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Maastricht Centre for European Law

Upcoming Events

Conference on '[Global Standards and EU Law – Challenges for European Administrative Law](#)' (17-18 June) organized by M. Eliantonio, A. Volpato & S. Röttger-Wirtz

Fourth workshop of the Jean Monnet NOVA-EU project dedicated to '[EU Rule of Law and Democracy](#)' (24-25 June) organized by A. Ott, M. Claes & M. Bonelli

*For more information, see below in **Focus***

News

In the first half of 2021, MCEL featured several guest speakers at its Research Seminars



The first seminar of the year on 19 January featured **Jeremias Adams-Prassl**, who is a Fellow of Magdalen College, and Deputy Director of the Institute of European and Comparative Law at the University of Oxford. He delivered a very insightful presentation entitled: "Black Box Boss - Artificial Intelligence, Discrimination and Data Protection at Work". In his presentation, he discussed the fundamental challenges to the existing regulatory regimes posed by the rise of 'People Analytics' which is the automation of traditional management functions from hiring to firing. MCEL member **Maja Brkan** acted as a discussant

The second MCEL research seminar of the year took place on 9 February and featured **Ludwig Kramer**, who is a visiting Professor at University College London and a Professor in European and German environmental law at the University of Bremen. Ludwig delivered a very insightful presentation entitled: "The European Green Deal". **Marjan Peeters** acted as discussant during the meeting.

During the third research seminar, on 16 March, **Mary Guy**, a lecturer in law at Lancaster University, presented part of her research on healthcare reform. Her presentation was entitled: "Towards a European Health Union - What Role for Member States?", building on her article in the EJRR's December 2020 special issue on COVID-19. She provided an original assessment of Article 168(7) TFEU to argue that Treaty change to redress the balance between EU and Member State competence regarding national healthcare systems may be uncalled for given both the flexibility afforded by the provision and the complexity and diversity of Member State healthcare systems. **Sabrina Wirtz** acted as discussant during the meeting.

The fourth seminar was one of a special kind since it was also the book launch of **Dr. Dilek Kurban's** monograph: "Limits of Supranational Justice: The European Court of Human Rights and Turkey's Kurdish Conflict" (Cambridge University Press, 2020). Dilek is a Fellow and Lecturer at the Hertie School in Berlin. The book launch was chaired by **Monica Claes** and featured **Rick Lawson** and **Françoise Tulkens** as discussants.

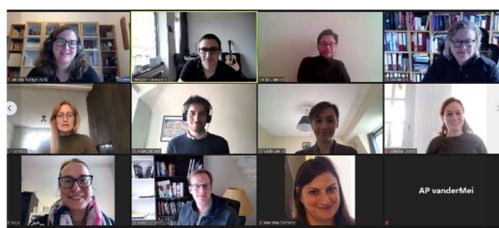
In the eighth research seminar on 11 May, **Virginia Passalacqua**, a postdoctoral researcher for the RENFORCE project at Utrecht University, delivered a very interesting presentation entitled: Legal Mobilization via Preliminary Reference: Insights from the Case of Migrant Rights, drawing on her article with the same title. **Lilian Tsourdi** acted as discussant during the meeting.



MCEL also organises research forums where its own members have the opportunity to present their ongoing research.

The first forum of the year featured **Giulia Gentile** who recently joined MCEL. Giulia's presentation covered her research titled 'Effective judicial protection - of what and for whom? An evolutionary perspective on Article 47 of the EU Charter' which discusses the new stream of cases on Article 47 of the Charter and the potential (and the drawbacks) of an application of Article 47 disconnected from EU rights.

In the second MCEL forum **Merijn Chamon** and **Sabrina Röttger-Wirtz** presented some recent case law from the



Court of Justice. Sabrina's presentation covered Case C-352/19 P *Région de Bruxelles-Capitale v Commission* involving the re-approval of glyphosate, the pesticide active substance that has kept the CJEU busy with a whole line of case law. Merijn's presentation covered the joined cases C-597/18 P, C-598/18 P, C-603/18 P en C-604/18 P, *Council v. Chrysostomides*, where the Court of Justice had to rule on the General Court's findings that the Eurogroup is an EU body whose (in)action could result in the non-contractual liability of the Union.

