

# ACELG NEWSLETTER 2014-1

The Amsterdam Centre for European Law and Governance (ACELG) is a research centre of excellence at the Faculty of Law of the University of Amsterdam. Established in 2009, it studies European Union Law in the context of the surrounding legal and political systems as well as wider structures of (global) governance.

The ACELG Newsletter is published twice a year.



## NEW ADJUNCT DIRECTOR ACELG



We are pleased to welcome Christina Eckes as the new adjunct director of the Amsterdam Centre for European Law and Governance. Since ACELG's inception in 2009 Christina has actively contributed to its research community. She has widely published on EU constitutional issues, including a monograph on EU counter terrorism sanctions with Oxford University Press. Her current research project *Outside-In: Tracing the Imprint of the European Union's External Actions on Its Constitutional Landscape*, funded by the Dutch Science Foundation (NWO), examines how the European Union's intensified engagement with international law influences its delicate internal constitutional structures. [More...](#)

## DEIRDRE CURTIN FELLOW WIKO BERLIN



Starting from mid-September 2014, ACELG director Deirdre Curtin will spend the academic year as an invited fellow of the Wissenschaftskolleg zu Berlin. The Wissenschaftskolleg each year invites 40 fellows to pursue a research project of their choosing, providing them with an inspiring environment and ample possibility for multidisciplinary exchange. Deirdre will work further on a book with the title *Empty Democracy. The Ambiguity of Secrecy in the European Union*. [Wissenschaftskolleg zu Berlin](#)

## ACELG RESEARCH PROGRAMME 2014 - 2018



ACELG has produced a new research programme for the years 2014 - 2018 which continues its previous research programme but also re-focuses and clarifies it. Building on its predecessor, the new programme departs from the core notion of *Compound Constitutions in Europe*, i.e. an understanding of the EU constitutional order as comprising several separate but complementary and interdependent constitutional components as well as encompassing the EU's economic, political and social constitutions. Against this backdrop, ACELG seeks to identify the shifts in authority and powers and to evaluate them against a set of fundamental constitutional principles in research strands that focus on the political or the economic or overarch these two. [More...](#)

## ACELG PUBLICATIONS

**Kati Cseres & Joana Mendes:** Consumers' Access to EU Competition Law Procedures: Outer and Inner Limits, *Common Market Law Review*, 51(2), pp. 483 - 522

**Deirdre Curtin:** Overseeing Secrets in the EU: A Democratic Perspective, *Journal of Common Market Studies* 52(3), pp. 684 - 700

**Deirdre Curtin & Joana Mendes:** Article 42, in: S. Peers et al. *The EU Charter of Fundamental Rights. A Commentary* (Hart Publishing 2014), pp. 1099 - 1119

**Christina Eckes** EU Restrictive Measures Against Natural and Legal Persons: From Counterterrorist to Third Country Sanctions, *Common Market Law Review* 51(3), pp. 869 - 906

**Elaine Fahey:** On the Use of Law in Transatlantic Relations. Legal Dialogues between the EU and US, *European Law Journal* 20(3), pp. 368 - 384

**Pieter Jan Kuijper:** Attribution - Responsibility - Remedy. Some comments on the EU in different international regimes, *Révue Belge de la Droit Internationale* 2013/1, pp. 57 - 77

**Annette Schrauwen & Thomas Vandamme:** Towards a Citizenship of the Association? On the Future of Non-discrimination, Preferential Treatment and the Standstill Clauses in the EU-Turkey Association Regime, in: E. Guild et al. *The Reconceptualisation of European Union Citizenship* (Nijhoff 2014), pp. 89 - 109

**Maria Weimer & Gaia Pisani:** The EU adventures of 'Herculex'. Report on the EU authorization of the genetically modified maize 1507, *European Journal of Risk Regulation*, 2014/2 pp. 208 - 212

[ALL 2014 ACELG Publications](#)  
[ACELG Working Papers on SSRN](#)  
[ACELG blog](#)



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On 19 and 20 May, the Steering Committee of the Research Network in EU Administrative Law (**ReNEUAL**), of which Deirdre Curtin and Joana Mendes are members, presented the Draft Model Rules of a Law on the EU Administrative Procedure at a conference co-organized with the European Ombudsman in the premises of the European Parliament in Brussels. A large audience of practitioners and civil servants from the EU institutions as well as academics of a variety of Member States attended. The conference was the culmination of a long collaboration of ReNEUAL with the European Ombudsman on a possible future Law on the EU Administrative Procedure. The European Parliament has adopted an initiative that is now on the table of the Commission. [More...](#)

## AG ELEANOR SHARPSTON IN AMSTERDAM



On February 3rd, 2014 Advocate General Eleanor Sharpston visited the **Architecture of Postnational Rule-Making Project** co-directed by ACELG to speak about the legitimacy of the European Court of Justice, specifically addressing the question of the alleged judicial activism of the Court, and whether the Court makes law. According to the AG, the Court does not make law per se, but it has to make many interpretative choices while operating in a complex, imperfect legal and practical context. The Court can acceptably use teleological interpretation to overcome legislative ambiguity. However, what is not acceptable in Sharpston's view is to second-guess the legislature, and, in other words, to 'plug the gaps' in EU law. Finally, she also drew attention to the need for reform of the procedures and functioning of the Court. For more information read the [ACELG blog](#) by Elaine Fahey and Maria Weimer.

## A TRANSATLANTIC COMMUNITY OF LAW



A new edited volume entitled *A Transatlantic Community of Law: Legal Perspectives on the Relationship between the EU and US legal orders* will be published this summer by ACELG members Elaine Fahey and Deirdre Curtin with CUP. The volume explores how law serves as a medium for communication between the two legal orders. This is due to the high quasi-institutionalisation of their relationship or at least very high proximity between their legal orders. Law is shown to display a tangible presence in contemporary transatlantic relations, which may provide insights to other disciplines concerning the state of transatlantic relations. This volume resulted from a workshop held early in 2013 in Amsterdam and the publication includes some additional contributions expanding the momentum of the initial event. [CUP ...](#)

## 14.11.14: ACELG Annual Conference IV - Ten Years of Decentralized EU Competition Law Enforcement

Since Regulation 1/2003 the role of competition law and enforcement in both the EU's and its Member States' constitutional legal orders and economic policies have significantly changed. Academics including keynote speaker Giorgio Monti (EUI) and practitioners from competition authorities and law firms will assess what these changes have brought about. [More...](#)

## ARCHITECTURE DIALOGUES

 ACELG co-directs the project **The Architecture of Postnational Rulemaking**. In the Dialogue Series, leading and upcoming scholars are invited to reflect on issues engaging with the theme. The dialogues are available on video. [Overview and videos...](#) Next in the series

22.09.14 Alec Stone Sweet, Yale Law School

13.10.14: Antoine Vauchez, Sorbonne

10.11.14: Robert Schütze, Durham University

## RESEARCHERS ABROAD

**Christina Eckes**: Hertie School of Governance (03 - 06/14)

**Joana Mendes**: Yale Law School (01 - 07/14), Fulbright scholarship  
**Eljalil Tauschinsky**, junior visiting researcher, Oxford University (09/13 - 07/14)

**Vigilencia Abazi**, Columbia Law School (01/14 - 11/14), Fulbright scholarship

**Nik de Boer**, Harvard University (09/14 - 2/15)

**Maarten Hillebrandt**, University of Lausanne (02/15)