

Pola CEBULAK



Thesis:

Judicial Activism of the Court of Justice of the EU in the Pluralist Architecture of Global Law.

Pola Cebulak is a PhD candidate in the GEM PhD School, Erasmus Mundus Joint Doctorate on Globalization, the EU and Multilateralism. Her mobility action includes a double degree at the universities in Brussels (ULB) and Geneva (UNIGE) as well as a research stay at Boston University (BU). She received her legal degree from Humboldt University Berlin, where she also followed the School of Polish Law. During her exchange year at King's College London she specialized in European and Human Rights Law. Her experience includes a traineeship at the Court of Justice of the EU and summer internships at the Polish Embassy in Berlin and Clifford Chance LLP. Pola has defended her PhD thesis in December 2014.

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Academic Degrees

- **Institute for European Studies at Université Libre de Bruxelles (IEE-ULB) and Global Studies Institute at University of Geneva (GSI-UNIGE)**

09.2010 – 12.2014

PhD candidate; topic: Judicial Activism of the Court of Justice of the EU in a Pluralist Architecture of Global Law

Academic supervisors: Emmanuelle Bribosia and Nicolas Levrat

- 2011 : certificat de formation à la recherche at ULB (with honors, 17/20)
- double degree and joint supervision
- active participation in the academic communities of both institutions

- **Boston University (BU), Center for the Study of Europe**

09.2012 – 01.2013

Visiting scholar

Academic supervisor: Daniela Caruso; second supervisor: Vivien A. Schmidt

- enrolled in courses at BU School of Law: Legal Philosophy (David B. Lyons); Advanced Constitutional Law: Fourteenth Amendment (Khiara M. Bridges)
- enrolled in courses at Harvard Law School: Global Law & Governance (David Kennedy), Comparative Constitutional Law (Mark Tushnet)

- participation in Future of the European Union Study Group, Minda de Gunzburg Center for European Studies, Harvard University

- **The Hague Academy of International Law**

07.2012

Summer Programme in Public International Law

- participation in Directed Studies in French (Kerstin Odendahl)

- **Humboldt Universität zu Berlin, Faculty of Law**

10.2005 – 03.2010

Diplomjuristin, First State Exam (Prädikat, 10,36 points) – masters equivalent with honors

- prize for the best results in the specialization (Schwerpunkt) English Law
- best grade for the European Law Moot Court (MEUC)
- courses in civil, criminal and public law (incl. international and European law)

- **Humboldt Universität zu Berlin and Uniwersytet Wrocławski**

10.2006 – 07.2009

School of Polish Law (average: sehr gut (15 points), with honors)

- best grade among the graduates in 2009
- course paper on “Primacy of EU law in the eyes of Polish and German Constitutional Courts”
- courses in Polish constitutional, contract and commercial law

- **King’s College London**

09.2007 – 06.2008

Undergraduate Diploma in Legal Studies (average 75 points, A First Class Honours)

- best results among international students in 2008
- Clifford Chance Prize for the best exam paper in Human Rights Law
- courses in EU law (Piet Eeckhout, Andrea Biondi) and Human Rights Law (Robert Wintemute)

- **I Liceum Ogólnokształcące im.St. Dubois, Koszalin (Poland)**

09.2002 – 07.2005

Matura - High school diploma

- Judicial profile, in particular legal history

- Extended exams in History, Polish Language and Literature, Civic Education, German and English
- Prizes for the best end-of-year results for 3 years

Work Experience

Current:

- **Chair of European and Public International Law, University of Fribourg (Switzerland)**

01.10.2014 - 01.09.2015

Senior (post-doc) coordinator of the ProDoc PhD School "Fondements du droit européen et international" (40%)

Academic coordinator: Samantha Besson

- organizing methodology seminars, conferences with invited international speakers
- mentoring and assisting PhD students
- coordinating the ProDoc project with the Swiss National Fund for Research (budget, reports)
- holding presentations in the domain of international law, European law and human rights

- **Global Studies Institute, University of Geneva**

01.09.2014 – 28.02.2015

Research assistant (60%)

Academic coordinator: Nicolas Levrat

- organizing an international conference "After the Fall of the Berlin Wall: 25 years of Market Economy in Central and Eastern Europe"
- editor of a volume with contributions by the participants of the conference
- replacement lectures in the courses of introduction to EU law

Teaching:

- **Masters of European Studies , Global Studies Institute, University of Geneva**

09.2013 - 02.2014

Lecturer for the course Introduction to EU Law: Jurisprudence of the ECJ (3 ECTS)

09.2013 - 07.2014

Teaching assistant for courses Introduction to EU Law: Institutional Law, and the EU and International Organisations

- **Geneva International Students Program, University of Geneva**

02.2014 - 07.2014

Lecturer in courses Introduction to EU Law and International Geneva

Traineeships:

- **Court of Justice of the EU in Luxembourg**

03.2010 – 07. 2010: Administrative traineeship in Protocol and Information Directorate

- **Embassy of the Republic of Poland in Berlin**

07.2008: Internship in the Consular Section

- **Clifford Chance LLP in Frankfurt am Main**

08.2008- 09.2008: Internship in the area of Banking and Capital Markets (project finance)

Specific Research Title, Area and Promotor(s)

SPECIFIC RESEARCH INTERESTS

European Law, Public International Law, Human Rights, judicial activism, relations between legal orders, the role of the CJEU in the process of European integration, role of international tribunals

SPECIFIC RESEARCH TITLE

Judicial Activism of the Court of Justice of the EU in the Pluralist Architecture of Global Law.

