Editors
Ségoïlène Barbou des Places (University Paris 1 Panthéon-Sorbonne); Enzo Cannizzaro (University of Rome “La Sapienza”); Gareth Davies (VU University Amsterdam); Adam Lazowski (University of Western London); Juan Santos Vara (University of Salamanca); Daniel Thym (University of Konstanz); Ramses A. Wessel (University of Groningen).

Associate Editor
Nicola Napoletano (University of Rome “Unitelma Sapienza”).

European Forum Editors
Charlotte Beaucillon (University of Lille); Stephen Coutts (University College Cork); Stefano Montaldo (University of Turin); Benedikt Pirker (University of Fribourg).

Editorial Committee
Managing Editors: Giulia D’Agnone (University of Campania “Luigi Vanvitelli”); Mauro Gatti (University of Bologna); Stefano Montaldo (University of Turin); Ilaria Ottaviano (University of Chieti-Pescara “G. d’Annunzio”); Luca Pantaleo (University of Cagliari); Aurora Rasi (University of Rome “La Sapienza”); Daniela Vitiello (University of Fribourg).

Editorial Staff: Micol Barnabò (University of Rome “La Sapienza”); Filippo Croci (University of Milan); Sara Fattorini (University of Rome “La Sapienza”); Giulio Fedele (University of Rome “La Sapienza”); Delia Ferri (Maynooth University); Ulyana Kohut (University of Rome “La Sapienza”); Sarah Lattanzi (University of Rome Tor Vergata); Rossella Pulvirenti (University of Nottingham); Cristina Renghini (University of Macerata); Alessandro Rosano (University of Turin); Stefano Saluzzo (University of Piemonte Orientale); Francesca Varvello (University of Turin); Susanna Villani (University of Bologna).

European Papers is a double-blind peer-reviewed journal. This Issue of the e-Journal (final on 15 July 2021) may be cited as indicated on the European Papers web site at Official Citation: European Papers, 2021, Vol. 6, No 1, www.europeanpapers.eu.

ISSN 2499-8249 – European Papers (Online Journal) doi: 10.15166/2499-8249/0

Registration: Tribunal of Rome (Italy), No 76 of 5 April 2016.

This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

Web site Copyright © European Papers, 2016-2021.
EDITORIAL

European Integration Through International Law? The Strange Story of the Global Tax Project  

ARTICLES

Peter Van Elsuwege, A New Legal Framework for EU-UK Relations: Some Reflections from the Perspective of EU External Relations Law  

Georgios Anagnostaras, Activating Ultra Vires Review: The German Constitutional Court Decides Weiss  

Nathan Meershoek, The Constraints of Power Structures on EU Integration and Regulation of Military Procurement  

Using the Historical Archives of the EU to Study Cases of CJEU – First Part  
edited by Marise Cremona, Claire Kilpatrick and Joanne Scott  

Marise Cremona, Claire Kilpatrick and Joanne Scott, The Court of Justice in the Archives: Introduction  

Antoine Vauchez, The Court of Justice in the Archives Project: An Initial Reflection  

Maria Patrin, Meroni Behind the Scenes: Uncovering the Actors and Context of a Landmark Judgment  

* The page numbering follows the chronological order of publication on the European Paper web site.
Grigoris Bacharis, Consten and Grundig *and the Inception of an EU Competition Law* p. 553

Alessandro Petti, ERTA *and Us: Shifting Constitutional Equilibria on the Visions of Europe* 567

Justine Muller, Procureur du Roi v Dassonville: *The Judicial Dossier Behind the Measure Equivalent to Trade Restriction Formula* 579

Rebecca Munro and Rebecca Williams, *Caught in the (Red)act: Insights from the Van Duyn Dossier* 589

**Opinion 1/17: Between European and International Perspectives**
*edited by Mads Andenas, Cristina Contartese, Luca Pantaleo and Tarjei Bekkedal*

Cristina Contartese and Mads Andenas, *Opinion 1/17 and Its Themes: An Overview* 621

Antonis Metaxas, *Opinion 1/17: Autonomy of EU Legal Order and the Conflicting Context of International Investment Arbitration* 631

Arman Melikyan, *The Legacy of Opinion 1/17: To What Extent Is the Autonomous EU Legal Order Open to New Generation ISDS?* 645

Szilárd Gáspár-Szilágyi, *Between Fiction and Reality: The External Autonomy of EU Law as a “Shapeshifter” After Opinion 1/17* 675

