

18 December 2020



# Newsletter 2020 No. 2

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## **Maastricht Centre for European Law**

### **Upcoming Events**

The GDPR and International Organisations: Issues of EU Law and Public International Law


*26 February 2021 (14:00)*

[Click here for more information and registration](#)

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## News

In the second half of 2020, MCEL featured three guest speakers at its Research Seminars.

The first research seminar of this academic year hosted a lecture by **Jasper Krommendijk** (Associate Professor of international and European Law at Radboud University in Nijmegen) on his Veni-research project funded by the Netherlands Organization for Scientific Research (NWO): 'It takes two to tango. The preliminary reference dance between the CJEU and national courts (2017-2021)'. 

The second MCEL research seminar of the academic year featured **Luca Prete**, référendaire at the Court of Justice of the EU and a member of the Centre for European Law at the Vrije Universiteit Brussel (VUB), Faculty of Law and Criminology. He delivered a presentation focusing on "Recent case-law of the CJEU on the rule of law". The main focus of his presentation was on the role of the infringement action in dealing with the rule of law crisis, in light of the recent cases before the Court and the 2020 Rule of Law Report of the European Commission. During the event,

**Matteo Bonelli** acted as discussant.

In the third research seminar, on 8 December, **Christiaan Timmermans**, former judge at the Court of Justice of the European Union, spoke about the role of the 'Article 255 committee', that is the committee that vets candidates for appointment to the Court of Justice on whether they comply with the conditions of independence, experience and knowledge required for that position. Timmermans was the chair of that committee for a number of years. **Marijn van der Sluis** acted as his discussant.

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

At the end of October, MCEL held its first research forum of the academic year during which **Vigilencia Abazi** presented on **whistleblowing in the European Union**. In the first part of the presentation, Vigilencia analysed the EU Whistleblower Directive. In the second part, she showed that whistleblowing in the EU has prominence much beyond the EU Whistleblower Directive.



The second MCEL forum of the academic year featured MCEL member **Maarten Stremmer**. He delivered a presentation on 'The Constitutional Politics of EU Constitutional Oversight'. This presentation examined the nature and significance of the EU response to certain developments in Hungary and Poland, including far-reaching judicial reforms, which run counter to European values. Maarten argued that constitutional oversight of the Member States by the EU can best be understood as a depoliticisation effort in which the

Commission and the Court in particular seek to create and ensure stable background conditions under which EU law can function smoothly.

At the third MCEL forum, which took place on 15 December, **Herke Kranenborg** spoke about the three rulings of the Court of Justice from the summer of 2020 dealing with privacy and data protection (Schrems II, Privacy International, La Quadrature du Net). Herke is a member of the European Commission's legal service but now also, since May 2020, a (part-time) Professor of European Data Protection and Privacy law at Maastricht University, and member of MCEL.

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MCEL devoted two online seminars to the discussion of the content and future implications of the judgment of the German Constitutional Court of 5 May 2020 on the European Central Bank's market interventions. In the first seminar **Phedon Nicolaides**, **Marijn Van der Sluis** and **Diane Fromage** spoke, together with **Mattias Wendel** from the University of Leipzig. The second seminar, was organised with the collaboration of the Faculty of Law of the University of Milan and featured MCEL members **Matteo Bonelli** and **Paul Dermine**

In October, **Mariolina Eliantonio**, **Merijn Chamon** and **Annalisa Volpato** hosted the 2020 Forum of the Review of European Administrative Law (REALaw) The aim of the Forum was to discuss how the traditional functions of administrative law are challenged by the multi-level and multi-dimensional nature of the European administrative space.

During the Forum, young scholars presented their research and received comments from senior experts in the field. The Forum was organized around four overarching themes: (i) the challenges of multilevel cooperation in the European administrative space, (ii) the digital multi-level European administration, (iii) transparency and participation in the European multilevel administrative space and (iv) the challenges of judicial review in the European multilevel administrative space.

**Lucia Martinez Lorenzo** participated as a speaker in the RealLaw forum. Her presentation was titled 'Cross-border interest in the framework of public procurement legislation' in the panel chaired by Dr. Annalisa Volpato 'Digital multi-level administration'.

