

VU University of Amsterdam, De Boelelaan 1105, 1081 HV Amsterdam, The Netherlands. Email: e.herlinkarnell@vu.nl

CV, updated January 2016

Ester Herlin-Karnell
Nationality: Swedish

EDUCATION

2005-2009 DPhil, Somerville College, Oxford University
2003-2004 LLM King's College, University of London
1998-2002 (awarded Feb 2003), Jur Kand (LLM) Stockholm University, Sweden
2001-2002, Extra university courses in witness psychology, Legal philosophy, Criminology, History of Ideas, human rights, Stockholm University and Lund University.

WORK EXPERIENCE

Full time

1 January 2014- Professor and University Research Chair of EU Constitutional law and Justice, VU University of Amsterdam
2013-2014, Associate Professor in EU law, VU University of Amsterdam
2009-2012, Assistant professor in EU law, VU University of Amsterdam

Other academic responsibilities (selection)

- 2015, Member of the standing expert Meijers committee of human rights, international migration and criminal law
- Book manuscript reviewer for Hart and Edward Elgar, CUP (and for several journals)
- Reviewer of post doc applications for the Flemish (Fwo) and Dutch (Nwo) scientific research councils
- 2015, Member LLM course approval committee, Abertay University
- 2012-2013, Reviewer for the Italian Research Council, 'Research assessment exercise of EU law scholarship.
- 2012,-present, Founder, director and coordinator of the VU Centre for European Legal Studies
- 2012 (1 year) assistant editor, European monograph series Kluwer Law International
- 2009-present, member/faculty representative of the Centre for EU external relations (CLEER) and associate editor of the CLEER working papers, TMC Asser Institute, The Hague

Previous academic positions

2007/2008, Somerville College, Oxford University
Teaching assistant in EU law
2006/2008, Oxford University

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Research assistance assignments Oxford University (in EU law, Anglo Canadian contract law, criminology and EU political science)

Other work experience law

2005- 2006, Judge assistant, District Court of Värmland, Karlstad. (thereafter on leave until October 2007).

2004-05, Associate lawyer specialized in horse sport law, law firm Gothenburg

2003 , Judge assistant District Administrative Court of Skåne, (6 months)

2002 , Legal secretary District Court of Gotland (summer period)

Current and recent teaching:

- Security beyond the state: an introduction to Area of Freedom Security and Justice law in comparative perspective (Haifa global Law school programme)
- European Law seminars (coordinator VU, on sabbatical 2013/15)
- Internal market law
- EU Area of Freedom, Security and Justice law
- European human rights
- Risk regulation and criminal law

Current PhD supervision:

2015–First supervisor of PhD Candidate Mr Aravind Ganesh, Project entitled “A Legal Theory of the EU as a Global Human Rights actor”, VU Amsterdam

2013-2016 External adviser/ PhD committee member of PhD Candidate Ms Irene Wieczorek, Vrije University Brussels, Project entitled: “The Legitimacy of EU Criminal Law”

Other:

1. Visiting professor, Haifa Global Law school, November/December 2015 (invited to teach a course on EU security regulation)
2. Visiting fellow, Tel Aviv University, Global Trust Centre, mid Oct 2015-end of December 2015
3. Visiting lecturer, Haifa Global Law School, Israel , invited teacher and course coordinator. Course taught ‘Security Beyond the State: An Introduction to European Union “Freedom, Security and Justice” Law’, 2015, (January)
4. Visiting researcher, WZB, Centre for Global Constitutionalism, WZB Social Science Centre Berlin, 1 February- 1 June 2015
5. Visiting researcher, WZB, Rule of Law Centre, Berlin, 1 April-30 June 2014
6. Senior Grotius Scholar, Michigan Law School, December-31 March, 2014
7. Emile Noel Fellow, New York University, Jean Monnet Centre, Fall 2013
8. Guest Lecture McGill University Law school, October 2013
9. Visiting fellow, Law department, European University Institute, Florence Italy, 1 April-31 July 2013

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10. Visiting fellow, Institute of Advanced Legal Studies, University of London, January-March 2013
11. Guest lecturer, Uppsala University Law school, 2012 and 2016
12. 2011-2012, Guest lecturer in EU criminal law, University of Amsterdam (UvA)
13. 2009-2013, Guest lecturer, Amsterdam University College, Amsterdam, Netherlands
14. Visiting scholar affiliation at the Institute of European Comparative Law, Oxford University 2010-2011
15. EU law discussion group research student convener Oxford 2007-2009

