

Joint CEL/JMCE Legal Workshop

European Union: Solidarity in Question

Call for Papers deadline: 15 January 2013

Venue: King's College London, Strand

Date: 21st June, 2013

The EU's response to the current economic crisis indicates that solidarity is more than an abstract virtue, but in fact is a key element that has significant practical consequences. Yet, the meaning, legal implications and the precise role of solidarity in the different areas of EU law is still an open question. The concept of solidarity is normally associated with national welfare state, which includes tax redistribution and social policies as a consequence of social contract among its citizens. With the development of the European Union from a pure economic organisation to an entity with political, social and human rights dimensions, the concept of solidarity is becoming to play a more substantial role at supranational level. The Treaties, the Charter of Fundamental Rights, secondary EU law and Court of Justice's judgments contain numerous references to solidarity, albeit in different contexts: solidarity as a fundamental value of the EU (Articles 2 and 3(3) TEU); solidarity between generations; financial solidarity among EU citizens; solidarity among Member States. The issues become even more complicated, where European solidarity (often seen in the light of mutual Member State co-operation and the importance of effectively functioning internal market) clashes with national solidarity (protection of national welfare state models). These conflicts between national and supranational solidarities pose the task for Member State and the Union institutions (judicial, legislative and executive) of resolving them in the most effective way, which is often quite difficult.

European law scholars, in comparison to researchers in political theory, philosophy, social theory and sociology, have been rather slow to respond in considering the meaning and importance of solidarity in EU law. The existing academic literature explores solidarity only in few areas of European policies and law, including inter alia health, education, environment, migration, welfare and territorial cohesion. There is, however, much room for further research on the concept of solidarity, especially from a legal point of view.

This Workshop organisers invite papers that explore the multi-faceted concept of solidarity in European law, especially in the areas not yet touched upon by legal academic debate. In particular, we are keen to receive scholarly work on the role of the principle of solidarity in EU constitutional law; solidarity in natural and man-made disasters (e.g. terrorism) as embedded in the new Article 222 TFEU; solidarity as a value 'exported' by the Union in its relations with third countries (Article 21 TEU); solidarity and EU energy policy (security of supply); solidarity of Member States in regards to the Area of Freedom, Security and Justice; solidarity in the cohesion policy, state aid, and the EU's response to the current financial crisis.

The call for papers asks for contributions on the following themes:

Evolution and the future of European solidarity

- What is solidarity in European legal context: constitutional value, principle of law, 'empty vehicle'?
- If solidarity is understood as a legal principle, does it promote the coherence or fragmentation of (European) law?
- Can solidarity function in open (pluralistic?) communities such as the European Union?

European solidarity versus national solidarity

- Can solidarity on the EU level endanger national solidarities?
- EU citizenship and free movement rights - vessels that restrict national solidarity?
- To what extent Member States can rely on national solidarity to justify national economic policy choices that infringe free movement rules?

Solidarity and institutions

- What role does the Court of Justice play in promotion/demotion of European solidarity?
- Political decision-making in the Council: do Member States act in solidarity because of need (egoistic reasons) or the willingness to help (altruistic reasons).

Solidarity and specific policy areas

- Free movement and citizenship;
- Border checks, asylum and immigration;
- Energy security;
- Policing, terrorism, natural and man-made disasters;
- The EU and its relations with third countries;
- Competition law;
- The aftermath of the Euro crisis (monetary and fiscal policies)

The organising committee welcomes contributions from researchers at any stage of their academic careers. All full papers will be posted on the **Workshop website**. Subsequently, the organising committee intends to seek **publication** of a selection of these papers in more permanent form.

Abstracts of the proposed papers (300 words max) should be sent by email attachment by **15 January 2013** to cel@kcl.ac.uk. Reasonable travel expenses of the selected presenters will be covered.