

# Subject Index

## A

- Aarhus Convention
  - on Access to Information, 890
  - Article 9(3), 892, 893, 896, 900–903, 905, 907, 915, 917
  - by CJEU, 891
  - in EU legal order, 891, 892
  - international level, 892–895
- Aarhus Convention Compliance Committee (ACCC), 890
- Abuse of rights, 252, 605
  - and attributable delay, 257–262
- Abusive constitutionalism, 922
- Accountability
  - mechanisms, 106–107, 808, 889, 892, 998
  - social, 173, 178
  - transparency and, 161, 164, 169, 171–172, 677
- Accreditation, 310–315, 327
- Accurate data, 104–105
- Achmea*, 732
- Administrative Board of Review (ABoR), 658–659
- Administrative constitutional review
  - practice in Sweden, 998–1004
    - decision relating to EU law, 998–1000
    - decision relating to national Swedish law, 1000–1004
  - in Sweden, 995–998
- Administrative Courts, 393, 409–411, 918, 967
- Administrative efficiency, principle of, 336
- Administrative Justice and Tribunals Council (AJTC), 395, 414
- Administrative Justice Council (AJC), 414
- Administrative justice system
  - administrative court, 409–411
  - administrative review, 411–413
  - architecture of, 392
  - equivalent or complementary concepts, 418–419
  - in Europe, 396, 397
  - Europeanization and localism, 413–414
  - fundamental right to, 414
  - rights-based solution, 414–418
  - UK, 395–398
  - UK tribunals, 406–409
- Administrative procedure, discipline of, 865–866
- Administrative review, 411–413
- Adults At Risk (AAR) policy, 276
- Advance Passenger Information Directive, 154
- Advisory Committee, 344, 345
- AFIC countries
  - cooperation with, 169
  - Risk Analysis Cells, 170
- AFIC Joint Report (2017), 169, 174
- Africa-Frontex Intelligence Community (AFIC), 168

principles of, 169

Africa-Frontex Intelligence Cooperation, 165

Agency for Digital Italy (AgID), 546, 565

Amazon Web Services (AWS), 553

Amendment Law of 2008, 913

American Civil Liberties Union, 12

Analysis of supranational and national bodies' jurisprudence, 421–450

Analysis Work Files (AWF), 191

Anti-austerity judicial activism, 428

Anti-Corruption Agency, 762

Approximation, pivotal function of, 115–116

Area of Freedom, Security and Justice (AFSJ), 62, 71, 95, 108–109, 137, 143, 157–158, 163, 182, 206, 469, 731

databases, 96, 97, 99–101, 103–107, 113

large-scale information systems, 203

Articles 6(1) ECHR and 24 of the Italian Constitution, 979–983

Arzneimittelgesetz (AMG), 313

Assemblies Act, 946, 948, 957

Assignment system, of cases to ethics committees, 316–320

Assisted Decision Making (Capacity) Act 2015 (ADMCA), 383, 384

Associazione Studi Giuridici sull'Immigrazione (ASGI), 487, 488, 493, 495, 496

Asylum applicant, 249

Attributable delay, 257–262

Austerity-based labour market reforms, 424, 425, 437, 448, 449

Australia, 516

Automated decision-making, 62, 69, 73, 86, 386

in GDPR and Directive 2016/680, 92

prohibition of, 73, 86, 90–91

Automated Fingerprint Identification System (AFIS), 76

Autonomous legal order, 708

Autonomy

implications of, 717–737

international law, relation to, 712–717

national legal orders, relation to, 708–712

for union's external action, 717–737

Avvocati per Niente (APN), 487

A29WP Consent Guidelines, *See* A29WP Guidelines on Consent

A29WP Guidelines on Consent, 368, 371–373, 390

## B

Banking supervision

and principle of proportionality, 665–675

proportionate approach to, 671–673

Basel Committee on Banking Supervision, 2012, 653

Belfast Agreement, 36

Belgian Constitutional law, 823–841

Belgium

Article 96 of the Constitution, 831–840

case of minority government Michel, 828–831

government

cabinet formation, 826–828

formalist approach to, 826–831

Government Michel I, 829, 831, 837

parliamentary confidence, 831–840

positive parliamentarism, 828, 830, 840

Benelux Court, 730, 732

*Big Brother Watch and Others v. The United Kingdom*, 12, 18–19

Bilateral investment treaty (BIT), 732

The binding effect of the NCA's decisions, 969–972

Biometric Matching Service (BMS), 65, 98, 103, 104, 108, 112, 132, 185, 212

Biometrics, 76, 78, 83, 85, 86, 88, 92, 114, 135, 141, 147, 223

data, 85, 98, 114, 146  
   uses of, 213–214  
 Board for Advance Tax Rulings, 1004  
 Border control  
   authorities, 148  
   and EU large-scale databases, 73–78  
 Border management  
   externalization of border control  
     policies, 157–161  
     greedy information sharing for, 157–161  
 Borders, multiplication of, 86  
 Border Troop Commanders Council  
   Working Arrangement, 163  
 Brexit, 29, 31, 35, 40–42, 253, 257, 393,  
   706, 738, 928  
 British intelligence agencies, 16  
 British Parliament's Intelligence and  
   Security Committee, 13  
 Broader strategy, litigation as part of, 497–  
   500  
*Brown v. Board of Education*, 479  
*BRT v. SABAM*, 619  
 Bulgaria, 742–768  
   criminal law, 767  
   CVM, 742  
   2009 CVM report, 762  
   2016 CVM report, 756, 760  
   2017 CVM report, 754  
   2018 CVM report, 742, 756  
   designated its State Agency for National  
     Security, 148  
   justice system, 748, 758, 763, 767  
   of *Kolevi*, 2018 CVM report, 753  
   National Assembly, 757  
   prosecution  
     2011 CVM report, 752  
     2012 CVM report, 753  
   Prosecutor's Office, 749, 767  
   and Romania Accession Treaty, 744  
 Bulgarian Judges Association, 755  
 Bulk interception, 14, 17  
   UK's regime of, 18  
 Bundesrechenzentrum GmbH, 553

## C

Cambridge Analytica, 363–364, 390  
*Campbell and Fell v. UK* case, 868  
*Campus Oil* judgment, 622–626  
*Cartesio* judgment, 617–622  
   to protect lower instance national  
     courts, 634–639  
 Causes of exclusion, 688, 689, 696, 698,  
   700–703  
*Chanel v. Cepeha*, 618, 619  
 Chapter IX of Regulation (EU)2018/  
   1725, 217, 222  
 Charter of Fundamental Rights (CFR),  
   37, 72, 415  
   Article 7, 668  
   Article 36, 586  
   Article 41, 693  
   Article 47, 607, 901, 902, 905  
   Article 51 (1), 598, 901  
   Article 52 (1), 859  
   Article 53, 736  
 Charter of Fundamental Rights of the EU  
   (CFEU), 364, 371, 667  
   Article 17, 788  
   Article 52(1), 372, 389  
 Charter of Fundamental Rights of the  
   European Union (CFREU), 335  
   Article 41, 360, 692  
   Article 47, 973  
*CILFIT* case, 616, 917  
*Cimade and Gisti* case, 249–250  
 Citizenship Directive, 259  
 Citizen's rights, Europe and UK, 403–404  
 Civil rights, 295, 407, 479, 480, 883, 939,  
   980  
   and obligations, 288, 291, 293, 294,  
     296, 303, 304, 973, 976, 979  
 Civil Rights Act (1964), 479  
 Civil Service Tribunal, 864  
 Civil Society Development Centre Act,  
   951  
 Civil society, in Polish constitution, 955–  
   957

