

Curriculum Vitae

Thomas Horsley

PhD (Edin), LL.M (Edin), LL.B (Hons)

Lecturer in EU Law / Director of Postgraduate Research
School of Law and Social Justice, University of Liverpool

thomas.horsley@liv.ac.uk

ADDRESS

School of Law and Social Justice
University of Liverpool
Bedford Street South
Liverpool, L69 7ZA

TELEPHONE

+44 (0)151 794 2289 (Direct Line)

INSTITUTIONAL PROFILE

www.liv.ac.uk/law/staff/thomas-horsley/

EDUCATION AND QUALIFICATIONS

OCTOBER 2008 – SEPTEMBER 2011

PhD, School of Law, University of Edinburgh

Title: *Space to Breathe: Subsidiarity, the Court of Justice and EU Free Movement Law*

Examiner: Professor Stephen Weatherill (Somerville College, University of Oxford); thesis submitted September 2011; PhD awarded December 2012 with no corrections; funded by the UK Arts & Humanities Research Council (Doctoral Award Scheme); primary supervisor, Professor Niamh Nic Shuibhne, School of Law, University of Edinburgh.

OCTOBER 2007 – SEPTEMBER 2008

LL.M in Legal Research, School of Law, University of Edinburgh

Title: *The Outer Limits of Art 28 EC: Subsidiarity and Keck*

Awarded with distinction; funded by the UK Arts & Humanities Research Council (Research Preparation Master's Award Scheme).

OCTOBER 2002 – JULY 2006

LL.B with Joint Honours in Law and German, University of Edinburgh

Awarded with first class honours; best performing Erasmus exchange law student, University of Hamburg (2004 – 2005); Margaret Balfour Keith Prize (Public Law) (2002).

RESEARCH PROFILE

RESEARCH NARRATIVE

My research interests are in the field of EU law, in particular: the Court of Justice; EU constitutional law; and EU internal market law.

My current research is focussed principally on the study of the Court of Justice and its role as lawmaker in the process of EU integration. My particular interest is in exploring the impact of Treaty provisions and constitutional principles as restraining norms on the Court's development of Union law through judicial interpretation. My work on this topic seeks to advance existing legal perspectives on judicial lawmaking and its limits, drawing on insights from political science scholarship on the Court.

In addition, I continue to develop my research profile as a scholar of EU internal market law. My interests in this area include, in particular, the free movement of capital, the free movement of goods, and the rights of EU citizens. My work in each of these spheres of Union activity explores themes of competence / competence control, judicial leadership, and coherence within and across the Treaty freedoms. In the area of EU citizenship, my recent research has extended further to consider the implementation of Union law at Member State level, with a specific focus on assessing the role of law in guaranteeing EU citizenship rights within the United Kingdom.

RESEARCH MEMBERSHIP

United Kingdom Association for European Law (2013 –).
University Association for Contemporary European Studies (2012 –).

RESEARCH GRANTS

Jean Monnet Centre of Excellence Award

5000 EUR award to fund legal workshop on “Market Access” in EU law; awarded in 2011 with Professor Niamh Nic Shuibhne, School of Law, University of Edinburgh; keynote speaker: Professor Sir David Edward, former Judge of the European Court of First Instance (1989 – 2002) and European Court of Justice (1992 – 2004).

Arts & Humanities Research Council (AHRC)

Doctoral Award Scheme (2008 – 2011); approx. £40,000.
Research Preparation Master’s Award Scheme (2007 – 2008); approx. £9000.

PEER REVIEW EXPERIENCE

Anonymous reviewer for *European Law Review* (2013).
Anonymous reviewer for *Journal of Common Market Studies* (2012).

TEACHING EXPERIENCE

SEPTEMBER 2011 –

Lecturer in EU Law, School of Law and Social Justice, University of Liverpool

Course organizer (with full examination responsibility) and principal lecturer for European Union Law I (LL.B) and EU Competition Law (LL.B); lecturer on European Union Law II (LL.B) and English Legal Skills and Systems (LL.B); nominated for *LawCareers.Net* teaching award (2012).

Engaged in PhD supervision on projects exploring the constitutional role of national parliaments within the EU legal order (primary supervisor); the principle of solidarity in EU Asylum law (secondary supervisor); and the position of services of general economic interest within EU internal market law (secondary supervisor); also engaged in LL.B dissertation supervision.

Visiting Seminar Leader, School of Law, University of Edinburgh

Visiting seminar leader on EU Substantive Law (LL.B); topic: the free movement of capital and economic and monetary union (2011; 2012; 2013).

SEPTEMBER 2007 – JUNE 2011

**Course Tutor,
School of Law, University of Edinburgh**

Course tutor for Law of the European Union (LL.B); nominated for Edinburgh University Students Association (EUSA) Teaching Award (2008; 2010).

