

ICON • S BENELUX CHAPTER
2023 INAUGURAL CONFERENCE
FINAL PROGRAMME



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

All Conference activities are held in English, unless otherwise indicated in the Program.

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

ROOM

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DAY 1 | OCTOBER 26 | YOUNG SCHOLARS RESEARCH FORUM | 10:30-11:45

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

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

Moderators: Sally Thin (Maastricht University); Maria Cavalcanti (Tilburg University); Ruben Korsten (Ghent 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

Statenzaal

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

KEYNOTE “Our Responsibility for the Privacy of Future Generations”

Speaker: Kathalijne Buitenweg (Raad van State)

Discussant: Elise Muir (Katholieke Universiteit Leuven)

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
<p>THE CHALLENGES OF RULE-MAKING IN THE EU ***</p> <p>CHAIR Ton van den Brink</p> <p>ROOM B0.006</p>	<p>Vincent Delhomme</p>	<p>Managing uncertainty and diversity: the challenges of EU rule-making in the field of lifestyle health promotion</p>
	<p>Zlatina Georgieva</p>	<p>Interactions through Soft Law in the EU Multi-level Space - the Cases of Competition Enforcement and Telecommunications Regulation</p>
	<p>Salvatore Nicolosi</p>	<p>European Union Emergency Law: The Contours of a New Field of Study</p>
	<p>Esther van Schagen</p>	<p>The use of evidence by the European Parliament. The case of online marketplaces in the Digital Services Act</p>
	<p>Ton van den Brink</p>	<p>Balancing Unity and Diversity by the EU legislature. Strategies, Limitations and Outlook</p>
<p>PANEL #2</p>		
<p>AUTOMATION, VULNERABILITY AND HUMAN RIGHTS ***</p> <p>CHAIR Johan Wolswinkel</p> <p>ROOM B0.113</p>	<p>Johan Wolswinkel</p>	<p>Case-inclusive transparency for a Digital and Open Government (CITaDOG)</p>
	<p>Annelieke Mooij and Dalia Palombo</p>	<p>Human Rights in the Metaverse</p>

	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) ***	Laura Kaschny	The Role of National Regulatory Authorities in a Just Energy Transition
CHAIR Leonie Reins	Theodoros Iliopoulos and Iris Patsari	Curbing the Costs of the Attainment of the Green Energy Transition in Times of an Energy Price Crisis
ROOM D0.225	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 ***	Bram Duivenvoorde	What can we learn from Dutch advertising self-regulation?
CHAIR Catalina Goanta	Thijs Kelder	What is the European consumer protection regime applicable to commercial and political speech?
ROOM C0.302	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 INTERACTION ECONOMIC CONSIDERATIONS LAW'S WITH POLICY *** CHAIR Joana Mendes ROOM B0.115	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 D0.227	Jerfi Uzman 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 B0.118	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 C0.311B	Michiel Luining	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 B0.115	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
PANEL #10		
CONSTITUTIONAL LAW AND CONSTRAINTS *** CHAIR Franco Peirone ROOM B0.006	Franco Peirone	Mobile Temporal Forms in Public Law Adjudications
	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 #11		
NUDGES AND THEIR CONSEQUENCES: A LEGAL PERSPECTIVE *** CHAIR Eva van Vugt DISCUSSANT Sofia Ranchordás	Viktorija Morozovaite	The Future of Anticompetitive Self-preferencing: Analysis of Hypernudging by Voice Assistants under Article 102 TFEU'

ROOM B0.113	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 #12		
DEFENDING CONSTITUTIONAL DEMOCRACY: MILITANT DEMOCRACY, INFORMAL NORMS AND STRATEGIC LITIGATION *** CHAIR Jerfi Uzman ROOM B0.118	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 C0.302	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		

THE CROSS-BORDER DIMENSION OF GOVERNANCE CRISES AND CHALLENGES *** CHAIR Pim Mertens ROOM B0.013	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
	Steven Van Garse 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
PANEL #15		
POWER, KNOWLEDGE AND EU LAW *** CHAIR Marta Morvillo ROOM C0.311B	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	Matteo Fermeglia	Attaining a just energy transition in the European Union: A matter of solidarity?
	Leonie Reins	The Legal Implementation of Distributive and Procedural Justice Considerations for a

ROOM D0.225		Just Transition
	Marie Beudels	Energy communities: an instrument fostering energy justice?
PANEL #17		
DIGITALIZATION OF THE PUBLIC SECTOR AND DIGITAL EXCLUSION *** CHAIR Mariana Gkliati ROOM D0.227	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

DAY 1 | OCTOBER 26 | SOCIAL DRINKS | 18:00-19.00

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

PANEL #18		
LEGAL INSTRUMENTS TO (DE)RATIONALIZE POLICYMAKING: OPPORTUNITIES AND LIMITS *** CHAIR Patricia Popelier DISCUSSANT Patricia Popelier ROOM B0.118	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 #19		
CONSTITUTIONAL DEVELOPMENTS IN THE AFTERMATH OF THE COVID-19 PANDEMIC *** CHAIR Jacob van de Kerkhof ROOM D0.227	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 #20		
BALANCING RIGHTS AND DUTIES IN	Collins C. Ajibo	EU-African Union Initiative on Climate Change Adaptation in

