

Appendix 1

Interview Templates

A) CJEU Judges

Date:

Time and Length of interview:

Personal details

Judge:

Country of origin:

A. General Questions

1. How long have you served as a judge/AG at the Court of Justice?
2. Have you experienced significant changes in the approach used by the Court over your period of service?

To Introduce Question 3:

In the cases C-11/70 *Internationale Handelsgesellschaft*, C-4/73 *Nold v Commission* and C-44/79 *Hauer v Land Rheinland-Pfalz* the Court of Justice affirmed that Fundamental Rights were integral to EC Law. It affirmed that the protection was inspired by the constitutional traditions of MSs and the ECHR.

3. To what extent you think the Lisbon Treaty has strengthened the fundamental rights protection and how this will change (if it will) the Court's approach to fundamental rights? How do you feel about the changes introduced by the Lisbon Treaty? Can we talk about a new era of integration based on rights? Is the Court of Justice now a Human Rights Court?

4. We have now three layers of protection of fundamental rights: (a) the Charter; (b) ECHR; (c) the unwritten source of general principles of EU law. The relationship between these three layers of protections is rather complex and raises a number of problems and questions. This is a paradise for lawyers but headache for the Court. To what extent will the Court use one or the others when dealing with case law?
5. Do you think that the two European Courts need to work towards a more convergent system in Europe in relation to fundamental rights?

B. Conflict Between Freedoms and Rights

To Introduce Question 6:

The CJEU affirmed to be committed to protecting the rights recognised by the ECHR and National Constitutions. However, ‘accidents of litigation’ (case-law) have determined which rights have been recognised so far.

6. How has the Court decided whether a right had to be recognised as fundamental? What has now changed?

To Introduce Question 7:

In the Schmitberger case the Court had to balance the exercise of freedom of expression and assembly against the free movement of goods.

7. How can the Court balance fundamental rights against fundamental freedoms? Please elaborate on this aspect considering the new developments introduced by Lisbon.

To Introduce Question 8:

In the *Omega case (C-36/02)* about the laser sport being banned as an affront to human dignity, Advocate General Stix-Hackl states “There is hardly any legal principle more difficult to fathom in law than that of human dignity.” It was given preference to Dignity as protected in national law (German Constitution) against freedom of services and freedom of movement of goods.

In her article “Unlocking Human Dignity: Towards a Theory for the 21st Century” European Human Rights Law Review Catherine Dupre 2009 affirms Dignity “highlights the depth and complexity of human emotions and needs”

8. How can the Court solve conflicts of rights? Is there a hierarchy of rights? Is human dignity at the top of the hierarchy?

To Introduce Question 9:

The Court in the Case 44/79 Hauer “the question of a possible infringement of fundamental rights by a measure of the Community [Union] institutions can only be judged in the light of Community [Union] law itself. The introduction of special criteria for assessment stemming from the legislation or constitutional law of a

particular MS would, by damaging the substantive unity and efficacy of Community [Union] law, lead inevitably to the destruction of the unity of the Common Market and the jeopardising of the cohesion of the Community [Union]” (para 14).

9. Has the Court departed from the approach used in the Hauer case later on in *Schmitberger* and *Omega*?
10. What is the legal value afforded to a right as against other competing interests? Prompt: limitations on public action, but the individual’s rights may have to give way to public interest
11. Will European integration speak now the language of rights more than the language of the common market?

C. Methods of Interpretation

12. Are fundamental rights at the core of the European agenda? And at the core of the Court’s agenda?
13. Will the teleological approach used by the Court be based on the mission of the Union and how the new mission will influence the Court’s approach?
14. Will the margin of appreciation used by the ECtHR be of any influence to the interpretation methods of the CJEU?
15. The method used in cases such as *Schmitberger* and *Omega* resembles the margin of appreciation used by the ECtHR, as the Court of Justice referred to the constitutional traditions of the specific member state. Do you think that in the field of human rights the Court of Justice has adopted a similar approach than the ECtHR?

D. Relationship Between the Charter and General Principle of Union Law

16. Do you feel that the Charter will change the Court’s approach to fundamental rights within the EU? Art 6 (1) TEU says ‘The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties’
17. What is the role of the Charter in the new EU legal order? Do you feel that it mirrors and/or develops the content of the ECHR in the EU, also covering other fundamental rights, such as the social rights?
18. In the *Kucukdeveci v Swedex GmbH* case, which was a case of age discrimination, for the first time the Court has mentioned the legal nature of the Charter, but then it has discussed the case using the general principle of Union law. What is the reason for that? Is it because some MSs have opted out the Charter?

E. Relationship Between the Charter and the Convention

19. What is the relationship between the Charter and the ECHR? Will the Court base its future judgements on the Charter or the Convention?

Introduction to Question 21:

Weiler says this is not a real dilemma as one right's maximum protection is another right's minimum protection. Will the Court adopt the Lowest Common Denominator (Risks dilution of rights) or favour the Maximum Standard of protection (Would favour MS with the highest level? Article 52(3) of the Charter suggests the use of the ECHR as a minimum standard of protection.

Prompt: lowest common denominator:

Shows disregard to particular MS sensitivities

Maximum Standard

Maximum restrictions on Union

Pervasive of national sovereignty (Think abortion (Grogan) gay marriage (Grant))

20. How does the Court intend to establish a clear link between the two instruments and preserve the ECHR as a minimum standard of protection?? (same meaning and scope of corresponding rights)? What is the desired level of protection?
21. Will the Court base their future judgements on the ECtHR jurisprudence?
22. The Court is not bound by its own precedent. Will the ECtHR jurisprudence bind the CJEU?

F. EU Accession to ECHR

23. Art 6(2) TEU states "The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties" Do you think will this happen soon?
24. How will the ECtHR exercise its external scrutiny in relation to EU law?
25. Would you envisage a mechanism whereby the CJEU could require an optional non-binding opinion to the ECtHR on its interpretation of the Convention?
26. Will the *Acte Clair* doctrine apply to the CJ in the same way as it applies at national level? In other words, is there still no need to refer a matter when it is clear?

G. Relationship Between the Two Courts

27. Do you think the Court of Justice and the ECtHR will be in a hierarchical vertical position? It has been argued that the EU's accession would not place Strasbourg 'above' Luxembourg, but would allow Luxembourg to fulfil the role

- of constitutional court. Therefore, before coming to Strasbourg for an interpretation on an ECHR point in EU law, Strasbourg litigants would have to exhaust all judicial avenues—including Luxembourg. However, do you think that the CJEU would be able to continue interpreting ECHR rights in the EU context?
28. Initial concern that extending the competence of the Court of Justice to cover human rights issues would weaken the authority of the ECtHR. Lord Russell-Johnston stated that “Two parachutes are better than one. . . as long as you do not try to open them both at the same time”. Do you agree with his view?
 29. “Both European courts seem well aware that any discrepancies in the interpretation of the same fundamental rights would be detrimental for citizens and Member States alike” (Callawaert 2009). Is there an intra-judicial dialogue between the CJEU and the ECtHR? If not officially, do you think that there should be a dialogue or a common understanding for the clarification of the future of HR protection from the two Courts?
 30. “The CJEU has treated. . . the European Convention on Human Rights, as if it was binding upon the Community [Union], and has followed scrupulously the case-law of the European Court of Human Rights, even though the European Union itself is not a party to the Convention.” (General Advocate Jacobs). Do you share this view?
 31. Do you have any procedures in mind that should be developed to strengthen the dialogue between the two Courts?
 32. What will happen if cases appear where there is divergence between the CJEU and the ECtHR case law?
 33. Do you have anything else to add that you feel is relevant to the purposes of the project?

B) ECtHR Judges

Date:

Time and Length of interview:

Personal details

Judge:

Country of origin:

A. General Questions

1. How long have you served as a judge at the European Court of Human Rights?
2. Have you experienced significant changes in the approach used by the Court during your period of service, particularly following the enlargement of the Council of Europe as a result of accession by many countries of central and

east Europe and the fact that the Lisbon Treaty has assigned new responsibilities to the European Union?

3. Are you aware of the development at the EU level? The entry into force of the Lisbon Treaty has made the Charter binding and has introduced the legal basis to accede to the ECHR.

How do you feel about the changes introduced by the Lisbon Treaty? Do you have strengthened the protection of human rights at EU level?

4. Are you in favour of the EU accession to the ECHR?

B. Hierarchy of Rights

5. The Council of Europe has affirmed that there are two broad categories of rights: absolute rights (Arts 2, 3, 4(1), 7) and limited rights (Arts 5 and 6). In the *Chahal v United Kingdom* (1996) the ECtHR declared that Article 3 is the most fundamental right in a democratic society and “no derogation from it is permissible under Article 15 even in the event of a public emergency threatening the life of the nation”.

- a) **What does this mean? Do you apply different criteria depending on the right, which is violated?**
- b) **Which right is at the top of the hierarchy? (life, dignity??) How do you weight the different rights in case of conflict?**

C. Method(s) of Interpretation

6. The term “margin of appreciation” is not to be found either in the text of the Convention or in the preparatory work.

Do you share the view that this judge-made rule is the key for the success of the ECtHR over the years?

7. The margin of appreciation has been praised as a “*legitimate principle of interpretation of the Convention*”, but it has also been criticised for involving ‘*a risk of manipulation of the identified factors and parameters and the resulting lack of legal certainty*’.

Do you think that the margin of appreciation is too flexible as a method that might appear not so rigorous in the eyes of the citizens of the Contracting Parties?

(Spielmann, ‘Allowing the Right Margin the European Court of Human Rights and the National Margin of Appreciation Doctrine: Waiver or Subsidiarity of European Review?’, (2012) CELS Working Paper, p. 28)

8. Do you think that the margin of appreciation used by the ECtHR can be adopted by the ECJ as one of its interpretative methods? Is there room for convergence or do you share the view that the two Courts should retain their own methods?

9. The method used in cases such as *Schmidberger* (Case C-112/00) and *Omega* (C-36/02), where the Court of Justice referred to the constitutional traditions of the specific member states, resembles the margin of appreciation used by the ECtHR.

Do you think that this happened for the needs of the individual cases or is it the result of judicial influence? What is the difference between the margin of appreciation and the wide margin of discretion used by the Court of Justice/national specificities?

10. The ECtHR simultaneously celebrates a form of pluralism through the doctrine of the margin of appreciation and insists on hierarchy in stipulating a binding minimal norm (Weiler p. 17).

How to balance these two in the relationship with any EU measure either implemented at national level or introduced by the institutions?

D. Relationship Between the EU Charter of Fundamental Rights and the EHCR

11. The European Convention on Human Rights entered into force on the 3rd September 1953 in a post-war context. By contrast the Charter of Fundamental Rights is a more modern bill of rights.

Would you consider referring to the Charter as a tool when either an EU MS is violating human rights when implementing EU law or as part of its own legislative authority?

Alternatively, would you not base your judgement exclusively on the Convention ignoring the Charter?

E. Relationship Between the CJEU and ECtHR

12. “Both European courts seem well aware that any discrepancies in the interpretation of the same fundamental rights would be detrimental for citizens and Member States alike” (Callawaert, 2009).

What are the greatest challenges that the two Courts have to face?

13. We are aware that there has been an intra-judicial dialogue between the ECJ and the ECtHR.

a) **Do you think that this dialogue has a positive effect on the relationship between the two Courts?**

b) **Do you think there should be a more official dialogue between the two Courts, especially as the negotiation process intensifies?**

c) **How do you see the relationship between the two Courts in the post-Lisbon era?**

14. The relationship between the ECJ and the ECtHR has been regulated so far in an analogous manner as the *Solange* principle “potential clash of jurisdiction has

been solved through an agreement to defer to one another's decisions, provided those decisions respect mutually agreed constitutional essentials".

The ECJ has regularly considered and mentioned the Convention in its case law recognising a "special significance" to it and its case law was inspired by this instrument. However, the ECJ held that 'the European Community was not bound by the ECHR, despite all its MSs ratified the Convention, and that the EC lacked competence to accede the ECHR'.

The ECtHR, in the *Bosphorous* case has refused to review an EC regulation implementing a UN Security Council resolution, although the content of the EC regulation was restrictive of the applicant's property right. The decision was based on the presumption that EU law did not breach the ECHR as the ECtHR held the system of safeguarding fundamental rights guaranteed at the EC level was comparable to that provided by the Convention.

To what extent the legal pluralism's doctrine applies to the interlocking EU and Council of Europe's legal systems in the field of human rights?

15. In an attempt to avoid interferences with the ECtHR jurisdiction, the ECJ in the recent Case C-571/10, *Servet Kamberaj v. Istituto per l'Edilizia sociale della Provincia autonoma di Bolzano* (IPES) has concluded that Article 6(3) TEU does not govern the relationship between ECHR and legal systems of Member States.

Will the relationship between the ECJ and the MSs be scrutinised after the EU's accession to the ECtHR, in case of wrong implementation by the MSs of an EU legal instrument?

F. The Accession of the EU to the ECHR

16. Art 6 (2) TEU states "The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties".

- a) **Do you think accession will happen soon?**
- b) **What do you think about the Accession Treaty?**
- c) **How do you feel about the possibility of adding an 'EU' judge in the ECtHR?**

17. The ECtHR will be required to exercise an external scrutiny in relation to possible violation of human rights if the infringement relates to EU law, for instance when the alleged violations relates to an EU legal act.

How will the ECtHR exercise its external scrutiny in relation to EU law?

Will the ECJ be heard first if a violation is a consequence of an EU act?

If the ECJ is given the "first word", will the ECtHR follow the ECJ decisions or will act in a completely independent manner? In the latter option, the two decisions might diverge, and this then might have implications at EU level for lack of precedence in EU law.

18. The Draft Agreement is silent regarding the future of the so-called *Bosphorus* (equivalent protection test (established in *Bosphorus v Ireland*). From one side, keeping the equivalent protection test would mean the continuity of the ECtHR practice and bilateral respect to the decision making procedures in EU, from the other side it would favour the EU contradicting to the idea of EU participation in the ECHR on the equal footing with the other High Contracting States.
What is your view on if and how this test should be applied in the future, and whether it should apply to all EU-related cases, including the ones against the EU?
19. If the EU is seen by ECtHR as another state/high contracting party, then the ‘quasi’ federal approach prevails over the extreme epistemic pluralism of no solution in case of conflicts. The ECtHR would be placed at the apex of the hierarchy of the multilevel European human rights system.
Do you have any views to share about this?
20. The assistant Director of AIRE, stated that the co-respondent mechanism envisaged by the Draft Agreement will put significant additional burdens on applicants who will be forced into facing two instead of one defendant, in a David v Goliath battle.
Do you share this concern? What is your opinion about the proposed co-respondent mechanism?
21. Do you have anything else to add that you feel is relevant to the purposes of the project?

C) EU Officials

Date:

Time and Length of interview:

Personal details

EU official’s name:

Role:

Country of origin:

A. General Questions

1. How long have you served in your institutional role?
2. Have you experienced significant changes in Europe during your period of service?
3. To what extent do you think the Lisbon Treaty has strengthened the protection of fundamental rights within the EU? How do you feel about the changes introduced by the Lisbon Treaty?

4. Can we talk about a new era of integration based on rights? Will European integration within the EU now speak the language of rights more than the language of the common market?
5. What is your role in the accession process? Do you think that the Council of Europe and the EU need to work towards a more convergent system in Europe in relation to fundamental rights?

B. General Questions on Accession:

6. The Accession of the European Union (EU) to the European Convention on Human Rights (ECHR) constitutes a major step in the development of human rights in Europe. Although it has been in the agenda of discussion since the late 1970s, it took almost 40 years for the accession to become a legal obligation. Despite its necessity, the EU accession to ECHR has raised a lot of legal, institutional and technical questions that have to be resolved in the current negotiations.
 - **Can you please identify some of the main legal issues that lead to such a delay? What was the biggest challenge or obstacle that you had to overcome?**
 - **When did the negotiations on accession officially begin between the Council of Europe and the European Union?**
 - **Are the modalities of accession legally or/and politically complex?**
7. The EU's accession to the Convention is an incentive to develop the policies that strengthen the effectiveness of fundamental rights within the continent. According to the Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, Viviane Reding, 'the accession of the EU to the Convention will complete the EU system of protecting fundamental rights'.
 - **What does this accession mean from the perspective of the citizens?**
 - **Does the accession constitute the missing piece of human rights protection's jigsaw puzzle?**
8. According to Thorbjørn Jagland, Secretary General of the Council of Europe, 'we now have a unique opportunity to create a continent-wide area of human rights, in which 47 governments and the institutions of the European union will be bound by the same set of human rights standards and scrutinized by the same human rights court'.
 - **Do you see this dream come true within the next few years?**
9. Pursuant to Article 6(2) TEU, as well as Article 2 of Protocol 8 attached to the Treaty of Lisbon, the accession "shall not modify the EU competencies" as defined by the Treaties.

