

European Law research: our impact



European Law has been at the heart of our research culture for 40 years and in 1989 the Institute of European Law was established to provide an interdisciplinary focus for our work in this area. Birmingham academics have contributed to the academic literature and the policy-making process on a wide range of European issues at both national and international levels.

Our research affects practitioners, politicians and academics and is regularly presented at conferences, seminars and workshops all over the world, including **those organised by the Institute of European Law** ([/research/activity/iel/events/index.aspx](http://research/activity/iel/events/index.aspx)) here in Birmingham. It is sometimes cited in the courts and underpins advice and guidance on European affairs provided by our staff to a range of official bodies and NGOs in this country and abroad.

Our academics and their work:

Professor Anthony Arnall

[Open all sections](#)

- Anthony Arnall: co-editor of *The Oxford Handbook of European Union Law*, (due for publication in 2014/15); judicial dialogue in the EU; position of Poland and UK under EU Charter of Fundamental Rights; judicial review; national remedies for breach of EU rights.
- Professor Arnall's work on the EU's court structure prompted an invitation in 2010 to submit evidence on the workload of the ECJ to the House of Lords EU Committee. His evidence was cited extensively in the Committee's report, *The Workload of the Court of Justice of the European Union*, published on 6 April 2011. The Committee's report was welcomed by both the British Government and the European Commission and was debated in the House of Lords on October 17, 2011. (House of Lords European Union Committee, Session 2010-11, 14th Report, HL Paper 128, evidence available at www.parliament.uk/hleu (<http://www.parliament.uk/hleu>)).
- ***Assange v The Swedish Prosecution Authority*** ([/schools/law/news/2012/arnall-assange.aspx](http://schools/law/news/2012/arnall-assange.aspx)) [2012] UKSC 22, para 229, UK Supreme Court (Lord Mance, referring to *The European Union and its Court of Justice* (2nd ed., 2006)).

Sophie Boyron

- On July 7, 2011, Dr. Boyron provided oral evidence to the Political and Constitutional Reform Committee of the House of Commons on: *'Mapping the path to codifying – or not codifying – the UK's constitution'* and the lessons that may be drawn from French constitutional reforms for an eventual codification of the British Constitution.

Dr Aleksandra Cavoski

- Dr Cavoski governed several environmental research and public sector projects funded by the World Bank, OSCE and the European Commission including the project "Translation of the *Acquis* in Serbia".
- In 2005 she co-authored the National Strategy for Serbia and Montenegro's Accession to the European Union.

Dr Julian Lonbay

- Dr. Lonbay led a group of European legal researchers on ***Tuning Legal Studies in Europe: Initial Findings*** (<http://papers.ssrn.com/abstract=1677820>) with others: Tom Latrup Pederson (Aarhus), Michiel van de Kasteelen (Utrecht), Anne Pelissier (Strasbourg), Jacek Petzel (Warsaw), John Bell (Cambridge), Lars Skjold Wilhelmsen (Bergen), Julia Gonzales (Deusto) and Robert Wagenaar (Groningen) 82pp (2009).
- He produced a report commissioned by the Internal Market Directorate General of the European Commission on ***Specialist Nurses within the EU*** (http://ec.europa.eu/internal_market/qualifications/external_studies/2000/nurses/index_en.htm):
- In 2008-2009, Lonbay led an ***EU funded project reviewing legal education and training in Turkey*** (<http://ssrn.com/abstract=1677818>). He is currently producing a related chapter with a Turkish co-author for a book to be published by Eleven International Publishing which is a part of Boom uitgevers Den Hague (Publication due autumn 2013).
- Dr. Lonbay is UK representative on the Training Committee of the Council of the Bars and Law Societies of Europe (CCBE) (since 2001 and chair 2003-2010) and became a member of the Legal Education Council of PILNET in 2009. As part of the CCBE TC he has written several reports for the European legal professions including on the *Morgenbesser* case, which the CCBE will be holding a closed Workshop on for Bars and Law Societies on 27 June 2013.
- Dr. Lonbay is Rapporteur (for England and Wales) for the International Association of Comparative Law Congress 2014 (Vienna) on "The organisation of legal professions" (Paper due end 2013). The general rapporteur is Professor Martin Henssler (Cologne).
- Since January 2013, Dr. Lonbay has worked as a member of the project team employed under the Jubilee Centre of the University of Birmingham on the flagship research project on *Virtues, Values and Decision-Making in Three Professions in the UK in the 21st Century*. This 30 month project is designed to deepen understanding of the place of virtues and values in initial education, training and subsequent professional practice in three professions. Focused on doctors, lawyers and teachers, the team is working with entrants to initial training, graduates about to enter their profession (and their educators), and those who have been in practice for five years or more.

