

[View this email in your browser](#)[Call for Papers](#) | [Doctoral Workshop](#) | [Apply by 15 December 2022](#)

Call for Papers | Doctoral Workshop: The interaction between the sources of European Union law | 9 March 2023

According to conventional wisdom, the EU has a relatively well-defined hierarchy of sources. The third paragraph of Article 1 TEU declares that the EU is founded on the Treaty on the EU (TEU), on the Treaty of the Functioning of the EU (TFEU), and that those have the same legal value. Article 6(1) TEU confers the same value to the Charter of Fundamental Rights of the EU. To these, European Atomic Energy Community (Euratom) is often equated in specific provisions (for example in the common additional protocols). This is primary law. The Treaties list the so-called secondary law (Regulation, Directives, etc), which is adopted pursuant to primary law. Secondary law is hierarchically subordinated to – meaning that it must comply with – primary law. Article 6 TEU also defines the general principles of EU law, but without specifying their hierarchical relationship with other sources. The matter is further complicated by the distinction between rights and principles found in Article 51(1) of the Charter.

In practice, the dynamic interaction between those sources is much more complex. The scope and content of EU law is in fact shaped by those fluid dynamics. First, sources interact because secondary law must be adopted on a correct legal basis. The identification of the

correct legal basis has proved contentious in several areas of Union law (e.g. Economic and Monetary Union, external relations, internal market). Second, secondary law can 'give expression to' primary law and/or to general principles of Union's law in ways that make it hard, in practice, to tell whether one source or the other is being applied (e.g. Mangold case law on horizontal effect of directives). Third, secondary law (de)limits the scope of application of rights recognised by the Charter (Article 52(1) Charter), but there are no specific rules on for the identification of what provision of secondary law limits what right of the Charter. Fourth, the role of international law is object of decades of case law but the rules for its interactions with the EU legal order are far from definitively established.

The issues are not only of practical interest, but have intellectual salience because the technicalities reflect the form of organisation of political power(s) in Europe. Does EU law transform potential political conflicts into conflicts between sources of law?

For this **doctoral workshop**, we are looking for submissions targeting the above-mentioned issues, or the themes stemming from them. The doctoral workshop will be held on **9 March 2023** and will be followed by a conference by senior scholars, on 10 March 2023, on "the interaction between primary law and secondary law in the Area of Freedom, Security and Justice".

Initial bibliographic suggestions

- E. Dubout, *Droit Constitutionnel de l'Union Européenne* (Bruylant 2022)
 - K. Lenaerts and J.A. Gutiérrez-Fons, 'The Constitutional Allocation of Powers and General Principles of EU Law' (2010) 47 *Common Market Law Review* 1629
 - I. Pernice, 'Multilevel Constitutionalism and the Crisis of Democracy in Europe' (2015) 11(3) *European Constitutional Law Review* 541
 - R. Schütze, 'Direct Effects and Indirect Effects of Union Law' in Schütze and Tridimas (eds), *Oxford Principles of European Union Law* (OUP 2018)
 - T. Tridimas, 'The General Principles of Law: Who Needs Them?' (2015) 52(1) *Les Cahiers de Droit* 419
-

We welcome abstract submissions from current doctoral students/PhD candidates registered in any university. There is limited funding available to cover expenses for speakers. When you send your abstract, please let us know whether you would need this, as well as an expected budget for your trip.

Format of the workshop

The workshop will be structured in panels with two or three papers and at least one discussant each. Confirmed discussants include Prof. Elise Muir (KU Leuven), Dr Gian Marco Galletti (référéndaire, European Court of Justice), Prof. Cecilia Rizcallah (Université Saint-Louis Bruxelles), Teresa Cabrita (KU Leuven) and Dr Orlando Scarcello (KU Leuven).

Depending on the quality of submissions, we may consider pursuing a publication of the papers in an international journal or in an edited volume.

Deadline for submission

Abstracts of between **500 and 750 words** should be submitted by **15 December 2022** to Dr Luigi Lonardo (lloardo@ucc.ie). Selected presenters will be notified by 31 December.



With the support of the European Research Council

Copyright © 2022, KU Leuven All rights reserved.

Our mailing address is:
instituteforeuropeanlaw@kuleuven.be

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).