Maastricht Centre for European Law

Newsletter 2014 N. 1

Editorial

EU law and national constitutional law: new study of their relationship

EU law has always been founded on national constitutional law, in the sense that the national constitutions define the conditions under which each country can join the European Union, and can accept major changes of EU law on the occasion of Treaty revisions. National constitutional law also defines the mechanisms for the effective application of EU law in the national legal orders.

The coexistence of EU law and national constitutional law has mostly been a smooth one, marked by mutual respect and mutual influences leading – in some measure at least – to a set of common constitutional principles for Europe.

Occasionally, however, this relationship has been tense, due for example to the adoption of Euro-cautious constitutional amendments, or Euro-critical judgments by national constitutional courts. It has become quite clear, anyway, that the future path of European integration depends in no small measure on the conditions and procedures set by national constitutions and constitutional courts.

Two members of MCEL, Monica Claes and Šejla Imamović, together with researchers of the University of Amsterdam, recently wrote a 270 page study for the European Parliament on *National Constitutional Avenues for Further EU Integration*. The study is composed of a general comparative analysis, a bird's eye view of the position in all 28 member states, and an in-depth study of 12 among those countries.

Bruno de Witte and Ellen Vos, directors

News

The team from the Faculty of Law of Maastricht University won the European Law Moot Court Competition (ELMC) at the finals held at the Court of Justice of the EU in Luxembourg. This was the sixth victory of the UM at this prestigious student competition which makes it the Dutch university with the most ELMC victories so far.

The team, composed of Myriam Douo, Vilma Ihamäki, Pauline Melin and Eva van Ooij, won against the universities of Lund, Leuven and Michigan which also qualified for the finals.

This year's case concerned the recognition of gay marriage and adoption by same-sex couples. In a mock case, two men got married in a Member State and wanted their marriage to be recognised in another Member State that did not allow for homosexual marriage. The students trained to plead both on the side of the applicants and the defendant, as well as in the role of the representative of the European Commission. On the basis of written pleadings, they were chosen to participate in the regional final in Braga (Portugal) where they defeated several teams from other European universities. Intensive preparation under the supervision of their coaches dr. Maja Brkan, Alexander Hoogenboom and dr. Sarah Schoenmaekers finally led to a victory in Luxembourg.

Several other events have marked the first semester of 2014. Stelios Charitakis together with Andrea Broderick have been very active in the organisation of a conference on The UN CRPD and EU Disability Law and Policy that drew a large audience to our Faculty. The event was part of the activities of the DREAM project (Disability Rights Expanding Accessible Markets) coordinated in Maastricht by Lisa Waddington and financed by the European Union. Sarah Schoenmaekers coordinated a conference on State Aid and Public Procurement in the European Union that received the support of the Jean Monnet programme (teaching module) of the European Commission. Alexander Hoogenboom and Hildegard Schneider were also successful in attracting funding for a project to create a reference guide and a fully interactive tool to assess, compare and improve integration policies: the Migrant Integration Policy Index (MIPEX). They will be in charge of updating policy indicators for the Netherlands and will participate in the dissemination of the results of the project. Finally, Elise Muir was invited to become an Associate Director of our Centre.

Upcoming Events

❖ Workshop *The Externalization of EU Administrative Law: Finding its Place in the Global Administrative Space*, 6 June 2014, Brussels

❖ Debate *The EU After European Elections: Which Way Forward For the European Parliament?*, 18 June 2014, Maastricht

❖ Summer School *2nd CLEER Summer School on EU External Relations Law,* 23 – 27 June 2014, Brussels (See here)

❖ MCEL *Opening of the Academic Year*, 9 September 2014, Maastricht

❖ Workshop *Proceduralisation of EU Law Through the Backdoor?*, 20 – 21 October 2014, Brussels

Faculty of Law, Bouillonstraat 1-3
Maastricht, the Netherlands

Tel: + 31 43 388 32 33
Fax: +31 43 388 49 07

www.maastrichtuniversity.nl/europeanlaw
(Un)subscribe at mcel@maastrichtuniversity.nl

Selected Publications

- Backes, Ch.W., Faure, M.G. & Fernhout, F.J. 'Examining the four options' in M.G. Faure & N.J. Philipsen (Eds.), *Access to justice in environmental matters*, Eleven International Publishing, 2013, pp. 17-21

- Besselink, L., Claes, M., Imamovic, S. & Reestman, J. '*National Constitutional Avenues for Further EU Integration*', European Parliament, 2014