Grants and conference funding:

- Conference organization and funding secured: 10-11 June 2016 Workshop 'Trafficking in Human Beings in European Context– Alternative and Philosophical Perspectives' (co-sponsored by Access Europe Amsterdam), VU Amsterdam
- Conference organization and funding secured, 29th January 2016, Workshop 'Exploring structures of proportionality and justification in contemporary constitutional law: methods against injustice in Europe and beyond' (co-sponsored by Access Europe Amsterdam 4000 EUR and the VENI grant, 7000 EUR), VU Amsterdam
- Conference co-organizer of (one of three) workshop on 'Trafficking in Human Beings in European Context– Alternative and Philosophical Perspectives' at Stockholm University (with C Lernestedt and R Haverkamp), 22-23 January 2016
- ACCESS Europe (Amsterdam University-VU Amsterdam collaboration), 7000 EUR and VU Law Faculty Gezina van der Molen grant 10.000 EUR, organization of international conference "Towards a Grammar of Justice in EU Law" held in Amsterdam 6-7 Nov 2014.
- VENI laurate grant 250 000 €, three year personal research grant from the Dutch Scientific Research Board (NWO) awarded July 2012, project entitled: 'Balancing the Area of Freedom, Security and Justice in a Multi-Speed European Union' 2013-2015.
- Royal Swedish Academy of Sciences, small grant (100 000 swe kronor) for research on EU external relations and competence post the Lisbon Treaty, start up grant for post doc research 2009/2010. My DPhil (October 2005- 2009) was fully funded by Swedish external funding bodies.

Publications

Inaugural lecture :

(2014). Two Conceptions of Justice in EU Constitutionalism. The shaping of security law in Europe. (2014, October 29). Amsterdam: VU University Amsterdam publication.

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Books:

1. Monograph: 'The Constitutional Structure of Europe's Area of "Freedom, Security and Justice" and the Right to Justification', in progress
2. Monograph: (co-written with N Ryder) 'Market manipulation and insider trading: regulatory challenges in United States of America, the European Union, the United Kingdom' (forthcoming Oxford: Hart publishing 2018)
3. Textbook: (co-written with C Semmelmann) EU law in context (working title) advanced textbook in EU law and integration studies (forthcoming Oxford: Hart publishing 2018)
4. Monograph: 'The Constitutional Dimension of European Criminal Law' (Oxford: Hart Publishing, Modern Studies in European Law monograph 2012)

Edited books:

1. (with M Fletcher & C Matera, co-editors) *The European Union as an Area of Freedom, Security and Justice* (forthcoming Routledge 2016)

Edited Special issues:

(with Poul F Kjaer), 'Towards a Grammar of Justice and Justification in EU and Transnational Context', forthcoming special issue, *and published as working papers in WZB centre for Global Constitutionalism* <https://www.wzb.eu/en/research/trans-sectoral-research/center-for-global-constitutionalism>

(with Claudio Matera): CLEER working papers, Centre for External Relations, Asser Institute, conference proceedings: special issue of the external dimension of the AFSJ and EU counter terrorism policies, (2014)

(with E Fahey) - 'EU Law qua Global Governance Law, Deciphering Regularly and constitutional competence between EU environment Law and Global Governance' *German Law Journal* 2012 issue 11

Articles (published or accepted):

1. "The Challenges of EU Enforcement and Elements of Criminal Law Theory: On Sanctions and Value in Contemporary 'Freedom, Security and Justice' law" (forthcoming Yearbook of European Law, 2016)

