



Upcoming Events

- ❖ Launch event 'Indie Art Legal Clinic', 7 September.
- ❖ MCEL opening event, 'Legal issues and new developments in the field of the Digital Single Market', 11 September, De Groote Sociëteit Maastricht.
- ❖ Seminar 'Standardisation as regulatory technique in the process of European integration: voluntary, inclusive and legitimate?', 20-21 September, Maastricht University Campus Brussels.

People

Dr. Bilyana Petkova joined the Department of International and European Law and MCEL as an Assistant Professor and is currently affiliated as a Visiting Scholar at the Yale Information Society Project. Previously, Bilyana was a Max Weber postdoctoral fellow at the European University Institute in Florence and at the New York University, where she was part of the Jean Monnet Center and the Information Law Institute respectively. Next to being a UM alumna, Bilyana holds a Master in Studies of Law from Yale and a PhD in International Relations from the University of Kent (Brussels campus). Her research interests are in comparative constitutional law, judicial legitimacy, federalism and human rights, with a recent focus on US-EU privacy law and freedom of speech.



Bilyana's publications have appeared, among others, as book chapters with Oxford and Cambridge University Press, as well as articles in the Maastricht Journal of European and Comparative Law, the Common Market Law Review, the International Journal of Constitutional Law (I-CON), as well as in other US-based law reviews.

News

In the first half of 2018, MCEL research seminars featured several guest speakers. **G. Davies** (Vrije Universiteit Amsterdam) explained the concept of interpretative pluralism in the context of the relationship between national courts and the CJEU. **G. Dusepulchre** (FIHD - International Federation for Human Rights) discussed the human rights aspects of EU external relations and trade relations. **B. van der Sloot** presented on the topic of his latest paper titled 'Beyond the access-use debate: regulating the analysis of information in the Big Data era in order to ensure reliability and trustworthiness'. **H. Schepel** (University of Kent) discussed the interaction between EU Law and international investment law after the *Achmea* case. In a special edition of the seminar open to students, **G. della Cananea** (University of Rome 'Tor Vergata') presented his paper titled 'The 'Common Core' of Administrative Laws in Europe: A Framework for Analysis' (co-authored with M. Bussani).



At the MCEL research fora, MCEL members presented the findings of their current research. In the first half of 2018, the research fora hosted presentations from **B. Petkova**, **A. P. van der Mei**, **J. H. Pohl**, **N. Gundt**, and **D. Fromage**. The research fora also gave the stage to **T. Nguyen**, **Z. Vankova** and **P. Melin** to present and practice their PhD defences.



Members of MCEL also participated in and organised various conferences, workshops and lectures. **M. Eliantonio** organised the three-day SoLaR conference on 'EU environmental soft law and its reception in the Member States'. **A. Ott** was invited to attend an international conference and a roundtable with business representatives in Istanbul at the University of Ankara, where she gave a presentation on the legal options structuring the future trade relations between EU and UK. **M. Brkan**, together with **A. Ramalho** and C. Goanta (Maastricht European Private Law Institute), organised the conference 'Innov-AI-tion Law for Technology 4.0' on the exponential technological advancement of Artificial Intelligence (AI) and their implications for the developments of the Digital Single Market. Together with T. Ojanen (University of Helsinki), **B. Petkova** organised a workshop on the judicial response to the evolving role of online platforms such as Facebook, Twitter, other social media and search engines. Upon invitation of the Department of International Law, **M. Peeters** attended the XVI Blischenko Conference on Public International Law at the Peoples' Friendship University of Russia, Moscow. **N. Athanasiadou** co-organised together with A. Nastase (FASoS) a workshop on Public Ethics and Integrity in the European Parliament and Commission, which brought together academics and practitioners from the EU institutions and NGOs. **L. Waddington** and **E. Muir** (KU Leuven) participated in a workshop and delivered presentations on anti-discrimination law in civil jurisdictions at Lincoln College, Oxford. **V. Abazi** co-organised a two-day conference on 'Transparency of Independent Watchdogs' together with D. Werneck Arguelhes at the Fundação Getulio Vargas (FGV), Brazil. **D. Fromage** was invited to give a presentation on interparliamentary cooperation in the EU at the Argentinian Chamber of Deputies. Together with **P. Nicolaidis** and **P. Dermine**, she also co-organised a workshop entitled 'The European Central Bank's Accountability in a Multi-level European Order' (please see the 'Focus' section below). Finally, **B. de Witte**, **L. Waddington**, and **M. Claes** were among the high-profile speakers invited at the 25 years anniversary event of the Maastricht Journal of European and Comparative Law.

