

# PD DR. BENEDIKT PIRKER, LL.M.

## LIST OF PUBLICATIONS

*In the below list, for easier reading the publications are arranged by general topic.*

*With regard to co-authored publications, I have added an asterisk (\*) to indicate the fact that I am not the first author, but share an equal role with the other co-author(s). Where there are two asterisks (\*\*), another author is the first author.*

### 1. General public international law and linguistics

Inside the Treaty Interpreter's Mind – An Experimental Linguistics Approach to International Law, *Leiden Journal of International Law* (accepted for publication, with Izabela Skoczeń).

International Law, in Kevin Tobia (ed.), *The Cambridge Handbook of Experimental Jurisprudence*, Cambridge University Press, Cambridge 2023 (in preparation, with Izabela Skoczeń and Veronika Fikfak).\*

Legal Interpretation, in Valérie Défago, Gaudin Anne-Sylvie Dupont and Fanny Matthey (ed.), *Liber Amicorum Pascal Mahon*, 2023 (in print).

World War I: A Phoenix Moment in the History of International Criminal Tribunals, *European Journal of International Law* 2022, 851-887 (with Ziv Bohrer).\*

Introduction: The Contribution of Empirical Approaches to Law and Language Studies, *International Journal of Language & Law* 2022, 98-103 (with Jennifer Smolka).\*

Pragmatic Inferences and Moral Factors in Treaty Interpretation – Applying Experimental Linguistics to International Law, *German Law Journal* 2022, 314-332 (with Izabela Skoczeń).

Five Shades of Grey – A Linguistic and Pragmatic Approach to Treaty Interpretation, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 2022, 121-158 (with Jennifer Smolka).\*

Pragmatics and the Interpretation of International Law – Two Relevance Theory-Based Approaches, in Frances Olsen und Janet Giltrow (Hrsg.), *Legal Meanings. The Making and Use of Meaning in Legal Reasoning*, Mouton de Gruyter, Berlin/Boston 2021, 77-106 (with Jennifer Smolka).\*

Balancing Interpretive Methods? A Linguistic Appraisal, *Nordic Journal of International Law* 2020, 438-452 (republished in Ulf Linderfalk and Eduardo Gill-Pedro (ed.), *Revisiting Proportionality in International and European Law – Interests and Interest-Holders*, Brill Nijhoff, Leiden/Boston 2021, 183-197).

International Law and Linguistics: Pieces of an Interdisciplinary Puzzle, *Journal of International Dispute Settlement* 2020, 501-521 (with Jennifer Smolka).

Kelsen Meets Cognitive Science – The Pure Theory of Law, Interpretation, and Modern Cognitive Pragmatics, *Archiv für Rechts- und Sozialphilosophie* 2019, 203-226.

The Future of International Law is Cognitive – International Law, Cognitive Sociology and Cognitive Pragmatics, *German Law Journal* 2019, 430-448 (with Jennifer Smolka).\*

International Law, Pragmatics and the Distinction between Conceptual and Procedural Meaning, *International Journal of Language & Law* 2018, 117-141 (with Jennifer Smolka).\*\*

Making Interpretation More Explicit: International Law and Pragmatics, *Nordic Journal of International Law* 2017, 228-266 (with Jennifer Smolka).\*

International Law and Pragmatics – An Account of Interpretation in International Law, *International Journal of Language & Law* 2016, 1-40 (with Jennifer Smolka).\*

## 2. European constitutional law

Linguistics and the Contra Legem Principle – A Response to Anthony Arnall, *European Law Review* 2023, 117-123 (with Jennifer Smolka).

Verfassungsentwicklungen in der EU [Constitutional Developments in the EU], in Astrid Epiney, Sarah Progin-Theuerkauf and Petru Emanuel Zlătescu (ed.), *Schweizerisches Jahrbuch für Europarecht 2021/2022*, Zurich/Basel/Bern 2022, 27-58 (with Petru Emanuel Zlătescu).