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2. 'The EU as a Promoter of Preventive Criminal Justice and the Internal Security Context', *European Security and Politics* (2016), issue 1
3. 'Constructing Europe's Area of Freedom, Security, and Justice through the Framework of "Regulation": A Cascade of Market-Based Challenges in the EU's Fight Against Financial Crime', (2015), *German Law Journal* 171
4. 'Effectiveness and Constitutional Limits in European Criminal Law ' (2014) *New Journal of European Criminal Law*, 267
5. 'All Roads Lead to Rome: The New AFSJ Package and the Trajectory to Europe 2020, *EUCrim* (2014)
6. 'EU criminal law as an exercise in experimental EU constitutional law', Anniversary issue of *Maastricht Journal of European and Comparative Law (J Smits and E Muir eds)* (2013) 442
7. (with M Fichera), 'The Margin of Appreciation Test and Balancing in the Area of Freedom Security and Justice: A Proportionate Answer for a Europe of Rights?' *European Public Law* (2013) 759
8. (with T Konstadinides) 'The Rise and Expressions of Consistency in EU Law: Legal and Strategic Implications for European Integration' *Cambridge Yearbook of European Legal Studies* (2013), 139.
9. (with T Konstadinides) 'The EU Constitutional Landscape in A Multi-Speed Context: the ins and outs of fragmented integration' CEPS working paper series (2013),
10. 'Denmark and the European Area of Freedom, Security and Justice: A Scandinavian Arrangement' *Amsterdam Law Forum* (2013) p 95.
11. 'EU Sports Law and the Equestrian World: A Galloping Area of Increasing Importance', *International Sports Law Journal* (2013) 168
12. 'From Mutual Trust to the Full Effectiveness of EU law: 10 Years of the European Arrest Warrant', *European Law Review* (2013) 79. Selected for reprint *European Current Law*
13. 'The EU as a Promoter of Values and the European Global Project' (2012) *German Law Journal* 1225
14. 'White-Collar Crime and European Financial Crises: Getting Tough on EU Market Abuse', (2012) 37 *European Law Review* 487. Reprinted in *Current European Law* (2012) issue 10
15. (with T Gazzini), ' Restrictive measures adopted by the EU against individuals from the standpoint of International and European Law', (2011) 36 *European Law Review*, 798
16. 'The development of EU precautionary criminalization' (2011), *European criminal law review*, 149

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17. 'What Principles Drive (or Should Drive) European Criminal Law?' *German Law Journal* 11 (2010) 671
18. 'Subsidiarity in the Area of EU Justice and Home Affairs – A Lost Cause?' *European Law Journal* 15 (2009) 351
19. 'Waiting for Lisbon... Constitutional Reflections on the Embryonic General Part of EU criminal law,' *European Journal of Criminal Law and Criminal Justice* 17 (2009) 227
20. 'Is there more to it than the fight against 'Dirty Money'? Art 95 EC and the Criminal Law' *European Business Law Review* 19 (2008) p 558
21. 'The Lisbon Treaty and the Criminal Law: Anything New Under the Sun?' *European Journal of Law Reform* 10 (2008) p 321
22. 'The Question of 'Communitaire' reasoning in the EU Third Pillar – The Judgment in *Segi* and Beyond', *Kings Law Journal* 19 (2008) p 617
23. 'The Lisbon Treaty and Area of Criminal Law and Justice' (2008) *Europarättslig tidskrift* p 646
24. 'Recent Developments in the Area of European Criminal Law', *Maastricht Journal of European and Comparative Law* 14 (2007) p 15
25. 'An Exercise in Effectiveness?' *European Business Law Review* 18 (2007) p 1181

Case Notes and shorter papers:

26. 'The EAW and the Principles of Non-discrimination and EU Citizenship', *Modern Law Review* 73 (2010) 460
27. Annotation, C-301/06, *Ireland v Parliament and Council*, 46 *Common Market Law Review* (2009) 1667
28. Annotation 'Ship-source Pollution Case-440/05, *Commission v. Council*, Judgment of 23 October 2007 (Grand Chamber)', *European Public Law* 14 (2008) p 533
29. 'Light Weapons' And the Dynamics Of Art 47 EU' The EC's Armoury Of Ever Expanding Competences' *Modern Law Review* 71 (2008) p 998
30. 'In the wake of Pupino: Advocaten voor de Wereld and Dell'Orto', 8 *German Law Journal* (2007) p 1147
31. 'Commission v. Council: Some Reflection on Criminal Law in the First Pillar', 13 *European Public Law* 13 (2007) p 69
32. 'The Swedish Supreme Court and the European Arrest Warrant', (2007) *Europarättslig tidskrift*, p. 885

Working papers

- ✓ (2015) with P Kjaer, Dimensions of Justice & Justification in EU and Transnational Contexts. (article). WZB Centre for Global Constitutionalism, working paper.

