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TIMES

Summer 2013

The State
of the
Union 2013

Crossing
the road

What does
Croatia's EU
membership
mean for
Europe?

PROFILES
OPINIONS
EVENTS



Introduction

Welcome to the third edition of EUI Times, the quarterly electronic magazine produced by the European University Institute in Florence.

In our feature article we look back at the third State of the Union conference held in Florence's Palazzo Vecchio, which brought together European policy-makers, academics and business-leaders to discuss the key issues affecting the EU today such as democratic governance, and migration and citizenship. An e-book to accompany the event including numerous contributions from those who contributed to the conference can be read and downloaded from our website.

The EUI Times profiles alumnus Antonio Marchesi, who graduated in 1991, teaches international law at the University of Teramo and has recently been appointed president of Amnesty International Italia. We also speak to Ramon Marimon who launched the Max Weber Programme for Postdoctoral Studies seven years ago, and is stepping down this summer. Finally we speak to Silvia Albrizio, a fourth year researcher who examines environmental and social issues through the lens of investment and economics policies about the need for a new approach to economics.

In this issue's opinion pieces, Professor Antonella Romano debates the idea of teaching courses in English at French universities. Croatia's ambassador in Italy, Damir Grubisa asks whether his country's membership of the EU is as good for the Union as it is for Croatia. Alumnus Frank Foley, now a lecturer in War Studies at King's College London, discusses the different responses of Britain and France to recent incidents of terrorism.

The Law Department have prepared a guest column about their work investigating the extent to which European law is encroaching on individual nations.

In our events listing, we look ahead to the Department of History and Civilization conference on the 1973 Oil Shock. We also give you details of the Global Governance Programme's workshop on security responsibilities in a time of changing balances of power, and a seminar about the potential creation of a single European airspace.

Lastly we turn our attention to EUI publications, highlighting a set of essays collected by Professor Hoekman and Professor Mavroidis written by seven of the nine prospective candidates for the Director-General job at the World Trade Organization.

We hope you enjoy the summer issue of EUI Times and welcome your thoughts. Comments can be sent to times@eui.eu

Stephan Albrechtskirchinger
Director, Communications Service



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ON THE COVER: EUI Conferring Ceremony 2013



THE STATE OF THE UNION

On 9 May 2013 the EUI hosted the third edition of The State of the Union conference at Florence's Palazzo Vecchio. The event brought together European policy-makers, academics and business-leaders to discuss the key issues affecting the EU.

Sessions on institutions and democratic governance, and migration and citizenship, sought to address problems arising from the economic crisis and provide solutions for the future. Speakers addressed the rise of populism and the need to adopt a strategy to combat growing unemployment, while also harnessing the skills of migrants.

Multiple initiatives and proposals were discussed at the conference, with the aim of speeding recovery from both an economic and a legitimacy crisis. The former has sparked the latter, speakers agreed, resulting in an alarming rise in far-right groups.

"As 'Europe' becomes synonymous with 'austerity', as the recession deepens across most of the continent, unemployment spirals and families struggle to make ends meet, nationalist, inward-looking sentiments are replacing the ideals Europe's founding father fought for," Laura Boldrini, president of the Italian Chamber of Deputies, said in her keynote lecture.

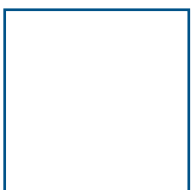
"Extremist forces whose statements and actions often have explicit neo-Nazi overtones are now represented in a number of national parliaments," she added. José Manuel Barroso, president of the European Commission, spoke of "a resurgence of populism [which] is precisely corroding trust and confidence". He called for greater engagement with citizens: "The point is to demonstrate that our policies go in the right direction for the long-term, that the European

alternative is the best one, the one to be trusted most. "Of course, this is not easy because the populist discourse manipulates anxieties and pretends to bring simple solutions to complex problems. But we should not shy away from exposing the complexity of the issues we are dealing with."

The speakers also highlighted the backlash against immigrants and refugees that financial hardship in Europe had brought. Emma Bonino, Italy's foreign minister, said the crisis has led to the abandonment of the EU's fundamental values: "Everywhere in Europe we see a rise in intolerance, discrimination and the weakening of the rule of law. Undocumented migrants are victims of their unwanted status rather than their individual behaviour."

Speaking from the Italian perspective, Boldrini said governments were failing to meet their commitments to vulnerable refugees arriving in Europe. "Efforts to

“as the recession deepens across most of the continent, unemployment spirals and families struggle to make ends meet, nationalist, inward-looking sentiments are replacing the ideals Europe's founding father fought for”





“The ageing of skills can be a real threat to EU innovation capacity,” he said. “Ageing has no solution; the EU has no choice but to adapt.”

secure Europe’s borders have led some member states – including my own – to fail to respect international law by sending refugees back to countries where they were at risk of torture or inhuman or degrading treatment, or where they could have been returned to the states where they faced persecution,” she told delegates.

“For too long, our attention towards the southern shores of the Mediterranean – our common sea, the *mare nostrum* – has focused almost exclusively on migration control, despite our knowledge as Europeans that mobility helps drive growth,” Boldrini said. Cecilia Malmström, the European commissioner for home affairs, agreed with the Italian foreign minister that migrants will be key to economic recovery. “We also need to make much better use of the skills and talents we already have here in Europe, particularly among migrants and refugees,” she said during the afternoon session on migration and citizenship. “Too many of them have no job at all or a job below their skill level... We also know that there is untapped potential or entrepreneurship amongst this community but unemployment is very high.”

Chair of the afternoon session and director of the EUI’s Migration Policy Centre, Philippe Fargues, argued that the EU can overcome demographic challenges through migrant workers. “The ageing of skills can be a real threat to EU innovation capacity,” he said. “Ageing has no solution; the EU has no choice but to adapt. One is raising the activity of women, by curbing unemployment and raising labour productivity. Or it can be calling on immigrants to fill the gap of natives.”

The European welfare system is unsustainable, Fargues said, with EU nations losing 75 million people

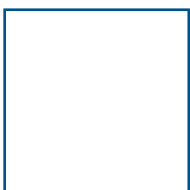
of working age and gaining 50 million of retirement age by 2050.

The European labour market is faced with a paradox: EU member states face a skills shortage, yet in April 2013 the unemployment rate in the Union reached 11 per cent.