Verfassungsentwicklungen in der EU [Constitutional Developments in the EU], in Astrid Epiney and Petru Emanuel Zlătescu (ed.), *Schweizerisches Jahrbuch für Europarecht 2020/2021*, Zurich/Basel/Bern 2021, 23-46 (with Petru Emanuel Zlătescu).

Shaping the Future of Europe: Introduction, *European Papers* 2021, 229-237 (with Sandra Hummelbrunner, Lando Kirchmair, Anne-Carlijn Prickartz und Isabel Staudinger).\*

Annegret Engel, *The Choice of Legal Basis for Acts of the European Union. Competence Overlaps, Institutional Preferences, and Legal Basis Litigation*, Springer, Cham 2018, *Common Market Law Review* 2020, 602-603.

Verfassungsentwicklungen in der EU [Constitutional Developments in the EU], in Astrid Epiney and Petru Emanuel Zlătescu (ed.), *Schweizerisches Jahrbuch für Europarecht 2019/2020*, Zurich/Basel/Bern 2020, 25-51 (with Petru Emanuel Zlătescu).

Verfassungsentwicklungen in der EU [Constitutional Developments in the EU], in Astrid Epiney and Petru Emanuel Zlătescu (ed.), *Schweizerisches Jahrbuch für Europarecht 2018/2019*, Zurich/Basel/Bern 2019, 23-45 (with Petru Emanuel Zlătescu).

Grundrechtsschutz im Unionsrecht zwischen Subsidiarität und Integration – Zur Anwendung der Unionsgrundrechte auf die Mitgliedstaaten [Fundamental Rights Protection in EU Law between Subsidiarity and Integration – On the Application of EU Fundamental Rights to the Member States], *Nomos*, Baden-Baden 2018, 549 pp.<sup>1</sup>

Reviewed in *NLMR* 2018, 489 (Steurer).

Mapping the Scope of Application of EU Fundamental Rights: A Typology, *European Papers* 2018, 133-156.

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<sup>1</sup> Habilitation thesis.

- Behördliche Interventionen in Abstimmungskämpfe [Interventions by Public Authorities in Direct Democratic Voting Processes], *Aktuelle Juristische Praxis* 2017, 1366-1381.
- Balancing Tests, Proportionality Analysis and Judicial Review – The Case of International Commercial Arbitration, in Henrik Palmer Olsen, Joanna Jemielniak and Laura Nielsen (eds.), *Establishing Judicial Authority in International Economic Law*, Cambridge University Press, Cambridge 2016, 290-319.
- Between Discursive and Exclusive Autonomy – Opinion 2/13, the Protection of Fundamental Rights and the Autonomy of EU Law, *Cambridge Yearbook of European Legal Studies* 2015, 168-188 (with Stefan Reitemeyer).
- Zum Gutachten 2/13 des EuGH über den Beitritt der EU zur EMRK – Ein Schritt vor und zwei zurück [On Opinion 2/13 of the European Court of Justice on the Accession of the EU to the ECHR – One Step Forward and Two Steps Back], *Jusletter*, 23 March 2015 (with Stefan Reitemeyer).
- The Binding Effect of EU Fundamental Rights for Switzerland, in Norman Weiss und Jean-Marc Thouvenin (eds.), *The Influence of Human Rights on International Law*, Springer, Heidelberg 2015, 229-244 (with Astrid Epiney).\*
- Democracy and Distrust in International Law – The Procedural Democracy Doctrine and the Standard of Review Used by International Courts and Tribunals, in Lukasz Gruszczynski and Wouter Werner (eds.), *Deference in International Courts and Tribunals: Standard of Review and Margin of Appreciation*, Oxford University Press, Oxford 2014, 58-73.
- Proportionality Analysis and Models of Judicial Review, *Europa Law Publishing*, Groningen 2013, 434 pp.<sup>2</sup>
- Reviewed in *European Law Blog*, 16 July 2013 (Sauter); *Common Market Law Review* 2014, 1292-1293 (Smith). Cited by Advocate General Saugmansgaard Øe in CJEU, Case C-203/15 *Tele2 Sverige*, EU:C:2016:572, para 185 footnote 56.
- Seeing the Forest without the Trees – The Doubtful Case for Proportionality Analysis in International Investment Arbitration, *Highly Commended Essay, Society of International Economic Law/Cambridge University Press Essay Prize* 2011, 1-19 (available at [www.ssrn.com](http://www.ssrn.com)).

