

Report on the activities of the Institute of European Law

2021

Introduction

The Institute of European Law was founded in 1990 and works on the basis of a statute approved by the Faculty Board of the Law Faculty (SU) on 22 January 1990 and by the Rector of Stockholm University on 15 February 1990. The statute has been amended according to decisions by the rector, most recently on 20 May 2021. According to the Statute the Institute's objective is to promote research and education in European Law in general, and in European Community/Union Law, in particular. According to Article 3 of the Statute, the Institute shall fulfill its objectives by:

- developing and maintaining a specialized library;
- initiating, leading and coordinating research projects;
- gathering and processing research documentation and material;
- organizing lectures, seminars, symposia and similar qualified educational activities;
- participating in various activities of Stockholm University that are within the Institute's sphere of interest;
- cooperating with other research institutes with similar objectives.

The Institute shall strive to cooperate with educational institutions, associations, organizations and public authorities active in the Institute's field of activity.

Institute's Board

The Institute's Board for the period from 1 January 2021 to 21 October 2021 consisted of the following members: Prof. Antonina Bakardjieva Engelbrekt (SU), Prof. Ulf Bernitz (SU), Elisabeth Eklund (Delphi), Olivier Lindén (Kommerskollegium), Ass. Professor Björn Lundqvist, Ass. Professor Claes Granmar, Director Anna Falk (JK) and Ass. Professor Sideek Seyad Mohamed (SU). As of 21 October 2021 Ass. Professor Jaan Paju replaced Ass. Professor Björn Lundqvist.

Antonina Bakardjieva Engelbrekt has acted as the Chair of the Institute's Board. Ass. Professor Jaan Paju has acted as the Director of the Institute until 21 October 2021. As of the same date Ass. Professor Björn Lundqvist acts as the Director of the Institute until 20 October 2024.

Researchers involved in the Institute's activities

During 2021 the following persons have been involved in the Institute's activities.

- Professor Antonina Bakardjieva Engelbrekt
- Professor Ulf Bernitz
- Associate Professor Helene Andersson
- Associate Professor Claes Granmar
- Associate Professor Björn Lundqvist
- Associate Professor Sideek Seyad Mohamed
- Associate Professor Jaan Paju
- Assistant Professor Marios Iacovides

- Doctoral Candidate Gloria Golmohammadi
- Doctoral Candidate Niousha Nademi.
- Doctoral Candidate, advokat Pernilla Norman.
- Doctoral Candidate Markus Skarpsvärd
- Doctoral Candidate Arvin Tayari.

External funding

The researchers at the Institute have been working with various research project supported by internal funding and external research grants. The following projects have been funded externally during 2021:

- Björn Lundqvist together with Prof. Sten Nyberg (SU NEK), Prof. Richard Friberg (HHS NEK) and Prof. Robin Teigland (Chalmers Strategy) received funding of SEK 1,000,000 from the Jan Wallander and Tom Hedelius Foundation for the project Digitization and competition.

Doctoral projects

The following doctoral projects are pursued by co-workers of the Institute during 2020:

- Gloria Golmohammadi, "Participation in EU law-making through consultation: achieving coherence" (Supervisor: Antonina Bakardjieva Engelbrekt, co-supervisor Mauro Zamboni); on parental leave. A final seminar was held in November 2021.
- Niousha Nademi, "Relevant Market and Market Power when Companies Compete through Innovation. Competition in the New Economy", project funded by the Swedish Competition Agency (Supervisor: Björn Lundqvist). A final seminar was held in June 2021.
- Pernilla Norman, "Nationella IT-ramavtal ur upphandlingsrättsligt, konkurrensrättsligt och dataskyddsperspektiv" (Supervisor: Ulf Bernitz/Jaan Paju).
- Markus Skarpsvärd, "The Costs of Legal Certainty: A Forensic Analysis of Exclusionary Abuse of Dominance" (Supervisor: Lars Henriksson, Stockholm School of Economics).
- Arvin Tayari, "Personal Autonomy in the Age of Big Data" (supervisor: Björn Lundqvist; co-supervisors Prof. Giorgio Monti, Tillburg University and Ass. Prof. Stanley Greenstein). A mid-thesis seminar was held in November 2021.
- Senem Eken Uyd: "Free movement of Capital to and from Third Countries" (Supervisor: Sideek Seyad Mohamed). Senem is working as Adjunct Lecturer at Örebro University.

