ICON • S BENELUX CHAPTER 2023 INAUGURAL CONFERENCE PRELIMINARY PROGRAMME

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All Conference activities take place at the Faculty of Law, Maastricht University, Bouillonstraat 1, 6211 LH Maastricht (NL), 26-27 October 2023

DAY 1 | OCTOBER 26 | **REGISTRATION** | 10:00-12:15

ROOM

Lenculenhal

DAY 1 | OCTOBER 26 | **YOUNG SCHOLARS RESEARCH FORUM** | 10:30-12:00

EVENT "Publishing Pathways for Young Public Law Scholars: A Roundtable Forum"

Caroline Buts (Vrije Universiteit Brussel); Paul Dermine (Université Libre de Bruxelles); Eva Van Vugt (Utrecht University); Salvatore Nicolosi (Utrecht University)

ROOM

Statenzaal

DAY 1 | OCTOBER 26 | **OPENING CEREMONY** | 12:15

INSTITUTIONAL GREETINGS

Jan Smits, Dean of the Faculty of Law (Maastricht University)

Mariolina Eliantonio (Maastricht University) and Emmanuel Slautsky (Université Libre de Bruxelles), ICON-S Benelux Chapter Co-Chairs

ROOM

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DAY 1 | OCTOBER 26 | **KEYNOTE SESSION I** | 12:30-14:00

KEYNOTE "Privacy as a Public Good" TBC

Speaker: Kathalijne Buitenweg (Raad van State)

Discussant: TBD

ROOM

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DAY 1 | OCTOBER 26 | **COFFE BREAK** | 14:00-14.30

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DAY 1 | OCTOBER 26 | **PANEL SESSION I** | 14:30-16:00

PANEL #1	AUTHOR(S)	PAPER TITLE
THE CHALLENGES OF RULE-MAKING IN THE EU ******* **CHAIR** Ton van den Brink **ROOM** TBD	Vincent Del'Homme	Managing uncertainty and diversity: the challenges of EU rule-making in the field of lifestyle health promotion
	Zlatina Giorgieva	Interactions through Soft Law in the EU Multi-level Space – the Cases of Competition Enforcement and Telecommunications Regulation
	Salvo Nicolosi	European Union Emergency Law: The Contours of a New Field of Study
	Esther van Schagen	The use of evidence by the European Parliament. The case of online marketplaces in the Digital Services Act
	Ton van den Brink	Balancing Unity and Diversity by the EU legislature. Strategies, Limitations and Outlook
PANEL #2		
AUTOMATION, VULNERABILITY AND HUMAN RIGHTS ******* **CHAIR**	Johan Wolswinkel	Case-inclusive transparency for a Digital and Open Government (CITaDOG)
	Annelieke Mooij and Dalia Palombo	Human Rights in the Metaverse

Johan Wolswinkel **ROOM** TBD	Malou Beck and Sofia Ranchordás	Automation of Public Services and Typologies of Vulnerability
	Bahija Aarrass	A crisis of the institutions of the rule of law? The role of digitalization in discriminatory treatment in the Dutch Child Care Benefit Scandal
PANEL #3		
THE JUST TRANSITION AND ENERGY JUSTICE (I) *** **CHAIR** Leonie Reins **ROOM** TBD	Laura Kaschny	The Role of National Regulatory Authorities in a Just Energy Transition
	Theodoros Iliopoulos and Iris Patsari	Curbing the Costs of the Attainment of the Green Energy Transition in Times of an Energy Price Crisis
	Pim Jansen	Balancing competition and collaboration in the renewable energy sector to promote energy justice
PANEL #4		
MONETIZING INFLUENCE ON SOCIAL MEDIA: BETWEEN POLITICAL AND COMMERCIAL SPEECH *** **CHAIR** Catalina Goanta **ROOM** TBD	Bram Duivenvoorde	What can we learn from Dutch advertising self-regulation?
	Thijs Kelder	What is the European consumer protection regime applicable to commercial and political speech?
	Janneke Gerards	What is the European fundamental rights regime applicable to political and commercial speech?
	Jacob van de Kerkhof	What is the role of recent European regulatory developments such as the Digital Services Act?