“This again demands very strong political leadership because in order to grow Europe needs skilled people. And while many Europeans are out of work, businesses also have to look elsewhere,” said Malmström. A number of initiatives have been developed, she said: “We already have the so-called Blue Card for skilled workers and there are proposals on common rules for intra-corporate transfers, seasonal workers and students and researchers as well. These proposals are being negotiated.”

While these will allow for greater freedom of movement to address skills shortages in the EU, Barroso said that more still needs to be done to tackle unemployment. In The State of the Union address, he described the Compact for Growth and Jobs, agreed at the European Council in June 2012, as “insufficient and below our expectation”. “It has to be reinforced notably with ambitious actions to fight youth unemployment,” Barroso said, highlighting the Commission’s Youth Employment Initiative proposed in February.

The Initiative’s €6 billion budget is targeted at regions with youth unemployment rates above 25 per cent; in April 2013 the rate in the 27 member states was 23.5 per cent. “It is indeed an important agreement but it is not enough and will be implemented only when the next Multiannual Financial Framework will be in place; that is not before 2014,” Barroso said of the Initiative. “We have to do quicker, better, and more.” Emma Marcegaglia, president of LUISS Guido Carli University in Rome and president elect of the association Business Europe, said greater investment was needed to ensure long-term stability and growth. There should be “some initiative at the European level, maybe using European funds from the EIB [European Investment Bank],” she said during the conference’s morning session on institutions and democratic governance. “Invest as Europe, in the energy grid and transportation, concentrate this





investment in weaker countries but have in mind a way to make the internal markets stronger,” she said. Rosen Plevneliev, president of Bulgaria, recommended more support for small and medium-sized enterprises (SMEs): “Link universities and business; educational and administrative reforms combined with e-government solutions. Investing in infrastructure and energy efficiency will benefit everyone and bring positive results.”

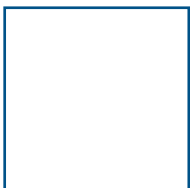
A key test for such proposals and reforms will come with next year’s European Parliament elections; a low turnout or an increase in votes for populist parties would signal a further decline in the EU’s legitimacy. Bonino called on delegates to “put federal Europe at the centre stage of the electoral campaign” in 2014, suggesting that pro-Europe political groups should work together to submit their agendas.

Marcegaglia stressed the need to create a political union and drew attention to the “marginal position” the European Parliament has had in the financial crisis. Barroso agreed that the political role of the EU needs

“Invest as Europe, in the energy grid and transportation, concentrate this investment in weaker countries but have in mind a way to make the internal markets stronger”

to be addressed: “The crisis has not only highlighted Europe’s increased economic interdependence. It has also underscored that the question of a political union can no longer be swept under the carpet.

“But this can only be achieved through a fundamental public debate on how far we want to go with our political integration and how far we are willing and able to go in reforming our political institutions.”



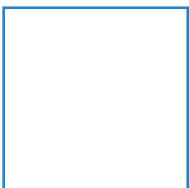


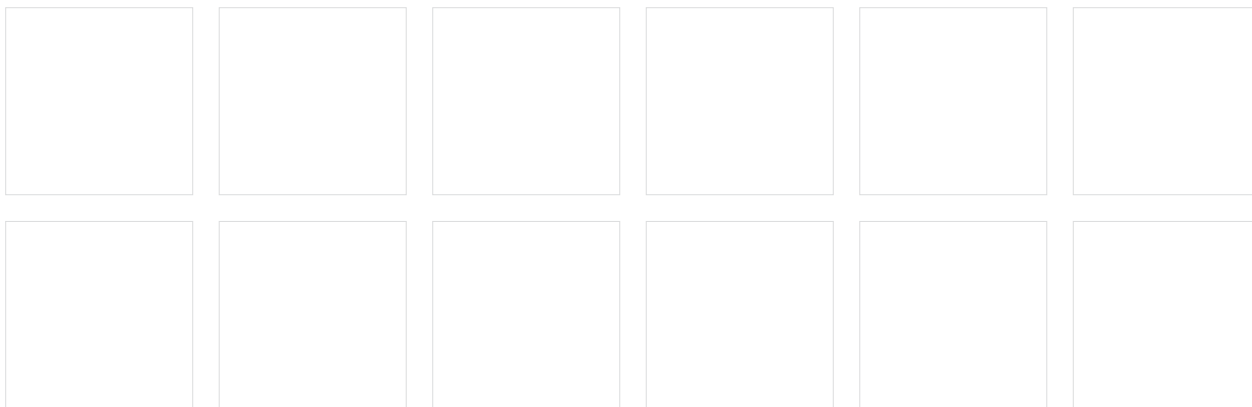
Faculty CROSSING THE ROAD

Ramon Marimon launched the EUI's Max Weber Programme for Postdoctoral Studies seven years ago. As his term as director comes to an end, he talks to EUI Times about developing a programme that now attracts 1,200 applicants annually.

"I thought it was very good to design a programme where people have a little break [after completing a PhD], to think about developing an academic career and have an environment where people of different disciplines can talk to each other," Marimon says. The Max Weber Programme appoints 42 fellows each year for one or two years, affiliated to each of the EUI's four departments. Lectures, conferences and other events help fellows develop their academic skills alongside their own research.

"There are many PhDs produced and not that many good jobs produced out there. Being in limbo is a very lonely experience; doing your own research with a lot of anxiety because you have to look for a job. So I thought it was very good to have a programme where people can be together, realising that even if you are in different disciplines many problems are





very similar,” the director says. Having worked as an economics professor at both the EUI and other leading universities globally, Marimon is well aware of the challenges faced by early career scholars. “I have been on both sides of the table, not only helping PhD students or at one point being a PhD student myself and part of a faculty, but also hiring people in different places. I’ve always noticed the problem of this gap; that sometimes a PhD is not enough to prepare yourself for an academic career,” he says.

The success of the programme has led to fierce competition, with an acceptance rate of around 4 per cent, although that dropped to 3.3 per cent last year. Marimon’s team has carried out comparative research on the careers of fellows and those who would have been accepted had there been more places available. “The facts speak for themselves,” Marimon says, “It shows people being happier about their careers, more successful in their academic career and publications.”

