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Title	þý Curtea European a Drepturilor Omului _i dreptul Uniunii E þý drepturilor fundamentale: o gestiune subtil între ajust ri s
Authors(s)	Paris, Marie-Luce
Publication date	2013-12-23
Publication information	þý Romanian Review of European Law (Român De Drept Europ
Publisher	Wolters Kluwer
Link to online version	http://www.wolterskluwer.ro/revista-romana-de-drept-european-2013/wolters-kluwer/revista-roman
Item record/more information	http://hdl.handle.net/10197/6054

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MARIE-LUCE PARIS

**Published in Romanian Review of European Law (Română De Drept European),
Wolters Kluwer, Issue 4, 2013, pp. 13-22**

**The version below is the original English version of the interview subsequently
translated into Romanian by Mihai Banu and published in the RDDE**

First of all, we would like to thank you warmly for accepting this interview.

Marie-Luce Paris received her legal education at Université Panthéon-Assas (Paris II), France's first law faculty. She is a graduate of the *Magistère de Juriste d'Affaires DJCE*. She obtained her professional qualification as a Barrister-at-Law from the *Ecole D'Avocats Du Barreau De La Cour D'Appel De Paris (Certificat D'Aptitude A La Profession D'Avocat)*, and worked as a trainee in law firms and at the Commercial Court in Paris. She was awarded a postgraduate research scholarship by the French Minister of Higher Education and Research, a scholarship awarded to top Master students embarking on doctoral studies. She obtained her PhD cum laude (*Doctorat De Droit Français – Mention Très Honorable Avec Félicitations Du Jury A L'Unanimité*) in 2006 for her work on The Implementation of the European Convention on Human Rights by the United Kingdom. She moved to University College Dublin to teach in, and later direct, two training of excellence programmes of the UCD School of Law. The programmes, namely the BCL Law with French Law and the dual degree BCL/*Maîtrise*, aim at training UCD common law students to the French civil law system. Marie-Luce Paris has also held research visiting positions at the University of California, Davis School of Law and the Australian National University Centre for European Studies. She has also acted as a TAIEX Expert (Technical Assistance and Information Exchange Unit) for the European Commission (DG Enlargement) and delivered EU Law training to national judges in Romania and Croatia before their accession to the EU.

Marie-Luce Paris's primary research interests are in European human rights law, EU institutional and constitutional law and comparative constitutional law. Her focus is on the interaction between national and European legal systems with particular analysis of the reception processes of European norms, whether derived from the EU or ECHR legal orders, into the domestic legal order. She has also an interest in legal education. She is a graduate of the Academy of European Public Law, European Public Law Organisation. She is an active member of the Irish Society of Comparative Law (founding member and current Treasurer) and French *Société de Législation Comparée* (chair of section *Droit Comparé & Théorie Du Droit*). She is the national representative for Ireland for the International Academy of Comparative Law. She is a Fellow of the European Law Institute and a member of the Society of Legal Scholars of the UK and Ireland. Within UCD, she is a member of the UCD Constitutional Studies Group, Human Rights Network and Dublin European Institute.

She is currently the Associate Dean for Internationalisation and, in this capacity, has led major projects which include the establishment of a Graduate Exchange Programme in Comparative, International and European Law in partnership with six leading European universities, and the development of links with institutions in Asia (China, Hong Kong and Singapore) and North America.

1. In the beginning we would like you to provide a short description of your formative years in law, which is certainly very useful to “apprentices” in law.

What were your major influences in your career?

I studied for a (French) Law and English Law undergraduate degree at Université Paris X Nanterre, and later at Université of Cergy-Pontoise. From earlier on, I had an interest in combining law and a language and/or another legal system. I saw such degree programmes as offering a more rounded and challenging legal education. These kinds of programmes were quite new in the 1990s. Highly competitive, they all involve a strict selection process – which is completely against the principle of open access to French universities to *Bacheliers* (holders of the *Baccalauréat*). For the one in Nanterre, I successfully passed both the English and Spanish language tests and opted to study for the former. The two year programme provided an excellent training combining core and optional French law subjects with modules in common law taught by British and US lawyers. I was then accepted in another selective programme when I entered the *Magistère De Juriste D’Affaires* after another selection process involving an interview and an examination. The intensive three year programme gave me a thorough grounding in tax and business law, as well as foundations in accountancy. The rythme of lectures, seminars and practicals was painful but it gave me a solid work ethic! The normal path after that was to become an *avocat* in one of the most prominent (Parisian) law firms. However, having discovered European (at the time, Community) law in *Licence* (third year), I decided that this is what I wanted to do and I went on to pursue a Masters by research in Community Law. After completing my Bar training, I embarked on doctoral research, being strongly encouraged by several of my professors, including the Director of the Research Masters. As I was one of the top students in the class, I was awarded a government scholarship. Just then, an opportunity presented itself and I applied to a temporary lecturship position in French law in UCD. After securing a permanent position ten years ago, I haven’t looked back. I have enjoyed being involved in the exciting life of the School of Law which will soon be located in a brand new building and become the UCD Sutherland School of Law (UCD SSL).