### **3. EU internal market law and the free movement of persons**

- Free Movement of Workers and Persons, in Graham Butler (ed.), *Research Handbook on EEA Internal Market Law*, Edward Elgar Publishing, Cheltenham, 2023 (in print).
- The Free Movement of Persons in the Eurasian Economic Union – Between Civis Eurasiaticus and Homo Oeconomicus, in Nathan Cambien, Dimitry Kochenov und Elise Muir (ed.), *European Citizenship under Stress: Social Justice, Brexit and Other Challenges*, Brill-Nijhoff, Boston 2020, 508-531 (with Kirill Entin, Russian version: Свободное движение

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<sup>2</sup> PhD dissertation.

лиц в ЕАЭС: между *Civis Eurasiacus* и *Homo Oeconomicus*, *Международное правосудие* 2020, 79-96).\*

Bosman's Second Life? The Eurasian Economic Union Court and the Free Movement of Professional Athletes, *Legal Issues of Economic Integration* 2019, 129-148 (with Kirill Entin).\*

Rethinking Solidarity in View of the Wanting Internal and External EU Law Framework Concerning Trade Measures in the Context of the COVID-19 Crisis, *European Papers* 2020, 573-585.

Bundesgericht gewährt Strafrecht «Vorrang» im Bereich des FZA – Kommentar zu: Urteil des Bundesgerichts 6B\_48/2019 vom 9. August 2019 [The Federal Tribunal Grants Criminal Law “Primacy” in the Context of the Free Movement of Persons Agreement – Comment on Judgment of the Federal Tribunal 6B\_48/2019 of 9 August 2019], *Digitaler Rechtsprechungskommentar*, 30. September 2019 (with Livia Matter).

Zur (Vor-)Wirkung und zu den Umsetzungsverpflichtungen von EU-Richtlinien – Eine unionsrechtliche Untersuchung der HETA-Abwicklung und des Moratoriums der österreichischen Finanzmarktaufsicht [On the (Anticipatory) Effect and the Transposition Obligations of EU Directives – An EU Law-Based Inquiry into the Winding-Up of the HETA and the Moratorium of the Austrian Financial Market Authority], *Verwaltungsarchiv* 2017, 303-342 (with Astrid Epiney).\*

Europarechtskonformität der überdachenden Besteuerung? – Zur Entscheidung des EuGH in *Bukovansky* [The EU Law Compatibility of Roofing Taxation – On the CJEU's Decision in *Bukovansky*], *SteuerRevue* 2016, 212-221 (with Marc Enz).

Zum Verlust der Arbeitnehmereigenschaft im Freizügigkeitsabkommen [The End of the Legal Status of a Worker under the (Swiss-EU) Agreement on the Free Movement of Persons], *Aktuelle Juristische Praxis* 2014, 1217-1225.

Cited by the Swiss Federal Tribunal in BGE 141 II 1, paras 2.2.1, 2.2.3 and 3.2.1 (and numerous later decisions).

Deporting the Citizens within the Union? A Counter-Intuitive Trend in Case C-348/09, P.I. v. Oberbürgermeisterin der Stadt Remscheid, *Columbia Journal of European Law* 2013, 369-390 (with Dimitry Kochenov).\*

Commentaire sur l'arrêt du 2 mars 2010 *Rottmann*, Affaire C-135/08, (non encore publié au Recueil) – *Revue du droit de l'Union européenne* 2010, 651-654 (with Thomas Burri).