PANEL #5		
PUBLIC LAW'S INTERACTION WITH ECONOMIC POLICY CONSIDERATIONS *** **CHAIR** Joana Mendes **ROOM** TBD	Sümeyye Elif Biber	Digital Constitutionalism through the Lens of 'Law and Political Economy'
	Michel Erpelding	Treaty-based Economic Rights and the Economic 'Constitution' of Internationalized Territories Between WWI and Decolonisation
	Pavlina Hubkova	The strategic use of soft regulation in the field of finance and banking and economic policy considerations behind
	Nikolas Vagdoutis	The interaction between monetary and fiscal policy in the EU economic constitution
PANEL #6		
CONSTITUTIONALISM AND THE ROLE OF JUDGES IN TIMES OF CLIMATE TRANSITION *** **CHAIR** Aube Wirtgen and Eleni De Becker **ROOM** TBD	Jerfi Uzman, Margaretha Wewerinke-Singh and Laurien Nijenhuis	Antipolycentric minimalism in climate change litigation: the case for a transnationally inclusive approach
	Eleni De Becker	The role of fundamental social rights in a climate transition policies
	Aube Wirtgen	Separation of powers versus the right to an effective remedy
PANEL #7		
INTEGRATIONAL CHALLENGES LEADING TO CONSTITUTIONAL CHANGE	Lidia Bonifati	The European Union as a Driver of Constitutional Change in Bosnia-Herzegovina and Northern Ireland: Past and Present Challenges

*** **CHAIR** Patricia Popelier **DISCUSSANT** Cedric Jenart **ROOM** TBD	Jakob Frateur	Political trust in multi-tiered systems in times of crisis
	Alberto Nicòtina	Subnational constitutional strategies in the EU: the role of EU regions in multi-tiered systems
PANEL #8		
NEW VOICES ON THE LIMITS OF THE LAW TO STOP DEMOCRATIC & RULE OF LAW BACKSLIDING IN THE EUROPEAN UNION *** **CHAIR** Catherine Van de Heyning **DISCUSSANT** Matteo Bonelli **ROOM** TBD	Michiel Luinig	Trojan horse discourse: the use and abuse of European constitutionalism
	Aleksandra Kubińska	Societal actors in hybrid regimes – position and role in the political transition
	Serena Menzione	The meaning of Article 19(1) §2 TEU for a normative role of EU values: Addressing challenges to the EU constitutional order

DAY 1 | OCTOBER 26 | **COFFE BREAK** | 16:00-16.30
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DAY 1 | OCTOBER 26 | **PANEL SESSION II** | 16:30-18:00

PANEL #9		
VULNERABILITY AND ECONOMIC INCLUSION *** **CHAIR** Johan Wolswinkel **ROOM** TBD	Annelieke Mooij	Digital Euro and financial exclusion
	Ane Aranguiz	Digitalization as a facilitator or obstacle to access employment and social security?
	Emily Sipiorski	Labour and International Economic Law: a law and literature analysis
	Tjaša Petročnik	Vulnerability re-thinking consumer as the subject of competition law through the lens of vulnerability
PANEL #10		
NUDGES AND THEIR CONSEQUENCES: A LEGAL PERSPECTIVE *** **CHAIR** Eva van Vugt **DISCUSSANT** Sofia Ranchordás **ROOM** TBD	Viktorija Morozovaite	The Future of Anticompetitive Self-preferencing: Analysis of Hypernudging by Voice Assistants under Article 102 TFEU'
	Rebecca Zeilstra	Flies in Urinals, Smileys on Electricity Bills, and Organ Donation Defaults: On the Varying Legal Implications of Public Nudges
	Charlotte van Oirsouw	A Nudge Towards a More Sustainable Home: A Case Study of the Emmen Energy Wallet'
PANEL #11		
CONSTITUTIONAL LAW AND TIME CONSTRAINTS	Franco Peirone	Mobile Temporal Forms in Public Law Adjudications

