

Onderzoeksvisiting FdR UL 2016-2021

Case study The Progression of EU Law: Accommodating change and upholding values (PEUL)

1. The progression of the PEUL research program

Since its creation in 2015, the fellows of the Research Program ‘The Progression of EU law: Accommodating change and upholding values’ have looked at the institutional and substantive dynamics underpinning European Union law and its development. They seek to understand how EU law progresses in its historical context while seeking to stay connected to its original values and objectives, such as the promotion of peace, security and welfare of the Member States of the EU, or solidarity between the Member States.

The programme has a twofold focus. First, there are four ‘vertical’ areas of substantive EU law: 1) Citizenship and the Area of Freedom, Security and Justice (AFSJ), 2) Internal Market and Competition, 3) Economic and Monetary Union and 4) the Union in the World (EU external relations). Second, there are cross-cutting ‘horizontal’ themes covering e.g. institutional aspects and fundamental rights. The matrix in Table 1 visualizes the connection between the four (vertical) subject areas and the four (horizontal) themes. It provides coherence and focus, but simultaneously gives the PEUL programme flexibility at both the horizontal and vertical axes.

	1. EU Citizenship & AFSJ	2. Internal Market & Competition	3. EMU	4. Union in the World	... future subject areas ...
1. Institutional Evolution					
2. Differentiation & Flexibility					
3. Solidarity & Social Europe					
4. Rule of Law & Fundamental Rights					

Table 1: Research Matrix PEUL programme

Researchers may study different subject areas from the angle of one of the cross-cutting themes, or instead focus on one specific subject area from the perspectives of one of more horizontal themes. Vertical research themes could be added or removed, as research needs and researcher profiles develop, or if within a substantive research a research focus merits a separate heading.

Currently, two research strands that are gaining prominence are for instance Behre’s research on the EU’s Green Deal and Fink’s work on automated decision making and artificial intelligence.

As was recognized in the 2016 review of the PEUL programme, its research design has allowed fellows to work on topics that are great societal relevance and political salience. Research

themes range from classic internal market and competition law (Van den Bogaert, Van Rompuy, Jesse, Mandrescu) to migration, asylum and integration (Rijpma, Jesse, Fink), and from European and regional integration (Cuyvers, Piqani, Tobler) to EU fundamental rights (Kosta, Fink, Piqani) and the rule of law crisis (Lawson, Van Middelaar). With the establishment of a chair on the Area of Freedom, Security and Justice (Rijpma) and the incorporation of the Institute for Immigration Law in the Europa Institute, the cooperation on migration and asylum law within the PEUL programme has received an important impetus. The same goes for the research on comparative regional integration with the appointment of Cuyvers in this area.

The PEUL programme has also provided the framework within which the manifold political crises that the European Union has had to confront in the past decade. These include the financial crisis (Borger, Behre, Van Middelaar, Van den Bogaert, Cuyvers), the refugee policy crises (Rijpma, Fink), Brexit (Cuyvers, Van den Bogaert, Tobler). Current crises have shown the flexibility of the programme's design to accommodate recent developments, such as the global pandemic (Jesse, Rijpma) or the invasion of Ukraine (Lawson, Cuyvers).

The research design of PEUL is equally capable of accommodating interdisciplinary research, helping to bridge methodological boundaries. In the reporting period, interdisciplinary research, across the boundaries of the faculties, as well as universities, has taken place in the framework of the Leiden-Delft-Erasmus Centres for the [Governance of Migration and Diversity](#) [GMD], and the [European Research Centre for Economic and Financial Governance](#) [EURO-CEFG]. Within Leiden University, the [Global Transformations and Governance Challenges](#) [GTGC] brings 'scholars from different faculties at Leiden University, working in highly interdisciplinary teams', including PEUL fellows (see below). Under the [Institutions for Conflict Resolution](#) [COI] financed under the [Dutch national sector plan for law](#), PEUL fellows also cooperate across the borders of universities and disciplines. The COI programme also hosts two PhD projects supervised by PEUL fellows ([Filius](#) and [Grosfeld](#)). As such, PEUL partakes in country-wide efforts to strengthen interdisciplinary research.

2. Research output, societal relevance, and outreach

The publication-culture focuses on the dissemination of research through of monographs and book chapters with the most respected international publishers, as well as academic articles in top-ranked national and international journals. In addition, they contribute to professional publications and student handbooks. PEUL fellows are encouraged to share their findings at (international) conferences, and to popularize their findings, by means of blog posts and media performances.

