



Call for Papers

2nd Edition of the Doctoral Seminar in Public, International and European Union Law

4th Edition of the Toulouse European School of Law Doctoral workshops

On 4-5 July 2019, the University of Milan (Università degli Studi di Milano) will organize and host in Milan the 2nd Edition of the Doctoral Seminar in Public, International and European Union Law, which will be also the 4th Edition of the Toulouse European School of Law Doctoral workshops.

The Workshop is aimed at fostering academic discussions and personal exchange among Ph.D. candidates, who will be the leading lecturers at the event.

The two-day event will address the topic "*The Rule of Law*".

The rule of law has gradually become a pivotal benchmark in modern constitutional and international law when assessing the exercise of public powers.

Although the notion and scope of the rule of law vary depending on the relevant context, its core features (the principles of legality, legal certainty, and equality before the law, as well as on the impartiality and independence of the judiciary, the effectiveness of judicial review and the respect of fundamental rights), as defined by several institutions (such as national Constitutional/Supreme Courts, the Venice Commission, the European Court of Human Rights and the Court of Justice of the European Union) are shared in the Western democracies, as also testified by their inclusion among the main goals of the United Nations.

The rule of law currently suffers political and legal crises. The rise of nationalism and populism in the EU context, the financial and economic crisis, the global immigration issue in Europe as in the USA, the new political and constitutional changes are negatively impacting on the balance between constitutional and institutional powers in Western democracies.

With a view to promote an in-depth reflection and stimulate an informed debate on the multi-faceted implications and the future of the rule of law, the Workshop will comprise several panels, in particular:

1. International Law and EU Law

The international legal order recognizes and upholds the rule of law. The UN Charter, for example, mentions the core values of the rule of law and advocates their consolidation and defence; the Universal Declaration of Human Rights, on its part, states that "human rights should be protected by the rule of law". The role of international law and international organizations in the affirmation and promotion of the principles enshrined therein should be investigated and assessed with a view to determine their effectiveness.

Moreover, pursuant to Article 2 TEU the rule of law is one of the founding values of the European Union. However, effective compliance with the rule of law in certain member States has recently been questioned. This posits the need to ascertain whether, how, and to what extent the Union is capable of addressing the problem and promote the respect of the principles which can be traced back to the rule of law at a national and international level.





2. Constitutional and Comparative Law

The rule of law, in all its core features, is a fundamental principle of constitutional law: the separation of powers is possible due to the respect of such principle; at the same time, the rule of law guarantees the protection of constitutional rights in front of abuses perpetrated by public authorities (judiciary included).

Amid the legal and political crises affecting the rule of law, the following are worthy of particular attention: loss of centrality of national Parliaments as policy makers; increasing complexity of the system of the sources of law due to the multiplication of law-making levels (local, national, EU, supranational); broader intervention of regulation provided by Executives, Independent Authorities, Public Administrations, etc.; judicial activism. The effects of this process have already generated economic inequalities and affected human rights protection.

Participants are welcome to explore all the issues related to the crises of the rule of law, focusing on their causes and/or consequences and suggesting possible remedies, in constitutional or comparative law perspective.

3. Administrative Law

Administrative activity is strongly subject to the rule of law. For this reason, the allocation of authoritative powers, their organization, and the tools through which administrative activities are carried out must be provided for by specific legislative acts.

However, the traditional schemes of administrative law are no longer always adequate with respect to the changes under way. The action model through administrative acts, or even the one that involves the use of private law instruments or public-private partnerships, are today subject to multiple conditioning factors, both external and internal.

Candidates are therefore invited to submit proposals that address these issues, especially considering, among others, the challenges posed by the digitization of administrations, as well as by the increasing technification of administrative activities.

4. Tax Law

Scandals like Luxleaks and the State aid tax cases (Apple, Amazon, Google etc.) raise critical questions on the intersections of tax, discretion and the rule of law in modern common and civil law jurisdictions. After a comparative definition of tax discretion, it would be helpful to understand how the discretion should play in tax systems under the rule of law and how large that role should be. Furthermore, another crucial field of research is related to the legal, political and institutional constraints that can prevent abuse of discretionary powers of tax administrations.

We encourage Ph.D. candidates at any stage of their research to submit their proposals to ilaria.anro@unimi.it and rosalba.dambrosio@unimi.it by 10 March 2019.

The application should include an academic résumé, documentation proving the status of PhD candidate in law and an abstract in Italian, English or French (maximum 700 words), indicating the candidate's name, the title and the chosen panel. Please **note** that applicants are not prevented from submitting papers on issues or topics (i.e. criminal law, civil law, philosophy of law, etc.) not expressly mentioned above.





The abstracts will be selected by a Committee appointed by the Board of Professors of the PhD Programme in Public, International and European Union Law of the University of Milan. The results of the selection will be communicated to applicants by **8 April 2019**.

Successful applicants will be required to submit **full workshop papers of maximum 7000 words by 10 June 2019**. Papers and presentations may be in Italian, English or French. Any additional material (slides, documents, etc.) used during the oral presentation must be emailed to the organisers no later than **27 June 2019**.

All submitted papers must be original (i.e. not previously published in blogs, journals etc.). The **final papers (maximum 10.000 words, footnotes included and sent by email to the organisers by 30 September 2019)** will be published in the Cahiers Jean Monnet, a collection of Toulouse 1 Capitole University Press, in the framework of the Centre d'Excellence Jean Monnet.

The University of Milan will take in charge all meals for the entire stay. For the 8 best selected papers it will also cover hotel expenses (2 nights). Please note that the travel and hotel costs of selected Ph.D. students coming from the Universities of Mannheim, Passau and Saarland (Germany), of Valencia, Autonoma de Barcelona and Carlos III de Madrid (Spain), of Thessaloniki (Greece), the College Dublin (Ireland), the Universities of Essex, Bangor, Dundee and the Institute of Law Jersey (United Kingdom), the Universities of Stetson (USA), of Laval (Canada), of Finance (Russia), and of Sagesse (Lebanon) will be taken in charge by their home Institution, pursuant to the applicable Agreement among these Universities.

Milan, 10 December 2018

Professor Diana-Urania Galetta
(Director of the PhD Programme in Public, International and EU Law)