- Civil society organizations (CSOs), 477, 478, 485, 487, 488, 490, 498–501, 503, 941, 943
  - changes in financing of, 949–952
  - media campaign, 952–953
  - offices of, physical and legal harassment, 954–955
- Climate change litigation, 45
- Climate changes, 51–57
- Climate liability, standard of care in, 52–55
- Code of Criminal Procedure, 876
- Combat cross-border crime, 146, 184, 187
- Commissioner for Human Rights, 953
- Commission Nationale de l'Informatique et Libertés (CNIL), 374, 375
- Commission v. BASF* case, 348
- Commission v. Kingdom of Spain*, 67
- Commission v. Poland*, 638
- Common Core of European
  - Administrative Law (CoCEAL), 391, 392
- Common European Asylum System (CEAS), 243
- Common Foreign and Security Policy (CFSP), 38, 160, 735
- Common Identity Repository (CIR), 84, 98, 103, 104, 108, 112, 132, 185, 212
  - conceptualization of, 143
- Common Pre-Frontier Intelligence Picture (CPIP), 175
- Commons European Scrutiny Committee (ESC), 39
- Communications Service Providers (CSPs), 16
- Community Council of Parekkklisia v. Republic of Cyprus*, 911
- Community of Pyrga v. Republic of Cyprus*, 908
- Comparative constitutional law, 506, 509–513, 519, 520, 536, 931, 990
- Competent authorities, 122, 123
- Complaints
  - Irish prison system and, 807–810
  - procedures, Mandela Rules and ERPs, 803–804
  - system, other reforms to, 819–820
- Comprehensive Economic and Trade Agreement (CETA), 732
- tribunals, 733
- Concept of penalty
  - approach in case-law narrowed, 883–886
  - criteria to, 869–874
  - redefined by ECtHR, 867–888
- Confederazione Generale Italiana del Lavoro (CGIL), 488
- Confederazione Internazionale delle Organizzazioni Cattoliche a Scopo Caritativo (CARITAS), 487
- Confederazione Unitaria di Base (CUB), 501
- Conflicts of interests
  - analysing and implementing, 680–683
  - optional exclusion from public tenders, 679–704
  - and principle of proportionality, 679–704
  - role of perception in, 683–687
    - perceived test, 684
    - real test, 685
    - test of sufficient or reasonable threat, 685–687
- Consequences of procedural defects
  - jurisprudence, criteria found in, 337–360
    - assessment of consequences, 359–360
    - importance of infringement, 350–357
    - norm-related requirements, 344–350
    - structure of interests involved, 357–359
    - subject-related parameter, 340–343
    - substantive principles guiding, 334–337
- Conservative Party, 43
- Consolidated Act on Public Employment (CAPE), 490, 498

- The Consolidated Immigration Act (CIA), 489, 490
- Constitutionalism
  - classic liberal theory of, 513
  - and populism, 924–927
- Constitutional law, 985
  - concepts of, 30
- The Constitutional Reform and Governance Act 2010 (CRGA), 39
- Constitutional review, concept of, 514
- Constitutional Tribunal (CT), 590, 957
- Constructive motion of no-confidence, 831, 832, 834, 840, 841
- Consultative Forum, 173
  - for Fundamental Rights, 178
- Contextual interpretation, 348
- Contracting authorities, obligation for, 690–695
- Contracting Parties, 73, 727
- The Convention, *See* European Convention on Human Rights (ECHR)
- Convention on the Implementation of the Schengen Agreement (CISA), 74
- Cooperation and Verification Mechanism (CVM), 741–768
  - Bulgaria and Romania under, 745
  - clarifications, 745–748
  - lessons from, 765–767
  - origin of, 743–745
  - political report, 748
  - rule of law through, 748–764
    - court capture, 759–764
    - omnipotent and unaccountable Prosecutor's Office, 749–755
    - political supreme judicial council, 755–759
  - technical report, 748
- Cooperation with third countries, 159, 161–163, 167
  - challenges materialize from Frontex
    - fundamental rights in Frontex
      - external relations, 172–174
      - privacy concerns for Frontex role of information hub, 174–177
      - transparency and accountability, 171–172
- Copenhagen European Council in 2002, 744
- Coronavirus disease 2019 (COVID-19) pandemic, 423, 450, 738
- Costanzo* obligation, 990, 991, 997–999, 1005–1007
- Council Framework Decision 2001/220/JHA, 950
- Council Housing Benefit Review Board (HBRB), 295
- Council of Europe Code, 401–403
- Council of Europe Code of Good Administration, 401, 414, 418
- Council of State (CoS), 238, 424, 425
- Court evaluation, 273–277
- Court of First Instance (CFI), 572, 713
- Court of Justice
  - dignity-as-interpretive-principle, 462
  - GFCC decided to send preliminary reference to, 471–473
- Court of Justice of the European Union (CJEU)
  - Aranios and Caldaru* cases, 117
  - Article 9(3), 898
  - under Article 218(11) TFEU, 718, 727
  - case law, 72–73, 86, 87, 188, 199, 706
    - Opinion 1/00 ECAA, 726–729
    - Opinion 2/13 ECHR II, 730–737
    - Opinion 1/91 EEA I, 721–724
    - Opinion 1/92 EEA II, 724–726
    - Opinion 1/76 European laying-up fund, 719–721
    - Opinion 1/09 Patents Court, 729–730
  - Communicaid Group v. Commission*, 685
  - decision, *Workplace Relations Commission*, 255
  - in *Digital Rights Ireland* case, 88, 151
  - Directive 2004/18, 700

- by domestic courts, 37
  - economic activity, in *Höfner* case, 570
  - effet utile* doctrine, 107
  - E* ruling, 67
  - of European union, 459–463
  - eVigilo Ltd v. Priešgaisrinės apsaugos*, 684
  - in *Huber* judgment, 87
  - and independence of judiciary, 595–604
  - independence of Polish and Hungarian judges, 587–613
  - Intrasoft International v. Commission*, 685
  - legitimacy or proportionality of SIS alerts, 74
  - preliminary reference, 612–613
  - relevant criteria of, 72
  - retirement of judges, 598–601
  - Schwarz v. Bochum*, 88, 91
  - use of biometric passport, 91
  - The Courts, *See also* European Court of Human Rights (ECtHR)
    - Advocates General (AGs) at, 461
    - counter-majoritarian difficulty, 480
    - Hardial Singh principles, 269, 271, 283, 284
    - and judicial organs, 588–591
  - Cross-border crime, 128, 168, 175, 182, 192, 207, 208, 211, 216, 218–220, 225
  - Culture of justification, and EMU, 771–777
  - Cyclical assemblies, concept of, 946
  - Cypriot legal system, 891
  - Cyprus
    - case study on, 903–915
    - legitimate interest
      - collective interest representation and environment protection, 908–909
      - under Constitution of Cyprus, 907–908
      - interpretation of, 909–911
    - opportunities in cypriot legal system, 907–911
    - reluctance of supreme court to broaden standing, 911–914
    - Cyprus v. Turkey (Just Satisfaction)*, 23, 24
- D**
- Damages Directive, 962
  - Data
    - definition of, 548–549
    - and information, 548–549
    - supply chain, 550
  - Databases, as moving target, 144–149
  - Data protection, 68, 94–96, 112, 115, 123, 126, 127
    - applicable legislation for, 101
    - by design, 551–552
    - and effective police cooperation, 200–203
    - in EU, 96–99
    - for EU policing and migration databases, 100–106
    - non-discriminatory approach of law, 86–91
    - regimes, 205–225
  - Data Protection Authorities (DPAs), 224, 389
    - UK, 381, 385–389
  - Data Protection Bill 2018, 379
  - Data Protection Commission, 381
  - Data Protection Commissioner (DPC), 626
  - Data Protection Commissioner v. Facebook Ireland Limited and Schrems*, *See* *Schrems II* judgment
  - Data Protection Directive, 90, 378
  - Data Protection Impact Assessment (DPIA), 213
  - Data quality, 104–105, 152–153
    - interoperability and, 222–224
  - Data Retention Directive, 87, 147
  - Data security, 559
  - Data storage
    - internalizing, 564–567
    - outsourcing, 553–554
    - to private sector, 553–554
    - by public administrations, 545–567
    - in public sector, 551–552

- Data supply chain, 552
  - Date processing
    - and data protection rules, 100–102
    - fragmentation of, 100–102
    - over-complexity of, 100–102
    - scope of, 72
  - Date protections rules
    - fragmentation of, 100–102
    - over-complexity of, 100–102
  - Decision 2006/929/EC, 766
  - Decision 2012/153/EU, 856
  - Decision-making process, 352, 665, 681
  - Decision-Making Representative, 384
  - The Decreto del Presidente della Repubblica (DPR) no. 3/1957, 490
  - De Geus v. Bosch*, 617–619
  - Delfi AS v. Estonia*, 20
  - Democratic Unionist Party (DUP), 36
  - Denmark, 326
    - regional ethics committees, 311, 316, 321, 322, 324
  - Deportation, 265–285
  - Deprivation of liberty, 875
  - Detention
    - administrative, 877–878
    - impact of, 273–277
  - Detention Action, 281, 284
  - Detention Action v. Secretary of State for the Home Department*, 279
  - Detention Centre Rules, 274
  - Detention Fast Track system, 279
  - Detention Rules, 278
  - Deterrent sanction, 878–882
  - Development cooperation instruments (DCI), 161
  - Digital Agenda, 111
  - Digital data management, 546–550
    - collecting personal data relevant in public sphere, 546–548
    - data, meaning of, 548–549
    - data supply chain, 550
  - Digital information technologies, 555, 561
  - Digitalization
    - of public administrations, 546, 553
    - of tribunals, 393
    - virtuous cycle of, 111
  - Digital sovereignty
    - principle of, 554–562
      - obligatory state tasks, 554–555
      - state enabling responsibility, 556–560
      - trust, importance of, 560–562
  - Disciplinary Chamber, 590, 601–603, 611
  - Disciplinary sanctions, 876
  - Draft Accession Agreement, 731, 734
  - Draft Agreement, 719, 734
    - in Opinion 1/76, 721
  - Dublin Convention, 248
  - Dublin III Regulation, 251, 259
  - Dublin system, 133, 144, 158, 257, 262–263
  - Dutch Civil Code, 48
  - Dutch tort law, 55
  - Dynamic nature of vulnerability, 275, 276
- E**
- Eastern Balkans (EB)-RAN, 165
  - Eastern Partnership (EaP)-RAN, 165
  - East Nordic model, 508, 509, 513, 517, 536
  - ECB Business Units, 672, 673
  - ECB Guide to Banking Supervision, 666, 674
  - ECB's Governing Council, 855
  - Economic activity, in EU competition law, 569–586
  - Economic Adjustment Programmes, 448
  - Economic issues, 320–327
  - Economic-Monetary Union (EMU), 771
    - and culture of justification, 771–777
  - EEA Joint Committee, 725
  - Effective police cooperation, 183
    - data protection and, 200–203
  - EFTA Surveillance Authority, 726
  - Eiseman-Renyard v. UK*, 11
  - Electronic communications, interception of, 12–19