- Brkan, M., Ahtik, M. & Nendl, Ž., 'The economic and monetary union: constitutional and institutional aspects of the economic governance within the EU' in *Proceedings of XXVI FIDE Congress*, 2014 (forthcoming)

- Everson, M., Monda, C. &Vos, E.I.L. (Eds.), '*European agencies in between institutions and Member States* '(European Monographs, 85), Kluwer Law International, 2014, pp. 277

- Muir, E., 'The fundamental rights implications of EU legislation: some constitutional challenges' *Common Market Law Review*, 14(10), 2014, pp. 219-246

- Peeters, M.G.W.M. & Uylenburg, R. (Eds.), '*EU environmental legislation.Legal perspectives on regulatory strategies*', Edward Elgar, 2014, pp. 269

- Psychogiopoulou, E., '*Media policies revisited: The challenge for media freedom and independence'*, Palgrave Macmillan, 2014, pp. 304

- Psychogiopoulou, E. (Ed.), 'The external dimension of EU cultural action and free trade: Exploring an interface', 41, *Legal Issues of Economic Integration,* 2014, pp. 65-86

- Schoenmaekers, S.L.T. & Nicolaides, P., 'Public procurement, public private partnerships and state aid', *European Procurement & Public Private Partnership Law Review*, 1, 2014, pp. 50-69

Focus

Paul Craig awarded honorary doctorate from Maastricht University

During the 38th Dies Natalis, anniversary of Maastricht University, held in January 2014, prof. dr. Paul Craig of St John's College at Oxford University was awarded an honorary doctorate from Maastricht University for his lifetime achievements as one of the leading scholars of European Union law. Prof. Craig is also a renowned scholar of British constitutional and administrative law as well as comparative public law. His bibliography comprises numerous books and articles. He has given several lectures at many universities throughout Europe and in the US.

During the award ceremony, prof.dr. Bruno de Witte, honorary supervisor of prof. Craig, stressed that legal science is "all the better for his writings", while prof. Craig named Maastricht University as a "truly European university." Prof. Craig subsquently also became an associate scholar of the MCEL.

Before the award of the honorary doctorate, prof. Craig gave a lecture entitled: "A General Law on EU Administrative Procedure: The Emerging Issues". He stressed the importance of adopting an instrument allowing for a common administrative procedure throughout the EU and discussed the issue of the EU's competence to adopt such an instrument. His lecture will soon be published in The Maastricht Journal of European and Comparative Law. Prof. Craig maintains close links with the Journal, as illustrated by his recent Editorial on '*Pringle: legal reasoning, text, purpose and teleology'* (2013, vol.20 n.1).
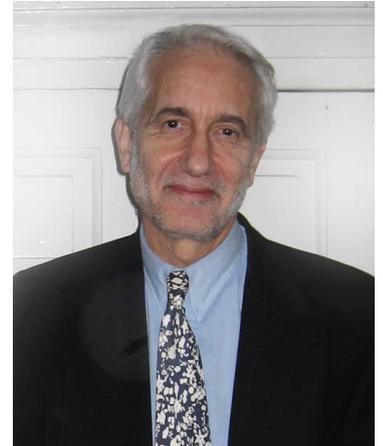
New People

Francesca Galli is lecturer at the Department for International and European Law. She holds a BA and MPhil in Political Sciences with a specialisation in International and Diplomatic studies (University of Trieste, 2005), an LLM (Institut d'Etudes Politiques de Paris, 2006) and a PhD (University of Cambridge, 2010). She was also a FNRS post-doctoral researcher of EU criminal law at the Institut d'Etudes Européennes of the ULB in Brussels (2010-13).

Evangelia Psychogiopoulou is a post-doc researcher for the OPENCULT project. She holds a DEA in European Law (University Paris I-Panthéon/Sorbonne, 2001) and a PhD (European University Institute, 2007). She has worked as a research fellow at the Hellenic Foundation for European and Foreign Policy and as a legal officer at the Hellenic Ministry of Culture and Sports. She has also conducted research for European institutions and several FP6 and FP7 projects.

Natasja Reslow is a post-doc researcher on EU migration policy for the TRANSMIC and EURA-NET projects. She holds undergraduate and postgraduate degrees in European Studies (University of Edinburgh and Maastricht University). Prior to joining the Faculty of Law, she worked at the Faculty of Arts and Social Sciences, where she obtained her PhD in Political Science in September 2013.

Faculty of Law, Bouillonstraat 1-3
Maastricht, the Netherlands

Tel: + 31 43 388 32 33
Fax: +31 43 388 49 07

www.maastrichtuniversity.nl/europeanlaw
(Un)subscribe at mcel@maastrichtuniversity.nl