



Editorial

Our Centre has carried out, since a long time, academic research on EU agencies and now has a leading role in TARN, The Academic Research Network on Agencification of EU Executive Governance (tarn.maastrichtuniversity.nl).

In the context of the Brexit-related relocation of the two EU agencies based in London (the European Medicines Agency and the European Banking Authority) EU agencies have finally caught public attention. Newspapers have discussed what these agencies do and especially why it would be economically attractive for Member States to have an agency seated within their territory. Whilst for the first time in the history of European agencies (of which there are now more than 30), formal criteria were set to decide on the new location of the above mentioned agencies, it ultimately turned out that their location was determined on the basis of a banal lottery. The EU at its best? On a more positive note one could say that never before EU agencies received so much public attention and media coverage as in the last months. Can EU agencies bring Europe closer to its citizens?

On 7 December 2017, MCEL co-organizes a debate on questions such as: Do EU agencies need to be controlled more or better? Do EU agencies need to be more independent? Are EU agencies sufficiently transparent? Is the model on which EU agencies are based in terms of expertise still sufficient for the future? The debate brings together academic reflection and the practical experience of the leaders of those agencies.

Ellen Vos
Co-director of MCEL

News

In the second half of 2017, Natasja Reslow attended the informal thematic session on international cooperation and governance of migration at the United Nations in Geneva. The session formed part of the preparatory process for the global compact for safe, orderly and regular migration. Meanwhile, Vigjilence Abazi gave an expert testimony at the European Parliament on the legal protection of whistleblowers in the EU Member States. At the end of June, Maja Brkan presented at the 13th IDP Conference on Internet, Law & Politics: "Managing Risk in the Digital Society" in Barcelona. The presentation was entitled "A Swiss Cheese? Automated Decision Making and Algorithmic Transparency in the EU Data Protection Legislation".

In the beginning of July, Andrea Ott presented at the seminar "Scoping the field of EU external relations law at sixty" at Leuven University. At the end of July, Mariolina Eliantonio gave a workshop on access to the Court of Justice of the European Union for NGOs, debunking the myth of a complete system of remedies under the CJEU at the Septfontaines Summer School of EU Law. The workshop took place in a picturesque abbey in the Champagne, France, and was met with great enthusiasm by the summer school's participants. In August, Lisa Waddington gave a presentation at the UN headquarters in Geneva, being invited to speak on the Day of General Discussion on the Right to Equality and Non-Discrimination by the United Nations Committee on the Rights of Persons with Disabilities. At the end of August, Marjan Peeters delivered a presentation during the European Environmental Law Forum Conference in Copenhagen. The presentation was titled "Environmental Liability as a back-up tool for managing natural resources: how to fill the gap?".



In September, Maja Brkan, Francesca Galli and Vigjilence Abazi organized a conference on how surveillance is perceived from the perspective of three main stakeholders involved in the process of surveillance: surveillance authorities, data subjects and companies. In October, the Casebook on Judicial Review of Administrative Action, edited by Mariolina Eliantonio and Chris Backes was launched. With the start of a new academic year the Research Forums were resumed as well, the first one taking place on 7 November 2017. The Forum featured two presentations: one by Paul Dermine and one by Alberto Miglio, a visiting researcher. Alberto's presentation dealt with the topic of differentiated integration and the principle of loyalty, while Paul's reflected upon the role of the EU Charter of Fundamental Rights in the EU Economic Governance in the post-crisis era.



Focus

The intricate forms of differentiation in EU law and policy have been high on the research agenda of MCEL and its members. MCEL researchers have been involved in several research projects in the last 20 years highlighting "the many faces of differentiation", so the title of the edited publication by Bruno De Witte, Ellen Vos and Dominik Hanf in 2001. Evidently, it comes as no surprise that a decade later the 'trajectory of differentiation in EU law' has resulted in another edited volume by MCEL researchers, Bruno De Witte, Andrea Ott and Ellen Vos.

Upcoming Events

- ❖ Debate, “EU Agencies in the Future Europe”, 7 December 2017, Bonbonnière, Maastricht.
- ❖ Workshop, “Challenges and Opportunities for EU Parliamentary Democracy: Brexit and beyond”, 18-19 January 2018, Maastricht University, Campus Brussels.
- ❖ Workshop, “Policy Evaluation in the EU”, 25-26 January 2018, Maastricht University, Campus Brussels.