The third MCEL Research Forum featured MCEL Member **Valentina Golunova**. Valentina's presentation covered her research titled: Intermediary liability and freedom of expression in the algorithmic age: swaying the balance?

The fourth research forum featured one of our most recent MCEL members, **Lavinia Kortese**. Lavinia delivered a very interesting presentation entitled: The Free Market and the Regulation of Professions in the EU: The Point of No Return? The objective of this contribution is to analyse the "point of no return" where the economic reasoning at the root of the call for less stringent regulation proves to be detrimental to the free movement objective it is trying to achieve.

As always, our members have been prolific and active on many fronts. Below is a non-exhaustive anthology:



On the 26th of February MCEL co-organized an online workshop entitled: "The GDPR and International Organisations: Issues of EU Law and Public International Law". The workshop brought together data protection experts and prominent experts from the worlds of both EU law and international law. This workshop examined legal issues concerning the impact of the GDPR on international organisations.

MCEL member **Vigjilence Abazi** interviewed Samantha Feinstein from Government Accountability Project based in Washington D.C. about recommendations for the new Biden administration on whistle-blower protections.

MCEL member Assistant Professor **Lilian Tsourdi** gave an invited online lecture on the role of EU agencies and shifting executive power in EU's migration policy. The talk was part of a lecture series in the framework of the 'Separation of powers for 21st century Europe (SepaRope)' project jointly implemented by the Amsterdam Centre for European Law and Governance at UvA, the Erik Castrén Institute of International Law and Human Rights (ECI), and the Centre for European Research at the University of Gothenburg

On 15 and 16 April 2021, MCEL and GLaw-Net members **Giulia Gentile**, **Mariolina Eliantonio** and **Matteo Bonelli** hosted the workshop 'Article 47 of the EU Charter and effective judicial protection: The Court of Justice's perspective'. During the workshop, senior and junior academics specialising in EU law will discuss various aspects of the impact of Article 47 Charter on the EU constitutional order.

MCEL member Assistant Professor **Lilian Tsourdi** co-authored a blog post with Dr. Niovi Vavoula, Lecturer at the Law Faculty of Queen Mary University of London, on Greece's COVID-19 regulation, with a focus on privacy, data protection, restrictions to the freedom of movement, and asylum.

Lilian was invited to lecture on 'Shifting Executive Power in EU Migration Policy', as part of a Lecture Series on 'Separation of Powers for 21st Century Europe at the University of Amsterdam

In addition, **Lilian** was invited to participate in an expert roundtable as part of the 'European Perspectives on Taking Forward the UN75 Declaration: From Reflection to Innovation & Action' event, organised by the Robert Bosch Stiftung GmbH, Federal Foreign Office of Germany, Stimson Center, Academic Council on the UN System, Plataforma CIPÓ, and Leiden University.

Lilian is also convening on the 17th June 2021 the regional launch of *The Oxford Handbook of International Refugee Law* (OUP, 2021). This online event is hosted by MCEL, and co-sponsored by the European Society of International Law (ESIL), and Oxford University Press (OUP). It focuses on one of the key challenges facing international refugee law, externalisation of protection obligations, and will include the participation of Handbook authors and respondents. **Lisa Waddington** spoke at the Online seminar: Exponential Inequalities, organised by the Oxford Human Rights Hub (Oxford University) on 1 March 2021. The presentation was given with Professor Anna Lawson on the topic of: The relevance of equality law for people with disabilities in times of crisis (joint presentation with Professor Anna Lawson). 1 March 2021.



Lisa also participated in a podcast on @NewBooksLaw in which she and Anna Lawson discussed their edited collection 'The UN Convention on the Rights of Persons with Disabilities in Practice: A Comparative Analysis of the Role of Courts'.

