The Authority of EU Law
Do we still believe in it?
Congress to mark the 25th Anniversary of ERA
Trier, 19-20 October 2017
Thank you for joining us in Trier to celebrate the twenty-fifth anniversary of the Academy of European Law. The question posed in the title of our Anniversary Congress – “The Authority of EU Law – Do we still believe in it?” – could not be more important today. The European Union is facing both crises and opportunities, and the law is very much at the heart of them.

We are delighted that so many outstanding speakers have agreed to honour us with their presence and we thank them for their commitment. We hope that you, our distinguished guests and participants, will find the debates over these two days to be stimulating and inspiring.

Finally, we take this opportunity to thank all our staff, whose hard work and enthusiasm have made this programme possible.

Wolfgang Heusel
Director

Luc Doeve
Director of Finance
Jean-Philippe Rageade
Director of Programmes
John Coughlan
Director of Communications

WELCOME TO ERA!

Vassilis Christianos, Partner at Christianos & Partners, Athens; Emeritus Professor of European Union Law at the Law School of the University of Athens
Zuzana Fišerová, Director, International Department for Civil Matters and Junior Deputy Minister, Ministry of Justice, Prague
Gregorio Garzón Clariana, former Jurisconsult of the European Parliament, Barcelona
Waltraud Hakenberg, former Registrar of the Civil Service Tribunal of the EU, Luxembourg
Hans-Jürgen Hellwig, Partner at Hengeler Mueller; former President of the CCBE, Frankfurt am Main
Pauliine Koskelo, Judge at the European Court of Human Rights, Strasbourg
Kari Kuusiniemi, Judge at the Supreme Administrative Court, Helsinki
Ulrike Lunacek MEP, Vice-President of the European Parliament, Brussels/Strasbourg
Peter-Christian Müller-Graff, Professor at the University of Heidelberg
Maria José Rangel de Mesquita, Judge at the Constitutional Court, Lisbon
Christa Tobler, Professor at the Universities of Basel and Leiden
Marc van der Woude, Vice-President of the General Court of the European Union, Luxembourg

ADVISORY COMMITTEE
Thursday, 19 October 2017

13:45  Opening ceremony • Introductory speeches • Musical entertainment

14:30  Inaugural lecture

What is the “authority” of the law? Compliance and acceptance as preconditions or as constitutive elements?

Part 1: Law-making and the role of courts

15:00  Keynote address: The Court of Justice of the European Union as the guardian of the authority of EU law – a networking exercise?

15:30  Panel discussion: The impact of legislation on the authority of EU law

17:00  Panel discussion: The authority of EU law – a view from Constitutional and Supreme Courts

20:00  Reception and Fundraising Auction

Friday, 20 October 2017

Part 2: Current challenges regarding compliance with and enforcement of EU law – the authority of EU law at risk

TOPIC A  Remaining and new obstacles to the Single Market rules – does the economic crisis justify a weakening of the authority of EU law?

TOPIC B  Economic and Monetary Union (EMU) as an illustration of “the incomplete Union”: the authority of EU law stuck half-way between supranational and national sovereignty

TOPIC C  Current threats to the rule of law in the EU – the foundation on which the authority of EU law rests

09:30  Keynote address  Reliability and enforcement of EU law – a necessity for citizens, businesses and the law itself

Panel discussion  Challenges to the Single Market

11:00  Keynote address  Completing vs. rethinking the EMU?

Panel discussion  The need to complete the EMU

Panel discussion  Article 7 TEU and the Rule of Law mechanism – a dissuasive weapon or a paper tiger?

Panel discussion  The rule of law crisis in the EU and beyond

Part 3: The crisis of the European project undermining the authority of EU law – the EU in search of legitimacy

14:30  Keynote address: Brexit – symptom of the EU’s legitimacy crisis or just a British problem?

Panel discussion  on the crisis of the European project

19:30  Gala Dinner

Venue:  ERA Conference Centre, Metzer Allee 4, D-54295 Trier
Languages:  English, French, German (simultaneous interpretation)
Website:  www.era25.eu
Chairs

**Josef Azizi**
former Judge at the General Court of the EU, Vienna

**Wolfgang Heusel**
Director of the Academy of European Law, Trier

**Yves Kreins**
Judge at the Administrative Tribunal of the International Labour Organization (ILO), Geneva

**Peter-Christian Müller-Graff**
Professor at the University of Heidelberg

**Lord Tyre**
Judge of the Supreme Courts of Scotland, Edinburgh

**Marc van der Woude**
Vice-President of the General Court of the EU, Luxembourg

Speakers

**Paul P. Craig**
Professor at the University of Oxford

**Federico Fabbrini**
Professor at Dublin City University

**Hans-Jürgen Hellwig**
Partner at Hengeler Mueller, Frankfurt am Main

**Koen Lenaerts**
President of the Court of Justice of the EU, Luxembourg

**Inger Österdahl**
Professor at the University of Uppsala

**Jacques Santer**
President of the Governing Board of the Academy of European Law, Luxembourg

**Pavel Telička**
Vice-President of the European Parliament, Brussels

**Joseph H.H. Weiler**
Professor at the New York University School of Law

Panellists

**Gerolf Annemans MEP**
Committee on Economic and Monetary Affairs, European Parliament, Brussels

**Karen Banks**
Deputy Director-General at the Legal Service of the European Commission, Brussels

**Katarina Barley**
Federal Minister for Family Affairs, Senior Citizens, Women and Youth; Federal Minister of Labour and Social Affairs, Berlin