- Emissions trading system (ETS), 47
- Energy Community Treaty (EnCT), 727
- England, 353
  - proportionality in, 645
- The England and Wales Administrative Court, 405, 408, 411, 413
- English law, 289, 342, 343, 353–355
- Enhanced transparency, 106–107
- Entry-Exit System (EES), 63, 72, 95, 98, 114, 134, 212
  - adopted in 2017, 79–80
- Environmental Impact Assessment (EIA), 898
- Environmental non-governmental organizations (ENGOS), 890
- Equality, of treatment, 482–487
- Estonian case, 777–783
- Ethical Review Authority, 314–315
- Ethics Commission for Clinical Research (CEIC), 313, 318, 321, 325
- Ethics Commission for Health (CES), 313–314, 318
- Ethics committees, 309, 322–326
  - accreditation, 310–315
  - economic issues, 320–327
    - potential to charge fees, 322–324
    - potential to enter into consultancy arrangements, 326–327
  - remuneration of committee members, 324–326
  - sources of funding, 321–322
- monitoring and control system, 310–315, 328
- organization of, 310–315
- performance of, 320, 327, 328
- Regulation of, 308
- system for assignment of cases to, 316–320
- Ethics Review Appeals Board, 315, 318
- Ethics Review Authority, 314
- EU Charter of Fundamental Rights (EUCFR), 185, 415, 459, 844
  - Article 47, 436, 588, 595, 596, 598, 599, 601, 602, 604–607, 901, 902, 905, 973
  - Article 51(1), 436
  - Article 52(1), 213
  - Article 53, 731
- EU Economic Governance Framework, 449
- EU legal order, 447, 585, 615–617, 639
  - autonomy of, 705–739
    - concept, 707–717
  - implementation and interpretation of Article 9(3) in, 895–903
    - access to justice at EU level, 896–898
    - access to justice in member states, 898–903
- Eurodac, 127, 133, 144–145, 212
  - data, 77
  - database, 95
  - Regulation, 148
  - Regulation 603/2013, 76, 77
  - Regulation 2725/2000, 76
- Eurojust, 181, 221
- European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (the AETR Agreement), 713–714
- European Anti-Fraud Office (OLAF), 181
- European Arrest Warrant (EAW), 117, 452, 597, 604, 906
  - decision, 452–454, 463–471
  - EU Framework Decision on, 465
  - human dignity, 463–470
- European Arrest Warrant (EAW) Framework Decision, 73, 117
- European Asylum Dactyloscopy Database (Eurodac), 63
- European Banking Union, 649
- European Border and Coast Guard (EBCG), 76, 175, 176
- European Border and Coastal Guard Agency (EBCGA), 68, 69, 97, 159, 207, 214–221, 223, 225
  - amended powers under 2018 proposal, 216–217
  - case of, 205–225



- central system, 218
- EU agencies, competences for, 208–210
- Eurosur, 217–219
  - processing of operational data by, 219–220
- Regulations, 208, 216–218
- European Border Surveillance System (EUROSUR), 161, 217–219
  - operation of, 176
  - processing of operational data by, 219–220
- Regulation, 175
- European Central Bank (ECB), 240, 643–677, 774
  - Decision 2017/933, 674
  - Decision (EU) 2015/774, 853
  - margin of discretion for, 649
  - and principle of proportionality, 660–677, 843–866
  - supervisory decisions, 845
  - and supervisory proportionality, 665–671
- European Coal and Steel Community (ECSC) Treaty, 650
- European Commission
  - Article 7 TEU against Poland, 591
  - of Human Rights, 952
  - Smart Borders package, 79
- European Committee for the Prevention of Torture (CPT), 802
- European Committee of Social Rights (ECSR), 424, 432, 440–448
  - GENOP-DEI AND ADEDY V. Greece*, 441–443
  - GSEE V. Greece*, 443–447
- European Committee on Legal Co-operation (CDCJ), 399
- European Common Aviation Area (ECAA), 726
  - Agreement, 727
  - Joint Committee, 727, 736
  - Opinion 1/00, 726–729
- European Common Security and Defence Policy (CSDP), 221
  - missions, 221
- The European Communities Act 1972 (ECA), 30
- European Convention on Human Rights (ECHR)
  - Article 5, 265–267
  - Article 5(1)(c), 8, 11
  - Article 6, 287, 289, 290, 410
    - implementation of, 304–305
  - Article 6 (1), 964, 973, 976, 979–981, 994
  - Article 8, 13, 15, 668
  - Article 10, 22
  - Article 11, 430, 949, 952
  - Article 13, 804, 973
  - Article 14, 483, 495, 952
  - Article 30, 8
  - Article 34, 28
  - Article 43, 4
  - Article 53, 731, 736
  - Article 1 of the First Additional Protocol to, 430, 432, 433
  - Contracting State under, 868
  - Finnish domestic law, 524
  - Koufaki and ADEDY v. Greece* cases, 432–435
  - Opinion 2/13, 730–737
- European Court of Human Rights (ECtHR)
  - Annual Reports of, 750
  - Article 2, 3–8
  - Article 5, 8–12
  - Article 8, 12–19
  - Article 10, 19–22
  - Article 41, 22–28
  - Capital Bank AD v. Bulgaria*, 297
  - case law
    - in disputes involving civil rights, 293–296
    - proportionality in, 864–865

- Case T-79/13 *Alessandro Accorinti and Others v. European Central Bank*, 240
- concept of penalty redefined by, 867–888
- CSOs, *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan* case, 949
- decision
- ADEDY v. Greece*, 239
  - Ioanna Koufaki v. Greece*, 239
  - Mamatas and Others v. Greece*, 240
  - Ramos Nunes v. Portugal*, 295
  - Tinnelly & Sons v. United Kingdom*, 301
  - Viaropoulou and Others v. Greece*, 240
- deterrent and punitive sanction, 878–882
- sanction exceeding purpose of compensation (Fines), 879–881
  - sanction exceeding purpose of protection and prevention, 881–882
- Dhabbi v. Italy* case, 495
- Družstevní záložna Píra and Others v. Czech Republic*, 297
- Fazia Ali* case, 304
- Grande Stevens* case, 849
- Kolevi v. Bulgaria* (2009), 750, 755
- Letinčić v. Croatia*, 298
- Menarini v. Italy*, 849
- Placi v. Italy*, 298
- progressive approach of, 874–882
- administrative detentions, 877–878
  - compulsory imprisonments, 878
  - deprivation of liberty, 875–876
  - disciplinary sanction, 876–877
- restrictive approach, 883–886
- sanctions applied towards a limited group, 883–884
  - sanctions without sufficient severity, 884–886
- Wilson, National Union of Journalists and others v. The United Kingdom* case, 955
- workload, 1–3
- European Court of Justice (ECJ), 240, 300–301, 336, 337, 355, 481, 490, 557, 562, 770
- Commission v. Italy*, 571
- Essent* case, 563
- role of, 843–845
- tension, 863–864
- European Court on Human Rights, 942
- European Criminal Records Information System (ECRIS), 63
- European Criminal Records Information System– Third Country Nationals (ECRIS-TCN), 72, 95, 134, 212
- adopted in 2019, 82–84
- Regulation 2019/816, 82
- European Data Protection Board (EDPB), 95, 107, 225, 364, 367, 390
- European Data Protection Supervisor (EDPS), 64, 77, 101, 113, 144, 176, 178, 187, 197, 224
- in the aforementioned Opinion 4/2018, 90
- in Opinion 4/2018, 85
- European Debt Crisis, 424, 448
- European Digital Rights, 377
- European direct administrative procedure, 361
- European Economic Area (EEA)
- Agreement, 245, 706, 723, 724, 728
  - Article 111(3), 725
  - legal order, 723
  - Opinion 1/91, 721–724
  - Opinion 1/92, 724–726
- European Economic Community (EEC), 650, 714
- Treaty, decision-making framework of, 720
- Treaty of 1957, 650
- European Financial Stability Facility (EFSF), 776
- European Financial Stabilization Mechanism (EFSM), 776

