



ROBERT SCHUMAN INITIATIVE
FOR EUROPEAN AFFAIRS



Call for papers

XVth SIPE Congress on 25-26 June 2020

**in collaboration with the University of Luxembourg
(Department of Law, Robert Schuman Initiative)**

**The post-Lisbon constitutional order and the
courts/ L'ordre constitutionnel après-Lisbonne et
les juges /Die post-Lissabon Verfassungsordnung
und gerichtliche Kontrolle**

Abstract deadline: 29 February 2020

Working languages: English, French, German

The Association of European Public Law Scholars - Societas Iuris Publici Europaei (SIPE) and the University of Luxembourg invite submissions for the 15th SIPE Congress on The post-Lisbon constitutional order and the courts.

The 2-day Congress will take place from **25 to 26 June 2020** at the University of Luxembourg.

The Congress will combine invited speakers and early stage researchers, including doctoral and postdoctoral level, selected through this call for papers.

We welcome submissions on any of the following themes:

1. Rule of law, Article 7 TEU and the Council of Europe

The rule of law is a fundamental pillar of the European Union and the Council of Europe. Both have different tools at their disposal to respond to the attacks on the rule of law perpetrated by their Member States since the beginning of this decade, and

they have so far deployed them with varying degrees of success. The question therefore arises as to the extent to which there can be synergies between their different reactions, which meet the same objective: the restoration of the rule of law in States where the current leaders, using their democratic legitimacy, have significantly undermined the institutions that make it possible to safeguard this founding principle of modern constitutionalism. In this context, several avenues of reflection can be explored. What are the requirements arising from the principle of the rule of law in these two inter- or supranational legal systems? What margin of appreciation do they allow for the respect of this common value? Can the opinions of the Venice Commission be taken as elements to be considered in an Article 7 TEU procedure? Can a procedure based on Article 7 have an impact on participation in the CoE? What is the practice of Articles 7 and 8 of the CoE Statute and what can be its lessons for the implementation of Article 7 TEU?

Invited speakers

Prof. Evangelos Venizelos, Aristotle University of Thessaloniki

Prof. Andras Jakab, Universität Salzburg

Prof. Hélène Ruiz Fabri, University Paris 1, Director of the Max Planck Institute for Procedural Law, Luxembourg

2. Democracy in the EU: European Citizen Initiatives, European Parliament rights

The European Union is based on the principle of representative democracy (Article 10 TEU) but how this principle of representative democracy can be used as interpretative aid for provisions establishing the ‘institutional balance’ under the Treaty remains to be established. EU law also contains elements of direct democratic participation, yet their relation to other forms of decision-making remains to be developed. Together, these notions of democratic governance are central elements of the double legitimation of the Union, by means of representation of individuals via the Member States and representation of individuals on the Union level in the EP. How can and should this duality be developed for the future? Contributions on the law and practice of European Citizen’s Initiative are particularly welcome.

Invited speakers

Prof. Irena Lipowicz, University Cardinal Stefan Wyszyński

Prof. Maria Lucia Amaral, Universidade Nova de Lisboa

3. Effective judicial protection

The requirement of independence of domestic courts, inherent in the principle of the rule of law (Article 19, para 1, subparagraph 2, TEU and Article 47 of the Charter) gives reason to revisit various dimensions of judicial review. First, concerning the European mandate of the national judge and his/her role in a complete system of legal remedies, the principle of effective judicial protections raises a number of questions related to the interaction of principles et legal orders: What are the obligations of domestic courts in the implementation of EU law in fields such as asylum or protection of labour rights? To what extent is the preliminary reference procedure linked to the right to an effective remedy? Can the principle of effective judicial protection be seen as a national standard of fundamental rights protection and how should the balance between procedural autonomy and effectiveness be ensured?

Second, the principle of effective judicial protection needs to be reconsidered with to its application by the Court of Justice, concerning both guarantees of fairness and judicial review. Finally, a number of questions deal with the external dimension of judicial protection. How far does its extra-territorial effect reach and how to assess its function ensuring the autonomy of the EU legal order.

Invited speakers

- Dimitrios Gratsias, General Court of the European Union
- Prof. Constance Grewe, Former Judge at the Constitutional Court of Bosnia and Herzegovina
- Evgeni Tanchev, Court of Justice of the European Union

Interested contributors should submit an abstract of no more than **600 words** and a **short CV** by **29 February 2020**. Please send your submissions, preferably by mail to:

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Notifications of acceptance will be communicated by **15 March 2020**. Full draft papers are due by **5 June**.

Scientific Board:

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