Commentaire sur l'arrêt du 8 septembre 2009 *Commission c/ Parlement et Conseil*, Affaire C-411/06, Rec. 2009, p. I-7585 – *Revue du droit de l'Union européenne* 2009, 775-780.

Commentaire sur l'arrêt du 9 juin 2009 *Commission c/ Allemagne*, Affaire C-480/06, Rec. 2009, p. I-4747 – *Revue du droit de l'Union européenne* 2009, 570-574.

Cited by Advocate General Trstenjak in her conclusions in Court of Justice of the European Union, Case C-159/11, *Azienda Sanitaria Locale di Lecce*, EU:C:2012:303, footnote 42.

Commentaire sur les arrêts du 3 mars 2009 *Commission c/ Autriche* et *Commission c/ Suède*, Affaires C-205/06 et C-249/06, Rec. 2009, p. I-1301 – *Revue du droit de l'Union européenne* 2009, 347-352.

Commentaire sur l'arrêt du 20 janvier 2009 *Schultz-Hoff et Stringer*, Affaires jointes C-350/06 et C-520/06, Rec. 2009, p. I-179 – *Revue du droit de l'Union européenne* 2009, 142-150.

***Annual review of developments in EU competition law:***

Entwicklungen im Europäischen Wettbewerbsrecht [Developments in European Competition Law], in Astrid Epiney and Stefan Diezig (eds.), *Schweizerisches Jahrbuch für Europarecht 2013/2014*, Zurich/Basel/Bern 2014, 103-133 (with Stefan Reitemeyer and Sarah Progin-Theuerkauf).\*

Entwicklungen im Europäischen Wettbewerbsrecht [Developments in European Competition Law], in Astrid Epiney and Stefan Diezig (eds.), *Schweizerisches Jahrbuch für Europarecht 2012/2013*, Zurich/Basel/Bern 2013, 77-112 (with Laura Melusine Baudenbacher and Sarah Progin-Theuerkauf).\*

Entwicklungen im Europäischen Wettbewerbsrecht [Developments in European Competition Law], in Astrid Epiney and Tobias Fasnacht (eds.), *Schweizerisches Jahrbuch für Europarecht 2011/2012*, Zurich/Basel/Bern 2012, 97-130 (with Laura Melusine Baudenbacher and Sarah Progin-Theuerkauf).\*

Entwicklungen im Europäischen Wettbewerbsrecht [Developments in European Competition Law], in Astrid Epiney and Tobias Fasnacht (eds.), *Schweizerisches Jahrbuch für Europarecht 2010/2011*, Zurich/Basel/Bern 2011, 123-147 (with Sarah Progin-Theuerkauf).\*

Entwicklungen im Europäischen Wettbewerbsrecht [Developments in European Competition Law], in Astrid Epiney and Nina Gammenthaler (eds.), *Schweizerisches Jahrbuch für Europarecht 2009/2010*, Zurich/Basel/Bern 2010, 107-138 (with Laura Melusine Baudenbacher and Sarah Progin-Theuerkauf).\*

**4. International economic law, regional integration and Swiss-EU relations**

The Eurasian Economic Union, in Krista Nadakavukaren Schefer und Thomas Cottier (ed.), *Elgar Encyclopedia of International Economic Law*, Edward Elgar Publishing, Cheltenham, 2023 (with Kirill Entin, in print).\*

EU-Switzerland Norm and Policies Diffusion – À la Carte and in Pieces?, in Diane Fromage (ed.), *(Re-)defining Membership: Differentiation in and outside the European Union*, Oxford University Press, Oxford 2023 (with Andrea Ott, in print).\*

Cohesion Payments, in Marc Maresceau und Christa Tobler (ed.), *EU-Switzerland Relations: Current Issues*, Brill, Leiden 2023 (in print).

