Conference Programme

“The Division of Competences in the EU Legal Order – a Post-Lisbon Assessment”

1. Introduction: theme of the conference

Reflecting the ‘power bargain’ struck between the Member States and their Union, determining the limits of the authority of the EU as well as the limits of the authority of the Member States, the issue of competence division is of fundamental, even existential, importance. It defines the nature of the EU as a polity, as well as the identity of the Member States. Or so the story goes. Over six years since the entry into force of the Lisbon Treaty, which introduced most of the changes proposed by the failed Constitutional Treaty, bringing an end to the decade-long debate on the Future of Europe, it is high time to take stock of whether the reforms that were adopted to make the Union’s system of division of competences between the EU Member States clearer, more coherent, and better at containing European integration, have been successful. In other words, has ‘the competence problem’ finally been solved?

If the conclusion is (as it is) that this is not the case, it is even higher time to reflect on the causes and consequences of these failures and on alternative approaches to achieve the aims of paramount importance that the system of competence division purports to pursue, namely to respect national identity, subsidiarity and self-determination. Maybe this will entail a fundamental reconsideration of the role that competences have to play in this regard. Are ‘competences’ perhaps a red herring, distracting jurists and others from the real (power) issues in play?

To be meaningful, these issues are to be examined not only in a legalistic way, but against the complex contemporary background of increasing Euroscepticism (with a possible exit from the EU by the UK) and secessionism within Member States (UK, Belgium, Spain), an unstable Eurozone governed by controversial austerity measures and, more recently, an unprecedented influx of refugees and migrants putting both European and global solidarity to the test. What do (the responses to) these seemingly separate developments tell us about the ‘state of the Union’ and its democratic governance? And what is the role of competence division in that context?

2. Aims of the conference

The aim of the 1.5 day conference is to bring together a mix of scholars and practitioners, to reflect and exchange views on the issues as set out above. The approach will be to challenge pre-existing notions and ideas about this area of law, in order to move the debate out of its impasse. There should be a healthy combination of constitutional and substantive questions, combining a theoretical critique with pragmatic proposals for the future, tentative as they may be. The contributions will be published in an edited volume, with a publisher to be determined, early 2017.

3. Date of the conference

Wednesday 20 April 2016 (all-day) and Thursday 21 April 2016 (morning)
Conference Programme

“The Division of Competences in the EU Legal Order – a Post-Lisbon Assessment”

Day 1 (20/04/2016)

Registration
09:45 - 10:15

Welcome address
Jörg Monar, Rector, College of Europe
10:15 - 10:20

Opening speech
Sacha Garben, Professor, European Legal Studies Department, College of Europe
10:20 – 10:30

First session – Setting the scene: contemporary reflections on division of competences between the EU and the Member States
Chaired by Inge Govaere, Director, European Legal Studies Department, College of Europe and Professor, Ghent University
10:30 – 12:30

“Competences in contemporary Europe – Brexit, the Eurocrisis and the immigration crisis”
Christiaan Timmermans, Former Judge, European Court of Justice
10:30 – 11:00

“Federalism and the division of competences - perspectives from the US, DE and the EU”
Robert Schütze, Professor, Durham University
11:00 – 11:30

Round-table discussion
Karen Banks, Deputy Director-General, Legal Service of the European Commission
Francis Jacobs, Former Advocate-General, European Court of Justice
Gregorio Garzón Clariana, Professor, Autonomous University of Barcelona and Former Jurisconsult, European Parliament
Hubert Legal, Director-General, Legal Adviser to the Council
Géraud Sajust de Bergues, Directeur adjoint des affaires juridiques, Ministère des Affaires étrangères et du Développement international, France
11:30 – 12:30

Sandwich Lunch
12:30 – 13:30
Second session – Complementary and shared EU competences: only a limited role for the EU?
Chaired by Elise Muir, Associate Professor, Maastricht University
13:30 – 15:30

“Member State competences – is there such a thing?”
Bruno de Witte, Professor, European University Institute and Maastricht University
13:30 – 13:50

“The peculiar competence structure of social policy”
Claire Kilpatrick, Professor, European University Institute
13:50 – 14:10

“The internal market as the ultimate EU competence”
Gareth Davies, Professor, University of Amsterdam
14:10 – 14:30

Panel-led discussion
Jean-Paul Jacqué, Former Director, Legal Service of the Council of the EU
Maria-José Martinez, Director, Legal Service of the European Parliament
Ben Smulders, Head of Cabinet, Vice-President Timmermans
14:30 – 15:30

Coffee break
15:30 – 16:00

Third session – Exclusive EU competences: an uncontested role for Europe?
Chaired by Sacha Garben, Professor, European Legal Studies Department, College of Europe
16:00 – 18:00

“EMU and ‘EU’ competences”
Michael Waibel, Lecturer, University of Cambridge
16:00 – 16:20

“EU competences – the external dimension”
Marise Cremona, Professor, European University Institute
16:20 – 16:40

“The EU’s exclusive competence in competition law”
Pablo Ibáñez Colomo, Associate Professor, London School of Economics
16:40 – 17:00

Panel-led discussion
Kieran Bradley, Judge, European Court of Justice, Civil Service Tribunal
Jenő Czuczai, Legal Adviser, Legal Service of the Council of the EU
Jonathan Faull, Director-General, European Commission UK Task Force
Damien Gerard, Director, Global Competition Law Center
17:00 – 18:00

Dinner (speakers only)
19:00 – 22:00
Day 2 (21/04/2016)

Fourth session – Solving the competence problem: towards a new approach to containing EU integration
Chaired by Takis Tridimas, Director, King’s College London
09:30 – 12:45

“Revisiting the Division of Authority between the EU and the Member States: National discretion in EU legislation”
Ton van den Brink, Associate Professor, Utrecht University
09:30 – 09:50

“Integration through soft law – no competence needed”
Mark Dawson, Professor, Hertie School of Governance
09:50 – 10:10

“Politicisation, democracy and the competence question”
Fritz Scharpf, Emeritus Director, Max Planck Institute for the Study of Societies
10:10 – 10:30

Coffee break
10:30 – 10:50

“A fundamental overhaul of the current competence arrangement”
Sacha Garben, Professor, European Legal Studies Department, College of Europe
10:50 – 11:20

Round-table discussion
Karen Banks, Deputy Director-General, Legal Service European Commission
Gregorio Garzón Clariana, Professor, Autonomous University of Barcelona and Former Jurisconsult, European Parliament
Hubert Legal, Director-General, Legal Adviser to the Council
Päivi Leino-Sandberg, Adjunct Professor, University of Helsinki
11:20 – 12:45

Sandwich Lunch
12:45 – 14:00

END