- **Do you think that the Union’s specificity as a distinct legal entity vested with autonomous powers is an obstacle to the accession?**
- **Will the accession compromise the independence of the EU decision making process?**
- **At the same time, will it affect the positions of EU countries as Parties to the ECHR?**

10. In the context of the negotiations on accession:

- **Have you taken in consideration the views of the judges of the two Courts in drafting the accession treaty?**

11. The accession agreement will have to be ratified by all 47 contracting parties to the ECHR in accordance with their respective constitutional requirements, including those who are not EU Member States.

- **How smooth and swift do you think the process will be?**

C. Questions on the Accession’s Procedures and the Judiciary:

12. It is not under debate the fact that the EU will accede to the Convention on an “equal footing” with the other Contracting Parties, i.e. with the same rights and the same obligations.

- **Do you support the view that the proposed “co-defendant mechanism” is the most effective solution?**
- **What do you answer to the voices of concern arguing that the mechanism seems to be unnecessarily complex?**

13. Rt. Hon. Lady Justice Arden DBE, Member of the Court of Appeal of England and Wales, has argued that the ongoing negotiations constitute a call for judicial restraint by the Strasbourg court, and a sharing by it of its responsibilities for judging whether a breach of human rights has occurred. In her words “subsidiarity, including the margin of appreciation, is a concept the Strasbourg court should strengthen in its jurisprudence”.

- **Do you see a need of improving the ECHR so that EU accession to the Convention does not undermine national sovereignty?**

14. The EU accession to ECHR will hopefully ensure that a complementary relationship, rather than one of competition, will prevail between the two courts.

- **How do you think this relationship will be shaped?**
- **Will both Courts use the ECHR as a common denominator or will the ECtHR also refer to the Charter of Fundamental Rights when dealing with EU Member States?**

15. An important issue is the preservation of the monopoly of the ECJ in the interpretation of the EU Treaties.

- **Which is the most suitable solution?**
 - **To what extent the competence of the ECtHR to assess the conformity of the EU law with the provisions of the Convention will not prejudice the principle of the autonomous interpretation of the EU law?**
16. The outcome of the negotiations will probably be subject to an ECJ opinion raised by some Member States in application of the Article 218(11) TFEU (according to which a Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice to verify whether an envisaged agreement is compatible with the Treaties).
- **What will happen if the opinion of the Court is adverse?**
 - **Do you think this could stop/postpone the entry into force of the Accession Treaty?**
17. Do you have anything else to add that you feel is relevant to the purposes of the project?

Appendix 2

Ethical Documentation

A) *Information Sheet Judges*



Reflections on the Architecture of the European Union After the Treaty of Lisbon: The European Approach to Fundamental Rights

You are being invited to take part in a research study. Before you decide whether or not to take part, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully.

What Is the Purpose of the Study?

This externally funded socio-legal research¹—start date 1st December 2011 and end date 30th November 2012—aims at evaluating the impact of the Treaty of Lisbon on the area of fundamental rights within the EU. The project's central core is on the relationship between the Court of Justice of the EU (ECJ) and the European Court of Human Rights (EctHR) following the ratification of the Lisbon Treaty and the future incorporation of the European Convention on Human Rights (ECHR) in the EU legal order.

The project is structured into two overlapping phases.

¹British Academy, Small Research Grants scheme, SG 2011 Round, Reference number: SG110947.

- The first phase focuses on case-law and theoretical and doctrinal legal scholarship.
- The second phase aims at appreciating the views of EctHR judges in relation to the new post-Lisbon era and the challenges faced by the EU officials in negotiating, drafting and signing the Accession Treaty to the European Convention of Human Rights (ECHR).

The aims of the research are:

- to contribute to the academic debate on the relationship between the two highest European Courts (the ECJ and the EctHR) in the protection of fundamental rights;
- to understand the interrelations between EU and ECHR sources, the Courts' relevant jurisprudence and the national constitutions of the Member States;
- and to gain an appreciation of the attitudes of the European judiciary and the EU institutions towards the post-Lisbon era of rights.

Why Have I Been Invited to Participate?

At the beginning of May 2012, interviews with judges of the European Court of Human Rights will take place. Added value to the project is your involvement as a Strasbourg judge. Your understanding is extremely valuable for the project as you will provide an external perspective on the EU dimension after Lisbon. We have invited to take part in the study all the 47 judges of the Court and we aim to interview at least 25 judges.

A cross-analysis of the views expressed by the judges with those elaborated by the EU officials would provide a clear picture of the accession process and its legal implications.

Do I Have to Take Part?

Taking part in the research is entirely voluntary. It is up to you to decide whether or not to take part. If you do decide to take part, you will be given this information sheet to keep and be asked to sign a consent form. If you decide to participate, you are still free to withdraw at any time and without giving a reason.

What Will Happen to Me If I Take Part?

You will be invited to take part to a semi-structure interview lasting approximately one hour. The interview will be audio-recorded. The interview template will be available on request prior to the interview date. The time required will depend on your availability to talk and there will be no disadvantages or 'costs' involved in taking part in the study.

What Are the Possible Benefits of Taking Part?

The study is original and timely. It is original as—to our knowledge—no other socio-legal projects of this nature have been conducted. It is timely as this is a developing academic area of research. Your involvement will certainly further our understanding of the topic.

Will What I Say in This Study Be Kept Confidential?

All information collected from you will be kept strictly confidential (subject to legal limitations). Confidentiality, privacy and anonymity will be ensured in the collection, storage and publication of research material. However, as the sample sizes and the potential group of participants are small, you might be able to identify your quotes and others might be able to guess your identity as a consequence. Data generated by the study will be retained in accordance with the University's policy on Academic Integrity and kept securely in paper or/and electronic form for a period of ten years after the completion of the research project. Data will be stored on lap-top and will be security-code encrypted and stored overnight in a safe place.

What Should I Do If I Want to Take Part?

You should 'opt in' for the study signing the consent form which will be sent to you via email.

What Will Happen to the Results of the Research Study?

The results of the research will be published in the form of peer reviewed papers. A Report will also be drafted. All the outputs will be sent to you either electronically or in paper format.

Who Is Organising and Funding the Research?

The principal investigator and the project team conducting the research are members of staff at Oxford Brookes University. The principal investigator is a Reader in Law at the School of Law, Faculty of Humanities and Social Sciences, Oxford Brookes University. This research project has been externally funded by the British Academy under the Small Research Grants scheme.

Who Has Reviewed the Study?

The research has been approved by the University Research Ethics Committee, Oxford Brookes University.

Contact for Further Information

D.ssa Sonia Morano-Foadi
School of Law
Faculty of Humanities and Social Sciences
Oxford Brookes University
Headington Hill Hall (Office H217)
Oxford, OX3 0BP

If you have any concerns about the way in which the study has been conducted, please contact the Chair of the University Research Ethics Committee on ethics@brookes.ac.uk.

Thank you for taking the time to read the information sheet.

Oxford, 9/1/2010

B) Information Sheet Policymakers



Reflections on the Architecture of the European Union After the Treaty of Lisbon: The European Approach to Fundamental Rights

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The project is structured into two overlapping phases.

- The first phase focuses on case-law and theoretical and doctrinal legal scholarship.
- The second phase aims at appreciating the challenges faced by the EU officials in negotiating, drafting and signing the Accession Treaty to the European Convention of Human Rights (ECHR) and the views of ECtHR judges in relation to the new post-Lisbon era.

The aims of the research are:

- to contribute to the academic debate on the relationship between the two highest European Courts (the ECJ and the ECtHR) in the protection of fundamental rights;
- to understand the interrelations between EU and ECHR sources, the Courts' relevant jurisprudence and the national constitutions of the Member States;
- and to gain an appreciation of the attitudes of the European judiciary and the EU institutions towards the post-Lisbon era of rights.

Why Have I Been Invited to Participate?

At the end of May 2012- beginning of June 2012 interviews with EU officials engaged in the negotiation of the EU accession Treaty will take place. We have

²British Academy, Small Research Grants scheme, SG 2011 Round, Reference number: SG110947.

invited to take part in the study the policymakers, who are directly involved in the negotiation process. Thus, added value to the project is your involvement as an EU official. Your perception of the EU accession's dynamics, mechanisms and challenges is extremely valuable for the purpose for the project.

A cross-analysis of the views expressed by the interviewed judges, with those elaborated by the EU officials like yourself, would provide a clear picture of the accession process and its legal implications.

Do I Have to Take Part?

Taking part in the research is entirely voluntary. It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form. If you decide to participate you are still free to withdraw at any time and without giving a reason.

What Will Happen to Me If I Take Part?

You will be invited to take part to a semi-structure interview lasting approximately one hour. The interview will be audio-recorded. The interview template will be available on request prior to the interview date. The time required will depend on your availability to talk and there will be no disadvantages or 'costs' involved in taking part in the study.

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Will What I Say in This Study Be Kept Confidential?

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Who Has Reviewed the Study?

The research has been approved by the University Research Ethics Committee, Oxford Brookes University.

Contact for Further Information

D.ssa Sonia Morano-Foadi
School of Law, Faculty of Humanities and Social Sciences
Oxford Brookes University
Headington Hill Hall (Office H217)
Oxford, OX3 0BP

If you have any concerns about the way in which the study has been conducted, please contact the Chair of the University Research Ethics Committee on ethics@brookes.ac.uk.

Thank you for taking the time to read the information sheet.

Oxford, 9/1/2012

C) Consent Form



CONSENT FORM

Full title of Project: Reflections on the Architecture of the European Union after the Treaty of Lisbon: The European Approach to Fundamental Rights.

Name, position and contact address of Principal Investigator:

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Please initial box

- 1. I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions.
- 2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving reason.
- 3. I agree to take part in the above study.

Please tick box

- 4. I agree to the interview being audio recorded

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
- 5. I agree to the use of anonymised quotes in publications

<input type="checkbox"/>	<input type="checkbox"/>
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Name of Participant	Date	Signature
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Name of Researcher	Date	Signature
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References

Primary Sources

Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759019/25_November_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf. Accessed 23 Mar 2020

Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, presented to Parliament pursuant to Section 1 of the European Union (Withdrawal) Act (No2) 2019 and Section 13 of the European Union (Withdrawal) Act 2018 on 19 October 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840655/Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf. Accessed 23 Mar 2020

Appl. No 10843/84 Cossey v United Kingdom [1990] ECHR 21, (1991) 13 EHRR 622

Appl. No 12323/11 Michaud v France, ECtHR 6 December 2012

Appl. No 13258/87 M & Co. v The Federal Republic of Germany (1990) Decisions and Reports 64

Appl. No 15318/89 Loizidou v Turkey (1995) 20 E.H.R.R. 99 ECHR

Appl. No 20665/92 Markopoulou v Greece, ECtHR 6 April 1994

Appl. No 22225/93 EM v Greece, ECHR 1 December 1993

Appl. No 24171/05 Karim v Sweden, ECtHR 4 July 2006

Appl. No 24833/94 Matthews v United Kingdom (1999) 28 EHRR 361

Appl. No 25680/94 I v United Kingdom, ECtHR 11 July 2002

Appl. No 27725/10 Samsam Mohammed Hussein and Others v the Netherlands and Italy, ECtHR, 2 April 2013

Appl. No 28957/95 Christine Goodwin v United Kingdom, [2002] ECHR 588

Appl. No 29217/12 Tarakhel v Switzerland [2014] ECHR 1185

Appl. No 30696/09 MSS v Belgium and Greece [2011] 53 E.H.R.R. 2

Appl. No 33743/03 Dragan and Others v Germany ECtHR 7 October 2004

Appl. No 37201/06 Saadi v Italy, ECtHR 28 February 2008

Appl. No 41738/10 Paposhvili v Belgium, judgment of 13 December 2016 (GC)

Appl. No 43546/02 EB v France (2008) 47 E.H.R.R. 21

- Appl. No 45036/98 Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v Ireland [2005] 42 EHRR 1
- Appl. No 45603/05 Budina v Russia, ECtHR 18 June 2009
- Appl. No 47287/15 Ilias and Ahmed v Hungary, ECtHR 14 March 2017
- Appl. No 5856/72 Tyrer v UK, ECtHR, 25 April 1978
- Appl. No 6833/74 Marckx v Belgium (1979) 2 EHRR 330
- Appl. No 75203/12 Kochieva and Others v Sweden, ECtHR 30 April 2013
- Appl. No 9532/81 Rees v United Kingdom, ECtHR 17 October 1986
- Appl. Nos 46827/99 and 46951/99 Mamatkulov and Askarov v Turkey, ECtHR 4 February 2005
- Appl. Nos 66069/09, 130/10 and 3896/10 Vinter and Others v United Kingdom [2016] III ECHR 317
- Bundesverfassungsgericht (2019) Press Release No. 84/2019 of 27 November 2019, <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2019/bvg19-084.html>. Accessed 23 Mar 2020
- C-1/58 Friedrich Stork & Cie v High Authority of the European Coal and Steel Community ECLI:EU:C:1959:4
- C-105/14 Criminal Proceedings against Ivo Taricco and Others ECLI:EU:C:2015:555
- C-11/70 Internationale Handelsgesellschaft mbH v Einfuhr-und Vorratstelle fur Getreide und Futtermittel ECLI:EU:C:1970:114
- C-112/00 Eugen Schmidberger, Internationale Transporte und Planzüge v Republik Österreich ECLI:EU:C:2003:333
- C-12/11 Denise McDonagh v Ryanair Ltd EU:C:2013:43
- C-127/02 Cooperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij U.A v the Netherlands ECLI:EU:C:2004:482
- C-13/94 P v S and Cornwall County Council [1996] ECLI:EU:C:1996:170
- C-155/15 George Karim v Migrationsverket ECLI:EU:C:2016:410
- C-168/91 Christos Konstantinidis v Stadt Altensteig - Standesamt and Landratsamt Calw - Ordnungsamt ECLI:EU:C:1993:109
- C-179/11 *Cimade*, GISTI v Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration ECLI:EU:C:2012:594
- C-184/99 Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve. ECLI:EU:C:2001:458
- C-185/95 Baustahlgewebe GmbH v Commission of the European Communities ECLI:EU:C:1998:608
- C-2/88 J. J. Zwartveld and Others ECLI:EU:C:1990:440
- C-208/09 Sayn-Wittgenstein v Landeshauptmann Von Wien ECLI:EU:C:2010:806
- C-216/18 PPU Minister for Justice and Equality, ECLI:EU:C:2018:586
- C-221/89 R v Secretary of State for Transport, ex p Factortame ECLI:EU:C:1991:320
- C-244/06 Dynamic Medien Vertriebs GmbH v Avides Media AG ECLI:EU:C:2008:85
- C-26/62 NV Algemene Transport-en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration ECLI:EU:C:1963:1
- C-283/11 Sky Österreich GmbH v Österreichischer Rundfunk EU:C:2013:28
- C-286/12 Commission v Hungary ECLI:EU:C:2012:687
- C-288/12 Commission v Hungary ECLI:EU:C:2014:237
- C-29/69 Erich Stauder v City of Ulm ECLI:EU:C:1969:57
- C-294/3 Parti écologiste "Les Verts" v European Parliament ECLI:EU:C:1986:166
- C-314/12 UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH ECLI:EU:C:2014:192
- C-314/91 Beate Weber v European Parliament ECLI:EU:C:1993:109
- C-327/18 PPU, Minister for Justice and Equality (Deficiencies in the System of Justice), EU:C:2018:586
- C-327/91 France v Commission EU:C:1994:305
- C-333/13 Elisabeta Dano and Florin Dano v Jobcenter Leipzig ECLI:EU:C:2014:2358