Finally, **Lisa** gave an Online Presentation for UN Student Association of Maastricht University, The UN Convention on the Rights of Persons with Disabilities and the SDGs.

Sarah Schoenmakers organised and spoke in a conference titled: 'Towards Cultural Standardization? The interplay between (inter)national and European economic law and culture: how much 'culture' is left?'

Sarah also attended a Roundtable 'Foundation of Ius Commune' at Maastricht University as a discussant

Marjan Peeters presented on the topic: 'Towards Climate Neutrality in the European Union: current prospects and challenges from a legal perspective' as part of Studium Generale, Maastricht University.

Marjan is currently co-organising the NOVA-MCEL Workshop EU Democracy and the Rule of law: Maastricht University that will take place on the 24 & 25 June 2021.

Matteo Bonelli coorganised and spoke at an event covering Article 47 of the EU Charter and effective judicial protection from the Court of Justice's perspective. Matteo also spoke on the 'Rule of Law in the EU: Consensus and Discontent', at the European University Institute.

Vigilence Abazi spoke on Whistleblower protection during a variety of events such as 'Whistleblower Protection across the EU', *Whistleblowing International Network* together with Transparency International and Eurocadres and 'Whistleblowing in the European Union', *NATO, Ministry of Internal Affairs of Ukraine*, 29 March 2021.

Giulia Gentile was invited as a speaker with the presentation titled "Faraway, so close! The principle of effective judicial protection and the constitutional traditions common to the Member States" at the 2020 Young FIDE Seminar, Leiden University.

Giulia also presented on the topic 'Searching the Pieces of the EU's Justice Puzzle: Articles 47, 48, 49 and 50 of the EU Charter of Fundamental Rights', Workshop 'Article 47 of the EU Charter and effective judicial protection - The Court of Justice's perspective' at Maastricht University.

Annalisa Volpato was invited as speaker to the conference "Novel food tra sicurezza e sostenibilità" organised by University of Parma.

Annalisa is currently co-organising together with **Sabrina Röttger-Wirtz** and **Mariolina Eliantonio** the conference on 'Global Standards and EU Law – Challenges for European Administrative Law' that will take place on the 17-18 June 2021.

Merijn Chamon is currently organising a panel together with **Sabrina Röttger-Wirtz** on 'Transformative effects of COVID-19 for EU agencies' in the context of the conference 'Transformative effects of Covid-19 on Globalisation & Law' organised jointly by UVA, OU, UM and Tilburg University on 16-17 September 2021.

MCEL member **Andrea Ott** participated as a co-convenor and round table discussant at the CLEER Conference on Informal Law-Making in EU External Relations Law. Andrea also acted as a Discussant of Panel at the 6th Jean Monnet Doctoral Workshop.

Focus

Conference on 'Global Standards and EU Law – Challenges for European Administrative Law' 17 and 18 June 2021



In this conference, the speakers will critically reflect on the increasing incorporation of global standards in the EU legal system and the legal questions raised by this phenomenon. It will provide an account of the various ways of implementation of these standards via European legislative, non-legislative and soft law measures, in important sectors such as environmental, health or financial regulation. Furthermore, it will examine how these standards are formed on global level, and, based on this analysis, question the extent to which they respect basic tenets of European

administrative law, such as transparency and participation. Finally, it will consider questions of legitimacy of global standards in relation to the multi-layered nature of the EU legal system, the judicial use made of them, and their role when the EU operates as global actor.

The fourth workshop 'EU Rule of Law and Democracy' of the Jean Monnet NOVA-EU project 24 and 25 June 2021

Coordinated by Prof. **Andrea Ott** the workshop will take place (online) on June 24 and 25. Organised by MCEL members **Matteo Bonelli, Monica Claes, Karolina Podstawa and Bruno De Witte**, the workshop brings together young and senior researchers from several EU countries who will reflect on the rule of law as a common EU value, the role of judicial and political actors in protecting EU values, and on new perspectives on democracy and the rule of law in the EU. **Edith Zeller, Kees Sterk and Paul Nemitz** will join the event as keynote speakers.



