



Editorial

Fact or fake?

In today's, so-called, post-truth society, opinions rather than facts seem to matter. In this newsletter MCEL presents you with facts about events it organized and publications of MCEL scholars.

Faced with the results of the UK referendum and the US presidential elections in the past months MCEL feels evermore committed to its in-depth academic research on issues of European integration and its mission to actively contribute to the debate on the future of Europe.

Quo vadis Europe? was a popular title of many academic publications more than two decades ago discussing the desirability of a more federalist Europe. Going back to the future, today this seems an appropriate title again for the discussions we will have on the way forward for the EU and the various pathways to deal with a probably soon former Member State. MCEL will continue to study the challenges the EU currently faces and identify the legal issues at stake in its future academic research.

Bruno De Witte and Ellen Vos

Upcoming Events

- ❖ Workshop, "How EU law shapes opportunities for preliminary references on fundamental rights: Discrimination and other examples", 24 February, European University Institute, Florence.
- ❖ Conference, "CERiM Annual Conference – Contestation of Expertise in the European Union", 20 April, Crown Plaza Hotel, Maastricht.
- ❖ Workshop, "Scientific Knowledge in Environmental Litigation: National Solutions, EU Requirements and Current Challenges", Hampshire Design Hotel, 21 April, Maastricht.

News

During the summer months, MCEL members engaged in several summer schools. Together with the TMC Asser Instituut and CLEER (Centre for the Law of EU External Relations), A. Ott organised a third edition of the CLEER Summer School on the Law of EU external relations at the Campus of Maastricht University in



Brussels. E. Vos, M. Claes, H. Schneider, S. Carrera and associated member P. Craig lectured at the Septfontaines Summer School of EU Law 'We the Court: Inside the Fabric of EU Law', organised by Maastricht University.

The first half of the academic year was marked by the MCEL opening event (13th September) in cooperation with TARN,

entitled 'The role of EU agencies in the management of the current migration crisis'. G. Papagianni addressed the role of the EEAS in the migration crisis and F. Bienfait shared insights on the development and practical work of EASO. MCEL member S. Carrera gave a presentation on the topic 'From Frontex to the European Border and Coast Guard'. In December, several MCEL members reflected on the past and the future of the EU. V. Abazi and A. Ott, respectively moderated and discussed the security challenges and direction of the EU at the Debate Café (5th December) hosted by Studium Generale. During the 'EU & ME: Reflections on 25 years European Union' conference (9th December). B. de Witte discussed as panellist the current shortcomings and challenges for the future of the EU. M. Bonelli and CERiM member M.T. Gold interacted with Commission President J.C. Juncker, and Dutch Minister of Finance J. Dijsselbloem.



Lively discussions continued at MCEL Research Seminars. Recent rulings of the CJEU were discussed. A. Ott presented two CJEU cases on the external representation of the EU outside treaty-making and the determination of institutional balance between the European Commission and the Council. A. Ramalho presented the Opinion procedure 3/15 Marrakesh Treaty. G. More presented and E. Vos discussed the EU's Better Regulation Agenda. Respectively, they explained the increasing role of regulatory fitness in the European Commission's work and the Better Regulation Guidelines and the 2016 Inter-institutional Agreement on Better Lawmaking. MCEL researchers also gathered in the framework of the MCEL PhD Forum. M. Bonelli discussed developments concerning the on-going constitutional crisis in Poland, especially measures taken by the EU institutions. P. Dermine explained the findings of several CJEU cases concerning the protection of fundamental rights under the new governance framework of the EMU. S. Fattorini presented the topic 'Harmonization of laws as a legislative technique - the EU experience'. D.G. Colominas discussed 'The Duty to Provide Reasonable Accommodation: Some reflections in the light of Directive 2000/78'. The last PhD forum of 2016 focused on recent CJEU case law.

Finally, MCEL member M. Eliantonio participates in a Jean Monnet Network led by the University of Helsinki together with other leading academics in the field of European law to set up the Soft Law Research Network (SoLaR), on the use of EU soft law by national administrations and courts.