- C-34/10 Oliver Brüstle v Greenpeace eV ECLI:EU:C:2011:669
- C-345/82 Wünsche Handelsgesellschaft GmbH & Co v Federal Republic of Germany ECLI:EU:C:1984:166
- C-36/02 Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn ECLI:EU:C:2004:614
- C-377/98 Kingdom of the Netherlands v European Parliament and Council of the European Union ECLI:EU:C:2001:523
- C-394/12 Shamso Abdullahi v Bundesasylamt ECLI:EU:C:2013:813
- C-399/11 Stefano Melloni v Ministerio Fiscal ECLI:EU:C:2013:107
- C-4/11 Bundesrepublik Deutschland v Kaveh Puid ECLI:EU:C:2013:740
- C-4/73 J. Nold, Kohlen- und Baustoffgroßhandlung v Commission of the European Communities ECLI:EU:C:1975:114
- C-40/64 Marcello Sgarlata and others v Commission of the EEC ECLI:EU:C:1965:36
- C-418/11 Texdata Software GmbH EU:C:2013:588
- C-42/17 Criminal Proceedings against M.A.S. and M.B., ECLI:EU:C:2017:936
- C-425/13 Commission v Parliament (EU-Australia Trading Emissions Agreement) EU:C:2015:483
- C-44/79 Liselotte Hauer v Land Rheinland-Pfalz ECLI:EU:C:1979:290
- C-459/03 Commission v Ireland (Mox Plant) ECLI:EU:C:2006:345
- C-490/16 A.S. v Republika Slovenija ECLI:EU:C:2017:585
- C-493/10 M.E. and Others v Refugee Applications Commissioner, Minister for Justice, Equality and Law Reform ECLI:EU:C:2011:865
- C-528/11 Zuheyr Frayeh Halaf v Darzhavna Agentsia za bezhantsite Pri Ministerskia Savet, ECLI:EU:C:2013:342
- C-528/15 Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v Salah Al Chodor and Others ECLI:EU:C:2017:213
- C-544/10 Deutsches Weintor eG v Land Rheinland-Pfalz ECLI:EU:C:2012:526
- C-555/07 Küçükdeveci v Swedex GmbH & Co KG ECLI:EU:C:2010:21
- C-571/10 Kamberaj v Istituto per l'Edilizia sociale della Provincia Autonoma di Bolzano (IPES) and Others ECLI:EU:C:2012:233
- C-578/16 PPU C.K. and Others v C. K. and Others v Republika Slovenija ECLI:EU:C:2017:12
- C-6/64 Costa Flaminio Costa v Ente Nazionale per l'Energia Elettrica (ENEL) ECLI:EU:C:1964:66
- C-617/10 Åklagaren v Hans Åkerberg Fransson, EU:C:2013:105
- C-62/14 Peter Gauweiler and Others v Deutscher Bundestag EU:C:2015:400
- C-63/15 Mehrdad Ghezalbash v Staatssecretaris van Veiligheid en Justitie ECLI:EU:C:2016:409
- C-646/16 Khadija Jafari and Zainab Jafari ECLI:EU:C:2017:586
- C-646/16 Proceedings brought by Khadija Jafari and Zainab Jafari ECLI:EU:C:2017:586
- C-67/14 Jobcenter Berlin Neukölln v Nazifa Alimanovic and Others ECLI:EU:C:2015:597
- C-70/10 Scarlett v SABAM, EU:C:2011:771
- Charter of Fundamental Rights of the European Union [2012] OJ C326/02
- Council of Europe (1976) Committee of Ministers Resolution 76(2) on the treatment of long-term prisoners. 17 February 1976, <https://rm.coe.int/16804f2385>. Accessed 23 Mar 2020
- Council of Europe (2000) Gazette Committee of Ministers, No. V/2000, Decision of 711th Meeting
- Council of Europe (2003) Recommendation Rec(2003)22 to Member States on Conditional Release (Parole). Committee of Ministers, Recommendation 2003(22) of 24 September 2003, <https://rm.coe.int/16800ccb5d>. Accessed 23 Mar 2020
- Council of Europe (2016) News Statement by Jörg Polakiewicz on the Accession to the European Convention on Human Rights, 20 April 2016, https://www.coe.int/en/web/dlapil/news-dlapil/-/asset_publisher/1xo0pr9X85OQ/content/accession-to-the-european-convention-on-human-rights?inheritRedirect=false. Accessed 23 Mar 2020
- Council of Europe (2017) Terrorism and Human Rights – News, 4 June 2017, < https://www.coe.int/en/web/portal/terrorism-and-human-rights-news/-/asset_publisher/tAWO07mTaocO/content/london-terrorist-attack?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fportal%2FTerrorism-and-human-rights-news%3Fp_id%3D101_

- INSTANCE_tAWO07mTaocO%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D1>. Accessed 23 Mar 2020
- Council of Europe (2017) Terrorism and Human Rights – News, Statement by the Secretary General on the London Attack, 4 June 2017, < https://www.coe.int/en/web/portal/terrorism-and-human-rights-news/-/asset_publisher/tAWO07mTaocO/content/tatement-by-the-secretary-general-on-the-london-attack?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fportal%2FTerrorism-and-human-rights-news%3Fp_p_id%3D101_INSTANCE_tAWO07mTaocO%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D1. Accessed 23 Mar 2020
- Council of Europe (2019) Resolution 2273: Establishment of a European Union Mechanism on Democracy, the Rule of Law and Fundamental Rights, Parliamentary Assembly, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=27606&lang=en>. Accessed 23 Mar 2020
- Council of Europe Chart of Signatures and Ratifications of Treaty 214, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/214/signatures?p_auth=khCVLKT2. Accessed 23 Mar 2020
- Council of Europe, EU Accession to the ECHR, <https://www.coe.int/en/web/human-rights-inter-governmental-cooperation/accession-of-the-european-union-to-the-european-convention-on-human-rights>. Accessed 23 Mar 2020
- Council of the European Union (2002) Framework Decision on the European Arrest Warrant. OJ L 190, 18.7.2002, p. 1–20
- Council of the European Union (2019) Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Note from the Presidency to the Permanent Representatives Committee. Brussels, 20 September 2019, 12349/19, <http://www.statewatch.org/news/2019/sep/eu-council-accession-coe-12349-19.pdf>. Accessed 23 Mar 2020
- Council of the European Union (2019) Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). General Secretariat, Brussels, (12349/19) <http://www.statewatch.org/news/2019/sep/eu-council-accession-coe-12349-19.pdf>. Accessed 23 Mar 2020
- Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 50, 25.2.2003 (Dublin II)
- Customs and Excise Commissioners v ApS Samex [1983]1 All ER 1042
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection OJ L 180, 29.6.2013, p. 96–116
- Draft Revised Agreement on the Accession of the European Union to the Convention on Human Rights and Fundamental Freedoms, as Appendix 1 in Final Report to the CDDH, 47+1 (2013) 008rev2, 10 June 2013, 4-12
- Draft Treaty Establishing a Constitution for Europe Official Journal C 169, 18/07/2003 P. 0001 – 0105
- European Commission (2000) Commission and Non-Governmental Organisations: Building A Stronger Partnership. Commission Discussion Paper COM(2000) 11 final
- European Commission (2001) European Governance: A White Paper. Brussels, COM(2001) 428 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A110109>. Accessed 23 Mar 2020
- European Commission (2010) Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union. Communication COM (2010) 573 final
- European Commission (2014) A New EU Framework to Strengthen the Rule of Law. Communication from the Commission to the European Parliament and the Council. COM (2014)158final

- European Commission (2016) President Juncker delivers speech on the 25th anniversary of the Maastricht Treaty. Daily News, Brussels, 9 December 2016, https://europa.eu/rapid/press-release_MEX-16-4341_en.htm. Accessed 23 Mar 2020
- European Commission (2016) Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe, 6 April 2016, COM (2016) 197 final
- European Commission (2016), Opinion regarding the Rule of Law in Poland, C(2016) 3500 final
- European Commission (2017) Commission Staff Working Document on the Application of the EU Charter of Fundamental Rights in 2016 accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on 2016. Report on the Application of the EU Charter of Fundamental Rights, SWD (2017) 162 final
- European Commission (2017) State of The Union 2017 Catching the Wind in Our Sails. Press Release, 12 September 2017, <https://ec.europa.eu/digital-single-market/en/news/state-union-2017-catching-wind-our-sails>. Accessed 23 Mar 2020
- European Commission (2017) White Paper on the Future of Europe and the Way Forward: Reflections and Scenarios for the EU, 1 March 2017, https://ec.europa.eu/commission/future-europe/white-paper-future-europe-and-way-forward_en. Accessed 23 Mar 2020
- European Commission (2017) White Paper on the Future of Europe: Five Scenarios, 1 March 2017, https://ec.europa.eu/commission/future-europe/white-paper-future-europe/white-paper-future-europe-five-scenarios_en. Accessed 23 Mar 2020
- European Commission (2017) White Paper on the Future of Europe: Reflections and Scenarios for the EU27/2025 by 2025. COM(2017), https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf. Accessed 23 Mar 2020
- European Commission (2019) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Strengthening the Rule of Law within the Union - A Blueprint for Action. Brussel. COM(2019) 343 final
- European Commission (2019) Further Strengthening the Rule of Law within the Union: State of Play and Possible Next Steps. Communication from the European Commission to the European Parliament, the European Council and the Council, COM/2019/163 final
- European Commission (2019) Further Strengthening the Rule of Law within the Union: State of Play and Possible Next Steps. Communication from the European Commission to the European Parliament, the European Council and the Council. COM/2019/163 final
- European Commission (2019) Op-Ed - The European Way of Life. Statement, 16 September 2019 https://ec.europa.eu/commission/commissioners/2019-2024/president/announcements/op-ed-european-way-life_en. Accessed 23 Mar 2020
- European Commission (2019) Strengthening the Rule of Law within the Union - A Blueprint for Action. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Brussel. COM (2019) 343 final
- European Commission (2019), The von der Leyen Commission: For a Union that Strives for More. Press Release, 10 September 2019, https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5542. Accessed 23 Mar 2020
- European Council (2016) Speech by President Donald Tusk at the event marking the 40th anniversary of European People Party (EPP). Press Releases. <https://www.consilium.europa.eu/en/press/press-releases/2016/05/30/pec-speech-epp/>. Accessed 23 Mar 2020
- European Council (2017) European Council (Art. 50) Guidelines for Brexit Negotiations. Press release, 29 April 2017, <https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brex-it-guidelines>. Accessed 23 Mar 2020
- European Council (2017) European Council (Art. 50) Guidelines for Brexit Negotiations. Press release, 29 April, <https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brex-it-guidelines>. Accessed 23 Mar 2020

- European Council (2017) Speech by President Donald Tusk at the Ceremony of the 60th Anniversary of the Treaties of Rome. Press Release, 25 March 2017, <https://www.consilium.europa.eu/en/press/press-releases/2017/03/25/tusk-ceremony-rome-speech/>. Accessed 23 Mar 2020
- European Council (2019) European Council Meeting (17 and 18 October 2019) – Conclusions. General Secretariat of the Council, Brussels, EUCO 23/19 CO EUR 22 CONCL 7
- European Council (2019) New Strategic Agenda: 2019-2024. 20 June 2019, <https://www.consilium.europa.eu/media/39914/a-new-strategic-agenda-2019-2024-en.pdf>. Accessed 23 Mar 2020
- European Court of Human Rights (2015) Annual Report 2014. http://www.echr.coe.int/Documents/Annual_Report_2014_ENG.pdf. Accessed 23 Mar 2020
- European Economic Community (EEC) Treaty – Treaty of Rome
- European Parliament (2008) European Parliament Resolution of 20 February 2008 on the Treaty of Lisbon OJ C 184 E/25
- European Parliament (2010) Resolution of 15 December 2010 on the situation of fundamental rights in the European Union– Effective Implementation after the Entry into Force of the Treaty of Lisbon (2009/2161(INI) http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/provisoire/2010/12-15/0483/P7_TA-PROV%282010%290483_EN.pdf. Accessed 23 Mar 2020
- European Parliament (2016) Committee on Constitutional Affairs – Meeting 20/04/2016. AFCO_PV (2016)0420_1. <https://www.europarl.europa.eu/news/en/press-room/20160414IPR23145/committee-on-constitutional-affairs-meeting-20-04-2016-am> accessed 23 Mar 2020
- European Parliament (2017) UK Withdrawal from the European Union: Legal and Procedural Issues’, European Parliamentary Research Service, March 2017, http://www.europarl.europa.eu/RegData/etudes/IDAN/2017/599352/EPRS_IDA%282017%29599352_EN.pdf. Accessed 23 Mar 2020
- European Parliament (2019) David Sassoli Elected President of the European Parliament. Press Releases – News, 3 July 2019, <https://www.europarl.europa.eu/news/en/press-room/20190627IPR55410/david-sassoli-elected-president-of-the-european-parliament>. Accessed 23 Mar 2020
- European Parliament (2019) Resolution of 12 February 2019 on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework (2017/2089 (INI))
- European Union (Withdrawal Agreement) Bill 2019-20, <https://publications.parliament.uk/pa/bills/lbill/58-01/016/5801016.pdf>. Accessed 23 Mar 2020
- European Union (Withdrawal) Act 2018 (c. 16) <http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>. Accessed 23 Mar 2020
- European Union Agency for Fundamental Rights (2007), EU Charter of Fundamental rights: Explanations relating to the Charter of Fundamental Rights. Official Journal of the European Union C 303/17 - 14.12.2007, <https://fra.europa.eu/en/charterpedia/article/53-level-protection>. Accessed 23 Mar 2020
- European Union Agency for Fundamental Rights (2012) Bringing the Charter to Life: Opportunities and Challenges of Putting the Charter of Fundamental Rights into Practice. Copenhagen Seminar Report, Danish Presidency of the Council of the EU and EU Agency for Fundamental Rights, Copenhagen, 15-16 March 2012 <https://fra.europa.eu/sites/default/files/copenhagen-seminar-report.pdf>. Accessed 23 Mar 2020
- European Union, EU Pioneers, https://europa.eu/european-union/about-eu/history/eu-pioneers_en. Accessed 23 Mar 2020
- General Secretariat of the Council (2019), Council Conclusion, Brussels, 18 October, EUCO 23/19 CO EUR 22 CONCL 7
- HM Government (2017) The United Kingdom’s Exit from and New Partnership with the European Union’, CM9417, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589191/The_United_Kingdoms_exit_from_and_partnership_with_the_EU_Web.pdf accessed 23 Mar 2020

- HM Government (2019) Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840656/Political_Declaration_setting_out_the_framework_for_the_future_relationship_between_the_European_Union_and_the_United_Kingdom.pdf accessed 23 Mar 2020
- Joined C-36, 37, 18 and 40/59 Präsident Ruhrkolen-Verkaufsgesellschaft mbH, Geitling Ruhrkohlen-Verkaufsgesellschaft mbH, Mausegatt Ruhrkohlen-Verkaufsgesellschaft mbH and I. Nold KG v High Authority of the European Coal and Steel Community ECLI:EU:C:1960:36
- Joined Cases C-187/01 and C-385/01 Hüseyin Gözütok and Klaus Brügge ECLI:EU:C:2003:87
- Joined Cases C-402 and 415/05 P Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission of the European Union [2008] ECLI:EU:C:2008:461
- Joined Cases C-404/15 and C-659/15 PPU PPU Pál Aranyosi and Robert Căldăraru v Generalstaatsanwaltschaft Bremen ECLI:EU:C:2016:198
- Joined Cases C-411/10 and C-493/10 N. S. v Secretary of State for the Home Department and M. E. and Others v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform ECLI:EU:C:2011:865
- Joined Cases C-584/10 P, C-593/10 P and C-595/10 P, Commission and United Kingdom v. Kadi, EU:C:2013:518
- Life Imprisonment 45 BVerfGE 187, Decision of 21 June 1977
- Lissabon (Treaty of Lisbon), 2009 BVerfG 123, 267
- Maastricht (Solange III), BVerfGE 89, 155 - reported in English as Brunner v European Union Treaty [1994] CMLR 57
- Minister for Justice and Equality v Celmer (No.4) [2018] IEHC 484
- Opinion 1/09 of 8 March 2011 ECLI:EU:C:2011:123
- Opinion 1/76 of 28 April 1977 ECLI:EU:C:1977:63
- Opinion 1/91 of 14 December 1991 ECLI:EU:C:1991:490
- Opinion 2/13 of 18 December 2014 ECLI:EU:C:2014:2454
- Opinion 2/94 of 28 March 1996 ECLI:EU:C:1996:140
- Opinion of Advocate General Cruz Villalón in Peter Gauweiler and Others v Deutscher Bundestag ECLI:EU:C:2015:7
- Opinion of Advocate General Jacobs in C-168/91 Christos Konstantinidis v Stadt Altensteig - Standesamt and Landratsamt Calw – Ordnungsamt ECLI:EU:C:1992:504
- Opinion of Advocate General Kokkot in C-550/07 P Akzo Nobel Chemicals Ltd v European Commission ECLI:EU:C:2010:229
- Opinion of Advocate General Lagrange C-14/61 Hoogovens v High Authority ECLI:EU:C:1962:19
- Opinion of Advocate General Poiares Maduro in C-303/06 S. Coleman v Attridge Law and Steve Law ECLI:EU:C:2008:61
- Opinion of Advocate General Stix-Hackl in C-36/02 Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn ECLI:EU:C:2004:162
- Opinion of the Economic and Social Committee on The Role and Contribution of Civil Society Organisations in the Building of Europe (1999) OJ C329/10
- Outright Monetary Transactions (2014) BVerfGE 134, 366 BVerfG, 2 BvR 2728/13
- Presidency of the Council of the European Union, (2019), Finland's Presidency Programme, 1 July – 31 December 2019, <https://eu2019.fi/documents/11707387/14346258/EU2019FI-EU-puheenjohtajakauden-ohjelma-en.pdf/3556b7f1-16df-148c-6f59-2b2816611b36/EU2019FI-EU-puheenjohtajakauden-ohjelma-en.pdf>. Accessed 23 Mar 2020
- Pretty v United Kingdom [2002] 35 EHRR 1
- Prime Minister of Finland Antti Rinne's Speech (2019) Follow-up to the Strategic Agenda. EU2019FI Government Communications Department, European Council, 18 October 2019,

