

December 2022



Newsletter 2022 No. 2



**Maastricht Centre
for European Law**

Upcoming events

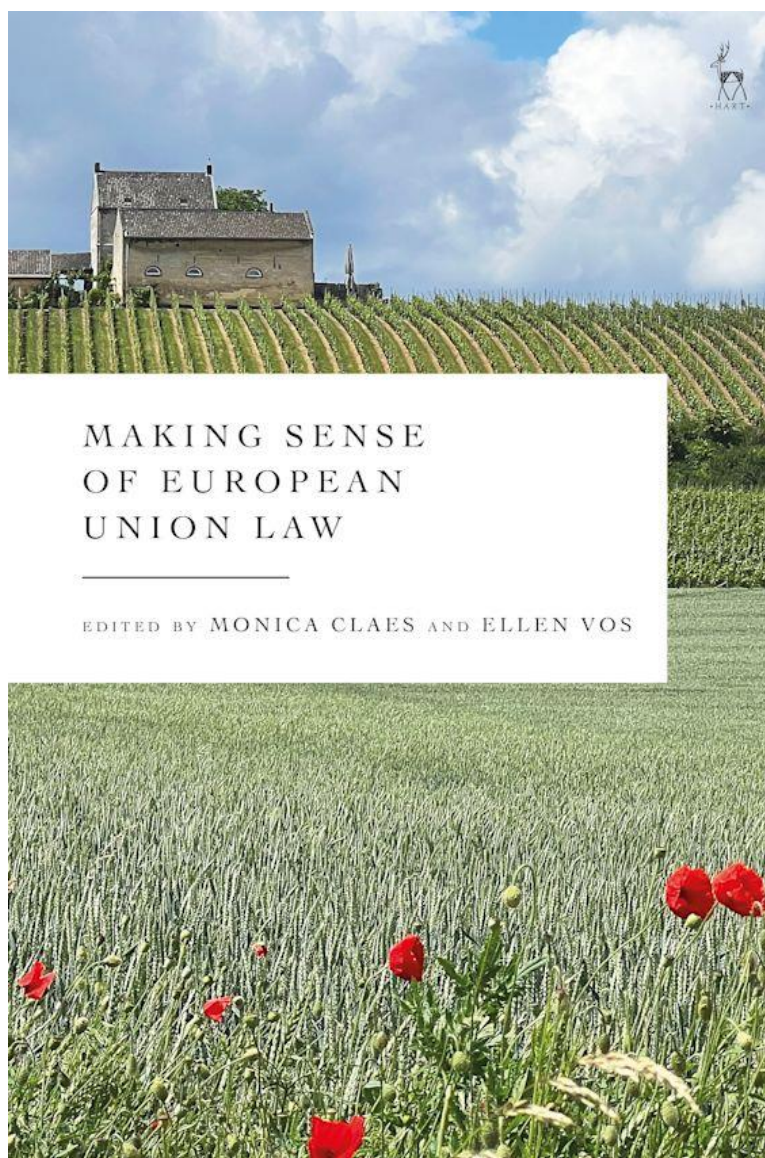
Book launch of *The European Parliament and Delegated Legislation - An Institutional Balance Perspective* authored by MCEL member Merijn Chamon on 25 January 2023 at the MU Brussels Campus.

2023 Young European Law Scholars Conference on 'The Future of EU Fundamental Rights', Maastricht, 1-2 June 2023 organised by MCEL members Matteo Bonelli, with Sejla Imamovic, Elin Börjedal and Eleonora Di Franco.

