

*On the occasion  
of the 60th anniversary of the Treaty of Rome  
the Department of Law is proud to host*

# *The Future of the European Union Social Market Economy*

6 CPD Points



Friday 24th March 2017

09.30-17.00

Renehan Hall South Campus

Maynooth University



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# *The Future of the European Union*

## *Social Market Economy*

The Department of Law is pleased to host the conference 'The Future of the European Union Social Market Economy', in order to mark and celebrate the 60th Anniversary of the Treaty of Rome.

In the aftermath of the economic crisis, and after the Brexit referendum, the time seems ripe to reflect on the future EU political and legal trajectory, and on the values and principles which the Union posits.

The event revolves around the theme of the Social Market Economy, which is one of the objectives of the EU as laid down in Article 3(3) TEU. It will look at the constant tension between economic integration and social concerns. Distinguished academics, members of the judiciary, and practitioners will discuss whether, and to what extent, social goals are pursued in various strands of EU legislation, and how economic and social objectives are balanced.

The event is convened by Prof. Michael Doherty and Dr. Delia Ferri.

It will be chaired and led by Mr. Justice John MacMenamin of the Irish Supreme Court.

**Time**

**Programme**

**8.30 a.m**

**Registration at Venue**

**Welcome and Introduction**

**9.30 a.m**

Prof. Michael Doherty & Dr. Delia Ferri

**CHAIR**

**Mr. Justice John MacMenamin**

Introduction: Mr Justice John MacMenamin

**10-11 a.m**

***Keynote Speech***

***“Social obstacles and pillars in the Internal Market “***

Prof. Dr. Bruno De Witte

Q&A

**11 a.m**

coffee break

**11.30—13.00  
p.m**

**Panel I “Service Providers and Users in the Realm of the EU  
Social Market Economy”**

Panel Leader: Ms. Anna-Marie Curran (A&L Goodbody)

Social Considerations in EU Public Procurement Law – Prof. Christopher Bovis (Hull University)

Cross-border Health Services in the Social Market Economy – Dr. Lucia Busatta (University of Padua) and Prof. Tamara Hervey (Sheffield University)

SSGI in the Realm of the Social Market Economy – Dr. J. Jorge Piernas Lopez (University of Murcia)

Q&A

**13.00pm**

**lunch**

**14.00**

**Panel II “Workers, Consumers and Market Players”**

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**15.30p.m**

Panel Leader: Prof. Mark Bell (Trinity College Dublin)

W(h)ither Social Europe? Labour Rights in a Social Market Economy.

– Prof. Michael Doherty (Maynooth University)

EU IP Law and Social Rights: An Interplay between Consumers and Market Players –Dr. Caterina Sganga (Central European University Budapest)

State Aid Law in the Social Market Economy– Dr. Delia Ferri (Maynooth University)

Q&A

**15.30 p.m**

coffee break

**15.45-16.30**

**Closing Remarks and Final Discussion**

**p.m**

Mr Justice John MacMenamin

Prof. Dr. Bruno De Witte

Prof. James Wickham

Prof. Mark Bell

Dr. Delia Ferri

Ms. Anna-Marie Curran

Q&A and Final Discussion

## Chair

### Mr . Justice John MacMenamin

Mr. Justice John MacMenamin was educated in Terenure College and thereafter University College Dublin where he obtained an Honours degree in History in 1973. As a student he was a Council member of Free Legal Advice Centres, and was involved in running a centre in Ballyfermot. He qualified as a barrister in Kings Inns 1975 and was called to the Bar that year. He was called to the Inner Bar in 1991 and engaged in general practice specialising in Judicial Review work. He appeared and acted for a number of clients before the Flood/Mahon Tribunal and acted for the Department of Health and members of the then Cabinet including the Taoiseach before the Ryan Tribunal. He was legal assessor to the Fitness to Practice Committee of the Medical Council for ten years. Having served on the Bar Council for four terms, he was elected Chairman, serving from 1997 to 1999. He was a director of the VHI from 1995 to 1997. Since his appointment to the bench in 2004 he has dealt primarily with judicial review matters. He was appointed a member of the Special Criminal Court in 2009. Since his appointment he has decided a number of cases with a human rights dimension, addressing issues as to the rights of asylum seekers, children in need of special care, treatment of prisoners, and unmarried fathers. He has published a number of papers and contributed to seminars especially with regard to family law and the law of children. He was in charge of the High Court Minors list for three years. He is Ireland's representative on the CCJE, the Consultative Council of European Judges an advisory committee to the Council of Ministers of the Council of Europe. He is an Adjunct Professor at Maynooth University Department of Law.