- https://eu2019.fi/en/article/-/asset_publisher/paaministeri-antti-rinne-strategisen-ohjelma-jatkotoimet. Accessed 23 Mar 2020
- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, Council of Europe Treaty Series No. 194
- R (Hemmati & Ors) (AP) v Secretary of State for the Home Department [2019] UKSC 56
- R (on the application of EM (Eritrea) v Secretary of State for the Home Department [2014] UKSC 12
- Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L180/2013 (Dublin III)
- Single European Act 1986
- Solange I, BVerfGE 37, 271 - reported in English as Internationale Handelsgesellschaft [1974] 2 CMLR 540
- Solange II, BVerfGE 73, 339 - reported in English as Re Wünsche Handelsgesellschaft [1987] 3 CMLR 225
- Supreme Court (2014) R (on the application of EM (Eritrea)) (appellant) v Secretary of State for the Home Department (respondent) [2014] UKSC 12. Press Summary. <https://www.supremecourt.uk/cases/docs/uksc-2012-0272-press-summary.pdf>. Accessed 23 Mar 2020
- T-184/97 BP Chemicals Ltd v Commission of the European Communities, ECLI:EU:T:2000:217
- The European Convention, Praesidium <http://european-convention.europa.eu/EN/praesidium/praesidium2352.html>. Accessed 23 Mar 2020
- UK House of Commons (2014) Block Opt-out Decision: Follow-Up. European Scrutiny Committee, 12 January 2014 HC919, Q45, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/european-scrutiny-committee/2014-block-optout-decision-follow-up/oral/17488.html>. Accessed 23 Mar 2020
- View of Advocate General Kokott relating to Opinion 2/13, EU:C:2014:2475

Secondary Sources

- Achen C (2006) Institutional realism and bargaining models. In: Thompson R, Stokman F, Achen C, König T (eds) *The European Union decides*. Cambridge University Press, Cambridge, pp 86–123
- Ackermann T (2005) Case C-36/02, Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn. *Common Market Law Rev* 42(4):1107–1120
- Addink H (2019) *Good governance: concept and context*. Oxford University Press, Oxford
- Afilalo A, Patterson D (2012) Statecraft and the foundations of European Union law. In: Dickson J, Eleftheriadis P (eds) *Philosophical foundations of European Union Law*. Oxford University Press, Oxford, pp 275–306
- Alesina A, Rosenthal H (1995) *Partisan politics, divided government and the economy*. Cambridge University Press, Cambridge
- Alter K (2001) *Establishing the supremacy of European Law. The making of an international rule of law in Europe*. Oxford University Press, Oxford
- Andreadakis S (2015) Problems and challenges of the EU's accession to the ECHR: empirical findings with a view to the future. In: Morano-Foadi S, Vickers L (eds) *Fundamental rights in the EU*. Hart Publishing, Oxford, pp 46–68
- Arai-Takahashi Y (2002) *The margin of appreciation doctrine and the principle of proportionality in the jurisprudence of the ECHR*. Intersentia, Antwerp

- Arnulf A (2012) Judicial dialogue in the European Union. In: Dickson J, Eleftheriadis P (eds) *Philosophical foundations of European Union law*. Oxford University Press, Oxford, pp 109–136
- Arregui J, Stockman F, Thomson R (2006) Compromise, exchange and challenge in the European Union. In: Thompson R, Stockman F, Achen C, König T (eds) *The European Union decides*. Cambridge University Press, Cambridge, pp 124–152
- Avbelj M, Komarek J (2012) *Constitutional pluralism in Europe and Beyond*. Hart Publishing, Oxford
- Avbelj M (2012) Can European integration be constitutional and pluralist – both at the same time? In: Avbelj M, Komárek J (eds) *Constitutional pluralism in the European Union and beyond*. Hart Publishing, Oxford, pp 381–410
- Avbelj M (2018) *The European Union under transnational law*. Hart Publishing, Oxford
- Avbelj M, Komárek J (2008) Four visions of constitutional pluralism – symposium transcript. *Eur J Legal Stud* 2(1):1–37
- Bagaric M, Allan J (2006) The vacuous concept of dignity. *J Hum Rights* 5(2):257–270
- Bagchi K (2015) Comments on the fallibility of the European Union Accession Project Jean-Monnet-Saar/Europarecht Online. <http://jean-monnet-saar.eu/?p=745>. Accessed 23 Mar 2020
- Bakker B (2008) Blogs as constitutional dialogue: rethinking the dialogic promise. *N Y Univ Ann Survey Am Law* 63(2):215–266
- Baldwin J, Davis G (2003) Empirical research in law. In: Tushnet M, Cane P (eds) *The Oxford handbook of legal studies*. Oxford University Press, Oxford, pp 881–900
- Banakar R (2003) *Merging law and sociology*. Galda & Wilch, Berlin
- Banakar R (2009) Power, culture and method in comparative law. *Int J Law Context* 5(1):69–85
- Banakar R (2011) Having one’s cake and eating it: the paradox of contextualisation in socio-legal research. *Int J Law Context* 7(4):487–503
- Bandura A (1986) *Social foundations of thought and action: a social cognitive theory*. Prentice-Hall, New Jersey
- Banfield E (1961) *Political influence*. Free Press of Glencoe, New York
- Bañkowski Z, Christodoulidis E (1998) The European Union as an essentially contested project. *Eur Law J* 4(4):341–354
- Baquero Cruz J (2008) The legacy of the Maastricht-Urteil and the pluralist movement. *Eur Law J* 14(4):389–422
- Barents R (2004) *The autonomy of community law*. Kluwer Law, The Hague
- Barents R (2012) The Fallacy of multilevel constitutionalism. In: Avbelj M, Komárek J (eds) *Constitutional pluralism in the European Union and beyond*. Hart Publishing, Oxford, pp 153–184
- Barkhuysen T, van Emmerik M (2005) A comparative view on the execution of judgments of the European Court of human rights. In: Christou T, Raymond JP (eds) *European Court of human rights: remedies and execution of judgments*. BIICL, London, pp 1–24
- Barrilleaux C, Reenock C, Souva M (2017) *Democratic policy-making: an analytical approach*. Cambridge University Press, Cambridge
- Bates E (2010) *The Evolution of the European Convention on Human Rights: From Its Inception to the Creation of a Permanent Court of Human Rights*. Oxford University Press, Oxford
- BBC News (2014) Migrants backed by Court in Italy deportation fight, 19 February 2014, <http://www.bbc.co.uk/news/uk-26267245>. Accessed 23 Mar 2020
- Beck G (2011) The Lisbon Judgment of the German constitutional court, the primacy of EU law and the problem of Kompetenz-Kompetenz: a conflict between right and right in which there is no praetor. *Eur Law J* 17(6):470–494
- Begg I (2013) Margaret Thatcher maintained a difficult relationship with Europe, but she was far from a figurehead for Euroscepticism. In: LSE Blog, <https://blogs.lse.ac.uk/europpblog/2013/04/17/margaret-thatcher-relationship-with-europe-euroscepticism-figurehead-ian-begg/>. Accessed 23 Mar 2020
- Bell J (1995) English law and French law – not so different? *Curr Leg Probl* 48(2):63–101

- Bell J (2006) Chapter five: civil law tradition. In: Foster HDN, editor. *A fresh start for comparative legal studies? A collective review of Patrick Glenn's legal traditions of the World*, 2nd ed. *J Comp Law* 1(1):130–139
- Belov M (ed) (2018) *Global constitutionalism and its challenges to Westphalian constitutional law*. Hart Publishing, Oxford
- Bengoetxea J (1993) *The legal reasoning of the European Court of justice: towards a European jurisprudence*. Oxford University Press, Oxford
- Besselink L (2014) The ECJ as the European “Supreme Court”: setting aside citizens’ rights for EU law supremacy. In: *VerfassungBlog*, 18 August 2014, <https://verfassungsblog.de/ecj-european-supreme-court-setting-aside-citizens-rights-eu-law-supremacy>. Accessed 23 Mar 2020
- Bickerton C, Hodson D, Puetter U (2015) The new intergovernmentalism: European integration in the post-Maastricht era. *J Common Market Stud* 53(4):703–722
- Billiet S (2009) Principal-agent analysis and the study of the EU: what about the EC’s external relations? *Comp Eur Politics* 7(4):435–454
- Bjorge E, Lang A, Smith E (2018) Treaties, brexit and the constitution. Submission to the House of Lords Liaison Committee ‘Review of Investigative and Scrutiny Committees’ Inquiry, 20 April 2018, https://www.law.ox.ac.uk/sites/files/oxlaw/hllc_submission-april2018.pdf. Accessed 23 Mar 2020
- Black D (1958) *Theories of committees and elections*. Cambridge University Press, Cambridge
- Bobek M (2013) *Comparative reasoning in European Supreme Courts*. Oxford University Press, Oxford
- Bobic A (2017) Constitutional pluralism is not dead: an analysis of interactions between constitutional courts of member states and the European Court of justice. *German Law J* 18(6):1395–1428
- Bonelli M (2018) The Taricco Saga and the Consolidation of Judicial Dialogue in the European Union: CJEU, C-105/14 Ivo Taricco and others, ECLI:EU:C:2015:555; and C-42/17 M.A.S., M.B., ECLI:EU:C:2017:936 Italian Constitutional Court, Order no. 24/2017. *Maastricht J Eur Comp Law* 25(3):357–373
- Börzel T, Van Hüllen V (2014) One voice, one message, but conflicting goals: cohesiveness and consistency in the European neighbourhood policy. *J Eur Public Policy* 21(7):1033–1049
- Bouveresse A (2010) *Le Pouvoir Discrétionnaire Dans l’ordre Juridique Communautaire*. Bruylant, Bruxelles
- Brauch JA (2004) The margin of appreciation and the jurisprudence of the European Court of human rights: threat to the rule of law. *Columbia J Eur Law* 11(1):113–149
- Brauch JA (2009) The dangerous search for an elusive consensus: what the Supreme Court should learn from the European Court of human rights. *Howard Law J* 52(2):277–318
- Brems E (2001) *Human rights: universality and diversity*. Martinus Nijhoff Publishers, The Hague
- Brems E (2003) The margin of appreciation doctrine of the European Court of human rights: accommodating diversity within Europe. In: Forsythe DP, McMahon PC (eds) *Human rights and diversity: area studies revisited*. University of Nebraska Press, London, pp 81–110
- Bröhmer J (2004) Case C-36/02. *Europäische Zeitschrift für Wirtschaftsrecht* 15:753–757
- Brouwer E (2013) Mutual trust and the Dublin regulation: protection of fundamental rights in the EU and the Burden of Proof. *Utrecht Law Rev* 9(1):135–147
- Brunkhorst H, Eig Müller M, Fossum JE (2017) European transformations: are the crises really over or is it just the end of their beginning? *Eur Law J* 23(5):310–314
- Bruton J (2004) The Convention on the future of Europe and its draft constitution for Europe. *Irish Stud Int Aff* 15:57–72
- Bryde B-O (2010) The ECJ’s fundamental rights jurisprudence – a milestone in transnational constitutionalism. In: Póitares Maduro M, Azoulay L (eds) *The past and future of EU law: the classics of EU law revisited on the 50th anniversary of the Rome Treaty*. Hart Publishing, Oxford, pp 119–130
- Bulterman MK, Kranenborg HR (2006) What if rules on free movement and human rights collide? About laser games and human dignity: the omega case. *Eur Law Rev* 31(1):93–101

- Bumke C, Voßkuhle A (2019) *German constitutional law: introduction, cases, and principles*. Oxford University Press, Oxford
- Burgess M (1989) *Federalism and the European Union: political ideas, influences and strategies in the European community*. Routledge, London
- Burley A-M, Mattli W (1993) Europe before the court: a political theory of legal integration. *Int Organ* 47(1):41–76
- Burns C, Carter N (2018) Brexit and UK environmental policy and politics. *French J Br Stud* XXIII-3:1–17
- Byberg R (2017) The history of the integration through law project: creating the academic expression of a constitutional legal vision for Europe. *German Law J* 18(6):1531–1556
- Cahillane L, Schweppe J (eds) (2019) *Case studies in legal research methodologies: reflections on theory and practice*. Clarus Press, Dublin
- Callewaert J (2009) The European convention on human rights and European Union law: a long way to harmony. *Eur Hum Rights Law Rev* 6:768–783
- Cappelletti M, Seccombe M, Weiler JHH (1985) Integration through law: Europe and the American federal experience — a general introduction. In: Cappelletti M, Weiler JHH (eds) *Integration through law: Europe and the American federal experience, vol 1: methods, tools and institutions, Bk 1: a political, legal and economic overview*. Walter de Gruyter, Berlin, pp 3–70
- Carozza P (2003) Subsidiarity as a structural principle of international human rights law. *Am J Int Law* 97(1):38–79
- Cartabia M (2015) Europe as a space of constitutional interdependence: new questions about the preliminary ruling. *German Law J* 16(6):1791–1796
- Casadesus-Masanell R, Spulber D (2010) Agency revisited. Harvard Business School Working Paper No. 10-082
- Chalmers D, Davies G, Monti A (2019) *European Union public law, 4th edn*. Cambridge University Press, Cambridge
- Chancellery of the Prime Minister of Poland (2018) White paper on the reform of the Polish judiciary, Warsaw, 7 March 2018, https://www.premier.gov.pl/files/files/white_paper_en_full.pdf. Accessed 23 Mar 2020
- Chang WC (2019) Back into the political? Rethinking judicial, legal, and transnational constitutionalism. *Int J Const Law* 17(2):453–460
- Charvet J, Kaczynska-Nay E (2008) *The liberal project and human rights: the theory and practice of a new world order*. Cambridge University Press, Cambridge
- Cheyne I (2014) Deference and the use of the public policy exception in international courts and tribunals. In: Gruszczynski L, Werner W (eds) *Deference in international courts and tribunals: standard of review and margin of appreciation*. Oxford University Press, Oxford, pp 38–57
- Chu G (2006) Playing at killing freedom of movement. *Leg Iss Econ Integr* 33(1):85–94
- Claes M (2016) The validity and primacy of EU law and the ‘Cooperative Relationship’ between National Constitutional Courts and the Court of Justice of the European Union. *Maastricht J Eur Comp Law* 23(1):151–170
- Claes M, De Visser M (2012) The Court of Justice as a federal constitutional court: a comparative perspective. In: Cloots E, De Baere G, Sottiaux S (eds) *Federalism in the European Union*. Hart Publishing, Oxford, pp 83–109
- Claes M, Reestman J-H (2015) The protection of National Constitutional identity and the limits of European integration at the occasion of the Gauweiler case. *German Law J* 16(4):917–970
- Claes M, De Visser M, Popelier P, van de Heyning C (eds) (2013) *Constitutional conversations in Europe, actors, topics and procedures*. Intersentia, Antwerp
- Cohen-Jonathan G (1994) Les Rapports Entre la Convention Européenne des Droits de l’homme et les Autres Traités Conclus par les Etats Parties. In: Lawson R, de Blois M (eds) *The dynamics of the protection of human rights in Europe: essays in Honour of Henry G. Schermers, vol III*. Martinus Nijhoff Publishers, The Hague, pp 79–111
- Cohen-Jonathan G (2002) *Aspects Européens des Droits Fondamentaux, 3rd edn*. Montchrestien, Paris