Academic Publications

The full output of this reporting period has been included in the appendix to this self-evaluation. A selection of publications is given here to exemplify the high standard and ambition of research carried out by PEUL fellows.

In 2021, Van Middelaar published '[Een Europees pandemonium: Kwetsbaarheid en politieke kracht](#)' [['Pandemonium- Saving Europe'](#)], which is currently available in four languages. Jesse published a [monograph](#) and [edited volume](#) with Cambridge University Press. PhD research conducted under the PEUL programme has resulted in commercial editions with top

publishers: Antonaki ([Brill 2021](#)), Borger (CUP 2020), Fink ([OUP 2018](#)), or Gruni ([Hart 2018](#)). Borger's monograph was awarded the Best Book Prize by the University Association for Contemporary European Studies (UACES),

PEUL fellows took the lead in the creation of the fifth edition of '[The Law of the European Union](#)', a complete reference work on all aspects of the law of the European Union (2018). The [Common Market Law Review](#) of the Europa Institute Leiden remains the leading journal in the field of EU Law. Since 2015, the Common Market Law Review has organized the 'Common Market Law Review On Tour' conferences, aiming to expand its reach to and facilitate scholarly exchange beyond Western-Europe. Conferences have taken place in Liverpool, [Oslo](#), [Paris](#), Munich, Florence, and Krakow.

Societal Relevance & Outreach

PEUL fellows have engaged in a wide range of projects with societal relevance, reaching out to practice, as well as the wider public, both within the European Union and beyond.

The [Leiden Centre for East Africa](#) [LEAC] received financial support from the EU delegation to the East African Community (EAC) and the EAC Commission. The EU's Erasmus-Plus programme for scholarly exchanges, allowed for the exchange of staff and students with students in the countries of the EAC, but also with Albania.

PEUL fellows have carried out research work for local and national government, national parliaments, the European Parliament (notably the LIBE Committee and the European Parliament's research service), EU agencies (notably Frontex), and the East-African Communities. PEUL fellows also are members of well-respected governmental and non-governmental advisory bodies, such as the [Advisory Council on International Affairs](#) [AIV] (Van Middelaar), [Adviescommissie Vreemdelingenzaken \[ACVZ\]](#) (Klaassen), or the [Standing Committee of Experts on International Migration, Refugee and Criminal Law – Meijers Committee](#) (Rijpma, Fink). Lawson is alternate member of the Management Board of the EU Fundamental Rights Agency.

The societal relevance of PEUL's research is evidenced by frequent appearances of its fellows in national and international media, explaining and commenting on topics of great societal relevance, such as the financial and monetary crisis, asylum and migration, Brexit and COVID-19 restrictions. Van Middelaar's weekly column in the Dutch NRC newspaper links academic and social/political discussion on topical issues and has a large readership.

Over the past decade, so-called Leiden Law Exchanges [LLX] have proven an excellent format to bring together academics, legal practitioners, civil servants and NGO's on recent developments of EU law (recent case law, political and/or legislative developments, EU Presidency priorities). Many of these LLX meetings have been organized in cooperation with other departments or external partners. During COVID-19 the format proved flexible enough to be moved online, allowing for a broader audience and participation.

A few examples of successful LLX meetings during the reporting period, illustrate the broad range of issues covered. In 2018 and 2019 there were meetings on the platform economy, [Brexit, and the European Arrest Warrant in the Rule of Law crisis](#). During the pandemic LLX

meetings were organized on the Coronavirus Relief Fund , [Frontex border missions](#) (with the Defence Academy of the Netherlands), as well as on the Social Summit (with the University of Lisbon).

In November 2021, after repeated postponements due to the corona-restrictions, the [XXIX FIDE Congress](#) congress took place in the Hague. The 2021 edition was organized under the auspices of the Dutch Association of European Law. Rijpma acted as academic programme coordinator of the organizing committee. In May 2021, Leiden Law School hosted the '[Young Fide Seminar](#)', co-organized by PEUL fellow Behre. Many other PEUL fellows contributed in different capacities to the success of the congress (panel participation, chairs, editors). Leiden University acted as academic partner of the congress.

