



Integration and Disintegration in a Changing Europe

Research Focus 2019-2023

1. The Amsterdam Centre for European Law and Governance

The Amsterdam Centre for European Law and Governance (ACELG) was established as a Faculty Centre of Excellence in 2009. Since then it has been recognised nationally and internationally as a research centre that makes high level contributions to the academic and policy debate on legal and governance processes in Europe. ACELG focusses on mapping, understanding and critically reflecting upon the transformation of the exercise and control of public power in settings of multilevel governance and triggered by Europeanisation. Its objective is to offer an analysis of the potential and shortcomings of law in enabling and controlling the exercise of public power in the context of continuous integration and disintegration processes, as well as its ability to address the challenges arising from internal and external pressures on the European Union. Integration and disintegration are understood broadly including all power shifts towards European actors comparatively more independent of national control, as well as cooperation of the Member States within EU legal structures that have the effect of submitting Member States to EU rules and vice versa. ACELG's underlying interest is the tension between functional interdependencies and persistent diversity. One legal expression of this tension is the increasing differentiation at the level of primary and secondary law.

ACELG ensures the quality of its research by providing for a vibrant environment, in which about 25 researchers are supported in pursuing excellence, seek recognition in scholarly discourse, both internationally and nationally, attract external research funding, and publish in the leading peer-reviewed journals. Since ACELG's inception, members of ACELG have built the international profile of the centre, successfully competed for personal research grants, and influenced the academic and political debate in their field. The research group includes leading scholars with expertise in different aspects of European law and governance. ACELG researchers actively contribute to scholarly and policy debates that bridge disciplinary divides, including law, political science and economics. ACELG opts for a combination of targeted dissemination to stakeholders and contribution to a wider public debate. Particular emphasis is put on combining an internal legal analysis with perspectives external to the law, drawing from other disciplines and examining the law from the perspective of extra-legal conceptual frameworks.

2. A distinctive approach to European law research

Based on the conviction that it is necessary to understand and trace the (internal) normativity of law, in order to be able to examine it fruitfully through an external lens, ACELG adopts a distinctive approach to the analysis of European law. While our primary focus is legal research into the processes of integration and disintegration within the European Union and the interplay and counter-tendencies surrounding these concepts, ACELG engages in research that considers legal phenomena in the context of broader constitutional developments and shifts in governance in Europe as well as in the wider structures of global governance, ACELG's research thus combines an internal approach to legal studies with an external approach from the perspective of other disciplines and accordingly goes beyond analysing the core legal sources within the European legal order (the EU Treaties, secondary legislation and case law of the Court of Justice). Hence, both the object and the methods of ACELG's research are distinct in that they combine the internal perspective of doctrinal legal analysis with an external perspective of social science, economics and theory.

Accordingly, ACELG's scholarly work combines a number of research methods, such as the analysis of positive law, gathering and assessment of empirical data, and normative evaluation and interpretation. ACELG seeks to build bridges to the work undertaken by other research communities and disciplines, such as political science, economics and legal theory, while offering its own distinct contribution.

Cooperations

ACELG's distinctive approach is reflected in its close cooperation with other faculties in the context of the Amsterdam Centre for European Studies (ACES), a university-wide centre of excellence, bringing together researchers from the Faculty of Economics and Business (FEB), Humanities (FGw), Law (FdR), and Social and Behavioural Sciences (FMG). ACELG researchers also prominently engage and cooperate in other contexts with academics from social sciences both nationally (e.g. [ACLE](#), the [Utrecht School of Governance](#), and within the [Royal Netherlands Academy for Arts and Sciences](#)), and internationally ([EUI](#), [CCP at UEA](#), [ReNEUAL](#) and others) and are further embedded in a number of international research networks. Some relate the EU perspective to the international context and cooperate with international scholars (e.g. [ACIL](#) and [CLEER](#)). ACELG further cooperates closely with international law and private law scholars in the context of the research platform [Law and Justice Across Borders](#).

Research relevance and quality

ACELG has a strong commitment to high quality research. It welcomes the priority given to quality over quantity in the Standard Evaluation Protocol (SEP). ACELG is one of the Faculty of Law's four Research Priority Areas (RPAs) and consciously applies in terms of quality more stringent performance criteria than the Faculty. It strongly encourages its researchers to focus on fewer more influential contributions to the international debate and build a convincing publishing record in international leading, peer-reviewed journals and books with international publishers. It has a good track record in this regard, with for example, since its inception in 2009 eight monographs published by researchers with Oxford University Press, which is the most highly regarded international publisher in the area of European law.

