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**“The interplay between legislative provisions and fundamental rights  
in ensuring effective judicial protection & the effectiveness of EU  
law”**

**- Calls for Papers for Doctoral Seminar -**

**Ius Commune Conference, Amsterdam, 29 and 30 November  
2018**

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Over 40 years ago, the European Court of Justice decided on the *Rewe* case,<sup>1</sup> which is still referred to as the seminal judgement setting the minimum requirements for national procedural rules when national courts are adjudicating on cases falling within the scope of application of EU law. In a long line of subsequent case law, the Court of Justice refined its position with respect to national procedural rules and came to establish a system whereby ‘in the absence of EU rules governing the matter’ it is for the domestic legal systems of each Member States to establish the procedural rules applicable to enforcement of EU law, provided that provided that such rules are not less favourable than those governing similar domestic actions (principle of equivalence) and that they do not render practically impossible or excessively difficult the exercise of rights conferred by EU law (principle of effectiveness).

Next to these two principles, a third principle, that of effective judicial protection, has gradually emerged from the case law of the Court of Justice.<sup>2</sup> This principle has been recognised by the Court of Justice as providing a different kind of standard than the one contained in the principle of effectiveness. However, the case law is not consistent on this point, nor is it clear whether both principles have been subsumed under the right to an effective remedy contained in Article 47 of the Charter of Fundamental Rights.<sup>3</sup>

In parallel to this jurisprudential development, the EU legislator has increasingly proceduralised secondary EU law, adding *ad hoc* rules of a procedural nature in various instruments and very diverse policy areas, such as environmental, competition, asylum and public procurement law.<sup>4</sup> The rules thereby enshrined in EU legislation contribute to the effectiveness of the relevant

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<sup>1</sup> Case 33/76, *Rewe-Zentralfinanz eG and Rewe-Zentral AG v Landwirtschaftskammer für das Saarland* ECLI:EU:C:1976:188.

<sup>2</sup> Case 222/84, *Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary* ECLI:EU:C:1986:206.

<sup>3</sup> Sacha Prechal and Rob Widdershoven, ‘Redefining the Relationship between ‘Rewe-effectiveness’ and Effective Judicial Protection’, *Review of European Administrative Law* (2011/2), pp. 31-50.

<sup>4</sup> See for an overview of the phenomenon, M. Eliantonio and E. Muir, Special Issue of *Review of European Administrative Law* (2015/1).

instrument, may enhance judicial protection and facilitate the implementation of the right to an effective remedy.

How do the principles of effectiveness, effective judicial protection and the right to an effective remedy apply in conjunction or next to the related legislative provisions? How does legislative guidance feed into the definition of the fundamental principles and rights thereby identified at either EU or domestic level?

The Maastricht Centre for European law jointly with the Institute for European Law, KU Leuven is organizing a doctoral seminar on 29 November preceding a workshop on this topic which will take place on 30 November. We invite submissions from PhD candidates and post-docs working on topics related to the principle of effectiveness, the principle of effective judicial protection, the fundamental right to an effective remedy and EU secondary procedural rules.

Please submit an abstract of no more than 500 words to Mariolina Eliantonio ([m.eliantonio@maastrichtuniversity.nl](mailto:m.eliantonio@maastrichtuniversity.nl)) and Elise Muir ([elise.muir@kuleuven.be](mailto:elise.muir@kuleuven.be)) before 15 June.