

Re-Globe Jean Monnet Conference
Department of Legal Studies

The European Parliament, EU Trade Policy, and Civil Society

Bologna, Monday 25 November 2024
Sala Armi, Palazzo Malvezzi, Via Zamboni 22, 10:30-17:30

10:30–11:00: Federico Casolari (Director of the Department of Legal Studies and Full Professor of European Law, University of Bologna)

Anna Lisa Boni (Deputy Mayor for EU/Recovery Funds, Climate Mission 2030: Neutrality and Transition, International Relations, Promotion of Bologna Twin Towers, UNESCO Porticoes, Municipality of Bologna)

Elisabetta Lucertini (Manager of Europe Direct Emilia-Romagna, Assemblea legislativa Regione Emilia-Romagna)

Welcome greetings

11:00–11:30: Elisa Baroncini (Coordinator of the Re-Globe Jean Monnet Module and Full Professor of International Law, University of Bologna)

Introduction to the event

11:30–12:30: Martti Kalaus (Head of Unit, Committee of Foreign Affairs, European Parliament; formerly Head of Unit, Committee on International Trade, European Parliament)

“The Role of the European Parliament in Shaping the EU Trade Policy”

12:30–13:00: Round-table on the European Parliament and Trade Agreements

Lunch-break

Chairs: Gian Maria Farnelli (Associate Professor of International Law, University of Bologna),

Susanna Villani (Junior Assistant Professor in EU Law, University of Bologna)

14:30–14:50: Carla Gulotta (Associate Professor of International Law, University of Milano-Bicocca)

“The EU Regulation on Deforestation-free Products”

14:50–15:10: Stefania Nardelli (Press and Communication Officer, European Commission)

“The EU’s New Economic Foreign Policy”

15:10–15:30: Niccolò Lanzoni (Post-doc Research Fellow in International Law, University of Bologna)

“Incorporating Corporate Social Responsibility in the New EU PTAs”

15:30–15:50: Giada Grattarola (Junior Researcher in EU Law, University of Pavia)

“Autonomy and Coherence in the EU External Relations”

15:50–16:20: Elisa Baroncini

“Enforcing Sustainability in the EU PTAs: The Role of Private Parties”

Q&A Session

17:00–17:30: Paolo Mengozzi (Emeritus Professor, University of Bologna; Former Advocate General of the Court of Justice of the European Union)

Conclusions

Presentatione della Conferenza Re-Globe: Con l'entrata in vigore del Trattato di Lisbona, il Parlamento europeo ha acquisito un ruolo di primo piano nell'azione internazionale dell'Unione europea, sia per l'adozione di misure autonome che per la conclusione degli accordi internazionali dell'Unione europea. L'azione del Parlamento europeo è particolarmente rilevante nell'attuazione delle politiche di competenza esclusiva dell'Unione europea, soprattutto della *trade policy*, la cui ampia portata include le questioni di sostenibilità collegate agli scambi internazionali e agli investimenti stranieri, dunque il rispetto di ambiente, biodiversità, *core labour standards*. La Conferenza internazionale del modulo Jean Monnet Re-Globe è dedicata ad illustrare ed analizzare il ruolo che il Parlamento europeo ha nella definizione della *trade policy* della UE, considerando gli aspetti più innovativi degli accordi preferenziali di nuova generazione dell'Unione europea, come pure degli strumenti unilaterali, mettendo in evidenza il ruolo che la società civile può assumere nella definizione e nell'attuazione di tali accordi e misure autonome, e soffermandosi anche sul concetto di "new economic foreign policy" presentato per la prima volta nel luglio 2024 nelle linee guida proposte dalla Candidata alla Presidenza della Commissione europea Ursula von der Leyen.