Selected Publications

- ❖ Broderick A. (2017). Article 7 UN CRPD: Children with disabilities. In Palmisano G., Della Fina V. and Cera R. (eds.), *The United Nations Convention on the Rights of Persons with Disabilities: A commentary*. Springer Publications.
- ❖ De Witte, B (2017). The future of variable geometry in a post-Brexit European Union. *Maastricht Journal of European and Comparative Law*, 24(2), 153-157.
- ❖ Dermine, P (2017). The Two Constitutions of Europe: Integrating Social Rights in the New Economic Architecture of the Union. *Journal Européen des Droits de l'Homme - European Journal of Human Rights*, 108-156.
- ❖ Dimitrova, A. & Brkan, M. (2017). Balancing National Security and Data Protection: The Role of EU and US Policy-makers and Courts before and after the NSA Affair. *Journal of Common Market Studies*, 1-17.
- ❖ Fromage, D. (2017). Creation and Reform of Independent Fiscal Institutions in EU Member States: Incomplete and Insufficient Work in Progress? In T. Beukers, B. de Witte, & C. Kilpatrick (Eds.), *Constitutional Change through Euro-Crisis Law*. Cambridge: Cambridge University Press.
- ❖ van der Mei, A. (2017). Modernisering van het coördinatieregime voor de socialezekerheid. *Tijdschrift Recht en Arbeid*, 9(4), 33-35.
- ❖ Waddington, L. & McSherry, B. (2017). Treat with Care: The Right to Informed Consent for Medical Treatment of Persons with Mental Impairments in Australia. *Australian Journal of Human Rights*, 23(1), 109-129.

The book “Between Flexibility and Disintegration: The Trajectory of Differentiation in EU law” published by Edgar Elgar Publishing in 2017, revisits institutional and policy-related aspects of differentiated integration with renowned international authors. The book covers such subjects as the treaty-based enhanced cooperation, the impact of differentiated integration on the institutions and practical implications of differentiation in the field of the Economic and Monetary Union, the Area of Freedom, Security and Justice, environmental policy or the internal market.

Multi-speed Europe has regained attention with the dawning Brexit and the debate on the future direction of the European Union. Differentiation has developed from an anomaly at the beginning to a defining structural feature of the EU polity today. Consequently, this research strand at the crossroads of political science and law fitted perfectly well for a joint MCEL/CERiM conference on 12 September 2017 in Maastricht. It provided academics and practitioners from different disciplines with the opportunity to reflect on the current debate and launch the above-mentioned publication “Between Flexibility and Disintegration”. Under the title “Multi-speed Europe, Differentiated Integration and Future of the EU”, the conference took stock of differentiation as a EU legal and policy tool. The first panel speakers included Bernd Martenczuk and Mathieu Segers. They addressed the evolution and practical application of the treaty-based enhanced cooperation and differentiated integration forming an overarching concept to accommodate differences among Member States.

In the second panel, Maciej Kisilowski, Esther Versluis and Bruno De Witte took the stage to reflect on the interdisciplinary perspectives on multi-speed Europe. Maciej Kisilowski highlighted the new Member States’ perspective on differentiation, Esther Versluis spoke about multi-speed Europe as a necessity to regulate complex policy issues and finally Bruno De Witte examined the prospects for future flexibility in light of the difficulty of Treaty change. In the final session Michael Dougan and Natassa Athanasiadou commented on the findings of the edited volume. They unanimously emphasized that Brexit and the discussion on the future path of the Union reinforce the importance of this theme which remains at the heart of the MCEL’s research.



People



Mathias Müller, a PhD candidate at the Public Law Department of Maastricht University, recently joined MCEL as a member. His research is about access to environmental information in the realm of the EU Emission Trading Scheme in Germany and England and Wales. Mathias, interestingly, has a non-legal background as he studied European Studies at Maastricht University. He decided to do his Master in European Law and after finishing his Master in 2016, he worked at the German Public Health Research Institute and a primary school for a year, while preparing his PhD research.



Karolina Podstawa, a Lecturer at the Department of European and International Law of Maastricht University, recently joined MCEL as a member. Her research interests lie in the area of internal and external human rights policies of the European Union, data protection, judicial dialogue & cooperation, and the role of the Internet Service Providers in fundamental rights protection. She holds a PhD from the European University Institute and Masters in Law and Administration, English Language and Literature from the University of Łódź as well as the European University Institute. She has worked, amongst others, as an Assistant Professor at the University of Łódź.