Educational activities

The one-year **master program in European Economic Law** continues to attract a stable number of international applications, which allows forming each year a group of 25-40 well-qualified students from different countries and diverse background. The structure of the program is by now settled with a Fall Term comprising an introductory course on EU Economic Law from a Constitutional Perspective (15 ECTS), followed by a choice between three elective courses (EU Competition Law, EU Banking and Financial Law and Internal Market Law and its Social and Digital Dimension, 15 ECTS each). In the Spring Term, students take the course EU Legal Methods in Research and Practice (15 ECTS) and the program ends with a Master Thesis in EU Economic Law (15 ECTS). In the academic year 2020/2021 28 students graduated from the LLM program. Program directors were Bjorn Lundqvist and Jaan Paju. In the academic year 2021/2022, the program has mainly been in class. Program directors are Antonina Bakardjieva Engelbrekt and Jaan Paju.

Both the two previous and the current 2021/2022 programs were affected by the Covid19-pandemic. Concerning last year's program, the traditional April Brussels trip and several other activities had to be cancelled. Supervision and examination of master theses was shifted to an online format. The same applied for the graduation ceremony. Nevertheless, the program received overall positive evaluations from the students. As to this year's program, all teaching, so far, is conducted on campus.

Several **elective courses** in EU law are currently offered to students from the Swedish law program and Erasmus students. The elective courses of the master program are also offered as elective courses to Swedish students, trying to create synergies and cost-efficient solutions. The list of courses is the following:

Spring Term A period

- EU Internal Market Law (Course Director: Claes Granmar, 15 ECTS)

Spring Term B period

- EU External Trade Relations Law (Course Director: Claes Granmar, 15 ECTS)
- Praktisk europaprocess (Course Director: Claes Granmar, 15 ECTS)

Fall Term B period:

- EU Competition Law (Course Director: Björn Lundqvist, 15 ECTS)
- EU Banking and Financial Law (Course Director: Sideek Seyad Mohammed, 15 ECTS)
- The Internal Market and Its Digital and Social Dimension (Course Director: Jaan Paju, 15 ECTS)

Claes is also responsible for the pan-Nordic moot court in human rights which has been connected to the course praktisk europaprocess (Course Director: Claes Granmar, 15 ECTS) during 2021. The pan-Nordic moot court in human rights is administrated from Stockholm University.

The **undergraduate course in EU law** (7.5 ECTS) is given as before during the first term of the law education. Course Director during the Spring Term of 2021 has been Björn Lundqvist and during the Fall Term of 2021 - Antonina Bakardjieva Engelbrekt. Both the Spring Term and the Autumn Term course were held online due to the Covid19 pandemic. Lectures and seminars were given on Zoom. Examination was also carried out in a digital form.

Seminars and other events

During 2021 the Institute has received financial support from the Cassel foundation for a seminar series in EU law, of which we spent SEK 18,000. The remaining fund of SEK 42,000 will be at the Institute's disposal for the seminar series of 2022. A total of 14 seminars were held throughout the 2021 on a variety of topics from human rights, Brexit, enforcement networks and competition law. The seminars were all given online via Zoom. The seminars have been generally well-attended. A list of the seminars is attached.

Library

Books:

According to the Law Department's policy all specialized libraries receive an annual sum of 40.000,00 SEK for books and library maintenance. In the period 2021 more than 30 titles were purchased.

Digital catalogue:

The Library has a digital catalogue where search in the library books can be carried out. A thorough update of the catalogue was carried out during the summer 2021. The catalogue boasts with some 1000 titles.

The Institute's webpage

The Institute's webpage can be found on: www.instituteforeuropeiskratt.se

Stockholm, 17 January 2022

Antonina Bakardjieva Engelbrekt

Institute Chair of the Board

Björn Lundqvist

Institute Director

Seminar series 2021

Redesigning Extradition for Brexit

den 15 december 2021, kl. 12:00

Dr Noreen O'Meara's paper discusses the redesign of the UK-EU extradition framework for extradition/surrender, considering its strengths and shortcomings, and initial judicial testing in the courts. This analysis is contextualised by the UK-Ireland extradition relationship, which faced the greatest impact under the new surrender regime.

Dr Noreen O'Meara is a Senior Lecturer in Human Rights and European Law at the University of Surrey, UK, and co-director of the Surrey Centre of International and Environmental Law (SCIEL). Her research cross-cuts aspects of Human Rights law and EU law, with current projects focusing on aspects of procedural rights and environmental law. Noreen is a visiting academic at Stockholm University, contributing to teaching on the Masters in European Economic Law programme at the Faculty of Law.

The Digital Markets Act: State of play and implications for competition law enforcement from a European and national perspective

den 10 december 2021, kl. 12:00

The proposed Digital Markets Act (DMA) and its implications for competition law enforcement from a European and national perspective.

