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Prohibition Of Abuse Of Law

About Prohibition of Abuse of Law The Court of Justice has been alluding to 'abuse and abusive practices' for more than thirty years, but for a long time the significance of these references has been unclear. Few lawyers examined the case law, and those who did doubted whether it had led to the development of a legal principle.

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Prohibition of Abuse of Law: A New General Principle of EU Law? (Studies of the Oxford Institute of European & Comparative Law) (Studies of the Oxford Institute of European and Comparative Law) Hardcover - 9 Jun. 2011 by Rita de la Feria (Author), Rita De La Feria (Editor), Stefan Vogenauer (Editor) See all 6 formats and editions

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Prohibition of abuse represents a maxim of interpretation, relevant in determining the scope of Community law rights and circumstances in which restrictions on those rights may be justified. In applying that maxim, the objective of the right plays a central role.

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The thesis suggests that the prohibition of abuse of law is a legal principle in Dworkin-Alexy's theory. But as it will turn out it may depend on the specific approach to law. The final question therefore will be whether we are able to find a unique label of prohibition of abuse of law even in different approaches to law and what it would mean.

Is the Prohibition of Abuse of Law a Legal Principle? by ...

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This paper analyses the evolution of the Court's case law on abuse, from the first cases on free movement of services, to the latest rulings on taxation. It then considers whether the case law developed by the Court, on what has been designated as 'prohibition of abuse of law', does indeed amount to a new general principle of Community law

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Abuse of rights - Wikipedia

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N2 - In the Cussens et. al.-judgment, the ECJ has finally acknowledged and substantiated that the prohibition of abuse of law is a general principle of EU Law. It follows from the judgment, according to the author, that the prohibition of abuse of law may create outcomes that are in disadvantage of an individual in bad faith through "reverse" vertical direct effect.

The Prohibition of Abuse of Law: a General Principle of EU ...

In this book, academics and practitioners from all over Europe discuss the development of the Court's approach to abuse of law across the whole spectrum of European Union law, analysing the case-law from the 1970s to the present day and exploring the consequences of the introduction of the newly designated 'principle of prohibition of abuse of law' for the development of the laws of the EU and ...

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