Dr Luca Rubini

Funding:

- ***Robert Schumann Senior Research Fellowship*** ([/schools/law/news/2012/rubini-schuman.aspx](http://schools/law/news/2012/rubini-schuman.aspx)), Global Governance Programme, Robert Schumann Advanced Centre, European University Institute, Florence (Euros 30,000), 1 September 2012 - 30 June 2013
- ***British Academy, Small Research Grant*** ([/schools/law/news/2012/rubini-british-academy.aspx](http://schools/law/news/2012/rubini-british-academy.aspx)) (£9,950), 2012; (£7,405), 2010
- ***Arts and Humanities Research Council, Fellowship*** ([/research/activity/iel/news/2011/rubini-ahrc.aspx](http://research/activity/iel/news/2011/rubini-ahrc.aspx)) (£63,820), 2011

- On March 12, 2013, Luca Rubini submitted an *amicus curiae* brief to the Appellate Body of the WTO, in the context of the pending *Canada – Renewable Energy/FIT* disputes (DS 412, DS426). In this high-profile case, the Appellate Body is called on to clarify key concepts of the definition of subsidy, in some cases for the first time, and develop its existing jurisprudence. Luca Rubini already participated in the first instance of this litigation by giving pro bono advice to one NGO, the Canadian-based *International Institute for Sustainable Development (IISD)*, in relation to their submission of an *amicus curiae* brief.
- On June 15, 2012, the WTO Panel in the *China – GOES* case followed Rubini's analysis of the crucial concept of 'price support', and the two possible interpretations that could be offered to this concept, as well as the consequences of both. The Panel expressly referred to his book *The Definition of Subsidy and State Aid: WTO and EC Law in Comparative Perspective* [footnote 104 to para. 7.86]. Academic citations are extremely rare in the WTO, and Rubini's research was the sole academic citation in the Panel's report (a report of 174 pages with 654 footnotes). This reference, in the context of defining the important concept of 'price support', is even more relevant given that *Canada – Renewable Energy/FIT* cases are currently pending before the WTO dispute settlement where the Panels will be asked to determine whether certain measures of support for renewable energy adopted by Canada amount to inter alia a form of 'price support' under the WTO Agreement on subsidies.
- In August 2012, the United Nations Conference on Trade and Development (UNCTAD) asked Rubini to act as an expert in the newly established Forum on the Green Economy and Trade. The Forum consists of a panel of experts who will discuss relevant issues with delegates and trade officials and attempt to moderate and suggest solutions. The intention of the bi-annual Forum is to have "an institutional space...not to legislate, but to reduce frictions and perhaps to reduce trade disputes" (Guillermo Vargas, Director of the International Division on Trade in Goods and Services).
- In September 2012, Dr. Rubini, at the invitation of the Rules Division of the WTO, facilitated debate and policy discussion through his contributions to the panel on 'The Agreement on Subsidies and Countervailing Measures: Past, Present, Future' at the WTO Public Forum in Geneva. This enabled the dissemination of his research before an extremely distinguished audience of more than 140 delegates, including envoys from various WTO delegations, WTO officials, representatives of NGOs and think-tanks, and members of the general public. Dr. Rubini specifically outlined his case for law reform and called on Members to change the law in order to make it more responsive to climate change action.
- Luca Rubini has a long-standing collaboration with various NGOs active in the field of sustainable development and international trade. He is regularly invited to speak in Geneva by both the *International Centre for Trade and Sustainable Development (ICTSD)* and the *International Institute for Sustainable Development (IISD)*.
- Luca Rubini has collaborated with Gary Hufbauer of the Peterson Institute of International Economics, Washington DC, one of the leading US think-tanks.