“It also shows this is really an amazing network across the whole world. People are in touch; that’s

something which starts having an impact,” he says. The programme’s alumni are spread across six continents, although the majority of fellows go on to positions in Europe.

The Max Weber Programme has created the Academic Careers Observatory for all researchers and professors in the humanities and social sciences. The online resource offers early career academics the chance to explore their options in the humanities and social sciences, from funding opportunities to profiles of 39 countries.

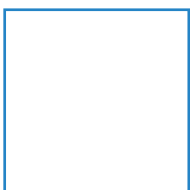
“It’s something that not only helps the fellows here but provides a service,” says Marimon. “Because more and more there are very international careers but sometimes it’s not easy; what does it mean if you get an offer from Poland or Spain? People don’t understand what it means, what the difficulties and problems are.”

Facilitating mobility is a key part of the Max Weber Programme; Marimon sees the Observatory as a way to “put a little peer pressure on people to open up their systems” to academics. “In the social sciences we need a very big area where people can discuss and

“this is really an amazing network across the whole world. People are in touch; that’s something which starts having an impact”

move, not only move very superficially because we have Erasmus or Marie Curie Fellows, but move because they can develop their careers. In particular you see closed systems in many large continental countries, which is a problem,” he says.

Running the Max Weber Programme has also helped Marimon broaden his own experience of academic systems and the social sciences, which will inform his future work at the EUI. In January 2014 Marimon will take up the Macro-economics Chair, allowing him to “concentrate on projects that were sitting and waiting for me”.





Alumni NEW PRESIDENT OF AMNESTY INTERNATIONAL ITALIA

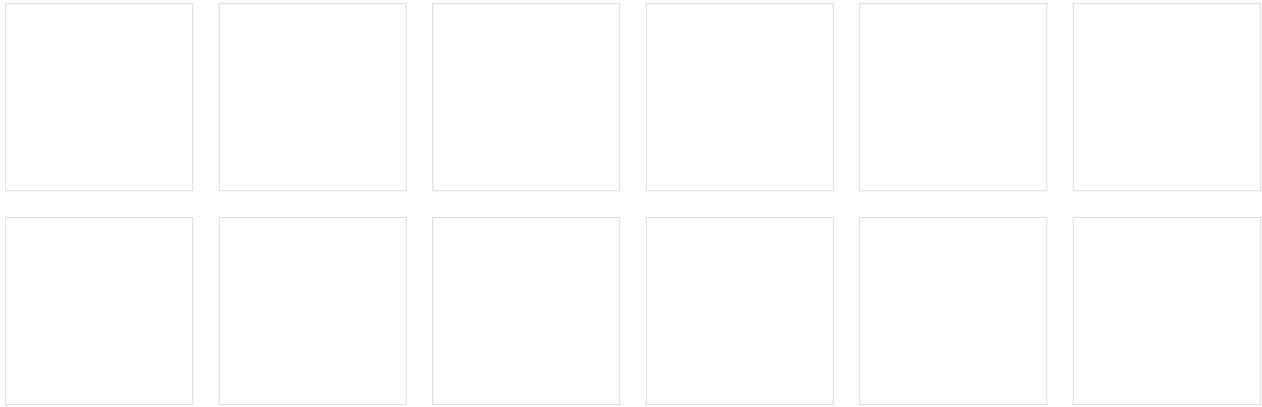
Antonio Marchesi graduated with a PhD on the international law approach to torture and other cruel, inhuman or degrading treatment in 1991. The new president of Amnesty International Italy talks about his new role and upholding human rights in an era of austerity.

“We don’t believe that the economic crisis is justification for not implementing at least some of these reforms that don’t have costs. The limited agenda of this [Italian] government is not an excuse; we have an elected parliament, a government that has full powers. They perform their roles in the general interest which includes respecting international law,” Marchesi says.

He was elected to the voluntary post on 27 April, the day before the Italian Prime Minister Enrico Letta’s government was sworn in in Rome. While Amnesty International Italy works on European and international issues, the human rights organization also created a [10-point agenda](#) ahead of national elections in February.

The Amnesty campaign involved political leaders including Silvio Berlusconi, Pier Luigi Bersani and Mario Monti, asking them





to respond to demands including stopping femicide, combatting homophobia and transphobia, and stopping discrimination against Roma.

There has already been progress in some areas, with Italy's minister of equal opportunities agreeing to attend the country's Gay Pride in July and the Chamber of Deputies ratifying the Istanbul Convention to prevent violence against women. While these are positive changes, Marchesi says the Italian government must ensure it implements treaties once ratified.

Prisoner rights and the mistreatment of people in custody are also pressing issues the Amnesty president is working on. "We have a significant number of people who have died or were seriously ill treated [in custody]. It's very difficult to obtain justice; this depends on a number of factors including the legislation not being in place," he says.

Marchesi's thesis has not been forgotten in his current work, as he is calling on the government to legislative changes relating to torture. "We don't have a specific offence of torture in Italian law, which means people are indicted for very generic and minor offences when they are

accused of torture. This leads to impunity," he says.

Among other country-focused campaigns, the Italian section is also campaigning against discrimination in Europe. Although Amnesty's EU work is directed by the Brussels office, Marchesi himself has substantial experience dealing with European institutions.

"I worked on the European Committee for the Prevention of Torture, the body which [Antonio] Cassese chaired. I did missions for them, to Serbia for example," he says. During his time in Brussels Marchesi worked with the European Parliament, the European Commission and the Council of Europe on human rights issues.

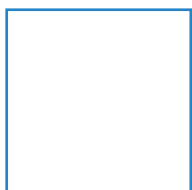
When in Strasbourg he presented his work on torture to Cassese, who became his supervisor at the EUI. In addition to his work as professor at the Institute, Cassese held a number of positions including president of the International Criminal Tribunal for the former Yugoslavia and president of the International Tribunal for Lebanon.

Taking a similar path to his supervisor, Marchesi works in both the human rights practice and in academia. He currently teaches

international law at the University of Teramo and human rights at the Italian Society for International Organization (SIOI), while he has also held posts at the University of Rome La Sapienza and John Cabot University.

"Ever since I've been a professor I've divided my time between teaching and writing and doing work for Amnesty. I've been lucky because I've been able to combine everything; they all fit together and reinforce each other," he says.