Europarecht: Schweiz - Europäische Union [EU Law Developments in the Relations between Switzerland and the European Union], *Swiss Review of International and European Law* 2022, 89-144 (with Paula Gadola).

- Europarecht: Schweiz - Europäische Union [EU Law Developments in the Relations between Switzerland and the European Union], *Swiss Review of International and European Law* 2021, 123-161 (with Livia Matter).
- Europarecht: Schweiz - Europäische Union [EU Law Developments in the Relations between Switzerland and the European Union], *Swiss Review of International and European Law* 2020, 75-117 (with Livia Matter).
- Zum Schiedsgericht im Institutionellen Abkommen [The Arbitral Tribunal in the Institutional Framework Agreement], *Jusletter*, 3. Juni 2019 (republished in *Association Suisse de l'Arbitrage (ASA) Bulletin* 2019, 592-610).
- Europarecht: Schweiz–Europäische Union [EU Law Developments in the Relations between Switzerland and the European Union], *Swiss Review of International and European Law* 2019, 101-140 (with Livia Matter).
- The Early Case Law of the Eurasian Economic Union Court, *Maastricht Journal of European and Comparative Law* 2018, 266–287 (with Kirill Entin).\*
- Europarecht: Schweiz–Europäische Union [EU Law Developments in the Relations between Switzerland and the European Union], *Swiss Review of International and European Law* 2018, 111-150 (with Daniela Nueesch).
- Switzerland and the European Economic Area, in Finn Arnesen, Halvard Fredriksen, Hans Petter Graver, Ola Mestad and Christoph Vedder (eds.), *The EEA Agreement – A Commentary*, C.H.Beck/Hart/Nomos, Baden-Baden 2018, 80-100.
- Angela Di Gregorio and Arianna Angeli (eds.), *The Eurasian Economic Union and the European Union – Moving toward a Greater Understanding*, Eleven International Publishing, The Hague 2017, *Common Market Law Review* 2017, 1578-1580.
- Zu den für die Auslegung der Bilateralen Abkommen massgeblichen Grundsätzen – Gedanken zu BGE 140 II 112 (Gerichtsdolmetscher) [The relevant principles of interpretation for the Bilateral Agreements – Reflections on the Federal Tribunal’s decision in BGE 140 II 112], *Schweizerisches Zentralblatt für Staats- und Verwaltungswissenschaft* 2015, 295-312 (ECSA Suisse Best Article Prize 2016).
- Territorial Sovereignty and Integrity and the Challenges of Cyberspace, in Katharina Ziolkowski (ed.), *The Peacetime Regime for State Activities in Cyberspace – International Law, Foreign Affairs and Cyber-Diplomacy*, NATO CCD COE Publication, Tallinn 2013, 189-216.
- Constitutionalization by Association? The Doubtful Case of the European Economic Area, *Yearbook of European Law* 2013, 207-229 (with Thomas Burri).
- The Integration of Switzerland into the Framework of EU Law by Means of the Bilateral Agreements, in Peter-Christian Müller-Graff and Ola Mestad (eds.), *The Rising Complexity of European Law*, Berliner Wissenschafts-Verlag, Berlin 2014, 39-66 (with Astrid Epiney).\*
- Zur Parallelität der Rechtsentwicklung in der EU und in der Schweiz – Ein Beitrag zur rechtlichen Tragweite der „Bilateralen Abkommen“* [The parallel development of law in the EU and Switzerland – A discussion of the legal content of the ‘Bilateral Agreements’], Schulthess, Zurich 2012, 322 pp. (with Astrid Epiney and Beate Metz).\*

Cited by the Swiss Federal Tribunal in BGE 140 II 112, para 3.2 (and numerous later decisions).

Interpreting Multi-Sourced Equivalent Norms: Judicial Borrowing in International Courts, in Tomer Broude and Yuval Shany (eds.), *Multi-Sourced Equivalent Norms in International Law*, Hart Publishing, Oxford 2011, 93-114.