Focus

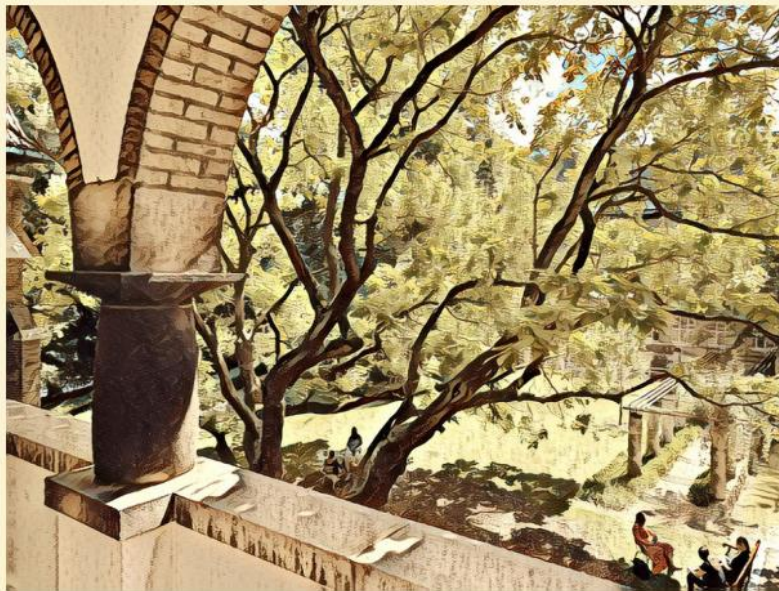
On 7 October 2022, **Bruno De Witte** held his valedictory lecture devoted to the question '*How much critical distance in the academic study of European law?*'.

In his lecture, Bruno presented some reflections on what could be called the sociology of the academic discipline of European Union law: what is the proper role of academics who study EU law and how, in particular, should they relate to the work of the practitioners of European law who are active in the institutions of the European Union and the many other bodies and agencies? While proximity between legal scholars and legal practitioners exists in many fields of the law, it is particularly marked in the field of European law. Bruno delved into the reasons for that 'close encounter' and on the normative question of how much critical distance EU law scholars should keep towards the EU institutions.



Before Bruno's valedictory lecture, his MCEL colleagues organised a surprise farewell symposium, bringing together many different scholars which Bruno has worked with and whom he has inspired throughout his career. At the two events Bruno was presented with two books. The first book, a liber amicorum entitled *Making Sense of European Union Law* contains reflections on Bruno's contribution to the study of EU law. The second book, entitled *Working with Bruno - Contributions in Honour of Bruno De Witte* contains a collection of experiences and memories of working with Bruno at the Faculty of Law in Maastricht.

Working with Bruno



Contributions in Honour of
Bruno De Witte

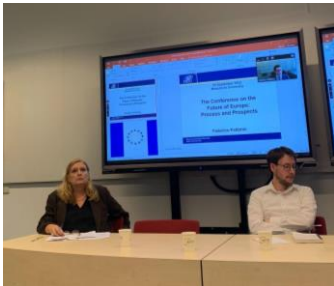
We are very pleased that Bruno remains member of MCEL. We are immensely grateful for all the work Bruno did for MCEL as a co-director of the Centre. Together with Ellen Vos, he set up MCEL in 2010 and managed to let MCEL grow into a large centre with approximately 45 members dedicated to the study of European law. Today MCEL research covers most areas of EU law.

Special Events

MCEL Opening Event - 'The Conference for the Future of Europe: Legal Perspectives on the Way ahead'

The academic year 2022/2023 was inaugurated with the Opening Event – *'The Conference for the Future of Europe: Legal Perspectives on the Way ahead'* on the 20th of September.

During the conference, **Federico Fabbrini** - Professor of EU Law at Dublin City University and fellow in Law at Princeton University - and **Ivo Belet** - an expert at the cabinet of European Commission Vice-President Dubravka Šuica - presented their insights on the way forward for the ambitious project of the Conference on the Future of Europe.



The speakers focused on the process and prospects raised by the Conference and on the possible future actions to be undertaken. The discussion was led with a dialogue format by **Merijn Chamon** and **Pauline Melin**. The opening and closing speech were respectively made by **Ellen Vos** and **Annalisa Volpato**.

MCEL Visiting PHD Forum

On the 15th of November, MCEL held the first edition Visiting PhD Forum. In this special event, four visiting PhDs - **Francesco Liguori**, La Sapienza University, **Lisette Mustert**, University of Luxembourg, **Nicola Bergamaschi**, University of Bologna and **Maria Kalogirou**, Paris Nanterre University - presented insights on their respective research

Francesco gave his presentation on *'Judicial review and EU Soft law'*.

Lisette presented *'The European Data Protection Board as a watchdog of correct and consistent GDPR enforcement'*.

In the second part of the event, Nicola gave his presentation on *'The normative content of the principle of autonomy of EU law'*. Maria's presentation was entitled *'A Study on Surrogacy Arrangements in the Light of the Principle of Freedom of Movement Enshrined in EU Law'*. The presentations were followed by questions and the event was followed by drinks.