- European Free Trade Association (EFTA), 37, 723
- European good administration
  - architecture of redress, 405–414
  - equivalent or complementary concepts, 418–419
  - in UK, 398–403
- European Labour Authority (ELA), 70
- European laying-up fund, 719–721
- European Medicines Agency, 309
- European Migrant Smuggling Centre (EMSC), 208, 211–212
  - migrant smuggling networks, 211
- European Monetary Union, 769–794
- European Network of Councils for the Judiciary (ENCJ), 758
- European Ombudsman, 173, 178
- European Parliament, 98, 100, 106, 163, 171, 172, 175, 178, 308, 361
  - adopted ETIAS, 80
  - Article 7 TEU against Hungary, 591
- European People's Party (EPP), 747
- European Pillar of Social Rights, 447, 449
- European principles
  - of good administration, 395–398
  - rights-based solution, 414–418
- European Prison Rules (EPRs), 801
  - and complaints procedures, 803–804
- European Public Prosecutor's Office (EPPO), 220
- European Search Portal (ESP), 84, 99, 108, 112, 132, 185, 212
- European Security Markets Authority, 60
- European Situational Picture (ESP), 175
- European Social Model/European welfare, 572
- European Stability Mechanism (ESM), 777
- European System of Central Banks (ESCB), 675, 781, 852
- European Trade Union Confederation, 445
- European Travel Information and Authorization System (ETIAS), 63, 72, 95, 114, 134, 174–175
  - adopted in 2018, 80–82
  - Central Unit, 209
- European Union (EU)
  - AFIS in, 76
  - AFSJ, 95, 120, 128
    - cooperation dynamics in, 109–129
  - agencies/agency
    - in AFSJ, 128
    - boards, 60
    - Common Approach on, 182
    - competences for, 208–210
    - and databases, 94–95
    - powers of, 68
  - agency euLISA
    - development and management of the EES, 80
    - use of Eurodac in 2018, 77
- Agency for Fundamental Rights (FRA), 223
  - under Article 50 TEU, 29, 30
- Blue Card and Single Permit, 486–487
- CFR, 117, 132
- CJEU of, 459–463
- comparative analysis, 307–329
- competition law
  - application of, 570
  - economic activity in, 569–586
  - functional approach in, 569–586
  - scope of, 569
- consequences of procedural and formal errors, 334, 337, 339, 344, 350
- Convention for the Protection of the Marine Environment of the North-East Atlantic (1992), 716
- criminal information hub, 182
- Damages Directive, 969
  - in context of Italian law, 961–986
- databases, Europol access to, 212–213

- data protection, 68, 69, 96–99
- digitization of borders, 72
- Dublin III system, 67
- executive governance, 64
- external action, 708, 714, 717–737
- external borders, 112, 142
- external security policy, 174
- governance, 59–70
- growing constitutionalism of courts, 30–31
- Hague Programme, 118
- human dignity, 459–463
- information management policy, 119
- information systems, 93, 110, 112
  - in AFSJ, 84
- interoperable information-sharing in, 60–61
- JHA, 93, 96
- Justice and Home Affairs cooperation, 99
- large-scale databases, 80, 89
  - Eurodac, 76–78
  - interoperability of, 84
  - SIS, 73–76
  - VIS, 78
- Law of Administrative Procedure of, 361
- level, 895–903
- Level Data Protection Regulation, 188
- Miller No 1* case, 30–31
- Miller No 2* case, 31–35
- MOX Plant* case, 715, 716, 728, 734
- pillar architecture, 96–97
- policies/policy, 50, 60, 64, 111, 113
- Regulation on clinical trials, 307–329
- rights, clashing interpretations of, 243–263
- Single Customs Territory with, 36
- third pillar, 94, 96–97, 100
- thorny issue, 152–153
- WA Bill 2019 (The Bill), 37–41
- Withdrawal Agreement Bill, 29, 37
- European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), 63, 94, 97, 102, 104, 105
- privacy by design left to, 105
- Europol
  - access to SIS alerts on third-country nationals, 76
  - cooperation agreements, 196, 197, 199
  - data-driven intelligence analyst, 211
  - data processing/protection framework, 189–193
  - and EBCGA, 68–69
  - effective police cooperation, 183, 200–203
  - EU agencies, competences for, 208–210
  - EU criminal information hub, 182, 203
  - EU information hub, 192
  - international cooperation, 182, 183, 194, 200, 202
  - international dimension in practice, 198–200
  - international exchanges of data, 183, 186–189, 193–200
    - legal framework for, 194–198
  - migration management, role in, 210–214
    - access to EU databases and interoperability, 212–213
    - European Migrant Smuggling Centre (EMSC), 211–212
    - use of Biometrics, 213–214
  - New Zealand Police to, 200
- Regulation
  - Article 23(4) of, 200
  - stricter legal framework, 193
  - vs.* ECD, 201
  - weaker than GDPR, 214
  - Regulation (EU) 2016/794, 99, 101
- Europol Council Decision (ECD), 182, 190–192, 194, 195, 197
- Europol Information System (EIS), 191
- Eurosur Fusion Services, 218
- EU Withdrawal Act (EUWA), 37

Explanatory Memorandum, 82, 248, 380

## F

*Fazia Ali v. UK*, 293

Federal Agency for Medicines and Health Products (FAMHP), 310, 315

*Fédération française des sociétés d'assurances (FFSA)*, 572

*Fernandes de Oliveira v. Portugal*, 3

*Findlay v. UK* case, 407

Finland

Constitutional Law Committee in, 523–528

constitutional systems of, 508

pre-enactment constitutional review in, 509, 519

Fitness and propriety (FAP), 669, 672

Fixed-term Parliaments Act (FTPA), 32, 37

*Florescu* case, 783–791

Foreign Intelligence Service Act Court, 13

Foreign national offenders (FNOs), 277

Foreign national prisoners (FNPs), 265, 266, 269

Forum to Niamey, 173

Fourteenth Amendment, Equal Protection Clause of, 479

Fragmentation

for data processing and data protection, 100–102

responsibility in multilevel framework, 102–103

FRAN (Frontex Risk Analysis Network), 166

France, 353

CPP, 311, 317, 321

The Free Citizens of Poland Foundation, 948, 957

Freedom of expression, 14, 17, 20, 21, 364, 372, 591, 942, 1002

Free trade agreement (FTA), 36, 706

French Constitutional Council (*Conseil constitutionnel*), 517, 518

French Social Security Code, 573

Frontex, 68, 159, 181, 209, 215

AFIC report 2017, 170

bilateral exchange of information, 166–168

external relations of, 162–171

flexible one-way road cooperation, 166–168

greediness of, 177

information sharing networks, 164–166

Liaison Officer in Niamey, 173

personal data hub, 176

2016 Regulation, 158, 171

Regulation (EU) 2018/1725, 175

Risk Analysis Unit (RAU), 166, 167, 169, 174

working arrangements, 163–164

typical, 164–166

via information sharing practices, 163–164

Frontex Codes of Conduct, 173

Frontex Consultative Forum, 172

Frontex Founding Act, 215

Frontiers, 66, 68–70, 784

of EU governance, 65, 68

of European data protection law, 65

Full jurisdiction

administrative courts

contribution of ECtHR to, 975–978

in EU and Italian law, 972–975

administrative court's, 972–978

under Article 6 ECHR, 287–305

on complex technical assessments, 296–299

on discretionary choices, 299–302

in EU and Italian law, 972–975

and ex post compensation doctrine, 290–293

and principle of separation of powers, 302–304

rationale of, 290–293

weak version of, 293–296

Full merits review, 293

Functional interpretation, 345, 346  
 Fundamental conditions of negligence,  
     51–57  
 Fundamental Rights Agency (FRA), 83,  
     113, 176–178

## G

*Gauweiler* case, 783–791  
 General Data Protection Regulation  
     (GDPR), 65, 69, 86, 90, 94, 102, 146,  
     175, 186, 364, 547, 548, 550, 551  
     European Data Protection Board by, 95  
 General election, 43–44  
 General Federation of Employees of the  
     National Electric Power Corporation,  
     441  
 General Ombudsman, 802, 815–817, 820,  
     821  
*Georgia v. Russia (I)*, 22  
 German Administrative Procedure Act,  
     342  
 German Basic Law (*Grundgesetz*), 452–  
     454, 458, 459, 774  
 German Constitutional Court (BVG), 452,  
     466, 467, 774  
 The German Federal Constitutional Court  
     (GFCC), 452, 853  
     decided to send preliminary reference to  
     Court of Justice, 471–473  
     dignity-as-identity review, 473  
     EAW decision, 462, 470  
     Higher Regional court, 464  
 German Federal Court of Justice, 732  
 Germany, 352  
     application of EU law in, 452  
     Article 9(2) of the Aarhus Convention,  
     899  
     constitution  
         Article 67, 832  
         Article 68, 833  
     ethics committees, 323, 326  
     EU law in, 452, 468  
     human dignity in, 454–459

