

WORKSHOP PROGRAMME

(Non-) Compliance with EU norms, rules and values

6-7 April 2016
at the University of Duisburg-Essen
Gerhard-Mercator-Haus, Lotharstraße 57, 47057 Duisburg

Organizational team

Michael Kaeding, University of Duisburg-Essen
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1. Aims of the workshop

The European Union (EU) of the 21st century has to compete in its neighbourhood and beyond over the supremacy of its rules, norms and values. The Ukraine crisis that erupted in early 2014 has shown that European integration is not the “only game in town”. Often described as too bureaucratic, the turnout of the latest European elections showed again quite plainly that the EU is having trouble winning the hearts and minds of the citizens. Years of constitutional debate and the still ongoing Eurozone debt crisis have made the situation even worse, with an emerging Euroscepticism in the newly elected European Parliament and across member states questioning not only the common currency itself, but also the very existence of the EU and the European integration process as such. Indeed, the EU is imperfect and so are the member states.

Over recent episodes of enlargement, the EU has established an elaborated framework to ensure that candidate states comply with the *acquis communautaire* prior to accession. However, the EU lacks adequate mechanisms to monitor and influence domestic compliance once countries have become members of the EU. Recent democratic “backsliding” in Hungary and Romania has underlined this. The only Treaty-based instrument is the procedure of Article 7 of the Treaty of the European Union (TEU), which enables the Council of the EU to suspend a member state that seriously and persistently breaches the principles mentioned in Article 2 TEU. But as the former European commissioner Frits Bolkestein has put it: “What’s the point of having EU rules, if they remain dead in water?”

As a matter of fact the EU faces a “Copenhagen dilemma” also because it is cautious about using infringement procedures as an instrument for ensuring proper implementation. Doubtlessly delayed and incorrect compliance with EU norms, rules and values is a serious and alarming threat to the credibility of the European integration project as a whole. Therefore, the phenomenon of (non-) compliance is not only of academic but also of practical interest for effective and legitimate European multilevel governance – including the regional and local level.

It was Walter Hallstein, the first president of the European Commission, who endorsed the European integration project as a “Rechtsgemeinschaft” – a community based on law. The central assumption of this concept is that a successful European integration project cannot be achieved without serious attention to compliance with European law across its member states. Despite today’s European Commission’s maximum efforts to ensure that member states implement European legislation in a complete, legally correct and timely manner, many countries breach EU rules, norms and values – continuously, new and old member states.

But why do member states (not) comply with European law? What factors determine (non-) compliance? How do these factors influence (non-) compliance and under what conditions is (non-) compliance more or less likely?

Some researchers are currently looking into these questions, dealing with the challenge of developing high-quality, systematic research on the (non-) compliance with various European policy instruments. In addition, several universities and research institutions host promising PhD and Postdoc projects and senior expertise on this theme. The time seems ripe to join forces and to develop a cluster of

academic interest on the (non-) compliance with EU norms, rules and values. To this end, the Jean Monnet Chair for European Integration and Politics at the Department of Political Science of the University of Duisburg-Essen in collaboration with the research group *Europeanization of Policy and Law* (EUROPAL)¹ at the Radboud University Nijmegen are inviting to a conference on the issue of (non-) compliance in the EU and beyond. This conference aims at:

- bringing together international scholars in the fields of political science, law and economics;
- examining the issue of (non-) compliance from a multidisciplinary perspective;
- developing the outlines of an innovative research agenda;
- stimulating contacts between junior researchers working on EU compliance;
- exploring the possibilities for closer cooperation projects on practical EU implementation;
- contributing to a better understanding of the multi-faceted issue of (non-) compliance in the EU;
- stimulating and enhancing the public dialogue about the European integration project.

¹ The research group *EUROPAL* aims to analyze these processes of Europeanization. First, how do EU laws and policies impact member states' laws and policies ("downloading")? Second, how do member states seek to influence law and policies at the EU level ("uploading")? At a more applied level, *EUROPAL* analyzes the implications of Europeanization for public organizations such as ministries, subnational governments, and regulatory agencies. How can they effectively adapt to the continuous flow of EU legislation, while upholding their own preferences? What are the legal implications of specific EU legislation? What does Europeanization mean for public management and organization? How can organizations effectively position themselves in the "Brussels game"? In answering these questions, *EUROPAL* brings together researchers from various disciplines: Political science, Public Administration, Economics, Social Sciences of the Environment, Spatial Planning, and Human Geography. Also, it hosts various legal scholars, from fields such as Migration Law, Public Law, Private Law, Sociology of Law, and European Law. This unique combination of theories, methods, and sectoral knowledge makes it possible to develop an integral and multidisciplinary understanding of questions of Europeanization. For more information: <http://www.ru.nl/nsm/imr/our-research/themes/europeanization/>.

2. Workshop programme

Wednesday, 6 April 2016

11.30 hrs. **Participants arrive and welcome coffee**

12.00 hrs. **Opening statements by the organizers**

MICHAEL KAEDING, University of Duisburg-Essen

OLIVER SCHWARZ, University of Duisburg-Essen

ELLEN MASTENBROEK, Radboud University Nijmegen

12.30 hrs. **Panel I: Compliance with legally binding EU acts**

MICHELLE ZONNEVELD, Radboud University Nijmegen (chair)

CHRISTINA REINKE, University of Münster: How does administrative expertise influence the practical implementation of EU waste shipment policy?