MCEL Members also participated in, and organised, various other conferences and events

**Sarah Schoenmaekers** spoke on Green Public Procurement: at the Summer Course of ERA (Academy of European Law) in which she addressed the role of SMEs in sustainable public procurement at the Online Seminar on European Public Procurement Law: an invitation-only online workshop for procurement and policy professionals on European public procurement law and how it can be leveraged for sustainability, facilitated by the Academy of European Law (ERA) and supported by the Green Electronics Council (GEC - Portland, United States). During this webinar Sarah addressed the role of eco-design and ecolabels in procurement procedures.

On the 9<sup>th</sup> June 2020 **Marijn van der Sluis** provided evidence to the Dutch Parliament on the topic of the German Constitutional Court's ruling on the ECB

On the 13<sup>th</sup> October 2020, **Lilian Tsourdi** was a speaker at Annual Consultative Forum of the EU Agency European Asylum Support Office (EASO). She analysed the role that EASO has played in the development of the Common European Asylum System over the past ten years, and how its activities have evolved.



**Matteo Bonelli** received the **2020 Dissertation Prize** from the Praemium Erasmianum Foundation for his PhD research 'A Union of Values – Safeguarding Democracy, the Rule of Law, and Human Rights in the EU Member States'. The PhD was written in Maastricht under the supervision of Prof. Monica Claes and Bruno De Witte and was defended in June 2019.

**Marjan Peeters**, was appointed as expert by the European Economic and Social Committee. In this role she will help the committee with developing its advice to the European Parliament and the Council concerning the proposal from the European Commission for a new Climate Law.

**Paul Dermine** has taken up a Max Weber Fellowship by the European University Institute (EUI) in Florence for the academic year 2020-21. He defended his PhD thesis on 'The New Economic Governance of the Eurozone - A Rule of Law Analysis' on 22 October 2020 and was awarded the doctorate *cum laude*.



**Lilian Tsourdi** convened an inter-institutional webinar with Salvo Nicolosi, Assistant Professor in Utrecht and RENFORCE member. The **MCEL/RENFORCE webinar** brought together academics and policy-makers to comment the New Pact on Migration and Asylum. The Pact's constitutional design, its reception by the co-legislators (Council and European Parliament), the evolving role of EU agencies at the external borders, co-operation with third countries, solidarity, and emergency management were some of the issues that were debated. The webinar was attended by over 100 participants.

MCEL Member, **Dr Andrea Broderick**, has been appointed as a Board Member of the Executive Committee of the European Master's Programme in Human Rights and Democratisation (EMA), Venice. Her role in the Executive Committee is in addition to her roles as the Dutch Director of the EMA Programme and as EMA Director on behalf of Maastricht University.

**Andrea Ott, Hildegard Schneider, Lilian Tsourdi and Zvezda Vankova** co-organised a workshop in the form of a webinar on 'Migration and EU Borders' as part of the Jean Monnet NOVA project coordinated by Andrea Ott. The event took place on the 3<sup>rd</sup> and 4<sup>th</sup> December 2020. This 2-day workshop assessed the evolution of the asylum, migration, and external border control policies, including relevant EU legislation, the impact of constitutional principles, the role of courts and judicial dialogue, and shifting implementation patterns.

On 28 October, MCEL members **Lisa Waddington** and **Andrea Broderick** presented their Study on [The Post-2020 European Disability Strategy](#) at a Workshop on the Protection of the Rights of Persons with Disabilities hosted by the Petition's Committee of the European Parliament. The Study had been commissioned by the Policy Department for Citizens' Rights and Constitutional Affairs. The Study reflected on the progress made, and strengths and weaknesses of the current European Disability Strategy, which comes to an end this year. The Study made 30 recommendations concerning the new Strategy to the European Commission, Parliament and other EU institutions, Member States and other key stakeholders, structured around three themes: the design of the new Strategy, including its scope and content; the infrastructure needed to embed the new Strategy at EU and Member State level; and the implementation and monitoring of the new Strategy. Other participants in the workshop included the European Commissioner for Equality, Helena Dalli, who said the Commission would take the Study into account in preparing the new Strategy, and the European Ombudsman, Emily O'Reilly, who referred to the value of the Study for preparing the new Strategy.



