

3. the principle of proportionality

According to the **principle of proportionality**, the means used by the EU cannot go beyond what is necessary to meet the objectives set by the Treaties

Report On The Proportionality Principle

United States. Supreme Court



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Report on the Proportionality Principle in the European Union Shearman & Sterling LLP., Institutional Shareholder Services, Inc, European Commission, European Corporate Governance Institute, 2007 **Proportionality Principles in American Law** E. Thomas Sullivan, Richard S. Frase, 2009 From the ancient origins of Just War doctrine to contemporary theories of punishment concepts of proportionality have long been an instrumental part of the rule of law and an essential check on government power Two renowned legal scholars seek to advance such a theory [The Principle of Proportionality, Solvency II and Captives](#) Marta Ostrowska, 2025-03-05 This book offers an in depth analysis of the principle of proportionality in the EU insurance regulatory regime It takes a critical look at how proportionality has been implemented in Solvency II and tests its effectiveness on captive re insurance undertakings Given their unique business model captives are considered the primary beneficiary of proportionality and therefore offer the perfect litmus test for the principle s effectiveness In a world characterized by overregulation and increasingly complex financial markets governments and policymakers face the challenge of regulating markets without hindering their growth As one size fits all approaches have long since been recognized as detrimental the EU is seeking to develop a regulatory technique which allows more individual regulatory treatment while ensuring a level playing field The first revolutionary step towards this goal was taken in Solvency II Directive 2009/138/EC which introduced a principle of proportionality to the EU insurance market The principle is a unique tool which makes it possible to adjust the requirements of the Solvency II framework to the nature scale and complexity of each individual insurance undertaking s risk profile It is intended to help remove an unnecessary regulatory burden for insurance undertakings and to prevent the proliferation of regulations in general However the practical implementation of proportionality is not without its share of obstacles The principle s generic nature and the lack of guidance have caused a great deal of confusion regarding its practical application and prevented insurance undertakings from using its benefits to the fullest Consequently the principle of proportionality has been subject to revision within the first Solvency II review process The book will benefit captive owners captive managers regulators supervisors practitioners academics students and more generally all those involved with or interested in the insurance market **The European Company Law Action Plan Revisited** Koen Geens, Klaus J. Hopt, 2010 The harmonization of company law has always been on the agenda of the European Union Besidesthe protection of third parties affected by business transactions the founders had two other objectives first promoting freedom of establishment and second preventing the abuse of such freedom The European Commission issued its Company Law Action Plan in 2003 In this volume researchers of the Jan Ronse Institute for Company Law of the Katholieke Universiteit Leuven present five chapters on the main priorities of the Action Plan capital and creditor protection corporate governance one share one vote financial reporting and corporate mobility The book also includes responses and ensuing discussions by reputed European company law experts **Principles of Corporate Finance Law**

Eilís Ferran, Look Chan Ho, 2014-02-20 Corporate finance theory seeks to understand how incorporated firms address the financial constraints that affect their investment decisions This is achieved by using varied financial instruments that give holders different claims on the firm's assets Recent scholarship in this area explores precisely how legal mechanisms affect corporate finance and the development of financial markets The legal environment is crucially important in explaining the choices that companies make about their capital structure This book combines company law capital market regulation and commercial law to give readers a detailed understanding of the legal and regulatory issues relating to corporate financial transactions Informed by insights from the theoretical and empirical work of financial economists the book examines from a legal perspective key elements of corporate financing structures and capital markets in the UK The authors' practical experience of transactions and regulatory issues ensures that thorough scholarly inquiry and critical reflection are complemented by an assured understanding of the interface between legal principles and rules as they are documented and in their actual operation

Principles of Corporate Finance Law Eilís Ferran, 2008 How do companies address the financial constraints that affect their investment decisions This book explores the relationship between law and corporate finance providing analysis of the new UK and European law on corporate finance the broader policy framework and incorporating cutting edge research

Proportionality in International Humanitarian Law Jeroen van den Boogaard, 2023-08-17 This book seeks to clarify the legal concept of proportionality in international humanitarian law as it applies during armed conflict It is argued in the book that a refocus of the interpretation of the proportionality rule is warranted to enhance the protection of civilians More precisely this book seeks to dissect the origins of the rule determine how its components must be interpreted and how it is to be applied in practice The book considers practical situations that may arise in the conduct of military operations and searches for the limits international humanitarian law sets to commanders' assessments of proportionality during armed conflict The book concludes that proportionality is an inherently subjective and imprecise yardstick that nonetheless serves to protect civilians during armed conflict

Company Law and Economic Protectionism Ulf Bernitz, Wolf-Georg Ringe, 2010-12-23 A collection of essays examining the conflict between EU law and company law covering a broad range of topics including takeovers mergers and restructuring sovereign wealth funds and proportionality of ownership and control

