



EDITORIAL

EMU law, internal market law and the EU's constitution

On 3 December 2015, Phedon Nicolaides gave his inaugural lecture as a part-time professor at the Law Faculty of Maastricht University. He will strengthen the Faculty's research and teaching resources in the field of European law, and diversify the expertise of our centre MCEL.

Professor Nicolaides devoted his inaugural lecture to the application of state aid rules to the funding decisions of the European Stability Mechanism (ESM) and the Single Resolution Mechanism (SRM), two new financial instruments created in the wake of the euro crisis. The constitutionally innovative dimension of this legal development is that state aid control was, so far, applied only to financial aid given by the *Member States of the EU*, whereas this control mechanism, exercised by the European Commission, is now being extended to financial aid granted by an *EU body* (in the case of the SRM) and by an *international organisation* (in the case of the ESM).

This development also illustrates the hybridization between internal market law and EMU law, which used to be viewed as neatly separated domains of EU law. This is an evolution which Professor Nicolaides, a recognized expert on state aid law, will further explore in the context of his chair at Maastricht University.

MCEL will also benefit from his expertise in the field of economics. Professor Nicolaides, indeed, holds the Jan Tinbergen Chair for European Economics at the College of Europe in Bruges, where he is director of the European Economic Studies programme.

Bruno De Witte

NEWS

MCEL, in cooperation with the Faculty of Arts and Social Sciences (FASoS), successfully obtained funding from the EU's Erasmus+ program for multidisciplinary research. The newly Centre for European Research in Maastricht (**CERiM**), which MCEL co-established, functions as a *Jean Monnet Centre of Excellence* and aims to stimulate innovative interdisciplinary research. To mark the launching of CERiM, on 9 November, Professor Joseph Weiler delivered the Opening Lecture at CERiM's academic conference entitled '*Preparing Europe for the Future – An Academic Agenda*'. MCEL members continue to organise and take part in a number of key academic events.



On 10th September, MCEL held the Opening Event of the Academic year 2015-2016 entitled '*The European Union as a global actor in times of crisis: who does what?*' Professor Frank Hoffmeister (European Commission, DG Trade) shared his views on the role of the European Commission in the external representation of the Union while Mr Álvaro de Elera (Council of the EU, Legal Service) provided the perspective of the Council. In December, MCEL hosted a Debate on National Courts in Europe, which included contributions by EU and Dutch judges, lawyers, and scholars. The European Commission's Legal Service and

CLEER held another workshop in Brussels entitled '*The institutional balance in the practice of the external relations of the European Union*', with Dr Andrea Ott speaking on a panel discussion at this event. In November, MCEL, in cooperation with King's College London, organised a conference entitled '*Soft law before the European courts: discovering a common pattern?*' Finally, Professor Waddington briefed the UN Committee on the Rights of Persons with Disabilities in Geneva on the competences that the EU has to implement the Convention.

The monthly MCEL **Research Seminars** addressed contemporary issues in European law. Recent seminars have included review of the case law concerning health care and public health (Dr. A.P. van der Mei and Dr. A. de Ruijter), the correct application of state aid rules and public procurement under Directive 2014/24/EU (Dr. C. Colombo and Dr. S. Schoenmakers, led by Dr. Eliantonio) and data protection and democratic oversight in European security policies (Dr. S. Carrera and Dr. V. Abazi). Moreover, MCEL doctoral researches continued to profit from the opportunities to exchange ideas and develop their research presented by regular the **MCEL PhD Forum**. Recent topics presented include 'Social security coordination between the EU and the rest of the world' (Pauline Melin), and 'The position of Dutch work councils in multinational corporations- best practices and quantitative findings' (Marcus Meyer).



Finally, the Faculty of Law's students have been actively involved in MCEL activities. Under the supervision of Professor Vos, students involved in the MaRBLE project contributed towards an **e-publication** on Regulating Innovation Trade, and Uncertain Risks. Masters students N. Stoffel, K. Orbons and L. Kijewski had their LLM theses published in the **MCEL Master Working Paper Series**.

UPCOMING EVENT

- ❖ Workshop, European Commission Legal Service and CLEER, '*The institutional balance in the practice of the external relations of the European Union*', 11th December, Brussels.

