

Jean Monnet Chair “EU Institutions, Rights and Judicial Integration”

EU Law Digest

HIGHLIGHTS ABOUT THE UNION WE LIVE IN
MARCH 2024 – AUGUST 2024



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Research

Working Paper

Challenging Threats to Free Speech: Assessing the EU's Measures to Combat SLAPPs

Dr. Nikolaos Gaitenidis

In an era marked by the rapid dissemination of information and the digital interconnectedness of societies, the protection of free speech stands as a cornerstone of democratic values. However, among other challenges to freedom of expression and information, the rise of Strategic Lawsuits Against Public Participation (SLAPPs) poses a formidable threat to this fundamental right, threatening to stifle open discourse and impede public participation.

SLAPPs are legal actions strategically employed to censor, intimidate, and silence individuals or groups expressing dissenting views on matters of public interest. As these lawsuits exploit legal systems to burden defendants with exorbitant legal costs and protracted legal battles, they undermine the very essence of democratic discourse. The EU, recognizing the severity of this issue, has taken proactive steps to address SLAPPs and safeguard the principles of free expression.

This paper seeks to assess the efficacy of the EU's measures in combating SLAPPs, examining the legal frameworks, policy initiatives, and collaborative efforts aimed at preventing the misuse of legal processes to stifle free speech. By critically analyzing the strengths and potential shortcomings of the EU's approach, this study contributes to the ongoing discourse on the delicate balance between protecting individual rights and preventing the abuse of legal systems to undermine democratic values. As we navigate the evolving landscape of information and communication, understanding the EU's response to SLAPPs becomes crucial in fortifying the foundations of free speech within the European context.

Full paper available at:

<https://www.ouc.ac.cy/index.php/el/the-university-4/jeanmonnetchair/research/working-papers>



Research

Self-training manual

European Union Citizenship

Dr. Nikolaos Gaitenidis

The self-training manual on European Citizenship was developed within the context of the Jean Monnet Chair titled “EU Institutions, Rights, and Judicial Integration”.

Under the guidance and expertise of the Jean Monnet Chair holder, the manual was crafted as a comprehensive resource to educate and engage students, academics, and researchers on the concept and practice of European citizenship. It aims to provide a structured and accessible means of exploring the rights, responsibilities, and legal implications associated with EU citizenship, as well as its broader societal and political significance.

Through rigorous research, analysis, and synthesis of relevant legal and academic literature, the manual delves into the evolution of European citizenship, its legal foundations, and the rights and duties it entails. Drawing on case law, legislative acts, and scholarly insights, it offers in-depth discussions on key topics such as freedom of movement, non-discrimination, and the relationship between EU citizenship and national citizenship.

Moreover, the manual serves as a pedagogical tool to facilitate interactive learning experiences, incorporating case studies and reflection questions to encourage critical thinking and application of knowledge. By promoting active engagement and dialogue, it seeks to empower learners to grasp the complexities of European citizenship and its implications for individuals, communities, and the European project as a whole.

In essence, the self-training manual on European Citizenship embodies the Jean Monnet Chair's commitment to advancing excellence in EU studies and promoting informed discourse on the principles, values, and challenges inherent in European integration. It represents a valuable contribution to the academic community and underscores the importance of fostering a deeper understanding of European citizenship in today's interconnected world.

Full paper available at:

<https://www.ouc.ac.cy/index.php/el/the-university-4/jeanmonnetchair/teaching/self-training-manuals>

Conference: Combating violence against women: The role and work of GREVIO

27 March 2024

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is the most comprehensive legally binding international text to address gender-based violence against women. **Dr. Maria-Andriani Kostopoulou**, President of the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and Senior Director of the Foundation, spoke about the work of the independent authority that monitors the implementation of the Convention Marangkopoulos on Human Rights, in an open teleconference entitled "Combating violence against women: The role and work of GREVIO".



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ΣΧΟΛΗ ΟΙΚΟΝΟΜΙΚΩΝ ΕΠΙΣΤΗΜΩΝ ΚΑΙ ΔΙΟΙΚΗΣΗΣ
ΠΡΟΠΤΥΧΙΑΚΟ ΠΡΟΓΡΑΜΜΑ ΣΠΟΥΔΩΝ ΝΟΜΙΚΗΣ

ΤΗΛΕΔΙΔΑΣΙΑ

**Καταπολέμηση της βίας κατά των γυναικών:
Ο ρόλος και το έργο της GREVIO**

Τετάρτη, 27 Μαρτίου 2024 | ΟΡΑ ΕΝΑΡΞΗΣ 18.00

ΟΜΙΛΗΤΡΙΑ
Δρ Μαρία-Ανδριανή Κωστοπούλου,
Πρόεδρος της Ομάδας Εμπειρογνομώνων GREVIO