ACELG also engages with topical issues and contributes to general policy debates, offering fundamental conceptual and theoretical insights. Researchers disseminate

theoretical knowledge to legal practice, national and EU regulators, as well as the broader public by way of small-scale expert roundtables and workshops, public conferences, ACELG's [own blog](#), annotations of case law, as well as specific academic advice and *targeted* contributions to the public debate (for example, policy reports, including work for the European institutions and training national judges in specific areas of EU law). Furthermore, ACELG regularly organises and hosts larger and smaller conferences and workshops. Since 2011, ACELG also hosts an Annual Conference, which seeks to perform an agenda-setting function both nationally and internationally.

Research within ACELG is also funded from external sources. Research grants and contracts have for example been awarded by the University of Amsterdam, the [Netherlands Organisation for Scientific Research \(NWO\)](#), national government institutions and European institutions. ACELG's success rate in this regard is good (three NWO personal research grants (Veni grants, 2011, 2012 and 2017)) and growing as researchers widen their remit and focus to the European level (one Marie Curie grant, 2016). Members of ACELG also participated in a successful Horizon 2020 application, InDivEU, led by the Robert Schuman Centre (EUI), as well as a successful application for a Jean Monnet Centre of Excellence grant lead by ACES (both 2018).

The ambition is to further consolidate the track record in this respect. Researchers are strongly encouraged to apply for external funding and receive administrative and academic support when doing so, both within ACELG itself as well as within the Faculty and University. They also contribute actively in sharing their expertise and experiences within the Faculty more generally.

3. Research Focus

Integration and Disintegration in Europe is ACELG's research focus for the years 2019 to 2023. It builds on its previous research programmes (2009-2013 and 2014-2018) and continues to pursue a particular interest in combining legal research with inquiries into the developments that occur outside, next to and in between legal frameworks. The focus of research conducted within ACELG is on processes of integration and disintegration, as well as differentiation occurring in the EU's economic, political and social constitutions, its legal and political orders, its Member States and the EU institutions as well as international regimes. One core interest is to identify and evaluate shifts in authority and powers within the interlocking legal spheres in Europe. Research engages in particular the incremental and evolutionary nature of the EU's formal and substantive integration and disintegration dynamics. Layered underneath the more rigid outer crust of formal constitutional legal instruments (Treaty texts, Court judgments developing and applying core legal principles) we find more complex layers of institutions and institutional and constitutional practices with varying degrees of 'hardness' (internal institutional rules, inter-institutional conventions, network governance etc.).

This research focus seeks to critically analyse these developments within the EU constitutional order. It provides a common framework for the analysis of both the evolution of and the relationship between its different constitutional components within a rapidly expanding and deepening European Union that at times also triggers differentiation, dispersion, disaggregation and even disintegration. The overall aim of

the research focus is to identify, trace and analyse these dynamics, as well as to assess the manner in which this institutional and legal map fits within a constitutional perspective on the rule of law, access to justice, accountability, democracy, the role of consumers and citizens and the balance between economic and social rights. It includes an assessment to what extent the existing constitutional constraints and safeguards are capable of holding to account the diffused rule-making power in Europe. It acknowledges that law and legal practices, including those in the EU, determine the distribution of power and wealth. Finally, research within ACELG also examines where and to what extent the European Union offers Europeans responses to global challenges and offers new avenues for popular sovereignty and self-determination.

In addition, research within ACELG aims at both tracing and analysing the integration and disintegration dynamics emerging between the various (political, economic and social) structures in the EU exploring to what extent synergies, asymmetries or even dysfunctions between them can be identified. These synergies, asymmetries or dysfunctions are dealt with within the framework of specific projects, workshops and discussions that explore these phenomena from the point of view of precise themes, policies or principles (e.g. health policy, citizenship and regulatory agency designs, external relations, competition law and sector regulation). Crosscutting activities, including those intersecting (sub-)disciplines within collaborative settings, are one way in which this research focus will make innovative contributions to the debate in Europe and foster dialogue among those scholars more focussed on substantive areas of law and those more focussed on general issues of administrative and constitutional law.

