

THE FIRST CONFERENCE of the
ABA PROJECT ON THE ADMINISTRATIVE LAW OF THE EUROPEAN UNION

Thursday afternoon, November 17, 2005

Working Session:

Choate Room, Carnegie Endowment for International Peace, 1779 Massachusetts Ave.,
Washington, D.C. (near Brookings Institute).

Lunch 12:00 - 1:00

George Bermann, Welcome and comment on the project to date.

1:10 - 2:00 Adjudication

Critique: Charles Marvin

Co-reporters: Michael Asimow; Lisl Dunlop

2:00 - 2:50 Rulemaking

Critique: Francesca Bignami

Co-reporters: Peter Strauss; Lucas Bergkamp

2:50 - 3:00 Break

3:00 - 3:50 Judicial Review

Critique: Frank Emmert

Co-reporters: Christoph Federsen, Ron Levin, Beth Nolan

3:50 - 5:00 Transparency/data protection

Critique: Dan Rodriguez

Co-reporters: Cynthia Farina, Sidney Shapiro, Tom Susman

5:00 - 5:10 Break

5:10 -6:00 Oversight

Critique: Jeffrey Lubbers

Co-reporters: Alan Raul, Fred Aman, Sally Katzen

[6:00 reception]

This session will begin a dialogue among the Project participants and hence will be

limited to those directly involved with the project. The co-reporters for each part will have submitted a “working draft” of their reports by September 1, 2005 and that draft will be distributed to project participants. At this session, commentators will summarize their critique of the report and the co-reporters will discuss those comments. It is anticipated that the co-reporters will use the work of these sessions as well as the written comments from all participants to develop a first draft report for wider distribution.

Friday afternoon, November 19, 2005

Public session:

Marriott Metro Center

12:00 - 2:00 Lunch

Speaker: Walter van Gerven, “The European Union: A Polity of States and Peoples.”

2:15 - 3:30 Participation in Rulemaking in the Information Age, Lessons from Europe for the United States

The globalization of economic activity is motivating the creation of government institutions that transcend national boundaries – and for that reason also outstrip national political traditions. These institutions must find approaches to regulation that can both satisfy divergent politics and elude the frustrating grip of those whose activities require public control. European Union’s procedures for generating regulatory norms suggest possible lessons for policymakers in both Europe and the United States. This program will discuss EU rulemaking, contrast it with the US, and draw out the lessons from both experiences.

Panelists:

Stuart Shulman

Professor, University of Pittsburgh

Francesca Bignami

Professor, Duke University School of Law

Peter L. Strauss

Betts Professor of Law, Columbia Law School

3:30 - 3:45 Break

3:45 - 5:00 Introduction to EU judicial review and transparency/data protection.

Judicial review: Both the process and substance of EU judicial review will surprise most US administrative lawyers. This program will explore the “competence” of the EU courts, the European Court of Justice and the Court of First Instance. While these courts must assure national compliance with EU law, this discussion will focus on judicial authority over the other EU institutions.

Panelists:

Ronald Levin
Henry Hitchcock Professor, Washington University School of Law

Christoph Fedderson
Cleary, Gottlieb, Steen & Hamilton, Brussels, Belgium

Beth Nolan
Crowell & Moring, Washington, D.C.

Transparency and Privacy Protection in the EU: This program will describe the basic institutional and legal structure for promoting transparency and protecting privacy rights in the EU. It will also explore the general differences between the approach of the EU and the US concerning these issues.

Panelists:

Cynthia Farina
Professor of Law and Associate Dean of the University Faculty, Cornell University

Sidney Shapiro
University Distinguished Chair, Wake Forest University School of Law

Thomas Susman
Partner, Ropes and Gray, Washington D.C.

[6:00 reception/dinner, etc.]