

Third REALaw Research Forum: Judicial Coherence in the European Union

In cooperation with Utrecht University's Montaigne Centre for Judicial Administration and Conflict Resolution and the Department of Administrative Law and Public Administration at the University of Groningen, the Review of European Administrative Law (REALaw), will hold a one-day colloquium in order to give researchers in the field of European administrative law and the Europeanisation of justice the opportunity to present their fresh academic work (in progress), and to encourage a meeting of minds between scholars in this field. The Third REALaw Research Forum will be held in Utrecht on January 30, 2015.

Call for Papers

The central theme of the conference will be dedicated to *Judicial Coherence in the European Union*. There are several reasons to choose this particular topic. The first REALaw Research Forum focused on the relationship between EU administrative law and national administrative law: Top Down and Bottom-Up (2009). The second REALaw Research Forum was themed Pluralism in European Administrative Law (2012). In 2015, we want to focus on the particular role of courts in relation to coherence of law in the European Union (EU). Throughout the development of EU (administrative) law in recent decades, courts have been major players in shaping the EU's legal order both in law and practice. The essential role and functioning of the Court of Justice of the EU (CJEU) cannot be overestimated in this respect. The question is, which instruments, fostering coherency, can be used – and especially, how do they (empirically) work? How do these instruments contribute to the coherence of the case law and the EU legal order (e.g. the functioning of the preliminary reference procedure, internal coherence of case law between the chambers of the CJEU and between the different areas of EU law). In addition, the way in which the EU's judicial system is structured raises various 'classic' but nevertheless perennial questions related to maintaining coherence in European law on a substantive and procedural level: what is the division of tasks between the CJEU and national courts in law and practice? What happens after preliminary rulings? What authority does national case law interpreting European law hold? And how did national courts cope with the Europeanisation of public law, the inconsistency of legal sources and their 'dual identity' as national and European judges? All the main doctrines related to the domestic requirements of EU law have been primarily directed towards courts: direct effect, primacy, consistent interpretation and state liability have all been developed through the interaction between national courts and the CJEU in the context of the preliminary reference procedure. How do the courts use these doctrines in everyday legal practice? Do the doctrines deliver the envisaged results? The idea of shared judicial authority between CJEU and national courts is gaining more and more ground,

and undoubtedly the European Court of Human Rights will influence the European legal order of the future. These developments raise the fundamental question: To what extent should judicial coherence and unity be strived for? How realistic are the claims of unity and consistency of EU law? Another main reason to focus on judicial coherence in the European Union lies in the fact that an era of further Europeanisation of justice is dawning. After the Treaty of Lisbon, the European area of freedom, security and justice has become an important area of European integration with developments taking place at a remarkably rapid pace. One may add to this the binding character of the EU Charter of Fundamental Rights and new exploratory case law in this area. This leads to various further questions to be researched concerning coherence, mutual trust and the development of a European judicial culture. What does Europeanisation of justice mean for public law? Also, the growing horizontal interaction between national courts in the EU, in particular the fields of public law (e.g. environmental law, tax law and migration law) may be dealt with. When do courts consider each other's judgements? What are the challenges and limits of this growing horizontal interaction and cross-border judicial cooperation and what are the consequences of these developments in light of the functioning of the EU's judicial system?

Participants wishing to present a paper should submit a CV and a 250-word abstract outlining the presentation to the managing-editor of REALaw: Dr. K.J. de Graaf (k.j.degraaf@rug.nl) and/or to the deputy director of the Montaigne Centre: Dr. H.J. van Harten (h.j.vanharten@uu.nl).

Abstracts are to be submitted before December 1st 2014. Selection will be made by the editorial board of REALaw as soon as possible thereafter. After being selected, participants are expected to submit a full draft paper before January 30, 2015. Full papers will be considered for publication in REALaw following peer review.

Date: January 30, 2015

Venue: Montaigne Centre, Utrecht University, Achter Sint Pieter 200, Utrecht, The Netherlands

Registration fee : € 100 (conference, lunch, drinks and conference materials). This fee will be waived for members of the Editorial Advisory Board, subscribers to *REALaw* and members of the organising universities of Utrecht and Groningen.

Information: <http://montaigne.rebo.uu.nl/en/> (and www.realaw.eu).