"We don't have a specific offence of torture in Italian law, which means people are indicted for very generic and minor offences when they are accused of torture. This leads to impunity"





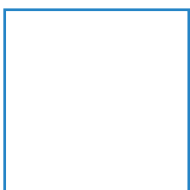
Research ENVIRONMENT AND ECONOMICS

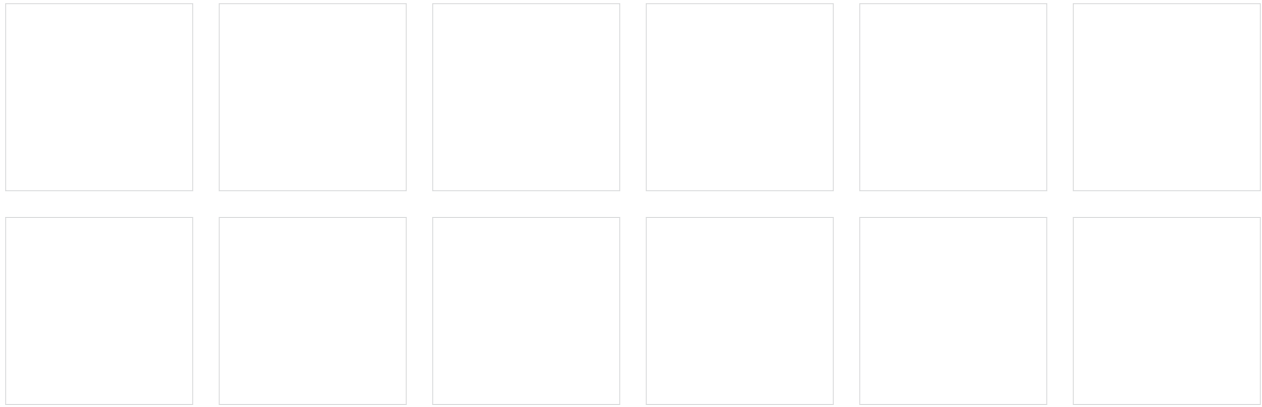
Silvia Albrizio, a fourth-year researcher, examines environmental and social issues through the lens of investment and economic policies. Before joining the Organization for Economic Co-operation and Development's (OECD) Young Professionals Programme in Paris, she talks to EUI Times about the need for a new approach to economics.

"A lot of problems are connected; if we talk about environment it's about economics, it's about social issues. They are very interrelated and I think it's really important not to lose a global perspective," says Albrizio.

Albrizio's PhD thesis is divided into three papers, focusing on the design of economic environmental policies and how they affect investment in clean technologies, agriculture foreign direct investment and the impact of these investments on food security, and the investment effect of fiscal consolidation. In diversifying her research, Albrizio says she is able to be creative and better see interactions between methods and solutions.

When she joined the Institute in





2009 economists working on the environment were hard to find, but Albrizio says this has changed in recent years: “The Robert Schuman Centre started working on environmental issues, so I went there a lot for workshops. The Centre is a great source of connection between academia, policymakers and market practitioners in environment and trade. When I started there was an energy unit, whereas now there is a Climate Policy Research Unit run by Denny Ellerman.” The Unit was set up in 2010 and since last year has been primarily funded by the European Commission’s Directorate-General for Climate Action. Albrizio and her fellow EUI researchers have also set up a think tank, [Project Insight Europe](#), to discuss current economic and social issues. Members meet weekly and are currently examining seven countries to determine whether VAT should be unified. The discussions benefit from Albrizio’s experience at the Ca’ Foscari University of Venice, where she took a course as part of the university’s PhD programme in the science and management of climate change. “It was interesting

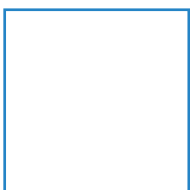
“The Centre is a great source of connection between academia, policymakers and market practitioners in environment and trade”

for me because they have a different economic approach,” Albrizio says, exposing her to different models and techniques. She approaches economic research with policy in mind and says that her interest in the environment has a direct correlation with production. “For example, one of my papers is looking particularly at the European Union Emissions Trading System [EU ETS], which is a market where you can exchange permits for pollution. A firm is constrained by a limit on the pollution it can emit during its production process; if it produces more than it is entitled to then it has to buy more permits

from other firms, if it makes less than it can sell permits,” she explains.

“This environmental issue has an impact on productivity – it can be a source of cost for a country and impact production negatively, or it can be a source of profit. If you are in an international environment this can harm some countries and favour others. I think this is where the economist should come in and try to create a well-designed market.”

It is this approach Albrizio will feed into her final papers and take to the OECD, while also keeping wider social issues in mind: “Economists should care about welfare from a broad perspective and should therefore study the effect of economic policies on welfare, suggesting valid solutions to improve people’s lives and correcting potential failures of the market.”





ENGLISH IN FRENCH UNIVERSITIES



Teaching English in universities is a duty

[Antonella Romano](#) is a professor of European history, history of science and scientific practices in Europe and the world at the EUI. In August she will return to Paris as Directrice d'études at the Centre Alexandre Koyré in the Ecole des Hautes Etudes en Sciences Sociales.

Why should the idea of English courses in a non-Anglophone university create strong opposition in 2013? This could be a balanced way to summarise the polemic that developed recently in France, after the announcement by the minister of higher education and research of a bill that aims at introducing this innovation in the public universities of the country. My point here is not to take part in a national and political – more than academic – debate. I would rather like, as a (French) professor at the EUI's Department of History & Civilization, to offer some comments about the general issues at stake.

The first is related to academia. Historians, and more generally scholars, are aware that communication is a central part of the research process: it takes place in the formulation of the working hypothesis, in the sharing or discussing the working methods as well in the explanation of the results. Such processes require sharing a common language. The current structure of the academic world makes English this common language. During the Enlightenment, this language was the French language; in the Europe of the Middle Ages and the Renaissance, it was Latin. As a consequence providing students with English classes in national universities is a duty, and this is already what happens in many European (including France), Latin-American, African and Asiatic universities.

