

Cambridge Yearbook of European Legal Studies

The *Cambridge Yearbook of European Legal Studies (CYELS)* offers authors and readers a space for sustained reflection and conversation about the challenges facing Europe and the diverse legal contexts in which those challenges are addressed. It identifies European Legal Studies as a broad field of legal enquiry encompassing not only European Union law but also the law emanating from the Council of Europe; comparative European public and private law; and national law in its interaction with European legal sources.

The Yearbook is a publication of the Centre for European Legal Studies, Faculty of Law, University of Cambridge.

Editor-in-Chief

Professor Kenneth Armstrong

Editors

Dr Albertina Albors-Llorens

Dr Alicia Hinarejos

Dr Amy Ludlow

Dr Eva Nanopoulos

Dr Oke Odudu

Dr Sophie Turenne

Founding Editors

Professor Sir Alan Dashwood QC

Dr Angela Ward

From Volume 17, *Cambridge Yearbook of European Legal Studies* is published by Cambridge University Press on behalf of the Centre for European Legal Studies, Faculty of Law, University of Cambridge. The complete online archive of the *Yearbook* can be found at <http://journals.cambridge.org/cyels>

ISSN: 1528-8870

E-ISSN: 2049-7632

© Centre for European Legal Studies, Faculty of Law, University of Cambridge 2015

Submission guidelines: Any individual interested in writing an article should contact the Editor-in-Chief, Professor Kenneth Armstrong, Faculty of Law, University of Cambridge, 10 West Road, Cambridge CB3 9DZ (kaa40@cam.ac.uk). Articles should normally be between 9,000 and 12,000 words long, *including* footnotes and should be submitted as an email attachment. *CYELS* does not publish Book Reviews. For more detailed information and style instructions see http://assets.cambridge.org/CEL/CEL_ifc.pdf.

CYELS publishes in print every December but also benefits from *FirstView*, a feature offered through the Cambridge Journals online platform. It allows completed pieces to be hosted online prior to their inclusion in a final print and online journal issue. This significantly reduces the lead time between submission and publication.

Subscriptions: From 2015 *CYELS* is available only as a subscription product rather than a standalone book. 2015 institutional subscription prices: online and print subscription: US\$282 in the USA, Canada and Mexico; £176+ VAT elsewhere. Online-only subscription: US\$230 in the USA, Canada and Mexico; £144+ VAT elsewhere. Print-only subscription: US\$272 in the USA, Canada and Mexico; £170 elsewhere.

Personal print subscriptions for individuals can be obtained directly from Cambridge University Press direct priced at £84/\$135. A discounted rate for a personal print subscription for individual members of the European Law Institute (ELI) or FIDE National Associations is also available from Cambridge University Press direct priced at £50/\$80/€60.

Subscription correspondence and address changes should be sent to: Cambridge University Press, 100 Brook Hill Drive, West Nyack, NY 10994, USA, email subscriptions_newyork@cambridge.org, for customers in the USA, Canada and Mexico. Customers elsewhere should contact: Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge CB2 8BS, UK, email journals@cambridge.org.

Individual articles to be purchased and rented are also available through Cambridge University Press.

Permissions information: All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms and contacts are available at: <http://journals.cambridge.org/action/rightsAndPermissions>. Permission to copy (for users in the USA) is available from Copyright Clearance Center (<http://www.copyright.com>, email info@copyright.com).

Advertising: To advertise in the journal email USAdSales@cambridge.org or telephone +1 (212) 337 5053 in the USA, Canada and Mexico; email ad_sales@cambridge.org or telephone +44 (1223) 325083 in the rest of the world.

Indexing: Proquest, William S Hein & Co Inc.

Cambridge Yearbook of European Legal Studies

Table of Contents Volume 17 2015

1 Editors' Preface

Articles

- 3 States' Equality v States' Power: the Euro-crisis, Inter-state Relations and the Paradox of Domination
Federico FABBRINI
- 36 A Channel Apart: Why the United Kingdom has Departed from the European Commission's
Recommendation on Class Actions
Rachael MULHERON
- 66 Differentiation and Dysfunction: An Exploration of Post-Legislative Guidance Practices in 14 EU Agencies
Steven VAUGHAN
- 92 The Geographical Scope of the EU's Climate Responsibilities
Joanne SCOTT
- 121 The Use of International Treaty Law by the Court of Justice of the European Union
Jed ODERMATT
- 145 *Travaux* to the EU Treaties: Preparatory Work as a Source of EU Law
Samuli MIETTINEN and Merita KETTUNEN
- 168 Between Discursive and Exclusive Autonomy – Opinion 2/13, the Protection of Fundamental Rights and the
Autonomy of EU Law
Benedikt H. PIRKER and Stefan REITEMEYER
- 189 Business Freedoms and Employment Rights in the European Union
Jeremias PRASSL
- 210 Composing Europe's Fundamental Rights Area: A Case for Discursive Pluralism
Louise HALLESKOV STORGAARD
- 247 Between Law and Political Truth? Member State Preferences, EU Free Movement Rules and National
Immigration Law
Jo SHAW
- 287 The Legalisation of European Union Foreign Policy and the Use of Sanctions
Paul James CARDWELL
- 311 In the Aftermath of the Crisis – The EU Administrative System Between Impediments and Momentum
Edoardo CHITI

- 334 Transatlantic Regulatory Interdependence, Law and Governance: The Evolving Roles of the EU and US Legislatures
Davor JANČIĆ
- 360 What We Talk About When We Talk About Harmonisation
Marcus KLAMERT

CYELS

Cambridge Yearbook^{of} European Legal Studies

Volume 17
2015

The *Cambridge Yearbook of European Legal Studies (CYELS)* offers authors and readers a space for sustained reflection and conversation about the challenges facing Europe and the diverse legal contexts in which those challenges are addressed. It identifies European Legal Studies as a broad field of legal enquiry encompassing not only European Union law but also the law emanating from the Council of Europe; comparative European public and private law; and national law in its interaction with European legal sources.

The *Yearbook* is a publication of the Centre for European Legal Studies, Faculty of Law, University of Cambridge.

journals.cambridge.org/cyels

Cambridge Journals Online
For further information about this journal
please go to the journal website at:
journals.cambridge.org/cyels



MIX
Paper from
responsible sources
FSC® C007785

CAMBRIDGE
UNIVERSITY PRESS