Tobacco Regulation, International Investment Arbitration and the Fragmentation of International Law – The Grand River Enterprises Case, *European Journal of Risk Regulation* 2011, 267-273.

Stromschnellen im Freizügigkeitsfluss: Von der Bedeutung von Urteilen des Europäischen Gerichtshofes im Rahmen des Personenfreizügigkeitsabkommens [Rapids in the River of Free Movement of Persons: The Significance of the European Court of Justice's Case Law under the Agreement on the Free Movement of Persons], *Schweizerische Zeitschrift für internationales und europäisches Recht* 2010, 165-188 (with Thomas Burri).\*\*

Zur Vereinbarkeit ausgewählter Modelle von Lenkungsabgaben auf Alkoholika mit dem Freihandelsabkommen Schweiz – EU und der Wirtschaftsfreiheit [The Compatibility of Selected Steering Tax Models on Alcoholic Beverages with the Free Trade Agreement Switzerland - EU], *Freiburger Schriften zum Europarecht* N° 12b 2010, Freiburg, 1-43 (with Astrid Epiney).\*

Republished in *Jusletter*, 24 January 2011 (available at [www.weblaw.ch](http://www.weblaw.ch)).

Commentaire sur l'arrêt du 9 septembre 2010 *Suisse c/ Commission*, Affaire T-319/05, (non encore publié au Recueil) – *Revue du droit de l'Union européenne* 2010, 897-901 (with Beate Metz).\*

Die Übersetzung von Rechtsprechung im Wirtschaftsvölkerrecht [Translating Case Law in International Economic Law], *trans-kom* 2010, 26-69.

## 5. Environmental and energy law

Grenzüberschreitende Kapazitäten – Neuregelung der Vorränge im grenzüberschreitenden Stromnetz [Cross-border Transmission Capacities – The New Regulation of Claims of Precedence in the Transboundary Electricity Grid], in Sebastian Heselhaus, Julia Hänni, Isabel Keiser and Markus Schreiber (ed.), *Rechtsfragen der Energiewirtschaft* [Legal Questions of the Energy Sector], Dike, Zurich 2019, 129-157.

*Aarhus Konvention – Handkommentar* [The Aarhus Convention – A Commentary], Nomos/Manz/Helbing & Lichtenhahn, Baden-Baden 2017, 330 pp. (with Astrid Epiney, Stefan Diezig and Stefan Reitemeyer).\*

Reviewed in *DVBl* 2018, 1343-1344 (Erbguth); *NuR* 2018, 624 (Bunge). Cited by the Swiss Federal Tribunal in BGE 146 I 145, para 5.5.

Unionsrechtliche Vorgaben für Massnahmen zur Förderung erneuerbarer Energie und die Schweiz [The Requirements of EU law for Measures Promoting Renewable Energy and Switzerland], *Swiss Review of International and European Law* 2017, 489-512.

Access to Justice in Environmental Matters and the Aarhus Convention's Effects in the EU Legal Order: No Room for Nuanced Self-executing Effect?, *Review of European, Comparative & International Environmental Law* 2016, 81-91.

Zur vorrangigen Vergabe von Stromübertragungskapazitäten bei „Grenzkraftwerken“ - Anwendbarkeit und Verhältnis von schweizerischem, Völker- und Unionsrecht [Preferential Allocation Systems for Cross-Border Power Transmission Capacities – Applicability of and Relationship between Swiss, EU, and International Law], *Freiburger Schriften zum Europarecht* N° 19 2015, 1-70 (with Astrid Epiney).\*

Cited by the Swiss Federal Administrative Court in two decisions from 22 March 2016, A-4025/2015 and A-4043/2015, paras 3.1.4 ff., and by the Swiss Federal Tribunal in two decisions from 6 November 2017, 2C\_390/2016, para 4.4, and 2C\_632/2016, para 3.4.