Presentation of the Re-Globe Conference: With the entry into force of the Lisbon Treaty, the European Parliament has acquired a relevant role in the international action of the European Union, both for the adoption of autonomous measures and for the conclusion of international agreements by the European Union. The European Parliament's action is particularly important in the implementation of policies of exclusive competence of the European Union, especially the EU trade policy, the broad scope of which includes sustainability issues related to international trade and foreign investments, i.e. respect for the environment, biodiversity, core labour standards. The International Conference of the Re-Globe Jean Monnet Module is dedicated to illustrating and analysing the role that the European Parliament plays in the definition of the EU trade policy, considering the most innovative aspects of the new generation of the EU preferential agreements, as well as the new EU unilateral instruments, highlighting the role that civil society can play in the definition, implementation and enforcement of such agreements and autonomous measures, and also focusing on the concept of a 'new economic foreign policy' introduced for the first time in July 2024 in the guidelines proposed by the Candidate for the European Commission President Ursula von der Leyen.

Abstracts and Short Bios of the Speakers

The Role of the European Parliament in Shaping the EU Trade Policy. Abstract: The role of the European Parliament in the EU trade policy has very significantly changed over the past 15 years. Although the common external tariff and customs area were among the very first and important corner-stones of the common European project, for half a century it was the Council that adopted European trade legislation and gave mandates, guidance and approvals to Commission about trade negotiations. All that changed in 2009, when the Parliament finally acquired the full powers of a co-legislator as well as the power to decide over ratification of international trade agreements. Considering that the Lisbon Treaty also extended the scope of EU's trade policy to include investment policy, the Parliament started to play a key role also in that specific context. All that gave to the Parliament not only a completely different formal standing, but also a way to substantially shape the legislation and influence the international negotiations, as well as the subsequent implementation of legislation and agreements. This has allowed the Parliament to be much more pro-actively and closely involved in shaping the EU's trade policy and - being the only directly democratically elected institution of the European Union - to consider not only the concerns and interests of the European citizens and stakeholders, but also to engage closely with the parliamentary counterparts (both bilaterally and via the Parliamentary Conference on the WTO) and stakeholders around the World.

Martti Kalus is currently the Head of the Secretariat of the Committee on Foreign Affairs (AFET) at the European Parliament, leading a team of 22 officials who are assisting AFET Chair and Members in relation to EU's foreign policy, including the Common Foreign and Security Policy (CFSP), enlargement policy, and political relations with the third countries. Over the past 15 years he has been involved in the development of the EU's trade policy both at the European Parliament (having led the Secretariat of the Committee on International Trade (INTA) from 2017 to 2024, and previously working there as administrator from 2009 to 2015) as well as at the European Commission (coordinating trade-

related matters in the Secretariat-General from 2015-2017). Prior to moving to Brussels in 2004, Mr Kalas worked for five years as attorney in his native Estonia (specialising predominantly in commercial and competition law). He holds a Master's degree in European Law from Stockholm University (Sweden) and a Law degree from Tartu University (Estonia).

The EU Regulation on Deforestation-free Products. Abstract: The EU Deforestation Regulation (EUDR) is one of the most controversial measures adopted by the European Union in its fight against climate change. Based on the assumption that they may be the result of deforestation, the Regulation requires companies importing or exporting certain commodities - cattle, cocoa, coffee, oil palm, rubber, soya and timber - and the by-products listed in a specific annex, to establish and implement a due diligence system. The chosen strategy raises questions about the compatibility of the Regulation with WTO law, its coherence and coordination with other EU sustainability measures, and the legality of its extraterritorial effects. After a brief overview of the general structure of the Regulation, the presentation will focus on the challenges associated with its implementation. It will be argued that only a dual commitment by the EU and its Member States, involving and supporting both public authorities in the countries of origin of the relevant products and private stakeholders in the internal and external markets, can ensure the success of the Regulation.

Prof Carla Gulotta, PhD in International Law, is Associate Professor of International Law at the University Milano-Bicocca, where she teaches Eu Law, International Economic Law and International Trade Law. She is the founder and Co-director of the Master on Sustainability in Law, Finance, and Management, now in its seventh edition, and Coordinator of the Module of International Law and Compliance in the Executive Master on Management of Research Infrastructures-EMMRI at the same University. She has published three monographs, numerous articles in journals and reviews, and peer-reviewed chapters and contributions in books. Her research fields include international trade and investments, the impact of economic activities on human rights, the concept of sustainability in the EU and international trade law, and the impact of emerging technologies on the protection of human rights. Carla is a member of the Italian Society of International Law (ISIL) and of its Groups of Interest on International and European Health Law and International Economic Law (she has also been co-convenor since, respectively, 2018 and 2019).

