

Editorial

Dear Readers,

It is with great pleasure that we present to you the *Yearbook of European Legal Studies* published by Cambridge University Press and prepared by the Centre for European Legal Studies, in the Faculty of Law, University of Cambridge. Our 2022 volume contains a rich collection of articles that sheds light on some of the most important legal issues facing the European Union today. From sports law and EU citizenship to climate change, AI regulation and competition law, to new insights in EU External Relations law, these contributions offer a rich collection of the increasingly complex world of European law.

Our academic year started with significant COVID-19 restrictions, which did not deter any of our CELS lunch time lecturers or any of our contributing authors to present their work to the wider academic EU community. When we returned in early 2022 to hybrid events, it also motivated our LL.M. and undergraduate students to re-engage with the rich EU law scholarship in Cambridge and beyond.

The highlight of our academic year was the 2022 Mackenzie Stuart Lecture this year given by the Oxford emeritus Prof Stephen Weatherill. His lecture on ‘Saving Football from Itself: Why and How to Re-make EU Sports Law’ argued that the EU needs to move beyond its conventional approach to sports law, which has focused on applying free movement and competition law to governing bodies. Instead, the EU should become a regulator to address the conflict of interest that arises when governing bodies perform regulatory functions while making commercial choices. However, it remains uncertain whether there is enough political will to establish mandatory *ex ante* standards in EU sports law. His lecture did not just attract a large audience in the Faculty but also generated important discussions about EU sports law and its interaction with adjacent areas of law.

Prof Catherine Barnard and Dr Emilija Leinarte’s article, ‘The Creation of European Citizenship: Constitutional Miracle or Myopia?’ examines the contested meaning, scope, and purpose of EU citizenship by analysing the legal texts and preparatory work from the 1972 Paris European Council to the adoption of the Maastricht Treaty in 1992. The article argues that the focus on the constitutional nature of EU citizenship overlooked some practical implications.

Prof Federico Fabbrini’s article, ‘Next Generation EU: Legal Structure and Constitutional Consequences,’ examines the legal structure and constitutional consequences of the European Union’s innovative recovery fund, ‘Next Generation EU’, which was established to address the socio-economic consequences of the COVID-19 pandemic. The article explains how the fund was established within the existing Treaty framework, but also underlines the profound constitutional consequences that NGEU has on the EU’s architecture of economic governance, contributing significantly to the federalisation of the EU’s fiscal union.

In ‘European Carbon Border Adjustment Mechanism and the Path to Sustainable Trade Policies: From “Coexistence” to “Cooperation”’, Pierre Leturcq explores the

EU's efforts to promote green trade through the use of carbon border adjustment mechanisms. The article discusses the Carbon Border Adjustment Mechanism ('CBAM'), a new European instrument designed to address climate change, and compares the initial project with the positions of the European Parliament and the Council. The article argues that the CBAM marks a transition from a logic of coexistence to a logic of cooperation in environmental policies, and concludes that the policy should be designed with open and inclusive cooperation frameworks to accelerate decarbonisation.

Dr Jed Odermatt's article, 'The Court of Justice of the European Union and International Dispute Settlement: Conflict, Cooperation and Coexistence', examines the increasing number of international courts and other forms of international dispute settlement, the EU's approach to dispute settlement mechanisms, and the Court of Justice of the European Union's ('CJEU') more guarded approach towards international dispute settlement, exploring ways to address these conflicts and allow the CJEU to coexist with other international courts.

Dr Or Brook's article, 'Block Exemption Regulations and Public Policy: In the Defence of BERS', defends Block Exemption Regulations ('BERs') as a legitimate and effective tool for the consideration of public policy within Article 101 of the Treaty on the Functioning of the European Union enforcement.

Professor Pablo Ibáñez Colomo's article, 'Law, Policy, Expertise: Hallmarks of Effective Judicial Review in EU Competition Law', explores the complex relationship between law, policy, and expertise in the context of judicial review in EU competition law by discussing the 'hallmarks' developed by the EU courts to ensure effective judicial review in competition law: interpretation of substantive law, reliance on best available evidence, and scrutiny over policy statements.

In 'The European Court of Justice's Transformation of Its Approach towards Preliminary References from Member State Administrative Bodies', Profs Morten Broberg and Niels Fenger examine the evolving approach of the European Court of Justice to preliminary references from Member State administrative bodies.

Dr Daniele D'Alvia's article, 'From Darkness to Light: A Comparative Study of Special Purpose Acquisition Companies in the European Union, the UK, and the US', explores recent reforms of EU Special Purpose Acquisition Companies ('SPACs') and their implications for European capital markets.

Profs András Jakab and Lando Kirchmair's article, 'Two Ways of Completing the European Fundamental Rights Union: Amendment to vs. Reinterpretation of Article 51 of the EU Charter of Fundamental Rights', offers two distinct approaches to completing the European Fundamental Rights Union.


In 'Hard Law and Soft Law Regulations of Artificial Intelligence in Investment Management', Wojtek Buczynski et al examine the regulation of artificial intelligence and algorithms in the context of investment management.

Dr Marcin Rojszczak's article, 'European Union and the Right to Open Internet: To Boldly Go Where No One Has Gone Before', explores the EU's efforts to promote open internet access and its implications for the digital economy.

Finally, Dr Ana Keglević Steffek's article, 'Trust and Transparency in Insurance Contact Law: European Regulation and Comparison of Laws', takes a comparative

look at the pre-contractual duty of disclosure in insurance contract law in the EU and beyond.

Together, these articles offer a diverse and insightful perspective on the current state of European law, including comparative European private law. The diversity of scholarship in this volume is credit to the rich research environment in European legal studies. Special thanks are due to my CELS colleagues Prof Okeoghene Odudu, Dr Emilija Leinarte, Dr Felix Steffek, and Dr Sophie Turenne who served on the Editorial Board and reviewed many articles and submissions in the process, and to Felicity Eves-Rey who assisted not just in the lunchtime lectures but also in the transition to the fully electric submission system hosted by ScholarOne. We look forward to your contributions and discussion in the next academic year.

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