The Case Law of the European Court of Justice on Access to Justice in the Aarhus Convention and its Implications for Switzerland, *Journal of European Environmental & Planning Law* 2014, 348-366 (with Astrid Epiney).\*\*

Nebentätigkeiten von Naturschutzorganisationen, EU-Beihilfenrecht und Dienstleistungen von allgemeinem wirtschaftlichem Interesse – Zur Entscheidung des EuG, Urteil vom 12.9.2013 – Rs. T-347/09 (Deutschland/Kommission) [Ancillary Activities of Nature Conservation Organisations, EU State Aid Law and Services of General Economic Interest], *Zeitschrift für Europäisches Umwelt- und Planungsrecht* 2014, 49-52.

*Active behördliche Information in Umweltangelegenheiten – Zu Reichweite und Schranken des Rechts und der Pflicht staatlicher Behörden zur Verbreitung oder Weitergabe von Umweltinformationen unter besonderer Berücksichtigung wissenschaftlicher Untersuchungen* [Active Information Duties of Public Authorities in Environmental Matters], Schulthess, Zurich 2014, 142 pp. (with Astrid Epiney, Tobias Fasnacht and Stefan Reitemeyer).\*

*Rechtliche Vorgaben für die Durchführung von Forschungsvorhaben in der Antarktis* [The Legal Framework for Research Activities in Antarctica], Erich Schmidt Verlag, Berlin 2013, 240 pp. (with Astrid Epiney and Jennifer Heuck).\*

## 6. Text books and teaching materials

*Völkerrecht – Eine Einführung* [Public International Law – An Introduction], Bern 2022, 386 pp. (with Walter Kälin, Astrid Epiney, Martina Caroni and Jörg Künzli).\*

*Europarecht – Fälle und Lösungen* [EU Law - Casebook], 2. ed., Manz/Stämpfli, Vienna/Bern 2013, 238 pp. (with Astrid Epiney).\*

Cas n° 10: ‘Apatride perfide’, in Gaëtan Blaser, Astrid Epiney and Sarah Progin-Theuerkauf (eds.), *Droit de l’Union européenne – Les libertés fondamentales – Cas pratiques et résolutions*, Stämpfli, Bern 2013, 147-158.

Fall 16 ‘Staatlos ratlos’, in Astrid Epiney and Benedikt Pirker (eds.), *Europarecht – Fälle und Lösungen*, 2. ed., Manz/Stämpfli, Vienna/Bern 2013, 203-214.



*Einführung in die Grundlagen des Völker- und Europarechts* [Introduction to the Basics of International and European Law], Universitäre Fernstudien Schweiz, 2. ed., Brig 2011, 112 pp. (with Astrid Epiney, Andreas Felder and Robert Mosters).\*

## **7. Shorter pieces and editorial work**

### ***Editorial work:***

Special Focus “Die deutschsprachige Europarechtswissenschaft und ihre Rolle in Europa” [The German-Speaking Community of EU Law Scholars and its Role in Europe], *European Papers* 2023 (with Lando Kirchmair, in print).\*

Special Section “The Contribution of Empirical Approaches to Law and Language Studies”, *International Journal of Language & Law* 2022, 98-162 (with Jennifer Smolka).\*

Special Focus “The EU and Climate Change”, *European Papers* 2022, 55-67, 239-264, 361-378, 385-398, 527-532 (with Charlotte Beaucillon).\*

Anthology/Special Issue “Shaping the Future of Europe”, *European Papers* 2021, 229-334 und 967-1096 (with Sandra Hummelbrunner, Lando Kirchmair, Anne-Carlijn Prickartz and Isabel Staudinger; republished as *Shaping the Future of Europe – Contributions to the Young European Law Scholars Conference (YELS)*, Jan Sramek, Vienna 2022, 304 pp.).\*

### ***(Selected) contributions on the European Law Blog and other blogs:***

The Story of Your Nose or Why (International) Law and Linguistics is Fun, *Critical Legal Thinking*, 24 January 2023.