Appointments

MCEL Member **Maja Brkan** has officially been appointed to the post of judge of the EU General Court.

As per 1 March 2021, MCEL member **Christopher Heath** has been appointed as professor on the endowed chair of Intellectual Property Foundations, Institutions and Adjudication.

MCEL wishes Maja and Christopher all the best in their new roles.

People

Lavinia Kortese and Madalina Pleniceanu recently joined MCEL. Below they briefly present themselves. Welcome, Lavinia and Madalina!



Lavinia Kortese is a researcher at Maastricht University's Faculty of Law and Expertise Centre ITEM. In this position she conducts research for regional, national and European stakeholders. She is currently involved in the Erasmus+ project Link EDU-RES aimed at international cooperation in the field of joint/double doctorates and in the Interreg project Pandemic which investigates how border regions can successfully cooperate on emergency transport and public procurement in times of crisis. In May 2020, Lavinia defended her PhD thesis titled "*The Recognition of Qualifications in the EU: Blurring the Lines of Competences between the Internal Market and Education*". In her thesis, she examined the main European legal instruments and cooperation initiatives and their respective competences in the field of professional and academic recognition. The thesis furthermore examines the theme of recognition both at the European level and at the national level in a selection of EU Member States

through a selection of case studies focusing primarily on healthcare professionals.

Madalina Pleniceanu is a PhD candidate at the Faculty of Law of Maastricht University. She holds a Bachelor's degree in Law (West University of Timisoara, Romania) and a LL.M. in European Union Law (Leiden University, The Netherlands).

Madalina has a demonstrated history of working in the legal and governmental sectors. She started her career as a European Affairs Advisor during the Romanian Presidency to the Council of the European Union and worked as a Legal Assistant at the European Court of Justice in Luxembourg. She is a member of the Romanian Law and European Affairs Association and has published articles debating EU Law issues in reputable Romanian legal journals.



Publications

Selected Publications

A. Ott, 'Brexit and EU agencies: opting-in from the outside?', pp.255-269 in Santos Vara, Wessel (eds.), and Polak (ass.Ed.), *The Routledge Handbook on the International Dimension of Brexit*, Routledge, 2021.

A. Ott, 'The building blocks and stumbling stones of constructing the European Legal Space', in Douma, Eckes, Van Elsuwege, Kassoti, Ott and Wessel (eds.), *The evolving nature of EU external relations*, TMC Asser Press/Springer Publishing, 2021.

E. Tsourdi, 'Regional Refugee Regimes – Europe', in C Costello, M Foster, and J McAdam (eds) *Oxford Handbook of International Refugee Law* (Oxford University Press 2021) 352-369.

E. Tsourdi, 'Beyond the migration crisis: the evolving role of EU agencies in the administrative governance of the asylum and external border control policies', J Pollak and P Slominski (eds), *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges* (Palgrave Macmillan 2021) 171-203.

E. Tsourdi & N Vavoula, 'Killing me Softly? Scrutinising the Role of Soft Law in Greece's Response to COVID-19' (2021) 12 *European Journal of Risk Regulation*, 59-76.

E. Tsourdi & N Vavoula, 'Greece's Covid-19 Response: Not Beyond Reproach' (Criminal Justice Centre, 05 March 2021).

E. Tsourdi, 'Reforming the EU Asylum Policy: Unilateralism, "Coalitions of the Willing", and the New Pact on Migration and Asylum' (Bridge Jean Monnet Network, 13 January 2021).

G. Gentile, 'Verba Volant, Quoque (Soft Law) Scripta?' An analysis of the legal effects of national soft law implementing EU soft law in France and the UK', pp. 79-98 in Eliantonio, Korkea-aho and Stefan (eds.), *EU Soft Law in the Member States: Theoretical findings and empirical evidence* Hart Publishing.

