and assistance with the organisation of the event, and to Ernst-Ulrich Petersmann, the Head of Law Department of the EUI, who supported this project from the beginning and gave us the opportunity to hold the workshop at the EUI.

As always, Chris Engert has done an excellent job as our language editor, and I wish to thank him for his patience and sensitive language editing.

Rainer Nickel Johann Wolfgang Goethe University

CONTENTS

Ack	knowledgements
List	of contributors xvi
Abł	previations
Cor	roduction Inflict of Laws and Laws of Conflict – An Introduction to the Research Agenda International Internationa
1. 2. 3.	The Need for a New Approach to Supranational and International Law-Making. In The Development of a Notion of Supranational Conflicts Law
	RT I. DELIBERATIVE SUPRANATIONALISM – LAW AND DEMOCRACY THE POST-NATIONAL CONSTELLATION
the	apter 1. Habermas on Constitutional and Social Democracy in European Union
John	n P. McCormick
1. 2. 3. 4.	EU Democracy as a Solution to Global Problems15The History of the State as a Guide to the Present17Critical-Historical Limits of Habermas' Theory of EU Democracy23Conclusion30
Inte	apter 2. Justice or Democracy? Power and Justification in the EU and other ernational Organizations gen Neyer
1.	Beyond the Democratic Deficit
 3. 	Transnational Justice as a Right to Justification
J.	Obstacles to Transilational Justice

 4. 5. 	Supranationalism as a New Context for Justice. 4.1. Transforming Bargaining into Legal Reasoning. 4.2. Safeguarding Executive Responsiveness. 4.3. Healing the Achilles' Heel	40 43 44
Mul	pter 3. Can International Public Goods be Supplied without tilevel Constitutional Democracy and "Constitutional Justice"? st-Ulrich Petersmann.	49
1.	Introduction and Summary: From Realism to Multilevel Democratic	
	Constitutionalism in International Law	49
2.	Cosmopolitan Reasonableness as a Requirement of UN Human	
	Rights Law and European Law	55
3.	Citizen-oriented Reasonableness as a Requirement of	
	Constitutional Justice in International Law	57
4.	International Courts as Guardians of Public Reason in Modern	
_	International Law	59
5.	Constitutional Pluralism: Three Different Kinds of Multilevel	-
	Judicial Protection of Citizen Rights in Europe	62
	Constitutional Rights of EC Citizens	63
	5.2. Multilevel Judicial Enforcement of the ECHR: the Subsidiary	U.
	"Constitutional Functions" of the ECtHR	64
	5.3. The Diversity of Multilevel Judicial Governance in Free Trade	0.
	Agreements (FTAs): the Example of the EFTA Court	69
6.	Lessons from the European 'Solange Method' of Judicial Co-operation	
	for Worldwide Economic and Human Rights Law?	72
	6.1. The "Solange method" of Judicial Co-operation among the German	
	Constitutional Court and the EC Court in the Protection of	
	Fundamental Rights	75
	6.2. "Horizontal" Co-operation among the EC Courts, the EFTA Court	
	and the ECtHR in Protecting Individual Rights in the EEA	78
7.	Conditional "Solange-co-operation" among International Trade and	
	Environmental Courts Beyond Europe?	
	7.1. The OSPAR arbitral award of 2003 on the MOX Plant dispute	81
	7.2. The UNCLOS 2001 provisional measures and 2003 arbitral	0.7
	decision in the MOX Plant dispute	
	7.3. The EC Court judgment of May 2006 in the MOX Plant Dispute7.4. The 2004 IJzeren Rijn Arbitration between the Netherlands	02
	and Belgium	83
	7.5. The "Solange method" as Reciprocal Respect for Constitutional Justice	
8.	Multilevel Judicial Protection of Constitutional Rights as Pre-condition	0.0
	for International Rule of Law and Democratic Supply of 'International	
	Public Goods	85