Corporate Groups and Shadow Business Practices Linn Anker-Sørensen, 2022-04-28 This book analyses innovations of structuring corporate groups and regulatory limitations of group transparency and proposes Systems Thinking as solution

Tradition and Change in Administrative Law Marina Künnicke, 2007-08-01 Administrative legal systems are based on national constitutional legal traditions and cultural values English judges have for centuries applied the common law In Germany judges have developed administrative legal principles for the protection of the individual against state action However over the last few decades Administrative legal systems have become less isolated This is the result of fundamental developments in the European legal landscape and of the increasing

complexity of Administrative legal problems In the UK the constitutional basis for judicial review principles of judicial control and governmental liability as well as the organisation of the courts are changing Both the English and the German Administrative legal systems are increasingly faced with the question of how to balance the dynamics of change with the preserving forces of tradition Here the open attitude of judges and lawmakers in considering solutions offered elsewhere is a remarkable development in a field of law which has long been perceived as too nationally specific There is a growing need for comparative material and analysis in Administrative law this book provides a valuable contribution to this field of law

The Principle of Subsidiarity and its Enforcement in the EU Legal Order Katarzyna Granat, 2018-05-31 In this book Katarzyna Granat analyses and evaluates Europe's experience with the Early Warning System EWS which allows national parliaments to review draft legislative acts of the European Union for their compatibility with the subsidiarity principle The EWS was introduced in response to the perceived democratic deficit of the EU and its creeping competences and represented one of the landmark reforms of the Lisbon Treaty The purpose of this book is to present and critically analyse the functioning of the new mechanism of subsidiarity review and the role that national parliaments have played within this system Compared to the existing leading publications on the Europeanisation of national parliaments and contributions on the EU principle of subsidiarity this book offers for the first time a profound legal analysis of the procedure enriched by a comprehensive empirical analysis of the activities of national parliaments It is directed at scholars of EU law and policy European and national officials and legal practitioners working in and with the national legislatures

The Constitutional Status of the Regions in the Russian Federation and in Other European Countries Congress of Local and Regional Authorities of Europe, Council of Europe, 2003-01-01 *Reports of Cases Argued and Adjudged in the Supreme Court of the United States* United States. Supreme Court, John Chandler Bancroft Davis, Henry Putzel, Henry C. Lind, Frank D. Wagner, 2002

Reproductive Freedom, Torture and International Human Rights Ronli Sifris, 2013-12-13 This book contributes to a feminist understanding of international human rights by examining restrictions on reproductive freedom through the lens of the right to be free from torture and other cruel inhuman or degrading treatment Ronli Sifris challenges the view that torture only takes place within the traditional paradigm of interrogation punishment or intimidation of a detainee arguing that this traditional construction of the concept of torture prioritises the experiences of men over the experiences of women given that the pain and suffering from which women disproportionately suffer frequently occurs outside of this context She does this by conceptualising restrictions on women's reproductive freedom within the framework of the right to be free from torture The book considers the gendered nature of international law and the gender dimensions of the right to be free from torture It examines the extension of the prohibition of torture to encompass situations beyond the traditional detainee context in recent years to encompass situations such as rape and female genital mutilation It goes on to explore in detail whether denying access to abortion and involuntary sterilization constitutes torture or other cruel inhuman

or degrading treatment under international law The book looks at whether limitations on reproductive freedom meet the determining criteria of torture which are severe pain or suffering being intentionally inflicted being based on discrimination linked in some way to a State official whether they constitute lawful sanctions and the importance of the concept of powerlessness In doing so the book also highlights how this right may be applicable to other gender based abuses including female genital mutilation and how this right may be universally applied to allow women worldwide the right to reproductive freedom *Dispute Settlement Reports 2001: Volume 3, Pages 777-1292* World Trade Organization,2003-06-26 The

authorized paginated WTO Dispute Settlement Reports in English cases for 2001 **Official Reports of the Supreme Court** United States. Supreme Court,1981 Report of the Michigan Academy of Science Michigan Academy of Science. Council,1913 **Report of the Michigan Academy of Science ...** Michigan Academy of Science, Arts, and Letters,1913

Deference to the Legislature in WTO Challenges to Legislation Daniel Lovric,2012-11-01 This completely revised and up to date Fourth Edition of this well received work offers in one volume a comprehensive review of United States copyright patent and trademark laws The material has been completely updated and includes detailed discussion of the 2011 America Invents Act as well as other pertinent developments in U S law It provides thorough and sophisticated treatment of this complex material in a form both less cumbersome than a treatise and considerably deeper and more sophisticated than a study outline or nutshell With its detailed citations and readily accessible and complete subject coverage this book will be a useful quick reference or deskbook for intellectual property practitioners students law professors and librarians as well as for anyone interested in understanding American intellectual property law **Annual Report of the Michigan Academy of Science** Michigan Academy of Science. Council,Michigan Academy of Science,1913

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