

## Chaire Mutations de l'Action publique et du Droit Public

Colloque de clôture/closure conference

Sciences Po Paris

21 et 22 juin 2018 / June 21<sup>st</sup> and 22<sup>nd</sup>, 2018

### Le futur du droit administratif / The future of administrative law

#### Call for Papers

We are pleased to release a call for papers for three workshops organised as part of the closure conference of the activities of Professor Jean-Bernard Auby's *Chaire Mutations de l'Action publique et du Droit Public* to be held in Paris on June 21<sup>st</sup> and 22<sup>nd</sup>, 2018. The topic of the conference is the 'future of administrative law'. The accepted papers will be presented and discussed in one of the workshops. Applications from younger scholars are particularly encouraged.

The three workshops will take place on **June 21<sup>st</sup>, 2018** (in the afternoon) and will be bilingual (English and French). Summary reports of the activities of the workshops will be presented by a member of the organising committee during one of the three plenary sessions of the conference (on June 22<sup>nd</sup>, 2018).

Applications to one of the workshops should be submitted by **January 19<sup>th</sup>, 2018** to [colloque.chairemadp@gmail.com](mailto:colloque.chairemadp@gmail.com), together with an abstract of up to 500 words and the author's contact information. Authors will be informed of acceptance in the course of February. Accepted authors will have to submit their papers of up to 15,000 words by **May 20<sup>th</sup>, 2018**. The workshop is open to papers written in English or French. Articles that have already been published will not be accepted as selected papers are eligible for publication in the proceedings of the conference (after peer review). Unfortunately, financial assistance cannot be offered to cover the expenses of the participants.

#### The conference

Since its creation in 2007, Professor Jean-Bernard Auby's *Chaire Mutations de l'Action publique et du Droit public* has focused on the legal instruments required for modernising public action. The activities of the *Chaire* have notably been characterised by their comparative law approach and by an interest in the phenomenon of legal globalisation. The work of the *Chaire* has e.g. explored the contractualisation of executive action, changes in public finances, contracting out phenomena, the increasing role of local authorities and public policy evaluation. Building on this past work, the closure conference of the *Chaire Mutations de l'Action publique et du Droit public* of 21 and 22 June 2018 will be an opportunity to discuss and reflect about the future of administrative law. What are the forces for change and what changes will they bring about? Where will evolutions be observed most clearly? What are the main challenges that lie ahead? The conference aims, in other words, at imagining the future of administrative law.

#### The workshops

##### Workshop 1: Regulators

In the past few decades, regulators have become key actors of public intervention in the economy. In some cases, economic regulators have cross-sectoral functions, as it is the case with regulators for competition and data protection authorities. In other cases, their competences are sector-based, as it is the case with media, telecommunications, energy and railroads markets' regulators. The activities

of these economic regulators show how the pursuit of the common good can be intrinsically linked to the respect for individual rights.

In many countries, economic regulators are independent from the executive branch of government and exercise different types of public powers. They can have rule-making, licensing, sanctioning and dispute-settlement powers as well as, in some cases, the power to make appointments to public offices. Furthermore, regulators increasingly operate through networks at the level of the European Union as well as at the national or regional level. The impact of their action is thereby increased.

Besides exercising their far-reaching powers, regulators have recourse to a variety of non-binding instruments to regulate undertakings and individuals. Opinions, warnings, publication of data, impact studies seem now to be amongst regulators' favorite tools and even seem to characterise their action.

Economic regulators and the new forms of public action they represent raise a number of questions. What is distinctive in the nature and tools of public action used by economic regulators? Why, how and from whom must they be independent? How and to whom must they be held accountable? What do independent regulators tell us about the future of the organisation of the state and of its institutions?

Candidates to the workshop "Regulators" are encouraged to submit papers on these issues or on other related issues, including with an interdisciplinary and/or comparative approach.

## **Workshop 2: (Smart) cities**

Cities have become key public and political actors worldwide. The *renaissance* of cities affects the respective roles of the state and local authorities in providing public services and economic growth. In such context, a static view of the state as either centralised or decentralised is not sufficient anymore. Attention also needs to be paid to issues of coordination between the local levels and the central authority.