Michael König, Adviser on Platform Regulation and the Digital Markets Act at the European Commission, DG for Communications Networks, Content and Technology, Alvaro Garcia-Delgado Garcia, DG Competition, Official on Antitrust Case Support and Policy, and Marita Ljunggren, Second secretary, Single Market, Permanent Representation of Sweden to the EU, discuss the Digital Markets Act (DMA) and its implications for competition law enforcement from a European and national perspective.

Closure of Borders in the Three Nordic EU Member States during the COVID-19 Pandemic

den 29 november 2021, kl. 12:00

Professor Ulla Neergaard, Copenhagen University, Associate professor Jaan Paju, Stockholm University and Professor Juha Raitio, Helsinki University discusses in this seminar the Nordic closure of borders during the pandemic out of a free movement of persons perspective.

Professor Ulla Neergaard, Copenhagen University, Associate professor Jaan Paju, Stockholm University and Professor Juha Raitio, Helsinki University discusses in this seminar the Nordic closure of borders during the pandemic out of a free movement of persons perspective. The seminar is based on their long read in EU Law Live, No 59, May 2021, Broken Wings: Closure of Borders in the Three Nordic EU Member States during the COVID-19 Pandemic.

The Legal Principle of Participatory Democracy: Implications for EU Law-making Consultation

den 16 november 2021, kl. 13:00

At this final doctoral seminar PhD Candidate Gloria Golmohammadi will present the draft of her doctoral thesis.

Personal Autonomy in the Age of Big Data. Covert Influence and Consent in the EU Legal Context

den 10 november 2021, kl. 14:00

Mid-thesis period seminar in EU-Law with doctoral candidate Arvin Tayari

The Law of Political Economy in Europe: A New Approach to Law

den 8 oktober 2021, kl. 12:00

Seminar in EU-Law with Professor of Governance and Sociology of Law at the Copenhagen Business School Poul Fritz Kjær. Please register by 6 October 2021. Zoom link the link will be sent out to registered participants on 7 October 2021.

This seminar presents Law and Political Economy (LPE) as a new and still evolving analytical approach. LPE serves as an alternative to both Ordoliberal and Law & Economics approaches to law combining legal insights with a broad set of inputs from anthropology, history, sociology, political economy as well as economics. The talk will situate LPE in the broader legal landscape and in relation to dominating paradigms of law with a special focus on EU law. The talk will be based on but also go beyond Poul F. Kjær (ed.): 'The Law of Political Economy: Transformation in the Function of Law (Cambridge: Cambridge University Press, 2020)'. It is advisable to read the introduction chapter prior to the seminar. Discussant: Professor Mauro Zamboni (Stockholm University)

FRA-domen

Den 23 juni kl 13.00.

Svenska Paneuropaföreningen tillsammans med Institutet för Europeisk rätt vid Stockholms Universitet

Den 25 maj 2021 fällde Europadomstolen Sverige i målet Centrum för rättvisa v. Sweden: Den svenska FRA-lagen, som reglerar statens hemliga ”massövervakning”, innehåller enligt Europadomstolen inte ett tillräckligt skydd mot godtycklighet och missbruk. Lagen står därför i strid med Europakonventionens krav på skydd för den personliga integriteten.

Fredrik Bergman och Alexander Ottosson från Centrum för rättvisa redogör för Europadomstolens dom och dess betydelse för skyddet för den personliga integriteten och rättsstaten i den digitala

tidsåldern. Fredrik och Alexander kommer att redogöra för FRA-lagen, den stora debatt som var kring den när den antogs år 2008, varför Centrum för rättvisa valde att lämna in ett klagomål till Europadomstolen samt vad domen innebär för Sverige och för signalspaning i Europa.

Market Definition in Digital Markets

den 17 juni 2021, kl. 10:00

At this final doctoral seminar doctoral candidate Niousha Nademi presents the draft of his doctoral thesis “Market Definition in Digital Markets”.

A new legal and supervisory approach to combat money laundering and terrorist financing within the European Union

den 10 juni 2021, kl. 12:00

In recent times there had been a series of money laundering scandals implicating some of the largest and reputed banks across the European Union, including Sweden.

The widespread and colossal sums of dirty money laundered in the EU banking market have once again raised the question of the adequacy of the EU legal and supervisory framework to combat financial crimes. The issues to be discussed is whether the EU should shift its traditional approach to combat money laundering based on minimum harmonization and home country control system. It will be argued that the EU should adopt a new legal approach combined with a more centralized command structure to effectively combat money laundering and terrorist financing.

Sideek Seyad is a Senior Lecturer at Stockholm University. His main research interests are in the field of EU Financial Law ranging from financial supervision, consumer protection to taxation of financial services and financial crimes.