Rein	pter 4. The European Union and "Otherness": Can The European Union Iforce Global Justice? A View from International Law ia Cebada Romero	. 91
1. 2. 3.	Introductory Remarks	. 93
4.	a "Smart" Civilian Power	100
_	the Latin-American Case	
5. 6.	The Problems of the European Union to Stick to its Civilian Power Paradigm. Concluding Remarks	
	pter 5. On "Europe's American Dream"	110
John	ı Erik Fossum	113
1.	Introduction	113
2.	The "Dream"	116
	2.1. A New Beginning: The U.S as Polity Model	
	2.1.1. Brief Description of the Phenomenon	117
	2.1.2. Justification for Why Europeans Would See This as Relevant	
	to the EU	
	2.2. The "City on the Hill"	
	2.2.1. Description of the Phenomenon	120
	2.2.2. Justification for Why Europeans Would See This as Relevant	
	to the EU	
	2.3. The "Words of Power"	
	2.3.1. Description of the Phenomenon	122
	2.3.2. Justification for Why Europeans Would See This as Relevant	100
	to the EU	
2	2.4. A Coherent Model?	
3.	The European Union	
	3.1. Constitution-making European Style	
	3.2. Not the City for Europe	
4	Canada – Closer to Europeans' American Dream?	
4.	4.1. From Counter-Revolution to Charter Revolution	
	4.1. From Counter-Revolution to Charter Revolution	
	4.3. Canada – also Propounds the "Power of Words"	
5.	Concluding Reflections	
· ·		

	pter 6. European Citizenship and the Disillusion of the Common Man helle Everson	135
1. 2. 3. 4. 5.	Introduction Maastricht: The False Promise of the Homo Economicus? The End of Nation and History within European Citizenship Union Citizenship Fallito (1): Nation and History Bite Back Union Citizenship Fallito (2): Class Bites Back 5.1. The Empirical Traces of Class Exclusion. 5.2. The Legal Consolidation of Class Exclusion. The Responsibilities of Legal Method in European Law	136 139 143 146 146 150
	pter 7. About Deliberative Supranationalism, Comitology and other Heroes 1 Vos	155
1. 2.	"Comitology is Our Hero!" DSN II, Comitology and Foodstuffs 2.1. Comitology as a Co-operative System 2.2. The Food Sector.	159 159 160
3.	Concluding Remarks: Another Hero	164
Adn	pter 8. The Significance of General Administrative Law for European ninistrative Law !-Heinz Ladeur	167
1.	The Development of a "Europeanised General Administrative Law"	167
2.	on the National Plane	167 170
	the Public Interest	172
	a Quantité Négligeable?	172
	"Ordering Principle"?	174
3.	of Conflicts	175 179 179
	3.3. Mutual Learning inside a Pluralised Administrative Legal Order3.4. Differentiation through the Europeanisation of Administrative Law.	180 181
	The Example of the Precautionary Principle	183

 4. 5. 	The "Ordering Idea" of a "Conflicts Law": Reconstruction of a Europeanised General Administrative Law	184
	pter 9. Formalisation or De-formalisation through Governance? F. Kjaer	189
1. 2. 3. 4. 5.	Introduction The Expansion of Knowledge The Evolution of European Science Co-operation The European Research Area The OMC in Research and Development The Function of the OMC	189 190 191 193 195
CON	T II. TRANSNATIONAL REGULATION AND SOCIETAL NSTITUTIONALISM: NFLICT OF LAWS OR LAWS OF CONFLICT?	201
Con	pter 10. The Corporate Codes of Multinationals: npany Constitutions Beyond Corporate Governance and Co-determination ther Teubner	203
1. 2. 3. 4. 5.	Private Juridification: Corporate Codes as Law without the State Civic Constitutionalisation: Elements of a Communal Constitution International Judicialisation: Corporate Codes in Conflict with State Laws Regulatory Hybridisation: The Mixing of Private and Public Policy Inter-organisational Co-operation: The Extension of the Corporate Codes into Production Networks	208 210 211
	pter 11. Taking Constitutionalism Beyond the State Walker	215
1. 2. 3. 4. 5.	Introduction	216 222 224 230

