



Annual Report 2010-2011

Contents

About The Centre of European Law and Legal Studies (CELLS)	2
People	3
Research projects (latest first)	8
CELLS Conferences and seminars	10
Publications	11
Postgraduate programmes	14
CELLS Constitution	15

Introduction

The Centre of European Law and Legal Studies (CELLS) was re-inaugurated under a new name in August 2007, to continue as Leeds School of Law's European Law Centre in a tradition starting in 1993. Today, CELLS consists of nine full time academic staff and eight external members, and a number of PhD researchers and project researchers. It is a partner in the University's Jean Monnet Centre of Excellence, offering links to political and social sciences, economics and media studies.

CELLS point of departure is the model character of the European Union as a polity, which is looked upon from across the globe for organising trans-national law and delivering international governance. The EU model for economic and social constitutionalism is of particular importance here. Resting as much on the laws and traditions of its Member States as on substantive EU law, it requires European legal research to be comparative. In 2010-11, this model was challenged by the global economic crisis, which, although initiated by speculative property markets and risky financing of banking systems in only some countries, at times seemed to threaten the Euro as a common currency of a number of Member States. CELLS research especially in the field 'Economic and Social Constitutionalism' gained new topicality with hindsight.

This report covers a 12 month period between July 1st 2010 and June 30 2011. In this period, CELLS activities were focused on disseminating results of the two very productive previous years, and to re-establish in new spatial surroundings, as well as exploring potential for new research directions.

May 2011 saw the launch of the book resulting from the Second European Conference on Multidimensional Equality Law in Leeds in March 2009 (Schiek & Lawson (eds) *EU Non-Discrimination Law and Intersectionality* (Farnham: Ashgate 2011)). Together with the prestigious lecture by Professor Sir Bob Hepple on the UK Equality Act 2010 and Anna Lawson's contributions to a number of research project and consultations in the field of non-discrimination law and equality for disabled people these demonstrate the well established position of CELLS in the field of European and International Equality Law.

In the field of Economic and Social Integration and Comparative Law, a reinforced interest in the role of Courts has emerged, documented by the (as yet unfunded) White Rose Collaboration 'Judicial Ideologies – Case law as Data' (with Dr. Lindsay Stirton, Dr Severine Saintier (both Sheffield) , Dr. T.T. Arvind – York and Dagmar Schiek) and a conference at CELS (Cambridge) on the European Judicial Order, in which Iyiola Solanke had a leading role. Dagmar Schiek and Jule Mulder have been invited to contribute to a Swedish research project on European industrial relations, building on Dagmar's German work commencing in 1990. Finally, a first workshop on legal pluralism, initiated by Jen Hendry, is planned for summer 2011, hailing the emergence of another new research focus (possibly also related to spatial structure, collective use of natural resources including land, regionalism and localism).

The period has seen some changing faces again. Dr. Oliver Gerstenberg has left CELLS for a term as director of the Centre for International Governance. Dr. Alberto Lepore has joined CELLS as a Marie Curie Fellow for one year (until 31st of December 2011), and Dr Liz Olivier has become an 'external member', being now located in LUBS, along with Dr Charlotte O'Brien from York University school of law. The centre director is now also supported by a deputy director (Dr. Jen Hendry – in charge of next year's seminar series) who completes the executive committee (consisting of Professor Michael Cardwell and Anna Lawson in addition to director and deputy director).

Professor Dagmar Schiek, Chair in European Law, Jean Monnet Professor,
Director of CELLS, June 2011

People

Leeds

Ana Laura Aiello, PhD Researcher

Ana researches for a PhD in the field of disability rights, co-supervised by Anna Lawson and Mark Priestley (School of Sociology). Her working title is 'Persons with intellectual impairments in Europe: how effective is strategic litigation for addressing human rights violations arising from institutionalisation?', and she plans to submit in September 2014

Ann Blair, Senior Lecturer in Law

Following a successful career in the voluntary sector, Ann studied law as a mature student. She has been teaching at Leeds University School of Law from 1994. Ann's main research interest lies in educational law, with a focus on education as social right and discrimination in education. She is on the editorial board of *Education and the Law*. Ann has been seconded part time to trade union duties, inter alia as President of Leeds UCU, for a while and will be the faculty diversity officer from October 2010.

