

Report on the activities of the Institute of European Law

2022

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 Vice Chancellor of Stockholm University on 15 February 1990. The statute has been amended according to decisions by the Vice Chancellor, 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 /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 consisted of the following members in 2022: Prof. Antonina Bakardjieva Engelbrekt (SU), Prof. Ulf Bernitz (SU), Elisabeth Eklund (Delphi), Olivier Lindén (Kommerskollegium), Ass. Professor Claes Granmar, Director Anna Falk (JK), Ass. Professor Sideek Seyad Mohamed (SU), Ass. Professor Jaan Paju and Professor Jane Reichel.

Antonina Bakardjieva Engelbrekt acted as the Chair of the Institute's Board and Professor Björn Lundqvist acted as the Director of the Institute.

Unfortunately, Prof. Ulf Bernitz, founding member of the Institute, passed away during the year.

Researchers involved in the Institute's activities

During 2022 the following persons have been involved in the Institute's activities.

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

- Doctor of Laws Branka Marusic
- 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. **Doctoral projects**

The following doctoral projects are pursued by co-workers of the Institute during 2022:

- Gloria Golmohammadi, "Participation in EU law-making through consultation: achieving coherence" (Supervisor: Antonina Bakardjieva Engelbrekt, co-supervisor Mauro Zamboni); on parental leave.
- 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).
- 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).
- Alina Murg Perlmutter resumed her Phd project "European Courts judicial review of competition cases involving 'complex economic or technical assessments'" (Supervisor: Antonina Bakardjieva Engelbrekt, co-supervisor Björn Lundqvist).
- 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 2021/2022 the students were finally back on campus after the Covid19-pandemic and a small class of 14 graduated from the LLM program. Program directors were Antonina Bakardjieva Engelbrekt and Jaan Paju. In the academic year 2022/2023, the program is chiefly held in class with a group of 24 students. Program directors are Antonina Bakardjieva Engelbrekt and Jaan Paju.

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 2022. 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 2022 has been Björn Lundqvist and during the Fall Term of 2022 - Antonina Bakardjieva Engelbrekt.

Seminars and other events

During 2021 and 2022 the Institute has received financial support from the Cassel foundation for the seminar series in EU law. A total of 12 seminars were held throughout 2022 on a variety of topics - from human rights, EU constitutional law and competition law. The seminars were given in hybrid form or 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 2022 more than 35 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 2023

Antonina Bakardjieva Engelbrekt

Institute Chair of the Board

Björn Lundqvist

Institute Director

Seminare series 2022

[Europadomstolens rättspraxis i svensk rätt](#)

den 6 december 2022, kl. 16:00

Offentlighetsrådet i samarrangemang med Forum för en levande Europakonvention och Stiftelsen Rättsfonden bjuder in till seminariet "Europadomstolens rättspraxis i svensk rätt".

Speakers: Anna Rogalska Hedlund inleder seminariet med att återge sina reflektioner över vilken betydelse Europadomstolens praxis har och fortsättningsvis bör ha för den svenska rättens vidkommande. Frågor hon ställer sig är om Europadomstolens praxis får fullt genomslag i Sverige och om ett ökat genomslag skulle gagna den svenska rättsstatsprincipen och stärka skyddet för mänskliga rättigheter.

Advokaten Jan Södergren och docenten Claes Granmar kommenterar föredraget.

Moderatorer: Claes Granmar och Karin Åhman

English Google translation:

"The European Court's jurisprudence in Swedish law

on December 6, 2022, at 16:00

Public law in co-arrangement with the Forum for a Living European Convention and Stiftelsen Rättsfonden invites you to the seminar "The European Court's jurisprudence in Swedish law".

Speakers: Anna Rogalska Hedlund begins the seminar by giving her reflections on the importance the European Court's practice has and should continue to have for Swedish law. Questions she asks herself are whether the practice of the European Court will have full impact in Sweden and whether an increased impact would benefit the Swedish rule of law and strengthen the protection of human rights.

Attorney Jan Södergren and docent Claes Granmar comment on the talk.

Moderators: Claes Granmar and Karin Åhman"

[From two-sided markets to digital ecosystems](#)

On the 16 November 2022, at 17:00

We have the privilege to present Prof. Dr. Andreas Heinemann, University Zürich, President of the Swiss Competition Commission, as a speaker. He will make a presentation regarding two- and multi-sided markets, networks and ecosystems from an economic and EU competition law perspective.

