

Call for Papers: Workshop on the legislative choice between delegated and implementing rule-making

20.3.2017 at the German Research Institute for Public Administration in Speyer

The differentiation between delegated and implementing acts is a puzzle that has kept EU lawyers interested since the Treaty of Lisbon. Recent judgements by the CJEU have stressed the legislative discretion in making the choice between a delegation of powers under Art. 290 TFEU and a conferral of implementing powers under Art. 291 TFEU. This case law puts the focus on the legislative choice in enacting a rule-making mandate either under Art. 290 or Art. 291 TFEU. How can this choice be described? Which difference does the decision for either delegation or conferral make for the difference actors in EU law-making and by which norms is this choice governed?

This 1-day Workshop organised under the umbrella of a German Research Foundation funded project has the aim of bringing together a number of case-studies of delegated and implementing rule-making. The workshop takes an actor-centric approach, inquiring into how different actor's positions in the policy process are influenced by the choice between delegated and implementing acts.

The workshop seeks to give an overview over the parameters relevant in the legislative choice throughout various fields of EU law. The various contributions are expected to present case-studies of specific legislative processes or fields. The different panels aim to give an overview of dynamics of delegation and conferral of powers along different categories of EU action.

The workshop structures contribution along three lines. The first line focuses on the different loci of EU non-legislative rule-making, namely the Commission and agencies. This line is intended to place the discussion on delegated and implementing acts in a broader context.

The second line addresses the different categories of EU competences. This line inquires how the legislative choice of either delegation under Article 290 or conferral of implementing powers under Article 291 TFEU is influenced by whether the EU acts on exclusive, shared or supporting competences.

The third line refers to the locus of norm creation. Delegated and implementing acts can be used to give shape to processes at the international or internal EU level, or can be designed to be initiated by individual private actors, for example in the context of a regime permitting or prohibiting the use of specific substances.

The workshop aims at participation from legal science and related fields. A keynote will be delivered by [Prof. Joana Mendes](#), University of Luxembourg.

We welcome contributions to any of the described panels. Submission should reach Eljalill Tauschinsky or Professor Wolfgang Weiss no later than Monday 10 October 2016. Please send submission per e-mail either to [[tauschinsky\[at\]uni-speyer.de](mailto:tauschinsky[at]uni-speyer.de)] or to [[weiss\[at\]uni-speyer.de](mailto:weiss[at]uni-speyer.de)]. Submission should contain a title, an abstract of around 300 words, and an indication of which line of inquiry the author would like to contribute to. The decision on participation will be communicated by the end of October. Authors are expected to commit to publishing their contribution in a common publication. For more and updated information please also consult the [workshop website](#).

Invited authors' reasonable travel expenses will be met by the [German Research Institute for Public Administration in Speyer](#), and accommodation will be provided.