



Interim Protection of Individuals Before the EUropean and National Courts (European Monographs Series Set)

Dimitrios Sinaniotis

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It is well understood in law that length of procedure can have an enormous impact on the effectiveness of judicial protection. Time is necessary to examine evidence and analyse facts. Yet circumstances often conspire to prove the truth of the saying that `justice delayed is justice denied. It is in recognition of this dilemma that legal systems inevitably evolve the concept of interim relief.

In this groundbreaking book, interim relief proceedings under EC law are seen as a paradigm for the understanding of the difficulties that individuals face when pursuing judicial protection of Community rights, whether at the European or national levels. Interim relief is, in this analysis, the fundamental safeguard of all rights against the power of Community institutions to adopt measures affecting them.

The author leaves no relevant issue unexamined. These issues include:

- the relationship between the direct action and the application for interim relief;
- interpretation of the conditions for interim relief under the EC Treaty
- the principles of `equivalence and `effectiveness.
- ;the uniform conditions for interim relief according to *Zuckerfabrik* and *Atlant*

In the course of his analysis, the author undertakes an extensive examination of the relevant case law. He demonstrates that even the new (since *Factortame* 1990) system of interim relief has not incorporated any safeguard for the equal treatment of individuals, and that in many cases applications for interim relief will continue to be dismissed as inadmissible. His penetrating analysis clears the way for future amendment of the EC Treaty, as well as any harmonisation of procedural rules, which could promote the effective interim protection of Community rights.

As a fundamental treatment of this aspect of the crucial issue of the role of the individual in the European Union, this study is without peer. It will be of value to students of European law, to policymakers, and to all those interested in the ongoing process of European integration.

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