- Conrad M (2019) Brexit has been a wake-up call about the value of European Integration. In: LSE Blogs, 25 June 2019, <https://blogs.lse.ac.uk/brexit/2019/06/25/brexit-has-been-a-wake-up-call-about-the-value-of-european-integration/>. Accessed 23 Mar 2020
- Cooper I, Smith J (2017) Governance without democracy? Analysing the role of parliaments in European economic governance after the crisis – conclusions. *Parliam Aff* 70(4):645–654
- Coppel J, O’Neill A (1992) The ECJ: taking rights seriously? *Common Market Law Rev* 29(4):669–692
- Corrias L (2017) The empty place of European power: contested democracy and the technocratic threat. *Eur Law J* 23(6):482–494
- Costa J-P (2013) Human dignity in the jurisprudence of the European Court of human rights. In: McCrudden C (ed) *Understanding human dignity – proceedings of the British Academy*, vol 192. Oxford University Press, Oxford, pp 393–402
- Costello C (2016) *The human rights of migrants and refugees in European Law*. Oxford University Press, Oxford
- Cotterrell R (1984) *The sociology of law: an introduction*. Butterworths, Oxford
- Craig P (1992) Once upon a time in the West: direct effect and the federalization of EEC law. *Oxford J Leg Stud* 12(4):453–479
- Craig P (2019) The EU, democracy and institutional structure: past, present and future. In: Bakardjieva Engelbrekt A, Groussot X (eds) *The future of Europe: political and legal integration beyond Brexit*. Hart Publishing, Oxford, pp 37–62
- Craig P, De Búrca G (2015) *EU law: text, cases and materials*, 6th edn. Oxford University Press, Oxford
- Croon-Gestefeld J (2016) Reverse Solange – Union citizenship as a detour on the route to European rights protection against national infringements. In: Kochenov D (ed) *EU citizenship and federalism: the role of rights*. Cambridge University Press, Cambridge, pp 665–684
- Croxton D (1999) The peace of Westphalia of 1648 and the origins of sovereignty. *Int History Rev* 21(3):569–591
- Cruz Villalón P (2012) Rights in Europe: the crowded house. In: Díez-Hochleitner Rodríguez J, Martínez Capdevila C, Blázquez Navarro I, Frutos Miranda J (eds) *Últimas tendencias en la jurisprudencia del Tribunal de Justicia de la Unión Europea (2008–2011)*. La Ley, Madrid, pp 1135–1152
- Cutler AC (2001) Critical reflections on the Westphalian assumptions of international law and organization: a crisis of legitimacy. *Rev Int Stud* 27(2):133–150
- Da Conceição-Heldt E (2013) Do Agents Run Amok? A comparison of agency slack in the EU and US trade policy in the Doha round. *J Comp Policy Anal* 15(1):21–36
- Da Conceição-Heldt E, Meunier S (2014) Speaking with a single voice: internal cohesiveness and external effectiveness of the EU in global governance. *J Eur Public Policy* 21(7):961–979
- Da Conceição-Heldt E, Meunier S (eds) (2015) *Speaking with a single voice: the EU as an effective actor in global governance?* Routledge, London
- Daddow O, Gifford C, Wellings B (2019) The battle of bruges: Margaret Thatcher, the foreign office and the unravelling of British European policy. *Political Res Exch* 1(1):1–24
- Dani M (2017) National Constitutional Courts in the European Constitutional democracy: a reply to Jan Komárek. *Int J Const Law* 15(3):801–814
- Dashwood A (1978) The principle of direct effect in European community law. *J Common Market Stud* 16(3):229–245
- Dashwood A (2018) EU acts and member state acts in the negotiation, conclusion and implementation of international agreements. In: Cremona M, Kilpatrick C (eds) *EU legal acts – challenges and transformations*. Oxford University Press, Oxford, pp 189–249
- Dauber D, Fink G, Yolles M (2012) Configuration model of organizational culture. *Sage Open* 2(1):1–16
- Davies M (2012) Legal pluralism. In: Kane P, Kritzer H (eds) *The Oxford handbook of empirical legal research*. Oxford University Press, Oxford, pp 805–827

- Dawson M, de Witte F (2013) Constitutional balance in the EU after the Euro-crisis. *Modern Law Rev* 76(5):817–844
- Dawson M, De Witte F (2016) From balance to conflict: a new constitution for the EU. *Eur Law J* 22(2):204–224
- De Búrca G (2011) The road not taken: the European Union as a global human rights actor. *Am J Int Law* 105(4):649–693
- De Búrca G (2014) International law before the Courts: the European Union and the United States compared. *New York University Public Law and Legal Theory Working Papers No 494*
- De Búrca G, Weiler JHH (2011) *The Worlds of European constitutionalism*. Cambridge University Press, Cambridge
- De Londras F, Dzehtsiarou K (2015) Managing judicial innovation in the European Court of human rights. *Hum Rights Law Rev* 15(3):523–547
- De Londras F, Dzehtsiarou K (2018) *Great debates on the European Convention on human rights*. Palgrave MacMillan, Basingstoke
- De Shutter O (2005) Anchoring the European Union to the European social charter: the case for accession. In: De Búrca G, De Witte B, Ogertschnig L (eds) *Social rights in Europe*. Oxford University Press, Oxford, pp 111–152
- De Vries S (2013) Balancing fundamental rights with economic freedoms according to the European Court of Justice. *Utrecht Law Rev* 9(1):169–192
- De Vries C (2018a) Euroscepticism and the future of European integration. Oxford University Press, Oxford
- De Vries C (2018b) What is the future of the European Union?. In: OUPblog, 11 March 2018, <https://blog.oup.com/2018/03/future-european-union-euroscepticism>. Accessed 23 Mar 2020
- De Waele H (2010) The role of the European Court of justice in the integration process: a contemporary and normative assessment. *Hanse Law Rev* 6(1):3–21
- De Witte B (2009) The Lisbon Treaty and National constitutions more or less Europeanisation? In: Closa C (ed) *The Lisbon Treaty and National Constitutions: Europeanisation and democratic implications*. ARENA Report No. 3/09: 25–48
- De Witte B (2011) The European Union as an international legal experiment. In: De Búrca G, Weiler JHH (eds) *The worlds of European constitutionalism*. Cambridge University Press, Cambridge, pp 19–56
- Dehousse R (2001) Naissance d'un Constitutionnalisme Transnational. In: *Pouvoirs R* (ed) No 96, *Les Cours Européennes*. Seuil, Luxembourg, pp 19–30
- Dehousse R, Weiler JHH (1990) The legal dimension. In: Wallace W (ed) *The dynamics of European integration*. Columbia University Press, New York, pp 242–260
- Delreux T (2011) The EU as international environmental negotiator. Ashgate, Aldershot
- Delreux T, Adriaansen J (2017) Introduction: use and limitations of the principal–agent model in studying the European Union. In: Delreux T, Adriaansen J (eds) *The principal–agent model and the European Union*. Palgrave MacMillan, Basingstoke, pp 1–34
- Derlén M, Lindholm J (2017) Peek-A-Boo, It's a case law system! Comparing the European Court of Justice and the United States Supreme Court from a network perspective. *German Law J* 18(3):648–686
- Deutsch KW (1957) *Political community and the North Atlantic Area: international organization in the light of historical experience*. Princeton University Press, Princeton
- Di Francesco Maesa C (2018) Effectiveness and primacy of EU Law v. Higher National Protection of fundamental rights and national identity: a look through the lens of the Taricco II judgment. *EU CRIM* (1):50–56
- Dijkstra L, Poelman H, Rodriguez-Pose A (2018) The geography of EU discontent. European Commission Working Papers, WP 12/2018, https://ec.europa.eu/regional_policy/sources/docgener/work/2018_02_geog_discontent.pdf. Accessed 23 Mar 2020
- Dor G (2000) Constitutional dialogues in action: Canadian and Israeli experiences in comparative perspective. *Indiana Int Comp Law Rev* 11(1):1–36

- Douglas-Scott S (2006) A tale of two courts: Luxembourg, Strasbourg and the growing European human rights acquis. *Common Market Law Rev* 43(3):629–665
- Douglas-Scott S (2013) The Court of Justice of the European Union and the European Court of human rights after Lisbon. In: De Vries S et al (eds) *The protection of fundamental rights in the EU after Lisbon*. Hart Publishing, Oxford, pp 153–179
- Douglas-Scott S (2014) Opinion 2/13 on EU Accession to the ECHR: a christmas bombshell from the European Court of Justice. In: *UK Constitutional Law Blog*, 24 December 2014, <https://ukconstitutionallaw.org/2014/12/24/sionaidh-douglas-scott-opinion-213-on-eu-accession-to-the-echr-a-christmas-bombshell-from-the-european-court-of-justice/>. Accessed 23 Mar 2020
- Douglas-Scott S (2017) Brexit and the Scottish question. In: Fabbrini F (ed) *The law and politics of Brexit*. Oxford University Press, Oxford, pp 115–137
- Douzinas C (2000) *The end of human rights*. Hart Publishing, Oxford
- Dryzek J (2000) *Deliberative democracy and beyond: liberals, critics, contestation*. Oxford University Press, Oxford
- Dupré C (2014) Human dignity. In: Peers S, Hervey T, Kenner J, Ward A (eds) *The EU charter of fundamental rights: a commentary*. Hart Publishing, Oxford, pp 3–24
- Dupré C (2016) *The age of dignity: human rights and constitutionalism in Europe*. Hart Publishing, Oxford
- Dür A, Zimmermann H (2007) Introduction: the EU in international negotiations. *J Common Market Stud* 45(4):771–787
- Dworkin R (1977) *Taking rights seriously*. Harvard University Press, Massachusetts
- Dzhehtsiarou K (2011) European consensus and the evolutive interpretation of the European convention on human rights. *German Law J* 12(10):1730–1745
- Dzhehtsiarou K (2015) European consensus and the legitimacy of the European Court of human rights. Cambridge University Press, Cambridge
- Dzhehtsiarou K, Lock T (eds) (2015) The legal implications of a repeal of the Human Rights Act 1998 and withdrawal from the European Convention on human rights, <https://ssrn.com/abstract=2605487>. Accessed 23 Mar 2020
- Editorial Comments (2016) The rule of law in the Union, the rule of Union law and the rule of law by the Union: three interrelated problems. *Common Market Law Rev* 53:597–606
- Eeckhout P (2011) The growing influence of European Union law. *Fordham Int Law J* 33(5):1490–1521
- Eeckhout P (2015) Opinion 2/13 on EU accession to the ECHR and judicial dialogue: autonomy or Autarky? *Fordham Int Law J* 38(4):955–992
- Eigmüller M (2017) Beyond the crisis: the societal effects of the European transformation. *Eur Law J* 23(5):350–360
- Eisenhardt K (1989) Building theories from case study research. *Acad Manage Rev* 14(4):532–550
- Eisenstadt SN (ed) (1968) *Max Weber on Charisma and institution building*. University of Chicago Press, Chicago
- Emirbayer M, Mische A (1998) What is agency? *Am J Sociol* 103(4):962–1023
- Fabbrini F, Larik J (2014) Global counter-terrorism sanctions and European due process rules: the dialogue between the CJEU and the ECtHR. In: Avbelj M, Fontanelli F, Martinico G (eds) *Kadi on Trial: a multifaceted analysis of the Kadi Trial*. Routledge, Oxford, pp 137–156
- Fallon RH Jr (1997) The ‘Rule of Law’ as a concept in constitutional discourse. *Columb Law Rev* 97(1):1–56
- Feenan D (2013) Exploring the ‘Socio’ of socio-legal studies. In: Feenan D (ed) *Exploring the ‘Socio’ of socio-legal studies*. Palgrave, Basingstoke, pp 3–19
- Fenichel Pitkin H (1987) The idea of constitution. *J Leg Educ* 37(2):167–169
- Fetzer CT, Smith T (2004) The uncertain limits of the European Court of Justice’s authority: economic freedom versus human dignity. *Columb J Eur Law* 40(3):445–490
- Fichera M, Pollicino O (2019) The dialectics between constitutional identity and common constitutional traditions. Which language for cooperative Constitutionalism in Europe? *German Law J* 20(8):1097–1118

- Forowicz M (2011) State discretion as a paradox of EU evolution. EUI Working Papers MWP 2011/27
- Fossum J, Menéndez A (2011) *The Constitution's Gift: a constitutional theory for a democratic European Union*. Rowman and Littlefield, Lanham
- Foucault M (1991) *Discipline and punish: the birth of the prison*. Penguin, Harmondsworth
- Friedl P (2019) New laws of forgetting – the German Constitutional Court on the Right to be Forgotten. *European Law Blog*, <https://europeanlawblog.eu/2019/12/12/new-laws-of-forgetting-the-german-constitutional-court-on-the-right-to-be-forgotten/>. Accessed 23 Mar 2020
- Friedman L (1977) *Law and society: an introduction*. Prentice-Hall, New Jersey
- Fromage D, Van den Brink T (2018) Democratic legitimization of EU economic governance: challenges and opportunities for European legislatures. *J Eur Integr* 40(3):235–248
- Frowein JA, Schulhofer S, Shapiro M (1986) The protection of fundamental human rights as a vehicle of integration. In: Cappelletti M, Weiler JHH (eds) *Integration through law: Europe and the American Federal Experience*, vol 1: methods, tools and institutions, Bk 3: forces and potential for a European Identity. Walter de Gruyter, Berlin, pp 231–344
- Gaja G (2013) The 'Co-Respondent Mechanisms' according to the draft agreement for the accession of the EU to the ECHR. *ESIL Reflect* 2(1):1–6
- Galligan D (2006) *Law in modern society*. Oxford University Press, Oxford
- Gardbaum S (2013) *The new commonwealth model of constitutionalism*. Cambridge University Press, Cambridge
- Garganella R (2014) We the people outside of the constitution: the dialogic model of constitutionalism and the system of checks and balances. *Curr Leg Prob* 67(1):1–47
- Geoffrey S (2009) Interdisciplinarity and the authority paradigm: should law be taken seriously by scientists and social scientists? *J Law Soc* 36(4):431–459
- Gerards J (2017) The European Court of human rights. In: Jakab A et al (eds) *Comparative constitutional reasoning*. Cambridge University Press, Cambridge, pp 237–276
- Gerards J (2018) Margin of appreciation and incrementalism in the case law of the European Court of human rights. *Hum Rights Law Rev* 18(3):495–515
- Gerring J (2007) The case study: what it is and what it does. In: Boix C, Stokes S (eds) *Oxford handbook of comparative politics*. Oxford University Press, Oxford, pp 90–122
- Giddens A (1984) *The constitution of society: outline of the theory of structuration*. Polity Press, Oxford
- Giddens A (1991) *Modernity and self-identity: self-society in the late modern age*. Cambridge University Press, Cambridge
- Glencross A, Treschel AH (eds) (2010) *EU federalism and constitutionalism: the legacy of Altiero Spinelli*. Lexington Books, Plymouth
- Goderis BVG, Versteeg M (2013) Transnational constitutionalism: a conceptual framework. In: Galligan D, Versteeg M (eds) *The social and political foundations of constitutions*. Cambridge University Press, Cambridge, pp 103–133
- Goldmann M (2018) Hopes of progress: European integration in the history of international law. Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper No. 2018-26
- Goodwin-Gill G (1996) *The refugee in international law*, 2nd edn. Clarendon Press, Oxford
- Goodwin-Gill G (2007) The extraterritorial processing of claims to asylum or protection: the legal responsibilities of states and international organisations. *UTS Law Rev* 9:26–40
- Gragl P (2013) *The accession of the European Union to the European Convention on human rights*. Hart Publishing, London
- Gragl P (2014) A giant leap for European human rights: the final agreement on the European Union's accession to the European Convention on human rights. *Common Market Law Rev* 51(1):13–58
- Greer S (2004) Balancing and the European Court of human rights: a contribution to the Habermas-Alexy debate. *Camb Law J* 63(2):412–434