Other MCEL members have also authored recently published studies for the European Parliament's Petitions Committee. **Aalt-Willem Heringa** and **Thu Nguyen** authored a Study on [Obstacles to Participation in Elections and the Exercise of Voting Rights. Inside the EU](#); while **Ellen Vos**, **Natassa Athanasiadou** and **Laura Dohmen** authored a Study on [EU Agencies and Conflicts of Interest](#).

MCEL member **Lilian Tsourdi** has been commissioned, together with colleagues from the Odysseus Academic Network on EU Migration and Asylum Law, to write a Study on *The EU approach on migration in the Mediterranean* for the European Parliament Civil Liberties Committee. The study will be delivered and presented to the Civil Liberties Committee this coming April 2021

MCEL members that have left Maastricht University

**Natassa Athanasiadou** left Maastricht University in order to join the cabinet of Commissioner Hahn.

**Thu Nguyen** left Maastricht University to join the Jacques Delors Centre in Berlin as a Policy Fellow for EU institutions and Democracy .

**Paul Dermine** left Maastricht University and is currently a Max Weber Fellow at the European University Institute in Florence.

**Diane Fromage** left Maastricht University and is now a Marie Skłodowska-Curie Individual Fellow at the Law School of Sciences Po Paris since September 2020.

We wish them all the best and we are sure we will welcome them back to Maastricht sometime in the future!

## Focus

### Boards of Appeal Workshop

On 21-22 September MCEL Members **Merijn Chamon**, **Mariolina Eliantonio** and **Annalisa Volpato** organized a Workshop on Boards of Appeal. In the two-day workshop, reputed academics and young scholars specialised on EU law, as well as practitioners working with or in the Boards of Appeal of the EU agencies discussed several issues in relation to the functioning of these specific mechanism serving as the first tier review bodies for challenging decisions adopted by a number of EU agencies. The first day was devoted to the discussion of a number of case studies, in principle one for each agency with a Board of Appeal. In the second day of the workshop, the speakers focused on 'horizontal' issues, analysing the relevant cross-cutting problems from the perspective of EU constitutional, institutional and procedural law. The presentations formed the basis of a series of chapters that will be part of a volume edited by the workshop's organizers.

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## People

### Aida Halilovic, Herke Kranenborg and Pauline Melin

**Aida Halilovic** holds a BA (cum laude) in Political Sciences and Public Administration from University of Padova, Italy, and a MSc (cum laude) in International and European Studies from University of Trento, Italy. Since September 2020, Aida is working as an Early-Stage Researcher within the LIMES project 'The role of EU agencies in the management and guarding of borders in the EU', which has received funding from the European Union's Horizon 2020 research and innovation programme under a Marie Skłodowska-Curie grant. She is a doctoral researcher at the Department of International and European Law of Maastricht University and at the Faculty of Social Sciences and Business of Roskilde University (Denmark). Aida's research discusses the legal, political, and administrative architecture that underlies the management and guarding of borders in the EU. Aida's monograph will address the main issues and controversies arising from the complex, and at times fuzzy, institutional setting and governance model that emerged from the recent reforms in the Area of Freedom, Security and Justice (AFSJ), focusing in particular on the special role of EU agencies in shaping the European border regime. Aida's interests primarily lie in the areas of International and European law, International and European politics, Human and minority rights as well as Security and migration studies.



From 1 May 2020 **dr. Herke Kranenborg** holds the newly established chair in European Data Protection and Privacy Law. Herke Kranenborg is a member of the Legal Service of the European Commission working in the area of privacy and data protection. From 2008 to 2013 he worked for the European Data Protection Supervisor (EDPS) in Brussels and between 2001 to 2008 he worked at the Europa Institute of the University of Leiden. Since 2010, he has been an affiliated senior researcher at the Institute for European Law of the KU Leuven. Herke will teach the European Data Protection and Privacy Law course in the European Law School Master's programme as well as the new ECPC Advanced Master's programme in Privacy, Cybersecurity and Data Management and also, he will be involved in the executive education of ECPC.

**Pauline Melin** first joined the Department of International and European Law and MCEL in 2015 as a PhD researcher. Upon completion of her PhD in 2018, she continued to work as a lecturer until 2019. After a long maternity break, Pauline is back to the Department and MCEL as an assistant professor. Her research was focused on the external dimension of social security coordination during her PhD. After that, Pauline's research extended to issues of migration law, external relations and social law.