News

To open the Academic Year 2022/2023, MCEL members shared their current research activities and plans for the coming year, including book publications, the organisation of workshops and research projects in the research meeting of 11 October.

For the Research Seminar in November, we had the pleasure to host **Cecilia Rizcallah**, professor of EU law at the Université Saint-Louis – Bruxelles, researcher at the Institute for European Law at the KU Leuven and at the Belgian National Fund for Scientific Research (F.R.S.-FNRS), and visiting professor at the Université libre de Bruxelles.

Cecilia gave a presentation entitled ***'Articulating EU Fundamental Rights. How to organise unity in diversity in the fragmented landscape of fundamental freedoms in Europe?'***. Monica Claes acted as discussant.



In **December**, MCEL

held a joint MCEL and GLawNet event and had the pleasure to host **Vanessa Franssen**, professor at University of Liege and affiliated senior researcher at KU Leuven.

Vanessa delivered a presentation entitled ***'EPPO, E-evidence and cooperation duties of service providers in criminal investigations'***.

MCEL also organized various **Research Forums** where its members presented their ongoing research.

The 25th of October, MCEL's research forum hosted **Ylenia Maria Citino** and **Michał Krajewski** who presented the outcomes of their research projects.

Ylenia presented her fellowship re:constitution project with the title ***'Curbing the Excess Power of Very Large Online Platforms in the European Public Sphere: What Room for a Constitutional Scrutiny?'***.

Michał presented his paper with the title: ***'Judicial Deference and Scientific Uncertainty: Expanding the Boundaries of the EU Rule of Law'***.

Both presentations were followed by questions and a discussion round.



MCEL's research forum of November hosted **Martina Coli**, PhD candidate in EU law at the Universities of Florence and Maastricht, and MCEL members **Alex Soroiu** and **Mateus Correia de Carvalho**.

Martina presented her research project entitled ***'The Operationalization of EU Values in the Practice of the Institutions: the Rule of Law as a Case Study'***.

Alex and Mateus presented their case note on **'Lawtify Premium: Public.Resource.Org (T-185/19), a Judicial Take on Standardisation and Public Access to Law'** published in the Review of European Administrative Law .



In MCEL's Research Forum of December, Merijn Chamon discussed the Court of Justice's ruling in Case C-24/20. In his presentation, Merijn focused on the general institutional implications of the Court's judgment and how the Court's arguable strengthening of the Community Method relates to the institutional balance between Commission, Council and Parliament.



Other news

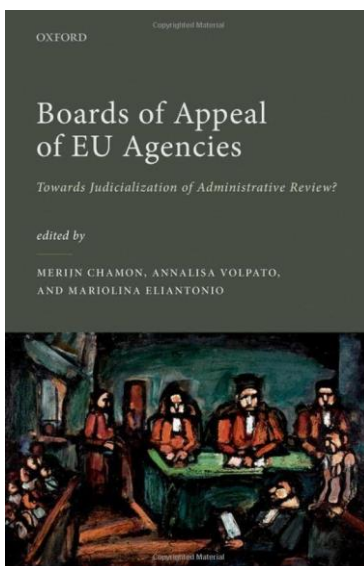
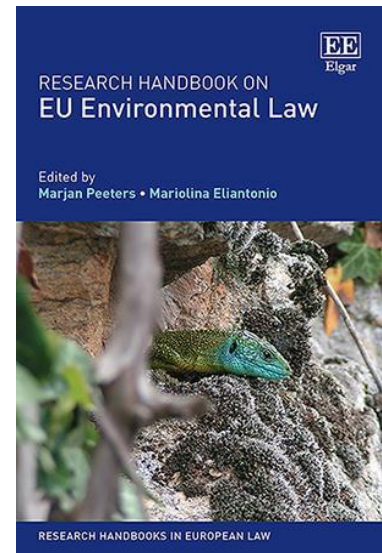
Our members have been prolific and active on many fronts. Below is a non-exhaustive anthology:

Marjan Peeters participates in the **GreenDeal-Net project (JM network)**, coordinated by VUB University on **'The European Green Deal: Governing the EU's Transition towards Climate Neutrality and**

Sustainability'. The project focuses on one of the key European and global challenges. Its overarching objective is to provide a platform for collaboration and exchange on European climate and sustainability governance so as to (a) collect, share, discuss and advance relevant academic research/ teaching and (b) actively foster engagement and debate with policymakers and the broader public. Within the project, MCEL members will be involved in three main tasks: developing an academic lecture series, focusing on the issue of the European Green Deal in light of the rule of law and on the special issue of the comparative national climate policy and law.