Professor Michael Cardwell, Chair in Agricultural Law

Michael [MA, Solicitor] joined the School of Law in 1990 after working in legal practice with Burges Salmon, Bristol. His early research was directed to agricultural tenancies and European Community quota regimes, culminating in *Milk Quotas: European Community and United Kingdom Law* (OUP, 1996). More recently, he has addressed broader legal issues generated by Common Agricultural Policy reform, together with the regulation of agriculture within the World Trade Organization. In these contexts, published work includes *Agriculture and International Trade: Law, Policy and the WTO* (co-edited with Peggy Grossman and Chris Rodgers) (CAB International, 2003) and *The European Model of Agriculture* (OUP, 2004). He also continues to explore the role of law in the governance of agricultural biotechnology and this year saw publication of *The Regulation of Genetically Modified Organisms: Comparative Approaches* (co-edited with Luc Bodiguel) (OUP, 2010).

Alicia Epstein, PhD researcher

Alicia researches under the working title 'The European approach to food security: Is the law keeping us secure?'. Her research looks at the issue of European food security, which is often emphasised as an important aspect of the EU's Common Agricultural Policy (CAP), both now and in the future. More specifically, it looks at food security in its legal context and questions the extent to which the EU legal framework is successful in delivering on aims of increased food security, both with regards to the current CAP objectives and those being sketched out for approaching reforms.

Andrea Gideon (LL.M), PhD Researcher and Teaching Assistant

Andrea has studied 'Comparative and European Law' at the Hanse Law School, Germany. She is now working on a PhD thesis under the working title 'Higher Education Institutions under EU Law constraints' at the University of Leeds, where she also teaches on the EU law module. Before joining Leeds, she has worked for the German Development Service DED as Junior Advisor for Training at the Badan Pendidikan dan Pelatihan Provinsi Nusa Tenggara Timur (Education and Training Academy for Civil Servants at the provincial level) in Indonesia. Her main research interests lie in the field of EU law and economic and social integration in Europe.

Dr. Jen Hendr, Lecturer in Law (Deputy Director)

Jen is a Lecturer at the Law School and coordinator of undergraduate courses on Jurisprudence and English Law in Context. Before joining Leeds, Jen wrote her doctoral thesis on the topic 'Unitas in Diversitate? On Legal Cultures and the Europeanisation of Law' at the European University Institute (EUI) in Florence, and then spent a year in the Netherlands as a postdoctoral research fellow in the Tilburg Institute for Comparative and Transnational Law (TICOM) at Tilburg University. Her main research interests are in the areas of legal and social theory and comparative law and legal studies, in particular in the concept of 'legal culture'. She is also undertaking research on European legal integration and on legal pluralism, specifically regarding devolution and constitutional theory, and is a participant in the Comparative Legal Studies research area (#4) of the Goethe University Frankfurt's Cluster of Excellence on the 'Development of Normative Orders'. Recent publications include: 'Facebook and the Commercialisation of Personal Information: Some Questions of Provider-to-User Privacy' (co-authored with Kay Goodall) in M.E. Goodwin et al (eds.) *Perspectives on Regulating Technologies* (Wolf: Nijmegen, 2010), and 'The Double Fragmentation of Law: Legal System-Internal Differentiation and the Process of Europeanisation' in D. Augenstein (ed.) 'Integration through Law Revisited': The Making of the European Polity (forthcoming, Ashgate, 2011).

Anna Lawson, Senior Lecturer in Law

Anna Lawson is a senior lecturer in law at the University of Leeds and a member of the University's Centre for Disability Studies as well as its Centre for European Law and Legal Studies. She teaches a range of subjects which include undergraduate courses in Equality Law and Land Law and postgraduate courses in Disability Rights and Law and EU Discrimination Law. Her research interests centre on disability, human rights and equality law at national, European and international levels. Her publications include 'Disability and Equality Law in Britain: The Role of Reasonable Adjustment' (Hart Publishing, 2008) and, along with Caroline Gooding, 'Disability Rights in Europe: From Theory to Practice' (Hart Publishing, 2005). She is a member of the project board of the Academic Network of Experts on Disability (funded by the European Commission) and a member of the editorial board of the European Yearbook on Disability Law and Policy. She is a trustee of the Mental Disability Advocacy Centre (Budapest), the Royal National Institute of Blind and Partially-Sighted People and the Independent Disability Council (Leeds) and works closely with a number of other disability organisations including the European Blind Union and the European Disability Forum.

Dr Alberto Lepore

Alberto (PhD in Labour Law, University of Rome 'Sapienza') is a researcher in Labour Law at the University of Rome 'Tre' since 2005, a member of the Journal Advisory Board of *Rivista Giuridica del Lavoro*, and a member of the 'Associazione Italiana di Diritto del Lavoro e della Sicurezza Sociale as well as the Industrial Law Society. Having been a visiting fellow at the University of Leeds in 2008, working on protection of employees in cases of transfers of undertaking (sponsor: Professor John McMullen) he returned as Marie Curie Fellow, with the project 'Practical Impact of EU Equality Directives in Italian and UK Employment Law' (PIEDIUEL), supervised by Professor Dagmar Schiek, in January 2011.