    Parliament (*Bundestag*), 774  
     proportionality used in, 646  
*Germany v. Commission* case, 349  
 Good administration  
     European conceptions of, 394, 414,  
     418, 419  
     European principles of, 392, 394, 398–  
     403, 413, 418–419  
     principles of, 415  
     right to, 415  
 Good Clinical Practice (GCP), 312  
 Good Friday Agreement (1998), 38  
 Grand Chamber, 1–12, 18, 19, 22–28,  
     143, 297, 437, 653  
 Greece  
     judicial and constitutional review, 237–  
     241  
     labour market reforms in, 438, 440, 448  
     National Ethics Committee, 322, 326  
     social security reforms in, 435  
     sovereign debt crisis, 237–241  
     unemployment in, 445  
*Greece v. Fundamental Rights*, 421–450  
 Greek Council of State, 424–433, 435  
     case No. 668/2012, 425–429  
     case No. 2307/2014, 429–432  
 Greek Economic Adjustment Programme,  
     433  
 Greek labour market reforms, 435  
 Greek MoU, 423, 432  
 Gross domestic product (GDP), 423  
 Guidance on detention of vulnerable  
     persons, 275

## H

Hague Programme, 118, 136  
*Hans Kelsen v. the Principle of Separation of  
 Powers*, 287–305  
 Harmonization, 308, 310, 311, 320, 327–  
     329  
 High Level Expert Group (HLEG), 112,  
     138  
 Housing Act 1996, 293

- Human dignity, 452, 453, 460–468, 470, 471, 473–476
  - in Germany, 454–459
- Human Rights, 48–51
  - European Court of, 804–806
  - and prisoner complaints, 804–806
  - violation of, 45
  - violations, climate changes negligence as, 49–51
- Hungary
  - Fidesz government in, 592
  - independence of judiciary in, 591–595
  - judiciary, 604–612
    - administration abolish independence of, 609–612
    - questioning on own independence, 605–608
  - rule of law, 591
    - crises in, 748, 765, 922
  - shrinking space policy, 943
- I**
- Immigration Act (2016), 273, 275, 281, 282
- Immigration Removal Centres (IRCs), 273
- Immigration Rules, 265, 267
- Impact Assessment, 216
- Implementation
  - litigation as, 479–482
  - of 2013 Reform, 500–502
- Imposta Municipale Unica* (IMU), 579
  - exemption, 581
- Independence of judiciary
  - CJEU and, 595–604
    - horizontal Solange and Article 7 TEU, 596–598
  - retirement of judges, 598–601
  - select members of, 601–604
  - in Hungary, 591–595
  - in Poland, 588–591
  - select members of, 601–604
- Individual/collective self-determination, 772, 773, 790, 791
- Individual rights, 153–154
- Information and Communications
  - Technology (ICT, or IT) companies, 553
- Information and Communication
  - Technologies (ICT), 408
- Information, data and, 548–549
- Information management, 110, 114, 124, 125, 128
- Information-sharing, 68, 69, 109, 114, 115, 119, 124, 169
  - centralization of, 125
  - policy, 118
- Information systems, of AFSJ, 65–66
- Infringement procedure, 478, 498, 499, 591, 598, 603, 613, 945, 951
- Inquiry, scope of, 287–290
- Institutional balance, principle of, 336
- Institutional review boards (IRBs), 309
- Integrity, 683, 694, 700
- Intelligence Act (2015), 18
- Intelligence services
  - and the judiciary, 125
  - and law enforcement authorities, 125
- Inter-agency cooperation, 216
- Interception of Communications Code of Practice, 14
- Interhospitalière régionale des infrastructures de soins* (IRIS) network, 582
- International Court of Justice (ICJ), 713
- International human rights law, 283, 802–803
- International Labour Organization (ILO), 430, 477
- International Labour Organization (ILO)
  - Convention on Migrant Workers no. 143/1975, 491
- International Organization for Standardization (ISO), 548
- International protection, 245–247, 250, 251, 256, 263, 478, 486, 491, 495, 967
- International Protection Act, 247, 256

- International Protection Appeals Tribunal (IPAT), 247, 252
  - International Tribunal for the Law of the Sea (ITLOS), 716
  - Internet hyperlink, 19–22
  - Internet Service Providers, 13
  - Interoperability
    - of accountability mechanisms, 106–107
    - adopted in 2019, 84–85
    - of AFSJ databases, 183, 184–186
    - bottomless barrel, 154
    - challenge to existing integration
      - dynamics
        - alternative cooperation mechanisms, impact of, 119–121
        - approximation, pivotal function of, 115–116
        - exclusion of national security from EU competence, 121–123
        - law enforcement cooperation, 118–119
        - mutual recognition, principle of, 116–118
        - paradigm, 119–121
        - principle of availability, significance of, 118–119
    - by CIR, 149–152
    - compartmentalization, 136–140
    - databases, 106–107, 109–129
      - and network-based information sharing, 105–106
    - data exchanges, 205–225
    - and data quality, 222–224
    - data sharing and, 183–184
    - emergence of digital pan-gnosticon, 140–144
    - E* ruling's significance in, 67
  - EU
    - information systems, 120, 131–155
    - large-scale databases, 84
    - policing and migration databases, 93–108
  - Europol access to, 212–213
  - in field of police cooperation, 183–184
  - information sharing, 59–70
  - information systems
    - in AFSJ, 111–112
    - buzzword in European policy, 111
    - controversial legislative proposal, 111–113
    - mere technical issue, 113–114
  - of IT systems, 94
  - in landscape of police information sharing, 96–99
  - meta-uses of personal data, 144–149
  - in migration and border policies, 71–92
  - as new variation of data retention, 103–104
  - in nutshell, 138–140
  - of policing and migration databases, 100–106
  - and purpose limitation, 103
  - Regulations, use of CIR, 203
  - tale of two regulations, 136–138
  - unlawful mass surveillance, 140–144
- Interoperable system
    - data exchanges in, 220–224
    - EU databases and, 213
    - Europol's databases connected to, 207
    - supervision of, 224, 225
  - Interpol, 96, 198, 211
    - databases, 185, 210
  - Inter-State cases, 22–28
  - IPCC report, 53
  - Ireland
    - complaints system in, 808
    - Dublin system in, 262
    - implementation of GDPR's provisions
      - concerning political parties in, 378–388
    - Lower courts in, 637
    - opt-in to the RCDr 2013, 244
    - private medical insurance system
      - operating in, 572
    - RECs in, 328
    - supremacy of EU law, 254



Irish Courts  
 clash on EU legal, 252–262  
 abuse of rights, 257–262  
 attributable delay, 257–262  
 types of protection applicants, 252–257  
*McDonnell v Governor of Wheatfield*, 812  
*N.H.V. v Minister for Justice*, 244  
 Irish Data Protection Act 2018, 378, 385, 388  
 Irish law, 245–251, 378  
 protection applicants in, 252–257  
 Irish Prison Service, 808, 810, 812, 814  
 Irish prison system  
 and complaints, 807–810  
 with international human rights standards, 813–814  
 Irish Research Ethics Committees, 323  
 Irrelevance  
 legal concepts of, 360  
 of procedural and formal errors, 335, 357  
 Italian Administrative Procedure Act, 342  
 Italian Medicines Agency (AIFA), 319  
 Italy  
 administrative justice system, 965–968  
 case, 477–503  
 Code on Administrative Proceedings, 647  
 constitution  
 Article 1, 925  
 Article 3, 482, 483  
 Article 24, 964  
 Article 67, 931  
 Constitutional Court, 937–939  
 judicial review of NCA decisions in, 962  
 populism, 921, 922, 927  
 in comparative perspective, 921–940  
 populist movement in, 921  
 representative democracy, end of, 933–940

second Conte government, 927–933  
 wave of populism, 927–933

## J

Jobbik, 19, 21, 22  
 Joint Action Plan, 207, 220–221  
 Joint Committee of Human Rights (JHCR), 515  
 Joint Investigation Teams, 99  
 Joint Operations (JOs), 171  
 Joint Parliamentary Scrutiny Group (JPSG), 197  
 Joint Supervisory Body (JSB), 195  
 Judicial council, 602  
 The Judicial Era, 510  
 Judicial independence, 588, 591, 592, 605–607, 742, 743, 752, 755, 756, 758, 759, 761, 763, 765, 766  
 rule of law and, 637–639  
 Judicial process, concepts of, 972–975  
 Judicial Review (JR), 267  
 concepts of, 972–975  
 grounds of, 415  
 of the NCA's decisions, 961–986  
 process  
 effectiveness of, 283–284  
 restrictions in, 277–282  
 Judiciary, influencing of, 591–595  
 Jurisdictional information-sharing activities, 110  
 Justice, access to  
 by ENGOs, 898, 900, 902, 905, 914, 915  
 in environmental matters, 890–892, 896, 899, 903, 904, 907, 912, 915, 916, 918  
 at EU level, 894, 896–898, 903  
 in Member States, 898–903  
 in national courts, 889–919  
 JUSTICE All-Souls, 417  
 JUSTICE-All Souls Committee, 399–400