SELECTED PUBLICATIONS

- ❖ Abazi, V and Tauschinsky, E. (2015) Reasons of Control and Trust: Grounding the Public Need for Transparency in the European Union, *Utrecht Law Review*, 11(2), pp. 79 – 90
- ❖ Claes, M. (2015), 'The Primacy of EU law in European and National Law'. in A. Arnall and D. Chalmers (eds), *The Oxford Handbook of European Union Law* (OUP), pp. 178-211.
- ❖ Crosby, S., Galli, F., Hufnagel, S. (2015) 'The Penal Elements of Targeted Sanctions', *New Journal of European Criminal Law* 3, pp. 300 – 304
- ❖ Dawson, M., and De Witte, B. (2015), 'Welfare Policy and Social Inclusion', in A. Arnall and D. Chalmers (eds), *The Oxford Handbook of European Union Law* (OUP), pp. 964-990.
- ❖ De Witte, B., and Imamović, Š., (2015) 'Opinion 2/13 on Accession to the ECHR: Defending the EU Legal Order against a Foreign Human Rights Court', *European Law Review* 40, pp. 683-705
- ❖ Eliantonio, M. (2015) 'The Proceduralisation of EU Environmental Legislation: International Pressures, Some Victories and Some Way to Go', *Review of European Administrative Law*, Vol. 1, pp. 99 - 123
- ❖ Galli, F. (2015) 'Terrorism Blacklisting in the EU – The Way Forward: Quid of the New Legal Bases in the TFEU?', *New Journal of European Criminal Law* 3, p.324
- ❖ Galli, F. (2015) "The Law on Terrorism: The UK, France and Italy compared", Bruylant
- ❖ Muir, E. (2015), 'Pursuing Equality in the EU', in A. Arnall and D. Chalmers (eds), *The Oxford Handbook of European Union Law* (OUP), pp. 919-942.
- ❖ Psychogiopoulou, E. (Ed.). (2015) 'Cultural governance and the European Union: Protecting and promoting cultural diversity in Europe', Palgrave Macmillan
- ❖ Reslow, N. (2015) 'EU "Mobility" Partnerships: An Initial Assessment of Implementation Dynamics', *Politics and Governance*, Volume 3, Issue 2, Pages 117-128
- ❖ Vos, E.I.L. & Weimer, M. (2015). 'The Role of the EU in transnational regulation of food safety: extending experimentalist governance? In J. Zeitlin (Ed.), *Extending Experimentalist Governance? The European Union And Transnational Regulation* (OUP), pp. 51-80
- ❖ Waddington, L. (2015) 'The Court of Justice's Definition of Disability and Non-Discrimination Law', 22 *Maastricht Journal of European and Comparative Law*, 22, pp. 576-591

FOCUS

TARN – The Academic Research Network on agencification of EU executive governance

In September 2015, *The Academic Research Network on Agencification of EU Executive Governance* (TARN) was set up as a Jean Monnet Network, upon the successful bid by Professor Ellen Vos in gaining EU research funding. TARN aims to encourage in-depth and multi-disciplinary research on EU agencies and agency-like bodies and stimulate dialogue between academia and practitioners. TARN is composed of nine leading academic partners from legal, political and social sciences and public administration.



TARN will focus on three pressing concerns: the constitutionality, powers and legitimacy of EU agencies, the role of EU agencies as global actors and EU agencies' functionality and effectiveness. Whilst much research has already been undertaken on EU agencies and the agencification of EU executive governance, this has often been conducted within single disciplines. By contrast, TARN integrates a multi- and interdisciplinary perspective. In-depth research on these themes, fed by insights from practitioners, will lead to a better understanding of the EU, and will contribute to excellence, quality and democratization within EU scholarship and practice. In addition to excellence, knowledge, and interdisciplinarity, TARN is committed to fostering dialogue between academics, practitioners and the general public to exchange knowledge and experiences.

By bringing together renowned and young academics and practitioners from various disciplines and policy areas, pooling knowledge on research and legal provisions, policy documents and information on the practical operation of EU agencies, TARN will operate as a research, information and agenda-setting network informing agency operation within the EU in a transnational setting. For more information see tarn.maastrichtuniversity.nl.

NEW PEOPLE



Vigilencia Abazi is a postdoctoral researcher at the Faculty of Law and a research coordinator at the newly established Centre for European Research in Maastricht (CERiM). Her research is focused on EU constitutional and institutional law, particularly on how practices of secrecy affect democratic scrutiny at the European Union. She conducted her PhD project entitled 'Secrecy and Oversight in the European Union: The Law and Practice of Classified Information' at University of Amsterdam. During her PhD research, Vigilencia was a Fulbright Visiting Scholar at Columbia Law School. Vigilencia has given numerous academic presentations and lectures including at Harvard Law School, Columbia University, Sciences Po Paris. She is a Social Media Editor of the Journal of European Integration and has experience as an Associate Managing Editor for *European Constitutional Law Review*.

Anniek de Ruijter is assistant professor of European Union law and works on a new research project on 'Judging in Europe' together with professor Monica Claes and professor Marc de Werd. The project aims to bridge the gap between practice and academia, between the European and national legal orders, between legal disciplines, and to research common challenges for 21st century adjudication. Her PhD thesis received '[honorable mention for outstanding new academic work](#)' from the Dutch Association for Health Law. The thesis entitled '[A Silent Revolution: The Expansion of EU Power in the Field of Human Health](#)' concerns a rights-based analysis of EU health law and policy, and will be published by Oxford University Press in

2016.