## Publications

### Selected Publications

Abazi V., 'The Contestation of Expertise in the EU', in Abazi, V., Adriaensen, J. & Christiansen Th. (eds.) *The Contestation of Expertise in the European Union*, 2020.

Abazi V., 'Political Whistleblowing in the European Union: Official Secrets, Freedom of Expression and the Rule of Law' in: Mokrosinska D. (ed.) *Contested Trade-offs: Transparency and Secrecy in European Democracies*, Routledge, 2020, pp. 1-17

Athanasiadou N., Vos E. & Dohmen L., 'EU agencies and conflicts of interests' commissioned by the European Parliament Policy Department for Citizens' Rights and Constitutional Affairs / Petitions Committee, 2020.

Bonelli M., 'Review of: Marton Varju (Ed.) *Between Compliance and Particularism. Member State Interests and European Union Law*, Heidelberg: Springer, 2019 (355 p.)', (2020) *Common Market Law Review*, vol. 57, no. 3, pp. 938-940.

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Broderick A., 'Transforming Hearts and Minds concerning People with Disabilities: Viewing the UN Treaty Bodies and the Strasbourg Court through the Lens of Inclusive Equality', (2020) *Erasmus Law Review*.

Chamon M., 'Re-establishing the EU - Dissolution, withdrawal or succession?' (2020) Web publication/site, EU Law Live.

Chamon M., & Verellen T., Whittling Down the Collective Interest - CETA, Facultative Mixity, Democracy and Halloumi, 2020, Web publication/site, Verfassungsblog.

Chamon M. & Govaere I., (eds), *EU External Relations Post-Lisbon: The Law and Practice of Facultative Mixity*, Leiden, Brill, 2020, 447 p.

Timmermans J. & Chamon M., 'Controlling the SRBs resolution powers', in: Scholten, M. & Brenninkmeijer, A. (eds.), *Controlling EU Agencies: The Rule of Law in a Multi-jurisdictional Legal Order*, Cheltenham, Edward Elgar, 2020, pp. 293-311.

Chamon M., 'Existence or Exercise of EU Competence? From Supervening Exclusivity to Institutional Balance in Limiting Facultative Mixity', in: Chamon. M. & Govaere, I. (eds), *EU External Relations Post-Lisbon: The Law and Practice of Facultative Mixity*, Leiden, Brill, 2020, pp. 112-134.

Adam S., Chamon M., Van Elsuwege P., Gremmelprez F. & Gulczynska Z., 'Chronique de jurisprudence de l'Union - Les relations extérieures (1e janvier 2017 - 31 décembre 2019)', (2020) 56 *Cahiers de Droit Européen* 1, pp. 311-386

Schaap L., Karsten N., Colombo, C & Damen, M., 'City-region governance labs: Governance learning by strategic policymakers from European city regions', in van den Dool L (ed.), *Strategies for urban network learning: International practices and theoretical reflections*, Palgrave Studies in Sub-National Governance, 2020, pp. 59-80.

Dermine P., 'The new economic governance of the Eurozone: A rule of law analysis', (2020)

Arroyo J., & Eliantonio M., 'Masks, gloves, exports licences and composite procedures: Implementing Regulation 2020/402 and the limelight of accountability', (2020) *European Journal of Risk Regulation* vol. 11, no. 2, pp. 382-389

Kranenborg H., 'Google en de extraterritoriale effecten van de AVG', (2020) *Nederlands Juristenblad (NJB)*, p. 1580 – 1586

Melin P., 'Overview of recent cases before the Court of Justice of the European Union (February 2020-June 2020)', (2020) *European Journal of Social Security*, vol. 22, no. 3, pp. 327-332.

Ott A., 'EU-Turkey cooperation in migration matters: a game changer in a multi-layered relationship?' in: Ippolito F., Borzoni G & Casolari F. (eds), *Bilateral relations in the Mediterranean: Prospects for migration issues*. Edward Elgar Publishing, 2020 pp. 184-214.

Ott A., 'The UK's participation in EU agencies post-Brexit: Associated membership, observers or international cooperation?' in: Santos Vara J., Wessel R. & P. Polak (eds.), *The Routledge Handbook on the International dimension of Brexit*, Routledge/Taylor & Francis Group, 2020 (pp. 255-269).