ΣΥΝΔΙΟΡΓΑΝΩΤΕΣ
Προπτυχιακό Πρόγραμμα «Νομική»
Έδρα Jean Monnet «Θεσμοί της Ευρωπαϊκής Ένωσης,
Δικαιώματα και Δικαστική Ολοκλήρωση»

Artificial Intelligence Act (Regulation (EU) 2024/1689)

The Artificial Intelligence Act (AIA), Regulation (EU) 2024/1689, is the European Union's comprehensive legal framework for governing artificial intelligence (AI) systems. It was adopted by the European Parliament and the Council on June 13, 2024, and aims to promote the development of safe, lawful, and ethical AI while fostering innovation. This regulation also amends several existing EU laws related to transportation, machinery, and consumer protection. It applies across all European Economic Area (EEA) countries, ensuring a harmonized approach to AI regulation.

Key Objectives

- **Ensuring Safety and Trustworthiness:** The AIA seeks to guarantee that AI systems operate safely, are lawful, and respect fundamental rights. It aims to establish public trust in AI technologies by defining clear obligations for developers, providers, and users of AI systems.
- **Regulatory Certainty:** By creating a unified set of rules, the Act aims to prevent fragmentation in the internal market, providing clarity and consistency to AI businesses operating across the EU.
- **Fostering Innovation:** The regulation strikes a balance between innovation and regulation, ensuring that AI development is not stifled while maintaining strong protections against risks posed by certain AI applications.

Scope and Risk-Based Approach

The regulation follows a risk-based approach that classifies AI systems into four categories based on the level of risk they pose to individuals and society:

- **Unacceptable Risk AI:** Certain AI applications are outright prohibited because of their potential harm to human rights and safety. These include AI systems that involve subliminal manipulation or exploit vulnerabilities of specific groups, such as children, or AI that enables harmful social scoring by governments.
- **High-Risk AI:** AI systems that pose significant risks to safety or fundamental rights (e.g., AI used in critical sectors such as health, transport, or education) are subject to strict regulatory controls. Providers of these systems must ensure they meet stringent requirements regarding risk management, data quality, transparency, and human oversight.
- **Limited Risk AI:** These systems, while not posing high risks, still require some transparency measures. For example, users must be informed when they are interacting with an AI system rather than a human. This applies to AI systems such as chatbots and automated content creation tools.
- **Minimal Risk AI:** The majority of AI systems, including those used in entertainment or basic utilities, fall under this category. They face no mandatory regulatory obligations under the Act but are encouraged to follow voluntary codes of conduct.

Artificial Intelligence Act (Regulation (EU) 2024/1689)

Obligations and Compliance

- For Providers: Developers of AI systems must perform conformity assessments to ensure that their products meet the requirements laid out in the Act, especially for high-risk AI. They must also implement robust monitoring systems, data governance frameworks, and reporting mechanisms in case of malfunctions.
- For Users: Users of high-risk AI systems must ensure proper use in accordance with the regulation. This includes monitoring, record-keeping, and ensuring that human oversight is maintained.
- For Market Surveillance: The Act creates national supervisory authorities in each EU member state to oversee compliance with the regulation. They will work alongside a newly established European Artificial Intelligence Board to ensure consistency across the bloc.

Penalties

The regulation sets out significant fines for non-compliance. For serious breaches, fines can reach up to €30 million or 6% of global annual turnover, whichever is higher. Lesser violations are subject to lower fines but still present substantial financial penalties.

Ethical and Human Rights Considerations

The regulation enshrines the EU's commitment to human rights and ethical AI, ensuring that AI development and use respect democratic values and individual freedoms. It promotes AI that enhances human well-being, social inclusion, and environmental sustainability. Human oversight and accountability are core principles, with the Act calling for AI systems to support—not replace—human decision-making in critical contexts.

Conclusion

The Artificial Intelligence Act is a pioneering effort by the EU to regulate AI in a way that balances innovation with ethical and safety considerations. It sets a global standard by providing a clear, risk-based framework for AI development and deployment while safeguarding fundamental rights and freedoms. As AI continues to evolve, the Act is designed to be flexible, allowing for updates and amendments as new technologies and challenges emerge.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689&qid=1725987715664>

Screening of Third-Country Nationals at External Borders

Regulation (EU) 2024/1356, adopted on May 14, 2024, establishes a new system for screening third-country nationals at the EU's external borders. It aims to enhance border security and streamline procedures for handling non-EU nationals arriving without proper entry authorization. The regulation also amends several existing EU laws related to the Schengen Information System (SIS), the Entry/Exit System (EES), and the European Travel Information and Authorisation System (ETIAS).

Key Features:

1. Screening Procedures: All third-country nationals without valid entry documents, or those crossing illegally, are subject to screening. This includes identity checks, health and security assessments, and biometric data collection.