Justice and Home Affairs (JHA), 108, 137, 181

## K

Klinische Prüfung-Bewertungsverfahren-Verordnung (KPBV), 317

Kyoto Protocol, 50

## L

Labour market, 252–258, 262

to judicial authority, 246

protection applicants entering, 245–251

legislative frameworks, 245–247

legislative intent, 248–251

reforms, 435, 438, 440

Large-scale databases, 71–92

border control and EU, 73–78

crossborder information management, 125

EU, 80, 84, 89, 207

information-sharing activities, 124

*Lashmankin and Others v. Russia* case, 947

Law enforcement (LE), 206

access, 129

to VIS and Eurodac, 127

agencies, 96, 97, 115, 117, 127

community, reshuffling of responsibilities, 125

concept of, 121–122

cooperation, 110, 115, 118–120

dynamics of integration in, 115

LE-chapter, 220

notion of, 122

Law enforcement authorities (LEAs), 109,

111–112, 120, 121, 123, 128, 148,

185, 206, 211

intelligence services and, 125

security and migration actors, 125–127

undefined category, 123–125

Law Enforcement Directive (LED), 86

*Lawless v. Ireland* (No.3), 9

Law Society of England and Wales, 12, 14

Legal frameworks

for data processing and data protection, 100–102

intertwining of, 112

Legal history, making, 52–55

Legal mobilization

approach, 481

existence patterns of, 494, 497

for migrants' rights, 477–503

tracking patterns of, 478, 502

Legal sources, hierarchy of, 905–907

Leggatt Review, *See* Review of Tribunals

Less significant institutions (LSIs), 672

Level of regulatory alignment, 41

Liability

causation and concurrent causes, 56–57

claims for, 690–695

determining the standard of care, 52–55

loss condition and future generations,

55–56

for negligent acts, 53

Liaison officers (LOs), 198

Lisbon Treaty, 115, 116, 118, 182, 196,

210, 736

EU constitutional framework, 190

Local Government Ombudsman (LGO)

Guidance, 401

Locus standi, 908

Loose proportionality, 771, 792, 793

in Luxembourg, 783–791

before national courts, 777–783

Lower instance national courts

essential work of, 635–636

extending *Cartesio* to protect, 634–639

rule of law and judicial independence, 637–639

value of, 636–637

*Lumba (WL) v. Secretary of State for The Home Department*, 268

Luxembourg Court, 117, 611

**M**

*Magistrats Européens pour la Démocratie et les Libertés (MEDEL)*, 761  
*Magyar Jeti Zrt v. Hungary*, 19  
 The Malta Declaration of 2017, 158  
 Mandela Rules, 801  
   and complaints procedures, 803–804  
*Marbury v. Madison*, 527  
*McD v. Governor of X Prison* case, 812  
 Media liability, 19–22  
 Member States (MS), 59, 60, 67, 206  
   under Article 344 TFEU, 719  
   authorities, 111, 214, 221  
   designated authorities, 78  
   Dublin Regulation, 76, 78  
   law enforcement, 77  
   LEAs, 219  
   margin for transposition, 699–703  
   transposition by, 695–699  
     automatic exclusion, 698–699  
     entities covered, 696–697  
     interests covered, 697–698  
 Member States of the Council of Europe, 48  
 Memorandum of Understanding (MoU), 200, 422, 787  
 Merits based judicial review, 266, 267, 273, 277–279, 282, 285  
   and public policy, 267–273  
 Migrant rights, structure for, 487–490  
 Migration management, context of, 136  
*Miller No 1* case, 30–31  
*Miller No 2* case, 31–35  
 Mimeticism, 923, 940  
   and parasitism, 924–927  
 Ministerial Decision, 312  
 Ministry of Labour and Social Affairs, 496  
 Minority cabinet, 825, 826, 831, 839, 841  
 Minority government, 823–841  
 Moldova's 2018, case of, 172, 178  
 Monetary policy  
   and judicial control, 859–860  
   principle of proportionality in, 675–677

  proportionality and, 850–860  
 Monitoring Committee, 413  
 Multi-level governance  
   of access to justice, 890  
   constitutional potential for realizing, 905–907  
   limitation and realizing, 914–918  
 Multilevel legal framework, on non-discrimination, 482–487  
 Multiple-Identity Detector (MID), 85, 98, 104, 108, 112, 132, 185, 212  
 Mutual recognition, 110  
   and approximation, 117, 119  
   concept of, 115  
   harmonization and, 120  
   principle of, 114, 116–118, 120, 121

**N**

National Agency for the Prohibition of Trafficking in Persons (NAPTIP), 169  
 National Association for the Advancement of Colored People (NAACP), 479  
 National Competition Authority (NCA), 962  
   fact findings and technical assessments., 963, 964, 969, 981, 982  
 National Coordination Centres (NCCs), 217  
 National Council of Public Prosecutors, 757  
 National Ethics Committee, 312, 321, 322, 326  
 National Federation of Non-governmental Organizations, 949  
 National Freedom Institute, 951, 952  
 National Health Service (NHS), 273  
 National Institute for Social Security (INPS), 495, 496  
 The National Judicial Council, 590, 593, 605  
 National law, 2, 375, 616  
   enforcement, 77  
 National level, 903–915

National Organization of Medicines, 312, 321, 322, 324, 325

National Republican Guard, 4

National Science Ethics Committee, 324

National Security Agency (NSA), 13

Necessity and proportionality, 144, 193  
   of peculiarities, 191  
   principle, 86, 225  
   *stricto sensu*, 780, 788, 860  
   test, 73, 87–89, 127, 213

Netherlands, 56

Council for the Judiciary, 410–411

New Europol Regulation, 198, 202

Non-constructive motion of no-confidence, 833–835

Non-discrimination, multilevel legal framework on, 482–487

Non-discrimination of migrants, principle of, 484

Non-discriminatory approach  
   of data protection law, 86–91  
   necessity and proportionality test, 87–89  
   prohibition of automated decision making, 90–91  
   purpose limitation, 89–90

Non-economic activity, 579

Non-EU Member States  
   access to Eurodac, 78  
   SIS used by, 73

Non-governmental organizations (NGOs), 2, 410, 441, 941, 950, 951, 956  
   media campaign, 952–953

Non-performing loans (NPL), 673

Non-refoulement, principle of, 162

Nordic constitutionalism, 512, 519, 521, 535, 536  
   fundamentals of, 519–523

Nordic law, 509, 510, 520

Nordic legal system, 520, 990, 996

Northern Ireland (NI), 36  
   human rights, 38  
   Protocol, 41

  public authority in, 301  
   tribunals, 408

Northern Ireland Act (1998), 38

Nuffield Council, 320

## O

Ombudsman Act 1980, 814

Ombudsman (Amendment) Act 2012, 814–815

Ombudsman, proposed reforms and, 814–819

Opinion 1/17, 732

Opinion 2/13, 705  
   ECHR II, 730–737

Opinion-forming process, 345

Options and discretions (O&Ds), 673

Ordoliberalism, principles of, 773

Organized Crime and Corruption Reporting Project, 752

*Ostendorf v. Germany*, 9–10

Outright Monetary Transactions Programme (OMT), 783, 850–851

Overriding financial public interest, 431

Overriding general social interest, 431

## P

Parasitism, 923  
   mimetism and, 924–927

Paris Agreement, 49

Parliamentary Joint Committee on Human Rights (PJCHR), 416, 517

Passenger Name Records (PNR), 98, 143

Patents Court, 729–730

*People Over Wind and Peter Sweetman v. Coillte Teoranta* case, 636

Personal data  
   defined, 141  
   explicit consent, 373  
   lawful processing of, 365, 368–372, 385  
   by political parties, 365–376  
   in public sphere, 546–548  
   quality of, 152–153  
   unlawful mass surveillance, 143