My major influences were my PhD supervisor, who had herself studied abroad and had an interest in common law and a strong expertise in EU law. Her encouragements were key in my choice to redirect my career from legal practice to academia. The support of the Director of the *Magistère De Juriste D’Affaires* was also important to me; he ensured that MJA students benefited from a cutting-edge training provided by the best academics and practitioners in the country, no matter what we decided to do with our degree. The fact that I kept my English language up-to-date throughout my university years also proved decisive for securing the UCD position. Last, working with supportive and highly

motivated colleagues in UCD has also had a deep influence on my professional development.

2. You have an absolutely impressive record of professional mobility. Could you please provide young researchers with certain lessons drawn for your personal experiences? What would be the gains and (potential) shortcomings of (young) legal students and professionals' mobility in EU?

I have not done the mainstream legal training in France and have always, it seems, chosen the most demanding path – not doing ‘plain’ law but a law with another legal system and language degree; not doing a straightforward one year Masters but a three year intensive programme. I believe in seizing intellectually challenging and fascinating opportunities when they come along even though they might not appear the most logical steps from a career point of view. I started my legal studies to become a legal practitioner in France (also influenced by a long lineage of *Avocats* in my family). Different opportunities of interest have led me to become an academic abroad. I moved to Ireland for what I believed would be a short period of my life. It has turned out to be longer than that!

Reflecting on my experience of mobility in the EU, the gains would definitely outweigh the shortcomings. The gains of accepting to move are multifarious, the main one being that it adds a new perspective to your role as a professional (academic and researcher). It changes your approach to teaching and your relationships with students; you have to adapt to a new teaching environment which challenges your assumptions – in my case, it has meant moving from mass legal education to a ‘human size’ legal education where great academic and pastoral care is provided to students, favouring small group classes and very regular contacts between lecturers and students. This new environment prompted me to study for a University Diploma in teaching and learning to get to know techniques and trends in T&L in an English-speaking university (this kind of T&L training does not exist at all in continental, at least French, educational system which, unlike its primary and secondary teachers, does not train its higher education providers).

Mobility also changes obviously your approach to your own subject. In my case, I began to develop an interest in comparative constitutional law in particular because of my knowledge of different legal systems through the prism of European law (see below). It also changes your mindset in researching about law – and this is especially the case since researching and publishing in law has evolved greatly in the last ten years (ie multiplication of journals, e-journals in particular, and other online networks such as SSRN). Last, migrating to another country is always a cultural shock. In a positive sense, it is extremely enriching personally and professionally as it broadens your perspective on the world. On the down side, it takes a great deal of adjustment to adapt to a new way of life! To me, mobility would appear easier when you are in your 20s and 30s, but it may become more challenging when you have a family.

3. On a more personal note, we would like to ask you to assess the value of French, Irish and British professional background as it is your case: you are familiar with all these legal environments.

My knowledge of the French legal system comes from my training (as a private and EU lawyer) and teaching. I have been teaching French private and public law courses for over ten years now. My main area of research focusses at the moment on French constitutional law. I am familiar with the British legal system (the legal system of England and Wales to be more specific) because I received a law degree with common law and did my doctorate on the Human Rights Act which involved delving into the complex issues of the constitutional and political system of the UK. My knowledge of Irish law derives from my research in comparative constitutional law (my thesis for the award of the European Public Law Group degree was on the incorporation of the ECHR in the UK and Ireland). It also derives from my research and teaching in European Union Law and Law of the ECHR in an Irish university, as well as day-to-day interactions with my colleagues and students.

From the above, it is clear that the value of being familiar with three legal systems is significant for my own intellectual perspective. From a substantive point of view, my legal research certainly benefits from this three-jurisdictional dimension when I write about comparative constitutional law, EU constitutional law or ECHR law issues. I examine domestic legal issues in a comparative perspective and through the prism of European law. I can also relate more easily my research to studies in continental Europe as well as studies in the broader common law context (ie US, Canada Australia, New-Zealand).

From an educational point of view, this multijurisdictional orientation has prompted me to research and write about 'global' legal education. I have published on dual degree programmes in law and the role of practice in legal education, and I am now working on a project about the internationalisation of legal education.

It also gives me a specific profile in the School and other fora: a civil lawyer, familiar with the two common law systems in Europe and with expertise in both EU and ECHR law.

