CALL FOR SPEAKERS

Amicus Curia Workshop on the **EPSU Case** (European Social Dialogue)
A Meta-dialogue with the Court of Justice

Organized by

Atelier de droit social-Crides, UCLouvain

The School of European Studies, UCLouvain, Louvain-La-Neuve,
Institut d'études européennes ULB, Bruxelles
and Institute for European Studies, USaintLouis Brussels

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On 24 October 2019, the General Court ruled upon a request of the trade union EPSU and the secretary-general Jan-Willem Goudriaan to annul a refusal of the European Commission to submit a proposal of a Directive to implement an agreement about information and consultation of civil servants and employees working for central governmental administrations, following a joint request by the signatory parties to do so (General Court , 24 October 2019, T-310/18, European Federation of Public Service Unions (EPSU), Jan Goudriaan vs Commission européenne).

The applicants claimed that such a request could only be rejected if the signatory parties to the agreement are insufficiently representative or within the context of a legality check, and not on policy considerations. Neither were they convinced that the refusal was duly motivated. The action was considered to be admissible, but ill founded. According to the General Court, the Commission is not required to give effect to the signatory parties' request and «it is for that institution to determine whether it is appropriate for it to submit a proposal to that effect to the Council» (§ 103). Consequently, «by refusing to submit to the Council a proposal for a decision implementing the Agreement, the Commission did not commit an error of law as to the scope of its powers» (§ 104).

The applicants decided to appeal at the Court of Justice.

The doctrinal and above all societal relevance of this case is huge. It affects the European Social Dialogue at large, both sectoral and intersectoral. It raises fundamental legal issues about the existence of a duty for the European Commission to contribute to the implementation of agreements signed by European social partners, about the legislative or non-legislative character of the procedure outlined in Articles 154 and 155 TFEU, about the nature of directives implementing collective agreements, about the role of the European Social partners and their autonomy, about horizontal subsidiarity, about the questions whether the European Social dialogue contributes or not to the democratic life of the European Union, about the specific nature of European Social Policy, about the scope of the obligation of the European Union to promote the role of social partners at its level, and its obligation to promote the fundamental rights of the Charter.

Other issues relate to the linking between the TEU and the TFEU. Some might argue that the debate is in essence about the question whether parts of the Constitution empowering the machinery of EU institutions should prevail over other parts recognizing fundamental rights which empower social partners and citizens at large.
Since the case has been brought before the CJEU, it is up to the academic Community of specialist of European (labour) law to act as genuine albeit symbolic amicus curiae pendente lite.

 Hence, we want **to launch an appeal** to this epistemic community of **labour lawyers and constitutional lawyers.**

The Atelier de droit social of the UCLouvain in a partnership with the School of European Studies, UClouvain, Louvain-La-Neuve, the Institut d'études européennes ULB, Bruxelles and the Institute for European Studies, USaintLouis, Brussels, will be organizing **an academic workshop**.

As suggested to us by Silvia Borelli of the University of Ferrara, we will mould this workshop on the pre-existing format of a long standing Italian tradition of facilitating a dialogue between academia and the Italian Constitutional Court (http://www.amicuscuriae.it/). It is worthwhile to expand this tradition to cases which come up before the CJEU.

The UCLouvain will offer physical accommodation to host this workshop or if necessary to organise it as a web-conference.

- The participants to the Conference can assist in an active or passive way. A speakers corner will be given to academics willing to contribute.
  They will have **15 minutes** each to make their point on the case pending before the CJEU.
  They and will commit themselves to **posting a brief opinion of 5 pages** in the immediate aftermath of the Conference.

- We will make these contributions available:
  - **at the website** of the Centre for the Study of European Labour Law "Massimo D'Antona",
  - **published as Working Paper** (Collective Volumes) of the Centre (http://csdle.lex.unict.it/workingpapers.aspx).
  - Besides, **we will send the Collective Volumes to the CJEU**, according to the amicus curiae tradition.

- The Atelier de Droit social (Crides-UCLouvain) **will ensure the catering** for those attending, and considers **also paying accommodation for one night for about 10 speakers** coming from abroad.

- Travel expenses are not reimbursed. **In case the operation can only be organised in a virtual way, the UCLouvain will make sure to organise this event in the form of a webinar.**

DATE & PLACE OF EVENT
The date scheduled will be ideally a one day venue in the **week 38 (Monday 14 to Friday 18 September),** from 13.00 to 17.00 in a conference room in **Brussels**.

DEADLINE TO ANSWER THE CALL
The deadline to show an interest to participate as a speaker **is 15 August 2020**.
The academics actively attending should indicate a title of their contribution and summarize their approach in a 5 line abstract. This will help us to confront the speakers in a relevant panel and to make a selection if needed.

CONTACT
You can send an email confirming your interest to fotios.bregiannis@uclouvain.be.

ACADEMIC COMMITEE
- **Filip Dorssemont** (Atelier de droit social-Crides, UCLouvain)
- **Silvia Borelli** (University of Ferrara)
- **Edoardo Traversa** (School of European Studies, UCLouvain)
- **Antoine Bailleux** (Institute for European Studies, USaintLouis Brussels)
- **Emmanuelle Bribosia** (Institut d'études européennes, ULB)