



## Professor Pavlos Eleftheriadis

Call: 2006 [Public Access](#)

### Practice areas:

**Planning, Environment, Public Law, Local Government**



## Practice Profile

Pavlos is an academic tenant specialising in European Union law, public law, public procurement, state aid and planning law.

He is a Professor of Legal Studies at NYU Abu Dhabi and Affiliated Professor at NYU Law School. He was previously Professor of Public Law and a Fellow of Mansfield College at the University of Oxford.

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### Planning

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### Environment

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### Public Law

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### Local Government

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## Cases of Note

### EU Law

He is regularly instructed to advise on general aspects of EU trade law and institutional law. Over the past few years he has been a regular commentator on the relations between the European Union and the United Kingdom and he has been quoted by the Financial Times and the Guardian. He is available to advise on the position of EU law in the United Kingdom after withdrawal and on 'retained EU law'.

His blog post 'Eleven Types of EU Law after Brexit' was published by the Oxford Business Law Blog, .

Cases of note include:

- Case T-249/21 *SN v European Parliament* (General Court) – a challenge to a 'recovery decision' by the Secretary General against a former MEP regarding the salary of a parliamentary assistant.
- Advising two former MEPs on challenging recovery decisions regarding local assistants before the European Parliament's Quaestors (2020–2021)
- Case C-182/09 *Seaport v Department of the Environment*, European Court of Justice (Junior to Gregory Jones KC, instructed by Carson & McDowell)

He has been an active commentator on the legal issues of Brexit. He has been interviewed by the Today programme on the legal aspects of the new settlement between the EU and the UK. His argument on the second referendum was reported and discussed by the BBC [here](#).

He was from 2007 to 2014 the managing editor of the leading encyclopedia EU law in English: David Vaughan KC and Aidan Robertson KC (eds.), *The Law of the EU*, vols. 1–6 looseleaf (Oxford: Oxford University Press, 2007–2015). He is also the author of the section on 'The Institutions', 2nd ed. (2016).

### Public Law

Pavlos Eleftheriadis specialises in public law, with special emphasis on constitutional law, education law and human rights.

Recent cases include:

- A challenge to the International Baccalaureate Organisation on the legality of their 'Awarding Model' for IB results in May 2020
- A complaint to the Office of Qualifications ('Ofqual') regarding the school results of May 2020
- *R (on the application of Wilson) v the Prime Minister* [2019] EWCA Civ 304, [2019] 3 All ER 230, [2019] WLR(D) 125, [2019] 1 WLR 4174, The Times, Wikipedia.
- *R (on the application of an Academy Trust v Medway Council* [2019] EWHC 156 (Admin) (High Court, Special Educational Needs) Local Government Lawyer.
- *R (on the application of Wilson) v the Prime Minister* [2018] EWHC 3520 (Admin) The Guardian.
- *Cityside Primary Trust v Secretary of State for Education*, [2016] UKFTT 0587 (HESC), (removal of school from register of independent schools and Article 9 ECHR), judgment is available [here](#).
- *LW (Jamaica) v Secretary of State*, Upper Tribunal (deportation of foreign criminal and Article 8 ECHR).
- *Khudados v United Kingdom*, European Court of Human Rights, September 2010. Application to the Strasbourg Court on the basis of an Article 6 complaint (with Robert McCracken KC).

### Planning Law

Pavlos Eleftheriadis is regularly instructed on planning issues, especially on matters touching on EU law. He has advised on several types of planning applications, Green Belt developments, rights of way, development agreements, rights to light, CPOs, Environmental and Strategic Impact Assessments, the Habitats Directive, neighbourhood planning and other aspects of the planning process.

Cases of note include:

- *Smith v Basildon*, [2017] EWHC 2696 (Admin) (Planning Court, judicial review of refusal to examine application for planning permission under s. 70C of the TCPA 1990).
- *R (on the application of Dr Anna Hoare) v Vale of White Horse District Council* [2017] EWHC 1711 (Admin); [2017] WLR(D) 465, judicial review of the making of a neighbourhood plan (BAILLI)
- *Basildon v Tidd*, [2017] EWHC 1849 (QB) (variation of an injunction regarding gypsy and traveller site), Case Comment JPL (2017) pp. 1192–1193
- *Arulchelvan v Secretary of State for Communities and Local Government*, 25 January 2017, High Court, (a news item is here).
- *Harris v Broads Authority*, Court of Appeal, with Gregory Jones KC and Charles Streeten) (National Parks, principle of the rule of law) May 2016.