EU Competition Law and Collective Bargaining for Self-Employed in the Gig Economy

den 21 maj 2021, kl. 12:00

The current EU Commission has promised to improve the working conditions of gig workers, which are regularly self-employed, without EU competition law standing in the way. DG Comp followed up on this promise and launched an initiative in January 2021 to explore a variety of policies to avoid EU competition law denying self-employed access to concluding collective agreements.

Maria José Schmidt-Kessen is assistant professor in EU Commercial Law at Copenhagen Business School (CBS Law). Previously, she worked as postdoctoral researcher and teaching assistant at Queen Mary University London. She received her PhD from the European University Institute in Florence with a dissertation on the interaction of IP law and competition law in the EU legal system in 2018. Her main research areas are competition law, IP law and the regulation of new technologies.

Christian Bergqvist is an associate professor in competition law at the University of Copenhagen, with a particular interest in the application of competition law to deregulated and network-tied sectors (telecom, energy, post and transport) and abuse of dominance in general and within these sectors. Christian Bergqvist has extensive experience in competition law as an academician and practitioner. Before becoming a full-time academician Christian Bergqvist served as a lawyer at Tier 1-law firms, representing clients before the judicial and administrative bodies, on competition law matters.

The Fundamental Rights of Companies

den 21 april 2021, kl. 12:00

Several times a month, the CJEU delivers judgments on the fundamental rights of companies. The cases concern a wide range of rights including property, the right to conduct a business, freedom of expression, privacy and the right to a fair trial. Up to now, no comprehensive evaluation of this case law has been carried out.

Until 2014, Peter Oliver was a Legal Advisor in the European Commission, and was also briefly a référendaire to AG Gordon Slynn and a Visiting Fellow at Yale University. In his last few years in the Commission, he worked on chemicals legislation and the Aarhus Convention. He is a Visiting Professor at the Université Libre de Bruxelles and the author of over 80 publications on EU law, including *Free Movement of Goods in the European Union* (5th ed., Hart Publishing, 2010). His forthcoming book is entitled *The Fundamental Rights of Companies – European and US Law Compared* (Hart Publishing).

Discussant: Associate Professor Eduardo Gill-Pedro, Lund University. Eduardo is currently conducting the research project "The Company as a European Supercitizen? The protection of the human rights of corporate persons in European law."

The Internal Market in the Time of Covid-19

den 19 mars 2021, kl. 12:00

Olivier Linden and Sybe de Vries discusses the future challenges for the Internal Market in the light of the current Coronacrisis.

Olivier Linden is a senior legal adviser at the Swedish National Board of Trade.

Sybe de Vries is full professor of EU Single Market Law and Fundamental rights and since 2012 the Jean Monnet Chair. His research and his education focuses on EU Single market law and the interconnection between EU free movement law and fundamental rights. Sybe de Vries is a honorary judge at the District Court of Rotterdam. He is also a board member of the Netherlands Association for

European Law and of the editorial boards of the Journal for European and Economic law (SEW) and the Netherlands journal for Human Rights (NTM/NJCM-bulletin).

The Brussels Effect: How the European Union Rules the World

den 18 februari 2021, kl. 15:00

Professor Anu Bradford discusses her recently published book *The Brussels Effect*. The book challenges the prevalent view that the European Union is a declining world power. It argues that notwithstanding its many obvious challenges, the EU remains an influential superpower that shapes the world in its image through a phenomenon called the “Brussels Effect.”

Anu Bradford is Henry L. Moses Professor of Law and International Organizations at Columbia Law School. She is also a director for Columbia’s European Legal Studies Center and a Senior Scholar at Jerome A. Chazen Institute for Global Business at Columbia Business School. Her research focuses on international trade law, EU law and comparative and international antitrust law. Bradford is the author of “*The Brussels Effect: How the European Union Rules the World*” (OUP 2020).

The Court of Justice of the European Union and the European Court of Human Rights: Two Autonomous Human Rights (R)Evolution

den 22 januari 2021, kl. 15:00

Article 6(2) TEU requires the EU, an institution which has been in a constant state of evolution for over six decades, to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (“ECHR”) a creature of the Council of Europe (“CoE”) which, along with its legal system, has travelled its own evolutionary path over the same period.

Robert M. Schwartz has been an attorney in New York for over 30 years. A former Law Clerk to a U.S. Federal Judge, he received his LL.D. in EU Law and his LL.M. in European Business Law from Lund University. Prior to writing his dissertation he had published inter alia, on EU Competition Law, U.S. and Maritime insolvency Law, and Genomic Patent Eligibility.