Ott A., Wessel, RA & Campo A, 'The Netherland and (facultative) mixity: Pragmatism over principles?' in: Chamon, M. & Govaere I (eds), *EU external relations post-Lisbon: The law and practice of facultative mixity*. Brill | Nijhoff, Leiden, 2020 pp. 317-342.

Röttger-Wirtz S. & de Boer A., 'Personalised Nutrition: The EU's Fragmented Legal Landscape and the Overlooked Implications of EU Food Law', *European Journal of Risk Regulation* (2020), pp 1-24

Röttger-Wirtz, S., 'Mutual Recognition and the Ever-incomplete Internal Market for Pharmaceuticals', *Review of European Administrative Law* (2020), pp. 61-87.

Röttger-Wirtz S., 'Standardisation of health products in search of legitimacy: rethinking judicial review?', in: Eliantonio M. & Cauffman C. (eds), *The Legitimacy of Standardization as a Regulatory Technique in the EU*, Edward Elgar, 2020, pp. 266-291.

Schoenmaekers S., 'Standards on the rise in procurement procedures: Are legitimacy concerns justified?' in Eliantonio M. & Cauffman C. (eds), *Standardisation as a regulatory technique in the European Union: A cross-disciplinary and multi-level analysis*, Edward Elgar Publishing, Cheltenham, 2020, pp. 203.

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Spera F., Il Comitato delle Regioni quale «guardiano» degli interessi regionali nell'Unione europea: analisi sull'impatto dei pareri del Comitato nel dibattito sul Quadro finanziario pluriennale 2021-2027 e la Politica di coesione 2020.

Tsouri E., 'COVID-19, Asylum in the EU, and the great expectations of solidarity' (2020) *International Journal of Refugee Law*, 32(2), pp. 374-380.

Tsouri E., 'International human rights law, EU law, and alternatives to immigration detention: shaping control standards and judicial interaction in an heterarchy', in: Moraru. M., Cornelisse. G. and Bruycker P De (eds), *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union*, Hart Publishing, 2020, pp. 167-191

Tsouri E., 'Refugee recognition in the EU: EASO's shifting role' (2020) *65 Forced Migration Review*, pp.29-31.

van der Mei A., 2020, 'De arbeidsongeschikte grensarbeider', (2020) *Tijdschrift Recht en Arbeid*, vol. 11, no. 8/9, pp. 33-35.

Volpato A., 'Mutual Recognition, Pre-emption and De-centralisation in the Common Agricultural Policy', (2020) *Review of European Administrative Law* No. 3/2020, p. 135-157.

Volpato A. & Vos E., 'The institutional architecture of EU environmental governance: the role of EU agencies' in: Peeters. M & Eliantonio. M. (eds), *Research Handbook on EU Environmental Law*. Edward Elgar Publishing.

Volpato A. & Eliantonio M., 'The contradictory approach of the CJEU to the judicial review of standards: a love-hate relationship?' in: Eliantonio. M. & Cauffman. C. (eds), *The Legitimacy of Standardisation as a Regulatory Technique: A Cross-disciplinary and Multi-level Analysis*. Edward Elgar Publishing, 2020 pp. 91-110.

Waddington L., 'Exploring Vulnerability in EU law: An Analysis of 'Vulnerability' in EU Criminal Law and Consumer Protection Law', *European Law Review* (2020) pp. 780-802.

Waddington L., "Regulating e-accessibility and digital equality in Europe from a multi-level perspective", in Carola Ricci (eds), *Building an Inclusive Society for Persons with Disabilities. New Challenges and Future Potentials in the Digital Era*, 3-18, Pavia University Press, 2019.

Waddington L. & Broderick A., 'The Post-2020 European Disability Strategy, report commissioned by the European Parliament Policy Department for Citizens' Rights and Constitutional Affairs / Petitions Committee, 2020.

Waddington L., 'EU Disability Law and Policy and Access to Art Works through 3D Printing' in: McCutcheon. J. & Ramalho. A. (eds), *International Perspectives on Disability Exceptions in Copyright and the Visual Arts, Feeling Art*, Routledge, 2020, pp. 106-119.

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