Professor Martin Trybus

- In 2007 Professor Trybus cooperated with outside partners in a study of the European Defence Agency (EDA) in Brussels: E. Anders Erikson, Mattias Axelson, Keith Hartley, Mike Mason, Ann-Sofie Stenérius, and Martin Trybus, *Study on the Effects of Offsets on the Development of a European Defence Industry and Market* (<http://www.eda.europa.eu/documents.aspx>). (SCS Henley on Thames and FOI Stockholm for the European Defence Agency Brussels, 2008). This led to the adoption of a voluntary, non-legally binding Code of Conduct of the EDA agreed by the EU Council (of Ministers) in 2008, and revised in 2011.
- In June 2008, Professor Trybus gave evidence to the Internal Market and Consumer Protection Committee of the European Parliament. See: **NOTICE TO MEMBERS (IMCO/CM/05/2008) Subject: Summary of the IMCO mini-hearing on the defence package, Rationalising the European defence market - risks and benefits IMCO Committee Meeting** (http://www.europarl.europa.eu/meetdocs/2004_2009/documents/cm/727/727589/727589en.pdf), 2nd June 2008. 15h00-18h30, 3: Professor Trybus focused on the impact of the proposal on the current legal framework. He concluded that the defence package would provide more coherence, compliance and clarity on the application of internal market rules. In particular, he defended the inclusion of security goods in the scope of the defence procurement Directive.
- Professor Trybus contributed to a study on social considerations in public procurement for the European Commission in which he cooperated with colleagues from the Universities of Oxford and Turin under the leadership of the International Training Centre of the International Labour Organization ILO (2008). This project involved study visits to Germany and Denmark and led to the Commission's Guide and a dissemination programme in the context of which, Professor Trybus presented at an international conference in Dublin.
- Moreover, he contributed to a study on the European armaments market for the US Department of Defense carried out under the leadership of the Centre of Transatlantic Studies at John Hopkins University in Baltimore, USA (2008).
- From 2007-2009, Professor Trybus and **Dr Rubin** (<http://www.birmingham.ac.uk/research/activity/iel/members/profile.aspx?ReferenceId=3818&Name=dr-luca-rubini>) provided substantial contributions for the EDA study on State aids and public ownership in the European defense industries. This study was led by the research institute of the Spanish Ministry of Defence, **ISDEFE** (<http://www.isdefe.es>) and the German **Fraunhofer Institute** (<http://www.fraunhofer.de/EN/>). Moreover, the French **Compagnie Européenne d'Intelligence Stratégique** (<http://www.ceis-strat.com/contact1.php>) (CEIS) in Paris and the Swedish **Stockholm International Peace Research Institute** (<http://www.sipri.org/>) (SIPRI) cooperated on this project. On 17 November 2009, as a result of this report, the Ministers of Defence of the EDA participating Member States (pMS) and Norway, agreed on a *Political Declaration on a Level Playing Field for the European Defence Equipment Market*, tasking the Agency with conducting further investigations into issues that might have an impact on a Level Playing Field (LPF), including a thorough assessment of these areas and the development of proposals for mitigating actions. In 2010 and 2011 Professor Trybus contributed to a related study of the European Commission on State control of strategic assets led by Manchester Business School.
- In 2011 Trybus, supported by University of Birmingham doctoral student Luke Butler (now University of Bristol), made a considerable contribution to the country assessment report of the OECD on the USA.
- Martin Trybus: co-editor of *EU Law of Public Contract* (due for publication in 2014 with Bruylant); author of *From National Champions to European Competitors? The EU Armaments Market and the Defence and Security Procurement Directive* (due for publication in 2014 with CUP)