



European Constitutional  
Law Network

**ECLN**

Sofia, 17 - 19 April 2008

„Ceci n'est pas une constitution“

—  
Constitutionalisation without a constitution?

Thursday, 17 April 2008

**18:00: Opening session (National Palace of Culture – NDK, Bulgaria Square, room № 7)**

Dr. *Gergana Grantcharova* (Minister of European Affairs of the Republic of Bulgaria)

*Zinaida Zlatanova* (Head of the European Commission Representation in Bulgaria)

Prof. Dr. *Sergei Ignatov* (Rector of the New Bulgarian University)

Dr. *Stefanie Ricarda Roos* (Konrad-Adenauer-Stiftung - Director Rule of Law Program South East Europe)

Prof. Dr. Dr. h. c. *Ingolf Pernice* (Humboldt-University Berlin, managing director of the Walter Hallstein-Institute for European Constitutional Law)

Friday, 18 April 2008

**8:45: Introduction (New Bulgarian University – NBU, 21 Montevideo Str, room № 310)**

Prof. Dr. Dr. h. c. *Ingolf Pernice* (Humboldt-University Berlin, managing director of the Walter Hallstein-Institute for European Constitutional Law)

Prof. Dr. *Evgeni Tanchev* (Judge at the Constitutional Court of the Republic of Bulgaria)

**Panel 1: Typological and Methodological Foundation**

**Mod.:** Prof. Dr. *Hjalte Rasmussen* (Faculty of Law, University of Copenhagen)

**09:00:** The Reform's Typology: Treaty or Constitution? / The Future of the Topos of „Constitution“

Prof. Dr. *Stefan Griller* (Wirtschaftsuniversität Wien, Research Institute for European Affairs/Fernand Braudel Senior Fellow, European University Institute, San Domenico di Fiesole)

**09:15:** The Lisbon Treaty within and without Constitutional Orthodoxy

Prof. Dr. *Evgeni Tanchev* (Judge at the Constitutional Court of the Republic of Bulgaria)

**09:30:** The Detailed Mandate and the Future Methods of Interpretation of the Treaties

Prof. Dr. *Paul Craig* (University of Oxford, St. John's College)

**09:45:** Discussion

**10:45:** Coffee break

## **Panel 2: Basic Fundamentals of the European Legal Order**

**Mod.:** Prof. Dr. *Jo Shaw* (Salvesen Professor of European Institutions, Edinburgh Law School)

**11:15:** The Protection of Fundamental Rights in the EU: Community of Values with Opt-Out?  
Prof. Dr. *Jacqueline Dutheil de la Rochère* (Université Paris II Panthéon-Assas)

**11:30:** Community of values with opt-out ?  
Prof. Dr. *Mirosław Wyrzykowski* (Judge at the Constitutional Court of Poland, Warsaw)

**11:45:** Discussion (until 12:45)

**13:00: Lunch**

## **Panel 3: Institutional Challenges**

**Mod.:** Prof. Dr. *Stanisław Biernat* (Jagellonian-Universität, Krakau)

**14:00:** National Parliaments and the Principle of Subsidiarity – Legal Options and Practical Limits  
Prof. Dr. *Jean-Victor Louis* (formerly Institut d' Etudes Européennes, Université libre de Bruxelles)

**14:15:** National Parliaments and the Principle of Subsidiarity – An American Appraisal  
Prof. Dr. *George Bermann* (Columbia Law School, Centre for European Studies)

**14:30:** Discussion

**15:30:** Coffee break

## **Panel 4: Policy fields – Major Changes I**

**Mod.:** Prof. Dr. *Mads Andenas* (Faculty of Law, University of Leicester)

**16:00:** Market Economy and Social Welfare I  
Prof. Dr. *Roberto Miccù* (Dipartimento di Diritto dell'economia, Università Degli Studi Di Roma)

**16:15:** Market Economy and Social Welfare II (views from the perspective of a Candidate Country)  
Prof. Dr. *Siniša Rodin* (University of Zagreb, Jean Monnet Chair)

**16:30:** Discussion

**17:30:** Coffee break

## **Panel 5: Policy fields – Major Changes II**

**Mod.:** Prof. Dr. *José María Beneyto Pérez* (Universidad San Pablo-CEU, Madrid) – *requested* –

**18:00:** Concept of the “Area of Freedom, Security and Justice” in the Reform Treaty  
Prof. Dr. *Jirí Zemánek* (Charles University of Prague)

**18:15:** External Action  
Prof. Dr. *Christine Kaddous* (Centre d'études juridiques européennes Université de Genève)

**18:30:** Discussion (until 19:30)

**20:00: Dinner**

Saturday, 19 April 2008

**Panel 6: Ratification and Future Constitutional Amendment (NBU, room № 310)**

**Mod.:** Prof. Dr. *Ana Martins* (Faculdade de Direito da Universidade de Lisboa, Judge at the Constitutional Court of Portugal)

**09:00:** Ratification in Context: Future Challenges

Prof. Dr. *Jo Shaw* (Salvesen Professor of European Institutions, Edinburgh Law School)

**09:15:** Elements of direct democracy in Europe and the Convention Method (legal aspects)

Prof. Dr. *W. Tom Eijsbouts*, (Professor of European Constitutional Law, University of Amsterdam)

**09:30:** Amendment Procedure and the Future Importance of the Convention (a political scientist's view)

Prof. Dr. *Arthur Benz* (Faculty of Culture and Social Sciences, Fernuniversität Hagen)

**09:45:** Discussion

**10:45:** Coffee Break

**Panel 7: Conclusions and Perspectives**

**Mod.:** Prof. Dr. Dr. h.c. *Ingolf Pernice* (Humboldt-University Berlin, managing director of the Walter Hallstein-Institute for European Constitutional Law)

**11:15:** Lessons Learned Since Nice? - The Reformed Treaties: More Transparent and Closer to Citizens?

Prof. Dr. *Mads Andenas* (Faculty of Law, University of Leicester)

**11:30:** Primacy of EU Law in the National Constitutional Space. Perspectives

Prof. Dr. *Emilia Drumeva* (Judge at the Constitutional Court of the Republic of Bulgaria)

**11:45:** The Future of Constitutionalisation without a Constitution?

Prof. Dr. *Deirdre M. Curtin* (Utrecht School of Governance)

**12:00:** Discussion (until 13:00)

**13:30: Lunch**

**End of conference**