

GLOBAL AND EUROPEAN ADMINISTRATIVE LAW

The relationship between global administrative law and European administrative law

1. A research on the relationship between global administrative law and European administrative law

In the last two decades, European administrative law has gone through a process of extraordinary consolidation. It developed as a body of principles and institutes aimed at regulating, on the one hand, the action of the supranational public powers, and, on the other hand, the action of the national administrations operating as decentralized Community agencies. A more recent research area, global administrative law, focused on global regulatory regimes, not rarely provided with authoritative powers and called to adopt individual measures, and on dispute settlement mechanisms, responsible for solving controversies arising between the addressees of global regulators.

Little attention has been paid to the relationships between European administrative legal order and global regulatory regimes. Yet, such relationships can raise a number of problems. To name but a few: can global law be used in evaluating the legitimacy of European acts, and within which limits? How does European law filter the relations among the EU member States and global regulation? And what principles govern the co-existence among the various components of the legal discipline?

A research aimed at examining the interaction between European and global administrative law is now starting. It is a two year research, funded by the Italian Ministry of Education, in which five universities (Siena, Rome “Tor Vergata”, Viterbo “Tuscia”, Naples “Federico II” and Campobasso “Molise”) are involved.

The end of the research is scheduled for September 2010. The results of the research will be published, at first, on the *web* site of the *Istituto di ricerche sulla pubblica amministrazione* - Irpa (<http://www.irpa.eu/>); later on, publication in a collective book will be considered. Texts in languages other than English might be published separately.

2. Research Themes

The research team aims at analysing the following themes:

a. First, EU's participation in global regulatory regimes will be examined and the effects of such participation on the European administrative system will be evaluated. Moreover, the definition of the area of competences reserved to the EU and the formation of EU's position in the international organization will be looked at. Finally, the means through which private parties can influence EU institutions and lead them to act in the competent international organizations, in order to ask other States to comply with global administrative law, will be taken into account.

b. A second research theme deals with the impact of global regulations on European administrative decisions. When do European administrations, subject to European law, have to act in compliance with global law, and up to which point? Is there opposition or communication? Relationships between European and global law are further complicated because of ECJ's attitude on this subject: different positions on the subject of WTO agreements' legal force are a case in point.

c. Guarantees granted to private subjects towards public authorities, both judicial and procedural, which can be found at the intersection between global and European law, need to be examined in depth. The research will focus on the right to be heard and the duty to give reasons, in order to check if such rights exist in global law and in which way they are adapted to the supranational context.

d. Finally, implications coming from the coexistence of different global regulatory regimes relating to public procurement will be explored. More specifically, rules and standards with which administrations must comply will be identified and the practical consequences coming from such coexistence – especially on the effectiveness of protection – will be looked at.

The research group aims at discussing the subject with the scientific community and at involving scholars from other universities in the research project and in an international conference, scheduled for mid- 2010. The call for papers is addressed to all interested scholars.

Together with the broader themes sketched above, research proposals on the following specific subjects are highly welcome: a) relations between European institutions and private global regulatory regimes; b) the structural model of committees

and agencies; c) the duty to give reasons of UN specialized agencies and the right to a fair hearing toward the International Centre for Settlement of Investment Disputes (ICSID), contrasted to those granted by European law; d) secondary policies in global regulation of public procurement and the implementation of the WTO agreement on government procurement (GPA) in the EU; e) the relations between European and global regulation in specific sectors, such as environment protection and industry services and products; f) technical standards between European and global law.

However, proposals having the same features of being relevant to the general theme and being specific in their object will be considered.

3. Call for papers

The advisory group for the research invites submissions of papers on the themes outlined above.

The abstract must be a minimum of 500 and no more than 1000 words. The deadline for submission is the February 28, 2009. Abstracts must include an indication of the major arguments to be made as well as a statement of the issue area of the paper, and they should state the proposed title for the paper, as well as the postal and email addresses and contact telephone of the author. Abstracts (in PDF, RTF or Word format) must be sent to gal.eal@irpa.eu. A notification of reception will be sent immediately after.

The selection panel will consider all abstracts received by the submission deadline and will accept the most significant in relation to the issue of the research. The notification for paper acceptance will be sent within March 31, 2009.

The submission date for the first draft of the full paper is no later than December 31, 2009. The papers will be discussed in a seminar which will take place in the first half of 2010.

For more information please contact to gal.eal@irpa.eu

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