The second is historical. Historians also know how important language is in the shaping of collective identities, political and cultural communities. In Europe, since the nation state building process in the 19th century, language has assumed a key role in the creation of 'nations'. This has been through the imposition of

one unique language of reference, official, and intended to erase, very often with violence, the local dialects as well as minority groups languages, as Breton, Gaelic, Basque. France has its own story regarding this question and, to some extent, this complex past explains a French sensitiveness as soon as its language is threatened (or seems to be).

These two points call for a third one: to support the development of a shared language of communication can't be reduced to a binary opposition between a national language and the language of communication. Social sciences require the knowledge and mastering of many languages, which allow the access to the actors' speech. In our disciplines, reading sources in European and other languages not only contributes to the empirical work of the scholars, but it helps challenging a univocal narrative about the past, and the present. It opens access to other ways of thinking, of understanding the world. This is why in an international community such as the EUI, the reinforcement of multilingualism is central in my view.



CROATIA AS NEW EU MEMBER STATE



What does Croatia's EU membership mean for Europe

Croatia's EU membership is undoubtedly good for Croatia. Damir Grubisa, Croatia's ambassador in Italy asks whether it is also good for Europe

One would assume that Croatia, by joining the EU, will profit from the structural and cohesion funds. Pre-accession funds have already been used during Croatia's long and sometimes painful journey to the EU. They also brought fresh air and changed the mentality of a heavily state-subsidised economy towards a more entrepreneurial mind in all sectors. The EU acted as an important catalyst for change during the six years of negotiation: many reforms could not have been implemented without stimulus from the outside. They were impressive and changed the country's political, economical and psychological landscape. The most important reforms were those of the judiciary and the fight against corruption.

Thanks to the EU, the judicial reform monitored by the EU negotiating team resulted in a Copernican shift, making judicial power really independent from political pressure and influence. So happened with corruption, successfully fought by using EU moral persuasion and by the transfer of good anti-corruption practices. Here's one significant example: in 2006, in the midst of the negotiation process, Croatia adopted its first anti-corruption strategy ever. Under EU review, Croatia had to adopt a more concrete anti-corruption action plan in 2007, and a revised action plan, more to the point and with concrete addresses and a time-frame, in 2008. One year later, the prime minister of the government that led the negotiations with the EU had to resign, and subsequently was charged for corruption and in 2012 sentenced to 10 years in prison.

But what has the EU to gain from this? Obviously, not much in a material sense, since Croatia's gap will strain further the structural and cohesion capacity of the EU. But it will gain in showing the world that the basic principles of the Union – peace, well-being

and solidarity – are still valid despite the crisis. And, moreover, it will prove the EU's capacity to act not only as an economic union, but also as a security and political community, exporting peace and stability to all its regions.

But the work is not done yet. To 'debalkanize' the Balkans, they need to be 'Europeanised' – both from the top down and the bottom up. Therefore the negotiations for further enlargement must continue, and Croatia's result shows that even in such a region, in the popular imagery seen as a 'powder-keg', progress is possible. And the only power that works – is the 'soft-power' of the European Union.



TERRORISM IN UK AND FRANCE



Terrorism in Britain and France: similar threat, different responses

Frank Foley is an EUI alumnus and lecturer in the Department of War Studies, King's College London, and the author of [Countering Terrorism in Britain and France](#).

On 22 May, two men knifed an off duty British soldier to death in a south London street. Inspired by this gruesome act, an ideological kinsman of the London killers attempted to murder a French soldier on patrol in Paris three days later. His knife just missed its mark, however, and the soldier survived. The two incidents are a striking reminder that Britain and France face similar threats from Islamist terrorism and violent extremism. Over the last decade or more, there have also been some similarities in how the two states have responded to this threat. Most notably, both states have emphasised a criminal justice response to terrorism and greatly expanded their intelligence and policing efforts. Indeed, far from signifying intel-

ligence 'failures', as some have argued, the most recent attacks were actually a reflection of the operational prowess of the British and French security agencies, which have penetrated deep into the militant networks in their respective countries.

Many terrorist plots have been unravelled over the last decade as soon as the conspirators started communicating with each other about planning a bombing or a shooting. Against this background, the militants in these two attacks did not try to acquire explosives and develop plots that could have killed dozens of people. They were reduced instead to attacking individuals with knives.

While Britain and France thus emphasise intelligence, policing and criminal justice in their counterterrorist policies, they often implement these tools in very different ways. France has taken a wide-ranging and highly invasive approach to arrests and other operations against suspected terrorist networks over the last two decades. British counterterrorist operations have tended to be more focused and discriminate more than the French.

France has a system of special non-jury courts for terrorism trials and it has a broad terrorist offence – the so-called 'association of wrongdoers' offence – which allows it to cast the net wide and imprison a broad range of suspects. Britain, by contrast, uses ordinary courts and jury trials for terrorism cases. Its terrorism offences are more precise than those of the French and not as wide-ranging.

One of the key factors, which explains these contrasting approaches, is the configuration of ideas in the two societies. For deep-rooted historical reasons, the predominant view in France is that the security of the Republic supersedes other considerations. In Britain, however, the concept of security has been extensively contested by norms of civil liberty.

We should thus be sceptical of those that see a blanket trend towards 'increasing authoritarianism' in European responses to terrorism. Ideational and other national specificities matter a great deal for whether and how European societies achieve an appropriate balance between operational effectiveness in counterterrorism and respect for human rights.

EUROPEAN REGULATORY PRIVATE LAW

In September 2011, Professor Hans-W. Micklitz launched a 5-year project entitled 'European Regulatory Private Law: The Transformation of European Private Law from Autonomy to Functionalism in Competition and Regulation' (ERC-ERPL) at the Law Department of the EUI. Recognised as research of scientific excellence, the socio-legal project is funded by a 2.1 million EUR 'European Research Council Advanced' grant.

Together with the project team Prof. Micklitz is looking into a normative model, which would shape a self-sufficient European private legal order in its interaction with the law systems of the different Member States.

"The European Parliament initiated a debate in the 1990s, after the Member States agreed on the big enlargement of the EU [resulting in 10 new Member States joining in 2004, further two in 2007]. The Parliament majority was thinking in nation state building categories; it wanted to have a constitution and a European civil code. That means that all parties doing business, working, buying products etc would be governed by more or less the same rules."

