

LEGALITY IN EUROPE

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On the principle *nullum crimen,
nulla poena sine lege*
in EU law and under the ECHR

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Although perhaps the best theses result from a continuous focus on the research, I feel fortunate to describe my Ph.D. experience as one of constant change and distraction. The very commencement of the research project that culminated in this monograph was, in fact, a result of major change. After having worked with great pleasure at the Criminal Law Department of the Radboud University's Law Faculty, I managed to acquire a fulltime research position at the European University Institute. Taking up this position not only meant changing the focus of my research from Dutch criminal law to EU and ECHR law, it also meant moving from Nijmegen in The Netherlands to Florence in Italy. Adapting to life and work in a foreign culture provided not just the aforementioned change, it also brought about many – welcome – distractions from the research that enriched me, both as a person and as a researcher.

I am very grateful to have worked in the great and beautiful international (research) environment of the EUI, where I have met – and lived together with – several kind and interesting people from different nationalities. I am equally thankful to have written my thesis under the supervision of prof. Bruno de Witte. I have especially appreciated Bruno's approach to view every draft in relation to the project as a whole and to ensure that I would not wander too far from the central aim of the research. The thesis has also benefited significantly from Bruno's broad expertise in EU law and his specialist knowledge of the relationship between the law of the ECHR and Union law.

While – among many things – the surroundings and the food culture improved significantly when I moved to Florence in September 2013, several aspects of my life fortunately remained unaltered. Conducting research on the legality principle, for example, meant that the field of criminal law would remain a key research interest for my thesis. By adding the criminal law aspect to the EU and ECHR perspective of the thesis, I was happy to learn that Prof. Piet Hein van Kempen, as an expert in – especially – the interaction between these three legal fields, accepted the invitation to remain involved with my project. I am very grateful to Piet Hein for encouraging me to accept the position at the EUI (or, in other words, for getting rid of me as a staff member). In addition, I am thankful for his willingness to continue to supervise my thesis although it was no longer conducted at 'his' Radboud University, and – perhaps most importantly – for his meticulous comments and feedback on draft chapters that were always merely presented as an encouragement to improve the work.

Another aspect of my life that I was pleased to learn did not suffer from my move to Florence is the relationship with my former colleagues at the Radboud University. Being able to continue to lecture in EU criminal law in Nijmegen meant that I would have regular meetings with my former colleagues, both formally and informally. I have much appreciated being included in discussions about Dutch criminal law over the years, when my focus was more on the supranational law. I hope that we will continue to see each other as regularly as we have set out to, in Nijmegen or elsewhere.

What is true for my former colleagues, is even more true for my friends and family. I am happy to ascertain that we have seen each other regularly over the years, even when I was living abroad. I am especially glad that we have mostly got to share the key celebratory moments, the family holidays and the rest of the regularly returning highlights, such as: Sinterklaas at the Van Rossum's, the weekend or single-day trips with friends and family, the yearly expeditions to Berlin, the summer festivals, but also the more frequent dinners, drinks, runs and bike rides. While my life as a Ph.D. researcher at a foreign institute was not easy to relate to for all of you with 'real' jobs, I have appreciated your continuous interest in the progress of the research. Your involvement is not just evidenced by the fact that you have previously visited me in Florence, but also by the fact that so many of you have made it to my thesis defence.

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After a year in which I completed my thesis while becoming a father to our wonderful Len and starting a new job as judicial assistant at the Supreme Court of The Netherlands, I look forward to more steady times ahead (with a bit more sleep). While I am happy to conclude that my time as a researcher was one of constant change and distraction, I hope that the coming years will be so to a lesser extent. Whether that wish comes true or not, I cannot wait to start the post-thesis chapter in our life together as a family. There are great times ahead!

Mikhel Timmerman

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