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REVUE DE L'UNION EUROPÉENNE



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Chronique des marchés publics - Jurisprudence de la Cour de justice
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Digest

AGRICULTURE AND ENVIRONMENT: GENESIS RELATIONSHIPS

par Maxime Habran

p. 604

Negotiations about the reform of the common agricultural policy should have put the environment protection policy at the forefront. But the CAP got equipped with a new mechanism called greening or green payment aimed to turn the pillar of the market supports green instead. This mechanism opacifies the consideration of the environment and weakens the cross compliance. The negotiators went from greening to greenwashing. The objective of this contribution is to show how the environment protection policy is incorporated into the CAP. The environmental cross compliance notion allows one to understand the linkage and the interaction between these two policies.

CONFIRMATION OF THE ECONOMIC APPROACH IN COMPETITION LAW: CONTINUATION OF « MODERNISATION » 2013 REPORT ON COMPETITION

par Alexis Coskun

p. 618

This contribution is an analysis of the 2013 report on the competition policy of the European Union, whose review cycle ended with a vote on a parliamentary motion on 10 March 2015. Considering the developments found in it, a central element appears in the thoughts of the Commission: competition law modernisation is continuing. That approach of competition law where economic standards tend to replace legal categorisation is materialised by two phenomena that we identify both as competition law federalisation and dejudicialisation. They involve deep reforms as well as procedure reforms where alternate regulations tend to become significant compared with the classic use of courts. Based on the salient points of the report, we suggest a perspective combining information on the steps of the modernisation and proposals of the report.

THE PRIMACY PRINCIPLE OF UNION LAW: WHAT REALITY?

par Dominique Ritieng

p. 630

The purpose of this communication is to describe the reality of the principle of primacy of the Union's law. It is a contrasted reality, both that of primacy gradually accepted by member countries as well as primacy recently questioned by member countries. After briefly stating the expressions both of the acceptance and of the questioning of the primacy, the paper attempts to shed light on the reasons for, and bases of, that double reality.

THE FUTURE OF PRIMACY: THE JUDGE'S DIALOGUE?

par Gaëlle Marti

p. 638

Whereas the « judges' dialogue », a successful expression, is subjected to conflicting assessments by doctrine, the contribution tends to question the relations that that concept has with the principle of primacy. Dismissing both the champions of dialogue as a key allowing to reconcile the conflicting case law interpretations of the principle of primacy and its opponents, which consider on the contrary that it did not allow to relativise the extent thereof, the contribution tends to demonstrate that the dialogue solution has a true heuristic value in a context marked by pluralism. The author then attempts, firstly, to shed light on the structuring and identity functions of the judges' dialogue before exploring, secondly, the conditions for its continuation.

PUBLIC CONTRACT CHRONICLE CASE LAW OF THE EUROPEAN UNION COURT OF JUSTICE

par Christophe Bernard-Glanz, Laure Lévi, Stéphane Rodrigues

p. 653

The 2nd section of this chronicle, which covers the case law of the European Union Court of Justice over the period from 1 January 2014 to 30 June 2015 attempts particular to emphasize firstly the significance that the Union Court attaches to compliance with the duty of motivation of awarding powers or awarding entities and secondly the will to specify and reinforce the scope of the jurisdictional control in pursuance of the directive referred to as appeal.