

SOTSIAALTEADUSKONNA ÕIGUSE INSTITUUDI TEADUS- JA ARENDUSTEGEVUSE AASTAARUANNE 2011

1. Instituudi struktuur

Instituudi direktor Tanel Kerikmäe

- Avaliku õiguse õppetool, Chair of Public Law, Lehte Roots
- Tehnoloogiaõiguse õppetool, Chair of Law and Technology, Katrin Nyman-Metcalf
- Jean Monnet Euroopa õiguse õppetool, Jean Monnet Chair of European Law, Tanel Kerikmäe
- Inimõiguste keskus, Human Rights Centre, Evhen Tsybulenko

2. Instituudi teadus- ja arendustegevuse (edaspidi T&A) iseloomustus

(NB! punktid 2.1- 2.6 täidab struktuuriüksus)

2.1 struktuuriüksuse koosseisu kuuluvate uurimisgruppide

2.1.1 teadustöö kirjeldus (*inglise keeles*);

Jean Monnet Chair of European Law

Main research directions:

- Democratic functioning of the European Union (including dynamics of the relationship between Member State constitutions and EU law);
- Development of the law of the Internal Market of EU;
- Constitutional evolution in Central and Eastern Europe;
- European law on equal treatment and gender equality;
- Human rights in Europe: role of Member States, Council of Europe and European Union;
- European sports law;
- Legal higher education in Europe.

The Chair engaged in several research projects during 2011. One of the most important was drafting the FIDE Estonian Report on EU Charter of Fundamental Rights for the XXV FIDE Congress which takes place in Estonia in 2012. The team was lead by professor Tanel Kerikmäe with co-rapporteurs professor Katrin Nyman-Metcalf, researcher Lehte Roots, lecturer Marianne Meiorg and lecturer Aleksandr Popov.

Antoher project involved studying the legal implications of higher education in the EU (Tanel Kerikmäe with Lehte Roots). Professor Kerikmäe also conducted research into legitimacy of European integration with professor Katrin Nyman-Metcalf and Ioannis Papageorgiou (Aristotle University of Thessaloniki).

Professor Tanel Kerikmäe contributed with a presentation to the European Conference “Higher Education in the Framework of the 2020 European Union’s Strategy” organized by

The University of Lisbon and its Jean Monnet Center of Excellence Lisbon on 10th and 11th November 2011 and to the conference "European Dilemmas: Internal and External issues facing the EU", organized by European Union Centres Network (EUC) at University of Waikato, New Zealand, 7 - 8 December 2011.

Jaanika Erne joined the Chair as a researcher.

Chair of Law & Technology

Main research directions:

- Telecommunications and media regulation (with focus to developing countries);
- Legal systems of transitional and developing countries (Central and East Asia, Middle East);
- Regulation of technology;
- Developments in Air and Space Law;
- Intellectual property due diligence.

The Chair of Law & Technology developed rapidly. Professor Nyman-Metcalf participated in several international projects as an international experts, while authoring or co-authoring many publications. One of the main activities of the Chair involved setting up a new Master programme in Law & Technology at TUT. This meant cooperation discussions with important international partners as well as complementing the capacity of the Chair. Professor Nyman-Metcalf was in the USA at the beginning of October to discuss possible cooperation in the area of technology law with Stanford University and University of California, Berkeley. She met with the representatives of the "Law, Science and Technology" programme at Stanford University, including professor Hank Greely.

Professor Nyman-Metcalf is involved in a project to develop media regulation in Palestine. She also took part as an expert in the Expert Conference organised by the Folke Bernadotte Academy and ODHIR (the OSCE Office for Democratic Institutions and Human Rights) in Vilnius, 9 to 11 November, on Rule of Law and Administrative Justice, discussing a Handbook for trial monitoring in administrative trials.

Chair of Public Law

Main research directions:

- EU migration law and policy;
- Free movement of third country nationals in the EU;
- Legal situation of asylum seekers;
- asylum, migration and citizenship law and policy of Estonia.

The Chair of Public Law underwent a change in research direction due to professor Madise leaving to Tartu University from 1 September 2011. The new Acting Head of the Chair of Public Law is Dr Lehte Roots, who obtained her PhD recently from the prestigious European University Institute in Florence. The Chair participated in several international research

projects (Estonian report for the ICMPD research on application of the Scientific Visa directive, Comparative analysis of the application of Directive 2003/9/EC regarding reception conditions of migrants with special needs) as well as research conducted by other Chairs.