"What happened to the idea of a European constitution happened to the European civil code: the project failed," Head of the Law Department Prof. Micklitz says. Despite this, the EU has been actively implementing regulation, which blurs the boundaries between national private law and European law, in particular in the field of telecommunication, postal services, energy, transport, financial services, consumer law and internet regulation.

There have been "hundreds of EU-made rules with the idea of establishing or organising the internal

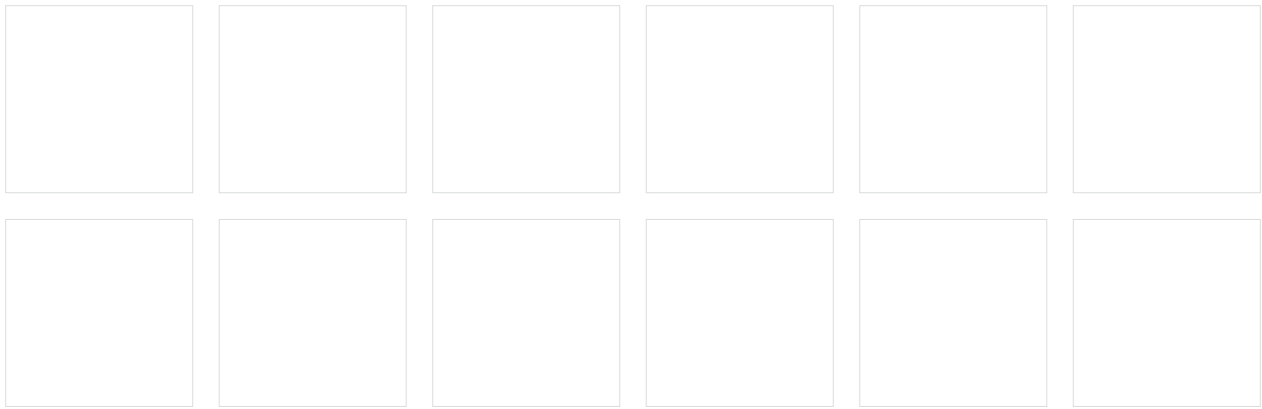
"What happened to the idea of a European constitution happened to the European civil code: the project failed."

market," Prof. Micklitz says. Former state monopolies such as telecoms and postal services have been liberalised through EU legislation, he explains, in order to build up a common market, but their interactions and transactions with other market participants are largely governed by EU rules and procedures.

"You have 28 countries with nearly 500 million people; all this should be regarded as one market despite the differences in languages and legal history," he says. "What the EU did was to set into motion a huge machinery that would ensure that such markets operate under similar standards."

"We are talking about a level of complexity that is hard to imagine," Micklitz says. "If you put together a couple of pieces of the highest level of EU financial law that are trying to explain the rules, you easily end up with 500 pages of law."





“You have 28 countries with nearly 500 million people; all this should be regarded as one market despite the differences in languages and legal history”

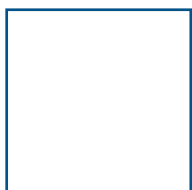
“At the same time, member states still place faith in and emphasise their own national private law system; the French are still relying on the *code civil*, the Germans on the civil code, the English on the common law system, etc, but in reality – and this is the insight that animates the project – the EU is gradually establishing rules and institutions which are self-standing”, says Prof. Micklitz. The generous funding through the ERC allows for flexibility and autonomy in the performance of the project.

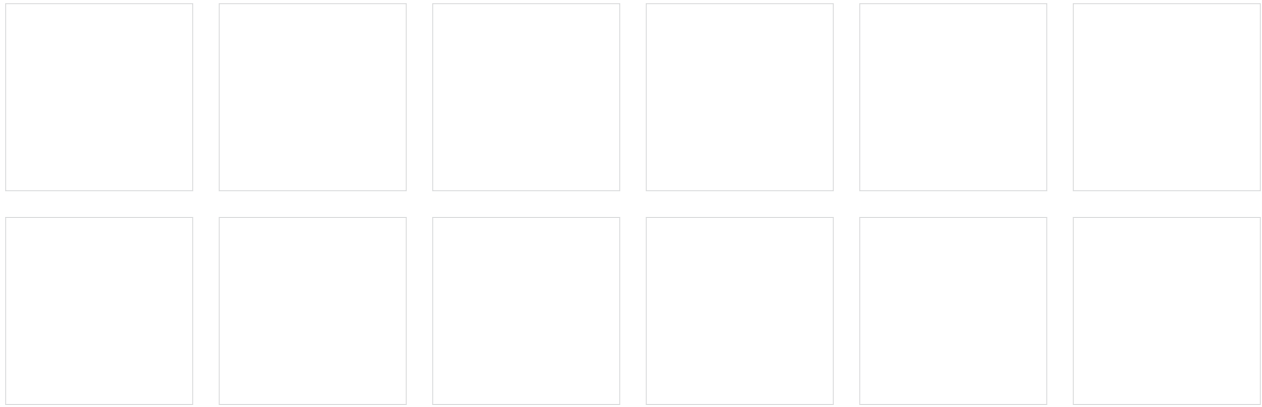
A team of researchers is involved in the execution of the project. The first two years were devoted to the deepening and clarification of conceptual questions. What is autonomy? What does regulation mean? What drives the transformation of the state, the market or the economy and how does this affect private law regimes? These big questions are then elaborated and tested in sub-projects executed by the project team. Yane Svetiev, former Max Weber fellow and post-doc, is focusing on the study of regulated markets in particular the role and function

of national and European agencies in the regulation of private law. Post-doctorate Guido Comparato focuses on autonomy in private law and on the problem of social inclusion and social exclusion. Andrea Wechsler, Max Weber Fellow, contributes via her research on the transformation of enforcement in the EU. Barend van Leeuwen, PhD researcher, looks into standardization of services as a new form of contract law making and enforcement, PhD researcher Betül Kas investigates the hybrid character of remedies in cases where European citizens seek protection from discrimination, environmental harm or abusive market conduct. Marta Cantero, PhD researcher, conducts her research in the area of telecommunications services and Lucila de Almeida in the area of energy. Both study the transformation of private law in these two regulated markets, while PhD researcher Rónán Condon does research on network liability and Federico della Negra on the increasing role of the European Court of Justice in the interpretation of European consumer law rules.