## Key Note Speaker

### Prof. Dr. Bruno De Witte

Bruno De Witte is one of the most renowned scholars in European Union law. He is currently Professor of European Law at Maastricht University (The Netherlands), and Part-time Professor of Law at the European University Institute, Florence. He was full-time Professor of European Union Law at the European University Institute, Florence, from March 2000 to February 2010, and before that time (from 1989 to 2000) Professor of European law at Maastricht University. He is currently co-director of the Maastricht Centre for European Law. He is member of the Board of Editors of the *European Human Rights Law Review*, the *Revista Española de Derecho Europeo* and the *Revista de Llengua i Dret*; Member of the Advisory Board of the *European Constitutional Law Review*, the *Maastricht Journal of European and Comparative Law*, and the *Zeitschrift für öffentliches Recht*. He is a member of the Advisory Board of the Scuola Superiore Sant'Anna (Pisa), of the Salzburg Centre of European Union Studies, and of the *Centro di ricerca sulle organizzazioni internazionali ed europee* at Università Luiss Guido Carli (Rome).

## Speakers

**Prof. Christopher Bovis** *JD, MPhil, LL.M, FRSA* is Professor of International Business at the Business School of the University of Hull. He is internationally renowned specialist in public sector management, public procurement and public private partnerships. His fields of expertise cover international business and trade law, European Union law, anti-trust, energy, transport and telecommunications. He is counsel to international institutions, the EU, governments and industry on procurement regulation, defence acquisitions and privatisation. He is the author of *EU Public Procurement Law*, Oxford University Press and the Editor-in-Chief of *European Public Private Partnerships Law Review*.

**Dr. Lucia Busatta** is currently a post-doc research fellow at the Department of Public, International and EU law of the University of Padua (Italy). She holds a PhD in Comparative and European Legal Studies from the University of Trento (Italy), where she has also been a post-doc research fellow for three years and where she currently collaborates with the BioLaw Research Team of the Law School. She is an Associate Editor of *BioLaw* journal, a free open access law Journal published by the University of Trento Her research interests concern comparative constitutional law and EU law and, in particular, the right to healthcare, fundamental rights in the field of health, Biolaw, migration law and minority rights protection. She authored several publications in Italian and in English on these topics and she participated as a speaker to various seminars and conferences in Italy, in Spain, in the United Kingdom and in Germany.

**Prof. Tamara Hervey** has taught in the areas in which she researches for over 20 years. In modules and programmes that she has developed, students learn from the latest research, some of which is her own. For instance, EU Health Law is based around Hervey and McHale's *Health Law and the EU* (CUP, 2004; new version due 2014). Her main research interests are in the field of European Union social and constitutional law, in particular its application in health fields, social security and welfare, and non-discrimination. She is interested in the phenomenon of 'new governance' in the EU, in particular as an alternative or supplement to 'command and control' means of regulation in social fields. Tamara has published on the European Union's competence in social fields, especially health law; on the regulation of tobacco in the EU context; on European public health law and policy; on the governance of stem cell research in the EU; on EU non-discrimination law and minority rights; and on the 'right to health' in European contexts. She is interested in socio-legal theory and method, in particular as applied to the law of the European Union.

## Speakers

**Dr. Juan Jorge Piernas López** is a Doctor of Laws from the European University Institute in Florence (2013). His doctoral thesis has been published by Oxford University Press under the title “The Concept of State Aid under EU Law: From internal market to competition and beyond”. He had formerly graduated from Harvard University (LL.M., Harvard Law School 2007), the College of Europe (Master in Advanced European Studies, Natolin, 2009) and the University of Murcia (Law degree, 2003). Juan Jorge is currently assistant professor of European Union law at the University of Murcia and consultant to the World Bank in State aid matters. He previously worked for Cleary Gottlieb Steen & Hamilton (Brussels, 2007-2009) and DG Competition (2006).

**Prof. Michael Doherty** is the Head of the Law Department at Maynooth University, having joined in 2013. Prof Doherty's research interests are in the areas of employment and labour law, industrial relations (especially the role of trade unions) and social partnership, as well as in EU Labour Law and Policy. He has published widely in national and international outlets on these topics and presented his work at numerous domestic and international conferences. His work has focused, in particular, on collective employment rights, employee representation at work, the role of trade unions and the role of social pacts in socio-economic governance. He has worked on a number of projects for the European Commission as part of European-wide research networks and as co-investigator on a major, EU-funded project on public procurement. His recent work has focused on the impact of the economic and social crisis on employment rights in the EU.

