

60 Years of European Integration: Reflections from Young Legal Scholars

European Journal of Legal Studies 10th Anniversary Conference

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The European Journal of Legal Studies (EJLS) and the Academy of European Law are delighted to invite submissions for the EJLS 10th anniversary conference to be held on **Thursday, November 16, 2017** at the European University Institute (EUI) in Florence, Italy.

Sixty years after the Treaty of Rome and twenty-five years after the Treaty of Maastricht being signed, the European Union is at a crossroads. A critical assessment of the EU integration process, as well as new perspectives and innovative views on its future are needed now more than ever. The anniversaries of the Rome and Maastricht Treaties coincide with the 10th anniversary of the EJLS which, throughout the last decade, has provided a platform for young scholars engaging in innovative and critical legal research. On this occasion, the EJLS invites young scholars to submit papers that **reflect on the sixty years of legal integration**, discuss **new ways to think about the European project** or present **innovative responses to current challenges** of the EU.

The selected scholars will be **participating in the EJLS conference as panelists**. The conference will be organized in the format of an academic workshop and participants will receive constructive feedback from EUI faculty members who act as discussants and other participants of the conference. In line with the fields covered by the EJLS, the conference will be divided into **four panels**:

1) Modes of Integration and their Role in Promoting and Undermining the European Integration Process

We invite participants to reflect upon the role of different modes of integration in enhancing, but also destabilizing the European project. Initially largely driven by economic integration, the European project incrementally expanded towards social, monetary and political integration. Yet, the continuous broadening and deepening of European integration nowadays gives rise to profound disagreement regarding issues such as solidarity and justice within the EU and questions the EU's legitimacy and finality. What role do EU law and the EU institutions play in shaping these modes of integration and in managing the growing interdependency between EU Member States and their citizens? Have the EU institutions found the right balance between negative and positive integration? Did the EU integration process overshoot the mark, and, if so, in which fields? What roles do the fusion of the Maastricht pillar system after Lisbon, as well as the transformation of the modes of EU integration play for the present crises of the EU? Are we moving towards disintegration, differentiated integration or will there be a deepening of the political Union in the near future?

2) National (Constitutional) Courts and the EU Legal Order – More Trouble Ahead?

This panel invites submissions which address, from a comparative law perspective, the relationship between the Court of Justice of the European Union (CJEU) and national (constitutional) courts. The aim is to critically and comparatively reflect on the role of national courts and the CJEU in administering the intersection between the EU and national legal orders. The national courts' attitude towards the EU legal order and their relationship with the CJEU have always been ambiguous. Recently, new clashes between the CJEU and national courts (see e.g. the German *Bundesverfassungsgericht* in *Gauweiler* and the Danish Supreme Court in *Dansk Industri*) exemplify a resurgent defiance of national courts towards the principle of supremacy of EU law and the CJEU's authority in being its interpreter of last resort. Which factors explain this change in attitude of some national courts? To what extent is this a reaction to the CJEU's insufficient judicial reasoning, the liberal bias of its case law and its increasing impact on the core values of national constitutional democracies? In which fields of EU law are national courts more likely to challenge the CJEU's authority and the principle of supremacy? Is the surge in integration-skeptical national judgments representative of the relationship between national courts and the CJEU, or does it simply represent a more vociferous minority of national courts, compared to a silent majority of integration-friendly courts?

3) The EU and the International Legal Order – An Integration Paradox?

Recent CJEU judgments in the field of EU external relations, like *Kadi* and *Opinion 2/13* raise questions about the relationship between the EU and the international legal order. These judgments create a puzzling paradox: while being the outcome of the integration of 28 national legal orders, the EU legal order itself currently appears to be incapable of integrating within other international law regimes. In fact, while urging its Member States to accept the supremacy of EU law, the CJEU seems to have its own reservations about the supremacy of international law and to be unwilling to share any jurisdictional competence with other international courts. Which factors might explain this apparent incapacity of the EU legal order to integrate within the international legal order? What are the constitutional limits and obstacles to such an integration? To what extent does the CJEU replicate the skeptical attitude of some national constitutional courts towards the EU legal order and rely on a ‘constitutional identity’-review akin to that of the German *Bundesverfassungsgericht* when deciding on the EU’s integration in international law regimes? To what extent is the CJEU’s reluctance towards the EU’s further integration within international legal regimes motivated by internal considerations and a fundamental distrust towards national courts and Member States?

4) How to Think EU Law?

The status of EU law and its legal order has always been a divisive issue in legal theory. The EU’s ambitious and mostly successful claims to the distinctiveness, autonomy and primacy of its law ran contrary to the traditional theories about state sovereignty and supreme authority. The so-called ‘constitutionalization thesis’ was met with international law-based rejoinders, and more recently the concept of transnational law has been put forward to account for the nature of EU law. Similarly, traditional nation-state monism quickly had to face competition from its European counterpart, until they were both challenged by the rise of constitutional pluralism and other approaches to (global) law beyond the state. These theories are significantly different to the conceptual framework for studying the legal order(s) of Europe. After sixty years of integration, the theoretical debate about these questions is still ongoing. This panel proposes to have a fresh look at these diverse theoretical accounts. How is the past and current debate informed by the significant transformations the EU and its law have recently undergone? What are the foundations, nature and authority of the Union as a legal regime? What is the theoretical account of the relationship between the EU and national legal orders, as well as the status and content of European constitutionalism? The panel invites submissions which revisit historic debates, assess the value and vitality of various

theoretical and conceptual frameworks, and focus on the current key issues and maybe even propose new ways of theorizing EU law.

Instructions for Submissions

Participation in the EJLS 10th anniversary conference is open to **young researchers** currently enrolled in an LL.M., Ph.D. (or equivalent, including J.S.D.) and Post-Doc program, as well as for young assistant professors having defended their doctoral thesis within the last five years.

We kindly ask applicants to submit **an extended abstract (500-700 words)** and a **CV**. Please also explicitly **indicate your preference for one of the four panels**. Submissions should be sent to ejlsconference@gmail.com by **July 15, 2017**. The selection process will be based on the quality of the abstract, as well as its capacity to engage with other proposals towards a collaborative academic and intellectual dialogue. Final papers are due on **November 1, 2017** and will be circulated among the participants in advance of the conference. After the conference, the EJLS invites speakers to resubmit the **final version of their articles** which will be again subject to the due double-blind peer review process and **published in a special EJLS 10th anniversary issue**. Moreover, the author of the best paper will receive a **book prize worth of 300 GBP sponsored by Hart Publishing**.

We thank the EUI Law Department, the Academy of European Law, Hart Publishing, the President's office of the EUI and the initiative of Italy's Presidency of the Council of Ministers to celebrate the sixtieth anniversary of the Treaties of Rome for their generous support of this conference.

We are very much looking forward to receiving your submissions. Please direct any further questions to ejlsconference@gmail.com.

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