2. Pre-Entry Assessment: The regulation ensures that individuals are screened before being granted entry into the EU or directed to asylum or return procedures, ensuring safety and security concerns are addressed.

3. Amendments to Other Regulations: The regulation updates related laws, such as those governing the SIS and EES, to ensure smooth data sharing and coordination among EU border authorities.

4. Human Rights Compliance: Screening must be carried out in full respect of human rights, including the right to asylum and protections against refoulement (forced return to danger).

This regulation strengthens the EU's border management, focusing on both security and the humane treatment of migrants.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1356&qid=1725987715664>

Gender –based violence

Directive (EU) 2024/1385, adopted on May 14, 2024, establishes a comprehensive legal framework for combating violence against women and domestic violence within the European Union. It aims to enhance protection for victims, ensure justice, and prevent such violence through coordinated EU-wide actions.

Key Objectives:

1. Victim Protection: The directive mandates stronger legal measures to protect victims of gender-based violence, including restraining orders, emergency support services, and shelters. Special attention is given to vulnerable groups, such as women with disabilities.

2. Criminalization: It standardizes the criminalization of various forms of violence, such as physical, sexual, psychological, and economic abuse, ensuring that perpetrators face penalties across all EU member states.

3. Prevention and Awareness: The directive promotes educational and awareness campaigns to prevent violence, focusing on changing societal attitudes toward gender equality and raising awareness about available support services.

4. Cross-border Cooperation: It encourages cooperation between member states to ensure protection and justice for victims, even when they move across borders within the EU.

This directive strengthens the EU's commitment to eliminating violence against women and domestic violence through legal, preventive, and protective measures.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1385&qid=1725987715664>

Equality bodies

Directive (EU) 2024/1500, adopted on May 14, 2024, establishes uniform standards for equality bodies across the European Union to strengthen efforts in promoting equal treatment and opportunities between women and men in employment and occupation. It also amends Directives 2006/54/EC and 2010/41/EU on gender equality.

Key Features:

- 1.Strengthening Equality Bodies:** The directive sets minimum standards for the independence, resources, and powers of national equality bodies to improve their ability to fight gender discrimination in employment and occupation.
- 2.Expanded Mandates:** Equality bodies are given broader mandates to investigate gender-based discrimination cases, provide legal assistance to victims, and promote gender equality in workplaces.
- 3.Coordination and Cooperation:** It encourages collaboration between equality bodies across the EU to ensure consistent enforcement of gender equality standards and the sharing of best practices.
- 4.Amendments to Existing Laws:** The directive updates previous EU gender equality legislation to reinforce protections for both employed and self-employed individuals, ensuring comprehensive coverage.

This directive strengthens institutional support for gender equality, ensuring equality bodies are better equipped to combat discrimination and promote equal opportunities across the EU.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1500&qid=1725987715664>

Judgment of the General Court in case T-1077/23

The General Court's judgment in Case T-1077/23, **Bytedance v. European Commission**, was delivered on **July 17, 2024**. The case involved Bytedance, the parent company of TikTok, challenging the European Commission's decision to designate it as a **gatekeeper** under the **Digital Markets Act (DMA)**.

The Court upheld the Commission's decision, confirming that Bytedance met the DMA's **gatekeeper criteria**, based on its global market value and the substantial number of TikTok users within the EU. Bytedance's arguments—contending that its impact on the internal market was not significant due to lower EU turnover, and that it lacked an ecosystem like other social networks—were dismissed. The Court concluded that TikTok's rapid growth and high user engagement, particularly among younger audiences, validated the Commission's classification.

Ultimately, the ruling reinforces the EU's regulatory efforts to ensure **fair competition** in the digital marketplace by holding platforms like TikTok accountable to gatekeeper rules.

Source: Court of justice of the European Union, PRESS RELEASE

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-07/cp240114en.pdf>

Judgment of the Court of Justice in Case C-753/22

In **Case C-753/22**, the Court of Justice of the European Union (CJEU) ruled on the issue of **asylum applications** concerning individuals who had already been granted refugee status in another EU Member State. The case involved a Syrian national who had been granted refugee status in Greece but applied for asylum again in Germany due to concerns of inhuman or degrading treatment in Greece.

The CJEU held that **Member States cannot automatically reject a second asylum application** as inadmissible simply because refugee status was already granted in another Member State. If there is a serious risk that the applicant would face **inhuman or degrading treatment** in the first country (such as poor living conditions), the second Member State (Germany in this case) must **conduct a fresh examination** of the application, considering the individual circumstances. However, the previous refugee status should still be factored into the decision.

This ruling clarifies the scope of EU asylum procedures and emphasizes the protection of human rights under the **Charter of Fundamental Rights of the European Union**