Tow	pter 12. Transnational Borrowing Among Judges: ards a Common Core of European and Global Constitutional Law?	220
Kain	ier Nickel	235
1.	Introduction	
 3. 	The U.S. Sonderweg: Parochialism, or the Fight against 'Juristocracy'? The New Senator Class in Action: Venice Commissions, Constitutional	242
	Court Conferences, and Global Constitutionalism Seminars	247
	3.1. The Council of Europe and its Venice Commission	
	3.2. Networking	
	3.3. Academic Support	
4.	European Constitutionalism: From Borrowing and Lending	
_	to Hierarchisation?	253
5.	Casework: The Practice of European Constitutionalism	
	5.1. The Omega Case (European Court of Justice)	256
	5.2. The Case <i>Von Hannover v Germany</i> (European Court of	250
	Human Rights)	
6.	Constitutional Conflicts Law	260
of th	pter 13. Regime-Collisions, Proceduralised Conflict of Laws and the Unity the Law: On the Form of Constitutionalism Beyond the State ian Rödl	263
 1. 2. 3. 4. 	The "Conflict of Laws" Approach in Constitutionalism Beyond the State. Universalism versus Particularism in Private International Law Theory. 2.1. Classical and Modern Universalism 2.2. The Political Particularism Prevailing Today. The Form of Conflict of Laws in Constitutionalism beyond the State. 3.1. Fischer-Lescano's and Teubner's Law of Regime-Collisions 3.1.1. Epistemically Grounded Particularism 3.1.2. The Reason to Submit Regimes to Conflict Rules. 3.1.3. Really an Anti-Universalism? 3.2. Joerges' Proceduralised Law of Conflict of Laws 3.2.1. The Reason to Submit Legal Orders to Conflict Rules. 3.2.2. A Plea against Judicial Dominance. 3.2.3. Underlying Teleological Universalism Conclusion.	265 268 268 268 269 271 272 274 275 276
	pter 14. The Chameleon State. EU Law and the Blurring of the Private/Public inction in the Market	
	uel Poiares Maduro	279
1. 2.	The Concept of an Undertaking	280
	Behaviour	284

3. 4.	Golden Shares	
	T III. SOCIAL RIGHTS AND SOCIAL JUSTICE – N "THE SOCIAL" SURVIVE EUROPEAN INTEGRATION?	203
CAI	THE SOCIAL SURVIVE EUROFEAN INTEGRATION:	<i>473</i>
	pter 15. From <i>Effet Utile</i> to <i>Effet Neolibéral</i> A Critique of the New	
	hodological Expansionism of the European Court of Justice	
Chri	stoph U. Schmid	295
1. 2.	Introduction	295
	Economic Constitution	
3.	Recent Judicial Expansionism Translating into Neoliberal Results	
	Market Freedoms	300
	3.1.1. Freedom of Services Versus Trade Unions' Right to	202
	Collective action: the Viking, Laval and Rüffert Cases	302
	3.2. The Excessive Application of the Pre-emption Doctrine in Secondary Law	307
	3.2.1. The Posted Workers Directive	
	3.2.2. The Interpretation of the Posted Workers Directive in <i>Laval</i>	500
	and Rüffert	310
	3.2.3. Methodological Critique	
	3.3. Evaluation.	
4.	A Plea for a New Constitutional Role of the EC in the European	
	Multi-level System	313
Chaj	pter 16. Public Service, Autonomy and Community Law	
Nind	а Boeger	315
1.	Introduction	315
2.	Public Service, Law and Autonomy.	
3.	Community Law and the Community "Compact"	320
4.	Continental and Anglo-Saxon Public Service Traditions	
5.	Liberalisation and the Community Legislation	
6.	What Public Service Obligations Do and Do Not Do	
7.	Conclusion	
Cha	pter 17. Services of General Economic Interest (SGEI) and Universal	
Serv	ice Obligations (USO) as an EU Law Framework for Curative Health Care	
Wolj	f Sauter	335
1.		335
	1.1. Article 86(2) as an Exception to the Treaty Rules for Undertakings	335
	1.2. The Research Question in Detail	336