- Greer S (2005) Protocol 14 and the future of the European Court of human rights. *Public Law*:83–106
- Greer S (2006) *The European convention on human rights: achievements, problems and prospects*. Cambridge University Press, Cambridge
- Griffiths J (1986) What is legal pluralism? *J Legal Pluralism* 18(24):1–55
- Grimm D (1995) Does Europe need a constitution? *Eur Law J* 1(3):282–302
- Grimm D (2010) The achievement of constitutionalism and its prospects in a changed World. In: Dobner P, Loughlin M (eds) *The twilight of constitutionalism?* Oxford University Press, Oxford, pp 3–23
- Grin J (2010) Understanding transitions from a governance perspective, Part III. In: Grin J, Rotmans J, Schot J (eds) *Transitions to sustainable development. New directions in the study of long-term structural change*. Routledge, London, pp 223–338
- Grin J, Rotmans J, Schot J (2010) Conclusion: how to understand transitions? How to influence them? Synthesis and lessons for further research. In: Grin J, Rotmans J, Schot J (eds) *Transitions to sustainable development: new directions in the study of long-term transformative change*. Routledge, New York, pp 320–338
- Groussot X, Thor Petursson G (2012) Balancing as a judicial methodology of EU constitutional adjudication. In: De Vries S et al (eds) *Balancing fundamental rights with the EU treaty freedoms: the European Court of Justice as ‘Tightrope’ Walker*. Eleven International Publishing, The Hague, pp 43–69
- Groussot X, Zemskova A (2019) The resilience of rights and European Integration. In: Bakardjeva Engelbrekt A, Groussot X (eds) *The future of Europe: political and legal integration beyond Brexit*. Hart Publishing, Oxford, pp 97–128
- Guo K, Yolles M, Fink G, Iles P (2016) *The changing organization: agency theory in a cross-cultural context*. Cambridge University Press, Cambridge
- Haas E (1968) *The uniting of Europe: political, social and economic forces 1950–1957*. Stanford University Press, Stanford
- Haas E, Schmitter P (1964) Economics and differential patterns of political integration: projections about unity in Latin America. *Int Organ* 18(4):255–276
- Habermas J (2011) Europe’s post-democratic era. *The Guardian*, 10 November 2011
- Halberstam D (2011) Local, global and plural constitutionalism: Europe meets the World. In: De Búrca G, Weiler JHH (eds) *The Worlds of European constitutionalism*. Cambridge University Press, Cambridge, pp 150–202
- Halberstam D (2015a) It’s the autonomy, stupid! A modest defense of opinion 2/13 on EU accession to the ECHR, and the way forward. *German Law J* 16:105–146
- Halberstam D (2015b) A constitutional defense of CJEU Opinion 2/13 on EU accession to the ECHR (and the Way Forward). In: *Verfassungsblog*, 12 March 2015, <http://verfassungsblog.de/a-constitutional-defense-of-cjeu-opinion-213-on-eu-accession-to-the-echr-and-the-way-forward/>. Accessed 23 Mar 2020
- Halmi G (2018) Illiberal constitutionalism? The Hungarian constitution in a European perspective. In: Kadelbach S (ed) *Verfassungskrisen in der Europäischen Union*. Nomos, Baden-Baden, pp 84–103
- Harris DR (1983) The development of socio-legal studies in the United Kingdom. *Leg Stud* 3(3):315–333
- Harrison H, Birks M, Franklin R, Mills J (2017) Case study research: foundations and methodological orientations. In: *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research*, vol 18, no 1, Art 19. <http://nbn-resolving.de/urn:nbn:de:0114-fqs1701195>. Accessed 23 Mar 2020
- Hart HLA (1970) Kelsen’s Doctrine of the unity of law. In: Kiefer HE, Munitz MK (eds) *Ethics and social justice*. State University of New York Press, New York, pp 171–199
- Hart QCD (2015) Dogfight continues: Strasbourg not happy with EU court on accession to ECHR. In: *UK Human Rights Blog*, <http://ukhumanrightsblog.com/2015/01/30/dogfight-continues-strasbourg-not-happy-with-eu-court-on-accession-to-echr/#more->. Accessed 23 Mar 2020

- Hartlapp M (2018) Power shifts via the judicial Arena: how annulments cases between EU institutions shape competence allocation. *J Common Market Stud* 56(6):1429–1445
- Hatzopoulos V (2013) Actively talking to each other: the court and the political institutions. In: Dawson M, De Witte B, Muir E (eds) *Judicial activism at the European Court of justice*. Edward Elgar, Cheltenham, pp 102–141
- Hawkins D, Jacoby W (2006) How agents matter. In: Hawkins D, Lake D, Nielson D, Tierney M (eds) *Delegation and agency in international organizations*. Cambridge University Press, Cambridge, pp 199–228
- Hayes-Renshaw F, Wallace H (1997) *The council of ministers*. Macmillan Press, Basingstoke
- Hayman PA, Williams J (2006) Westphalian sovereignty: rights, intervention, meaning and context. *Global Soc* 20(4):521–541
- Helfer L (1998) Adjudicating copyright claims under the TRIPs agreement: the case for a European human rights analogy. *Harv Int Law J* 39(2):357–441
- Helfer L (2008) Redesigning the European court of human rights: embeddedness as a deep structural principle of the European human rights regime. *Eur J Int Law* 19(1):125–159
- Helfer L, Slaughter A-M (1997) Toward a theory of effective supranational adjudication. *Yale Law J* 107(2):273–392
- Heselhaus S, Hemsley R (2019) Human dignity and the European convention on human rights. In: Becchi P, Mathis K (eds) *Handbook of human dignity in Europe*. Springer, Cham, pp 969–992
- Hillion C, Koutrakos P (eds) (2010) *Mixed agreements revisited – the EU and its member states in the World*. Hart Publishing, Oxford
- Hogic N (2019) The rule of law and the EU enlargement to the Western Balkans. In: *European Law Blog*, 11 December 2019, <https://europeanlawblog.eu/2019/12/11/the-rule-of-law-and-the-eu-enlargement-to-the-western-balkans>. Accessed 23 Mar 2020
- Höjelijid S (2001) European integration and the idea of European identity-obstacles and possibilities. ECPR joint sessions grenoble 2001/Workshop 19: identity politics, <https://ecpr.eu/Filestore/PaperProposal/e8e52a64-d884-41b6-a914-73d6a6cd9ffe.pdf>. Accessed 23 Mar 2020
- Hooghe L, Marks G (2001) *Multi-level governance and European Integration*. Rowman & Littlefield, Lanham
- Hooghe L, Marks G (2005) Calculation, community and cues: public opinion on European integration. *Eur Union Politics* 6(4):419–443
- Hooghe L, Marks G (2009) A postfunctionalist theory of European Integration: from permissive consensus to constraining dissensus. *Br J Polit Sci* 39(1):1–23
- Hopgood S (2006) *Keepers of the fire: understanding Amnesty international*. Cornell University Press, Ithaca
- Jacobs F (2003) Judicial dialogue and the cross-fertilization of legal systems: the European Court of Justice. *Texas Int Law J* 38(3):547–556
- Jacobsson K, Vifell A (2007) Deliberative transnationalism? Analysing the role of committee interaction in soft coordination. In: Linsenmann I, Meyer C, Wessels W (eds) *Economic government of the EU: a balance sheet of new modes of policy coordination*. Palgrave Macmillan, Basingstoke, pp 163–186
- Jacqué JP (1995) *La Constitution de l'Union européenne in Actes du Colloque of 18-19 June 1993*. *Revue universelle des Droits de l'homme* 11–12:397–428
- Jaklic K (2014) *Constitutional pluralism in the EU*. Oxford University Press, Oxford
- Jervis R (2003) Political science perspectives. In: Boyce R, Maiolo J (eds) *The origins of World War two – the debate continues*. Palgrave MacMillan, Basingstoke, pp 207–226
- Joerges C, Glinski C (eds) (2017) *The European crisis and the transformation of transnational governance: authoritarian managerialism versus democratic governance*. Hart Publishing, Oxford
- Joerges C, Kreuder-Sonnen C (2017) European studies and the European crisis: legal and political science between critique and complacency. *Eur Law J* 23(1–2):118–139
- Joerges C, Sand I-J, Teubner G (2004) *Transnational governance and constitutionalism*. Hart Publishing, Oxford

- Jones J (2012) Human dignity in the EU charter of fundamental rights and before the European Court of Justice. *Liverpool Law Rev* 33(3):281–300
- Kalyvas A (2008) Democracy and the politics of the extraordinary—Max Weber, Carl Schmitt, and Hannah Arendt. Cambridge University Press, Cambridge
- Kamba WJ (1974) Comparative law: a theoretical framework. *Int Comp Law Q* 23(3):485–519
- Kelemen D (2006) Suing for Europe adversarial legalism and European Governance. *Comp Polit Stud* 39(1):101–127
- Kelsen H (1960) Pure theory of law. University of California Press, Berkeley
- Kim N-K, Jung S-R (2010) Democratic deficit, European Constitution, and a vision of the Federal Europe: the EU's path after the Lisbon Treaty. *J Int Area Stud* 17(2):53–70
- King S (2014) Desistance transitions and the impact of probation. Routledge, London
- Kingdon J (1996) Agendas, alternatives and public policy, 2nd edn. Little, Brown & Co, Boston
- Kleizen B (2016) Mapping the involvement of the European Parliament in EU external relations – a legal and empirical analysis. CLEER Papers 2016/4, https://www.asser.nl/media/3057/cleer16-4_web.pdf. Accessed 23 Mar 2020
- Knight J (2016) The age of dignity: human rights and constitutionalism in Europe by Catherine Dupré. *Yearb Eur Law* 35(1):715–719
- Kochenov D (2013) On policing Article 2 TEU compliance – reverse solange and systemic infringements analyzed. *Polish Yearb Int Law* 33:145–170
- Kokott J, Sobotta C (2012) The Kadi case – constitutional core values and international law – finding the balance? *Eur J Int Law* 23(4):1015–1024
- Kokott J, Sobotta C (2015) Protection of fundamental rights in the European Union: on the relationship between EU fundamental rights, the European Convention and national standards of protection. *Yearb Eur Law* 34(1):60–73
- Komarek J (2014) National constitutional courts in the European constitutional democracy. *Int J Const Law* 12(3):525–544
- Koorsgaard C (2009) Self-constitution - agency, identity and integrity. Oxford University Press, Oxford
- Korenica F (2015a) The EU accession to the ECHR: between Luxembourg's search for autonomy and Strasbourg's credibility on human rights protection. Springer, Cham
- Korenica F (2015b) EU becoming a human rights law organization: starting from nowhere with a 'Gouvernement des Juges'. In: Korenica F (ed) The EU accession to the ECHR: between Luxembourg's search for autonomy and Strasbourg's credibility on human rights protection. Springer, Cham, pp 35–70
- Kosař D (2012) Policing separation of powers: a new role for the European court of human rights? *Eur Const Law Rev* 8(1):33–62
- Kosař D (2017) Nudging domestic judicial reforms from Strasbourg: how the European Court of human rights shapes domestic judicial design. *Utrecht Law Rev* 13(1):112–123
- Kratochvíl J (2011) The inflation of the margin of appreciation by the European Court of human rights. *Neth Q Hum Rights* 29(3):324–357
- Krenc F (2005) La Décision Senator Lines ou l'ajournement d'une Question Délicate'. *Revue Trimestrielle des Droits de l'homme* 61:121–158
- Krisch N (2006) The pluralism of global administrative law. *Eur J Int Law* 17(1):247–278
- Krisch N (2008) The open architecture of European human rights law. *Modern Law Rev* 71(2):183–216
- Krisch N (2010) Beyond constitutionalism. The pluralistic structure of postnational law. Oxford University Press, Oxford
- Krommendijk J (2015) The use of ECtHR case law by the CJEU after Lisbon: the view of the Luxembourg insiders. *Maastricht J Eur Comp Law* 22(6):812–835
- Krotoszynski R (1989) Constitutional flares: on judges, legislatures, and dialogue. *Minn Law Rev* 83:1–62
- Kuijter M (2011) The accession of the European Union to the ECHR: a gift for the ECHR's 60th anniversary or an unwelcome intruder at the party? *Amsterdam Law Forum* 3(4):17–32

- Kumm M (2005) The jurisprudence of constitutional conflict: constitutional supremacy in Europe before and after the constitutional treaty. *Eur Law J* 11(3):262–307
- Kumm M (2009) The cosmopolitan turn in constitutionalism: on the relationship between constitutionalism in and beyond the state. In: Dunoff J, Trachtman J (eds) *Ruling the World? Constitutionalism, international law, and global Governance*. Cambridge University Press, Cambridge, pp 258–325
- Kumm M (2013) The cosmopolitan turn in constitutionalism: an integrated conception of public law. *Indiana J Global Leg Stud* 20(2):605–628
- Kumm M et al (2014) How large is the World of global constitutionalism? *Global Constitutionalism* 3(1):1–8
- Kumm M, Ferreres Comella V (2005) The primacy clause of the constitutional treaty and the future of constitutional conflict in the European Union. *Int J Const Law* 11(3):262–307
- Kuper R (1998) *The politics of the ECJ*. Kogan Page, London
- Laffranque J (2012) Who has the last word on the protection of human rights in Europe? *Juridica Int XIX*:117–134
- Lambrecht S (2015) The sting is in the tail: CJEU opinion 2/13 objects to draft agreement on accession of the EU to the European Convention on human rights. *Eur Hum Rights Law Rev* 2:185–198
- Läufer T (1994) Zur Künftigen Verfassung der Europäischen Union - Notwendigkeit einer offenen Debatte. *Integration* 17(4):204–214
- Lazowski A, Wessel R (2015) When caveats turn into locks: opinion 2/13 on accession of the European Union to the ECHR. *German Law J* 16(1):179–212
- Legrand P (1996) How to compare now. *Leg Stud* 16(2):232–242
- Lenaerts K (1990) Constitutionalism and the many faces of federalism. *Am J Comp Law* 38(2):205–263
- Lenaerts K (2003) Interlocking legal orders in the European Union and comparative law. *Int Comp Law Q* 52(4):873–906
- Lenaerts K (2007) The rule of law and the coherence of the judicial system of the European Union. *Common Market Law Rev* 44(6):1625–1659
- Lenaerts K (2010) The constitutional allocation of powers and the general principles of EU law. *Common Market Law Rev* 47(6):1629–1669
- Lenaerts K (2011) Federalism and the rule of law: perspectives from the European Court of Justice. *Fordham Int Law J* 33(5):1338–1387
- Lenaerts K (2013) How the ECJ thinks: a study on judicial legitimacy. *Fordham Int Law J* 36(5):1202–1371
- Lenaerts K (2017) *La Vie Après l'avis: exploring the principle of mutual (yet not blind) trust*. *Common Market Law Rev* 54(3):805–840
- Lenaerts K, Gutiérrez-Fons JA (2010) The constitutional allocation of powers and general principles of EU law. *Common Market Law Rev* 47(6):1629–1669
- Lerche P (1995) Kompetenz-Kompetenz und das Maastricht-Urteil des Bundesverfassungsgerichts. In: Ipsen J et al (eds) *Verfassungsrecht im Wandel. Wiedervereinigung Deutschlands. Deutschland in der Europäischen Union. Verfassungsstaat und Federalismus*. Carl Heymanns Verlag, Köln, pp 409–424
- Letsas G (2013) The ECHR as a living instrument: its meaning and legitimacy. In: Føllesdal A, Peters B, Ulfstein G (eds) *Constituting Europe: the European Court of human rights in a national, European and global context*. Cambridge University Press, Cambridge, pp 106–141
- Leuffen D, Ritterberger B, Schimmelfennig F (2013) *Differentiated integration*. Palgrave, Basingstoke
- Lievens M (2015) From Government to Governance: a symbolic mutation and its repercussions for democracy. *Polit Stud* 63(Supplement 1):2–17
- Lindberg L (1963) *The political dynamics of European economic integration*. Stanford University Press, California

- Lindberg L, Scheingold S (1970) *Europe's would-be polity: patterns of change in the European community*. Prentice-Hall, New Jersey
- Lipgens W (1982) *A history of European integration, 1945–1947*. Oxford University Press, Oxford
- Llanque M (2010) On constitutional membership. In: Dobner P, Loughlin M (eds) *The twilight of constitutionalism*. Oxford University Press, Oxford
- Lock T (2015) Will the empire strike back? Strasbourg's reaction to the CJEU's accession opinion. In: *Verfassungsblog*, <https://verfassungsblog.de/will-empire-strike-back-strasbourgs-reaction-cjeus-accession-opinion/>. Accessed 23 Mar 2020
- Lock T (2017) Inquiry into human rights in wales: evidence to the equality, local government and communities committee of the welsh assembly, <http://senedd.assembly.wales/documents/s59263/HR%2003%20-%20Dr%20Tobias%20Lock%20University%20of%20Edinburgh%20Law%20School.pdf>. Accessed 23 Mar 2020
- Lomba P (2014) Constructing a we: collective agency and the European Union. In: Cremona M et al (eds) *Reflections on the constitutionalisation of international economic law*. Martinus Nijhoff, The Hague, pp 97–110
- Luis Da Cruz Vilaca J (2014) *EU law and integration: 20 years of judicial application of EU law*. Hart Publishing, Oxford
- MacCormick N (1993) Beyond the sovereign state. *Modern Law Rev* 56(1):1–18
- MacCormick N (1999) Juridical pluralism and the risk of constitutional conflict. In: MacCormick N (ed) *Questioning sovereignty: law, state, and nation in the European commonwealth*. Oxford University Press, Oxford, pp 97–121
- Magen A (2009) The rule of law and its promotion abroad: three problems of scope. *Stanford J Int Law* 45(1):51–116
- Mahoney P (1997) Universality versus subsidiarity in the Strasbourg case law on free speech: explaining some recent judgments. *Eur Hum Rights Law Rev* 4:364–379
- Majone G (1998) Europe's 'Democratic Deficit': the question of standards. *Eur Law J* 4(1):5–28
- Majone G (2014) *Rethinking the Union of Europe post-crisis. Has integration gone too far?* Cambridge University Press, Cambridge
- Makowski K (1995) Solange III: the German Federal Constitutional Court's decision on accession to the Maastricht Treaty on European Union. *Univ Pa J Int Bus Law* 16(1):155–179
- Mancini F (1989) The making of a constitution for Europe. *Common Market Law Rev* 26(4):595–614
- Mancini F (1991) The making of a constitution for Europe. In: Keohane R, Hoffman S (eds) *The new European community*. Westview Press, Boulder, pp 177–194
- Mancini F (2000a) *Democracy and constitutionalism in the European Union*. Hart Publishing, Oxford
- Mancini F (2000b) The making of a constitution for Europe. In: Mancini F (ed) *Democracy and constitutionalism in the European Union: collected essays*. Hart Publishing, Oxford, pp 1–16
- Mancini F, Keeling D (1994) Democracy and the European Court of justice. *Modern Law Rev* 57(2):175–190
- Marquardt PD (1994) Deficit reduction: democracy, technocracy, and constitutionalism in the European Union. *Duke J Comp Int Law* 4(2):265–290
- Martinico G (2018) Overcoming false dichotomies: constitutionalism and pluralism in European and international studies. In: Belov M (ed) *Global constitutionalism and its challenges to Westphalian constitutional law*. Hart Publishing, Oxford, pp 55–77
- Mathisen K (2010) The impact of the Lisbon Treaty, in particular Article 6 TEU, on member states' obligations with respect to the protection of fundamental rights. University of Luxembourg Law Working Paper No. 2010-01
- Mattei U (1998) The issue of European civil codification and legal scholarship: biases, strategies and developments. *Hastings Int Comp Law Rev* 21:883–902
- Mavronicola N (2014) Inhuman and degrading punishment, dignity, and the limits of retribution. *Modern Law Rev* 77(2):292–307