Pilar Milla Marin (LL.M), PhD Researcher and Teaching Assistant

Pilar is qualified as a lawyer in Spain, where she also obtained an undergraduate degree in law, and holds an LL.M in International Business Law from the University of Central Lancashire. Her PhD research seeks to identify the obstacles that consumers may encounter to seek compensation when they have been harmed as a consequence of antitrust practices. These obstacles may involve procedural hurdles posed by the civil legal orders on damages actions, but also the non-strictly legal barriers arising from the different legal cultures of Member States. Under these premises, procedural

rules, dispute-settling institutions and complaint behaviour will be compared in UK and Spain to give a good account of the causes leading to the underdevelopment of antitrust competition law in the EU. She also works as a GTA, contributing to the EU law undergraduate module.

Jule Mulder (LL.M), PhD researcher and Teaching Assistant

Jule (LL.M Bremen/Groningen) researches for a PhD in the field of comparative law and equality law, which is supervised by Dagmar Schiek and Julie Wallbank. She plans to submit in November 2011. Her research will examine how national courts and quasi-judicial bodies respond to the EU challenge of introducing an equality framework into their national legal systems to correspond with the EU standard of equality law. It will include an analysis of direct as well as indirect discrimination on the grounds of gender and sexual orientation. She compares Germany and the Netherlands, and will also develop a new method of comparative law suitable to assessing the impact of implementation of EU law. Jule also contributes as a Teaching Assistant to modules on the English Legal System and EU Law.

Dave Shannon, PhD Researcher

Dave Shannon is a judge at the Canadian Human Rights Tribunal and a PhD researcher at CELLS, supervised by Anna Lawson and Dagmar Schiek. His PhD has the working title 'Creating A Judicial Best Practices Model For Disability Rights Enforcement'. Through the use of the consensus framework for rights promotion established by The United Nations Convention on the Rights of Disabled Persons, he aims at developing a comparative analysis to identify the 'best judicial practices' exercised in the enforcement of disability rights by judicial and quasi judicial bodies in Canada, the United States, and the United Kingdom. The project will more particularly consider the duty to accommodate as it applies to employment, and how it is enforced in each jurisdiction.

Dr. Iyiola Solanke, Senior Lecturer

Iyiola is a Senior Lecturer in European Union Law at the Leeds School of Law. She completed her doctorate at the London School of Economics, where she was also appointed a Teaching Fellow. More recently, she was a Jean Monnet Fellow at the University of Michigan Law School and a Visiting Professor at Wake Forest University Law School. She received a British Academy Research Grant for her empirical project on the Advocate General in the European Court of Justice, and last year published 'Making Anti-Racial Discrimination Law' (2009, Routledge). Her articles have appeared in the *Modern Law Review* and the *Columbia Journal of European Law*. She is currently organising an interdisciplinary international research collaboration on Racism, Colonialism and the Law under the auspices of the Law and Society Association.

Neil Stanley, Lecturer in Law

Neil Stanley has lectured in law at the University of Leeds since 1993, having previously worked as a solicitor in private practice for 12 years and as a researcher in a niche planning consultancy for three years. Neil currently teaches environmental law (pollution control, planning law, nature conservation law and European Union environmental law) and torts. Neil's scholarly, academic and research interests are demonstrated in his publications such as *Wolf and Stanley on Environmental Law* (2003). Neil is currently working on the fifth edition of this book. In 2010 Neil is planning to write a text on European Environmental Law. Neil's research interests are: Environmental law – pollution control, planning law (including the built heritage), nature conservation, torts, corporate manslaughter, emergency planning disasters, risk and legal processes.

Professor Peter Vincent-Jones, Professor of Law

Peter [BA (Hons), Cambridge, 1973; MA, Sheffield, 1979; PhD, Sheffield, 1983] is Professor of Law at the School of Law. His main teaching and research interests are in the overlapping areas of contract and public law, regulation, and socio-legal theory. Over the past fifteen years he has published articles in a wide range of journals on the privatisation and contractualisation of public services in the UK and Europe, and is sole author of the monograph *The New Public Contracting* (OUP 2006). He has been PI for research projects funded by the ESRC, the NHS Service and Delivery Organisation, and the European Commission. In 2004 he was Visiting Fellow in the Law Program at the Research School of Social Science, Australian National University. He is currently engaged in a five-year research project - 'Reflexive Governance in the Public Interest' - comparing different modes of regulation of healthcare in Britain, France and Hungary as part of a larger integrated project under the European Commission's 6th Framework Programme, involving 30 partner institutions in Europe, Canada and Australia.