	1.3.	Scope	337
	1.4.	Structure	337
2.	The	Legal Basis and Basic Purpose of Article 86(2)	337
		Legal Basis	
		2.1.1. Article 86 EC	337
		2.1.2. Article 16 EC	338
		2.1.3. Article 36 Charter on Fundamental Rights	
	2.2.	The Role and Structure of Article 86 EC	340
3.	The	Debate on Services of General Economic Interest	342
	3.1.		342
	3.2.	Position on Services of General Economic Interest of the Main Actors	344
		3.2.1. Commission	344
		3.2.2. Member States	345
		3.2.3. The Court of Justice	345
4.	Defi	nition Issues	346
	4.1.	Overlapping and Incomplete Definitions	346
		4.1.1. Focus on Services of General Economic Interest and	
		Universal Service Obligations	347
	4.2.	The Lack of a Definition of Services of General Economic Interest	347
		4.2.1. Act of Entrustment	349
		4.2.2. Existence Derived from Broader Legal Context	350
	4.3.	The Definition of Universal Service	350
5.	Serv	ices of General Economic Interest, Universal Service Obligations and	
	Mar	ket Failure	353
	5.1.	Examples of Universal Service Defined at EU Level	353
		5.1.1. Natural Gas	353
		5.1.2. Electricity	353
		5.1.3. Postal Services	354
		5.1.4. Electronic Communications	354
	5.2.	Services of General Economic Interest in Relation to Universal	
		Service Obligations	355
		5.2.1. Proportionality	355
		5.2.2. Public Service Compensation	356
	5.3.	Services of General Economic Interest and Market Failure	357
6.	Scop	be of the Article 86(2) EC Exemption	359
	6.1.	The Concepts of Undertaking and Solidarity	360
		6.1.1. Undertakings	360
		6.1.2. Solidarity	361
		6.1.3. Rule of Reason	362
	6.2.	EU Law Rules Affected by Article 86(2) EC	
	6.3.	Proportionality and Pre-emption	363
		A Three Step Approach	
		6.4.1. Choice of Organisation	

7.	Compensation for Public Service Obligations	368
	7.1. Four-Part Test	368
	7.2. The Commission Notice and Decision	369
8.	Particular Reasons for Researching Services of General Economic Interest	
	in Hospital Care	370
9.	Conclusion	373
PAF	RT IV. CONCLUSIONS.	375
Cha	apter 18. Integration Through Conflicts Law. On the Defence of	
the	European Project by Means of Alternative Conceptualisation of Legal	
Cor	nstitutionalisation	
Chr	ristian Joerges	377
1.	Introduction	277
2.	Structuring the Argument	
3.	The Social Deficit within the Integration Project	
٥.	3.1. The De-Coupling of the Economic from the Social Constitution	
		381
4.	The De-coupling of Economic and Social Constitutions as a Challenge	501
т.		382
	4.1. The Internal Market as Agent of Inter-statal Redistribution	
	4.2. The De-Coupling of the Social from the Economic Constitution	505
	as a "Social" Integration Compromise.	385
	4.3. The Project of the Constitutional Treaty	
5.	The Conflicts Law Alternative	
	5.1. European Law as Supranational Conflicts Law	
	5.2. Exemplary Application.	
	5.2.1. <i>Viking</i> and the Relationship between Economic and Labour Law	
	5.2.2. <i>Viking</i> and the Strike as a Social Right	
	5.2.3. <i>Laval</i> and the Limits to the Doctrine of Pre-emption	
	5.2.4. <i>Rüffert</i> and the Determination of the Purpose of National Laws	
	5.3. The ECJ as Pouvoir Constituant?	
6	Conclusion	

LIST OF CONTRIBUTORS

Nina Boeger is a lecturer in law at the University of Bristol, UK. She is also a fully-qualified UK solicitor and German lawyer and holds an LL.M. from the European University Institute in Florence.