Human Rights Centre

The main activity of the human rights centre involved in implementing an action funded by the EU's PROGRESS programme in the area of equal treatment. During the action, a study was commissioned on existing research into LGBT issues as well as a thematic conference. Other activities of the project included awareness raising (see www.erinevusrikastab.ee)

2.1.2 aruandeaastal saadud tähtsamad teadustulemused (*inglise keeles*).

The most important research results are the 5 1.2 and 3 3.1 articles which were published in 2011.

2.2 Uurimisgrupi kuni 5 olulisemat publikatsiooni läinud aastal.

Kerikmäe, T.; Nyman–Metcalf, K. (2011). EU standards and deliberative democracy: Case of Kyrgyzstan. *L'Europe unie/United Europe*, 5, 38 - 51.

Kerikmäe, T.; Nyman-Metcalf, K. (2011). Karlsruhe vs. Lissabon: an Overture to a Constitutional Dialogue? *European Journal of Law Reform*, 12, 373 - 387.

Kerikmäe, T.; Nyman-Metcalf, K.; Pöder, M-L. (2011). The August 2008 Russian-Georgian War: Issues of international law. *Baltic Yearbook of International Law*, 10, xx - xx.

Nyman-Metcalf, K. (2011). Constitutionalization and the Media in Post-enlargement Central and Eastern Europe. Topidi, Kyriaki; Morava, Alexander (Toim.). *Constitutional evolution in Central and Eastern Europe : expansion and integration in the EU (231 - 251)*. Farnham, Suurbritannia: Ashgate Publishing

2.3 Loetelu struktuuriüksuse töötajate rahvusvahelistest tunnustustest.

Professor Kerikmäe was invited to join the scientific committee of the "Dottorato in Diritto e Istituzioni dei Mercati" (Doctorate program) at the University of Siena.

Professor Tanel Kerikmäe was elected as a member of the advisory board of international academic journal "L'Europe unie". The journal is issued by a consortium of French and Easter European universities, including Tallinn Law School.

2.4 Loetelu struktuuriüksuse töötajatest, kes on välisakadeemiate või muude oluliste T&A-ga seotud välisorganisatsioonide liikmed.

2.5 Aruandeaasta tähtsamad T&A finantseerimise allikad.

The most important sources have been international grants, including European Commission. Many projects have been self-financed through the budget of TLS.

2.6 Soovi korral lisada aruandeaastal saadud T&A-ga seotud tunnustusi (va punktis 2.3 toodud tunnustused), ülevaate teaduskorralduslikust tegevusest, teadlasmobiilsusest ning anda hinnang oma teadustulemustele.

2.7 Instituudi teadus- ja arendustegevuse teemade ja projektide nimetused (*Eesti Teadusinfosüsteemi, edaspidi ETIS, andmetel*)

- Haridus- ja Teadusministeerium

sihtfinantseeritavad teemad:

baasfinantseerimise toetusfondist rahastatud projektid (sh TTÜ tippkeskused):

riiklikud programmid:

- Teiste ministeeriumide poolt rahastatavad riiklikud programmid:
- Uuriija-professori rahastamine:
- SA Eesti Teadusfond

grandid:

ühisgrandid välisriigiga:

järeldoktorite grandid (SA ETF ja Mobilitas):

tippteadlase grandid (Mobilitas):

- Ettevõtluse Arendamise SA

eeluuringud:

arendustoetused:

- SA Archimedesega sõlmitud lepingud

infrastruktuur (nn „mini-infra“, „asutuse infra“):

Eesti tippkeskused:

riiklikud programmid:

muud T&A lepingud:

- SA Keskkonnainvesteeringute Keskusega sõlmitud lepingud:
- Siseriiklikud lepingud:
- EL Raamprogrammi projektid:
- Välisriiklikud lepingud:
 - VE537, TAFTIE Task Force "Interpretation of State Aid Rules" Report, Nyman-Metcalf Katrin
 - VERT474, A grant to support an action initiated under the Jean Monnet Programme, Kerikmäe Tanel
 - VEU483, raising awareness on equal treatment and combating intolerance in Estonia, focusing on LGBT and disability issues, Käsper Kari
 - VEU543, Raising awareness on equal treatment in Estonia, focusing on benefits for diversity in business, LGBT rights and social status of elderly people, Käsper Kari

2.8 Struktuuriüksuse töötajate poolt avaldatud sihtfinantseeritava teadusteema taotlemisel arvestatavad eelretsenseeritavad teaduspublikatsioonid (*ETIS klassifikaatori alusel 1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1 ja 5.1*).

