

Visions, needs and requirements for (future) research environments: An exploration with ERC grantee and KU Leuven researcher Elise Muir

Katharina Flicker (TU Wien), Elise Muir (KU Leuven)

Researchers are at the very heart of the EOSC: So what do researchers really need to do cutting-edge research? How do they think the EOSC could support them in their endeavours? Let's see what Elise Muir, Head of the Institute for European Law of KU Leuven, has to say.

“EOSC may help to build bridges and encourage research on an international and global level”

TU Wien: What does your research currently focus on?

EM: Currently, my main research agenda is defined in relation to a project called “Reshuffle”. That is the project for which I received funding from the European Research Council (ERC). The intension behind “Reshuffle” is to rethink the institutional framework within which fundamental rights are shaped at European level. For many years, the institutional setting in which fundamental rights were shaped at European level is the Council of Europe and its European Convention for Human Rights. It is still there, but I believe that for the past two decades another set of institutions engaged with fundamental rights at European level, and these institutions are those of the European Union. Thus, another institutional setting is now interacting very powerfully with the Council of Europe. What I want to do with “Reshuffle” is to explore these actions in the next five years.

TU Wien: What data do you need to answer your research questions?

“[Counteracting translation challenges] by offering support to either contact national organs who hold information in a national language and/or offer support for translation”

EM: The data that I need to answer these research questions is a combination of academic writing and legal data, which means looking at traditional legal texts. For example, the original European Union treaties, the Council of Europe, the European Convention for Human Rights but also legal texts produced at European level, such as EU legislation, directives, regulations, decisions. They must be analysed in comparison with case law. I want to look at how courts understand and articulate these various legal sources. I also need to know how academics – pure academics, but also legal practitioners who may voice themselves through legal or academic writing – understand these sources and the interaction between these sources. In the context of “Reshuffle”, I also want to bring in the input of a number of other disciplines.

In particular, philosophy, legal theory political science or sociology. Here the data is taken from scholarship, but we will also have surveys and interviews.

TU Wien: Is it easy for you to gather the data that you need?

EM: Insofar as there are legal sources at the highest level in Europe are concerned, I think it is reasonably easy as there has been a lot of progress in the past few years making legal sources available in English and all other official languages in the EU on the internet. However, it is a bit more difficult to find national case law and national legal materials, because of the linguistic barriers and because some systems are a bit behind in terms of providing electronic resources, for certain types of judgements, or certain legal acts. For example, not all the judgements are translated in English, translations do come late, or the meaning of the translation is not as accurate as it needs to be because uses of language differ between lawyers of different nationalities and translators. This is a problem, which I usually make up for by double-checking sources, reading the original sources and asking for input from my research staff who I trust on their understandings of texts.

“EOSC could help to build bridges, encourage research on an international and global level, and rethink the conditions and rules that research funding is tied to”

TU Wien: What would the EOSC have to offer in terms of services that could support you, or

help you with these kind of linguistic challenges?

EM: I guess, by offering support to either contact national organs who hold information in a national language and/or offer their support to these organisations for translation. However, the quality of translations is usually hard to trust, because translation services are usually embedded in very specific (national) translation cultures. That leads to – I said it before – meanings getting lost in the translation process, because, for example, the jargon that EU lawyers use differs from that of Italian, or Austrian, etc. lawyers. I am not certain about what to do about this. Maybe micro-grants allowing scientists to recruit highly qualified and specialised lawyer/linguists would be the best way to address the problem.

TU Wien: So you named translation services and the need to ensure that research environments support international research. Is there anything else you could think of that might increase your research capacity?

EM: Indeed. Very often e.g., grants come with a lot of administrative extra-work and reporting. I do understand the need for being accountable to the public on how we use the funding as well as the need to think about data management plans or ethics. However, the design of these rules – perhaps because they must be the same for every researcher – end up being ill suited for certain types of research. From my perspective as a lawyer, some rules seem unnecessarily burdensome. Thus, I wonder if and how they could be simplified.

TU Wien: Having discussed your needs and requirements for future research

environments, what could be the main benefit that you see in the EOSC?

EM: EOSC could help to build bridges, encourage research on an international and global level, and rethink the conditions and rules that research funding is tied to.



Prof. Dr. Elise Muir is Head of the Department for International and European Law, Head of the Institute for European Law of the KU Leuven and Visiting Professor at the College of Europe (LLM in European Legal Studies, Bruges).

She is also the principal investigator of RESHUFFLE, a project funded by a Starting Grant of the European Research Council. It reflects on the constitutional implications of the increasingly powerful role played by the European Union in the field of European fundamental rights law.

Before starting at the KU Leuven, Elise was a tenured Associate Professor at the Faculty of Law of Maastricht University and Associate Director of the Maastricht Centre for European law. She has also been a Visiting Lecturer at Sciences Po Lille, at the Kosovar Civil Society

Foundation as well as at EDHEC-Espèrme in Lille.

While in Maastricht, Elise completed a research project entitled “Taking European values more seriously: collective enforcement of EU non-economic law” in the context of the Veni programme (Netherlands Organisation for Scientific Research or NWO, 2013-2017) as well as a study of the horizontal effects of the EU principle of non-discrimination with the support of a Marie Curie Intra-European Fellowship (European Commission, 2011-2013). Elise’s research programme has been awarded the 2012 Edmond Hustinx prize for science.

She studied law both in France and in the UK (Maîtrise, LLB & LLM) before commencing her postgraduate studies in European law at the College of Europe in Belgium (LLM, top law student). Elise has subsequently become an academic assistant in this programme. She has been a visiting researcher at Columbia Law School (Fulbright grantee), the European University Institute, and the Fondation pour l’innovation politique before completing her PhD at the University of London in 2010 under the supervision of Professor Takis Tridimas.

Elise Muir sits on the doctoral committee of the Faculty of Law of the KU Leuven, and is regularly called in to review research and publication projects for external organisations. She is a member of the Editorial Boards of the Maastricht Journal of European and Comparative Law as well as European Council Studies, and a member of the Scientific Board of European Papers.