

Autonomy through precedent

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Stellingen behorende bij het proefschrift “Autonomy through Precedent – A Longitudinal Analysis of the EU Court of Justice’s Case Law on Family Reunification Immigration”

1. The Court of Justice has frequently and repeatedly moved beyond Member States’ political preferences on EU family reunification law.
2. Reasoning by precedent provides the Court of Justice of the European Union (CJEU) with a tool by means of which it can strengthen its judicial autonomy in the long run.
3. On account of the precedent-based development of the CJEU’s case law, short-term analyses of single cases cannot provide for a coherent understanding of CJEU autonomy or otherwise; longitudinal analyses offer better perspectives.
4. In order to comprehensively analyse CJEU case law on EU family reunification law, the analyst cannot confine his/her analyses to EU immigration provisions. The bulk of CJEU case law on family reunification immigration relates to provisions adopted in the context of EU free movement law.
5. A good benchmark for measuring EU Member States’ political preferences in the context of EU judicial politics studies consists of mapping the interest articulation of national governments during EU-level negotiations. This benchmark outperforms the more commonly used method of taking stock of Member States’ written observations.
6. Interdisciplinary research, combining legal and social scientist perspectives, provides valuable insights on questions regarding the Court’s role in processes of European integration.
7. Mixed methods research, combining quantitative and qualitative analyses, should be further promoted in the context of studies of the CJEU and in European studies more generally.
8. The Court’s increasing caseload on Justice and Home Affairs questions, as also registered in the present study, further strengthens its mandate as a fundamental rights tribunal.
9. The direct train connection between Brussels and Maastricht should be re-established.