Dr Chloe Wallace, Lecturer in Law

Chloe studied English and French Law at the University of Essex, where she gained her LL.B., and European Law at the University of Kent, where she gained her LL.M (with distinction) and her PhD. Her research interests include French law and legal culture, particularly public law and employment law, Comparative law, and Law and religion. Recently, she has co-authored a new textbook on economic and social law of the European Union.

External Members

Dr Mel Kenny, Reader European Law (University of Leicester)

Mel took his LLB in Newcastle upon Tyne, his LL.M in Leicester and his doctorate in Bremen. He has worked at the Universities of Leipzig (1990-7), Bremen (1997-2001 and 2005-07, Lucerne (2001-5) and Durham (2007-08). In recent years his research has centred on two highly charged legal topics: first, the inexorable 'Europeanisation' of national private law systems and; second, the comparative assessment of the treatment of surety agreements across Europe. After joining Leeds in August 2008, Mel has accepted a Reader position in Leicester for the academic year 2010/11. He maintains an external CELLS membership.

Annick Masselot, Senior Lecturer in Law (University of Canterbury, New Zealand)

Annick read law at the *University of Nancy*, France where she graduated with a Magistère in European Business Law. She later completed an LL.M by Research (First Class) at *University College Dublin* on the 'Legal Protection for the Health and Safety of Pregnant Women in the Workplace: A Comparative Study between the United States and Europe' (1996). Annick has worked as a lecturer at Strathclyde University, Glasgow (1996-2000) and as a researcher at Tilburg University, Netherlands (2000-2002). She joined Leeds in 2002 as Senior Lecturer and Deputy Director of the CSLPE. In 2007, Annick was posted to the University of New Zealand as a Marie Curie Fellow for two years to complete research on reconciliation of work and family life among academics engaging in international mobility, for the completion of which she returned to Leeds in the academic year 2009/10. This has resulted inter alia in a co-authored monograph (see publications). She has moved on to Canterbury University for September 2010, and remained connected to CELLS as external member.

Helen Meenan, Visiting Fellow, Kingston University

Helen Meenan originally qualified as a solicitor in Ireland. She read for an LL.M in European Business Law at the University of Amsterdam and is a visiting fellow at Kingston University, United Kingdom where she held the Jean Monnet Chair in European Law for a number of years. She sits on the International Advisory Committee of the International Federation on Ageing and her research interests in-

clude European equality law, age discrimination and law and ageing. Helen is editor of 'Equality Law in an Enlarged European Union' (Cambridge University Press, 2007).

Sonia Morano-Foadi, Reader in EU Law, (Oxford Brookes University)

Sonia Morano-Foadi read law at the University of Bari, Italy where she graduated with a Laurea in Law cum Laude. She later completed a Diploma in EU Law and Economics at the University of Bari, Italy (equivalent to DPhil). In 1996 she worked as a research fellow at the National Research Council (CNR) in Rome, Italy. At the end of 1997 she moved to the UK where she started working as a research assistant at the University of Leeds. She was appointed as a Lecturer in Law at the University of Leeds in 2001. In September 2007, she joined Oxford Brookes University as a Senior Lecturer in Law and from September 2010 she is a Reader in EU Law at the same university. Sonia's research combines empirical findings with theoretical and doctrinal investigations on European citizenship, governance and internal migration within the EU and the main focus is on the relationship between migration within the EU and European citizenship. Her work takes a socio-legal, cross-national approach combining detailed legal analysis with in - depth empirical work in a range of European Union countries. She has led an ESF funded exploratory workshop on "In/equality for third country nationals: implementation and effects of EU directives on migration and asylum", together with Maja Cederberg and Micaela Malena, which was held at Oxford Brookes University, 28th-30th June 2010 with 27 participants from eleven different countries and 25 institutions.

Professor John McMullen (University of Durham)

John McMullen [PhD Cambridge] was employed with University of Leeds as a professor for employment law on a part time basis (20 %). He is also one of the country's leading practitioners in European employment law, and a member of Short Richardson & Forth LLP (Newcastle). His main research interest focuses on European employment law, and in particular on the transfer of undertakings. John is an editor of Sweet & Maxwell's Encyclopaedia of Employment Law, has written five books on employment law and is a member of the Council of the Advisory Conciliation and Arbitration Service (ACAS). John's employment with University of Leeds will come to an end by the end of September 2010, and he will remain an external member of CELLS.

