

REPORT

Nineteenth Session of the Seminar on the Law and Institutions of the European Communities held at the Université Libre de Bruxelles and at the Vrije Universiteit Brussel

2 July to 19 July 1991

Introduction

The Brussels Seminar is directed by Professor Gabriel Wilner, Professor of Law, University of Georgia in cooperation with Dean Magits and Professor Dr. Bart De Schutter, Director of PILC at the Vrije Universiteit Brussel, Professor Jean-Victor Louis, President of the Institut de'Etudes Européennes of the Université Libre de Bruxelles and M. Vanden Abeele, Vice President of the Institut. The Seminar enjoyed the support of Professor Dean Rusk and Dean C. Ronald Ellington of the University of Georgia Law School. The session also enjoyed the support of Dean Rudolph Hasl and Professor Josef Rohlik of Saint Louis University Law School. The facilities of the Institut de'Etudes Européennes and the Faculty of Law, Vrije Universiteit Brussel, are made available for the Seminar.

The 1991 session of the Brussels Seminar was supported by the Dean and Virginia Rusk Fellowship Fund at the University of Georgia Law School, the Saint Louis University Law School, the Commission of the European Communities and personal grants from friends and alumni of the Seminar.

Participants in the Seminar

The student participants were selected from among U.S. law students who had demonstrated a significant interest and sufficient background in European law and related areas of law. Student participants were encouraged to attend The Hague Academy of International Law upon completion of the Brussels Seminar and 14 of them did so.

Places were reserved for thirty student participants. Of the thirty students who attended the Seminar 9 were from the University of Georgia, 9 from Saint Louis University Law School. Eleven other law schools in the United States were represented by one or two students. A list containing their names and universities is annexed to this Report.

Lecturers

Twenty nine lecturers participated in the Seminar. Among the criteria for their selection were expertise in the particular subject to be discussed at the Seminar, fluency in English and interest in working with United States law students. It was also considered important to include persons primarily engaged in university teaching, persons whose main activities were within

the Commission, Council and Court of the European Communities, as well as practitioners before the Court of Justice of the E.C. and other decision-making bodies of the E.C. A list of the names of the lecturers and their positions is annexed to this Report.

Seminar Sessions

The 1991 session consisted of 15 working days. Most working days consisted of 7 or 8 hours of lectures or seminars.

The core elements of the Seminar were a series of lectures and discussions held at the Institute of European Studies (U.L.B.) and the Faculty of Law, Vrije Universiteit Brussel and attended by all the participants. A day was spent at the E.C. Commission where, lectures and briefings were given. Another day was spent at the Court of Justice of the European Communities in Luxemburg. Eighty-one hours were devoted to those lectures and discussions.

The history and structure of the E.C. were the subject of the lectures and discussions given by Professor Marc Maresceau. Professor Vandersanden discussed the sources Justice of the E.C. Judge Koopmans lectured on preliminary ruling by the E.C. Court of Justice, and generally on the relationship between national courts and the E.C. Court of Justice. Judge Joliet discussed the issues on the jurisdiction of the ECJ with respect to the European Parliament. Mr. Francis Jacobs lectured on the role of the Advocate General. Dr. Pipkorn, Dr. Taschner and Professor Wilner took up examples of the harmonization of private law legislation among the members of the Community, including products liability, company law, and the European conventions on jurisdiction and enforcement of judgment and on choice of law in contracts. Mr. Latham lectured on EC consumer protection law. Mr. Bellis gave a course on trade regulation in the E.C. while Mr. Praet discussed the economic aspects of Community trade policy, and its monetary policy. Mr. Spinks spoke on rules of origin in the trade law of the E.D. Professor Lauwaars discussed the common external trade policy of the E.C. Mr. Seche spoke on the right of establishment and Professor Waelbroeck gave a course on the Community law on competition and discussed specific problems reflected in policies and judicial decision-making. Professor De Pauw lectured on human rights in Europe. Professor Sybesma lectured on the space law policies of the EC, while Mr. Smet lectured on European air transport law. Professor De Schutter spoke on European cooperation in penal legislation. An introduction to E.C. social law was given by Mr. Khan of the E.C. Commission Legal Service. Professor Van Thiel gave an introduction to tax law in the E.C. Mr. Schloh discussed the EC's Common Agricultural Policy. Mr. Lawrence lectured on the legal aspects of the European Community's external relations as well as its environmental policies. Mr. Van Lier spoke on the building of the single internal market. Professor Van Thiel discussed the relations between the EC and the Eastern European countries.