- May T (1997) *Social research: issues, methods and process*, 2nd edn. Open University Press, Buckingham
- May T (2017) Prime Minister's Letter to Donald Tusk Triggering Article 50, 29 March 2017, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604079/Prime_Ministers_letter_to_European_Council_President_Donald_Tusk.pdf. Accessed 23 Mar 2020
- Mayne RJ (1963) *The community of Europe*, 3rd edn. Norton, New York
- McCrea R (2017) Forward or back: the future of European integration and the impossibility of the status quo. *Eur Law J* 23(1–2):66–93
- McCrudden C (2008) Human dignity and judicial interpretation of human rights. *Eur J Int Law* 19(4):655–724
- McHarg A (1999) Reconciling human rights and the public interest: conceptual problems and doctrinal uncertainty in the jurisprudence of the European Court of human rights. *Modern Law Rev* 62(5):671–696
- McLean I, McMillan A (eds) (2009) *The concise Oxford dictionary of politics*, 3rd edn. Oxford University Press, Oxford
- McMeel G (2000) The philosophical foundations of the law of agency. *Law Q Rev* 116:387–411
- Menéndez A (2011) From constitutional pluralism to a pluralistic constitutionalism?: Constitutional synthesis as a MacCormickian constitutional theory of European integration. RECON Online Working Paper, http://www.reconproject.eu/main.php/RECON_wp_1102.pdf?fileitem=50512014. Accessed 23 Mar 2020
- Meyer N (2018) EU Break-up? Mapping plausible pathways into alternative futures. LEQS Paper No. 136/2018, <http://www.lse.ac.uk/european-institute/Assets/Documents/LEQS-Discussion-Papers/LEQSPaper136.pdf>. Accessed 23 Mar 2020
- Mills AJ, Durepos G, Wiebe E (eds) (2010) *Encyclopaedia of case study research*. SAGE Publications, Thousand Oaks
- Mladenov M (2015) The devil in the detail: the impact of opinion 2/13 on the co-respondent mechanism and the prior involvement procedure. *UC Dublin Law Rev* 15:117–148
- Moore F (1973) Law and social change: the semi-autonomous social field as an appropriate subject of study. *Law Soc Rev* 7(4):719–746
- Morano-Foadi S (2013) Fundamental rights in Europe: constitutional dialogue between the Court of Justice of the EU and the European Court of Human Rights. *Oñati J Emergent Socio Legal Stud* 5(1):64–87
- Morano-Foadi S (2015) Migration and human rights. In: Morano-Foadi S, Vickers L (eds) *Fundamental rights in the EU*. Hart Publishing, Oxford, pp 115–138
- Morano-Foadi S, Andreadakis S (2011a) Reflections on the Architecture of the EU after the Treaty of Lisbon: the European judicial approach to fundamental rights. *Eur Law J* 17(5):595–610
- Morano-Foadi S, Andreadakis S (2011b) The convergence of the European legal system in the treatment of Third Country Nationals in Europe: the ECJ and ECtHR jurisprudence. *Eur J Int Law* 22(4):1071–1088
- Morano-Foadi S, Andreadakis S (2014) A report on the protection of fundamental rights in Europe: a reflection on the relationship between the Court of Justice of the European Union and the European Court of human rights, <https://dm.coe.int/CED20140017597>. Accessed 23 Mar 2020
- Morano-Foadi S, Andreadakis A (2016) The EU accession to the ECHR after opinion 2/13: reflections, solutions and the way forward. Public hearing on “Accession to the European Convention on Human Rights (ECHR): Stocktaking after the ECJ’s Opinion and way forward” European Parliament’s Committee on Constitutional Affairs, 20 April 2016, <https://www.europarl.europa.eu/cmsdata/104503/EP%20Hearing%20Contribution%20MoranoFoadi%20Andreadakis%20April%202016.pdf>. Accessed 23 Mar 2020
- Morano-Foadi S, Duina F (2011) The institutionalization of regional trade agreements worldwide: new dynamics and future scenarios. *Eur Law J* 17(5):561–567
- Morano-Foadi S, Neller J (2020) *Fairhurst, Morano-Foadi and Neller’s Law of the European Union*, 13th edn. Pearson, Harlow

- Moravcsik A (1993) Preferences and power in preferences and power in the European community: a liberal intergovernmentalist approach. *J Common Market Stud* 31(4):473–524
- Moravcsik A (1999) *The choice of Europe*. UCL Press, London
- Moravcsik A (2000) The origins of international human rights regimes: democratic delegation in postwar Europe. *Int Organ* 54(2):217–252
- Moravcsik A (2005) The European constitutional compromise and the neofunctionalist legacy. *J Eur Public Policy* 12(2):349–386
- Moravcsik A, Nicolaidis K (1998) Federal ideals and constitutional realities in the Treaty of Amsterdam. *J Common Market Stud Ann Review* 36:13–38
- Morawa A (2002) The common European approach, international trends, and the evolution of human rights law: a comment on goodwin and I v. the United Kingdom. *German Law J* 3(8):E4
- Morijn J (2006) Balancing fundamental rights and common market freedoms in Union law: Schmidberger and Omega in the light of the European Constitution. *Eur Law J* 12(1):15–40
- Möstl M (2010) Preconditions and limits of mutual recognition. *Common Market Law Rev* 47(2):405–436
- Mouzelis N (1989) Restructuring structuration theory. *Sociol Rev* 37(4):613–635
- Moyn S (2010) *The Last Utopia: human rights in history*. Harvard University Press, Cambridge
- Mroczek D, Little T (2006) Theory and research in personality development at the beginning of the 21st century. In: Mroczek D, Little T (eds) *Handbook of personality development*. Psychology Press, New York, pp 3–8
- Munday R (2016) *Agency: law and principles*, 3rd edn. Oxford University Press, Oxford
- Nelken D (2004) Using the concept of legal culture. *Aust J Legal Philos* 29:1–28
- Nic Shuibhne N (2009) Margins of appreciation: national values, fundamental rights and EC free movement law. *Eur Law Rev* 34(2):230–256
- Nic Shuibhne N (2019) The social market economy and restriction of free movement rights: Plus c'est la même chose? *J Common Market Stud* 57(1):111–126
- Nugent N, Rhinard M (2019) The ‘political’ roles of the European Commission. *J Eur Integr* 41(2):203–220
- O’Brien D, Morano-Foadi S (2009) The Caribbean Court of Justice and legal integration within CARICOM: some lessons for the European community. *Law Pract Int Courts Tribunals* 8(3):399–429
- O’Neill QCA (2014) Opinion 2/13 on EU accession to the ECHR: the CJEU as humpty dumpty. In: *Eutopia Law*, <https://eutopialaw.wordpress.com/2014/12/18/opinion-213-on-eu-accession-to-the-echr-the-cjeu-as-humpty-dumpty/>. Accessed 23 Mar 2020
- Odegard PH (ed) (1967) *The process of government by Arthur Bentley*. Harvard University Press, Cambridge
- Olivetti M (2010) Article 1 – dignity. In: Mock WBT, Demuro G (eds) *Human rights in Europe: commentary on the charter of fundamental rights of the European Union*. Carolina Academic Press, Durham, pp 3–11
- Osiander A (2001) Sovereignty, international relations, and the Westphalian Myth. *Int Organ* 55(2):251–287
- Ozcurumez S, Hoxha J (2015) Conditional deliberation: the case of joint parliamentary committees in the EU. *J Common Market Stud* 53(3):642–657
- Palmerberg M, Gingrich A (2013) Qualitative comparative practices: dimensions, cases and strategies. In: Flick U (ed) *The SAGE handbook of qualitative data analysis*. Sage Publications, London
- Paulson S (2012) A justified normativity thesis in Hans Kelsen’s pure theory of law? Rejoinders to Robert Alexy and Joseph Raz. In: Klatt M (ed) *Institutionalized reason: the jurisprudence of Robert Alexy*. Oxford University Press, Oxford, pp 61–111
- Peers S (2014) The CJEU and the EU’s Accession to the ECHR: a clear and present danger to human rights protection. In: *EU Law Analysis*, 18 December 2014, <http://eulawanalysis.blogspot.com/2014/12/the-cjeu-and-eus-accession-to-echr.html>. Accessed 23 Mar 2020

- Pescatore P (1968) Les Droits de l'homme et l'intégration Européenne. *Cahiers de Droit Européenne* 4(6):629–673
- Pescatore P (1970) L'apport du Droit Communautaire au Droit International Public. *Cahiers de droit* 5:501–525
- Pescatore P (1983) The doctrine of direct effect: an infant disease of community law. *Eur Law Rev* 8:155–177
- Pierson P (1996) The path to European integration: a historical institutionalist analysis. *Comp Polit Stud* 29(2):123–163
- Poiars Maduro M (2003a) Europe and the constitution: what if this is as good as it gets? In: Weiler JHH, Wind M (eds) *Rethinking European constitutionalism*. Cambridge University Press, Cambridge, pp 74–102
- Poiars Maduro M (2003b) Contrapunctual law: Europe's Constitutional pluralism in action. In: Walker N (ed) *Sovereignty in transition*. Hart Publishing, Oxford, pp 502–537
- Poiars Maduro M (2012) Three claims of constitutional pluralism. In: Avbelj M, Komárek J (eds) *Constitutional pluralism in the European Union and beyond*. Hart Publishing, Oxford, pp 67–84
- Polakiewicz J (2011) The European Union's accession to the European Convention on human rights – report on work in rapid progress. In: Meng W, Ress G, Stein T (eds) *Europäische Integration und Globalisierung*. Nomos, Baden-Baden, pp 375–391
- Polakiewicz J (2016) Europe's multi-layered human rights protection system: challenges, opportunities and risks. Lecture at Waseda University Tokyo, https://www.coe.int/en/web/dlapil/speeches-of-the-director/-asset_publisher/ja71RsfCQTP7/content/europe-s-multi-layered-human-rights-protection-system-challenges-opportunities-and-risks#_ftnref8. Accessed 23 Mar 2020
- Polakiewicz J (2016a) Accession to the European Convention on Human Rights (ECHR): stock-taking after the ECJ's opinion and way forward. European Parliament – Committee on Constitutional Affairs, Public Hearing 20 April 2016. <https://rm.coe.int/1680686a13>. Accessed 23 Mar 2020
- Polakiewicz J (2016b) Accession to the European convention on human rights' – an insider's view addressing one by one the CJEU's objections in opinion 2/13. *Hum Rights Law J* 36:10–22
- Pollicino O (2010) The new relationship between National and the European Courts after the enlargement of Europe: towards a unitary theory of jurisprudential supranational law? *Yearb Eur Law* 29(1):65–111
- Pollicino O, Bassini M (2017a) Defusing the Taricco Bomb through fostering constitutional tolerance: all roads lead to Rome. *VerfBlog*, <https://verfassungsblog.de/defusing-the-taricco-bomb-through-fostering-constitutional-tolerance-all-roads-lead-to-rome/>. Accessed 23 Mar 2020
- Pollicino O, Bassini M (2017b) The opinion of advocate general Bot in Taricco II: seven “Deadly” sins and a modest proposal. *VerfBlog*, <https://verfassungsblog.de/the-opinion-of-advocate-general-bot-in-taricco-ii-seven-deadly-sins-and-a-modest-proposal/>. Accessed 23 Mar 2020
- Pollicino O, Bassini M (2017c) The Taricco decision: a last attempt to avoid a clash between EU Law and the Italian Constitution. *VerfBlog*, <https://verfassungsblog.de/the-taricco-decision-a-last-attempt-to-avoid-a-clash-between-eu-law-and-the-italian-constitution/>. Accessed 23 Mar 2020
- Pollicino O, Repetto G (2019) Not to be pushed aside: the Italian Constitutional Court and the European Court of Justice. In: *Verfassungsblog*, 27 Feb 2019, <https://verfassungsblog.de/not-to-be-pushed-aside-the-italian-constitutional-court-and-the-european-court-of-justice/>. Accessed 23 Mar 2020
- Popović D (2008) European Court of human rights and the concept of separation of powers. In: Prabhakar M (ed) *Separation of powers: global perspectives*. ICFAI University Press, Hyderabad, pp 194–219
- Posner E (2014) *The twilight of human rights law*. Oxford University Press, Oxford
- Post R (2000) Democratic constitutionalism and cultural heterogeneity. *Aust J Legal Philos* 25 (2):185–204

- Pratt J, Zeckhauser R (eds) (1991) *Principals and agents: the structure of business*. Harvard Business School Press, Cambridge
- Putnam R (1988) Diplomacy and domestic politics: the logic of two-level games. *Int Organ* 42 (3):427–460
- Putnam R, Evans P, Jacobson H (1993) *Double-edged diplomacy: international bargaining and domestic politics*. University of California Press, Berkeley
- Raba K (2015) Closing the gaps in the protection of fundamental rights in Europe: accession of the EU to the ECHR. In: Morano-Foadi S, Vickers L (eds) *Fundamental rights in the EU*. Hart Publishing, Oxford, pp 21–46
- Rasmussen H (1986) *On law and policy in the European Court of justice*. Martinus Nijhoff, Dordrecht
- Rasmussen M (2010) Constructing and deconstructing “Constitutional” European law: some reflections on how to study the history of European law. In: Koch H, HagelSørensen K, Haltern U (eds) *Europe - the new legal realism*. Djøf Publishing, Aarhus, pp 639–660
- Rauchegger C (2015) The interplay between the charter and National constitutions after Åkerberg Fransson and Melloni: has the CJEU embraced the challenges of multilevel fundamental rights protection? In: De Vries S, Bernitz U, Weatherill S (eds) *The EU charter of fundamental rights as a binding instrument: five years old and growing*. Hart Publishing, Oxford, pp 93–132
- Ress G (2005) The effect of decisions and judgments of the European Court of human rights in the domestic legal order. *Texas Int Law J* 40(3):359–382
- Reynolds S (2016) Explaining the constitutional drivers behind a perceived judicial preference for free movement over fundamental rights. *Common Market Law Rev* 53(3):643–677
- Risse T, Kleine M (2010) Deliberation in negotiations. *J Eur Public Policy* 17(5):708–726
- Rittberger B (2012) Institutionalizing representative democracy in the European Union: the case of the European Parliament. *J Common Market Stud* 50(1):18–37
- Roach K (2005) Common law bills of rights as dialogue between courts and legislatures. *Univ Toronto Law J* 55(3):733–766
- Rosas A (2007) The European Court of Justice in context: forms and patterns of judicial dialogue. *Eur J Leg Stud* 1(2):1–16
- Rosenfeld M (1995) The identity of the constitutional subject. *Cardozo Law Rev* 16:1049–1110
- Rosenfeld M (1998) Constitution-making, identity building, and peaceful transition to democracy: theoretical reflections inspired by the Spanish example. *Cardozo Law Rev* 19:1891–1920
- Rosenfeld M (2008) The European treaty–constitution and constitutional identity: a view from America. *Int J Const Law* 3(2–3):316–331
- Ross S (1973) The economic theory of agency: the principal’s problem. *Am Econ Rev* 63 (2):134–139
- Ross M (2010) Solidarity—a new constitutional paradigm for the EU? In: Ross M, Borgmann-Prebil Y (eds) *Promoting solidarity in the European Union*. Oxford University Press, Oxford, pp 23–45
- Roth G, Wittich C (eds) (1978) *Weber, economy and society: an outline of interpretative sociology*, vol 2. University of California Press, Berkeley
- Rowley J (2002) Using case studies in research. *Manage Res News* 25(1):16–27
- Runciman WG (ed) (1991) *Max Weber: selections in translation*. Cambridge University Press, Cambridge
- Sabel C, Gerstenberg O (2010) Constitutionalising an overlapping consensus: the ECJ and the emergence of a coordinate constitutional order. *Eur Law J* 16(5):511–550
- Sadurski W (2009) Partnering with Strasbourg: constitutionalisation of the European Court of human rights, the accession of Central and Eastern European States to the Council of Europe and the idea of pilot judgments. *Hum Rights Law Rev* 9(3):397–398
- Sadurski W (2012) *Constitutionalism and the enlargement of Europe*. Oxford University Press, Oxford
- Sadurski W (2019) *Poland’s constitutional breakdown*. Oxford University Press, Oxford