Speaker: Prof. Dr. iur. Andreas Heinemann, DIAP (ENA, Paris) is full professor at the University of Zurich and permanent guest professor at the University of Lausanne, as well as president of the Swiss Competition Commission.

[Private Action and EU Competition Law - the Spanish and Swedish experience - a Joint Webinar with Ascola Nordic](#)

On the 27 September 2022, at 12:00

The EU Competition Law Damages Directive, is it Facilitating Private Damages Actions in the EU? Two leading experts reflect on the fact that suits for damages have increased dramatically in the field of EU Competition Law and that the legal development is rapidly developing. Please register by 26 September 2022. Zoom link will be sent to registered participants on 26 September 2022.

Speakers: Professor Juan Ignacio Ignacio Ruiz Peris, University of Valencia, guest researcher at the Faculty of Law of the Stockholm University, and Professor Lars Henriksson Stockholm School of Economics

Commentator: Associate Professor Björn Lundqvist, Stockholm University

[Tackling the plastics crisis through law - do European strategies offer scope for optimism?](#)

On the 22 September 2022, at. 11:30

The seminar will be held at Stockholm University, Department of Law, C-building, Faculty room on the 8th floor. Please register until September 20th.

Speaker: 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 Proposal for the Data Act and the Digital Markets Act from a competition policy perspective - a Joint Webinar with Ascola Nordic](#)

On the 20 September 2022, at. 12:00

The EU Digital Markets Act and the proposed Data Act are discussed from a competition policy perspective. Please register by 18 September 2022. Zoom link will be sent to registered participants on 19 September 2022.

Speakers: Professor Juan Ignacio Ignacio Ruiz Peris, University of Valencia, guest researcher at the Faculty of Law of the Stockholm University, and Associate Professor Björn Lundqvist Stockholm University

Commentator: Associate Professor Jonas Andersson Schwarz Södertörn University, Stockholm

[The Costs of Legal Certainty: A Forensically-Informed Methodology on How to Establish the Relevant Costs in Exclusionary Abuse Cases](#)

On the 27 June 2022, at. 10:00

Välkommen till slutseminarium i konkurrensrätt. Marcus Skarpsvärd kommer under seminariet att lägga fram slutmanuskript till sitt pågående avhandlingsprojekt med ämbets titeln: The Costs of Legal Certainty: A Forensically-Informed Methodology on How to Establish the Relevant Costs in Exclusionary Abuse Cases.

Vid seminariet kommer Anna Tzanaki att fungera som särskild granskare. Anna är verksam vid Lunds universitet och har stor erfarenhet av konkurrensrättsliga frågor samt interdisciplinära forskningsansatser.

[Yttrandefrihet i ljuset av koranen-bränningar](#)

Den 21 June 2022, kl. 09:00

Yttrandefriheten och dess gränser har i alla tider varit ett kontroversiellt och mångfacetterat ämne. Förutom gränsytan mot övergripande samhällsintressen såsom allmän ordning och säkerhet bryts yttrandefriheten mot andra individuella rättigheter som följer av den Europeiska konventionen om skydd för de mänskliga rättigheterna (EKMR) såsom rätten till religionsfrihet.

På seminariet diskuterar författarna till Civil Rights Defenders rapport "När samhället tystnar" (2019) resultaten i ljuset av ökade spänning i omvärlden och inomskärs. Marcin de Kaminski och John Stauffer belyser hur hat och hot påverkar yttrandefriheten, civilsamhället och minoritetsgrupper. De kommer också att diskutera den senaste tidens koranbränningar i städer runt om i Sverige och varför dessa handlingar bör utgöra hatbrott och de presenterar metoder som Civil Rights Defenders anser är viktiga verktyg för att stärka människorättsförsvarens säkerhet. Civil Rights Defenders har arbetat för yttrandefrihet och minoriteters rättigheter samt med att värna säkerheten för människorättsförsvare i flera decennier. Insatserna har många gånger handlat om att skydda personer som arbetar för samhällsförändring och för ökad yttrandefrihet i repressiva länder och kontexter. Under de senaste åren har Civil Rights Defenders i allt större utsträckning kontaktats också av organisationer och opinionsbildare i Sverige som uttrycker samma behov av säkerhetsstöd. För att bättre förstå utmaningarna, behoven och för att identifiera möjliga vägar framåt genomförde Civil Rights Defenders studien 2019. Som ett led i arbetet med att motverka hatbrott har Civil Rights Defenders vidtagit rättsliga åtgärder mot en högerextrem organisation för att se om lagen om hets mot folkgrupp på ett effektivt sätt skyddar minoritetsgrupper när yttrandefrihet används för att sprida hat och hot.