4. What are the most important recent developments concerning the EU legal order? What is (becoming) EU law nowadays?

The most important recent developments concerning the EU legal order would be at the level of primary legislation: (i) the entry into force of the Lisbon Treaty in December 2009 with now an operational Charter of Fundamental Rights for the EU (ii) the adoption of the Fiscal Compact Treaty (or Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) in March 2012 and (iii) the finalisation of the Draft Agreement on the Accession of the EU to the ECHR in April 2013.

These developments at 'constitutional level', building on existing legislative framework, advances the European project in two key areas of concern for EU citizens (ie rights and the economy broadly speaking) even though they do not represent ready-made solutions or straightforward improvements to citizens's situations. They nevertheless reflect the degree of responsiveness of the EU legal order to current challenges.

EU law *is* nowadays – from an historical perspective, this is an achievement in itself I think. Most textbooks on EU law do not devote much to an actual definition of EU law apart from saying that it is ‘a complex and fascinating subject of study’ (P Craig and G de Búrca, *EU Law – Texts, Cases and Materials*, Oxford University Press, 5 edn, 2011, 1). As EU law experts, we know what it is, relying on the convenient distinction of its sources between primary legislation (ie original treaties, amending and accession treaties, plus various other sources such as annexes, protocols and declarations to these treaties) and secondary legislation (ie various laws made by the institutions, including case law).

On a more personal note, EU law is for me an appealing subject indeed because of its status, what it has achieved and is still capable of achieving and becoming. Its status as autonomous and supranational law overriding contrary national law, and thus intertwined with the domestic legal system is what is keeping EU lawyers captivated. It has achieved enormously on a substantive plan. One topical example, among others, is the development of gender equality, which is one of the fundamental principles of EU law. A substantive corpus of legislation has been elaborated since the early days of the first Communities and covers areas such as equal treatment when applying for a job, equal treatment at work, protection of pregnant workers, and rights to maternity leave and parental leave. People often forget that EU law is behind major social and economic improvements and it would be difficult to live without EU law today. EU law and the EU legal order have also an undeniable attractiveness outside the EU, as demonstrated by research or study centers on the EU around the world (ie the EU Centers of Excellence in the US; the EU-China Law School; or the European University Centre in Peking University which offers an European Studies course).

As a subject, EU law is (becoming) increasingly complex, multifaceted, inward-looking (effect on national systems) and outward-looking (external relations of the EU), with mass legislation, multiple institutions (see the number of acronyms and abbreviations used in an EU law textbook) and with more and more specialised areas (ie environment, competition, transport, IP...) and in constant movement – in other words, it is becoming a kind of ‘monster law’ in the ethymological sense of monster (ie a large and frightening creature). On a more positive note, and coming back to the issue of legal education, it has also become the trademark which identifies European law graduates: a law student who studied in a European university knows both her legal system and the EU legal system since EU law is a core subject of the law curriculum. This intrication of supranational law and domestic law is quite unique in the world and sets EU law-trained lawyers apart, even arguably equipping them better to practice and/or research in a global environment.

5. A more general question: Are there any threats to the unity and coherence of the legal system of the European Union? If so, what means should be used in order to overcome them?

There are seminal studies on the subject which offer much more than I can say here in a few words. Intuitively, I would express more concern about threats to the coherence than the unity of the EU legal system – if we accept that ‘unity’ and ‘coherence’ bear a slightly different meaning. The unity of the Union is guaranteed by the combined reading of Articles 1 (‘The Union shall replace and succeed the European Community’), 13 (1) (‘The Union shall have an institutional framework which shall aim to (...) ensure the consistency, effectiveness and continuity of its policies and actions’) and 47 (‘The Union shall have legal personality’) of the TEU – I am not talking here about a more ‘political’ unity that is often lacking on the international scene whether about economic decisions or strategic political actions. The coherence of the legal ensemble of the EU – ie that the different parts of the legal order fit well together in a logical and complete manner – could be affected, in my opinion, by the activity of the Court of Justice of the EU if it does not clearly or convincingly adjudicate on issues of principles in EU law, especially when they relate to the interpretation and application of the Charter. One example relates to the controversial issue of horizontal effect of directives: it remains to be seen how the Court will decide in the *Association de Médiation Sociale* case (C-176/12 AMS) in which Advocate General Cruz Villalón delivered his opinion last July. Another ‘test’ for the CJEU will be to see how it envisages the accession of the EU to the ECHR, and hence the coherence of the two European legal systems, when it delivers its opinion on the issue.

6. You hold a strong research interest in issues concerning the accession of the European Union to the European Convention on Human Rights. In connection to that, we would like to ask you to comment on the most important changes brought by such development to the legal system of the European Union.