Dr. Caroline Mullen, Research Officer (University of Leeds, Institute for Transport Studies)

Caroline studied Philosophy at the University of Leeds, where she earned her BA and MA title. She studied for her interdisciplinary PhD on the moral defensibility of transport related risk and harm, at the Centre for Social Ethics and Policy, School of Law of University of Manchester. She has worked at the University of Birmingham as a research associate at the Centre of Contemporary Governance and Citizenship, and as a project officer researching ethical and legal issues in property governance, and lecturing in Human Rights at the Centre for Global Ethics. With the completion of the FP6 Project 'Reflexive Governance' and the part thereof conducted in Leeds, her paid employment with the Centre has come to an end in May 2010. She remains an external centre member. She currently works at the Institute for Transport Studies, University of Leeds. Her research interests include reflexive governance, citizenship, issues of equality and distributive justice especially as applied to environment, transport and health care.

Dr Liz Oliver , Research officer (University of Leeds, Business School, Centre for Employment Relations, Innovation and Change)

Liz has a PhD from the University of Leeds (School of Law) , and joined LUBS in September 2010 , having previously worked as a lecturer at the Liverpool Law School (2010) and as a researcher (at the University of Liverpool , 2007-2010 and at the University of Leeds 2003-2007). Her research explores

aspects of EU and national employment law and policy relating in particular to gender equality, mobility, highly skilled and fixed-term employment. Through a series of empirical socio-legal research projects she has investigated law and policy in a number of settings. I have developed specific expertise in the area of human resource management within the Higher Education sector in the area of fixed-term employment. She has managed a funded project as a principle investigator and have experience as a researcher on projects funded by the research councils, the European Commission and the ACCA.

Dr. Charlotte O'Brien, Lecturer in Law (University of York)

Charlotte has a PhD from the University of Liverpool, and joined York School of Law in 2010. Prior to that, she had obtained a Social & Political Sciences degree, trained as a volunteer Citizens Advice Bureau adviser, and completed the LLM in Law at the University of Leeds, where she also undertook research assistance work on the EU constitutional treaty. Her PhD was entitled 'Between angels and serfs: Fitting disabled, caring or older volunteers into the EU framework of free movement, equal treatment and citizenship'. Charlotte's research interest cluster between EU social law, UK public law and human rights law. They include EU policies on social security coordination, migration, citizenship, labour law and asylum, the implementation of these policies into UK law, and theories of equality and fundamental rights.

Richard Whittle, Senior Lecturer in Law (Sheffield Hallam University)

Richard's principal research interest is in EC disability law and policy. Between 1998 and 1999 he represented the Disability Unit of the EU Commission in the development of what is now Directive 2000/78/EC

Research projects

Fundamental Rights of Persons with Intellectual Disabilities and Persons with Mental Health Problems

Duration: July 2010 - November 2011

People: Anna Lawson

Funding: European Fundamental Rights Agency

This project aims to gather information about the extent to which the rights of people with intellectual disabilities and people with mental health problems are realised in four fields:

- independent living in the community;
- entry into institutions and conditions of life within them;
- legal capacity and freedom to make one's own decisions; and
- access to justice.

It will explore any 'implementation gap' between the letter of the law (within the framework of the UN Convention on the Rights of Persons with Disabilities) and the position on the ground. It also aims to identify examples of good practice and to make recommendations as to how the position might be improved.

The project has three main phases.

The first consists of the gathering of information (in the form of reports based on desk research) about the situation in all EU countries and a separate report about developments at the international and European levels.

The second consists of empirical research in 8 of those countries. This will consist of interviews, focus groups and photovoice observation. The methodology will be emancipatory in the sense that people with intellectual disabilities and mental health problems will be encouraged to shape the conclusions and analysis of the data.

The third phase will consist of the writing of a final report, a draft of which will be explored with research participants and other stakeholders in a 2 day conference in Vienna.

It should be stressed that, at all stages, the research process will be informed by input from the leading EU NGOs working on the issues of concern to the project.

Planned outputs: FRA will publish the final report. It also plans to publish an account of our methodology as a guide for other researchers interested in working in similar fields

The project is the result of a partnership between The University of Leeds, The University of Galway (Ireland), The Mental Disability Advocacy Centre (Hungary), The Human European Consultancy (Netherlands)

EU Academic Network of Experts for Disability (ANED)

People: Anna Lawson

Duration: January 2008 - December 2011

Funder: European Commission

ANED was created under the European Commission's PROGRESS programme in 2007. The purpose of the project is to establish and maintain an academic research network throughout the countries of the European Union (EU) and the European Free Trade Area (EFTA) to inform disability policy making at the European level.