G. Van der Loo and M. Chamon, 'The European Parliament flexes its muscles on the EU–UK trade deal', *EPC Commentary*, 5 March 2021.

L. Waddington, 'Exploring Vulnerability in EU law: An Analysis of 'Vulnerability' in EU Criminal Law and Consumer Protection Law', (2020) 45 *European Law Review*, December, Issue 6, 779-801.

M. Bonelli & A. Baraggia 'Linking Money to Values: the new Rule of Law Conditionality Regulation and its constitutional challenges' *German Law Journal* 2021.

M. Bonelli, 'National identity and European integration beyond 'limited fields' *European Public Law*.

M. Bonelli, 'Intermezzo in the rule of law play: the Court of Justice's LM case' in Armin Von Bogdandy, Piotr Bogdanowicz, Iris Canor, Christoph Grabenwarter, Maciej Taborowski and Matthias Schmidt (eds.), *Defending Checks and Balances in EU Member States. Taking Stock of Europe's Actions* (Springer, Berlin, 2021)

M. Bonelli, 'Il Parlamento europeo e la salvaguardia dei valori fondanti dell'Unione', in Giacomo di Federico (ed.), *Alla (ri)scoperta del Parlamento europeo: 1979-2019* (Giappichelli, Torino, 2021)

M. Chamon and A. Volpato, 'Sketching out the role and function of the ECHA Board of Appeal: Germany v ECHA and BASF v ECHA' (2020) *European Law Review*, 840.

M. Chamon, 'Provisional Application of Treaties: The EU's Contribution to the Development of International Law' *EJIL* (2020), 883.

M. Chamon, 'The legal framework for delegated and implementing powers ten years after the entry into force of the Lisbon Treaty' *ERA Forum* (2021), 21.

M. Chamon, AG Hogan's Opinion in *Avis 1/19* regarding the Istanbul Convention, *EU Law Live*, 15 March 2021. P.

Van der Meer, G. Angenon, H. Bergmans, H.J. Buhk, S. Callebaut, M. Chamon, D. Eriksson, G. Gheysen, W. Harwood, P. Hundleby, P. Kearns, T. McLoughlin, T. Zimny, 'The Status under EU Law of Organisms Developed through Novel Genomic Techniques' *European Journal of Risk Regulation* (First View).

M. Müller, 'Directive 2003/4/EC as a tool to learn from the successes and failures of the EU ETS: Reflecting on the EU Emissions Trading System' in Marlon Boeve, Sanne Akerboom, Chris Backes and Marleen van Rijswijk *Environmental Law for Transitions to Sustainability*, Cambridge: Intersentia, 2021.

M. Peeters, 'Climate Science in the Courts' p. 145-172, in: Vigjilencia Abazi, Johan Adriaensen, and Thomas Christiansen, *The Contestation of Expertise in the European Union*, European Administrative Governance, 2021 Palgrave Macmillan.

M. Peeters, 'The global stocktake' p. 326-347, in: Geert van Calster, Leonie Reins, The Paris Agreement on Climate Change, a commentary, Edward Elgar 2021.

N. Athanasiadou, & N. Vogiatzis, (2021). The EU Queries: A Form of Extra-Judicial Preliminary Reference in the Field of Maladministration? *German Law Journal*, 22(3), 441-465. doi:10.1017/glj.2021.17

S. Schoenmaekers, 'Zelfreiniging als inherent onderdeel van het recht van verdediging: Geen woorden, maar daden!', *Tijdschrift Aanbestedingsrecht en Staatssteun*, Sdu, The Hague, pp. 27-34

V. Abazi, J. Adriaensen, T. Christiansen (eds.) '*The Contestation of Expertise in the European Union*' Palgrave Macmillan, 2021.

V. Abazi, J. Adriaensen, T. Christiansen, 'Are experts back in fashion? Four scenarios concerning the contestation of expertise in the European Union', *European Politics and Policy*, LSE Blogs, 2021.

V. Abazi, 'Whistleblowing in the European Union', *Common Market Law Review* Vol. 58, 1-38, 2021

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