Project assistant Beate Hintzen acts as interface between the academic needs of the project, the requirements of the ERC grant authority and the stipulations of the EUI administration. She is in charge of the dissemination of the ERPL project and the increase of its visibility, such as through the creation of the [ERPL project blog](#) as well as the newly launched [monitoring service](#) on EU developments in the area of European private law. Everybody who is interested in the subject can subscribe [here](#).

The ERC-ERPL project must go beyond the letter of the law and examine how EU law is used in practice. “The written law might say, ‘These EU laws do not





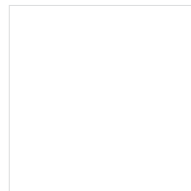
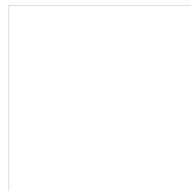
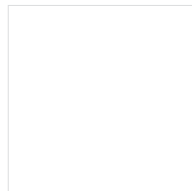
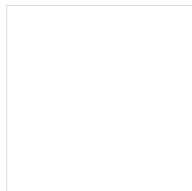
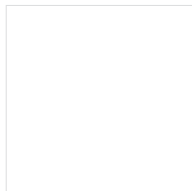
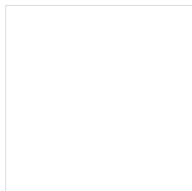
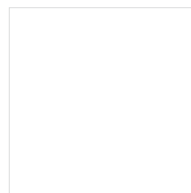
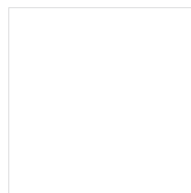
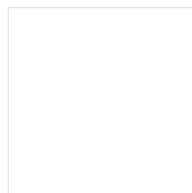
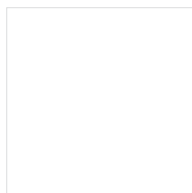
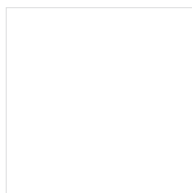
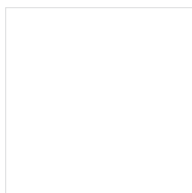
affect national law', but whether this is the case or not you can only find out by looking into that particular issue, trying to bring cases from different countries together and talking to judges or administrators or

“The written law might say, ‘These EU laws do not affect national law’”

market participants. Only then you can get a fuller picture,” Micklitz says. In order to test the hypothesis of an emerging self-sufficient or self-standing European private law the research team is conducting empirical research. The sociologist Thomas Roethe joined the team as part-time professor to support the collection and evaluation of the empirical data, undertaken in the team.

In order to gather a regular outsider view on the project development the so called ‘Scientific Advisory





“The regular external review is crucial for the project”

Committee, which assembles eminent scholars in European private law and governance, already met twice since the start of the project. It is composed of Norbert Reich (University of Bremen), Steven Weatherill (University of Oxford), Jonathan Zeitlin (University of Amsterdam) and Fernando Gomez (Pompeu Fabra University in Barcelona). The four-strong committee was created to give critical feedback on the project's progress. “The regular external review is crucial for the project”, says Prof. Micklitz.

The ERC-ERPL project has organised several workshops and conferences in the past which can all be found on the project blog.

These are the major upcoming events:

- Together with Professors Carla Sieburgh and Arthur Hartkamp, a workshop will be held in September 2013 which discusses the impact of primary community law, the four freedoms, competition law, property rights and state subsidies on private law. A follow-up conference in spring in Nijmegen will round up the envisaged publication.
- On the 14-16 November 2013 a conference will be organised on the impact of the economic crisis on the over-indebtedness of consumers. This allows to deepen the understanding of the often discussed inclusion/exclusion paradigm in the European Union.

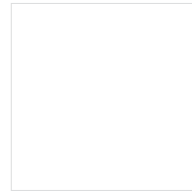
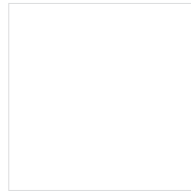
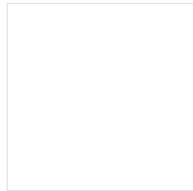
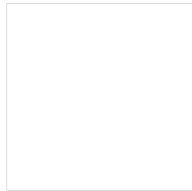
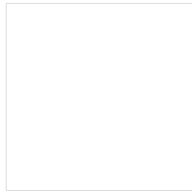
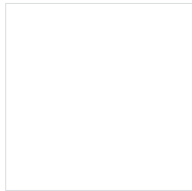
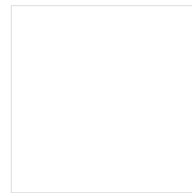
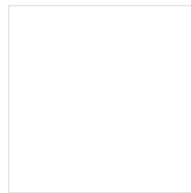
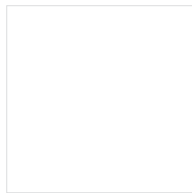
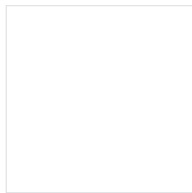
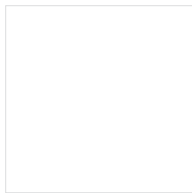
From September 2013 onwards a new research section will deal with the regulation of financial markets and the impact on private law. Annika Wolf, incoming Max Weber Fellow, Mads Andenas, Professor at the University of Oslo and Heikki Marjosola, PhD researcher at the University of Helsinki, will all complement the team.

Hans – W. Micklitz & Beate Hintzen on behalf of the ERPL Team



Professor Hans-W. Micklitz





“NEXT STEPS IN ACHIEVING THE SINGLE EUROPEAN SKY”

The creation of a Single European Sky – harmonising the design and regulation of airspace across the European Union - has been mooted for nearly ten years. This seminar aims to bring high level decision makers from across the sectors to find a way forward on some of the key stumbling blocks.



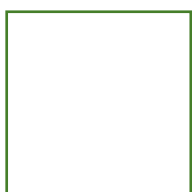
“REGIONAL SECURITY GOVERNANCE AND REGIONAL POWERS: BURDEN SHARING OR FREE RIDING?”