- Pest District Court (PKKB), 605–607
- Pigs and Bacon Commission v. McCarren*, 636
- Platform integration, form of, 119, 123, 128
- Plenary Court, 2, 3
- Poland
  - case study of, 941–959
  - changes in financing of CSOs, 949–952
  - Constitutional Tribunal, 587, 589
  - control of Free Citizens of Poland Foundation, 947–949
  - direction of development of democracy, 944–945
  - European Arrest Warrant from, 604
  - independence of judiciary in, 588–591
  - PiS came to power, 587–588
  - Polish judiciary reforms, 588
  - Prosecutor's Office, 749
  - restrictions on right to peaceful assembly, 946–947
  - under Rule of Law Framework, 943
  - rule of law in, 590–591
- Police agencies, 99
- Police Directive, 146
- Police information sharing, 103
  - and data protection in EU, 96–99
  - interoperability in landscape of, 96–99
- Police Powers Act, 19
- Policy response, 477, 478, 499, 503
  - litigation as, 479–482
- Polish Judicial Council, 601
- Polish legal system, 946
- Polish National Foundation, 945
- Political constitutionalism, 511
- Political parties
  - applying GDPR to, 376–388
  - and GDPR, 363–390
  - implementation of GDPR's provisions, 378–388
    - under DPA, 380–388
    - Irish approach, 378–380
  - in Ireland, 378–388
  - Member States, permitting, 376–378
  - process personal data, 365–376
  - and GDPR requirements, 366–367
  - lawful processing of, 368–372
  - processing of 'special' categories, 372–376
- Portuguese Court of Auditors, 436, 437
- Poshteh v. Royal Borough of Kensington and Chelsea*, 407
- Post-Memorandum Enhanced Surveillance Procedure, 423, 449
- Post-Traumatic Stress Disorder (PTSD), 274
- Post-WWII constitutionalism, 923
- Powers of Attorney Act 1996, 383
- Pre-accession conditionality, principle of, 743–745
- Precautionary principle, 50, 51
- Pre-enactment constitutional review, 510–513
- East Nordic, 518–535
  - Finland constitutional law committee, 523–528
  - fundamentals of Nordic constitutionalism, 519–523
  - Sweden council on legislation, 529–535
  - legislation as form of constitutional review, 513–518
- Preliminary references, 595, 597, 598, 601, 605, 606, 608–613
  - appeals against orders for, 615–641
  - to CJEU, 588
  - of PKKB, 609
- The Principal Public Prosecutor, 2
- Principle of availability, 71, 121, 123, 128
  - and interoperability, 119
  - and principle of mutual recognition, 120
  - significance of, 118–119
- Principles of Good Administration, 400, 401
- PRISM scheme, 13
- Prison Act 2007, 808
- Prisoner complaints mechanism, 802, 813
  - CPT and, 806–807

- European Court of Human Rights and, 804–806
- under international human rights law, 802–803
- operation of, 810–813
- Prison Rules 2007, 808
- Prison Rules (Amendment) 2013, 820
- Privacy
  - concerns for Frontex role of
    - information hub, 174–177
  - and data protection for EU, 100–106
  - by default, 551
  - by design, 551–552
    - left to eu-LISA, 105
  - policy, 546
  - rights to, 72, 125, 131–155
  - risks for, 93–108
  - of TCNs, 171
- Private and public antitrust enforcement
  - system, 962, 969–972, 984
- Private IT service, and public authorities, 558
- Privy Council, 31
- Procedural error, 337, 339, 343, 347, 349–353, 355, 359, 360
- Procedures Directive Recast 2013 (PDr 2013), 252, 260
- Project Group on Administrative Law (CJ-DA), 399, 412
- Proportionality, 103–104
  - and banking regulation, 845–850
  - case law
    - features of, 656–657
    - main lessons from, 657–659
  - clues, 769–771
  - in ECtHR case law, 864–865
  - in EU law, 649–651
  - ex post* perspective, 652, 654, 843–860
  - and judicial control, 849–850
  - in judicial review, 843–860
  - as juridical principle, 645–648
  - jurisprudential dimension, 845–859
  - Landeskreditbank* case, 846
  - and monetary policy, 850–860
  - to new fields, 654–656
  - principle of
    - and banking regulation, 661–665
    - and banking supervision, 665–675
    - and conflicts of interests, 679–704
    - differentiation of, 862
    - ECB and, 659–660
    - ex ante* perspective, 652, 660–677
    - expansion of, 654–656
    - in monetary policy, 675–677
    - notion and, 644–660
    - as organising principle, 674–675
    - for practical application, 687–690
  - for regulating, supervising and reviewing, 652–654
  - role of soft law acts, 671–673
  - scope of, 648–649
  - stricto sensu*, 852, 853, 855, 860
- super principle, 862–863
- Proportionality test
  - adominant test, 862
  - ECB's independence at risk, 863
  - increasing relevance of, 861
  - process of judicialization, 861
  - (indra)proposals for balancing
    - discretionary powers, 865–866
- Prosecutor's Office, omnipotent and unaccountable, 749–755
- Public administrations
  - and data, 545–546
  - databases, 566
  - data processing systems, 562
  - data storage by, 545–567
  - data to private IT service, 554, 556
  - digitalization of, 546, 553
  - IT skills, 558
  - subordination and independent, 990, 995
- Public interest, 432
  - compelling reason of, 563
  - financial, 427
  - general, 426

- grounds of substantial, 386
  - law, 480
  - law movement, 479
  - over-riding financial, 431
  - processing in, 369–371
  - reasons of substantial, 375–376
  - Public international law, 45, 47, 48–51
  - Public law, 277
    - duties, 270
  - Public policy, 265, 266
  - merits based judicial review and, 267–273
  - Public Procurement Directive, 562
  - Public sector
    - access to employment in, 490–494
    - in data storage, 551–552
  - Public Service Department, 492, 501
  - Public service law, 341, 357
  - Punitive sanction, 878–882
  - Purpose limitation, 86, 89–90, 92, 95, 100, 106, 113, 126, 155, 186, 191, 198, 211, 370
    - conflicts between interoperability and, 103
    - principle, 72–73, 87, 147, 148, 185, 189, 193, 209, 225
- R**
- Racial Equality Directive (RED), 485, 488, 489
  - Raissi v. Secretary of State for Home Office (SSHO)*, 271
  - Randomized controlled trials (RCTs), 309
  - Rapid Border Intervention Teams (RABIT), 215
  - Reasonableness, 781, 793
  - Reasonable suspicion, 15
  - Reception Conditions Directive 2003 (RCD 2003), 247
  - Reception Conditions Directive Recast 2013 (RCDr 2013), 244
  - Rectification, 336, 341, 343, 347, 349, 357, 367
    - legal concept of, 345–346, 360
    - of procedural and formal errors, 335, 359
  - Referendum, 929, 930, 932–940
  - Refugee Convention (1951), 265
  - Refugee crisis, 133
  - The Regional Administrative Courts, 410, 492
  - Regional Administrative Tribunals (TARs), 967
  - Regional Agency for Health, 311
  - Registered Traveller Programme (RTP), 79
  - Register of Political Parties, 380
  - Regulation of Investigatory Powers Act (RIPA), 13
    - section 8(4), 13–14
  - Research Ethics Committee (RECs), 314, 327, 328
  - Research Network on EU Administrative Law (ReNEUAL), 391, 552
    - Code, 552
  - network, 361
  - Retention of telecommunications
    - metadata
      - Digital Rights Ireland*, 143, 147
      - Tele2 Sverige and Watson*, 143, 147
  - Review of Tribunals, 406, 408
  - Revolutionized EU enlargement law, 743
  - Reynolds v. Commission*, 728
  - Right to an effective remedy, 595, 754, 804, 901, 973, 974
  - Right to good administration, 360, 394, 404, 414–417
  - Riksdag Act (RA), 529, 1003
  - Romania, 742, 744–747, 767
  - Romanian Civil Aviation Authority, 400
  - Roman Zakharov v. Russia*, 14
  - Rule of law, 863
    - and judicial independence, 637–639
    - retirement of Hungarian judges, 598–601
    - threats to, 741–768
    - through CVM, 748–764
  - Rule of Law Framework, 590, 765