BENEDETTA COTTA, European University Institute, Florence: Common rules as common goods. Exploring the mechanisms behind policy implementers' decisions to comply (or not) with European directives

NORA DÖRRENBÄCHER, Radboud University Nijmegen: Business as usual or a parallel legal order? How national bureaucratic structures shape the use of EU Law in Dutch and German migration offices

DIMITER D. TOSHKOV, Leiden University (discussant)

14.00 hrs. **Panel II: Compliance and EU policy evaluation**

MIRIAM HARTLAPP, Leipzig University (chair)

JOSINE POLAK and ESTHER VERSLUIS, Maastricht University: Do soft sanctions work? An analysis of the usefulness of naming and shaming strategies according to implementation actors in EU member states

ELENA BONDAROUK and DUNCAN LIEFFERINK, Radboud University Nijmegen: Diversity in sub-national EU implementation: The application of the EU Ambient Air Quality directive in thirteen municipalities in the Netherlands

STIJN VAN VOORST and ELLEN MASTENBROEK, Radboud University Nijmegen: To evaluate or not to evaluate: the initiation of ex-post legislative evaluations by the European Commission

OLIVER TREIB, University of Münster (discussant)

15.30 hrs. **Coffee break**

16.00 hrs. **Panel III: Compliance in a new socio-economic governance structure**

ANSGAR BELKE, University of Duisburg-Essen (chair)

PIETER ZWAAN, Radboud University Nijmegen: Investigating the state aid formal investigation procedure

SEBASTIAN HEIDEBRECHT, University of Duisburg-Essen: The ECB as a Political Player: The Politicization of European Central Banking and Non-Compliance with EU norms of central bank independence

CHRISTOPH KLIKA, University of Duisburg-Essen: Costs of (future) compliance and the politics of "Better Regulation": The case of EU chemicals policy

PAUL VERBRUGGEN, Radboud University Nijmegen (discussant)

17.30 hrs. **Research session: New research projects and future collaborations**

ELLEN MASTENBROEK, Radboud University Nijmegen (chair)

18:15 hrs. **End of workshop's first day**

Dinner

Thursday, 7 April 2016

9.00 hrs. **Panel IV: Compliance with the EU's fundamental rights**

MICHAEL KAEDING, University of Duisburg-Essen (chair)

TOBIAS LOCK, University of Edinburgh: Protection of fundamental rights in Europe: Towards shared judicial responsibility?

JULIA SCHMÄLTER, University of Duisburg-Essen: Compliance with Basic Civil Liberties in the EU: A Cross-National Comparison

OLIVER SCHWARZ, University of Duisburg-Essen: Making a(ny) difference? Assessing national compliance with core norms of the European Union

JASPER KROMMENDIJK, Radboud University Nijmegen (discussant)

10.30 hrs. **Coffee break**

11.00 hrs. **Panel V: Compliance in the EU enlargement process and beyond**

OLIVER SCHWARZ, University of Duisburg-Essen (chair)

ASYA ZHELYAZKOVA, ETH Zurich: Transparency and Enforcement of Non-conform Implementation in the European Union

ANTOANETA DIMITROVA, ELITSA KORTENSKA and BERNARD STEUNENBERG, Leiden University: Comparing discourses about past and future EU enlargements: Core arguments and cleavages

MIRIAM HARTLAPP, Leipzig University: Horizontal litigation in the EU system: How annulment conflicts between EU institutions shape competence allocation in external affairs

HENRI DE WAELE, Radboud University Nijmegen (discussant)

12.30 hrs. **Closing roundtable discussion**

ELLEN MASTENBROEK, Radboud University Nijmegen (moderator)

OLIVER TREIB, University of Münster

EVA HEIDBREDER, Heinrich Heine University Düsseldorf

TANJA DANNWOLF, University of Kaiserslautern

DIANA PANKE, University of Freiburg

13.30 hrs. **End of workshop**

Stand-up lunch and participants' departure

3. Participants

Ansgar **Belke**, University of Duisburg-Essen

Elena **Bondarouk**, Radboud University Nijmegen

Benedetta **Cotta**, European University Institute, Florence

Tanja **Dannwolf**, University of Kaiserslautern

Henri **de Waele**, Radboud University Nijmegen

Nora **Dörrenbächer**, Radboud University Nijmegen

Miriam **Hartlapp**, Leipzig University

Eva **Heidbreder**, Heinrich Heine University Düsseldorf

Sebastian **Heidebrecht**, University of Duisburg-Essen

Michael **Kaeding**, University of Duisburg-Essen

Christoph **Klika**, University of Duisburg-Essen

Jasper **Krommendijk**, Radboud University Nijmegen

Tobias **Lock**, University of Edinburgh

Ellen **Mastenbroek**, Radboud University Nijmegen

Diana **Panke**, University of Freiburg

Josine **Polak**, Maastricht University

Christina **Reinke**, University of Münster

Julia **Schmälter**, University of Duisburg-Essen

Oliver **Schwarz**, University of Duisburg-Essen

Bernard **Steunenberg**, Leiden University

Dimitar D. **Toshkov**, Leiden University

Oliver **Treib**, University of Münster

Stijn **van Voorst**, Radboud University Nijmegen

Paul **Verbruggen**, Radboud University Nijmegen

Esther **Versluis**, Maastricht University

Asya **Zhelyazkova**, Swiss Federal Institute of Technology in Zurich

Michelle **Zonneveld**, Radboud University Nijmegen

Pieter **Zwaan**, Radboud University Nijmegen