Selected Publications

- ❖ Abazi, V. (2016), How confidential negotiations of the TTIP affect public trust, *European Journal of Risk Regulation*, 7(2), 247-251.
- ❖ Brkan, M. (2016), Data protection and conflict-of-laws: a challenging relationship, *European Data Protection Law Review*, 2(3), 324-341.
- ❖ Brkan, M. (2016). The Unstoppable Expansion of EU Fundamental Right to Data Protection. Little Shop of Horrors?, *Maastricht Journal of European and Comparative Law*, 23(5), 812-841
- ❖ Claes, M., De Witte, B. & Imamovic, S. (2016), The EU fundamental rights landscape after Opinion 2/13, *Maastricht Faculty of Law Working Paper* (6).
- ❖ De Ruijter, A. (2016), Mapping the institutional consolidation of EU human health expertise, *Comparative European Politics*, (5), 1-24.
- ❖ Eliantonio, M., Galli, F., & Schaper, M.G.H. (2016), A balanced data protection in the EU: Conflicts and possible solutions, *Maastricht Journal of European and Comparative Law*, 23(3), 391-403.
- ❖ Ott, A. (2016), Differentiation through accession law: free movement rights in an enlarged European Union, *Maastricht Faculty of Law Working Paper* (4).
- ❖ Schoenmaekers, S. (2016), EU public procurement and services of general economic interest, in: D. Bovis (ed.), *Research Handbook on Public Procurement*, Edward Elgar, 295-323.
- ❖ Vos, E.I.L. & Everson, E (2016), *European Agencies: What about the institutional balance?* in: S. Blockmans & A. Lazowski (eds.), *Research handbook EU institutional law*, Edward Elgar, Cheltenham, 139.
- ❖ Waddington, L. & Lawson, A. (2016), The unfinished story of EU disability non-discrimination law, in: A. Bogg et al (eds.), *Research Handbook on EU Labour Law*, Edward Elgar Publishing, 474-495.

Focus

EuCourts Master Class Series

This academic year, the Maastricht University Law College has teamed up with the EuCourts project headed by M. de Werd, Judge at the Amsterdam Court of Appeal and MCEL member M. Claes for a year-long master class series. The master classes are presented by highly-esteemed members of national and European high courts, in collaboration with members of the Maastricht University Law Faculty. The EuCourts project aims to facilitate cooperation between legal practice and academia on the domestic application of European law by national courts and to further academic research on the issue.

The first EuCourts master class (30 September 2016), given by J. Polak and MCEL member M. Peeters, addressed a recent case regarding gas extraction in Groningen. It was chaired by M. de Werd and participating students were coached by MCEL member A. de Ruijter. The second EuCourts master class (28 October) addressed the limits of the principles of mutual trust and recognition in the EU as laid down in the joined CJEU cases *Aranyosi and Căldăraru*. M. Bobek, Advocate General at the CJEU, taught the master class, while M. Claes acted as discussant. The third EuCourts master class (2 December 2016) addressed the question whether the fundamental EU non-discrimination principle based on age should be applied by national courts, even when the national rule falls outside the scope of the Directive on Equal Treatment. The master class was chaired by Marc de Werd. The fourth master class (10 February) focused on the fundamental rights of the accused in Europe with R. Spano, Judge at the European Court of Human Rights and T. Spronken, Advocate General at the Supreme Court of the Netherlands and Professor Criminal Law and Criminal Procedure at Maastricht University. In addition to an in-depth discussion, second-year law students of the Maastricht University Law College contributed to the discussion with a comparative legal study and a societal impact research.

The next EuCourts master classes will take place on 7 April, 11 May and 14 June. The event is open to all interested visitors, students and employees of Maastricht University.



People



Annalisa Volpato is a PhD candidate at Padua University in European law. After graduating at Padua University cum laude, she obtained an LL.M. at the College of Europe (Bruges) and she was a Blue Book trainee at the European Commission (Legal Service). Her research focuses on the delegation of powers in European law, with particular regard to delegated acts and European agencies.



Baskaran Balasingham is a lecturer in European Law. His main research focus is on competition and antitrust law. He holds an LLB and LL.M. from Maastricht University and an LL.M. from King's College London, where he also wrote his PhD thesis entitled 'The Effectiveness and Fairness of the EU Leniency Policy'. He completed a traineeship at DG Competition of the European Commission as a Blue Book trainee.



Diane Fromage joined us as a new MCEL scholar. Diane is Assistant Professor of European Law and her research focuses on democracy in the EU, in particular European, national and regional parliaments' participation. She is also interested in analysing the impact of the creation of independent fiscal institutions.