The academic network provides the European Commission with expertise and support to describe and analyse the situation of disabled people in the European Union and EFTA countries, and will develop the concept and methodology of mainstreaming in the main policies and strategies of the Community that are relevant for disabled people.

The project is co-ordinated in partnership between the University of Leeds and Human European Consultancy (Netherlands). Its official website is www.disability-europe.net

Output in 2009-10: Several expert reports and working conferences

Research Project: Industrial action and the peace obligation on the internal market in Europe – a comparative project assessing consequences of the ECJ's Viking and Laval jurisprudence

People: Dagmar Schiek, Jule Mulder

April 2010 - November 2011

Funder: Swedish Council for Working Life Research (led by University of Uppsala)

The theme of the future of industrial relations in the EU is very topical in the aftermath of the judgments Laval and Viking in the EU Court of Justice.

This project will focus specially on remedies and economic sanctions for unlawful action, as this is a field where not much comparative research has been done yet. Also, national traditions differ widely here. Thus, it is crucial to consider the relation of any concept of unlawfulness of industrial action at national level and at EU level. The question in such a situation is of course whether there are any EU specific sanctions in such a case – a question to which the Swedish Labour Court gave a positive answer in its final judgment in the Laval case (December 2009). The research hypothesis is that most EU Member States have restricted the possibilities to claim economic damages for industrial action. Thus, it would be surprising if EU law would demand to establish sanctions for the same.

This small project shall lay the base by providing information on remedies for ‘unlawful’ industrial action at national levels in Belgium, the Netherlands, France, Italy, the United Kingdom, Spain, Portugal, Poland, Hungary, Germany, Austria, Finland, Denmark and Sweden, and how it relates to the national labour market system more generally. It also aims to initiate a discussion on how international instruments can be interpreted in this context.

Practical Impact of EU Equality Directives in Italian and UK Employment Law: a comparative analysis (PIEDUEL)

People: Alberto Lepore (Dagmar Schiek as supervisor)

Marie Curie Individual Fellowship

January – December 2011

The EU is founded on the principles of liberty, democracy, respect of human rights and fundamental freedoms. To underpin these principles, the EU has introduced a wide range of anti-discrimination legislation.

Different Member States have, however, implemented and interpreted this legislation in many different ways, meaning the effectiveness of EU anti-discrimination policy varies considerably across the Union.

The aim of this research project is to compare and contrast how the legislation has been implemented in two different Member States, UK and Italy, with a view to identifying areas of good practice which, if adopted in both of these and other Member States, would enhance the effectiveness of the EU's anti-discrimination law.

In order to achieve this, the researcher will investigate the practical impact of EU non-discrimination law in Italian and English employment law, using a critical comparative law methodology. The critical comparative law method endeavours to comprehend the underlying reasons (social, historical, economic, and cultural) which explain why identical EU directives have had a different impact in two different Member States.

The same method will be used to realise a wider practical application of the European antidiscrimination law in Italy and UK -- in particular, to consider if Italian non-discrimination law may be modelled by the English law, and the UK by Italian law. The final aim of the project is finding good practices in Italy and the UK to promote a widespread and a more frequent use of non-discrimination law in Europe.

CELLS Conferences and seminars

In this period, CELLS convened one conference as well as five seminars.

On 21st of September 2011, CELLS hosted a one day conference on **'Achieving Equality – Critical Reflections of the Role of Equality Bodies' (can Anna please complete a little?)**

On 16th February 2011, Professor Sir Bob Hepple gave a seminar on **'The Equality Act 2010 - an Appraisal'**. This talk which was highly frequented by students offered the opportunity to reflect on this piece of legislation, and to discuss its advantages and disadvantages comparatively and with European perspectives.