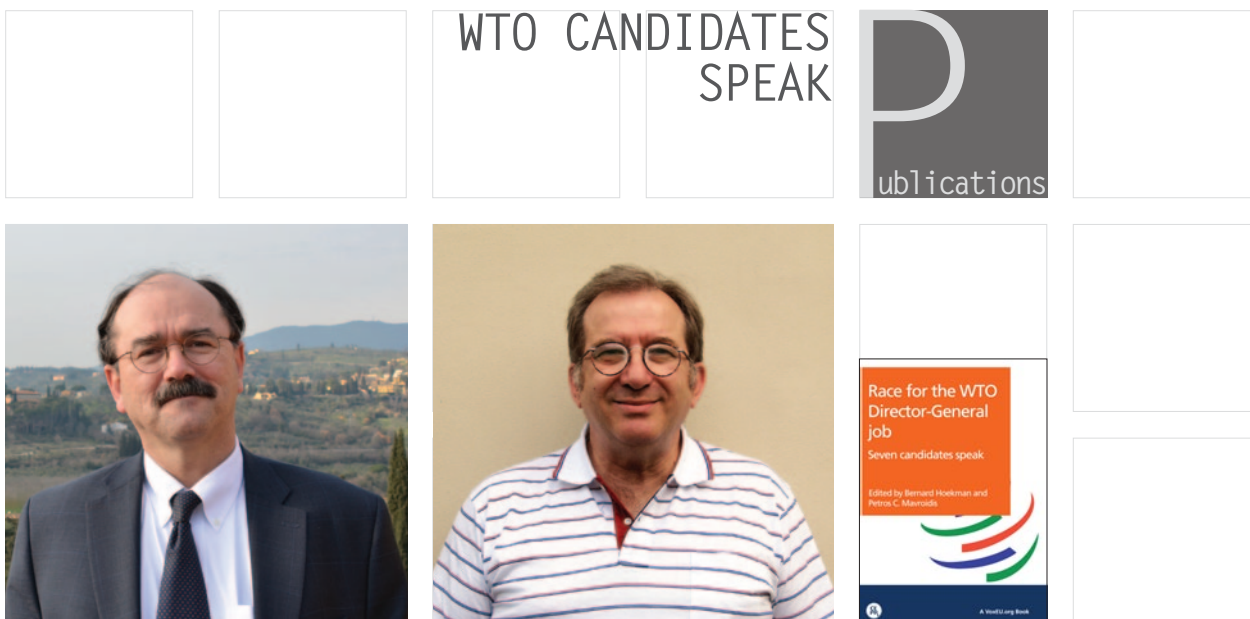
A workshop organised by the Global Governance Programme will explore how the changing balances of power among international players affects their responsibilities towards global security. To attend please register on the website before 6 September.



PIVOTAL YEAR: THE 1973 OIL SHOCK AND ITS GLOBAL SIGNIFICANCE

The Department of History and Civilization is hosting a conference discussing the consequences, both then and now of the 1973 Oil Shock, forty years after it took place. Speakers will include representatives from the EUI, University of Oslo and the Oxford Institute for Energy Studies. To register please visit the EUI events page.





Ahead of May's vote to decide the new director-general of the World Trade Organization (WTO), EUI Professors Bernard Hoekman and Petros C. Mavroidis collected essays by seven of the candidates publishing them in an e-book 'Race for the WTO Director-General job: Seven candidates speak.'

"We did it to help a more informed choice," said Petros Mavroidis, "to 'expose' the candidates. We said: 'It is your mandate; it could be your job. How do you view your potential new occupation?' They were free to write whatever they wanted."

"We got positive feedback from delegates who found it helpful, so we would do it again."

While there was some disagreement among the essays, the general theme was an overriding one. "The WTO has a function, but there is a need to make sure the WTO remains policy relevant in the future." Says Mavroidis, "The discrepancies were what to do."

Stalemate in the Doha Development Agenda negotiations, and the sluggish global economy have increased the challenges facing the next DG. According to Mavroidis, "[The] WTO is in deep trouble, so the guy who comes in can be a saviour."

While the World Bank and International Monetary Fund (IMF) hold closed elections, traditionally appointing candidates from the US and Europe, the WTO made a conscious effort to open up its election process. In total, nine candidates stood for the post - more than ever before - with eight coming from devel-

oping economies, including eventual winner, Brazilian, Roberto Azevedo.

"[The] decision has been made, informally, to rotate the WTO, if you don't agree (in advance) about the rotation, the first could be anyone. Since World Bank and IMF go to the two partners around the pond, then the WTO is the only one up for grabs."

Unfortunately, Roberto Azevedo and Roberto Blanco from Mexico, were unable to contribute. However, what remains are seven essays from leading officials that add to the debate over the future of the WTO.

On Azevedo himself, Mavroidis remains coy, "I was expecting a political heavyweight. He has been an ambassador to the WTO, he also had unfettered support from the Brazilian government... Can he separate himself from Brazil?"

Professors Hoekman and Mavroidis have known each other for twenty years having previously worked together at the WTO's predecessor the General Agreement on Trades and Tariffs Secretariat (GATT) before Mavroidis returned to academia at Columbia Law School, while Hoekman went on to work at the World Bank. "We wanted to work together again," says Mavroidis, "The EUI is a natural place for us, not many places where an economist and an economics trained lawyer can live under the same roof."

The e-book can be downloaded [here](#) and the editors' blog commenting on the new DG can be found [here](#).



SELECTED EUI BOOKS

cadmus.eui.eu

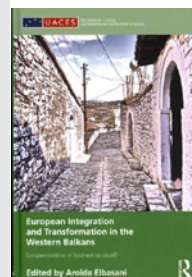
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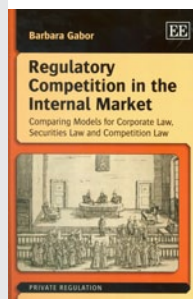
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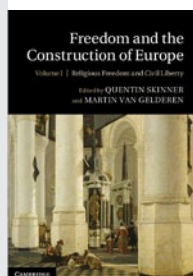
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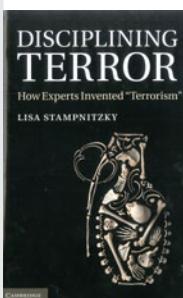
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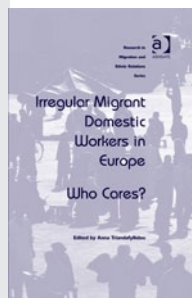
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