Luca Pantaleo and Fabienne Ufert, *Litigating Human Rights Disputes Against the EU and the Member States: Some Reflections in Light of Opinion 1/17* 693

Tarjei Bekkedal, *Autonomy or Unity? Investment Protection (ISDS) and the Principle of Equality Before the Law* 713


Günes Ünüvar, *Investment Court Judges and the “Right to an Independent Tribunal”: An Assessment of the Qualification and Ethics Rules in EU FTAs in Light of Opinion 1/17* 757

**Towards European Criminal Procedural Law – Second Part**
*edited by Araceli Turmo*

Louise Seiler, *Les garanties procédurales offertes à la défense face au Parquet européen* 335
Table of Contents

Ana Laura Claes, Anne Werding and Vanessa Franssen, *The Belgian Juge d’Instruction and the EPPO Regulation: (Ir)reconcilable?* p. 357

Maria Ludwiczak Glassey, *Le parquet européen: perspectives suisses* 391

Maxime Lassalle, *Existe-t-il des garanties européennes relatives à la protection de la vie privée dans le cadre de l’enquête pénale?* 405

Hélène Christodoulou, Laetitia Gaurier and Alice Mornet, *La proposition e-Evidence: révélatrice des limites de l’émergence d’une procédure pénale européenne ou compromis nécessaire?* 423

Marine Corhay, *Private Life, Personal Data Protection and the Role of Service Providers: The EU e-Evidence Proposal* 441


Chloé Brière, *EU Criminal Procedural Law onto the Global Stage: The e-Evidence Proposals and Their Interaction with International Developments* 493


**Shaping the Future of Europe – First Part**

*edited by Sandra Hummelbrunner, Lando Kirchmair, Benedikt Pirker, Anne-Carlijn Prickartz and Isabel Staudinger*

Sandra Hummelbrunner, Lando Kirchmair, Benedikt Pirker, Anne-Carlijn Prickartz and Isabel Staudinger, *Shaping the Future of Europe: Introduction* 229

Odile Ammann, *Transparency at the Expense of Equality and Integrity: Present and Future Directions of Lobby Regulation in the European Parliament* 239

Maria Patrin, *The European Commission Between Institutional Unity and Functional Diversification: The Case of Economic Governance* 269

Matteo Manfredi, *Enhancing Economic and Social Rights Within the Internal Market Through Recognition of the Horizontal Effects of the European Charter of Fundamental Rights* 293

Christos Papachristopoulos, *Shaping the Future of Europe in Prisons: Challenges and Opportunities* 311
The following Insights and Highlights, included in this issue*, are available online here.

**INSIGHTS**

Eve Buland, *Sensibilité(s) européenne(s) et sensibilité animale: l’affaire Centraal Israëlitisch Consistorie van België e a.*  p. 57

Giacomo Di Federico, *When Medical Treatment and Religious Beliefs Intersect: The Case of Veselibas Ministria*  69

Francesco Luigi Gatta, *Politica dei visti e stato di diritto: il difficile equilibrio tra sovranità e garanzie procedurali nella giurisprudenza della Corte di giustizia*  599

Theodora Gazi, *The New Pact on Migration and Asylum: Supporting or Constraining Rights of Vulnerable Groups?*  167


Lena Hehemann, *Religious Slaughtering, a Stunning Matter: Centraal Israëlitisch Consistorie van België and Others*  111

Costanza Honorati, *La prima decisione sul Regolamento Roma III e la legge italiana sul divorzio: le difficoltà del giudice straniero il cui ordinamento non conosca l’istituto della separazione legale*  29


Dion Kramer, *On the Futility of Expelling Poor Union Citizens in an Open Border Europe*  155

Agne Limante, *The E.E. Decision Sheds Light on Notaries Acting as “Courts” and on a Few Other Notions Within the Context of the Succession Regulation*  45

Nigel Lowe QC (Hon), *Application of Art. 10 of Brussels II-Bis to Children Abducted Out of the EU: The Last UK Reference on Family Law?*  219

* The page numbering follows the chronological order of publication on the European Paper web site.

