

# The European Union as an Actor in International Economic Law

The Research Unit in Law, University of Luxembourg and the Centre for the Law of EU External Relations, T.M.C. Asser Institute

## Abstract

Bringing together international lawyers and EU external relations lawyers, the conference will discuss recent developments concerning EU external action in the field of international economic law, concentrating, on a number of important issues raised by recent practice and case law whose resolution does not appear to be in the offing.

Attention will be paid, firstly, to the division of competence between the EU and the Member States in the field of international economic relations, which remains unclear. Whereas the European Commission advocates a comprehensive, all-encompassing competence under the common commercial policy provision (Art. 207 TFEU), the Member States and the Council claim that comprehensive free trade agreements (FTAs) fall within shared competence and ought to be concluded in the form of mixed agreements.

Next, the highly controversial issue of the inclusion of dispute settlement mechanisms in such agreements will be examined. The EU, along with its Member States, is already party to one agreement including investor-state dispute settlement (ISDS), namely the Energy Charter Treaty. It is unclear, however, to what extent ISDS is compatible with EU law and with the principle of autonomy in particular.

Finally, the conference will discuss issues concerning the distribution of international responsibility between the EU and its Member States, as well as the relation between FTAs and the regulatory powers of the Member States in sensitive fields such as environmental protection, public health and labour law.

**Thursday 1 October &  
Friday 2 October 2015**

## Location

University of Luxembourg  
Weicker Building  
Meeting room B001 (ground floor)  
4, rue Alphonse Weicker  
L-2721 Luxembourg

## Language

English

## Registration

- Free conference
- Registration through Eventbrite
- Maximum number of attendees: 80
- Lunch is planned for registered participants

## Contact

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## Programme

### **Day 1 (1 October 2015)**

9.30-10.00: Registration and coffee

10-10.30: Introduction to the conference

Prof. Matthew Happold (University of Luxembourg)

Prof. Mads Andenas (University of Oslo)

### **10.30-12.30: Session I**

#### **Institutional issues (part 1)**

*Chair: Prof. Mads Andenas*

Recent trends concerning the relation between international and EU law, Prof. Nanette Neuwahl (Université de Montréal – College of Europe)

The external representation of the EU in the field of trade and investment, Dr. Andrea Ott (Maastricht University)

Of the relations between (EU) autonomy and (national) sovereignty, Dr Jan Willem van Rossem (University of Utrecht)

12.30-14.00 Lunch break

### **14.30-16.30: Session II**

#### **Institutional issues (part 2)**

*Chair: Prof. Matthew Happold*

Internal and external competences: Where are we? Ricardo Passos (European Parliament)

Mixed agreements revisited: Some reflections in light of recent developments, Prof. Eleftheria Neframi (University of Luxembourg)

Beware of the Court. Can investor-state tribunals co-exist with the Court of Justice?, Hannes Lenk (University of Gothenburg)

Reconciling conflicting obligations: The question of intra-EU BITs in light of recent developments, Clemens Wackernagel (Martin Luther University Halle-Wittenberg)

The Intra-EU Status of the Extra-EU BIT, Dr Magdalena Ličková (University of Luxembourg)

16.30-17.00: Closing of the first day

Prof. Mads Andenas and Prof. Matthew Happold

### **Day 2 (2 October 2015)**

9.15-9.30: Introduction of the second day

Prof. Mads Andenas and Prof. Matthew Happold

### **9.30-12.30: Session III**

#### **Dispute settlement and international responsibility under EU trade agreements**

*Chair: Prof. Mads Andenas*

The EU in International Adjudication, Prof. Enzo Cannizzaro (La Sapienza – University of Rome)

Dispute settlement under the ECT: Recent developments concerning the EU and its Member States, Prof. Matthew Happold (University of Luxembourg)

The international responsibility of the EU: An EU law perspective, Dr Andrés Delgado Casteleiro (University of Durham)

Issues concerning the attribution of international responsibility between an international organisation and its Member States: An international law perspective, Prof. Paolo Palchetti (University of Macerata)

12.30-14.00: Lunch break

### **14.00-16.30: Session IV**

#### **Special focus on EU's new generation comprehensive trade and investment agreements**

*Chair: Prof. Matthew Happold*

Balancing environmental protection and trade liberalisation, Dr Wybe Douma (T.M.C. Asser Institute)

ISDS under EU investment agreements: Taking the best from past experience? Dr, Luca Pantaleo (T.M.C. Asser Institute)

Regulatory Cooperation in the TTIP and CETA, Dr Tamara Takacs (T.M.C. Asser Institute)

The Interpretation and Application of Investment Protection Principles in the Light of the CETA Provisions on Fair and Equitable Treatment and Indirect Expropriation, Günes Ünüvar (University of Copenhagen)

16.30-17.00: Concluding remarks

Prof. Mads Andenas and Prof. Matthew Happold