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- ✓ (2015) Justice and Justification in Europe's "Area of Freedom, Security and Justice" , WZB Centre for Global Constitutionalism, discussion paper, SP SP IV 2015–805
- ✓ (2014). Europe's Area of Freedom, Security and Justice Through the Prism of Constitutionalism: Why the EU Needs a Grammar of Justice to Improve Its Legitimacy. (article). WZB, discussion paper, SP IV 2014–801, Berlin. (2014).
- ✓ Is administrative law still relevant? How the battle of sanctions has shaped EU criminal law, Jean monnet working paper. (article). NYU: Jean Monnet Working Paper 25/14.
- ✓ 'EU criminal law relocated: recent developments'. Uppsala Law school working paper, 2011/2

Blog posts

Blog: E Herlin-Karnell, The Crisis of Schengen is the Crisis of the EU, published 15 Dec 2015

European futures <http://www.europeanfutures.ed.ac.uk/article-2434>

Blog: E Herlin-Karnell, Europe's Area of Freedom, Security and Justice – A Market Endeavor? May 2015, WZB Rule of Law Centre law log

Policy analysis:

- 'The Lisbon Treaty. A Critical Analysis of Its Impact on EU Criminal Law' (2010) *European Criminal Law Association Forum* (Max-Planck-Institut fuer auslaendisches und internationales Strafrecht), 58, selected as representing one of the best articles published by EUCrim for reprint in edited collection by E de Busser and U Sieber in "The Art of crime" (<http://www.theartofcrime.gr/eng/?dses>) issue 1 2012
- 'The Lisbon Treaty and the Area of Criminal law and Justice' *European Policy Analysis* (Swedish Institute for European Policy Studies) available at <http://www.sieps.se/sites/default/files/421-20083epa.pdf> also published as a shorter version in Swedish at <http://www.sieps.se/sites/default/files/22-20089epa.pdf>

Contributions in edited collections (published and forthcoming):

1. Market abuse rules in the EU as financial crisis rescuer, chapter in Beneyto & Hinojosa Martínez, *Banking Union* (Kluwer Law, international banking law series 2015).
2. 'Between Flexibility and Fragmentation: the Example of Criminal Law', chapter to appear in B de Witte, A Ott, E Vos, *Between Flexibility and Disintegration: The State of EU law today, forthcoming* (Edward Elgar 2015)

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3. 'Is Administrative Law still relevant? How the battle of sanctions shaped EU Criminal law' to appear in V Mitsilegas, M Bergstrom and T Konstadinides (eds), *Research Handbook on EU Criminal Law* (Edward Elgar 2015).
4. 'EU values and the shaping of the international legal context' in Amtenbrink & Kochenov (eds) *European Union's Shaping of the International Legal Order* (Cambridge University Press 2013).
5. 'Constitutional Principles in the Area of Freedom, Security and Justice', in C Murhpy and D Acosta (eds), *Europe's Area of Freedom, Security and Justice* (Hart Publishing 2014) .
6. 'Recent Developments in the Area of Substantive and Procedural EU criminal law: Challenges and Possibilities' in M Bergstrom and A Cornell. *EU criminal law and Police Cooperation, Swedish Studies in EU law* (Hart publishing 2014)
7. 'Is the citizen driving the EU's criminal law agenda?' in Dougan, Nic Shuibhne & Spaventa (eds) *Empowerment and Disempowerment of the European Citizen* (Hart publishing 2012) ch 9
8. 'EU Criminal law competences after Lisbon', in A Biondi & P Eeckhout, S Ripley, (eds), *European Union Law after the Treaty of Lisbon* (Oxford University Press 2012), ch 16.
9. 'Enhanced cooperation and conflicting values - are new forms of governance the same as good governance?' M Trybus & L Rubini (eds) *After Lisbon: The Impact of the New Treaty on European Union and the Treaty on the Functioning of the European Union* (Edward Elgar Cheltenham 2012) ch 8
10. 'The EU's anti money laundering agenda: built on risks?' in T Konstadinides & C Eckes, (eds.) *Crime and the Area of Freedom, Security and Justice: Challenges in the European Union*, (Cambridge University Press 2011).
11. 'The Integrity of European Criminal Law Cooperation: The Nation State, the Individual and the AFSJ', chapter in Amtenbrink & Van den Bergh (eds), *The Constitutional Integrity of the European Union. Assessing the Integrative Function of National Constitutions for the European Constitutional Legal Order* (TMC Asser Press 2010)