Professor Wilner discussed questions relevant to the powers of the Community under international law to make arrangements and undertake other international activities; alternative views of the legal nature of the Community were also the subject of discussions by Professor Wilner with the participants. Mr. Te Pas, discussed EC development policies and the Lome IV Convention.

Mr. Knops gave an introduction to the Belgian legal system as an example of the national system of E.C. members. Mr. Spinks spoke on the role of the U.S. lawyer in the E.C., while Professor Waelbroek also gave a workshop on the practitioner before the E.C. Court. Ambassador Thomas Niles, Mr. Harrop and Mr. Murray of the United States Mission to the European Communities gave lectures on US-EC Relations.

On the last morning of the Seminar, a roundtable was held to discuss the negotiations on the European Political Union (EPU) and the Economic and Monetary Union (EMU). The emphasis of the Roundtable was on the future of the Community. Faculty participants were Professor Louis, Dr. Pipkorn, Professor Praet and Professor Wilner. All the students participated actively.

Examination

Several lecturers cooperated with Professor Wilner in giving an examination to those participants who wished to receive academic credit for their work and whose universities accepted the results of such an examination. Twenty-five student participants took the examination, including all the University of Georgia and Saint Louis University students.

Books and Study Materials

A month before the commencement of the Seminar each participant received by mail a general bibliography of E.C. law and institutions. Selected bibliographies in specific subjects were prepared by the lecturers. Moreover, outlines of the lectures and relevant E.C. Court of Justice judgments, decisions of the E.C. Commission, and Conventions, E.C. regulations and directives were distributed and used for discussion purposes. Each student received a copy of the Rome Treaty creating the EEC and the Single European Act. Copies of the bound volume of the various EEC Treaties were made available at a greatly reduced price.

Additional Professional Activities

The participants visited the Headquarters of the Commission of the E.C. where they received briefings by officials and had lunch with them. They also spent a day at the E.C. Court of Justice in Luxembourg where they attended a session of the Court and met at a luncheon Seminar with Judge Joliet and Judge

Laenarts. A visit to the Brussels Palace of Justice included further briefings on the Belgian judicial system by Maitre Knops. Several student participants also visited the law offices of a U.S. Law firm and were briefed by U.S. lawyers from several law firms in Brussels.

Social Activities

Students and faculty seminar participants met at receptions at the Institut d'Etudes Européennes. Mr. D. Wilson, Counselor for Public Affairs at the U.S. Mission to the EC was host at a reception for the students and faculty of the Seminar as well as a number of lawyers, EC officials and US Mission officials. The participants spent Saturday, 13 July, on a visit to the art cities of Bruges and Damme, and a dinner was given for the participants and faculty on July 11. A special lunch was held with Judge Koopmans. The student and faculty participants met with Professor Wilner on several occasions for general discussions of the subject covered in the Seminar.

Administrative Arrangements

Mrs. C. Charlier of the Secretariat of the Institut d'Etudes Européennes and Mrs. A. Lodens, Administrative Officer at P.I.L.C., Vrije Universiteit Brussel were the principal administrators of the Seminar.

Lodging and breakfast were provided for the participants on the campus of the Vrije Universiteit Brussel. Meals were available at the cafeterias of the two universities.

Evaluation forms were given to both student participants and the faculty. The views expressed will assist in improving the quality of the Seminar.

Financial Arrangement

The appropriate financial statement is attached to this report. Certain observations are appropriate in connection with the financial arrangements for the Seminar. The participants in the Seminar were provided with free lodging and breakfast, but had to provide for many other meals. On several occasions either lunch or dinner was provided by the Seminar, the E.C. Court of Justice, and the Institut d'Etudes Europeennes.

The 19th Session of the Seminar was made possible thanks, in large measure, to grants from the Dean and Virginia Rusk Fellowship Foundation, Saint Louis University Law School, and the contributions of friends and alumni of the Seminar.

It is expected that grants can once again be received for the 20th annual Session of the Seminar. The policy of the Brussels Seminar has been that insofar as possible the extent of the financial resources of students should not be a factor in

their participation in the Seminar; thus costs to participants while in Brussels have been kept at a minimum. In order to carry out this policy, the continuing receipt of grants is necessary. Moreover, as of August 1991 the value of the U.S. dollar in relation to the Belgian franc was over 35% less than in July 1985. In planning for the 20th session it is essential to bear in mind the declining value of the U.S. dollar and inflation in Belgium since expenses in Belgium must be paid in Belgian francs.

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