Report on the After Lisbon Conference

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The Institute of European Law at Birmingham Law School played host to over 60 scholars from the United Kingdom, the Netherlands, France, Italy, Germany, Denmark, Luxembourg, the Czech Republic, Finland, and the United States for the recent conference "After Lisbon: The Future of European Law & Policy (II)." This conference on European Law & Policy in context was held from 24-25 June 2010.

Motivation

On 1st December 2009, after a second Irish referendum and the signature of the Czech and Polish presidents, the Treaty of Lisbon finally entered into force. The journey to this new version of the Treaty on European Union and the new Treaty on the Functioning of the European Union had been long. Following the groundbreaking Treaty of Maastricht 1992 and the reforming Treaties of Amsterdam 1997 and Nice 2000, the European Union had embarked on an ambitious process towards a 'constitution'. However, the 'Constitutional Treaty', carefully prepared by the Constitutional Convention from 2001 to 2003, and signed by the Member States in 2004, was clearly rejected in referenda in France and the Netherlands in 2005. This prompted the formal abandonment of the Constitutional Treaty, a period of reflection, and finally, in 2007, the Treaty of Lisbon. The latter successfully completed its ratification process in all 27 Member States in November 2009. Today, in 2010, the impact of the changes involved in the new Treaty is only just beginning to be felt.

While abandoning its 'constitutional aspirations', the new Treaty on European Union and the Treaty on the Functioning of the European Union contain most of the substantive changes envisaged in the Constitutional Treaty. The European Community ceases to exist and is replaced by the European Union, which has international legal personality. The three pillar structure of the Union is formally abolished, affecting especially the former third pillar on Cooperation in Justice and Criminal Matters. The Charter of Fundamental Rights becomes legally binding, although not as an integral part of the Treaty itself. The new permanent President of the European Council is the new figurehead of the Union, although without, it appears, at the same time really abolishing rotating presidencies. A new External Action Service of the EU is to take responsibility for all external relations, even when its head has to accept the title of 'High Representative' rather than that of 'EU Foreign Minister'. The Common Security and Defence Policy introduced a collective defence commitment of the Member States. Qualified majority voting in the Council and co-decision with the European Parliament have become the default law-making procedure of the Union. There are amendments concerning the powers of the European Court of Justice, the internal market regime, competition law, and other core areas. May of these changes were subjected to a thorough legal analysis in the 40 odd papers presented at this conference.

Opening session

The conference opened with a plenary session consisting of a keynote address and four invited papers. The opening remarks by IEL Director Professor Martin Trybus argued that "After the Treaty is before the Treaty". The keynote address was delivered by the recently re-elected Member of Parliament for Birmingham Edgbaston, Mrs Gisela Stuart. It was entitled *The EU and the Rule of Law.* Gisela Stuart, MP also served on the Steering Board of the EU Constitutional Convention 2001-3. This was followed by papers of Professor Tony Arnull of the Birmingham Law School on "The European Court of Justice After Lisbon ", Dr Urfan Kaliq of the Cardiff Law School on "The new External Action of the EU after Lisbon", and Professor Estella Baker of the University of Sheffield on "Without the Third Pillar: European Cooperation in Justice and Criminal Policy under Lisbon". The session concluded with a presentation of Dr Martin Borowski, of the University of Birmingham on "Outside the Treaties but binding: the Charter on Fundamental Rights".

Workshops

The conference continued with 14 workshops held on Thursday afternoon and Friday morning in which scholars of law and political science from over 8 countries presented and discussed 40 papers. The workshops dealt with the European Court of Justice, the Charter on Fundamental Rights and national constitutional courts, the Common Security and Defence Policy, internal market law, EU external relations under the Lisbon Treaty, Cooperation in Police and Judicial Matters without pillars, EU law and international law, EU competition law and policy, and the new EU institutions.

- **See the full conference programme (/Documents/college-artslaw/law/iel/IEL2010AfterLisbonConferenceProgramme.pdf)** [PDF]

Publishers and supporters

The IEL would like to acknowledge the generous support of the Jean Monnet Fund and the University of Birmingham College of Arts and Law Roberts Fund. The support of the latter allowed the IEL to offer small scholarships to fund the conference participation of 10 Ph.D. students. The conference organisers were also fortunate to secure support from the following leading publishers: **Cambridge University Press (http://www.cambridge.org/emea/default.asp)**, Edward Elgar Publishing **Hart Publishing (http://www.hartpub.co.uk/)** and **Oxford University Press (http://www.oup.co.uk/)**

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