



Re-Imagining the European Union

ACELG's Annual Conference 2017

10 November 2017, University of Amsterdam
REC A, Nieuwe Achtergracht 166, Moot Court Room

Organized by the [Amsterdam Centre for European Law and Governance](#)

Has European integration gone too far? Can it be contained without unravelling the whole Union? Can the EU back off without becoming dysfunctional or irrelevant?

The Union's 60th birthday is overshadowed by Brexit negotiations and instead of grand celebrations fundamental questions of the EU's added value and sustainability loom large in the debate. Disenchantment with European integration is omnipresent. Across Europe, euro-critical parties, such as Wilders' PVV, Le Pen's Front National and the AfD, have gained a prominent voice in political debates and tap into the dissatisfaction of large parts of the population with the state of affairs in the EU. The Commission White Paper on the Future of Europe acknowledged in March 2017 that "many Europeans consider the Union as either too distant or too interfering in their day-to-day lives." Two of the five scenarios for Europe's future propose that the EU will do less rather than more in order to respond to Europe's challenges. At 60, the EU's primary task may therefore not be to continue its path towards "an ever closer union", but rather to ask whether the extent of integration has become too intrusive and to see where the EU can and should do less.

This conference aims at providing pointers towards addressing this challenge. It focuses on the questions of whether the EU's powers should and could be contained and how existing discontent with the European project should and could be addressed – both without triggering disintegration of the European *acquis*. To answer this question, the conference includes three sessions focusing each on a distinct European policy area that has given rise to particularly prominent concerns, EU Trade Policies, Monetary Union and EU Internal Market and Social Concerns.

Programme

09.00 – 09.10 **Opening**

09.10 – 10.00 **Keynote presentation: The EU - a Case of Overconstitutionalization?**

Dieter Grimm, former Justice of the German Federal Constitutional Court, Professor emeritus Humboldt University Berlin, Wissenschaftskolleg zu Berlin

10.00 – 11.30: **Session 1 – Making the New Generation Trade Agreements Work For Rather Than Against the EU**

Large trade agreements such as CETA and TTIP are widely criticised for promoting unfettered free trade at the expense of the environment, social issues and democracy. Rather than seeing free trade as a tide that lifts all boats, critics associate free trade with rising inequality and increased economic insecurity for the many losers of globalisation. It raises the question of how unwanted collateral effects of large trade agreements can be tackled and whether that would require any changes to current EU law.

Chair: Thomas Vandamme, Assistant Professor European Law, ACELG

- **Normative Trade Power Europe**
Panos Delimatsis, Professor EU and International Trade Law, Tilburg University
- **Hollowed Out from Without: The Short and Tragic Career of the EU's External Competence in Matters Relating to Foreign Direct Investment**
Harm Schepel, Professor in Economic Law, University of Kent

Discussant: Christina Eckes, Professor of European Law, ACELG

11.30 – 11.50 Coffee break

11.50 – 13.20 **Session 2 – How Social Should the Internal Market Be?**

Tying in with the negative discourse about trade and globalisation, many argue that Europe's internal market has been very beneficial for Europe's mobile and successful citizens, but has done too little for those less mobile and less successful. For the latter, the internal market is perceived more as a threat to their job and security than as an opportunity. Dissatisfaction with free movement of workers also played an important role in the Brexit referendum. Critics have argued that Europe's openness too often subordinates social concerns to free market considerations. The third session of the conference concentrates on the EU's internal market and its social dimension. It examines whether the EU's internal market law should be changed to better accommodate its social and redistributive impact in the Member States.

Chair: Anniëk de Ruijter, Assistant Professor European Law, ACELG

- **The Human Costs of Market Freedom**
Gareth Davies, Professor in European Law, VU University Amsterdam
- **Of Cabbages and Goats. Social Europe and the Free Movement of Persons and Services**
Aukje van Hoek, Professor of Private Law, University of Amsterdam

Discussant: Annette Schrauwen, Professor of European Integration, ACELG

13.20 – 14.30 Lunch break

14.30 – 16:00 **Session 3 –The Future of EMU: Towards a Fiscal and Democratic Union**

Faced with a simmering sovereign debt crisis ever since 2010, the EU has taken significant steps to strengthen the monetary union. The EU has set up a permanent mechanism for financial assistance, adopted several legislative measures to strengthen budgetary discipline and economic coordination, and set up a full-fledged Banking Union. Yet, according to several economists, political scientists and legal scholars, these measures still fail to make the monetary union economically viable, socially just or democratically legitimate. Several politicians favour a break-up of the euro-zone, a call supported more recently by Nobel Prize laureate Joseph Stiglitz. This session deals with the future of the Euro and addresses pressing concerns about Europe's currency and possible ways to improve its current set-up.

