



MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

“70 Years of EU Law: Continuity and Discontinuity”

MPIL (Heidelberg, Germany), 1st-3rd February 2024

Call for papers

The European Commission's Legal Service recently published a collective book on “70 Years of EU Law: A Union for Its Citizens” (Publications Office of the EU 2022, available open-access at <https://op.europa.eu/en/publication-detail/-/publication/88c3f547-6ed0-11ed-9887-01aa75ed71a1/language-en>), setting out to recapitulate the evolution of EU's legal system. The Legal Service's book is marked by several implicit, yet distinctive interpretive choices. It shows an incremental understanding of European integration aligned with neo-functional theories. Moreover, it sees the EU's legal system through the lens of the “integration through law” paradigm. It also insists on tangible changes for European citizens' everyday life, in keeping with the “output legitimacy” reading of European integration.

Overarchingly, the book suggests an interpretation of EU law's evolution aligned with a *continuity* paradigm. Under this approach, the multiple developments that marked the history of EU law (from the “supranationalisation” of EU law through *Van Gend en Loos* and *Costa/ENEL* to the novelties introduced in the “rule of law crisis”) emerge as a coherent development. Hence, the evolution of EU law, though often occurring in response to unforeseen developments and challenges, is presented as the progressive realisation of the founding fathers' forward-looking vision.

There are, however, different takes on the evolution of EU law, that come with different interpretive choices. For instance, Antoine Vauchez has highlighted the contingencies and confrontations inherent in the evolution of EU law as a “social field”. Under this account, far from being the unfolding of a tale foretold, the evolution of EU law is best

characterised as the outcome of historically situated competitive struggles. Such an approach resonates with Pier Giuseppe Monateri's *discontinuity* paradigm of legal history. Assuming the constructive nature of any historical interpretation, it is possible, when accounting for a legal system's evolution, to emphasise not only aspects of harmonious evolution, but also those that can be understood as a genuine rupture with the past *status quo*.

Any interpretation of the evolution of EU law is therefore bound to be a selective and positional exercise. The vision articulated throughout the Legal Service's book offers a robust and persuasive perspective on EU law's path. However, competing, yet equally persuasive visions may exist and shed new light on the evolution of European integration.

To facilitate an exchange of such visions, the Max Planck Institute for Comparative Public and International Law in Heidelberg (MPIL) will host a conference devoted to a discussion of the Legal Service's book with members of the Commission's Legal Service. The conference will be held in-person, from Thursday, 1st February 2024 to Saturday, 3rd February 2024, in the premises of the MPIL in Heidelberg (Germany). The present call is addressed to scholars at all stages of their career, including early-career researchers (Ph.D. candidates and Post-docs).

Interested researchers are invited to submit, via email to Paolo Mazzotti (mazzotti@mpil.de), the following documents by 8th October 2023 at 23:59 (CEST):

- An abstract of up to 500 words;
- A short CV (max 2 pages);
- A list of relevant publications (if applicable).

Submitted abstracts should adopt one of two perspectives:

- a) A reflection on the overall approach of the book, on the interpretive paradigms underlying it, and/or on the choice of the topics covered therein; or
- b) A reflection on a specific chapter of the book, addressing the topic(s) included therein from a diachronic perspective.

Submitted abstracts should specify to which of the two categories the proposed contribution belongs (and, for proposals for category (b), which chapter of the book the

proposed contribution specifically addresses). Emphasis should be placed on complementary, alternative, or missing perspectives in accounting for the evolution of EU law. Theoretically informed contributions are particularly welcome.

Successful applicants will be notified by the end of October 2023.

Selected researchers should submit a first draft of their paper (up to 5.000 words, excluding footnotes) by 15th January 2024 at 23:59 (CEST). The conference committee plans to publish the papers in an edited collection, or in a special issue of an international journal. The final version of the papers, to be submitted at a later stage, will be expected not to exceed 8.000 words (excluding footnotes).

The MPIL will cover travel and accommodation expenses for all selected speakers.

Conveners:

Prof. Dr. Armin von Bogdandy (MPIL)

Prof. Dr. Clemens Ladenburger (European Commission's Legal Service; Europa-Institut, Universität des Saarlandes)

Paolo Mazzotti (MPIL)