In Support of the EU Rule of Law and Advocate General Eleanor Sharpston – An Open Letter, 18. März 2020 (with Sandra Hummelbrunner, Lando Kirchmair, Anne-Carlijn Prickartz and Isabel Staudinger).\*

Dispute Settlement and Interpretation in the Draft Framework Agreement between Switzerland and the EU, 12 December 2018.

The ICC Pre-Trial Chamber’s Reading of “or” in the Myanmar Jurisdiction Ruling: On the Relevance of Linguistics to Interpretation, *EJIL:Talk!*, 2 October 2018 (with Jennifer Smolka).\*

Case C-355/16 Picart: The Narrow Interpretation of the Swiss-EU Agreement on the Free Movement of Persons as a Lesson for Brexit?, 22 March 2018.

Implementation of the Aarhus Convention by the EU – An Inconvenient Truth from the Compliance Committee, 24 April 2017.

Dualism is Overrated – As is Monism: A Response to Julian Ku, *Opinio Juris*, 15 November 2016 (with Odile Ammann).\*

Review of EU Legislation under EU International Agreements Revisited: Aarhus Receives Another Blow, 17 November 2015 (with Laurens Ankersmit).\*

Opinion 2/13 of the Court of Justice on Access to the ECHR – One Step Ahead and Two Steps Back, 31 March 2015 (with Stefan Reitemeyer).

Cases C-401 to 403/12 and C-404 to 405/12: No Review of Legality in Light of the Aarhus Convention, 29 January 2015.

Case C-206/13 Siragusa: A Further Piece for the Åkerberg Fransson Jigsaw Puzzle, 12 March 2014.

C-176/12 AMS: Charter Principles, Subjective Rights and the Lack of Horizontal Direct Effect of Directives, 16 January 2014.

AG Cruz Villalón in C-176/12 AMS: Rights vs. Principles and the Horizontal Effect of Charter Provisions Ante Portas, 11 September 2013.

AG Cruz Villalón in Case C-221/11 Demirkan: Selective Associationism, 15 April 2013.

Case E-16/11 ESA/Iceland: It Might Be Called a Lifejacket, but It Doesn't Mean It's Built for Emergencies, 30 January 2013.

Case C-283/11 Sky Österreich: Taking Proportionality Seriously, 29 January 2013.

Case E-18/11: Small Steps towards a Preliminary Reference Procedure for the EEA EFTA Countries?, 16 January 2013.

Re-published in *Bulletin e-Competitions* September 2012, Art. N° 64198.

Case C-348/09 P.I.: Expulsion of an EU citizen and the Notion of “Imperative Grounds of Public Security”, 22 May 2012.

### ***Published legal opinions and miscellanea***

*Fundamental Rights Protection in European Union Law between Subsidiarity and Integration – On the applicability of European Union fundamental rights to the Member States* [English language summary of Habilitation manuscript/monography], *Swiss Review of International and European Law* 2018, 455-457.

*Umgang mit bestehenden Kraftwerken zur Sicherstellung der Versorgungssicherheit in der Schweiz* [How to Deal with Existing Power Stations to Ensure the Security of Electricity Supply in Switzerland], Report commissioned by the Swiss Federal Office of Energy, Bern 2016, 153 pp. (with Urs Trinkner, Thomas Geissmann, Ivo Scherrer, Markus Kern and Christian Nabe).\*

*Pumpspeicher im trilateralen Umfeld Deutschland, Österreich und Schweiz*, Bericht erstellt auf Basis dreier wissenschaftlicher Studien zur „Bewertung des Beitrags von Pumpspeichern in der Schweiz, Österreich und Deutschland zur elektrischen Energieversorgung“ [Pumped Storage Hydro Power Stations in the Trilateral Context of Germany, Austria and Switzerland], Energy Science Center ETH Zürich 2014, 23 pp. (with Marcus Hildmann, Christian Schaffner, Daniel Spreng and Andreas Ulbig).\*