ADMINISTRATIVE EXPERIENCE

SEPTEMBER 2011 –

School of Law and Social Justice, University of Liverpool

Leadership Roles

Director of Postgraduate Research, School of Law (September 2013 –).
Co-Director, Liverpool European Law Unit (July 2012 –).
Deputy Director of Online Programmes (2011 – 2013).

Committee Membership

Research and Knowledge Exchange Committee (level 2) (2013 – present).
Mitigating Circumstances Committee (LL.B) (2012 – present).

CONFERENCE / SEMINAR ORGANISATION

- Liverpool European Law Unit 2015 Conference, ‘UK Balance of Competences: Review of the Review,’ School of Law and Social Justice, Liverpool, April 2015 (in planning); co-organised with Professor Michael Dougan and Dr Samantha Currie, Liverpool Law School; this conference builds on my work to coordinate written submissions by Unit members to the UK Government’s Review, alongside my own direct input to the Review, see Annexes I and II.
- Liverpool European Law Unit 2013/2014 Seminar Series, ‘Actors and Innovators in EU law and policy,’ School of Law and Social Justice, Liverpool; speakers included Peter Stevenson, Chief Policy Officer, Compassion in World Farming.
- Legal workshop on “Market Access” in EU law; awarded in 2011 with Professor Niamh Nic Shuibhne, School of Law, University of Edinburgh; keynote speaker: Professor Sir David Edward, former Judge of the European Court of First Instance (1989 – 2002) and European Court of Justice (1992-2004).

LANGUAGES

English – native; **German** – fluent; **French** – basic.

ANNEX I
LIST OF PUBLICATIONS

Monographs

T. Horsley, *The Court of Justice of the European Union as an Institutional Actor: A Study in Judicial Lawmaking and its Limits* (in press).

Proposal presently under review (October 2013); estimated completion: December 2016.

Journal Articles

T. Horsley, 'Legal Developments,' *Journal of Common Market Studies* (Annual Review, 2013/2014) (in press); by invitation.

T. Horsley, 'Reflections on the Role of the Court of Justice as the Motor of European Integration: Legal Limits to Judicial Lawmaking,' (2013) 50(4) *Common Market Law Review*, pp 931-964.

- Published as the lead contribution in a special 50th anniversary edition of the *Review*.

T. Horsley, 'Unearthing Buried Treasure: Art 34 TFEU and the Exclusionary Rules,' (2012) 37(6) *European Law Review*, pp 734-757.

- Cited in D. Chalmers, G. Davies, G. Monti, *European Union Law: Text and Materials* (3rd Ed.) (Cambridge: CUP, 2014).

T. Horsley, 'Subsidiarity and the European Court of Justice: Missing Pieces in the Subsidiarity Jigsaw?,' (2012) 50(2) *Journal of Common Market Studies*, pp 267-282.

Contributions to Edited Collections

T. Horsley, 'The Role of Courts in Shaping and Enforcing the Internal Market' (working title), in P. Koutrakos and J. Snell (Eds.), *Research Handbook on European Union Law* (Cheltenham: Edward Elgar, forthcoming 2015) (in press).

T. Horsley, 'Death, Taxes and (Targeted) Judicial Dynamism: The Free Movement of Capital in EU Law,' in A. Arnall and D. Chalmers (Eds.) *The Oxford Handbook of European Union Law* (OUP, forthcoming 2014).

- Cited by HM Treasury in 'Final Report on the Review of the Balance of Competence between the United Kingdom and the European Union – The Single Market: Financial Services and the Free Movement of Capital' (HM Government, July 2014) available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332874/2902400_BoC_FreedomOfCapital_acc.pdf (accessed 06.08.14).

T. Horsley, 'The Concept of an Obstacle to Intra-EU Capital Movement,' in N. Nic Shuibhne and L. Gormley (Eds.), *From Single Market to Economic Union: Essays in Honour of John A. Usher* (Oxford: OUP, 2012), pp 155-174.

Case Annotations

T. Horsley, Case C-382/08 *Neukirchinger* (Case Comment), (2012) 49(2) *Common Market Law Review*, pp 737-751.

T. Horsley, 'Anyone for *Keck*? (Case Comment), (2009) 46(4) *Common Market Law Review*, pp 2001-2019.

- Cited in S. Weatherill, *Cases and Materials on EU Law* (10th Ed.) (Oxford: OUP, 2010); C. Barnard, *The Substantive Law of the EU Internal Market* (4th Ed.) (Oxford: OUP, 2013).

Reports

T. Horsley and S. Reynolds, *UK Report on EU Citizenship*, prepared for the 2014 FIDE Congress, University of Copenhagen (May 2014).