## **Public Procurement**

He is regularly instructed by contracting authorities and private clients to advise on issues related to the application of the public contracts regulations and on associated remedies. He has developed particular expertise on the way in which the public procurement framework applies to Development Agreements.

Some recent cases include

- Advising a regional airport on public service obligations and the Public Contracts Regulations 2015 (March 2021)
- Advising a local authority on development agreements and the sale of land (May 2021)
- A Transportation firm challenging a regional airport at the High Court (settled).
- *R (Hersi & Co) v Lord Chancellor* [2017] EWHC 2667 (Technology and Construction Court); junior to Martin Westgate KC
- Advising a developer on a major central London residential project on issues arising out of the public procurement framework.
- Advising a major developer on a CPO Inquiry on issues of both state aid and public procurement.
- Advising a local authority on a Development and Commercial Agreement involving 300 housing units and a public park.

Other work has included framework agreements, NHS services, as well as many issues arising out of s.106 Agreements.

He is a regular speaker on public procurement law seminars and events.

## **State Aid**

He is regularly instructed to advise on issues of the law of state aid. Some instructions include: He has advised on the application of the law of state aid to a Development Agreements in the aviation industry, on Business Rates Relief and the law of state aid.

Recent work includes a written Opinion on Covid 19 support schemes and the law of State Aid, advice on aid for natural disasters, advice on business rates and state aid as well as on the application of s.237 Town and Country Planning Act 1990.

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## Degrees, Appointments & Prizes

- MA, University of Oxford, 2003
- PhD, University of Cambridge, 1995
- LLM, University of Cambridge, 1991
- BA, University of Athens, 1990
- Visiting Professor in European Economic Law, Columbia Law School, 2001
- Bodossaki Prize for Law 2005 (20,500 Euros), Bodossaki Prizes in the sciences and the social sciences are awarded every few years to an academic under 40 years of age, of Greek nationality or descent, 'for exceptional achievements in his/her field.'

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## Languages

Fluent in Greek, working knowledge of German and French.

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## Selected Publications

- 'Does the Environment Bill "enshrine" environmental principles in English law?' FTB Environment Law Blog, 16.06.2021
- 'Eleven types of post-Brexit EU Law' (2021) Oxford Business Law Blog
- 'The European Union's Relationship to International Law: Lessons from Brexit' in Davies & Avbelj (ed), Research Handbook on Pluralism and EU law (Edward Elgar 2018)
- 'In Defence of Constitutional Law' 81 Modern Law Review (2018). 154-178
- 'Two Doctrines of the Unwritten Constitution' 13 European Review of Constitutional Law (forthcoming, 2017) (pp. 1-26)
- 'Constitutional Illegitimacy over Brexit' (2017) 88 Political Quarterly 183
- 'Constitutional Instability After the Referendum' (2017) Public Law 347-354
- 'How to Make a Transitional Brexit Arrangement' (2017) Oxford Business Law Blog
- 'A New Referendum is a Constitutional Requirement' Oxford Business Law Blog 2016
- 'The Institutions', 2nd ed. in David Vaughan KC and Aidan Robertson KC (eds.), The Law of the EU, vols. 1-6, looseleaf (Oxford: Oxford University Press, 2016)
- 'The United Kingdom and the Eurozone after the Referendum' (2016) Oxford Legal Studies Research Paper 36/2016
- 'The Euro and the German Courts' Law Quarterly Review (2012)
- 'Planning Agreements as Public Contracts under the EU Public Procurement Rules' 20 Public Procurement Law Review (2011)
- 'On Rights and Responsibilities' (2010) Public Law 31-43
- 'Environmental Rights in the EC Legal Order' 27 Yearbook of European Law 2007
- 'The Idea of a European Constitution', 27 Oxford Journal of Legal Studies (2007) 1-21.

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## Quotes

*"Brilliant on paper too, he is an accomplished advocate"*

The Legal 500, 2019