**Dr. Caterina Sganga** is Assistant Professor at the Department of Legal Studies of Central European University (CEU, Budapest). She holds a Ph.D. in Private Comparative Law from Scuola Superiore Sant’Anna (Pisa), an LL.M. from Yale Law School, and an LL.B. and J.D. from University of Pisa. Before joining CEU she worked as post-doctoral research fellow in Intellectual Property at Scuola Superiore Sant’Anna, where she also served as executive coordinator of the Permanent Observatory of Personal Injuries Damages. Caterina also held visiting teaching appointments at CEU and the Europa-Kolleg of the University of Hamburg, was a fellow at the Information Society Project at Yale Law School and a visiting researcher at the Center for Intellectual Property Policy at McGill University. Her current research interests focus on comparative IP law, IP strategic management, and the interplay between IP law and fundamental rights. Her book “Propertizing European Copyright. History, Challenges and New Opportunities” will be published by Edward Elgar Publishing in Fall 2017. Caterina is also *avvocato* at the Italian State Bar and attorney-at-law at the New York State Bar.



## Speakers

**Prof. James Wickham** was Jean Monnet Professor of European Labour Market Studies and Professor in Sociology at Trinity College Dublin. He has published widely on employment, transport and migration in Ireland and Europe; he is the author of *Gridlock: Dublin's Transport Crisis and the Future of the City* and co-author of *New Mobilities in Europe: Polish Migration to Ireland post-2004*. He has a BSc. in sociology from the LSE and a PhD from the University of Sussex. His new book *Unequal Europe: Social divisions and social cohesion in an old continent* (Routledge 2016) analyses the collapse of the European Social Model.

**Dr. Delia Ferri** is a Lecturer in Law at Maynooth University, where she lectures primarily in the fields of EU law and International and European Disability Law. She is a member of the Maynooth Centre for European and Eurasian Studies and an affiliated researcher at the Dirpolis Institute of Scuola Superiore Sant'Anna (Italy) within the research cluster on social rights, social inclusion and disability. She holds a J.D. in Law (*Laurea in Giurisprudenza*) awarded 110/110 *magna cum laude* from the University of Verona School of Law (Italy), a LL.M. in International and European Business Law awarded First Class Honours with Distinction from Trinity College Dublin, and a Doctorate in European and Italian Constitutional Law from the University of Verona (Italy). Delia is also qualified attorney at law (*Avvocato*), enrolled at Verona Bar since 2008. Before joining Maynooth University, Delia was Research Associate at the Centre for Disability Law and Policy of the National University of Ireland Galway and lectured at the Irish Centre for Human

## Panel Leaders

**Ms. Anna-Marie Curran** is a Partner in the EU, Competition & Procurement Group. She has extensive experience in procurement law, competition law, EU and Irish merger filings, cartels, competition law enforcement and immunity applications. She advises a wide range of clients in the public, utilities and private sectors on contentious and non-contentious public procurement law and competition law matters. She has represented clients in the Irish and Northern Ireland courts and before the Irish Competition Authority and the European Commission.

**Prof. Mark Bell** is Regius Professor of Laws at Trinity College Dublin, a Chair founded in 1668. Prior to his appointment at Trinity, he was a professor at the School of Law, University of Leicester, where he was also Head of the School of Law (2011-2014). Mark conducts research in the areas of Equality Law and Employment Law. He is the author of *Racism and Equality in the European Union* (OUP, 2008) and *Anti-Discrimination Law and the European Union* (OUP, 2002). He is a member of the Board of Directors of the Irish Centre for European Law; the committee of the Employment Law Association of Ireland; and the Berkeley Comparative Equality and Anti-Discrimination Law Study Group. In 2015, he was a Senior Expert on Disability for the European Commission's Network of Legal Experts in Gender Equality and Non-Discrimination. He works regularly with a range of national and European NGOs dealing with equality issues, as well as international organisations. Since 2010, he has been working with the International Labour Organisation on several projects, and played a key role in producing a 2016 guide for employers on promoting diversity through workplace adjustments.

## Conference Contact Details

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This event is sponsored by the Department of Law and co-funded by Maynooth University



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