*** **CHAIR** Franco Peirone **ROOM** TBD	Emmanuel Slautsky	Institutions and Climate Change. Mitigating Short-termist attitudes of governments towards climate change
	Marijn Van Der Sluis	Does climate change require constitutional change?
PANEL #12		
DEFENDING CONSTITUTIONAL DEMOCRACY: MILITANT DEMOCRACY, INFORMAL NORMS AND STRATEGIC LITIGATION *** **CHAIR** Jerfi Uzman **ROOM** TBD	Nik de Boer and Ursus Eijkelenberg	Safeguarding the Informal Foundations of Democracy
	Pola Cebulak	Self-reflection on involvement of EU lawyers in defending the rule of law in the European Union
	Ronald Tinnevelt	Militant Democracy and Militant Constitutionalism
PANEL #13		
GOVERNING STATES AND MARKETS *** **CHAIR** Paul Dermine **ROOM** TBD	Paul Dermine	Governance through funding, planification and EU law
	Bob Roth	Planning a Single Market: The Constitutional Legality of a Spatial Fix
	Viktoria Baumgartl	Solidarity in crisis – the implications of crisis situations on EU primary law provisions
PANEL #14		
EU LAW AND THE CITY (I) *** **CHAIR** Carlo Colombo	Marie de Cock	Cities collaborating: current challenges from a European and comparative law perspective
	Giacomo Tagiuri	EU Law and Retailing in the City

ROOM TBD	Carlo Colombo	How EU law affects the transition towards sustainable urban mobility
PANEL #15		
POWER, KNOWLEDGE AND EU LAW *** **CHAIR** Marta Morvillo **ROOM** TBD	Olga Ceran	Academic freedom amid the rule of law crisis: Article 13 CFR and the nature of EU intervention
	Maciej Krogel	Constitutional scholars designing solutions to the rule of law crisis: the question of accountability
	Marta Morvillo	The place of expertise in EU separation of powers
	Stefan Salomon	Justice as non-domination: asylum seekers and mobility in EU law
PANEL #16		
THE JUST TRANSITION AND ENERGY JUSTICE (II) *** **CHAIR** Leonie Reins **ROOM** TBD	Matteo Fermeglia	Attaining a just energy transition in the European Union: A matter of solidarity?
	Alberto Quintavalla and Leonie Reins	The Legal Implementation of Distributive and Procedural Justice Considerations for a Just Transition
	Marie Beudels	Energy communities as a driver for citizens' participation to the energy transition?

DAY 2 | OCTOBER 27 | **PANEL SESSION III** | 9:30-11.00

PANEL #17		
LEGAL INSTRUMENTS TO (DE)RATIONALIZE POLICYMAKING: OPPORTUNITIES AND LIMITS ******* **CHAIR** Patricia Popelier **DISCUSSANT** Patricia Popelier **ROOM** TBD	Camille Lanssens	Two decades of regulatory impact assessments in Belgium: mapping and explaining the implementation record.
	Norman Vander Putten	Quantitative mainstreaming as a transformational tool? Hopes and limits of two mainstreaming instruments in Belgium
	Sophie Mercier	Gender mainstreaming: an opportunity or a threat to equality?
PANEL #18		
CONSTITUTIONAL DEVELOPMENTS IN THE AFTERMATH OF THE COVID-19 PANDEMIC ******* **CHAIR** Jacob van de Kerkhof **ROOM** TBD	Jacob van de Kerkhof	Constitutional Aspects of Trusted Flaggers in Content Moderation during the COVID-19 Pandemic in the Netherlands
	Anmol Gulecha	Did Courts do it Better? How Courts Galvanised Executive Action in Response to the COVID-19 Crisis
	Marcelo Dias Ponte	The income transfer programs of the Brazilian federal government in the period of Covid 19: the before, during and after
PANEL #19		
BALANCING RIGHTS AND DUTIES IN CLIMATE CHANGE POLICIES	Collins C. Ajibo	EU-African Union Initiative on Climate Change Adaptation in Africa: Fixing Embedded Faultlines

*** **CHAIR** Harriet Ní Chinnéide **ROOM** TBD	Bethany Houghton	Rights of Nature as a Solution to Climate Catastrophe? Mapping Empirical Perspectives of the Use of Rights for Climate Change Responsibility
	Harriet Ní Chinnéide and Ignatius Nugraha	Procedural Turn, the Right to Property and Climate Change Expropriation
PANEL #20		
NEW INSIGHTS INTO THE RELATIONSHIP BETWEEN COURTS AND THE LEGISLATURE (DUTCH) *** **CHAIR** Janneke Gerards **ROOM** TBD	Niels Graaf	Will Dutch Courts Speak German? On The (Possible) Birth of Dutch Constitutional Review And Its Impact On The Eu-friendliness Of The Dutch Legal Order
	Laurien Nijenhuis	The Role Of The Courts In Times Of Crisis
	Max Vetzo	The Strength of Weak(Er) Remedies
	Wendy Yan	'Judicial Feedback' As A Lens For Studying The Relationship Between The Judiciary And The Legislature
PANEL #21		
THE EU AS A (DIS)UNION OF VALUES *** **CHAIR** Leticia Díez Sánchez **ROOM** TBD	Leticia Díez Sánchez	Is the EU a postmaterialist legal system?
	Valentina Golunova	Uncovering Values Behind the EU's Approach to Disinformation
	Fulvia Ristuccia	Free movement within the EU as a right and as a value in EU citizenship law
	Sarah Tas	EU agencies' role in undermining EU values