Selected Publications

- ❖ Athanasiadou, N. (2018), 'Weitere Beiträge · Citizens' Initiatives and Environment: The Potential of the European Citizens' Initiative for Influencing the Policy Agenda in Environmental Law Matters', 16(2) *Zeitschrift für Europäisches Umwelt- und Planungsrecht*, p. 195 – 204.
- ❖ Brkan, M. (2018), 'The concept of essence of fundamental rights in the EU legal order: peeling the onion to its core', 14(2) *European Constitutional Law Review*.
- ❖ Broderick, A. (2018), 'Equality of What? The Capability Approach and the Right to Education for Persons with Disabilities', 6(1) *Social Inclusion*, pp. 29-39.
- ❖ de Witte, B. (2018), 'The Place of the OMC in the System of EU Competences and Sources of Law', 3(1) *European Papers*, p. 207-213.
- ❖ Dermine, P. (2018), 'European Economic Governance in a Post-crisis Era – A Conceptual Appraisal', 3(1) *European Papers*, pp. 281-306.
- ❖ Dermine, P. & Markakis, M. (2018), 'Bailouts, the legal status of Memoranda of Understanding, and the scope of application of the EU Charter: Florescu', 55(2) *Common Market Law Review*, p. 643–671
- ❖ Fromage, D. & Ibrido, R. (2018), 'The 'Banking Dialogue' as a model to improve parliamentary involvement in the Monetary Dialogue?', 40(3) *Journal of European Integration*, pp. 295-308.
- ❖ Schoenmaekers, S. (2018), 'Self Cleaning and Leniency: Comparable Objectives but Different Levels of Success?', 13(1) *European Procurement and Public Private Partnership Law Review*, p. 3-17.
- ❖ Petkova, B. (2018), 'Domesticating the "foreign" in making transatlantic data privacy law', 15(4) *I-CON*.
- ❖ Ott, A. (2018), 'The Western Balkans enlargement perspective', *Law Blogs Maastricht*, 13 June.
- ❖ Priestley, M. & Waddington, L. (eds.) (2018), 'Disability Equality: In Theory and Practice', 6(1) *Social Inclusion*.
- ❖ van der Mei, A.P. (2018), 'The European Arrest Warrant system: Recent developments in the case law of the Court of Justice', 24(6) *Maastricht Journal of European and Comparative Law*, p. 882-904.
- ❖ Vos, E. (2018), 'EU agencies on the move: challenges ahead', (1) *SIEPS Report*.

Focus

'Whatever it takes'? The European Central Bank's accountability today

It is commonly accepted that central banks need to be independent from political powers to fulfil their task adequately. This is because politicians tend to focus on short-term objectives, instead of making decisions that will be beneficial in the longer term. The European Central Bank (ECB), originally established to conduct the European Union (EU)'s monetary policy, is one of the most independent central banks worldwide. Several safeguards have been introduced in the EU Treaties to protect it from any influence. Nevertheless, such independent character does not imply that the ECB cannot be held accountable for its actions by other (EU) institutions. This simply means that the ECB's accountability is a form of 'soft' accountability in the framework of which no sanctions can be imposed. This situation was recently further complicated as the ECB has undergone important changes in recent years. It has been led to stretch its mandate in the monetary policy area by resorting to unconventional monetary policy, and it was attributed new bank supervision powers with the recent creation of the Banking Union. The question can thus be asked as to whether these changes have been accompanied with an adequate adaptation of the accountability mechanisms in place.

This issue was addressed during a workshop on *The ECB's accountability in a multilevel European order* organized by MCEL members Paul Dermine, Diane Fromage and Phedon Nicolaides on 29 and 30 May at UM Campus Brussels.

It started with an opening address by Johannes Lindner (European Central Bank) who gave an insider's view on the question of the ECB's accountability and shared some empirical data. Four panels then followed. The first one aimed at setting the background for the analysis by redefining the challenges of the ECB's accountability. Christy-Ann Petit (European University Institute) examined



how the balanced between accountability and independence has evolved since the creation of the ECB, while Fabian Amtenbrink (Rotterdam University) specifically focused on the relationship between these two concepts after the crisis. Christel Koop (King's College London) looked at how the ECB's democratic legitimacy and legitimacy are connected in the eyes of citizens, and at what the likely implications of enhancing the ECB's transparency and accountability are. The second panel focused on the ECB's accountability in the monetary policy area today. Paul Dermine assessed what the role of the ECB in Member States' financial assistance has been and what this implies for the ECB's accountability, and Klaus Tuori (University of Helsinki) turned to the Quantitative Easing while David Howarth (University of Luxembourg) focused on Unconventional Monetary Policy. The third panel considered the ECB's accountability in Supervisory matters. Marta Bozina Beros (Juraj Dobrila University of Pula (UNIPU)) considered transparency issues, Phedon Nicolaides turned to accountability within the Single Supervisory Mechanism while Napoleon Xanthoulis (King's College London) was interested in the judicial liability of the ECB in banking supervision. The final panel served to open up the debate and consider the future of the ECB's accountability. Benjamin Braun (Max Planck Institute) presented Transparency International's report 'Two sides of the same coin? Independence and accountability at the ECB' and Larisa Dragomir (European Commission) looked at the balance between accountability and rules. Diane Fromage offered an analysis of the ECB's numerous roles and their impact in terms of accountability and Ellen Vos concluded the workshop.

This event, which was supported by the Law Faculty, CERiM and SWOL, counted with approximately 40 participants from academia and practice. Its outcome will be published in a special issue of the Maastricht Journal of European and Comparative Law at the beginning of 2019.

Diane Fromage