CELLS had also endeavoured to inaugurate a **seminar series 'European integration theory and European legal studies'**, which aimed at offering a forum to discuss interdisciplinary methodology and cutting edge research in European legal studies. In this term, two seminars were offered. The first one took place on 9 March 2011 under the title **'Postcolonial Approaches to European Law and Legal Studies'**, aiming to highlight tensions between postcolonial theory and European law. Professor Patricia Tuitt (London, Birkbeck College) introduced her work on this theme, and Professor Dora Kostakopoulou (Manchester) commented. This seminar also drew participation from the centre of postcolonial studies, and it is hoped that cooperation can sprout from this. The second seminar in the series consisted of a workshop on **'Comparative and European Law - Methods in Practice'**. Speakers offered jurisprudential perspectives on comparing laws in the EU (. Dr. Jen Hendry), present interdisciplinary approaches to comparing the impact of EU competition law on Higher Education Institutions (Andrea Gideon) and to comparing enforcement of EU-non-discrimination law in the UK and Italy (Dr Alberto Lepore). This workshop also served as the inauguration of the Leeds ELSA (European Law Student Association) group, whose director was chosen to be national director the day after.

4th of May saw the launch of the book **EU Non-Discrimination Law and Intersectionality, edited by Dagmar Schiek and Anna Lawson** as a result of the Second European Conference on Multidimensional Equality Law in Leeds. The event not only was a celebratory occasion, but also attracted participation by researchers from Graz University (Austria) who have established the funded project 'Law and Intersectional Discrimination'. Although this is coming to an end soon, further cooperation was explored .

The 1st of June saw a workshop on **"Transnational Competition and Industrial Relations – New Perspectives for the EU and Beyond after Laval and Viking"**, with a critical reflection on changes in Swedish legislation as a result (Jonas Malmberg, University of Uppsala) and a presentation on the question whether it would be advisable to conduct international industrial relations outside the EU rather than within (Wolfgang Däubler, Bremen)

Publications

2011

- Allen, P., Doheny, S, Hughes. D., Petsoulas, C, Roberts, J and Vincent-Jones, P (2011) 'NHS Contracting in England and Wales: Changing Contexts and Relationships', National Institute for Health Research Service Delivery and Organisation Programme, March 2011 (<http://www.sdo.nihr.ac.uk/projdetails.php?ref=08-1618-127>)
- Devenney, J & Kenny, M 'The Fallacy of the Common Core: Polycontextualism in Surety Protection – a 'Hard Case' in Harmonisation Discourse, in M. Andenæs & C. Andersen (eds), *The Theory and Practice of Harmonisation* (forthcoming, Edward Elgar Publishing, 2011)
- Duina F. and Morano-Foadi S. 'Introduction: The Institutionalisation of Regional Trade Agreements Worldwide: New Dynamics and Future Scenarios' 17 (5) *European Law Journal*, (2011), pp. 573–579
- Hendry, J 'Double Fragmentation: Legal System-Internal Differentiation and the Process of Europeanization' in D. Augenstein (ed) *Integration through Law revisited: The Making of the European Polity* (Ashgate: 2011) chapter 7 (forthcoming)
- Kenny, M. 'Orchestrating sub-prime Consumer Protection in Retail Banking: *Abbey National* in the Context of Europeanized Private law (2011) 19 *European Review of Private Law* 43-69
- Lawson, A 'Reasonable Accommodation and Accessibility Obligations: Towards a More Unified European Approach?' (2011) 11 *European Anti-Discrimination Law Review* 11 – 21
- Lepore, 'Trasferimento di parte dell'azienda' (The Transfer of a Part of the Undertaking 2011), *Il nuovo lessico giuslavoristico*, Marcello Pedrazzoli (ed.), (Bononia University Press 2011), pp 143-154
- Masselot, A, 'The Right and Reality of Flexible Working Arrangements in New Zealand', in Families, Care-Giving and Paid Work, G. James and N. Busby ed., Edward Elgard Publishing Ltd. (forthcoming 2011)
- Morano-Foadi S. and Andreadakis S., 'Reflections on the Architecture of the EU after the Treaty of Lisbon: the European judicial approach to fundamental rights' 17 (5) *European Law Journal* (2011), pp. 607–622
- Morano-Foadi, S. Discriminazione su base razziale e sulla nazionalità: protezione giuridica e stratificazione dei diritti dei cittadini dei Paesi terzi nell'Unione Europea, in Le discriminazioni subite dagli stranieri tra diritto europeo e diritto italiano: ai confini tra xenofobia e razzismo?, Armando Editore, Roma, 2011, pp. 162-180.
- Mullen, C, 'Mobility (transport)' entry for *Encyclopedia of Applied Ethics* (2nd ed.), Elsevier (forthcoming 2011)
- Mullen, C, Hughes, D and Vincent-Jones, P, 'The Democratic Potential of Public Participation: Health-care Governance in England' 20 (1) *Social & Legal Studies* (2011) 21–38
- O'Brien, C 'Drudges, dupes and do-gooders? Competing notions of 'value' in the Union's approach to volunteers' 1(1) *European Journal of Social Law* (2011) 49-75
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Research opportunities and Postgraduate programmes

CELLS invites applications for research visits and offers opportunities for postgraduate research and studies.

