



Preliminary Programme

Powers under External Pressure

24 April 2015, 09:00 – 17:30

University of Amsterdam, Library, Doelenzaal, Singel 425, 1012 WP Amsterdam

Attendance is free, but subject to [registration](#)

Over time the EU's external powers have continuously grown, including with the entry into force of the Lisbon Treaty. The European Union is for example the only non-state actor that participates in international functional regimes on equal footing with states. In certain policy areas, such as international trade, it has greater relevance and visibility than its Member States. In other areas, such as international security, the EU is expected to establish an international position, not only by its citizens but also by third countries.

The EU's intensified external actions have consequences for the power division within the EU. The different institutions are involved to a different extent depending on whether a policy is pursued internally or externally. Established organizational principles under EU law, such as subsidiarity and sincere cooperation, are interpreted differently. This one-day conference will examine how powers within the EU shift as a consequence of the EU's external actions and what this may mean in the light of a particular understanding of sovereignty.

9.00 – 9.15 Arrival and Registration

9.15 – 9.30 Welcome and short introduction – Christina Eckes

9.30 – 11.00 Sovereignty within the EU

Gerhard Hoogers, Jan Willem van Rossem & Matej Avbelj – Chair & Discussant: Leonard Besselink

The first panel sets the background for the more specific legal changes discussed in the rest of this conference. It sketches how sovereignty is centrally connected to self-determination (and not just the issue of competences or absolute constitutional power). This is the core reason why sovereignty still plays a very important and explanatory role in the European constitutional framework. Specifically addressing the EU context, the panel engages with the notion of constitutional identity and increased role for national parliaments. It discusses how Member States attempt to reconcile their claim to (collective) self-determination with European integration and how the EU attempts to cope with the claims to (collective) self-determination by the Member States.

11.00 – 11.20 Coffee break

11.20 – 12.50 Constitutional Principles

Eleftheria Neframi & Joris Larik – Chair & Discussant: Steven Blockmans

Organising principles are a central element of modern constitutions, where they are reinterpreted power indirectly shifts between the different actors involved. Different general and specific organising principles regulate the power division and interaction between the EU institutions and the Member States. The aim of this panel is to shed light on the consequence of the interpretation of these principles in the external context. One principle that is central to the division of power within the EU legal structure and may hence lend itself to such an analysis is the principle of sincere cooperation. Others are subsidiarity, primacy, and the newly strengthened principle of consistency. The panel will in particular discuss who will realize the EU's global ambitions in the light of these organizing principles.

12.50 – 13.45 Lunch

13.45 – 15.15 Accession to the ECHR

Andres Delgado Casteleiro & Christina Eckes – Chair & Discussant: Ramses Wessel

EU accession to the ECHR constitutes something of a constitutional revolution. EU will take external responsibility for its acts under an international law framework that allows individual to hold the EU to account. The European Court of Human Rights (ECtHR) will consider EU law as domestic law, i.e. the same as national law. In particular, the prior involvement mechanism treats the EU as a quasi-federal structure rather than a conglomerate of sovereign entities, while the arrangement of joint responsibility and the co-respondent mechanism reflect the involvement of separate sovereign entities. These two mechanisms stand in tension and the draft accession agreement has proceduralized and hence postponed many choices on the precise relationship between the EU and its Member States and between EU and national law. Future decisions of the ECtHR and of the EU administration (in which cases will they intervene as co-respondent?) will still be decisive in determining these relationships. While there will be no routine attribution (possible in exceptional cases) internally an arrangement for compliance has to be found. Deciding on these questions may introduce a clearer hierarchy between the different legal orders.

15.15 – 15.45 Coffee break

15.45 – 17.15 Shifts in Institutional Powers

Guri Rosén & Christophe Hillion – Chair & Discussant: Pieter Jan Kuijper

The focus of this panel is institutional changes that happen when the European Union adopts policy externally, i.e. under international law and in cooperation with third countries or international institutions, rather than internally through the EU legislative process. An example is the role of the European Parliament, whose is eager to increase its own institutional role in the field of foreign policy, thereby giving refusal to consent to international agreements gives EU citizens a voice in international relations, and which, with all its flaws, draws on a source of democratic legitimation that is independent and separate from the EU Member States. Another example is the role of the Commission in enforcing human rights before and after the accession of (Member) State.

17.15 – 17.30 Conclusions – Christina Eckes

17.30 Reception



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