Cities are also faced with distinctive social, territorial and environmental realities, in the context of which they must address specific challenges such as guaranteeing universal access to essential public services (housing, transport, *etc.*) and such as accommodating competing claims to the use of the public space. Moreover, they increasingly address these challenges in a context of technological change that triggers the development of new forms of services by both public and private actors.

Finally, new forms of public governance can often be observed in cities, often more than at other levels of government. These new forms of citizens' participation are again encouraged by new technologies and the development worldwide of smart cities. Such initiatives could help renew the mechanisms and tools of public governance profoundly.

These developments raise a number of questions for administrative law. How does administrative law apprehend the implementation of public action at various levels of authority? To what extent does administrative law take into account the specific challenges and realities that cities face? In what way do developments in citizens' participation and in the provision of public services within cities affect and/or are shaped by administrative law rules and principles?

Candidates to the workshop "(Smart) cities" are encouraged to submit papers on these issues or on other related issues, including with an interdisciplinary and/or comparative approach.

### **Workshop 3: Global and European administrative law**

One of the main features of the evolution of administrative law in recent decades has been that it is no longer confined to the realm of the state. Administrative law has also developed within the framework of international organisations, both to regulate their internal functioning and, increasingly, to regulate the external dimension of their activities. More and more, international organisations exercise powers directly over undertakings and individuals (licensing, contracts, administrative police, disciplinary measures, etc.), as their scope of action and their prerogatives have expanded.

The European Union is one of the most obvious examples of this development, as its administrative activity has increased over the past decade in line with the growing responsibility of the Union for the implementation of its policies. But the example of the European Union is not the only one and other international organisations are worth studying: the United Nations, the World Trade Organisation, the International Seabed Authority, international standardisation agencies, international sports bodies, etc. The development of this administrative activity beyond the state has been accompanied by the development of a European, international and even global administrative law.

The main features of this administrative law that has emerged beyond the state deserve to be examined: what is its specificity? What elements, on the contrary, does it borrow from national experiences?

Similarly, the foundations and values of European and global administrative law rules and principles, which did not develop as a result of a particular historical process, need to be examined: how do rule of law requirements apply? To what extent must international bodies abide by fundamental rights and what sources and standards are applicable? To what extent are they infused by democratic requirements? What are the accountability instruments and judicial controls that apply?

Finally, these new administrative law spheres also create new platforms for interactions between national, European, international and global laws. In this context, new issues such as the circulation and protection of personal data or the protection of the environment and of risk management arise and have led to the development of new forms of administrative organisation and cooperation, sometimes with the introduction of "networks of administrative authorities". What are, however, the consequences of these developments for certain fundamental principles of national administrative law, such as the principle of territoriality?

Candidates to the workshop "Global and European administrative law" are encouraged to submit papers on these issues or on other related issues, including with an interdisciplinary and/or comparative approach.

#### Organisation of the conference

#### **SCIENTIFIC COMMITTEE:**

- Jean-Bernard Auby, Chaire MADP, Sciences Po Paris

#### Chairs

- Giacinto della Cananea, Università Roma 2 Tor Vergata
- Paul Lignières, Linklaters Paris

#### Members

- Gordon Anthony, Queen's University Belfast
- Brahim Bertégi, Université de Carthage
- Olivier Dubos, Université de Bordeaux
- Marta Franch i Sagner, Universidad Autonoma de Barcelona
- Emilio Guichot, Universidad de Sevilla
- Herwig Hofmann, Université de Luxembourg
- Marcel Morabito, Chaire MADP, Sciences Po Paris
- Thomas Perroud, Université Paris II Panthéon-Assas
- Etienne Poltier, Université de Lausanne
- Jacques Ziller, Université de Pavie

#### **ORGANISING COMMITTEE:**

##### *Coordination*

- Emmanuel Slautsky, Université libre de Bruxelles/KU Leuven

##### *Members*

- Emilie Chevalier, Université de Limoges
- Guillaume du Puy-Montbrun, Conseil Supérieur de l'Audiovisuel, Paris
- Barbara Gagliardi, Université de Turin
- Ilenia Mauro, Université de Rome 2 Tor Vergata
- Tarcila Reis, IFC, Rio de Janeiro
- Hanna Schröder, Cour de Justice de l'Union Européenne
- Clara Velasco, Université Pompeu Fabra, Barcelone