Bruno Nascimbene, *Carta dei diritti fondamentali, applicabilità e rapporti fra giudici: la necessità di una tutela integrata* 81

Sara Poli, *The UK as a Third Country: The Current Model of Cooperation with the European Union in the Adoption of Restrictive Measures* 141

Sarah Progin-Theuerkauf, *Defining the Boundaries of the Future Common European Asylum System with the Help of Hungary?* 7

Sophia Rovelli, *Case Prokuratuur: Proportionality and the Independence of Authorities in Data Retention* 199

Kate Shaw and Pavel Repyeuski, *Council Recommendation for Promoting Cooperation and Solidarity Amongst the Member States: A Far Enough Step?* 189

Isabel Staudinger, *The Court of Justice's Self-restraint of Reviewing Financial Assistance Conditionality in the Chrysostomides Case* 177

Thomas Verellen, *In the Name of the Rule of Law? CJEU Further Extends Jurisdiction in CFSP (Bank Refah Kargaran)* 17

**Highlights**

Mattia Colli Vignarelli, *The European Commission Trade Policy Review: The Effectiveness of Sustainable Development Chapters in EU FTAs* 1

Rebecca Zahn, *Does Stand-by Time Count as Working Time? The Court of Justice Gives Guidance in DJ v Radiotelevizija Slovenija and RJ v Stadt Offenbach am Main* 121
Submission of Manuscripts to European Papers: complete instructions for submitting a manuscript are available on the European Papers web site at Submitting to the e-Journal. Before submitting their manuscripts, Authors are strongly recommended to read carefully these instructions and the Style Guide. Authors are invited to submit their manuscripts for publication in the eJournal to the following e-mail address: submission@europeanpapers.eu. Manuscripts sent through other channels will not be accepted for evaluation.

Manuscripts Submission and Review Process: complete instructions for submitting a manuscript are available on the European Papers web site.

1. European Papers encourages submissions for publication in the e-Journal and on the European Forum. Submissions must be related to the distinctive field of interest of European Papers and comply with the Submission to the e-Journal and Submission to the European Forum procedures, and with the Style Guide.

2. Authors are invited to submit their manuscripts to the following e-mail address: submission@europeanpapers.eu. Authors are also requested to produce a short CV and to fill in, subscribe and submit the Copyright and Consent to Publish form. Authors must indicate whether their manuscript has or will be submitted to other journals. Exclusive submissions will receive preferential consideration.

3. European Papers is a double-blind peer-reviewed journal.

4. Manuscripts submitted for publication in European Papers are subject to a preliminary evaluation of the Editors. Manuscripts are admitted to the review process unless they do not manifestly comply with the requirements mentioned above or unless, by their object, method or contents, do not manifestly fall short of its qualitative standard of excellence.

5. Admitted manuscripts are double-blindly peer-reviewed. Each reviewer addresses his/her recommendation to the reviewing Editor. In case of divergent recommendations, they are reviewed by a third reviewer or are handled by the reviewing Editor. Special care is put in handling with actual or potential conflicts of interests.

6. At the end of the double-blind peer review, Authors receive a reasoned decision of acceptance or rejection. Alternatively, the Authors are requested to revise and resubmit their manuscript.

Books for Review ought to be sent to Prof. Enzo Cannizzaro (Book Review Editor), Department of Legal Sciences, University of Rome “La Sapienza”, Piazzale Aldo Moro, 5 – I-00185 Rome (Italy); e-books ought to be sent to: submission@europeanpapers.eu. The books will not be returned. Submission does not guarantee that the book will be reviewed.

Administration and contact information: European Papers – info@europeanpapers.eu.

Abstracting and Indexing Services: European Papers is applying to join, inter alia, the services mentioned on the European Papers web site at International Abstracting and Indexing Services.
EDITORIAL

*European Integration Through International Law? The Strange Story of the Global Tax Project*

ARTICLES

Peter Van Elsuwege, *A New Legal Framework for EU-UK Relations: Some Reflections from the Perspective of EU External Relations Law*

Georgios Anagnostaras, *Activating Ultra Vires Review: The German Constitutional Court Decides Weiss*

Nathan Meershoek, *The Constraints of Power Structures on EU Integration and Regulation of Military Procurement*

**Using the Historical Archives of the EU to Study Cases of CJEU – First Part**

*edited by* Marise Cremona, Claire Kilpatrick and Joanne Scott

**Opinion 1/17: Between European and International Perspectives**

*edited by* Mads Andenas, Cristina Contartese, Luca Pantaleo and Tarjei Bekkedal

**Towards European Criminal Procedural Law – Second Part**

*edited by* Araceli Turmo

**Shaping the Future of Europe – First Part**

*edited by* Sandra Hummelbrunner, Lando Kirchmair, Benedikt Pirker, Anne-Carlijn Frickartz and Isabel Staudinger

EUROPEAN FORUM

*Insights and Highlights*