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General Principles of EC Law in a Process of Development

Reports from a conference in Stockholm,
23–24 March 2007, organised by
the Swedish Network for European Legal Studies

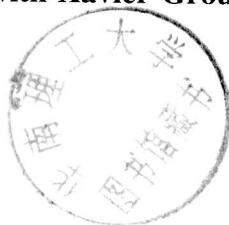
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General Principles of EC Law in a Process of Development

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Preface

This volume on the General Principles of EC Law in a Process of Development deals with an area of European law of enormous and ever growing importance. Due to their complex nature, the general principles offer a more or less unlimited field for theoretical legal studies, at the same time as they play a very important role in legal practice. This is illustrated by the fact that the first book we published on General Principles in the year 2000, based on an international conference held in the city of Malmö, Sweden in 1999, has been sold out. When the publisher, Kluwer Law International, asked us about a second edition of that book, we soon found this would hardly be recommendable owing to the rapid legal development in the meantime. It would be a much more tempting solution to publish an entirely new book on the subject, based on a new international conference as a point of departure.

This book is the result of our efforts, focusing in particular on the general principles in their process of development and on new important issues, related, *inter alia*, to the ongoing process of European constitutionalization and the application of general principles in the new Member States. Particular attention has been paid to the increasing role of general principles within European private law, a somewhat neglected area. The book is treating the emergence of new general principles linked, *inter alia*, to democracy and accountability, transparency, direct effect, good administration and European citizenship but also to core aspects of competition and financial integration law.

The book is also treating the fundamental role of the general principles in the successive creation of a *jus commune europaeum*. Important issues discussed include the instrumental function of the EC Court, the use of comparative methodology in the creative process behind the shaping and development of the principles, the gap filling function of the principles within the Community legal system and the interaction between general principles and national law, often resulting in a

‘transformation’ of Community law principles into the national legal systems of the Member States.

As a platform for the work on this book, The Swedish Network for European Legal Studies organised in Stockholm, 23–24 March 2007, an international conference on the subject. Invited as speakers were a mixture of eminent and well-known experts, many of whom had taken part already in the 1999 Conference, and representatives of a new generation of younger scholars in the field. We had two days of most fruitful exchange of ideas. Although this book is based on a selection of the papers presented at the conference, all papers have been rewritten and edited extensively before publication.

The object of the Swedish Network for European Legal Studies is to establish an independent forum that will allow researchers to meet, discuss and open up new paths of investigation within the field of European law, on national and European level. The Network, funded by money allocated by the Swedish Parliament, arranges conferences, symposia and seminars and actively supports the publishing of research material. More information about the Network can be found at www.juridicum.su.se/nef

I wish to thank my co-organisier and co-editor Joakim Nergelius, Professor of Law at Örebro University, Sweden for all his intellectual efforts in preparing the project. The coordinator of the Network, Cecilia Cardner, LLM, has been instrumental throughout the process and its successful completion. Many thanks for an excellent job! We also wish to thank Dr Xavier Groussot, researcher and teacher in European law at Lund University, for his valuable input in the planning of the project and Lars Pehrson, Professor of Private Law at Stockholm University and Chairman of the Network for his valuable support and contributions.

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