-Published in U. Neergaard, C. Jacqueson, G. Skovgaard Ølykke, *Union Citizenship: Development, Impact and Challenges* (Copenhagen: DJØF, 2014); Report cited in 'The Free Movement of Persons in the European Union: Salvaging the Dream while explaining the Nightmare' (Editorial Comments), (2014) 51(3) *Common Market Law Review*, pp 729-739.

Written Evidence

M. Dougan and T. Horsley, *Written Evidence on Subsidiarity, Proportionality, and Art 352 TFEU*, submitted to the UK Government's *Balance of Competences Review* (June 2014).

T. Horsley, *Written Evidence on the Free Movement of Capital*, prepared for the UK Government's *Balance of Competences Review* (January 2014).

- Cited by HM Treasury in 'Final Report on the Review of the Balance of Competence between the United Kingdom and the European Union – The Single Market: Financial Services and the Free Movement of Capital' (HM Government, July 2014) available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332874/2902400_BoC_FreedomOfCapital_acc.pdf (accessed 06.08.14).

M. Dougan and T. Horsley, *Written Evidence on the Free Movement of Goods*, submitted to the UK Government's *Balance of Competences Review* (August 2013).

Online Blog Posts

T. Horsley, 'EU Law, Sunday Trading Restrictions ...and the Charter?,' *European Law Blog*, May 2014; comment on Case C-483/12 *Pelckmans Turnhout NV*, Judgment of the Court (First Chamber) of 8 May 2014.

Publication Reviews

Review of I. Lianos and O. Odudu (Eds.) *Regulating Trade in Services in the EU and the WTO: Trust, Distrust and Economic Integration* (Cambridge: CUP, 2012); (2013) 50(4) *Common Market Law Review*, pp 1162-1164.

Review of L. Gormley, *EU Law of Free Movement of Goods and Customs Union* (Oxford: OUP, 2009); (2010) 47(5) *Common Market Law Review*, pp 1569-1571.

ANNEX II
LIST OF PRESENTATIONS / RESEARCH PARTICIPATION

Conferences and Research Seminars

- Research Seminar Series on EU law, University of Aberdeen, forthcoming, 7 November 2014.

Title: 'Refining the Terms of Debate: The Court of Justice, Judicial Lawmaking and its Limits' (working title).
- Workshop on EU Citizenship, UACES 2014 Annual Conference, 'Exchanging Ideas on Europe,' University of Cork, forthcoming, 31st August – 3rd September.

Title: 'Managing a Moving Target: The UK's Implementation of EU Citizenship Rights within and beyond Directive 2004/38 EC'; with S. Reynolds, University of Liverpool.
- XXVI Fédération Internationale pour le Droit Européen (FIDE) Congress, University of Copenhagen, 28 - 31 May 2014; UK Rapporteur for Congress Topic 2: 'Union Citizenship: Development, Impact and Challenges'; UK Report prepared with S. Reynolds, University of Liverpool; Report published, see Annex I.
- UKAEL Research Seminar, 'EMU Governance, EU Citizenship and Public Procurement,' University College London, London, 18th March 2014; paper giver.
- 52nd Annual London-Leiden Conference on European Law, '*Van Gend en Loos* Fifty Years On,' University of Edinburgh, 29th June 2013.
- *Common Market Law Review* 50th Anniversary Jubilee Conference, 'Current Challenges for EU law - New Views, New Inspirations,' Noordwijk, Netherlands, 26-27th April 2013; invited speaker.

Title: 'Reflections on the Role of Court of Justice as the "Motor" of European Integration: Legal Limits to Judicial Lawmaking'; subsequently published in the *Review*, see Annex I.
- Staff Research Seminar, School of Law and Social Justice, University of Liverpool, 28 November 2012.

Title: 'The Court of Justice and the Legitimacy of Judicial Lawmaking'.
- Workshop Series, 'Empowerment and Disempowerment of the European Citizen,' School of Law, University of Liverpool, 2010; paper discussant.

Stakeholder Events

- Legal Session on Subsidiarity, Proportionality, and Art 352 TFEU, Foreign and Commonwealth Office, India Office Council Chamber, London, 7 May 2014; expert discussant; closed event, by invitation; written evidence submitted with M. Dougan.

- HM Treasury, United Kingdom Government Stakeholder Seminar, 'Financial Services and the Free Movement of Capital,' hosted by BNY Mellon, Manchester, 28th October 2013; lead academic respondent on the free movement of capital; closed event, by invitation.

Media Activity

- Interviewed on BBC Radio Merseyside for Series on 2014 European Parliamentary Elections; broadcast daily in parts, 14th – 18th April 2014.