Chair: René Smits, Professor of the Law of the Economic and Monetary Union, ACELG

- **The Future of EMU: An Assessment of Past and Current Plans**
Amy Verdun, Professor of Political Science, University of Victoria, Canada
- **Form Follows Function: Addressing the Substantive Shortcomings of EMU**
René Repasi, European Research Centre for Economic and Financial Governance (EURO-CEFG) & Erasmus University Rotterdam

Discussant: Nik de Boer, Postdoctoral Researcher, ACELG/CSECL & ACCESS EUROPE

16:00 – 16.15 **Wrap up**

16.15 Drinks

The speakers

Gareth Davies is Professor in European Law at Vrije Universiteit Amsterdam. Gareth was a barrister in London before being a University Lecturer at the University of Groningen (2000-2007) and then moving to Vrije Universiteit Amsterdam (2007 to the present). In 2006 he was an Emile Noël Fellow at New York University Law School, and in 2014 a Fernand Braudel Senior Fellow at the EUI. Gareth Davies also teaches at Amsterdam University College. He is the co-author, with Damian Chalmers and Giorgio Monti of *EU Law* (3rd edn, Cambridge University Press, 2014).

Panos Delimatsis is Professor of EU and International Trade Law and Director of the Tilburg Law and Economics Center (TILEC) at Tilburg University, the Netherlands. He has held visiting professorships at the universities of Lausanne, Neuchâtel and Saarbrücken. In the academic year 2015-16, Panos was a Fellow with the Program on International Financial Systems and a visiting scholar at Harvard Law School. His work on the regulation of services industries, issues of transnational governance and the regulation of EU and international trade has been extensively published in top refereed international journals. More recently, he edited a comprehensive book on *The Law, Economics and Politics of International Standardization*, published by Cambridge University Press in 2015 and a *Research Handbook on Climate Change and Trade Law*, published by Edward Elgar in 2016. In the same year, Panos Delimatsis was awarded an ERC Consolidator Grant (2 million Euros), the most prestigious mid-level personal grant at the EU level, for his research project on the resilience of non-State regulatory bodies and the role of the law.

Aukje van Hoek is Professor of private international law and civil procedure at the University of Amsterdam and honorary justice in the court of appeals in Den Bosch. Before being appointed at the UvA, she held a Jean Monnet Chair in transnational social justice at Tilburg University where she worked as associate professor in European law. She specializes in transnational labour relations

and has written extensively on the issue of posted workers in EU law. See inter alia Van Hoek, A. A. H. (2016). Re-Embedding the Transnational Employment Relationship – Can the Commission Proposal Deliver? ([Centre for the Study of European Contract Law Working Paper Series; Vol. 2016, No. 16](#)). Other recent research projects deal with regulatory competition in private law, cross-border insolvency, cross-border litigation, social dialogue as a source of EU legal acts and transnational company agreements. See also [personal profile](#).

Prof. **Dieter Grimm** teaches constitutional law at Humboldt University Berlin and at the Yale Law School. From 1987 to 1999 he served as Justice of the Federal Constitutional Court of Germany. He holds a law degree and a doctoral from the University of Frankfurt and an LL.M. degree from Harvard Law School. He has been a visiting professor in many universities such as Harvard, New York University, the University of Toronto, the University La Sapienza in Rome, the Indian National Law School in Kolkatta, Seoul National University, Beijing University, Renmin University Beijing etc. Dieter Grimm holds honorary doctoral degrees from the universities of Toronto, Göttingen, Porto Alegre and Bucharest. He is a member of the Berlin-Brandenburgische Akademie der Wissenschaften, the Academia Europaea and the American Academy of Arts and Sciences. In 2016 his book *Europa ja – aber welches?* appeared with C.H. Beck (English: *The Constitution of European Democracy*, Oxford University Press, 2017) and his book *Constitutionalism - Past, Present and Future* with Oxford University Press.

René Repasi is scientific coordinator of the European Research Centre for Economic and Financial Governance (EURO-CEFG) of the Universities of Delft, Leiden and Rotterdam and teaches EU law at the Erasmus University Rotterdam. He studied law at the Universities of Heidelberg and Montpellier and was assistant professor at the University of Heidelberg. Repasi acted as legal expert for the European Parliament in the context of the

Banking Union and the reforms of EU's economic governance framework. He recently worked on the legal feasibility of a European Unemployment Benefits Scheme and on the implications of Brexit on economic governance.

Harm Schepel is Professor of Economic Law at Kent Law School and the Director of Law Programmes at the University of Kent's Brussels School of International Studies. He holds a first degree from the University of Amsterdam and a PhD from the EUI Florence. He is a member of the Peer Review College of the ESRC, and an Editor of the *European Law Journal*. He has published widely in the fields of EU Internal Market Law, international trade and investment law, and private transnational regulation.

Amy Verdun is Professor of Political Science, Lansdowne Distinguished Fellow in European Integration and Jean Monnet Chair Ad Personam at the Department of Political Science of the University of Victoria, Canada. She has written extensively on issues related to European integration, governance, integration theory, policy-making in particular economic and monetary integration as well as comparisons and relations of the EU and the rest of the world. She has published 18 books, more than 120 peer-reviewed articles and chapters. Her articles have come out in journals such as, *Acta Politica*; *British Journal of Politics and International Relations*, *Canadian Public Administration*, *Comparative European Politics*, *European Political Science*, *European Union Politics*, *German Law Journal*, *International Studies Quarterly*, *JCMS: Journal of Common Market Studies*, *Journal of European Integration*, *Journal of European Public Policy*, *Journal of Public Policy*, *Politique Européenne*, *Regulation and Governance*, *Review of International Political Economy*, *West European Politics*, and *World Politics*.