

# Ius Commune Conference 2024

## Workshop: Models of Law Enforcement in the light of General Principles

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Friday, 29 November (9.00 – 12.00)

Room

Participants

**Chairs:** Steven Lierman (KU Leuven) and Rob Widdershoven (Utrecht University)

09.00 – 09.15 *Introduction*

09.15 – 09.45 **Lisette Mustert** (Utrecht University)  
*Transnational Enforcement of the GDPR*

The General Data Protection Regulation (GDPR) entered into force in May 2018 and formed an important step in developing a coherent and consistent data protection framework. While the GDPR is often marked as one of the most comprehensive and stringent in the world, serious questions are being raised regarding enforcement of the GDPR. Structural problems in the GDPR's enforcement mechanism – mostly materializing in the context of transnational data processing – lead to unexplained delays in complaint handling procedures or refusals to act upon complaints at all. Consequently, the Commission published a legislative proposal for a Regulation to streamline cooperation between national administrative authorities when addressing cross-border infringements of the GDPR (COM(2023) 348 final). This contribution aims to assess whether the proposal is capable of living up to its promises, particularly, regarding the better protection of complainants seeking protection of their fundamental right to data protection from the perspective of the principle of good administration.

09.45 – 10.15 **Aart de Vries** (Utrecht University)  
*Transnational Punitive Enforcement*

The enforcement of EU policies by Member States must be effective and compliant with fundamental rights standards. Member States often have considerable national autonomy to decide the enforcement regime and related sanctions to address breaches of EU policies as well as the rules and standards that must be adhered to during enforcement proceedings. The resulting differences between Member States may raise questions concerning the effectiveness of enforcement and the observance of fundamental rights, including judicial protection, if proceedings extend across several national legal orders. This contribution explores whether the current supranational and national legal principles and rules enable effective enforcement and protection of fundamental rights at the cross-border interface of criminal and administrative enforcement, specifically focusing on the (in)effectiveness of judicial protection.

10.15 – 10.45 **Jakob Kesteloot** (KU Leuven)  
*Private Enforcement of Ecological Sustainability*

To preserve and promote a sustainable environment, we need an adequate enforcement of environmentally sustainable conduct. Public enforcement – as the traditional guardian of this sustainable conduct – has limits, such as budgetary constraints. How can private

enforcement complement the limited public enforcement? This presentation covers two private enforcement mechanisms: the environmental injunction for environmental organizations and neighbor nuisance.

10.45 - 11.00 **Coffee break**

11.00 - 11.30 **Michelle Meulebrouck** (KU Leuven)  
*Principles of Good Citizenship in Administrative Law*

This presentation explores the concept of the principles of good citizenship in Belgian administrative law as a counterpart to the principles of good administration. It analyzes how these principles have been recognized in the case law of various Belgian administrative courts, highlighting the responsibilities of citizens in their interactions with the government. Particular attention is given to the legal scope of these principles, especially in relation to fundamental rights such as judicial protection and access to justice.

11.30 - 12.00 **Joren Vuylsteke** (KU Leuven)  
*Competitive Tendering under General Principles of Law*

This presentation discusses to what extent the general principles of Belgian and Dutch law require authorities to organize competitive tendering when they allocate rights to others. This obligation to organize competitive tendering often follows from legislation (most notably public procurement rules) but can also be derived from general principles of law. Most Belgian and Dutch case law have derived this obligation from the principle of equal treatment, but some case law (also) refers to other principles as the legal basis. The presentation will provide an overview of (i) which general principles of law may impose competitive tendering and (ii) to which type of transactions this principle-based obligation applies (contracts, licenses or other rights?).