Google translation:

“Freedom of speech in light of Koran burnings

On the 21 June 2022, at 09:00

Freedom of expression and its limits have always been a controversial and multifaceted subject. In addition to the interface with overarching societal interests such as public order and security, freedom of expression violates other individual rights that follow from the European Convention on Human Rights (ECHR), such as the right to freedom of religion.

At the seminar, the authors of Civil Rights Defender's report "When society falls silent" (2019) discuss the results in light of increased tension in the outside world and within. Marcin de Kaminski and John Stauffer highlight how hatred and threats affect freedom of expression, civil society and minority groups. They will also discuss the recent Koran burnings in cities around Sweden and why these acts should constitute hate crimes and they present methods that Civil Rights Defenders believes are important tools to strengthen the security of human rights defenders. Civil Rights Defenders has worked for freedom of expression and minority rights, as well as protecting the safety of human rights defenders for decades. The efforts have many times been about protecting people who work for social change and for increased freedom of expression in repressive countries and contexts. In recent years, Civil Rights Defenders has increasingly been contacted by organizations and opinion leaders in Sweden who express the same need for security support. To better understand the challenges, the needs and to identify possible ways forward, Civil Rights Defenders conducted the study in 2019. As part of the work to counter hate crimes, Civil Rights Defenders has taken legal action against a far-right organization to review the law on incitement against ethnic groups effectively protects minority groups when freedom of expression is used to spread hatred and threats.”

Speakers: Marcin de Kaminski: Director for Security and Innovation, leads Civil Rights Defenders’ work on safety and protection of human rights defenders – both in some of the world’s most repressive contexts and in Sweden. Marcin holds a bachelor’s degree in sociology and joined Civil Rights Defenders in 2018. Before that, he worked as a representative for freedom of expression/ICT at the Swedish International Development Cooperation Agency (Sida), focusing on digital security and internet freedom issues. Marcin has a background in sociology of law and internet research, with special expertise within the borderland between technology and human rights.

John Stauffer: Legal Director and Deputy Executive Director at Civil Rights Defenders, is responsible for leading the organization’s work as a national watchdog in Sweden and for the organization’s legal work internationally. John is a human rights lawyer with an LLM from Stockholm University. He has previously worked for the Swedish Equality Ombudsman with responsibility, also at the managerial level, for investigating cases of discrimination and general measures to combat structural discrimination. John has also worked for the OSCE Mission to Bosnia and Herzegovina as a Legal Adviser, where he focused on housing, property and land rights as well as war crimes. Later, as the Director for the Human Rights and Rule of Law Department, he was responsible for the OSCE’s work on rule of law, civil and political rights as well as social and economic rights and the rights of minorities in Bosnia and Herzegovina. John has worked with Civil Rights Defenders since March 2013.

Commentator: Prof. Karin Åhman, Stockholm University

Moderator: Docent Claes Granmar, Stockholm University

Constitutionalisations of European Intellectual Property Law

On the 1 June 2022, at. 12:00

Prof Tuomas Mylly's paper discusses constitutionalisations of European intellectual property law from the perspective of social acceleration. He maintains that the judicature, the executive and the private sphere continue to replace the legislators as the critical drivers of intellectual property policies.

Speaker: Tuomas Mylly is Professor of Commercial Law at the University of Turku, Finland, and director of the IPR University Center (Helsinki). His research cross-cuts aspects of intellectual property, competition and EU constitutional law, with current projects focusing on private ordering.

Does the GDPR Prohibit Automated Decision-Making?

On the 16 March 2022, at. 12:00

Article 22 is one of the most discussed articles of the GDPR. Scholarship has focused on many aspects of this cryptic article: its scope of application, the right to be informed about automated decision-making, the notion of appropriate measures to safeguard the data subject's legitimate interests, etc. Among these elements, the talk will focus on article 22 (1) of the regulation.

