

## Call for papers

**2026 PhD Workshop of the Centre for European Law, led by Prof. Fabrice Picod,**  
**in collaboration with the University of Luxembourg**

### ***Consistency in European Union Law***

Defined in the usual sense as harmony, logical connection or the absence of contradiction in the articulation of the parts of a whole, coherence, which can be considered intrinsic to any legal system claiming to be such, remains a concept that is difficult to define in law. It nevertheless plays an essential role, both implicitly and explicitly, in the construction of European Union law, and has taken on an increasingly important place in the treaties, where it is mentioned as “consistency”, as the integration project has progressed and the resulting competences and levels and methods of exercising power have multiplied. Its precise definition and legal value remain nonetheless largely undetermined.

As coherence is neither a quality nor an end in itself, reflecting on its place and role in European Union law involves analysing both the means put in place to “*continuer à construire une maison commune*”<sup>1</sup> and the ends pursued by such a construction, particularly in the light of the internal and external crises facing the Union. The aim of this workshop is to re-examine the concept of coherence in European Union law by adopting a cross-cutting approach that is institutional, material and constitutional. The following non-exhaustive list of ideas could be explored:

- ***Institutional system***

At the time when the Union was structured around three pillars, the former Article 3 TEU aimed to ensure overall political coherence<sup>2</sup> by establishing a single institutional framework designed to ensure the coherence and continuity of actions taken to achieve the Union's objectives. Since the Treaty of Lisbon, Article 13§1 TEU provides that “*the Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions*”. What legal value should be given to the concept of consistency as mentioned above? What justiciability is it likely to have, particularly in disputes concerning legal bases? To what extent is it likely to guide the interpretation of secondary legislation<sup>3</sup>? What links can be established between consistency and the

<sup>1</sup> Kovar, R., “Éloge tempéré de l'incohérence”, in Michel, V., (dir.), *Le droit, les institutions et les politiques de l'Union européenne face à l'impératif de cohérence*, Presses Universitaires de Strasbourg, 2009, pp. 41-48.

<sup>2</sup> Blumann, C., *Droit institutionnel de l'Union européenne*, Manuel, LexisNexis, 8<sup>e</sup> édition, 2023, p. 162.

<sup>3</sup> See for instance ECJ, October 18th 2018, aff. C-149/17, pt 27.

institutional balance? How does coherence interact with the principle of loyal cooperation in its interinstitutional dimension?

Furthermore, Article 334 TFEU, which provides that “*the Council and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end*”, raises questions about how consistency and differentiated integration can be reconciled, particularly in the light of the enlargement of the Union.

- ***Union policies***

Article 7 TFEU stipulates that “*the Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers*”. The “*integration clauses*” or “*consistency clauses*” set out in Articles 8 to 13 TFEU play a particular role in this regard, providing for cross-cutting objectives to be integrated into the various policies of the Union, such as the elimination of inequalities, the promotion of equality between men and women, the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion and the fight against discrimination. How normatively effective are these clauses? Are some of these objectives more imperative than others or given greater weight by the Court of Justice of the European Union? How do these clauses relate to the principle of conferral of powers?

The potential of Article 11 TFEU, which provides for the integration of environmental concerns into the definition and implementation of Union policies and actions, could be examined in light of the revision of some constitutive parts of the European Green Deal, as part of a broader reflection on the balancing between the Union's environmental and climate policy and the imperative of competitiveness.

In internal market law, consistency also plays a special role in the reasoning of the Court of Justice when it reviews the proportionality of measures that constitute barriers to the internal market, which must be deemed capable of pursuing a legitimate objective in a consistent and systematic manner<sup>4</sup>. Is this test itself applied consistently by the Court of Justice? Does it fit logically into the proportionality test? What does it reveal about the spirit guiding the analysis of derogations from EU law?

- ***Legal remedies and preliminary rulings***

The issue of the systematic nature of legal remedies could be the subject of further analysis. The Court of Justice has consistently pointed out that the Treaty has established a “*complete system of legal remedies and procedures designed to ensure judicial review of the legality of European Union acts, and has entrusted such review to the European Union judicature*”<sup>5</sup>. Is it coherent, for example, to maintain the strict admissibility conditions of individual claims for annulment set out in *Plaumann*<sup>6</sup>?

What about the specific procedure for reviewing decisions of the General Court provided for in Article 256§2 and §3 TFEU, in the event of a “*serious risk of the unity or consistency of Union law being affected*”?

The Court of Justice of the European Union also pointed out in its important Opinion 2/13 that “*the Treaties have established a judicial system intended to ensure consistency and uniformity in the*

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<sup>4</sup> See for instance : ECJ, July 4th 2019, *Commission c/ Allemagne*, aff. C-377/17, pt 89.

<sup>5</sup> For example ECJ, December 19th 2013, *Telefonica c/ Commission européenne*, aff. C-274/12, pt 57.

<sup>6</sup> ECJ, July 15th 1963, *Plaumann*, aff. 25-62.

