



**Universiteit
Leiden**
The Netherlands

Legal constraints on EU Member States as primary law makers : a case study of the proposed permanent safeguard clause on free movement of persons in the EU negotiating framework for Turkey's accession

Tezcan, Narin

Citation

Tezcan, N. (2015, May 27). *Legal constraints on EU Member States as primary law makers : a case study of the proposed permanent safeguard clause on free movement of persons in the EU negotiating framework for Turkey's accession*. Europa Institute, Faculty of Law, Leiden University. Retrieved from <https://hdl.handle.net/1887/33072>

Version: Not Applicable (or Unknown)

License:

Downloaded from: <https://hdl.handle.net/1887/33072>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/33072> holds various files of this Leiden University dissertation.

Author: Tezcan, Narin

Title: Legal constraints on EU Member States as primary law makers : a case study of the proposed permanent safeguard clause on free movement of persons in the EU negotiating framework for Turkey's accession

Issue Date: 2015-05-27

Propositions relating to the dissertation “Legal Constraints on EU Member States as Primary Law Makers: A Case Study of the Proposed Permanent Safeguard Clause on Free Movement of Persons in the EU Negotiating Framework for Turkey’s Accession” by Narin Tezcan

1. Despite some fine-tuning, the fundamentals of EU enlargement policy have remained unchanged over the years.
2. Member States have more discretion as EU primary law makers under Article 48 TEU than under Article 49 TEU.
3. By entrenching individual rights and becoming more independent from its Member States, the European Union has moved closer to the “constitutional” end of the spectrum with each subsequent Treaty amendment.
4. The role of safeguard clauses is to safeguard the legal order as it stands, by giving parties the opportunity and time to adapt, not to embed existing differences on a permanent basis.
5. The “very foundations” of the Union test was created by the European Court of Justice not only to protect its own powers but also to preserve “the very nature of European Union law”.
6. Constitutional courts’ conception of their role and mission is key to shaping the legal order within which they operate.
7. Amendment is not *any* change, but change that respects the letter and spirit of the object being amended.
8. Where there is a will, there is a way.
9. Norms, values, principles and past practice are instrumental in shaping institutions as well as people.
10. It is not how we treat those around us and those like us that reveals who we are (or our values and principles), the litmus test is how we treat “others”.
11. A supporting network of friends and family is indispensable for both being happy and for achieving one’s objectives.
12. Living in a different cultural environment than your own is both painful and rewarding.