CLIMATE CHANGE POLICIES *** CHAIR Harriet Ní Chinnéide ROOM D0.225		Africa: Fixing Embedded Faultlines
	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 #21		
NEW INSIGHTS INTO THE RELATIONSHIP BETWEEN COURTS AND THE LEGISLATURE (DUTCH) *** CHAIR Janneke Gerards ROOM B0.006	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
	Wendy Yan	'Judicial Feedback' As A Lens For Studying The Relationship Between The Judiciary And The Legislature
PANEL #22		
TRUST AND DISTRUST IN GOVERNMENT IN A MULTILAYERED GOVERNANCE SETTING *** CHAIR Mathieu Leloup ROOM B0.115	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?
	Maaïke Geuens	Citizen-driven policy: the way forward?

PANEL #23		
PROTECTING CONSTITUTIONAL ESSENTIALS IN TIMES OF CRISIS: THE CASE OF BELGIUM *** CHAIR Arvid Roctus ROOM CO.302	Arvid Roctus	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	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

ROOM C0.311B		approach Public participation in environmental matters in times of emergency: double standards?
PANEL #25		
THE TRANSFORMATIVE DIALOGUE OF SUSTAINABILITY AND DIGITALISATION WITHIN THE “TWIN” TRANSITIONS *** CHAIR Edoardo Chiti DISCUSSANTS Michael Faure Oles Andriychuk ROOM B0.013	Emanuele Fazio	Data-driven Ecosystems: Polycentric Competition Law as a Way to Link Sustainability and Digitalisation
	Emmalucia Virardi	Towards a digitalised and green energy system
	Beatrice Baldini	Smart Cities at the crossroad of the “twin” transitions
PANEL #26		
EU LAW AND THE CITY (I) *** CHAIR Carlo Colombo ROOM B0.113	Marie DeCock	Cities collaborating: current challenges from a European and comparative law perspective
	Giacomo Tagiuri	EU Law and Retailing in the City
	Carlo Colombo	How EU law affects the transition towards sustainable urban mobility

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)

ROOM

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DAY 2 | OCTOBER 27 | **CLOSING REMARKS** | 13:00-13.15

Franco Peirone (Maastricht University), ICON-S Benelux Chapter Manager

ROOM

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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 #27		
<p>THE EUROPEAN MULTI-TIERED SYSTEM OF RIGHTS PROTECTION *** CHAIR Mateus Correia de Carvalho ROOM CO.302</p>	<p>Eleonora di Franco and Mateus Correia de Carvalho</p>	<p>Revisiting Mutual Trust a Decade After Opinion 2/13: One Step Closer to Fundamental Rights-Based Lawful Distrust?</p>
	<p>Jonas Bornemann</p>	<p>Constitutional foundations and legal implications of coordinative Europeanisation - supranational crisis governance between political expedience and normative credence</p>
	<p>Emily Hancox</p>	<p>Remaking the British Constitution after Brexit: What Role for Courts?</p>
PANEL #28		
<p>MIGRATION, REFUGEE, AND HUMAN RIGHTS CRISIS *** CHAIR Henrique Marcos ROOM B0.115</p>	<p>Henrique Marcos</p>	<p>Talking Through Crises: What can Reason-Based Processing Teach and Learn from Human Rights Law?</p>
	<p>Veronica Corcodel and Dimitra Fragkou</p>	<p>Europe's Refugee 'Crises' and the Biopolitics of Risk</p>
	<p>Chloé Brière</p>	<p>The EU's "quiet implementation" of the Global Compact on Migration: When informality in global migration governance weakens accountability</p>

PANEL #29		
THE EU AS A (DIS)UNION OF VALUES *** CHAIR Leticia Díez Sánchez ROOM B0.006	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 #30		
FORWARD-LOOKING SOLUTIONS TO THE CLIMATE CRISIS *** CHAIR Emma De Clercq ROOM D0.225	Emma De Clercq	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 #31		
SETTING A SUSTAINABLE FUTURE IN THE EU *** CHAIR Saide Esra Akdogan ROOM D0.227	Andrea Giorgi	Operationalising Ecological Primacy Fostered by the European Green Deal: A Functional Analysis of Sectoral Disciplines
	Saide Esra Akdogan and Yasmine L. Bouzora	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 #32		
EMERGING AND PERDURING CONSTITUTIONAL LAW CHALLENGES *** CHAIR Pieter-Augustijn Van Mallegem ROOM B0.118	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 Mallegem	Proportionality, Populism and the Role of the Judge
PANEL #33		
EU LAW AND THE CITY (II) *** CHAIR Carlo Colombo DISCUSSANT Merijn Chamon ROOM B0.113	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

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