Nina.Boeger@bristol.ac.uk

Alicia Cebada Romero is Professor of Public International Law at the Universidad Carlos III in Madrid (Spain) and Director of the Crisis Management and Peacebuilding Programme at Toledo International Centre for Peace (CITpax). She teaches and writes on Public International Law and European Union Law, with a focus on the external action of the European Union as well as on peace studies and conflicts resolution. aliciacebada@der-pu.uc3m.es

Michelle Everson, LLB (Exeter), Ph.D (EUI, Florence) is Professor of European Law. She has previously held posts as the Managing Editor of the *European Law Journal* at the European University Institute in Florence, as a lecturer in Law and Political Science at the University of Bremen and as a fellow at the Centre of European Law and Politics Bremen. Michelle Everson is also Director of the Birkbeck College Research School, co-ordinating the research environment for post-graduate students across all Schools at Birkbeck College. Currently, Michelle Everson also sits on the editorial boards of *Law and Critique* and the *Journal for Socio-Legal Studies*. She is also Vice-Chair of the Academic Board for Social Sciences of the Austrian Academy of Sciences. m.everson@bbk.ac.uk

John Erik Fossum holds a Ph.D from the University of British Columbia, Canada and is Professor in Political Science at the ARENA Centre for European Studies at the University of Oslo, Norway. He is substitute co-ordinator for RECON and co-editor of the Routledge Series on Democratising Europe (with Erik Eriksen). He has published widely on democracy, federalism, constitutionalism, citizenship and identity in the European Union and Canada.

j.e.fossum@arena.uio.no

Christian Joerges held the Chair for European Economic Law at the European University Institute in Florence from 1997–2007. Since 2003 he directs together with Josef Falke the project "Trade Liberalisation and Social Regulation" at the Collaborative Research Centre Transformations of the State in Bremen, and since 2007 the project "Transnational Governance, Deliberative Supranationalism and Constitutionalism" within the Integrated Project Reconstituting Democracy in Europe (RECON), co-ordinated by ARENA-Centre for European Studies, Oslo. After his return to the University of Bremen in 2008 he became a Research Professor there, and Co-Director of the Bremen Centre of European Law and Politics. cjoerges@Sfb597.uni-bremen.de

Poul F. Kjaer is Alexander Von Humboldt fellow at the Cluster of Excellence "The Formation of Normative Orders" at the Goethe-University, Frankfurt am Main. He holds a Ph.D in Law from the European University Institute, Florence, and a BA and MS in Political Science from University of Aarhus. He has also studied and researched at the Humboldt University, Berlin, the University of Bielefeld, the London School of Economics and Political Science, and the Centre for Law and Politics at the University of Bremen.

Poul.Kjaer@normativeorders.net

Karl-Heinz Ladeur is Professor (em) of Public Law, University of Hamburg. He is Distinguished Professor at the Bremen International Graduate School of Social Sciences (BIGSSS). From 1994–1996 and 1998–2002 he was also a professor of public law, including environmental law and telecommunications law, at the European University Institute, Florence.

karl-heinz.ladeur@uni-hamburg.de

Miguel Poiares Maduro has been Advocate General at the European Court of Justice and is currently Professor at the European University Institute in Florence/Italy. He is an external Professor at the Law School of the Universidade Nova de Lisboa, at the London School of Economics, and at the College of Europe. His book, We the Court – The European Court of Justice and the European Economic Constitution, (Oxford: Hart Publishing, 1997) has won the Rowe and Maw Prize and the Prize Obiettivo Europa. He belongs to the editorial or advisory board of several law journals, including the European Law Journal and the Common Market Law Review.

Miguel.Maduro@eui.eu

John P. McCormick, professor of political science at the University of Chicago, is the author of Carl Schmitt's Critique of Liberalism: Against Politics as Technology, (Cambridge University Press, 1997); Weber, Habermas and Transformations of the European State: Constitutional, Social and Supranational Democracy, (Cambridge UP, 2006); and Machiavellian Democracy (Cambridge UP, 2011). jpmccorm@uchicago.edu

Jürgen Neyer is Professor of European Politics at the European University Viadrina. He teaches and writes on aspects of the institutional order of the European Union, with a special focus on the legitimacy of the EU.