Speaker: Liane Huttner is a PhD candidate at Paris 1 Panthéon-Sorbonne. Under the supervision of Professor Judith Rochfeld, her research focuses on data protection and the law of algorithms. Her thesis will provide a conceptual frame for the interpretation and application of article 22 of the GDPR. She also works on Catala, an interdisciplinary project which aims to create a computer language adapted to the law.

Discussant: Eduardo Gill-Pedro Lund University

Moderator: Associate Professor and board member of the Institute of European Law, Claes Granmar

Competition Enforcement and Regulation of Gatekeepers: The Google shopping case and the Digital Markets Act

On the 10 March 2022, kl. 11:30

A discussion regarding the regulation of large digital platforms and the judgement of the General Court in the Google Shopping case. What are the implications of the DMA for Nordic businesses and how will the judgement shape the future competition law analysis?

Please register by 8 March 2022. Zoom link will be sent to registered participants on 9 March 2022.

Speaker: Beata Mäihäniemi, a postdoctoral fellow in law and digitalization at the Legal Tech Lab at the University of Helsinki, is also the author of the book "Competition Law and Big Data. Imposing Access to Information in Digital Markets" published in 2020 by Edward Elgar. Her research interest include regulation of online platforms and AI.

Discussant: Susanna Lindroos-Hovinheimo LL.D., M.Soc.Sc., is Professor of Public Law at the University of Helsinki.

[Governance of Data-driven Business Strategies under Competition Law or Sector-specific Regulation](#)

On the 24 February 2022, at. 15:00

When discussing applicability of competition law to the digital economy, it seems clear that the global ecosystem of competition authorities now is gaining momentum. Investigations are being started, pursued and concluded by national and regional competition authorities. Decisions are granted, appealed and litigated in court. Guiding principles, tests and case law based doctrine are being developed. New violations are being established under umbrella notions, such as ‘leveraging’, ‘self-preferencing’ and ‘discrimination’. So far they lack clear underpinning and structure regarding what needs to be proven; however, the courts will hopefully be up for the task to provide much needed guidance. It seems that several of the potentially problematic situations that arise in relation to the digital economy could be handled with the legal tools already available for the competition authorities. It will be a challenge addressing the complexity of the data-driven business strategies, still new cases regarding the digital economy can and will be pursued. The issue raised for the virtual seminar is thus do we need wide sector-specific regulations for the digital economy or should we instead focus on such business strategies and conduct that are not being addressed under competition law? Is there something especially difficult in certain areas in reference to identify inter alia antitrust harm, abuse, market power, efficiencies and causality that cannot be addressed efficiently under competition law? Are mergers that should have been rejected not being scrutinized? Are there industries and markets not being scrutinized due to lack of understanding business strategies and models? These and other issues will be addressed, discussed and analysed.

Joint Conference, speakers:

- Dan Rubinfeld (NYU, University of California) - What we know about Access Barriers to Data?
- Jens Prüfer (Tilburg University) - Is the search engine market data-driven?
- Konstantina Bania (University of Sheffield/Geradin Partners) - From Google/DoubleClick to the DMA
- Ioannis Lianos (University College London) - Reorienting Competition Law
- Inge Graef (University of Tilburg) - Governance of Horizontal v. Sector-Specific Data Sharing
- Wolfgang Kerber (Philipps University of Marburg) - Bundles of Rights to Data

- Michal Gal (University of Haifa) - Limiting Interoperability as an Antitrust Offense
 - Björn Lundqvist (Stockholm University) - An Access and Portability Right
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Data transfers and enforcement of EU privacy rights

On the 25 January 2022, at. 12:00

At the seminar, three main aspects of the enforcement of EU privacy rights in the light of the Schrems rulings regarding the EU-US “Safe Harbour” and “Privacy Shield” will be addressed.

Speaker: Claes Granmar is associate professor in European Law at Stockholm University and the talk is based on his article ‘A reality check of the Schrems saga’ that was published 2021-12-30 in the Nordic Journal of European Law (Vol. 4 No. 2, 2021). It forms part of the project ‘Global e-commerce and EU privacy safeguards’ that he commenced as a research fellow at the IECL, Oxford University.

Commentators:

Prof. Xavier Groussot, Lund University

Prof. Christopher Kuner, Senior Of Counsel in the Brussels office of Wilson Sonsini Goodrich & Rosati.