The EU's interlocking legal landscape is characterised by various 'levels', types, actors and concepts intertwining in a shared and complex whole that is more indeterminate than the sum of the separate parts. The underlying hypothesis of this research focus is that the complex mechanisms, in which national, European and international actors *share* powers and *coordinate* action but also exercise powers largely independently in a way that *affects* the other parts, raise challenges that require reconsideration of the internal understanding of law.

4. Examples of Key Research Themes

Constitutional perspectives on integration and disintegration

Social, political and historical factors drive the legal processes of integration and disintegration in European Union. Researchers investigate the constitutional implications of the path-dependent (dis-)integration processes. They explore innovative pathways to reconstruct how classic tenets, such as the rule of law, human rights, and the separation of powers can be reconstructed and guaranteed in light of contemporary challenges. They examine how narratives of justification and the roles of different actors influence these (dis-)integration processes. The distinct overarching focus is the place of law in a contingent future of European integration.

EU Regulatory Governance: Expertise, Authority, and Legitimacy

This theme focuses on the challenges posed to European law and governance by developments such as the financial crisis, rapid technological developments and ecological challenges as well as re-emerging political conflicts.

These developments challenge existing legal frameworks of economic and social regulation and lead to the implementation of new regulatory governance structures in a broad range of policies (e.g. energy, competition, financial regulation, environment, data protection) disrupting established mechanisms of decision-making and law enforcement. Boundaries are shifting between public and private actors, between national and supranational levels, between centralised and decentralised governance structures, while new (e.g. experimentalist) forms of governance are emerging. Growing EU regulatory powers have triggered an unprecedented transformation of the underlying institutional structures of EU expert governance bringing about new EU-level institutions and procedures for the generation of policy-relevant expertise (e.g. EU agencies, committees, expert groups, regulatory impact assessments).

ACELG researchers investigate the EU's multi-level and multifaceted regulatory governance by identifying and analysing constitutional questions, such as the shifting authority of supranational and national institutions, the balancing of public versus private interests, regulatory disconnection, the legitimacy and accountability of new governance structures and the democratic legitimacy and the distribution of decision-making powers between the EU and Member States.

Law and Governance of Social Policy in the European Union

In the field of social policy, transformation of the exercise and control of public power is taking place in various forms and under various rationales. Within the EU, social policy may develop as a corollary of market integration, as an instrument for the achievement of social objectives mentioned under the social policy title of the Treaty (e.g., through legislation, the Open Method of Coordination, or the European Pillar of Social Rights, or in coordination with other EU policy objectives through the European Semester). In all instances, EU action in social policy is contested, as it covers politically sensitive issues regarding social protection and welfare distribution. Researchers notably investigate the legitimacy of EU social policy, innovative forms of governance in the field of social policy, how the exercise of EU coordinating competences in employment and social policy has evolved over time, and how EU action in social policy may or may not lead to convergence, or impact upon national systems of social protection and redistribution of welfare.

EU and the World: Pressures, Influence and Justice

This theme focusses on the external dimensions of European law and governance. It focusses on cross-cutting fundamental challenges in the Union's interactions with the outside, both in terms of how the Union exercises influence beyond its borders – that is for example by shaping international standards or directly exporting its own – and in terms of how the Union is internally shaped by its interactions with the outside world. Researchers particularly investigate conceptual issues such as constitutional embeddedness, accountability, access to justice, human rights, and external representation of the Union. They examine these issues in a number of policy areas such as security, the environment, public health, and trade and investment.

5. Research Community

ACELG has a stable number of researchers interested in interrelating topics and able to communicate across disciplinary lines. This allows for a day-to-day exchange in a vibrant research community. The sizable group of PhD and postdoctoral researchers forms ACELG's core of this community. ACELG's close cooperation with

ACES and its cooperation with the other members of Law and Justice across Borders enriches the exchanges and emphasises the external approach to European law. ACELG continues to attract both junior and high-level senior scholars from the outside who bring their own research funding (for example, personal NWO research grants or funding from third countries).

6. Outlook

ACELG seeks to actively develop new projects in an on-going fashion, drawing from the interactions of the various research interests and driven by the need to take a more integral approach to processes and practices of European integration. The research focus covers the period from 2019 to 2023. It is facilitated by several sources of external funding (Marie Curie, Veni). It is the express ambition of ACELG to embed outstanding researchers within the permanent positions funded by the Faculty and ensure a fruitful interlinking of research and core teaching tasks.