Neyer@euv-frankfurt-o.de

Rainer Nickel teaches European Law and Public Law at the Goethe Universität in Frankfurt am Main, where he obtained his Ph.D in Law. From 1998–2001, he served as a legal advisor at the German Federal Constitutional Court. He has been visiting professor and Schlesinger Scholar at Cornell Law School and visiting professor at the University of Florida Levin College of Law. From 2004–2006, he was a Marie Curie Fellow at the European University Institute in Florence. nickel@jur.uni-frankfurt.de

Ernst-Ulrich Petersmann is Professor for international and European law at the European University Institute, Florence. He was previously professor at the University of Geneva (Switzerland) and its Graduate Institute for International Studies (1993–2001).

Ulrich.Petersmann@EUI.eu

Florian Rödl holds degrees in law and philosophy and received his Ph.D from the European University Institute in Florence. He was then a Research Assistant at the Centre of European Law and Politics in Bremen and is now the Head of an Independent Research Group at the Cluster of Excellence on "The Formation of Normative Orders", Goethe-Universität, Frankfurt am Main. The group's focus is on "The change in Transnational Economic and Labour Law".

roedl@normativeorders.net

Wolf Sauter is currently professor of healthcare regulation at the University of Tilburg and a senior member of TILEC (Tilburg Law and Economics Centre) as well as a competition expert at the Dutch Healthcare Authority. He obtained his Ph.D in law (with distinction) from the EUI under co-supervision by Christian Joerges in 1996, and, before moving to Tilburg, held academic posts at the Universities of Bremen and Groningen.

w.sauter@uvt.nl

Christoph U. Schmid has, since 2005, been Professor of European Private, Economic and Constitutional Economic Law, and successor to Christian Joerges and Gert Brueggemeier as Director of the Centre of European Law and Politics (ZERP) at Bremen University. He was post-doctoral research fellow and co-ordinator of the European Private Law Forum at the European University Institute (EUI) in Florence from 1995 to 2005. He holds a doctoral and a habilitation degree from Munich University and a Ph.D. from the EUI.

schmid@zerp.uni-bremen.de

List of Contributors

Gunther Teubner is Professor (em.) of Private Law and Legal Sociology at the Goethe University Frankfurt/Main and Centennial Professor at the London School of Economics.

g.teubner@jur.uni-frankfurt.de

Ellen Vos is Professor of European Union Law at the Law Faculty of Maastricht University. She is a member of the Editorial Board of the Maastricht Journal of European and Comparative Law and of the Editorial Board of the Maastricht Working Papers on Law and the Ius Commune Book Series. She has published extensively in the field of EU Law, institutional law (comitology and agencies), market integration and risk regulation (precautionary principle). She holds a Ph.D degree in Law from the European University Institute in Florence.

e.vos@maastrichtuniversity.nl

Neil Walker has been the Regius Professor of Public Law and the Law of Nature and Nations at Edinburgh University since 2008. Before that, he was Professor of European Law at the European University Institute between 2000–8. His main area of research is the changing role of law in the post-national constellation. neil.walker@ed.ac.uk

ABBREVIATIONS

AB Appellate Body

AC Andean Community

BFN Between Facts and Norms: Contributions to a Discourse Theory of

Law and Democracy by J. Habermas

BGB Bürgerliches Gesetzbuch (German Civil Code)

BSE Bovine Spongiform Encephalopathy – "Mad cow" disease/Creutzfeld-

Jakob's disease

CAC Codex Alimentarius Commission
CCB Comparative Constitutional Borrowing
CERN European Nuclear Research Centre

CFI Court of First Instance

CFSP Common Foreign and Security Policy

CM Community Method
CoE Council of Europe

COST Co-operation in the field of Scientific and Technical Research

CREST Committee on Science and Technical Research
CSD UN Commission for Social Development

CT Constitutional Treaty

DEU Democracy in the European Union: Integration through Deliberation?