PROMOTERS:

- Emmanuelle Bribosia (Institut d'Etudes Européennes – Université Libre de Bruxelles)
- Nicolas Levrat (Global Studies Institute – Université de Genève)

Description of research work

Starting point is the hypothesis that the Court of Justice of the EU (CJEU) has been activist in different articulations depending on the historical context and the area of European law. Even though the approach of the CJEU vis-a-vis norms stemming from international law is not always coherent, several judgments in this domain reveal symptoms of judicial activism. It is in line with its pro-integrationist stance aimed at reinforcing the autonomy of the EU legal order, even though the jurisprudence concerning international law constitutes a particular articulation of that judicial activism.

There is no clear and prevalent definition of judicial activism, but instead rather multiple possibilities of approaching the concept. I intend to critically reflect on the concept of judicial activism of the highest judges in a legal order in general and in particular, for the case of the CJEU dealing with international law. In an attempt to provide a definition of judicial activism suitable for this research I will proceed from the more general to the particular, contextual factors. I ask what is supposed to be the role of the judge in an international legal order? Whether it is possible to construct an abstract and general definition of judicial activism?

I assess the Court's case-law concerning issues like standard of human rights protection, bilateral investment treaties, law of the sea, diplomatic immunities and air transport in an attempt to discern a pattern in those judgments where the Court clearly takes an active role in dealing with norms of international law? In view of the difficulties to operationalize and abstract and general definition, a more appropriate approach might be an attempt to classify the symptoms of judicial activism disclosed by the CJEU in order to provide guidance for a case-by-case assessment of particular decisions.

The analysis builds upon the foundations laid down by the doctrinal literature on the topics of critical legal studies, constitutionalism and pluralism, the role of the CJEU in the process of European integration and judicial activism. However, it provides a new perspective by putting them in a different context.

Participation in Conferences and Seminars

- 10.2014 - De-juridification: Appearance and disappearance of law at a time of crisis, UK IVR Annual Conference, LSE, London
- 09.2014 - ASIL-ESIL-MPIL Workshop on International Legal Theory: "Authority in International Law: New and Traditional Forms and Approaches", Vienna
- 07.2014 - Venice Academy of Human Rights (General Course: Gráinne de Búrca), European Inter-University Center, Venice
- 05.2014 - Conference Central and Eastern European Judges under the EU Influence: The Transformative Power of European Revisited on the 10th Anniversary of the Enlargement, jointly organised by the College of Europe (Michal Bobek) and the Centre for Judicial Cooperation at the European University Institute (Loïc Azoulay), Florence
- 12.2013 - Fourth International Young Researcher's Conference "Practices of Critique", Cluster of Excellence "The Formation of Normative Orders" at the Goethe University, Frankfurt/Main
- 01.2013 - IGLP Workshop on Global Law & Economic Policy, IGLP Harvard, Doha
- 07.2012 - Summer Programme in Public International Law, The Hague Academy of International Law
- 04.2012 - 10th Jean Monnet Seminar on Advanced Issues of European Law "EU enlargement: Identities, Values and Market", Dubrovnik (presentation)
- 10.2011 - PhD Seminar "Das Verhältnis von nationalem und internationalem Recht im Wandeln der Staatengemeinschaft", Arenenberg (presentation)
- 09.2011 - PhD Summer School at the Institut d'études européennes – Université Libre de Bruxelles, Brussels (presentation)
- 09.2011 - International conference "Le volet externe de l'Espace de Liberté, de Sécurité et de Justice (ELSJ) de l'Union européenne : quelles articulations pour quelle cohérence?"(presentation and publication)
- 09.2011 - Colloque doctoral ProDoc 'Dés-ordres juridiques européens – European Legal (Dis)orders', Geneva (presentation and publication)
- 08.2011 - Waseda & Erasmus Mundus-GEM PhD School Joint Summer Institute, Europe-Asia: Comparative Regional Integration, Tokyo (presentation and publication)
- 07.2011 - I UAM International Conference on European Union Law. Recent trends in the case law of the Court of Justice of the European Union (2008-2011), Madrid (presentation and publication)
- 02.2011 - Annual Doctoral Workshop LUISS- GEM PhD School, Rome (presentation)

Overview of Publications

- "Inherent Risks of the Pluralist Structure: Use of the Concept of National Constitutional Identity by the Polish and Czech Constitutional Courts", Croatian Yearbook of European Law and Policy, Vol.8 2012, pp. 473-504
- "A particular articulation of judicial activism of the CJEU in its approach towards international law", Javier Díez-Hochleitner, Carmen Martínez Capdevila, Irene Blázquez Navarro and Javier Frutos Miranda (eds.), Recent Trends in the Case Law of the Court of Justice of the EU (2008-2011), La Ley - Grupo Wolters Kluwer, Madrid, 2012
- "Constitutionalism, pluralism and the role of human rights in shaping the relations between legal orders", Asian Regional Integration Review, Vol.4, March 2012, pp.89-109

- “The role of judicial activism of the CJEU in shaping the relations between legal orders in a pluralistic structure of international law” in Besson Samantha, Levrat Nicolas (eds.), (Dés)ordres juridiques européens / European Legal (Dis)orders, Schultheiss, Zürich 2012
- “ Le volet externe de l’ELSJ et la PESC : droits fondamentaux et sécurité : quelle cohérence pour l’approche de la Cour de justice en matière de gel des avoirs ?”, jointly with Francisco Javier Mena in Catherine Flaesch-Mougin, Lucia Serena Rossi (eds.), La dimension extérieure de l'espace de liberté, de sécurité et de justice de l'Union européenne après le Traité de Lisbonne, Bruylant, Bruxelles 2013