PANEL #22		
TRUST AND DISTRUST IN GOVERNMENT IN A MULTILAYERED GOVERNANCE SETTING *** **CHAIR** Mathieu Leloup **ROOM** TBD	Mathieu Leloup	The crisis of mutual trust in the EU: towards an age of mutual distrust?
	Ingrid Leijten	Trustworthy governments and fundamental rights practice
	Gerhard van der Schyff	Deconstitutionalising Constitutional Review in the Netherlands?
	Maaike Geuens	Citizen-driven policy: the way forward?
PANEL #23		
PROTECTING CONSTITUTIONAL ESSENTIALS IN TIMES OF CRISIS: THE CASE OF BELGIUM *** **CHAIR** Arvid Rochtus **ROOM** TBD	Arvid Rochtus	The resilience of the Belgian Constitution in times of crises. A critical analysis of the suspension clause of article 187
	Karel Reybrouck	The inevitable decline of dual federalism. Can the coordinated pandemic response inspire a reform of Belgium's climate governance?
	Christophe Maes and Ronald Van Crombrugge	Corona, constitution and constitutional identity: The (potential) impact of a European legal concept in the domestic Belgian legal order
	Steven Verbeyst	The growing role of the constitutional principle of equality and non-discrimination in administrative decision-making: towards a theory of scarce governmental rights
	Michelle Meulebrouck	Evolution of Administrative law: the Rise, the Crisis and the Future of a (more) "Responsible Citizen"- Approach in Administrative Procedures

PANEL #24		
PUBLIC PARTICIPATION IN ENVIRONMENTAL POLICIES ******* **CHAIR** Chiara Armeni **ROOM** TBD	Marie Beudels	Energy communities as a driver for citizens' participation in the energy transition?
	Chiara Armeni	Emergency framings and democratic participation in the climate crisis: the EU approach
	Justine Richelle	Public participation in environmental matters in times of emergency: double standards?
PANEL #25		
DECOUPLING AND RECOUPLING THE "TWIN" TRANSITIONS: DIFFERENT PERSPECTIVES OF AN ONGOING DIALOGUE ******* **CHAIR** Edoardo Chiti **ROOM** TBD	Emanuele Fazio	Sustainable data-driven economy: a shift towards polycentric competition law
	Emmalucia Virardi	Towards a digitalised and green energy system
	Beatrice Baldini	Smart Cities at the crossroad of the "twin" transitions

DAY 2 | OCTOBER 27 | **COFFE BREAK** | 11:00-11.30
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DAY 2 | OCTOBER 27 | **KEYNOTE SESSION II** | 11:30-13.00
KEYNOTE "The Belgian climate case: a case with a view"
Speaker: Carole Billiet (Hasselt University)
Discussant: Phillip Paiement (Tilburg University)
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DAY 2 | OCTOBER 27 | **CLOSING REMARKS** | 13:00-13.15
Franco Peirone (Maastricht University) ICON-S Benelux Chapter Manager
ROOM
Statenzaal

DAY 2 | OCTOBER 27 | **CONFERENCE LUNCH** | 13:15-14.30
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DAY 2 | OCTOBER 27 | **PANEL SESSION IV** | 14:30-16:00

