

NATIONAL PARLIAMENTS AND MIXED AGREEMENTS: EXPLORING THE LEGAL BUMPS IN A ROCKY RELATIONSHIP

Wednesday, 22 November 2017, 12.30 – 13.30

Anna Nussbaum Auditorium, World Trade Institute, University of Bern
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Abstract

While the popular view may be that the EU is increasingly taking over international relations from its Member States, mixed agreements (i.e. international agreements to which both the EU and its Member States are a party) are here to stay. National parliaments have always been involved in the conclusion of such mixed agreements, although their role was often reduced to ‘rubber-stamping’ the agreement after it had been signed by their government. However, it appears that the heated debate triggered by the negotiations on CETA and TTIP has marked an important change, incrementally leading to a stronger involvement of national parliaments in mixed agreements. In this context, the European Commission even encouraged in its 2017 trade communication Member States to “ensure the involvement of national parliaments in trade talks at the earliest possible stage” and pledged to transmit its recommendations for negotiating directives to all EU national parliaments. Although the Court of Justice has clarified the division of competences between the EU and the Member States in Opinion 2/15 on the EU-Singapore FTA, questions related to the role of national parliaments remain unclear. Most of these issues only recently came to the surface in the context of the Dutch referendum on the EU-Ukraine Association Agreement and the temporal refusal of the Walloon government to sign CETA. For example,

is there a duty on the Member States and their national parliaments to ratify a mixed agreement? What are the consequences of non-ratification? Which elements of a mixed agreement do national parliaments need to ratify? And what is the role of national parliaments with regard to the provisional application of mixed agreements. This Brown Bag Seminar will explore these legal questions and discuss other aspects related to the role of national parliaments in mixed agreements.

Biography of the Speaker

Dr. Guillaume Van der Loo is a post-doctoral researcher at the Ghent European Law Institute (GELI). His research and publications focus on EU external relations law and policy, in particular the EU's trade policy, neighbourhood relations and international agreements. He obtained a PhD in Law (2014, Ghent University) on the EU's new generation of Association Agreements and Deep and Comprehensive Free Trade Areas signed with the Ukraine, Moldova and Georgia.

Guillaume is also a researcher in the Europe in the World Unit of the Centre for European Policy Studies (CEPS) in Brussels and is involved in several training projects for civil servants of ENP and pre-accession countries.

**Participation is free of charge, no registration is needed.
We warmly welcome you to join our seminar at the World Trade Institute!**

WTI Brown Bag Seminars are 30-minute presentations, given by external or in-house researchers. The presentations are followed by a 30-minute Q&A session. The Brown Bag concept comes from the US; it means that people bring their own lunch and eat it during the presentation.