**Bojan Bugarič**
Professor at the University of Ljubljana

**Christopher P. Buttigieg**
Lecturer in the Banking and Finance Department of the University of Malta

**Pierre-Henri Conac**
Professor at the University of Luxembourg

**Emmanuel Crabit**
Head of Unit, Justice Policy and Rule of Law, DG JUST, European Commission, Brussels

**Wiebe de Vries**
President of the International Association of Young Lawyers (AUA), Amsterdam

**Lars Hjortnæs**
Judge at the Danish Supreme Court, Copenhagen

**Sophie in ’t Veld MEP**
Committee on Civil Liberties, Justice and Home Affairs, European Parliament, Brussels

**Bernd Kaltenhäuser**
President of the Deutsche Bundesbank Regional Administration for Rhineland-Palatinate and the Saar, Mainz

**Pauliine Koskelo**
Judge at the European Court of Human Rights, Strasbourg

**Francis Lamy**
Member of the Council of State, Paris

**Giorgio Maganza**
former Director at the Legal Service of the Council of the EU, Brussels

**Joaquim Nunes de Almeida**
Director for Single Market Policy, Regulation and Implementation, DG GROW, European Commission, Brussels

**Luis Ortiz Blanco**
Partner at Garrigues, Madrid

**Maria José Rangel de Mesquita**
Judge at the Portuguese Constitutional Court, Lisbon

**Jean-Luc Sauron**
Member of the Council of State, Paris

**Jean-Marc Sauvé**
Vice-President of the Council of State, Paris

**Ludger Schuknecht**
Chief Economist and Head of Department at the Federal Ministry of Finance, Berlin

**Pedro Silva Pereira MEP**
Vice-Chair, Committee on Constitutional Affairs, European Parliament, Brussels

**Imola Strehó**
Affiliate Professor at Sciences Po Law School, Paris

**Maciej Szpunar**
Advocate General at the Court of Justice of the EU, Luxembourg

**Lord Thomas of Cwmgiedd**
former Lord Chief Justice of England and Wales, London

**Christian Verschueren**
Director-General of EuroCommerce, Brussels

**Diana Wallis**
former Vice-President of the European Parliament, Hull
12:30  Registration of participants

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**Plenary session**

Languages: English, French, German
(with simultaneous interpretation)

13:45  Opening ceremony • Introductory speeches • Musical entertainment

- Jacques Santer
- Pauline Koskelo
- Pavel Telička
- Wolfgang Heusel

Chair: Josef Azizi

14:30  Inaugural lecture:

*What is the “authority” of the law? Compliance and acceptance as preconditions or as constitutive elements?*

Joseph H.H. Weiler

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**Part 1: Law-making and the role of courts**

15:00  Keynote address:

*The Court of Justice of the European Union as the guardian of the authority of EU law – a networking exercise?*

Koen Lenaerts

15:30  Panel discussion:

*The impact of legislation on the authority of EU law*

- the lack of legitimacy and of transparency in the making of the law (role of lobbyists, comitology, etc)
- the ineffectiveness of the subsidiarity principle
- the poor quality of legislation

Karen Banks
Giorgio Maganza
Diana Wallis

16:30  Break

Chair: Lord Tyre

17:00  Panel discussion:

*The authority of EU law – a view from Constitutional and Supreme Courts*

- “ultra vires” risks and the role of the CJEU: Aranyosi, Mangold, Küçükdevici, Parada and the annual leave practice in Denmark; non-application of Ajos by Højesteret, attacks on CJEU in Brexit debate
- interpreting the national identity clause (Art 4 II TEU)
- ineffectiveness of the subsidiarity principle (Art 5 I 2 TEU & Prot 2)

Lars Hjortnæs
Jean-Marc Sauvé
Maciej Szpunar
Lord Thomas

18:30  End of the first day

20:00  Reception

20:30  Fundraising Auction

Auctioneer: Takuro Ito, Member of Management, Kunsthaus Lempertz, Cologne
Parallel Working Session A

Remaining and new obstacles to the Single Market rules – Does the economic crisis justify a weakening of the authority of EU law?