Internally, staff seminars, research lunches, and case law lunches, provide a forum for the exchange of ideas. The bi-annual [Leiden London conference](#) attracts the best legal academics on a current topic of EU law. Multi-day international congresses were hosted in the reference period in Leiden. For example, the conference '[Brexit and the future of the EU](#)' (marking the 60th anniversary of the Europa Institute Leiden in 2017), resulted in a [special issue](#) of the Common Market Law review. The conference '[The "Others" amongst "Us"](#)', organized as part of Jesse's NWO Veni project, resulted in the publication of a collective volume with Cambridge University Press (see above). Within the framework of the prestigious [Europa Lezing \(Europe Lecture\)](#), [PEUL has](#) welcomed leading academics, politicians and officials to Leiden to present their vision on issues of EU law and politics, often directly linked to the research themes of the PEUL programme.

Over the last years, the PEUL programme has been fortunate to receive many researchers from abroad, either to present their research or to spend a period of research at Leiden Law School. The presence of visiting scholars has allowed PEUL to exchange ideas with scholars from outside Leiden and the Netherlands and foster ties also at institutional level.

3. Research Grants and External Funding

In the reporting period, several fellow were successful in obtaining external research funding. Jesse completed work on his [NWO Veni project](#) in the period 2016-2018. Rijpma was awarded a Jean Monnet Chair for his project on [Mobility and Security in Europe \[MOSE\]](#) in 2017 in the field of EU Justice and Home Affairs Law. The project had a strong research component and brought young researchers to Leiden for doctoral seminars in [2018](#) and [2019](#). In 2018, Borger was granted a [Niels Stensen Fellowship](#) in 2018, allowing him to spend a year at Yale Law School (US). In 2019, Cuyvers acquired funding to develop the [Leiden Centre for East Africa \[LEAC\]](#) into a Jean Monnet Centre of Excellence (CompaRe), which focusses on comparative regional integration in Europe, Asia, Latin-America and Africa.

In 2021, Kosta obtained an NWO Vidi grant in 2021 for her project '[The EU fundamental right to "freedom of the arts and sciences": exploring the limits on the commercialization of academia](#)'. Her Vidi project has a strong interdisciplinary component at post-doc level. In the same year, Fink was awarded the [Austrian APART-GSK](#) for a four-year research project, to be conducted at Leiden Law School and the Central European University in Budapest/Vienna. Van Middelaar and Borger submitted a [KNAW Thorbecke-grant proposal](#) , which was granted in early 2022. Also in 2021, Piqani was part of a collaborative effort to obtain a seed grant

from the Global Transformations and Governance Challenges (see above), awarded in 2022), on how [international organizations can meet the challenge of enforcing the rule of law](#).

The 2016 evaluation report recommended an increase of efforts to acquire external research funding to unlock research potential and to allow for more flexibility as regards hiring of new academic staff. This recommendation was taken to heart. In this regard, it is important to mention that a conscious effort has been made to create space and time for assistant and associate professors to develop grant proposals. In addition, talented PhD candidates have been given a temporary post-doc position to work on the commercial publication of their doctoral thesis and prepare grant proposals.

4. PhD research and retention (and acquisition) of talent

The PEUL programme is the cradle of a considerable number of young doctors. In the review period, a total of twelve theses have been successfully defended (appendix D). Amongst them two were defended *cum laude*, namely [Borger](#) (2018) and [Antonaki](#) (2019). These theses have reflect the quality of the programme and the width of topics covered.

The programme prides itself on excellent supervision of internal and external PhD candidates and seeks to provide the best research environment possible. This includes, amongst other things, close personal supervision, a teaching-free year, encouragement and funding to present and defend research findings at (international) conferences from an early stage of the PhD project, and the annual organization in the spring semester of the so-called PhD-Day during which all candidates of the PEUL programme present their research to the members of the department of European law. In the reporting period, four young researchers, Behre (2016), Budinska and Van Kruisbergen (both 2018), and Reijgwart (2021), joined the PEUL programme after having obtained the competitive Meijers grants financed by Leiden Law School. In addition, the department of European law has succeeded in retaining talent by using its own resources to fund PhD research, or match research funding, benefitting also the PEUL Programme.

Efforts to attract new talent start much earlier. While open recruitment is the rule, the two LL.M. programs (see [here](#) and [here](#)) most closely linked to the PEUL programme, have acted as talent pools and have been channelled into the Law School's Pre-PhD Programme (PPP) and/or have been given student assistant positions. The PPP is also open to our junior lecturers (Research & Teaching), who as a rule are hired for a one-year period to gain experience with teaching and develop a research grant proposal. A challenge here is that the available funding opportunities within the Netherlands are very limited.