*interpretation of EU law*” with the aim to “ensure that the specific characteristics and the autonomy of that legal order are preserved”<sup>7</sup>. The preliminary ruling procedure provided for in Article 267 TFEU, the keystone of this judicial system, is the instrument that guarantees this consistency and unity. How is this consistency ensured in practice, and what conceptual links does it have with the need to preserve the autonomy, unity and effectiveness of EU law? What methods of argumentation enable the Court of Justice to ensure the consistency of its own reasoning?

- ***Fundamental rights and values***

The analysis of Article 52§3 of the Charter of Fundamental Rights of the European Union, which provides for a mechanism of equivalence between the rights guaranteed by the Charter and those of the European Convention on Human Rights, could be revisited in light of the expected Court of Justice's opinion on the Union's accession to the Convention. Analyses focusing on specific areas could also be submitted, for example in relation to the environment and climate or asylum and immigration. How, furthermore, does the Court of Justice mobilise competing sources, both internal and external, for the protection of fundamental rights?

Coherence is also taking on a new dimension today in light of the crisis of values and the judicial application of Article 2 TEU, which enshrines those values, in order to counter the rise of illiberalism within Member States. How can this judicial application be reconciled with the inherent limits of the scope of EU law<sup>8</sup>? How can the integrity and coherence of the European Union's legal order, based on the triptych of the rule of law, democracy and fundamental rights, be maintained while avoiding excessive axiological homogenisation of its law? In other words, how can the values of the Union be defended while preserving a pluralism characterised by the possibility of expressing and resolving disagreements<sup>9</sup>?

- ***External relations***

The former Article 3, second paragraph, TEU has been replaced by Article 21§3, second paragraph, TEU, which provides that « *the Union shall ensure consistency between the different areas of its external action and between these and its other policies* », with the task of ensuring such consistency falling to the Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, who shall cooperate to that end.

Coherence in external relations could be approached from both an institutional and a material perspective<sup>10</sup>, from a horizontal as well as a vertical perspective, the challenge being to enable the Union to act on the international stage “*d'un seul visage*” and “*malgré le caractère composite de sa structure*”<sup>11</sup>. Once again, the interaction between coherence and loyal cooperation could prove particularly relevant

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<sup>7</sup> ECJ, December 18th 2014, Opinion 2/13, pt 174.

<sup>8</sup> Dubout, E., “Full integration ? Le dilemme de la ‘pleine incorporation’ des valeurs de l’Union européenne”, *Revue de droit d’Assas*, nov. 2025, n°30, p. 186.

<sup>9</sup> Kukovec, D., “Autonomy : the central idea of the reasoning of the Court of justice”, *European Papers*, 2023, n°3, pp. 1403-1439 ; de Búrca, G., “Europe’s Raison d’être”, in Kochenov, D., et Amtenbrink, F., (eds), *The European Union’s Shaping of the International Legal Order*, Cambridge University Press, 2013, pp. 21-37.

<sup>10</sup> See for example regarding human rights: Maubernard, C., “Prendre la promotion externe des droits de l’homme par l’Union européenne « au sérieux »”, in Tinière, R. et Vial, C. (dir.), *La protection des droits fondamentaux dans l’Union européenne*, 1e édition, Bruxelles, Bruylant, 2015, pp. 295-319.

<sup>11</sup> See Neframi, E., “Exigence de cohérence et action extérieure de l’Union européenne”, in Michel, V., (dir.), *Le droit, les institutions et les politiques de l’Union européenne face à l’impératif de cohérence*, préc., pp. 49-79.

here<sup>12</sup>. The issue of the parallelism of competences or the procedure for concluding international agreements could also be addressed. The Court of Justice has, for example, ruled that “*in order to satisfy requirements of clarity, consistency and rationalisation, Article 218 TFEU lays down a single procedure of general application concerning, in particular, the negotiation and conclusion of international agreements [...]*”<sup>13</sup>.

### Indicative bibliography

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### Practical details

The call for papers is open to anyone enrolled in a doctoral programme or who has defended their thesis at a French or foreign university, as well as professionals who could bring a practical perspective to the theme. The workshop will take place on 27 April 2026 at Paris-Panthéon-Assas University (28 rue Saint-Guillaume, 75007).

Contributions in English and French will be accepted, but a basic understanding of French is required to facilitate discussions during the workshop.

Contributions will be published in the *Annuaire de droit de l'Union européenne* (online version on Cairn).

Anyone interested is invited to submit a proposal for a contribution of no more than two pages, including a short bibliography and accompanied by a CV, before 15 February 2026, to the following address: [cdeatelierdoctoral@gmail.com](mailto:cdeatelierdoctoral@gmail.com).

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<sup>12</sup>See for example: ECJ, June 2nd 2005, *Commission c/ Luxembourg*, aff. C-266/ 03 ; ECJ, July 14th 2005, *Commission c/ Allemagne*, aff. C-433/ 03.

<sup>13</sup> ECJ, September 4th 2018, *Commission c/ Conseil*, aff. C-244/17, pt 21.