Language: English

Chair: Marc van der Woude

09:30 Keynote address: Reliability and enforcement of EU law – a necessity for citizens, businesses and the law itself

Hans-Jürgen Hellwig

10:30 Break

11:00 Panel discussion: Challenges to the Single Market

• Member States’ measures aimed at protecting national markets after the crisis
• Examples of obstacles incurred by industry within the Single Market
• The relevance of infringement procedures – the European Commission between guarding the Treaties and political discretion

Joaquim Nunes de Almeida
Luis Ortiz Blanco
Imola Streho
Christian Verschueren

13:00 Lunch

Part 2: Current challenges regarding compliance with and enforcement of EU law – the authority of EU law at risk

Parallel Working Session B

Economic and Monetary Union (EMU) as an illustration of “the incomplete Union”: the authority of EU law stuck half-way between supranational and national sovereignty

Languages: English, German (with simultaneous interpretation)

Chair: Peter-Christian Müller-Graff

09:30 Keynote address: Completing vs. rethinking the EMU?

Federico Fabbrini

10:30 Break

11:00 Panel discussion: The need to complete the EMU

• The incomplete EMU: a dilemma of federalisation versus dissolution?
• Handling the Euro crisis within and without the EU framework
• Questioning the legitimacy of the rules and the selectivity of their application

Gerolf Annemans
Christopher P. Buttigieg
Pierre-Henri Conac
Bernd Kaltenhäuser

13:00 Lunch
Parallel Working Session C
Current threats to the rule of law in the EU –
the foundation on which the authority of EU law rests
Languages: English, French (with simultaneous interpretation)

Chair: Yves Kreins

09:30 Keynote address:
Article 7 TEU and the Rule of Law mechanism – a dissuasive weapon or a paper tiger?
Inger Österdahl

10:30 Break

11:00 Panel discussion:
The rule of law crisis in the EU and beyond
• Threats to democratic values in Member States and candidate countries
• The core concept of an independent judiciary
• Terrorist attacks and state of emergency
Bojan Bugarič
Emmanuel Crabit
Sophie in ’t Veld
Pauline Koskelo
Francis Lamy
Maria José Rangel de Mesquita

13:00 Lunch

Plenary session

Part 3: The crisis of the European project undermining
the authority of EU law – the EU in search of legitimacy

Chair: Wolfgang Heusel

14:30 Keynote address:
Brexit – symptom of the EU’s legitimacy crisis or just a British problem?
Paul P. Craig

Panel discussion
The crisis of the European project
• Reflecting on the legitimacy deficit of an elite project
• Which scenarios for the future of Europe (focus on the European Commission’s White Paper)?
• The “ever closer Union” or “United in diversity” – what should be the finality for the EU?
Katarina Barley
Wiebe de Vries
Jean-Luc Sauron
Ludger Schuknecht
Pedro Silva Pereira

17:00 End of Congress

19:30 Gala Dinner
Organisational matters

**Accommodation**

**Vienna House Easy**  
Metzer Allee 6, 54295 Trier  
Tel: +49 (0) 651 93770

**Villa Hügel**  
Bernhardstr. 14, 54295 Trier  
Tel: +49 (0) 651 93710-0

**Park Plaza Hotel**  
Nikolaus-Koch-Platz 1, 54290 Trier  
Tel: +49 (0) 651 99930

**Penta Hotel Trier**  
Kaiserstraße 29, 54290 Trier  
Tel: +49 (0) 69 256699300

**Hotel Deutscher Hof**  
Südallee 25, 54290 Trier  
Tel: +49 (0) 651 97780

**ibis Styles Trier**  
Metzelstraße 12, 54290 Trier  
Tel: +49 (0) 651 994920

**Bus Shuttle**

**Thursday, 19 October 2017**

18:30: ERA → Hotels (Park Plaza, Ibis Styles, Deutscher Hof, Penta Hotel)

19:45: Hotels → ERA

23:00: ERA → Hotels

**Friday, 20 October 2017**

08:45: Hotels → ERA

17:30: ERA → Hotels

19:15: ERA / Hotels → Nells Park Hotel

23:00-00:00: Nells Park → ERA / Hotels

**Evening Programme**

Thursday, 19 October 2017, 20:00  
**Reception & Fundraising Auction**  
ERA Conference Centre

Friday, 20 October 2017, 19:30

**Gala Dinner**  
Nells Park  
Dasbachstraße 12, 54292 Trier

**Taxi**

Please call the Taxi-Zentrale-Trier:  
+49 (0) 651 12012

**Congress Secretariat**

Natalia Gorski

Karin Wenzel
Thursday, 19 October 2017

- **Check-In**
  - **12:45** Welcome coffee
  - **13:45** Part 1: Law-making and the role of courts
  - **20:00** Reception
  - **20:30** Art Auction

- **TOPIC A**: Remaining and new obstacles to the Single Market rules
- **TOPIC B**: Economic and Monetary Union (EMU) as an illustration of “the incomplete Union”
- **TOPIC C**: Current threats to the rule of law in the EU

Friday, 20 October 2017

- **09:00** Welcome coffee
- **09:30** Part 2: Current challenges regarding compliance with and enforcement of EU law: the authority of EU law at risk
- **14:30** Part 3: The crisis of the European project undermining the authority of EU law – the EU in search of legitimacy

**Congress office**: Building A / Foyer
**Press room**: Building A / Cafeteria
Highlighting 25 years of the Academy of European Law