In the words of the CoE Secretary General, Thorbjørn Jagland, accession will ‘contribute to the creation of a single European legal space, putting in place the missing link in the European system of human rights protection’. If one contemplates this development from an historical perspective, this is a major change reuniting, to an extent, the ‘twin’ European systems ‘separated at birth’. In my piece on the European Court of Human Rights and EU law (published in the UCD Law Working Papers in Law, Criminology & Socio-Legal Studies Research Paper Series Vol. 4 No. 2, 08/16/2012, accessible at <http://ssrn.com/abstract=2044855>, in your journal as ‘Curtea Europeană a Drepturilor Omului și dreptul Uniunii Europene, în special Carta drepturilor fundamentale: o gestiune subtilă între ajustări sistemice și îmbogățiri reciproc’ (translation from French to Romanian by Raluca Săftescu) (2013) 2 *Revista Română De Drept European*, 149-178)¹, I have developed a few points about these changes mainly from the ECtHR’s standpoint.

From an EU perspective, it will be interesting to see what the States, individuals (primarily their counsels) but also the CJEU make of the new mechanisms provided for in

¹ The English version is to be published in the forthcoming issue of the *Irish Jurist*, 2014.

the Draft Agreement, the co-respondent mechanism in particular. It will be challenging also for the CJEU to develop coherent human rights standards in EU law in its relationship with the ECtHR, without negating its autonomy and weakening the growing impact of the EU Charter.

7. What would be the main challenges for the current European Court of Justice?

Properly addressing this recurring question requires a specific expertise and insight. I will comment briefly by saying, for a start, that I do not belong to the detractors (scholars and others) of the Court whose main criticisms revolve around the fact that (i) the Court has acquired too much competence (some say, ‘power’) (ii) the Court is hardly subject to any scrutiny of its actions (this will change, to an extent, when the Court will be placed under the supervision of the ECtHR after the accession). The Court has achieved a lot as the driving force of legal integration on many occasions when the political force was weak or defective – it is indeed an ‘unsung hero’ of European integration. The first challenge would then to prove its detractors wrong by pursuing this work of integration and operating a sort of ‘reasonable activism’! On a pragmatic level, this means of course managing the daunting caseload in a legal system counting 28 Member States involving the litigation initiated by individuals and States under various types of actions. On the issue of accession again, the Court will have to work in good harmony with the Strasbourg Court by avoiding clashes of jurisdictions in rights-related disputes among their Member States, as well as avoiding substantive discrepancies in rights protection.

8. What is the role of expertise in the law-making (more generally) and Parliamentary scrutiny concerned matters connected to EU law (more particularly)? What lessons should be drawn from the others experiences in a comparative perspective (to other Member States of the EU)?

(I chose not to reply to this question as I am not too sure what to make of it)

9. And a final question: Which advice/recommendation would you give to young researchers in (EU) law?

The Erasmus exchange programme, and other programmes which provide for the possibility to study law in another jurisdiction such as dual degrees – the first one of which, the double degree between King’s College London and Université Panthéon-Sorbonne (Paris I), established in 1977, actually predates the establishment of Erasmus in 1987 – have provided wonderful opportunities for students to experience the breadth of law and legal studies in Europe. Young researchers in law should avail of such exchange opportunity, whether at undergraduate or graduate level. This gives an edge to their first research steps and profile. Similarly, I would encourage young researchers to avail of the possibility of inter-institutional co-supervision of doctoral research (or ‘co-tutelle’) which I think should be more developed between European law schools. It gives a good start to research mobility before actually embarking on a first academic post and it helps to build a meaningful research network.

Another piece of advice is to have a fluency in multiple languages; not just two (for me, English and French or Spanish or German would seem essential) but three or possibly more. Now working in an English-speaking environment where publications in English are the most visible (and valued) ones, I haven't neglected publications in my native language. I think this is important for the kind of open-mindedness and cultural, henceforth legal, diversity and tolerance you want to maintain as a researcher and lecturer, and impart on students, doctoral and others.

Last, without encouraging young researchers in (EU) law to be unduly careerist, I would advise them to be a bit strategic. I mean by that: (i) thinking about a good niche research topic, one which addresses EU objectives whether societal, economic or political as well as legal (interdisciplinary topics now tend to fulfil these objectives, see Horizon 2020) (ii) finding a good supervisor (iii) and not being afraid of working extremely hard! Presenting at conferences and publishing from the start of the doctoral research is key in this regard – I was not encouraged to do that myself and it has had a detrimental effect on my career and scholarship record.

Thank you very much again.

Thank you for giving me the opportunity to share my experience with you and your readers.