by E.O. Eriksen & J.E. Fossum

DG SANCO Directorate Health and Consumer Protection

DSB Dispute Settlement Body EC European Community

ECHR European Convention of Human Rights

ECJ European Court of Justice

ECLAC Economic Commission for Latin America and Caribbean

ECSC European Coal and Steel Community

ECT European Community Treaty
ECtHR European Court of Human Rights

Abbreviations

EEA European Economic Area

EEC European Economic Community
EFSA European Food Safety Authority
EFTA European Free Trade Area

ELDO European Launch Development Organisation
EMBL European Molecular Biology Laboratory
EMBO European Molecular Biology Organisation

EP European Parliament
ERA European Research Area
ERC European Research Council
ESA European Space Agency

ESO European Southern Observatory

ESPRIT European Strategic Programme for Research and Development

ESRF European Synchrotron Radiation Facility
ESRO European Space Research Organisation
ETUC European Trade Union Federation

EU European Union

EUI European University Institute

EURATOM European Atomic Energy Community
EUREKA Europe-wide Network for Industrial R&D
EUROSTAT Statistical Office of the European Communities

FAO Food and Agriculture Organisation of the United Nations

FCC German Federal Constitutional Court

FOCEM Convention for the Protection of the Marine Environment of the

North-East Atlantic

FP Framework Programmes
FSU Finnish Seamen's Union
FTAs Free Trade Agreements

GATS General Agreement of Trade in Services
GATT General Agreement on Trade and Tariffs

GM Genetically-Modified

GMOs Genetically-Modified Organisms

GSP Generalised System of Preferences Scheme

ICANN Internet Corporation of Assigned Names and Numbers

ICJ International Court of Justice
IDB Inter-American Development Bank

ILL Institut Laue-Langevin

ILO International Labour Organisation
IMF International Monetary Fund

IO The Inclusion of the Other: Studies in Political Theory by J. Habermas,

edited by C. Cronin & P. de Greiff

ITER Treaty establishing the International Thermonuclear Experimental

Reactor

ITF International Transport Workers' Federation
ITLOS International Tribunal for the Law of the Sea
LAC Latin-American Social (Regional) Cohesion

LC Legitimation crisis by J. Habermas

MERCOSUR Mercado Común del Sur – Southern Common Market

MS Member States of EU

NAFTA North American Free Trade Agreement
NATO North Atlantic Treaty Organisation
NGO Non-Governmental Organisation

NLR New Left Review

ODIHR OSCE Office for Democratic Institutions and Human Rights

OMC Open Method of Co-ordination

OSCE Organisation for Security and Co-operation in Europe

OSPAR Convention for the Protection of the Marine Environment of the

North-East Atlantic

PC The Postnational Constellation: Political Essays by J. Habermas, edited

by M. Pensky

Ph.D Doctor in Philosophy
PSE European Socialist Party
QMV Qualified-majority voting
R&D Research and Development

RACE R&D in advanced communications technologies in Europe

REACH Regulation on Registration, Evaluation, Authorisation and Restriction

of Chemicals

RSC Robert Schuman Centre for Advanced Studies SCA Surveillance Authority and a Court of Justice

SCF Scientific Committee for Food

SEA Single European Act

SGEI Services of General Economic Interest

STPS The Structural Transformation of the Public Sphere: An Inquiry into a

Category of Bourgeois Society by J. Habermas

TCA Theory of Communicative Action by J. Habermas

TEU Treaty of European Union

TKG Telekommunikationsgesetz (German Telecommunications Law)

TRIPS Trade-Related Aspects of Intellectual Property Rights

U.S. United States of America

UDHR Universal Declaration of Human Rights

UN United Nations

UNCLOS UN Convention on the Law of the Sea

Abbreviations

UNESCO United Nations Educational, Scientific and Cultural Organisation

USO Universal Service Obligations

VCLT Vienna Convention on the Law of Treaties

VDI Verein Deutscher Ingenieure (Asssociation of German Engineers)
VG Verwaltungsgericht (Court of Administrative Affairs – 1st instance)

VIP Very Important Person

VwVfG Verwaltungsverfahrensgesetz (German Code of Administrative

Procedure)

WHO World Health Organisation

WIPO World Intellectual Property Organisation

WTO World Trade Organisation