



MoreEU CONFERENCE

THE FEDERAL EXPERIENCE OF THE EUROPEAN UNION: PAST, PRESENT AND FUTURE

22 - 23 May 2017

Nova Law School, Lisbon, Portugal

CALL FOR PAPERS

I. Overview

The EU is currently facing a series of internal and external challenges and tensions. Several situations illustrate this. The Member States of the Eurozone have been converging and centralizing in economic and financial measures, with the adoption of the new Stability Pact and the strengthening of the structure of budgetary supervision. However, some essential features are still missing in order to assure a sustainable European Economic and Monetary Union, and a political agreement for that purpose is still far from granted. Meanwhile a proposal concerning the retreat of a Member State from the Eurozone will be submitted to a referendum. Moreover, some important aspects of the EU policies in the fields of asylum and immigration have been overtly challenged by certain Member-States. Also, there have been signs of regional tensions in individual Member-States, either by opposition to EU transatlantic trade deals, such as the CETA case with Walloon, or by new attempts of regional independence. Finally, in 2017 there will be the beginning of the first retreat procedure of a Member State from the EU with the United Kingdom triggering Article 50 TEU.

Sixty years after the signing of the Treaty of Rome and twenty-five years after Maastricht, the EU may be living a true moment of “constitutional mutation” that may dramatically change its identity. Therefore, this is the right time to address the EU federal experience from an historic perspective and to analyse the role which such an *acquis* may play in the shaping of the future EU.

The purpose of this conference is to tackle the following three questions. First, how should we evaluate the EU federal experience, sixty years after the signing of the Treaty of Rome? Second, which are the main challenges facing the EU in the light of its federal experience? Third, do these challenges and respective answers suggest that the European federal dream is over, or just undergoing a new form of development?

II. Conference Topics

We invite the submission of abstracts and papers that relate in general with the overview of the conference, and that particularly address one or more of the following topics:

1. EU and federalism on the 60 years of the Treaty of Rome: a connection throughout time

2017 marks the 60th anniversary of the signing of the Treaty of Rome. This is a unique opportunity to look back at the history of EU law and to analyse and assess the federal developments and characteristics of EU integration, its past, present (and future). Jean Monnet said that “Europe will be forged in crises, and will be the sum of the solutions adopted for those crises”. 60 years on, what sum does the EU represent? This topic covers, in particular, the discussion of the following question:

- a. What is the role of federalism and anti-federalism in the history of the European integration? In what critical manner did these two legal-political movements shaped the EU?
- b. How was federalism enshrined in the Treaty of Rome and Federalism? How does history look back at that founding moment? What can we learn from that experience?
- c. How does the EU federal experience fare *vis-à-vis* other federal experiences in the world? What can the EU learn from the comparison with other forms of federalism? How did the EU ’s federal arrangement influence other federal systems?
- d. What is the place of the EU’s federal experience within general theories of Federalism? How did the EU contribute to the study of the science of federalism?
- e. Is there a connection between the EU’s federal experience and globalization? How did globalization interfered with the expansion of the EU?

- f. How does federalism in the EU relate with issues of differentiated integration? Is it possible to achieve a certain level of federal balance with different levels of integration between Member States? Is there a necessary minimum “level” of centralized federalism? If so, what is it?

2. **Federalism now: a current and general assessment of the EU as a federal system**

The political, legal and economic theory of federalism has been the subject of many controversies. This has to do with the fact that federalism concerns the relationship of different cultural, economic and normative spheres within an integrated common project. An assessment of the many challenges currently faced by the EU in a variety of areas— for example, in the fields of social rights, regionalism, nationalism, technology, competition, external action, trade policy and Brexit — is helpful to understand how federalism can help (or not) the EU in the future, in a more comprehensive light. This topic covers, in particular, the discussion of the following questions:

- a. How does federalism affect in general and in specific areas the relationship between Member-States and the EU? In particular, how does federalism relate with other legal-political theories on the division of sovereign powers between different political spheres, such as multilevel constitutionalism and constitutional pluralism?
- b. How does federalism relate with democracy? Is federalism a good form to enhance or advance democracy in a given political community, such as the EU? How does and how can democracy affect federalism in the EU?
- c. What is the relation between federalism and fundamental rights? Is the current federal level of fundamental rights protection satisfactory? How did federalism advance the protection of fundamental rights and how can it be further enhanced? How can federalism help dealing with current fundamental rights challenges facing, for example, social rights and data protection?
- d. Is the current structure of the EU jurisdictional system satisfactory within a federal logic? Is it necessary to find a new form of jurisdictional federalism for the EU?
- e. How does federalism relate with Regionalism? And with the emergence of nationalism across Member-States? Does federalism enhance regionalism and nationalism? What role can federalism play in face of independence movements? What can federalism do / or not do in face of the current state of affairs regarding extremism?

- f. What are the implications of Brexit for federalism? What are the possible answers to the Brexit conundrum and their respective consequences?
- g. How does federalism affect the role of the EU in the international community? Should there be more or less federalism regarding external action, in face of new trade and data protection agreements with third countries?

3. Federal challenges in the Eurozone

The Economic and Monetary Union has been revamped in the wake of the Euro crisis, thus prompting the Eurozone countries to become more integrated in terms of economic governance, social benefits provision and budget / fiscal policies. However, this new level of integration promoted by the new legal framework of national budget and banking supervision has led to several issues. There have been legal tensions regarding national compliance with EMU rules and the EU's proposed economic and financial integration project, in face of national constitutional principles of democracy, rule of law, and fundamental rights. These tensions put the topic at the forefront of crucial federal challenges for the future of EU integration. This topic covers, in particular, the discussion of the following questions:

- a. Nine years after the economic crisis, how did Eurozone integration fare? Are the legal mechanisms in place satisfactory from a federal perspective? What is the assessment that can be done on the new Economic and Monetary Union (EMU) legal framework and its application?
- b. What are the main challenges posed by the new EMU setting on federalism? In particular, how does this new EMU setting relate with national budget autonomy, the rule of law and democracy? And the relationship between federalism, EMU and social rights protection?
- c. Should the EU advance for fiscal federalism? What are the challenges and implications of such a move? Is fiscal federalism the only solution for the federal imbalance in the Eurozone?
- d. What are the federal implications of the new banking union and capital markets union projects? How does the growing finance structure of European economy affect the federal setting of the EU? What can be done in relation with banking regulation and capital markets supervision?

4. Federal challenges in the Area of Freedom, Security and Justice

The area of freedom, security and justice as an area without internal border control is the probably the most federalist of the EU goals. The “unprecedented migratory and refugee crisis” which the EU has been facing since 2015 has made clear the incongruence between this federalist goal and its almost exclusively decentralized (“confederal”) implementation by Member States in very different situations from the point of view of their geographical situation and of the migratory pressure over their external borders. The main federal challenge is the strengthening of the role of the EU and of the agencies acting in the area of freedom, security and justice (the so-called European Border and Coast Guard, the European Asylum Support Office, etc.). This topic covers, in particular, the discussion of the following questions:

- a) Control and surveillance of the EU external borders in times of “migratory and refugee crisis” and of global terrorism: how can it be improved? What are the possible federal solutions to achieve a balance between national security and fundamental rights protection? What are the main challenges to such solutions?
- b) The reform of the EU asylum and immigration policies: what kind of federal solutions may be applied? What challenges have to be overcome? What consequences and implications exist for the EU?
- c) The significance of the Schengen *acquis*: What is the strength of the Schengen agreement nowadays? Is the Schengen solution outdated? How can the EU maintain the objectives of Schengen in face of migration and security issues? What role can federalism play in improving the Schengen *acquis*?
- d) Globalization and the role of migration: how can EU federalism help dealing with migration in a globalized world?

III. Participation

Interested participants should submit an abstract of no more than **500 words** to federalismconference@fd.unl.pt and mariateresamamede@gmail.com or through the conference webpage at <http://federalismconference.cedis.fd.unl.pt/> until **1 April 2017**.

Abstracts selection will be announced by **15 April 2017**. Full papers of no more than 7500 words (including footnotes) should be submitted by **19 May 2017**.

Participants will be responsible for their own travel and accommodation expenses.