



## Colloquium 50 Years *Costa/ENEL*

### Settling the supremacy of European law?

#### Interdisciplinary perspectives on 50 years *Costa/ENEL*

*Interdisciplinary conference hosted by the Amsterdam Center for European Law and Governance (ACELG) and the Faculty of Humanities' Institute for Culture and History, both at the University of Amsterdam, in cooperation with the Saxo Institute of the University of Copenhagen. The conference is co-organized and co-funded by ACCESS EUROPE, with the support of the University of Amsterdam, Department of Constitutional and Administrative Law.*

50 years ago the European Court of Justice (ECJ) gave judgment in the seminal *Costa/ENEL* case. Ever since, legal and political science have studied this case, wondering how a set of international treaties, the Treaties of Rome (1957) – albeit of a somewhat unusual nature – could lead to what has been claimed to be the establishment of a ‘constitutional practice’. Further, the effects of this ‘constitutional practice’ on the nature of the European legal order in terms of enforcement and efficiency have been fiercely disputed – and still are, for example in the discussion whether new instruments such as the Fiscal compact and the ESM still fall within *Costa*’s reach.

After 50 years, it is time to summarize what has been found so far and add a new perspective to the debate: that of historical research. In analyses of the institutional reactions as well as national reception studies, the actual impact of the *Costa/ENEL* judgment will be discussed in an exchange between historians and lawyers. To what extent did national governments and legal elites of the member states accept the development of a ‘constitutional practice’? And what exactly was and is that practice? In a concluding session, these national perspectives are integrated in a more general discussion of the ‘nachleben’ of the case, both in the development of a ‘constitutional practice’ and in future concerns.

Convenors: Leonard Besselink (UvA/ACELG), Karin van Leeuwen (UvA/European studies), Morten Rasmussen (University of Copenhagen /SAXO Institute)

**Date** Thursday, 26 June 2014

**Place** Royal Netherlands Academy of Sciences – KNAW, Trippenhuis, Kloveniersburgwal 29, Amsterdam: *Oude Vergaderzaal*.



## Programme

9:30 – 10:00 *Welcome and introduction*

10:00 – 11:15 *Session I*

*A new, historical perspective. The Costa case, the ECJ and the development of a 'constitutional practice'*

- Morten Rasmussen (University of Copenhagen): the Costa case and its impact on an institutional level
- Rebekka Byberg (University of Copenhagen): the development of a constitutional practice in legal academia
- Comments: Tom Eijsbouts (Leiden University / University of Amsterdam)
- Discussion

11:15-11:30 Coffee break

11:30 – 13:00 *Session II*

*National reception in the member states I (Netherlands, Belgium, Denmark). Easy acceptance?*

- Reception studies: the Netherlands
  - historical perspective: Karin van Leeuwen (University of Amsterdam)
- Reception studies: Belgium
  - historical perspective: Anne Boerger (University of Edmonton, Alberta) and Morten Rasmussen (University of Copenhagen)
- Reception studies: Denmark
  - historical perspective: Jonas Langeland Pedersen (Aarhus University)
- Legal perspective on these 'small member states' reception studies : Monica Claes (University of Maastricht)
- Discussion

13:00 – 14:00 Lunch break



14:00-15:30 *Session III*

*National reception in the member states II (France, Germany, Italy). Contesting the constitutional practice?*

- Reception studies: Germany
  - historical perspective: Bill Davies (American University, Washington)
- Reception studies: France
  - historical perspective: Alexandre Bernier (University of Copenhagen)
- Reception studies : Italy
  - historical perspective: Sigfrido Ramirez (University of Copenhagen)
- Legal perspective on these reception studies: Jan Herman Reestman (University of Amsterdam)
- Discussion

15:30-15:45 Tea break

15:45 – 17:00 *Session IV*

*Legal perspectives on the impact of Costa*

- The constitutional impact of *Costa* after 1964  
Daniel Sarmiento (Court of Justice, Legal Secretary, cabinet Advocate General Cruz Villalon)
- Discussant: Leonard Besselink (University of Amsterdam)
- General discussion

Closure

17:00-17.45 Drinks

### **Attendance and registration**

Attendance is free of charges, but subject to registration. Interested participants are requested to register with Angela Moisl, [acelg@uva.nl](mailto:acelg@uva.nl).