



“Supra national courts and individual rights: Europe and its constitutional conscience”

Speaker: Takis Tridimas (King’s College)

Chair: Marta Simoncini (Luiss)

Date and Time: May 25th, 2022, 13:15 – 14:30hrs

Aula 206AB - Viale Romania

Abstract

Constitutional courts engage in balancing conflicting rights, principles, and interests. This balancing exercise raises profound questions about the separation of powers and the proper limits of the judicial province. When balancing takes place at a supra-national level by the CJEU or the ECtHR, the judicial exercise acquires added dimensions of complexity. This paper attempts to explore some of the issues arising in CJEU adjudication. In contemporary EU law, constitutional clashes occur in the backdrop of three developments: the proliferation of EU rights, greater emphasis on the values of Article 2 TEU, and enhanced prominence of EU structural principles. The paper first defines the universe of conflicts that arise in EU law and seeks to provide a typology of conflicts. It then attempts to identify some of the factors that the CJEU should take into account in resolving them. It focuses, in particular, on what factors may determine whether the CJEU does the balancing or whether it leaves it to the Member State, where EU or interests conflict with rights or interests protected by national law.

About the Speaker

Takis Tridimas is the Chair of European Law and Director of the Centre of European Law at the Dickson Poon School of Law, King’s College London. He is also the Nancy A. Patterson Distinguished Faculty Scholar and Professor at Pennsylvania State University and a Barrister in Matrix Chambers. His interests include the constitutional law of the EU, judicial protection, banking and financial law, and comparative law. He is the author of numerous publications, including Schütze and Tridimas (Eds) Oxford Principles of European Union Law, Volume I: The European Union Legal Order, Oxford University Press, 2018; FIDE General Report on Banking Union (Kluwer, 2016), H.W. Micklitz and T. Tridimas (Eds), Risk and EU Law, (Edward Elgar, 2015); and The General Principles of EU Law (Oxford, 2nd Ed, 2006). He is one of the most oft-quoted academic authors by Advocates General of the Court of Justice of the European Union.

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He has appeared before the European Court of Justice. He was involved in the negotiations leading to the Withdrawal Agreement of the UK from the European Union (2017-2018) and chaired the Committee responsible for drafting the Treaty of Accession of 2003 by which ten European states joined the EU.

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