- Rumanian Constitutional Court, 787
- Russian Empire, 523–525
- R. v. Goldstein*, 645
- R (O) v. Secretary of State for the Home Department*, 270
- R (on the application of EO and Others) v. Secretary of State for the Home Department*, 280
- R v. Secretary of State for Transport ex parte Pegasus Holdings*, 400
- R (on the application of MDA by his litigation friend the Official Solicitor) v. SSHD*, 281
- R (Hicks and others) v. The Commissioner of Police for the Metropolis*, 9
- S**
- Sanctions
- applied towards limited group, 883–884
  - depriving liberty, 875–876
  - disciplinary, 876–877
  - exceeding purpose of compensation (Fines), 879–881
  - exceeding purpose of protection and prevention, 881–882
  - without sufficient severity, 884–886
- Schematic interpretation, 348
- Schengen Agreements, 97
- Schengen Borders Code, 74, 79
- Schengen Catalogue of 2002, 158
- Schengen Information System (SIS), 63, 72, 73–76, 95, 97, 101, 108, 112, 133, 212
- Regulation 2018/1861 on the use of, 75
  - Return Directive, 75
  - storage of DNA and biometrics, 74–76
- Schengen Information System II (SIS II), 73, 114
- biometrics stored in, 114
  - Decision 2007/533, 73–74
  - entering an alert on third-country nationals in, 74
  - purpose of refusal of entry, 74
  - Regulation 1987/2006, 73–74
  - Regulation 2018/1861, 75
  - Regulation 2018/1862, 74
  - Return Directive 2008/115, 74
- Schengen territory, 73, 74
- Schrems II* judgment, 626–629
- issues with, 629–634
- Schwarz v. Bochum*, 88, 91
- Secretary of State for the Home Department (SSHD), 267
- Secretary of State for the Home Department v. Watson and Others*, 16
- Secure information exchange network application (SIENA), 192, 199–200, 202
- Security Union, 132, 133, 154
- Senior Courts Act, 353
- Separation agreement law, 39
- Separation of powers, full jurisdiction and, 302–304
- Services of general economic interest (SGEIs), 570, 578, 585
- Shaw Report, 274
- Shaw Report I, 266
- Shaw Report II, 266, 276, 277
- Shrinking space for civil society, 941–959
- Significant abuse of rights, 257
- Single Supervisory Mechanism (SSM), 657
- Framework Regulation, 846
  - Regulation, 664
  - Supervisory Manual, 666
- The Sobral Cid Psychiatric Hospital (HSC), 4–8
- Social security
- healthcare and, 585, 586
  - system, 572–578, 582–586
- Social Security and Child Support Tribunal, 409
- Soft law, 360
- Sovereign Debt Crisis, 422
- Sovereignty, 775, 778–780
- Spain, 698
- approved Royal Decree, 314



- Audiencia Nacional* in, 762
  - case, 695–699
  - Spanish Constitutional Court, 389
  - Spanish Data Protection Act, 389
  - Spanish national health system (*Sistema Nacional de Salud*), 579
  - Specialized Criminal Court, 762, 763
  - Standard Operation Procedures (SOPs), 312
  - State Agency for National Security, 148
  - State liability, 45–57
    - violations of human rights, 48–49
  - Streamlining law enforcement, 149–152
  - Substantive principles, guiding
    - consequences of procedural defects, 334–337
  - Supervisory proportionality, 665
  - Supervisory Review and Evaluation Process (SREP), 672, 847
  - The Supreme Administrative Court, 428, 532, 533, 757, 758
  - Supreme Administrative Jurisdictions of the European Union (ACA Europe), 396, 405
  - Supreme Court
    - Campus Oil* judgment, 622–626
    - Cartesio* judgment, 617–622
    - of Cassation, 763
    - of Ireland, 621, 622
    - of Netherlands, 57
    - of Poland, 603
    - Schrems II*, issues with, 629–634
    - Schrems II* judgment, 626–629
  - Supreme Judicial Council (SJC), 751, 754, 755–759
  - S., V. and A. v. Denmark*, 8, 11, 12
  - Sweden, 314, 325
    - Act on Population Registration, 1002
    - administrative constitutional review in, 987–1009
      - decisions relating to EU law, 998–1000
      - decisions relating to national Swedish law, 1000–1004
    - constitutional role of public administration in, 991–995
    - Council on Legislation in, 523, 529–535
    - emergence of administrative constitutional review, 995–998
    - Ethics Review Authority, 314
    - Tax Authority, 1002, 1003
    - Vallag* (Elections Act), 1000
  - Swedish Acts of Law, 1006
  - Swedish Administrative Model, 995, 1007
  - Swedish Study Grants Act, 999
  - Swedish Tax Authority, 1006
  - System architecture
    - Administrative Court, 409–411
    - administrative review, 411–413
    - European good administration, 405–414
    - Europeanization and localism, 413–414
    - UK administrative justice, 405–414
    - UK tribunals, 406–409
- T**
- Teleological interpretation, 345, 346
  - Thanos Club Hotels v. ETEK*, 912
  - ‘*There Is No Alternative*’ (TINA) argument, 792
  - Third-country nationals (TCNs)
    - access to large family allowance, 494–497
    - from aforementioned EU data systems, 84–85
    - to apply for travel authorization, 80–81, 91
  - Article 218 TFEU agreements, 198
  - court, challenging in, 490–497
  - ETIAS is to prevent entry of, 80
  - EU citizens and, 85
  - EU large-scale database
    - Eurodac, 76–78
    - SIS, 73–76
    - VIS, 78
  - EU-wide information systems for, 131–132

- as inadmissible, 74
  - landscape of EU centralized databases
    - sketch, 132–134
    - typology, 134–136
  - with long-term status, 478
  - personal data protection of, 131–155
  - right to privacy, 131–155
  - Schengen hotel, 134
  - Tort law, 45, 51
  - Trade negotiations, 41
  - Trade-Related Aspects of Intellectual
    - Property Rights (TRIPs) Agreement, 715
  - Transport Community Treaty (TCT), 727
  - The Treaties, 38
  - Treaty Establishing the European
    - Community (TEC), 87
  - Treaty of Amsterdam, 97, 651
  - Treaty of Lisbon, 50, 96, 100, 651
  - Treaty on the European Union (TEU),
    - 436, 603
    - Article 2, 460, 596, 597, 749, 773, 782
    - Article 4(3), 710, 901
    - Article 5, 650
    - Article 7, 596–598, 612, 951
    - Article 19, 648, 733
    - Article 19 (1), 437, 588, 595–604, 607, 613, 722, 901
    - Article 40, 735
    - Article 48, 726
  - Treaty on the Functioning of the
    - European Union (TFEU), 50, 94, 116, 301, 332, 438
    - Article 14, 586
    - Article 16, 186
    - Article 36, 622
    - Article 45, 490
    - Article 101, 973
    - Article 102, 579, 973
    - Article 106, 585
    - Article 107, 574
    - Article 123, 853
    - Article 127, 675
    - Article 216(2), 714
    - Article 218, 196, 202
    - Article 225 (1), 361
    - Article 258, 638, 902, 917
    - Article 259, 640
    - Article 260(1), 709
    - Article 261, 301
    - Article 263, 301, 709, 735, 862
    - Article 267, 598, 607, 616, 619, 620, 622, 624–626, 629–631, 634, 639, 641, 709, 711, 896, 994
    - Article 275, 735
    - Article 288, 901
    - Article 344, 716, 727, 728, 731, 734
    - Article 345, 563
    - Article 352, 726
    - Articles 344, 722
  - Tribunal Procedure Rules, 407
  - Tribunals Courts and Enforcement Act (TCEA), 395, 414
  - Tsfayo v. UK*, 295
  - Turkey (TU)–RAN, 165
- U**
- UN Framework Convention on Climate Change*, 47
  - Union law, 153, 186, 331, 362, 616, 656
    - compatibility with, 562–564
    - fundamental freedoms, 562–563
    - GDPR, 563–564
    - stands, 617–622
  - United Kingdom
    - administrative justice, 395–398
    - architecture of redress, 405–414
    - Administrative Justice Institute, 414
    - Borders Act 2007, 268, 272
    - Civil Aviation Authority, 400
    - Data Protection Act 2018 (DPA UK), 365, 378
    - Government Communications
      - Headquarters (GCHQ), 13
    - HRA, 515
    - Human Rights Act, 407

immigration law, 274  
 Ombudsmen, 401, 416, 418  
 tribunal model, 405  
 uncoded constitution, 515  
 unwritten constitution, 29–44  
   Withdrawal Agreement (WA), 37  
 United Nations Convention on the Law  
   of the Sea (UNCLOS), 716  
 United Nations Economic Commission  
   for Europe (UNECE), 898  
 United Nations Office on Drugs and  
   Crime (UNODC), 198  
 United Nations Standard Minimum Rules  
   for the Treatment of Prisoners  
   (SMRs), 801  
 United States (US)  
   ESTA, 114  
   landscape of security agencies, 94  
   model of judicial review, 507  
   National Security Agency (NSA), 13  
   Platform As A Service, 565  
   *Plessy v. Ferguson*, 479  
   public interest law movement, 479  
   rights revolution in, 481  
 Urgenda, 45  
   case, 46–48  
   claimed liability, 52–55  
   Hague District Court, 46–48

NGO, 46  
 Urgenda Foundation, *See* Urgenda

## V

Virtuous cycle of digitalization, 111  
 Visa Code, 74  
 Visa Information System (VIS), 63, 77, 78,  
   95, 112, 132, 133, 212  
 Voluntary psychiatric patients, 3–8  
 Vulnerable persons, 83, 434, 446

## W

Water Framework Directive (WFD), 901  
*Weber and Saravia v. Germany*, 13, 14–15  
 The Welfare in Detention of Vulnerable  
   Persons, 266, 274  
 Western Balkans – Risk Analysis Network  
   (WB-RAN), 165  
   reports, 167  
 Withdrawal agreement (WA), 38  
   and political declaration, 35–37  
 World Charter for Nature, 50  
 World Customs Organization (WCO),  
   198  
 World Wide Web, 20

## Y

Yarl's Wood, 270, 272