The **'Research Handbook on EU Environmental Law'** edited by our fellow members **Marjan Peeters** and **Mariolina Eliantonio** has been recently reviewed in the German Yearbook of International Law by Christina Voigt, Professor at the University of Oslo. According to Voigt, the book provides 'an excellent and comprehensive overview of the main topics' and 'more than simply enabling the reader to understand contemporary discourses in EU environmental law, it also brings to the forefront powerful ideas for improving its content and application in pursuit of an environmentally sustainable Europe'.

MCEL members **Lilian Tsourdi** and **Andrea Ott**, together with Dr Zvezda Vankova from Lund University, published a special section entitled **'The EU's Shifting Borders Reconsidered: Externalisation, Constitutionalisation, and Administrative Integration'** in the journal 'European Papers'. The special section explores the constitutional, administrative, and conceptual implications of EU's externalisation policies in the area of migration. The collection features contributions by a number of law and political sciences scholars. The introduction by Lilian, Andrea, and Zvezda can be accessed here: <https://doi.org/10.15166/2499-8249/549>



The book **'Boards of Appeal of EU agencies'** edited by MCEL Members **Merijn Chamon, Annalisa Volpato and Mariolina Eliantonio** and published in the spring, was cited by AG Campos Sánchez-Bordona in his Opinion in case C-46/21 P *ACER v Aquind* in September. The [Opinion](#) also contains references to the individual work of MCEL Members Ellen Vos and Merijn Chamon.

Other news and Events

On 28 June 2022 **Matthias Müller** defended his PhD research entitled '*Transparent Enforcement: Access to Information related to the Monitoring of EU Environmental Law: The Case of the EU Emissions Trading System*'. The thesis was supervised by Marjan Peeters and Michael Faure. Open access via Maastricht University [here](#).

Recently, **Marjan Peeters** has co-organised an Environmental Law Research Workshop entitled '*The challenge of doing environmental law research in times of crises*' at Bocconi University.

Annalisa Volpato and **Mariolina Eliantonio**, together with Herwig Hoffman and Andreas Orator, organised a joint event with MCEL, TARN and GLAWnet the conference '*EU Agencies before the Court of Justice*' at University of Luxembourg in June.

Mariolina Eliantonio organised the EUI Summer School on the *Law of the European Union – the Legitimacy of Environmental Governance* in Florence in June.

Matteo Bonelli organised three conferences in Maastricht in June: '*Constitutionalism and Populism: a book discussion*' with Mariolina Eliantonio and Franco Peirone, '*State of affairs, challenges and opportunities in the Area of Freedom, Security and Justice*' with Johannes Keiler and Franco Peirone and '*The Conditionality Regulation: Bottom-Up Monitoring of the Rule of Law*', with Vigjilenca Abazi and Merijn Chamon.

In November, **Matteo Bonelli** was awarded a re:constitution fellowship for the academic year 2022-23 on the project 'The EU as a Union of Values: Reactive and Proactive Approaches'.



Lilian Tsourdi co-authored, with colleagues from the Odysseus Academic Network, a newly published [study](#) on legal migration and attracting talent to the EU for the European Parliament.

On the 1st of December, Lilian presented, together with Professor Tesseltje De Lange from Radboud University, this study to the EP LIBE Committee where the findings were debated by the rapporteurs and shadow rapporteurs of the relevant legal instruments.

Four days later **Merijn Chamon** intervened as an expert in a hearing of the European Parliament's Committee on Constitutional Affairs on European sovereignty and the principles of subsidiarity and proportionality.

People

Michał Krajewski joined MCEL as an Assistant Professor in EU Law in August. In November he made a career shift and left Maastricht University to join the European Ombudsman. We wish Michał a lot of success in his new career path!

Ylenia Maria Citino, **Andrea Conzutti**, **Francesco Liguori**, **Maria Kalogirou** and **Lisette Mustert** joined MCEL as visiting researchers.

Ylenia Maria Citino is Post-Doctoral Research Fellow at the Department of Political Sciences (DISP) in Luiss Guido Carli University and Research Member of the Center of Parliamentary Studies (CESP) in Rome. **Andrea Conzutti** is PhD Candidate in Constitutional Law at the Universities of Trieste and Udine. **Francesco Liguori** is PhD candidate at the Sapienza University of Rome. **Maria Kalogirou** is PhD Candidate at the University

Paris Nanterre. **Lisette Mustert** is PhD candidate at the University of Luxembourg.