PANEL #26		
THE EUROPEAN MULTI-TIERED SYSTEM OF RIGHTS PROTECTION *** **CHAIR** Mateus Correia de Carvalho **ROOM** TBD	Eleonora di Franco and Mateus Correia de Carvalho	Revisiting Mutual Trust a Decade After Opinion 2/13: One Step Closer to Fundamental Rights-Based Lawful Distrust?
	Jonas Bornemann	Constitutional foundations and legal implications of coordinative Europeanisation – supranational crisis governance between political expedience and normative credence
	Emily Hancox	Remaking the British Constitution after Brexit: What Role for Courts?
PANEL #27		
MIGRATION, REFUGEE, AND HUMAN RIGHTS CRISIS *** **CHAIR** Henri Marcos **ROOM** TBD	Henri Marcos	Talking Through Crises: What can Reason-Based Processing Teach and Learn from Human Rights Law?
	Maarten Stremler	The Radiation and Relativisation of Fundamental Rights in the Dutch Legal Order
	Veronica Corcodel and Dimitra Fragkou	Europe's Refugee 'Crises' and the Biopolitics of Risk
	Chloé Brière	The EU's "quiet implementation" of the Global Compact on Migration: when informality in global migration governance weakens accountability

PANEL #28		
FORWARD-LOOKING SOLUTIONS TO THE CLIMATE CRISIS *** **CHAIR** Emma De Clerq **ROOM** TBD	Emma De Clerq	Property and environmental protection, towards true integration?
	Jonas Voorter	The future of public law: building blocks for the transition to a circular economy
	Leonardo Scuto	"Nature based solutions" and urban planning: the use of ICT to achieve the energy transition. Scenarios and future perspectives
PANEL #29		
SETTING A SUSTAINABLE FUTURE IN THE EU *** **CHAIR** Saide Esra Akdogan **ROOM** TBD	Andrea Giorgi	Operationalising Ecological Primacy Fostered by the European Green Deal: A Functional Analysis of Sectoral Disciplines
	Saide Esra Akdogan and Yasmine L. Bouzoraa	The Effective Enforcement Obligation of the EU under the Trade and Sustainable Development Chapters
	Marina Konstantinidi	Speeding up permitting for renewable energy projects: Sustainability Concerns
PANEL #30		
EMERGING AND PERDURING CONSTITUTIONAL LAW CHALLENGES *** **CHAIR** Pieter-Augustijn Van Malleghem **ROOM** TBD	Katarzyna Krzyżanowska	Constitutional Identity in Poland – Empirical Insights on a Gradually Politicized Concept
	Marcelo Dias Ponte	The production of Green Hydrogen and the pioneering spirit of the State of Ceará: the need for cooperation between federations in Brazil
	Pola Cebulak	Mapping the potentials and pitfalls of using European law for strategic litigation against illiberal reforms

	Pieter-Augustijn Van Malleghem	Proportionality, Populism and the Role of the Judge
PANEL #31		
EU LAW AND THE CITY (II) *** **CHAIR** Klaas Eller **ROOM** TBD	Mirta Alessandrini	Regulating Short Food Supply Chains in the EU
	Dion Kramer	Airbnb, the City, and the Drive for European Legal Integration
	Klaas Eller	Multi-level housing law in the European Union
PANEL #32		
DIGITALIZATION OF THE PUBLIC SECTOR AND DIGITAL EXCLUSION *** **CHAIR** Mariana Gkliati **ROOM** TBD	Anne Spijkstra	Rethinking Administrative Adjudication in the Digital Administrative State
	Aviva de Groot	The law of, for, and against the Administration: can we make the human right to explanation work for the anti-oppression function of Dutch Administrative Law?
	Mariana Gkliati	In Search for Secure and Fair Processing in EU Digital Migration Governance
	Sunimal Mendis	Democratic discourse in the digital public sphere: Re-imagining copyright enforcement on online social media platforms
	Tobias Arnoldussen	Rise of the Climate State
PANEL #33		
THE CROSS-BORDER DIMENSION OF GOVERNANCE CRISES AND CHALLENGES *** **CHAIR**	Pim Mertens	The freedom of movement in times of COVID-19: assessing cross-border mobility in border regions
	Martin Unfried	Cross-border crisis management in multi-level governance

Pim Mertens **ROOM** TBD	Steven Van Garsse and Loth Van der Auwermeulen	Cross-border interlocal cooperation to meet cross-border challenges: why the Benelux legal framework could be an important driving force for cross-border cooperation within the European context

The Conference Organizing Committee
- Leticia Diez Sanchez
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- Franco Peirone
- Emmanuel Slautsky
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* The Conference Program might be changed in the final version.