1.1

1.2

Kerikmäe, T. (2011). Estonsko jako člensk? st?t Evropské unie v kontextu deliberativn?ho supranacionalismu: nedostatek aktivn?ho ?stavn?ho dialogu . Acta Iuridica Olomucenis, 6 (1), 99 - 114.

Kerikmäe, T.; Nyman–Metcalf, K. (2011). EU standards and deliberative democracy: Case of Kyrgyzstan. L'Europe unie/United Europe, 5, 38 - 51.

Pijetlovic, K. (2011). FOCUS ARTICLE "Another Classic of EU Sports Jurisprudence: Legal implications of *Olimpique Lyonnais v Olivier Bernard and Newcastle UFC (C-325/08)*". European Current Law, 4, ix - xxviii.

Kerikmäe, T.; Nyman-Metcalf, K. (2011). Karlsruhe vs. Lissabon: an Overture to a Constitutional Dialogue? European Journal of Law Reform, 12, 373 - 387.

Kerikmäe, T.; Nyman-Metcalf, K.; Pöder, M-L. (2011). The August 2008 Russian-Georgian War: Issues of international law. Baltic Yearbook of International Law, 10, xx - xx.

1.3

Lindpere, Heiki (2011). Estonia at a Crossroad: are the Newly Emerging Rotterdam Rules Acceptable in Maritime Law? EAST-WEST STUDIES. Journal of Social Sciences of Tallinn University Law School, 109 - 114.

2.1

2.2

Nyman-Metcalf, K.; Fogelklou, A.; Bergling, P. (2011). Lighting the Spark. Legal reform in countries of transiition. Uppsala: Iustus [ilmumas]

3.1

Pijetlovic, K. (2011). "Estonia: Regulation of Sports Betting under the New Gambling Act" published in "Sports Betting: Law and Policy". . Sports Betting: Law and Policy (300 - 320).T.M.C. Asser Press [ilmumas]

Kerikmäe, T.; Käsper, K.; Pluksna, L. (2011). Commentaries: Articles 29 to 37 TFEU. Herzog, P.; Campbell, C.; Zagel, G. (Toim.). Smit & Herzog on The Law of the European Union (§ 28.01 - § 37.07). New York: Lexis Nexis Matthew Bender

Nyman-Metcalf, K. (2011). Constitutionalization and the Media in Post-enlargement Central and Eastern Europe. Topidi, Kyriaki; Morava, Alexander (Toim.). Constitutional evolution in Central and Eastern Europe : expansion and integration in the EU (231 - 251). Farnham, Suurbritannia: Ashgate Publishing

3.2

Kerikmäe, T. (2011). Deliberative Supranationalism as a New Guarantor for European Rechtsstaat. Réka Somssich (Toim.). Central and Eastern European Countries after and before the Accession (185 - 197). ELTE Faculty of Law, Department of Private International Law and European Economic Law

Kerikmäe, T. (2011). Right to education, Право на образование, Õigus haridusele. Käsper, Kari ja Meiorg, Marianne (Toim.). HUMAN RIGHTS IN ESTONIA 2010 Annual Report of the Estonian Human Rights Centre = ПРАВА ЧЕЛОВЕКА В ЭСТОНИИ 2010 Годовой отчет Эстонского центра по правам человека = Inimõigused Eestis. Aastaaruanne 2010 (103 - 113). Sihtasutus Eesti inimõiguste keskus

Erne, J. (2011). An Attempt to Understand Human Rights and European Values – An Introductory Conceptual Approach. SSRN Working Paper Series, SSRN-id1804386

Erne, J. (2011). Inferences about the Egyptian Nation while Deconstructing the Arab-Western Opposition . SSRN Working Paper Series

Erne, J. (2011). Remedies for Breach of EU Law Revisited. SSRN Working Paper Series, SSRN id1804397

3.3

Kerikmäe, T. (2011). The WJP Rule of Law Index™ 2011 Report (contribution to the country report of Estonia).

4.1

5.1

2.9 Struktuuriüksuses kaitstud doktoriväitekirjade loetelu (*NB! struktuuriüksus lisab struktuuriüksuse töötaja juhendamisel mujal kaitstud doktoriväitekirjade loetelu*)

2.10 Struktuuriüksuses järel doktorina T&A-s osalenud isikute loetelu (*ETIS-e kaudu esitatud taotluste alusel*)

2.11 Struktuuriüksuses loodud tööstusomandi loetelu

3. Struktuuriüksuse infrastruktuuri uuendamise loetelu