



College of Europe
Collège d'Europe



Natolin



Institute of European
and Comparative Law

Faculty of Law



EU LAW IN THE MEMBER STATES

AIR PASSENGER RIGHTS, 10 YEARS ON

26 – 27 September 2014

College of Europe, Bruges

Verversdijk C

Regulation 261/2004 on Air Passengers' Rights has been amongst the most high-profile pieces of EU secondary legislation of the past years, generating controversial CJEU judgments, from *ex parte IATA* to *Sturgeon*. The Regulation has led to equally challenging decisions across the Member States – from the English Court of Appeal holding that a Regulation could not be relied upon by an individual claimant in English Law to a German Court threatening outright to refuse an application of its provisions. The economic stakes are significant for passengers and operators alike, and with the recent publication of the Commission's reform proposals controversies appear far from settled.

At the same time the Regulation should, according to the Treaty, have the same direct and general application in all the Member States of the Union. How, then, can this diversity be explained? What implications do they have for the EU's regulatory strategy at large? These and other questions will be explored as part of a workshop in the **EU Law in the Member States** conference series, dedicated to exploring the impact of landmark CJEU judgments and secondary legislation in legal systems across the European Union. The conference organised jointly by the College of Europe Department of European Legal Studies and the Oxford University Institute of European and Comparative Law will bring together generalist EU lawyers and experts in the relevant field, combining perspectives from a wide range of different member states in order to compare and analyse the effect of EU law on domestic legal systems and practice.

Day I: Friday, 26 September 2014

13:30 Registration

14:00 Welcome

Jörg Monar, Rector, College of Europe

Session I: EU Passenger Rights

Chair: *Rob Lawson QC, Quadrant Chambers London*

14:10 Regulation 261/2004: the Passenger Rights Framework

Frank Benyon, European University Institute

14:30 Luxembourg v Montreal: Time for the Hague to Intervene

John Balfour, Senior Consultant, Clyde & Co London

14:50 **Keynote Address**

Jiří Malenovský, Judge at the Court of Justice

Discussion

16:00 *Coffee Break*

16:30 EU Regulations in the Member States: Incorporating International Norms

Silvia Ferreri, University of Torino

16:50 EU Law and the Montreal Convention of 1999: Key Issues

David McClean, Editor, Shawcross & Beaumont on Air Law

17:10 Passenger Rights: the International Dimensions

Inge Govaere, Ghent University & College of Europe

Discussion

19:00

Conference dinner

Day II: Saturday, 27 September 2014

Session II:

Passenger Rights in the Member States

Chair: *John Balfour*, Senior Consultant, Clyde & Co London

9:00

National Report Highlights (*up to 15 minutes each*)

Austria and Germany

Irena Gogl-Hassanin, Jarolim | Flitsch Rechtsanwälte

Benelux

Pablo Mendes de Leon and *Wouter Oude Alink*, Leiden University

Bulgaria and Romania

Alexandre Kornezov, Court of Justice

Czech Republic and Slovakia

Kristian Csach, University of Kosice

France

Fabien Le Bot, Université de Valenciennes

10:30

Coffee Break

10:50

National Report Highlights cont'd (*up to 15 minutes each*)

Iberia

Mireia Artigot, UPF Barcelona

Italy

Laura Pierallini, LUISS Rome

Poland

Krystyna Kowalik-Bańczyk, Polish Academy of Science

UK and Ireland

Ben Jones, University of Oxford

12:00

Beyond European Skies: Extra-territorial Effects

Brian Havel, DePaul University College of Law, Chicago

Discussion

13:00

Lunch

Session III:

EU Passenger Rights: Up in the Air?

Chair: *Ulf Bernitz*, Stockholm and Oxford

14:00

Passenger Rights: Remedies and Member State Legal Systems

Sacha Garben, London School of Economics

14:20

European 'Private' Law: Up in the Air?

Joasia Luzak, University of Amsterdam

14:40

Reforming European Passenger Rights

Jeremias Prassl, University of Oxford

Discussion

15:30

Concluding Remarks: Uniform Rights in Europe?

Michal Bobek, College of Europe