Symposium
EU LAW QUA GLOBAL GOVERNANCE LAW?
DECIPHERING REGULATORY AND CONSTITUTIONAL COMPETENCE BETWEEN EU LAW, INTERNATIONAL LAW AND GLOBAL GOVERNANCE LAW

Wednesday, 2 May 2012, 13.30 – 17.15

Jointly organised by
ACELG, the Amsterdam Centre for European Law and Governance
and by the VU Centre for European Legal Studies

Background

This symposium addresses the question of EU law as Global Governance law and the constitutional and regulatory divisions between EU law and Global Governance law. There is an increasing tendency for the Court of Justice to adopt a sui generis approach to International law but also to protect the autonomy of the EU legal order where it has global and regulatory effects. Moreover, the Court increasingly avoids analysis of externalities arising from the extra-territorial application of EU law. The boundaries between EU law, International law and Global Governance law seem increasingly porous and difficult to decipher. This symposium will focus in particular (but not exclusively) on the broader impact of the recent European Union Emissions Trading Scheme (EU-ETS) decision of the Grand Chamber of Court of Justice (C-366/10 *Air Transport Association of America v. Secretary of State for Energy and Climate Change*). There, the Court of Justice rejected claims that the application of the EU-ETS scheme to the aviation sector, specifically US airlines, was unlawful under EU and International law. The Court of Justice, however, pronounced upon the legality of EU rules after a particularly protracted transatlantic battle, with the US House of Representatives legislating to prohibit the application of EU law at one point. The symposium will consider the impact of the decision and its wider implications for the EU as a Global Governance actor.

In the first session of the symposium the EU-ETS ruling will be looked at in detail and its constitutional implications discussed. A second session considers EU global governance questions such as global EU financial and EU-transatlantic litigation

Venue and Registration

The meeting takes place at the University of Amsterdam, Faculty of Law, Oudemanhuispoort 4-6, 1012 CN Amsterdam, in the Faculty Board Room A 1.01. Attendance is free of charge and due to limited room capacity dependent on the availability of places. To register, please send an email to acelg@uva.nl.

Programme

13.30 – 13.40 **Introduction to workshop and theme**
Elaine Fahey (UvA/ACELG), Ester Herlin Karnell (VU/CELS)

Session 1: Beyond Governance? The EU and the Global Environment

Chair: **Deirdre Curtin** (UvA/ACELG)

13.40 -14.00 **Christina Eckes (UvA/ACELG)**
Outside-In: How International Environmental Law Shapes the EU's Constitutional Landscape

14.00 – 14.20 **Theodore Konstadinides (University of Surrey)**
When in Europe...: EU competence in the sphere of external action after the Emission Trading Scheme saga

14.20 – 14.40 **Josephine van Zeben (UvA)**
External Pressures on the Internal (Emissions) Market: The effects of legal uncertainty and the weakened global norm setting process on the EU ETS?

14.40 – 15.00 Discussants: **Katja Biedenkopf** (Freie Universität Berlin); **Joana Mendes** (UvA/ACELG)

15.00 – 15.10 General discussion

Coffee break

Session 2: The EU as a Global Governance Actor in International Law

Chair: **P.J. Kuijpers** (UvA/ACELG)

15.30 – 15.50 **Ester Herlin Karnell (VU/CELS)**
The EU as a promoter of values: should the EU go global?

15.50 – 16.10 **Elaine Fahey (UvA/ACELG)**
Global Governance law? EU-ETS as a tale of EU post-national rule-making and transatlantic litigation

16.10 – 16.30 **Erik Denters (VU)**
The EMU and stability of the International Monetary System

16.30 – 17.00 Discussants: **Tarci Gazzini** (VU/CELS); **Machiko Kanetake** (UvA/ACIL); **Geoff Gordon** (VU/CELS)

17.00 – 17.15 Concluding remarks and discussion

All participants are cordially invited to a reception after the symposium.