5. Workload research staff - Reflection on earlier evaluation reports

PEUL has always been and remains a research programme with an international outlook and composition. The majority of fellows come from outside the Netherlands and/or have received (part of) their education outside the Netherlands.

The diversity brought about by a multi-national body of PEUL fellows is to be cherished. Research on EU law is per definition cross-border and embedded in an European and

international research community. The programme takes pride in the fact that publications are produced also in languages other than Dutch and English, increasing the reach of research output. At the same time, the PEUL programme fully recognizes that it is based in the Netherlands and that European law takes effect within the legal orders of the Member States, the Netherlands included. They therefore remain committed to producing output in the Dutch language and to continue our outreach activities within the Netherlands, as for instance shown by our involvement in the [European Science Open Forum 2022, as part of Leiden City of Science](#).

The diverse nature of the researcher body in terms of nationality, is not yet matched on all factors of diversity. In terms of gender balance some steps have been made, but this remains a point of attention. While some generally underrepresented groups are well represented in the programme, other groups are not. This as well, will need to be taken on board, in particular in recruitment and talent scouting.

The 2016 report put much emphasis on the staff composition in the Department of European Law, i.e. the department where most PEUL fellows are employed. The report noted a relatively low number of senior full-time staff and recommended a better balance between senior and junior members in full time employment. This concern has been addressed with the appointment of Rijpma in 2020 and Cuyvers in 2021 to full professors, and the appointment of Kosta as Associate Professor in 2022. In addition, a considerable number of young Assistant Professors has started their careers as fellows in the PEUL programme and developed their research under its wings, creating a more balanced mix of new faces and seasoned fellows in the programme.

A second recommendation in the 2016 report, i.e. the need to safeguard research time in light of teaching obligations has remained a concern, also due to the COVID-19 pandemic. Unfortunately, the additional work load affected in particular full-time staff, given their greater involvement in teaching activities, thus exactly the group that was identified in 2016 to be in need of extra attention. Taking this factor into consideration, the research output of PEUL fellows, also during this period, is something to be proud of. At Faculty level work-life balance is an important point of concern and measures are under discussion to use financial reserves to improve the situation.

6. Brief SWOT analysis

Strengths	Opportunities
<ul style="list-style-type: none"> - Coherence of research provided by cross-cutting research themes allowing for research on various topics to be conducted under the common PEUL roof. - Flexibility to incorporate new research themes and socially relevant topics. 	<ul style="list-style-type: none"> - Focus on new thematic research areas (such as environmental policies, artificial intelligence, European security). - More young full-time researchers within the ranks of PEUL create a new dynamic and will set new

<ul style="list-style-type: none"> - Strong international Reputation of Leiden’s Europa Institute and the Common Market Law Review. - Academic quality of staff - International composition, diversity, and international outlook of fellows as far as research and output is concerned, while remaining firmly rooted in Leiden and the Netherlands 	<p>impulses (research projects, agendas, grants).</p> <ul style="list-style-type: none"> - Balance between junior and senior full-time staff recalibrated - New research projects (see above) will consolidate cooperation with other disciplines - European integration remains a highly dynamic area of study, there will be no shortage of research topics which are socially and politically relevant in the foreseeable future.
<p>Weaknesses</p> <ul style="list-style-type: none"> - The programme is relatively small and predominantly hosted by the department of EU law. This naturally limits legal perspectives underpinning research. A deeper and more pronounced cooperation between PEUL fellows in different departments would be a way to address this. - Participation in international consortia is still lacking - Diversity of researchers’ profiles could be improved 	<p>Threats</p> <ul style="list-style-type: none"> - (Ongoing) lack of research time, amplified by Covid-19 pandemic (and its aftermath). - PEUL fellows tend to focus on current crises in their research. This, in combination with limited research time, carries the danger of neglecting fundamental research.

7. Conclusion

In line with the 2016 evaluation report, it can be concluded that the PEUL research programme has ‘within a few years’ time’, not only ‘successfully developed its research identity’, but also managed to further advance this identity and to remain open to new topics. The areas of research covered by the PEUL programme have remained topical and foster research that is of high societal relevance. The issues raised by the 2016 visitation report were taken to heart and addressed to the best of our abilities, also bearing in mind the limitations posed by the global pandemic. For the future, the flexible architecture of the PEUL research program allows it to adjust to new research topics and increase cooperation across departments within and beyond the confines of the Law School and the legal discipline.

All in all, PEUL fellows have reasons to be proud and can look into the future with confidence.