LLM European Law: socio-economic law of Europe in a globalising world

This programme is unique in that it links European socio-economic law, a subject of high relevance for legal practice, with the umbrella themes 'globalisation' and 'constitutionalism', thus offering a challenging academic perspective. Its purpose is to develop knowledge in the various overlapping and intersecting legal orders that operate in Europe, encompassing EU law, WTO law and comparative European law.

A distinctive feature of the LLM is the opportunity to participate in CELLS seminars and lectures. These allow LLM students to profit from CELLS research activities and may provide an incentive towards progressing to PhD research themselves.

Graduates will gain skills needed for both trans-national legal practice and professional work for think tanks and NGOs. It will also provide a good start for any academic career focused on European law and legal studies both within the UK and elsewhere.

Postgraduate research (PhD and Master by research)

CELLS is the only centre in the school of law which regards PhD researchers as full members, and also makes an effort to include them into its activities. Individual members are happy to discuss opportunities for supervising PhD studies any time. The first step towards a PhD is often an LL.M.

We welcome applications falling within any field of European Legal Studies, particularly within our key research strength areas. The Centre runs a research training programme for postgraduate research students in conjunction with training made available by the University itself.

The school maintains a PhD scholarship, and there is a wide range of university scholarships. We also encourage applications for government funding from outside bodies, such as the AHRC. CELLS members are very research active, and acquisition of external funding tends to create opportunities for employment, also for PhD researchers.

CELLS Constitution

(see overleaf).

CELLS is a member of the Jean Monnet Centre of Excellence. In difference to all other Centres, and in line with practices of CSLPE and CSLE, CELLS allows membership of PhD researchers. The Centre is administered by a Director (Professor Dagmar Schiek), one deputy director (Dr Jen Hendry) and an Executive Board (consisting of director and deputy director and Professor Michael Cardwell and Anna Lawson)

Constitution of the Centre for European Law and Legal Studies

1. Objective

The objective of the Centre is to promote research and teaching in legal aspects of European Integration in a global context. This includes in particular research and teaching in EU law, including the legal framework of the EU's position in a global context, and on comparative law in a global context, with a focus on European countries. While legal research is its main focus, the centre is networked in interdisciplinary contexts.

2. Membership

2.1 Any member of the academic or research staff of the School of Law and any PhD researcher registered with the School of Law may be a member of the Centre.

2.2. Other individuals, whether members of the University or not, may be appointed to membership of the Centre by the Executive Committee.

2.3 Individuals and Institutions may become associate members. Individuals can be appointed by the Director on nomination of the executive committee, for fixed term or unlimited duration. Institutions can be associated to the Centre if they fulfil the conditions established in by-laws made from time to time by the Executive Committee of the Centre.

3 Jean Monnet Centre

The Centre is associated to the Jean Monnet Centre of Excellence at the University of Leeds, which serves as a common platform for researchers in European studies at the University.

4. Administration

4.1 The Centre shall be administered by a Director and an Executive Committee.

4.2 The Director, who shall be appointed by the Head of the School of Law upon proposal of the members of the Centre, shall normally hold office for a period of five years and shall be eligible for immediate re-appointment.

4.3 The Director shall be responsible to the Executive Committee for the running of the Centre and the representation of its interests, having regards to the views and recommendations of the Executive Committee, the Advisory Committee and the centre members. S/he may be assisted by one or several Deputy Directors appointed by the Executive Committee, who shall be a member ex officio of the Executive Committee.

4.4 The Executive Committee shall consist of the Director and any Deputy Director and up to four nominated members. The Executive Committee shall have power to co-opt up to two additional members. Nominated and co-opted members shall be appointed normally for two years and shall be eligible for immediate re-appointment. 4.5 The Executive Committee shall meet as often as necessary to carry on the work of the Centre, but in any event at least twice a year, the Director acting as convenor. Any member of the Executive Committee shall have the right to require the holding of a meeting of the Committee.

4.6 There shall be an Advisory Committee appointed by the Executive Committee which shall formulate advice and recommendations concerning any aspect of the administration or activities of the Centre.

4.7 The Advisory Committee shall meet at regular intervals with the Director acting as convenor. Special Meetings may be held at the request of the Executive Committee.

4.8. The Director shall convene the Centre members at least once a year for a Centre meeting.

5. Amendment to the Constitution

This constitution may be amended by the School of Law upon recommendation of the Executive Committee of the Centre.