Book reviews:

Book review [Alexander Somek *Individualism* (Oxford University Press 2008)], *European Law Review* (2009) p 333

Book review [Theodore Konstadinides, *Division of powers in the European Union, Alphen aan den Rijn: Wolters Kluwer, 2009*] *Common Market Law Review* 2010 issue 3

Book Review, [A Hinarejos 'Judicial control in the European Union: reforming jurisdiction in the intergovernmental pillars'] *European Constitutional Law Review* 2012 issue 2

Book review [Cian Murhpy *EU terrorism Law*] *CML Rev* 2013 issue 5

Book review: [Duncan Atkinson et al (eds) *EU Law in Criminal Practice*, Oxford University Press (2013),] *Yearbook of European Law* (OUP 2013),, published online September 2013

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Recent conference presentations and moderator/discussant in 2014-2016 (selection):

- ✓ Uppsala 7 April 2016, paper to present: 'The function of subsidiarity in AFSJ law'
- ✓ Amsterdam 29th January 2016, paper to present: "The Right to Justification and the Concept of Non-domination in EU Security related context"
- ✓ Stockholm, 23 January 2016, paper to present 'Trafficking in Human Beings and Mixed Migration in European Security Context'
- ✓ Tel Aviv, 9 December 2015, paper presented 'The Concept of Non-domination in EU Security Regulation', Global Trust Centre. Tel Aviv University
- ✓ Luxembourg, 16 September 2015, Research network on criminal/admin law, paper presented: 'The choice of sanction as an EU constitutional question', Luxembourg University
- ✓ Stockholm, 4 September 2015, Swedish Institute for European Studies (SIEPS) commentator on research report on EU criminal law
- ✓ New York, USA 1-3 July 2015, I-CON conference, paper presented: Testing Europe's Area of Freedom, Security and Justice through the notion of justification
- ✓ Nazareth, 2-3 January 2015 Israel, 'Love, Respect and the Political' Minerva Centre for Human Right and Haifa Law school, Chair of a panel
- ✓ Amsterdam, 6-7 November 2014. Paper presented: The European Area of Freedom, Security and Justice as a "Justice" Space: Challenges for Contemporary EU Constitutionalism. In Towards a Grammar of Justice in EU Law, Amsterdam CELS/ACCESS Europe. Amsterdam
- ✓ Oxford, UK 29 October 2014, paper presented: Europe's Area of Freedom, Security and Justice Through the Prism of Constitutionalism. In EU Law Discussion Group Oxford Law Faculty.
- ✓ Amsterdam, 6 October 2014, paper presented 'EU law and the fight against white collar crime: extending the market rationale as a way of fixing the financial crisis?' In VU criminal law/criminology research group.
- ✓ Cork, Ireland, 1-4 September 2014, paper presented: The Concept of Justice

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within the EU's Security Governance. In The annual UACES conference. I also chaired one other session

- ✓ Kent 28 August 2014, paper presented: Extending the internal market rationale: the constitutional impact of mutual recognition in EU criminal law. Values lost in translation? University of Kent.
- ✓ Berlin Wzb 10 July 2014 , chair of panel of effective enforcement in EU Law
- ✓ Izmir, 2-4 May 2014 Security is not enough: The concept of justice within the EU's security governance structure. In 2nd European Workshops in International Studies. Izmir Turkey.
- ✓ Madrid, 28-29 April 2014, The fight against market abuse as European financial crisis rescuer: EU regulatory challenges and the tough on crime approach. In Conference Banking Union. Madrid: Universidad CEU San Pablo.
- ✓ Ann Arbor, 27 February 2014, Michigan University, USA, presentation of book project on balancing mechanisms in the AFSJ
- ✓ Amsterdam, 27 January 2014, Amsterdam Centre for European Contract Law, University of Amsterdam, presentation on EU values and global law
- ✓ Amsterdam 23 January 2014, Panel presentation on 'What way forward for European governance from constitutional perspective?', Access Europe inaugural event