Selected Publications

Books

A. Volpato, *'Delegation of Powers in the EU Legal System'*, Routledge (2022).

M. Chamon, *'The European Parliament and Delegated Legislation - An Institutional Balance Perspective'*, Hart Publishing (2022).

M. Bonelli, M. Eliantonio and G. Gentile (eds.), *'Article 47 of the EU Charter and effective judicial protection: the national courts' perspective - Volume I'*, Hart (2022).

M. Chamon, A. Volpato and M. Eliantonio (eds.), *'The Boards of Appeal of EU Agencies'*, Oxford University Press (2022).

M. Peeters, M. Eliantonio (eds.), *'Research Handbook on EU Environmental Law'*, Edward Elgar (2021).

M. Claes, E. Vos (eds.), *'Making Sense of European Union Law'*, Hart Publishing (2022).

Articles

A. Danthinne, M. Eliantonio, & M. Peeters, *'Justifying a presumed standing for environmental NGOs: A legal assessment of Article 9(3) of the Aarhus Convention'*. *Review of European Community and International Environmental Law* (2022), 1-10. <https://doi.org/10.1111/reel.12450>

D. Petropoulou Ionescu and M. Eliantonio, *'Soft Law Behind the Scenes Transparency, Participation, and the EU Soft Law Making Process in the field of climate change'*, *European Journal of Risk Regulation* (2022)

M. Chamon, *'De conditionaliteitsverordening: een (beperkte) uitbreiding van het rechtsstaatarsenaal van de EU'*, (2022) 70 SEW 7-8, 337-350.

L. Tsourdi, E. Mavropoulou, *'Solidarity as Normative Rationale for Differential Treatment: Common but Differentiated Responsibilities from International Environmental to EU Asylum Law?'*. *Netherlands Yearbook of International Law* (2020)

M. Bonelli, M. Claes, B. De Witte, K. Podstawa, *'Usual and Unusual Suspects: New Actors, Roles and Mechanisms to Protect EU Values'*, (2022) 7 Special Issue on European Papers 2, 641-650.

M. Chamon & N. de Arriba-Sellier, *'FBF: On the Justiciability of Soft Law and Broadening the Discretion of EU Agencies'*, (2022) 18 *European Constitutional Law Review* 1, 286-314.

A. Soroiu & M. Frazao Correia Magalhaes De Carvalho, *'Lawtify Premium: Public.Resource.Org (T-185/19), or the story of how law became private'*, (2022) 15 *Review of European Administrative Law* 2, 57-76.

Book chapters

A. Volpato, *'Novel Foods in the EU Integrated Administrative Space: An Institutional Perspective'* in L. Scaffardi and G. Formici (eds.), *Novel Foods and Edible Insects in the European Union*, Springer (2022), 15–36.

M. Peeters, D. Misonne, *'The European Union and its rule-creating force on the European continent for moving to climate neutrality by 2050 at the latest'*, in L. Reins, & J. Verschuuren (eds.), *Research handbook*

on climate mitigation law, Edward Elgar Publishing (2022). 58-1.

Blog posts and web publications

M. Peeters, *'Providing a voice to the upcoming generation facing the challenges of environmental law'* (2022), <https://www.maastrichtuniversity.nl/blog/2022/>

M. Chamon, *'The non-delegation doctrine in the Banco Popular cases'* (2022) <https://realaw.blog/2022/10/>

M. Chamon, *'Transitions can take a long time: the Court of Justice on qualified majority voting rules for legislative acts under Protocol No 36 (Commission v Poland, C-207/21)'* (2022) ,<https://eulawlive.com/>

M. Chamon, *'Reinforcing the Community Method – the Commission as a veto player in EU external relations'* (2022), <https://eulawlive.com/>

M. Chamon, M. Eliantonio and A. Volpato, *'Repasi vs Plaumann - An Individual MEP's standing before the EU Courts'* (2022), <https://verfassungsblog.de/repasi-vs-plaumann/>

M. Chamon, *'Why Banning Russian Tourists from Schengen Might not Be Unlawful'* (2022), <https://verfassungsblog.de/not-unlawful>