- Sampson T (2017) Brexit: the economics of international disintegration. *J Econ Perspect* 31 (4):163–184
- Sánchez-Cuenca I (2017) From a deficit of democracy to a technocratic order: the postcrisis debate on Europe. *Ann Rev Polit Sci* 20(1):351–369
- Saval N (2017) Globalisation: the rise and fall of an idea that swept the World, *The Guardian*, 14 July 2017, <http://www.theguardian.com/world/2017/jul/14/globalisation-the-rise-and-fall-of-an-idea-that-swept-the-world>. Accessed 23 Mar 2020
- Schanze E (1987) Contract, agency, and the delegation of decision making. In: Bamberg G, Spremann K (eds) *Agency theory, information, and incentives*. Springer, Berlin, pp 461–471
- Scharpf F (2009) Legitimacy in multilevel European polity. *Eur Polit Sci Rev* 1(2):173–204
- Scharpf FW (2015) After the crash: a perspective on multilevel European democracy. *Eur Law J* 21 (3):384–405
- Scheeck L (2005) The relationship between the European Courts and integration through human rights. *ZaöRV* 65:837–885
- Scheinin M (2014) CJEU Opinion 2/13 – three mitigating circumstances. In: *VerfassungsBlog*, <http://www.verfassungsblog.de/cjeu-opinion-213-three-mitigating-circumstances/>. Accessed 23 Mar 2020
- Schütze R (2012) *European constitutional law*. Cambridge University Press, Cambridge
- Schwarze J (2013) Balancing EU integration and national interests in the case-law of the Court of Justice. In: Rosas A, Levits E, Bot Y (eds) *The Court of Justice and the construction of Europe: analyses and perspectives on sixty years of case-law*. Asser Press, De Haag, pp 257–278
- Shaw J (2000) Process and constitutional discourse in the European Union. *J Law Soc* 27(1):4–37
- Shaw J (2003) Process, responsibility and inclusion in EU constitutionalism. *Eur Law J* 9(1):45–68
- Shaw J, Wiener A (2007) The paradox of European polity. In: Green Cowles M, Smith M (eds) *The state of the European Union: risks, reform, resistance, and revival*. Oxford University Press, Oxford, pp 64–88
- Siedentop L (2001) *Democracy in Europe*. Penguin, London
- Simon D (1998) *Le Système Juridique Communautaire*, 2nd edn. Presses Universitaires de France, Paris
- Skouris V (2005) *Fundamental rights and fundamental freedoms: the challenge of striking a delicate balance*. Sir Thomas More Lecture, Lincoln’s Inn, London
- Slaughter A-M (2004) *A new World order*. Princeton University Press, Princeton
- Smerdel B (2003) Convention on the future of Europe and the process of constitutional choices. *Revus* 1:4–16
- Smouts M-C (1995) *Les Organisations Internationales*. Armand Colin, Paris
- Snyder F (1998) *General course on constitutional law of the European Union*. European University Institute, Florence
- Somek A (2012) Monism: a tale of the undead. In: Avbelj M, Komárek J (eds) *Constitutional pluralism in the European Union and beyond*. Hart Publishing, Oxford, pp 343–379
- Somek A (2015) Delegation and authority: authoritarian liberalism today. *Eur Law J* 21(3):340–360
- Spaventa E (2015) A very fearful court? The protection of fundamental rights in the European Union after opinion 2/13. *Maastricht J Eur Comp Law* 22(1):35–56
- Spielmann D (1999) Human rights case law in the Strasbourg and Luxembourg courts: conflicts, inconsistencies, and complementarity. In: Alston P, Bustelo M, Heenan L (eds) *The EU and human rights*. Oxford University Press, Oxford, pp 757–780
- Spielmann D (2012) Allowing the right margin: the European Court of human rights and the national margin of appreciation doctrine: waiver or subsidiarity of European review? *Camb Yearb Eur Leg Stud* 14:381–418
- Spielmann D (2015) Foreword. In: *European Court of Human Rights, Annual Report 2014*, https://www.echr.coe.int/Documents/Annual_Report_2014_ENG.pdf. Accessed 23 Mar 2020
- Stein E (1981) Lawyers, judges and the making of a transnational constitution. *Am J Int Law* 75 (1):1–27

- Stein E, Henkin L (1986) Toward a European foreign policy? European foreign affairs system from the perspective of the United States constitution. In: Cappelletti M, Weiler JHH (eds) *Integration through law: Europe and the American federal experience*, vol 1: methods, tools and institutions, Bk 3: forces and potential for a European identity. Walter de Gruyter, Berlin, pp 3–82
- Steunenberg G, Steunenberg B, Widgren M (2006) Evidence with insight: what models contribute to EU research. In: Thomson R et al (eds) *The European Union decides*. Cambridge University Press, Cambridge, pp 299–316
- Stockman F (2004) What binds us when with whom? Content and structure in social network analysis. Keynote speech at the SUNBELT XXIV, International Social Network Conference, Portoroz, Slovenia
- Stockman F, Thomson R (2004) Special issue: winners and losers in the European Union. *Eur Union Polit* 5(1):1–138
- Stone Sweet A (2012) A cosmopolitan legal order: constitutional pluralism and rights adjudication in Europe. *J Global Const* 1(1):53–90
- Stone Sweet A, Brunell T (2012) The European Court of justice, state non-compliance, and the politics of override. *Am Polit Sci Rev* 106(1):204–213
- Stone Sweet A, Keller H (2008) The reception of the ECHR in national legal orders. In: Keller H, Stone Sweet A (eds) *A Europe of rights: the impact of the ECHR on national legal systems*. Oxford University Press, Oxford, pp 3–30
- Stone Sweet A, Stranz K (2012) Rights adjudication and constitutional pluralism in Germany and Europe. *J Eur Public Policy* 19(1):92–108
- Stones R (2005) *Structuration theory*. Palgrave MacMillan, Basingstoke
- Streeck W (2015) Heller, Schmitt and the Euro. *Eur Law J* 21(3):313–339
- Tallberg J (2000) The anatomy of anatomy: an institutional account of variation in supranational influence. *J Common Market Stud* 38(5):843–864
- Tamanaha B (2000) A non-essentialist version of legal pluralism. *J Law Soc* 27(2):296–321
- Tamanaha B (2008) Understanding legal pluralism: past to present, local to global. *Sydney Law Rev* 30(3):375–411
- Thatcher M, Stone Sweet A (2002) Theory and practice of delegation to non-majoritarian institutions. *West Eur Polit* 25(1):1–22
- The Bridge, Critical legal studies movement. <https://cyber.harvard.edu/bridge/CriticalTheory/critical2.htm>. Accessed 23 Mar 2020
- Thomson R et al (2004) Actor alignments in European Union decision-making. *Eur J Polit Res* 43(2):237–261
- Timmermans C (2003) Lifting the veil of Union Citizens' rights. In: Colneric N, Edward D, Puissechet J-P, Ruiz-Jarabo Colomer D (eds) *Une Communauté de droit*. Festschrift für Gil Carlos Rodríguez Iglesias. BWV, Berlin, pp 195–206
- Tömmel I (2013) The Presidents of the European Commission: transactional or transforming leaders? *J Common Market Stud* 51(4):789–805
- Tremblay LB (2005) The legitimacy of judicial review: the limits of dialogue between courts and legislatures. *Int J Const Law* 3(4):617–648
- Tridimas T (2006) *The general principles of EU law*, 2nd edn. Oxford University Press, Oxford
- Tsagourias N (2007) *Transnational constitutionalism, international and European perspectives*. Cambridge University Press, Cambridge
- Tsarapatsanis D (2015) The margin of appreciation doctrine: a low-level institutional view. *Legal Stud* 35(4):675–697
- Tully J (1995a) *Strange multiplicity: constitutionalism in an age of diversity*. Cambridge University Press, Cambridge
- Tully J (1995b) *Constitutionalism in an age of diversity*. Cambridge University Press, Cambridge
- Tully J (2002a) Political philosophy as a critical activity. *Polit Theory* 30(4):533–555
- Tully J (2002b) The unfreedom of the moderns in comparison to their ideals of constitutional democracy. *Modern Law Rev* 65(2):204–228
- Tushnet M (2009) Dialogic judicial review. *Ark Law Rev* 61(2):205–216

- Usherwood S, Startin N (2013) Euroscepticism as a persistent phenomenon. *J Common Market Stud* 51(1):1–16
- Van Creveld M (1999) *The rise and decline of the state*. Cambridge University Press, Cambridge
- Van de Heyning C (2011) No place like home: discretionary space for the domestic protection of fundamental rights. In: Popelier P (ed) *Human rights protection in the European legal order: the interaction between the European and the National Courts*. Intersentia, Cambridge, pp 65–96
- Van Zyl SD, Weatherby P, Creighton S (2014) Whole life sentences and the tide of European human rights jurisprudence: what is to be done? *Hum Rights Law Rev* 14(1):59–84
- Vauche A (2010) The transnational politics of judicialization: Van Gend en Loos and the Making of EU polity. *Eur Law J* 16(1):1–28
- Vaughan-Williams N (2015) *Europe's border crisis: biopolitical security and beyond*. Oxford University Press, Oxford
- Velluti S (2015) Who has the right to have rights? The judgments of the CJEU and ECtHR as building blocks for a European *Ius Commune* in Asylum law. In: Morano-Foadi S, Vickers L (eds) *Fundamental rights in the EU*. Hart Publishing, Oxford, pp 131–149
- Vesterdorf B (2006) A constitutional court for the EU? *Int J Const Law* 4(4):610–611
- Vigano F (2018) Melloni Overruled? Considerations on the Taricco II judgment of the court of justice. *New J Eur Crim Law* 9(1):18–23
- Villa I (2017) Subsidiarity, margin of appreciation and international adjudication within a cooperative conception of human rights. *Int J Const Law* 15(2):393–413
- Vogiatzis N (2019) The relationship between European consensus, the margin of appreciation and the legitimacy of the Strasbourg Court. *Eur Public Law* 25(3):445–480
- Von Bogdandy A (2008) Pluralism, direct effect, and the ultimate say: on the relationship between international and domestic constitutional law. *Int J Const Law* 6(3&4):397–413
- Von Bogdandy A (2016) European law beyond 'Ever closer union': repositioning the concept, its thrust and the ECJ's comparative methodology. *Eur Law J* 22(4):519–538
- Von Bogdandy A (2019) Principles and challenges of a European doctrine of systemic deficiencies, MPIL Research Paper Series No. 2019-14
- Von Bogdandy A, Spieker LD (2019) Countering the judicial silencing of critics. Article 2 TEU values, criminal liability and reverse Solange. MPIL Research Paper 2019-08
- Von Bogdandy A, Kottmann M, Antpöhler C, Dickschen J, Hentrei S, Smrkol M (2012) Reverse Solange – protecting the essence of fundamental rights against EU member states. *Common Market Law Rev* 49(2):489–519
- Voßkuhle A (2013) The cooperation between European Courts: the Verbund of European Courts and its legal toolbox. In: Rosas A, Levits E, Bot Y (eds) *The Court of justice and the construction of Europe: analyses and perspectives on sixty years of case-law*. Asser Press, The Hague, pp 81–98
- Waever O (2009) Discursive approaches. In: Wiener A, Diez T (eds) *European integration theory*, 2nd edn. Oxford University Press, Oxford, pp 163–180
- Waldron J (2012) How law protects dignity. *Camb Law J* 71(1):200–222
- Walker N (1996) European constitutionalism and European integration. *Public Law*:266–290
- Walker N (2002) The idea of constitutional pluralism. *Modern Law Rev* 65(3):317–359
- Walker N (2003) Late sovereignty in the European Union. In: Walker N (ed) *Sovereignty in transition*. Hart Publishing, Oxford, pp 3–32
- Walton E (2014) Preserving the European convention on human rights: why the UK's threat to leave the convention could save it. *Cap Univ Law Rev* 42(4):977–1008
- Weatherill S (2013) Economic rights to fundamental rights. In: Weatherill S, Bernitz U, De Vries S (eds) *The protection of fundamental rights in the EU after Lisbon*. Hart Publishing, Oxford, pp 11–36
- Webber D (2017) *European disintegration? The European Union in crisis*. Palgrave Macmillan, Basingstoke
- Weber M (1958) The three types of legitimate rule. *Berkeley Publ Soc Inst* 4(1):1–11

- Weber M (1980) [1922] *Wirtschaft Und Gesellschaft: Grundriss Der Verstehenden Soziologie*. 5th revised edn. Mohr Siebek, Tübingen
- Weiler JHH (1981) The community system: the dual character of supranationalism. *Yearb Eur Law* 1(1):267–306
- Weiler JHH (1991) The transformation of Europe. *Yale Law J* 100(8):2403–2483
- Weiler JHH (1999a) *The constitution of Europe*. Cambridge University Press, Cambridge
- Weiler JHH (1999b) *The constitution of Europe: do the new clothes have an Emperor? and other essays on European integration*. Cambridge University Press, Cambridge
- Weiler JHH (2001) Federalism without constitutionalism: Europe's Sonderweg. In: Nicolaidis K, Howse R (eds) *The federal vision: legitimacy and levels of governance in the United States and the European Union*. Oxford University Press, Oxford, pp 54–72
- Weiler JHH (2012) Prologue: global and pluralist constitutionalism – some doubts. In: De Búrca G, Weiler JHH (eds) *The worlds of European constitutionalism*. Cambridge University Press, Cambridge, pp 8–18
- Weiss W (2011) Human rights in the EU: rethinking the role of the European Convention on human rights after Lisbon. *Eur Const Law Rev* 7(1):64–95
- Wheeler S, Thomas P (2002) Socio-legal studies. In: Hayton DJ (ed) *Law's future(s)*. Hart Publishing, Oxford
- Wieland J (1994) Germany in the European Union - the Maastricht decision of the Bundesverfassungsgericht. *Eur J Int Law* 5(2):259–266
- Wiener A, Börzel T, Risse T (2019) *European integration theory*. Oxford University Press, Oxford
- Wilkinson M (2013) The specter of authoritarian liberalism: reflections on the constitutional crisis of the European Union. *German Law J* 14(5):527–560
- Wilkinson M (2017) Constitutional pluralism: chronicle of a death foretold? *Eur Law J* 23(4):213–233
- Willem van Rossem J (2013) The autonomy of EU law: more is less? In: Wessel RA, Blockmans S (eds) *Between autonomy and dependence*. Asser Press, De Haag, pp 13–46
- Williams A (2013) The European Convention on human rights, the EU and the UK: confronting a Heresy. *Eur J Int Law* 24(4):1157–1185
- Wohlfahrt C (2015) *Die Vermutung Unmittelbarer Wirkung des Unionsrechts*. Springer, Berlin
- Wollenschlager F (2018) Fundamental rights regimes in the European Union: contouring their spheres. In: Nakanishi Y (ed) *Contemporary issues in human rights law*. Springer, Singapore, pp 23–50
- Wormuth W (2004) *Die Bedeutung des Europarechts für die Entwicklung des Völkerrechts*. Peter Lang, Frankfurt am Main
- Worsaae Rasmussen J (2007) European committee for the prevention of torture and inhuman or degrading treatment or punishment, memorandum on actual/real life sentences, 27 June 2007
- Yeh JR, Chang W-C (2008) The emergence of transnational constitutionalism: its features, challenges and solutions. *Penn State Int Law Rev* 1(4):89–124
- Yin RK (1994) *Case study research: design and methods*, 2nd edn. Sage, Thousand Oaks
- Yong A (2018) *The rise and fall of fundamental rights in EU citizenship*. Hart Publishing, Oxford
- Young K (2012) *Constituting economic and social rights*. Oxford University Press, Oxford
- Zalar B (2013) Comments on the court of justice of the EU's developing case law on Asylum. *Int J Refug Law* 25(2):377–381
- Zimmer C et al (2005) The contested council: conflict dimensions of an intergovernmental EU institution. *Polit Stud* 53(2):403–422