The EU's New Economic Foreign Policy. Abstract: The President of the European Commission, Ursula Von der Leyen, in her political guidelines 2024-2029 mentions for the first time the concept of "A new economic foreign policy", which is based on the increasingly thin line between economy and security. The rationale behind this new concept is that, since in today's world geopolitics and geoeconomics go together, Europe's foreign and economic policy must do the same. While the implications of this concept still need to be precisely defined, the trade tools already in place - including the foreign subsidy and the enforcement regulations, the anti-coercion instrument, and the EU's economic security strategy - can give already an idea about how the EU's trade policy has changed over the years to respond to global challenges and security concerns. In line with the purpose of the lectures of the Jean Monnet Re-Globe, we'll see how the EU by reforming EU trade law contributes to reach the SDGs of Agenda. Indeed, the purpose of this intervention is to present and analyze trade as an instrument to achieve greater objectives, while responding to the many highly sensitive challenges currently characterizing the global economy, which is increasingly becoming a major field of interest of geopolitics. ***Disclaimer: the information and views set out in the context of this seminar are those of the speaker and do not necessarily reflect the official opinion of the European Commission.***

Dr Stefania Nardelli, after specializing in international and EU trade law, has worked for almost 20 years in the European institutions. Thanks to her extensive experience in DG Trade and at the European Parliament's Committee on International Trade (INTA), she has gathered extensive experience in EU trade law, from the legislative process to its implementation, in particular with respect to the EU's economic security, including trade defence measures, and the trade relations between the EU, the USA and China. In particular, she has investigated Chinese subsidies on solar panels, negotiated trade defence chapters of EU's Free Trade Agreements on behalf of the EU, provided legal advice in trade defence cases before the WTO and Court of Justice of the EU, followed the legal ordinary procedure leading to the enforcement and anti-coercion regulations, and organized for INTA the structured dialogue with the Commission on EU-US trade relations (Trade and Technology Council). Author of articles on EU trade policy published in Law Journals, her occasional academic activity as lecturer at the university covered, over the years, different topics, including trade defence, the EU institutions and the interaction between the EU trade policy and other EU policies (like the green deal). In 2023, she joined the Milan office of the Representation of the European Commission in Italy, where she is in charge of press and communication for the North of Italy to contrast disinformation about EU policies.

Incorporating Corporate Social Responsibility in the New EU PTAs. Abstract: The lecture discusses the legal value and practical effects of incorporating Corporate Social Responsibility (CSR) soft law instruments into preferential trade agreements (PTAs), particularly those involving the European Union (EU). The lecture highlights the increasing inclusion of international CSR standards within these agreements, reflecting the growing importance of sustainable development and responsible business practices in international economic law. Despite the traditionally voluntary nature of CSR, references to soft law instruments in free trade agreements are raising questions about their regulatory status and potential to influence binding legal obligations. The article examines the complexities of this trend, including the legal interpretation of CSR references in free trade agreements and their impact on corporate responsibilities. The article concludes that although CSR remains largely voluntary, its role in free trade agreements signals a shift towards greater standardisation and accountability in global governance.

Dr Niccolò Lanzoni is post-doctoral research fellow in International Law at the Department of Law and adjunct professor in International Law at the Department of Cultural Heritage. He holds a PhD in International Law from the University of Bologna and has been admitted to the Italian Bar. He has obtained the “National Scientific Qualification” (*Abilitazione Scientifica Nazionale*) for the position of associate professor in International Law in Italian universities. Previously, he held the position of post-doctoral research fellow (*assegnista di ricerca*) and adjunct professor at the same university. A visiting research fellow at the Heidelberg Institute para América Latina and former guest lecturer at the Eastern Mediterranean University, he served as research assistant for the Italian Defence College in the M/V ‘Norstar’ case (Panama v Italy).

Autonomy and Coherence in the EU External Relations. Abstract: It is generally affirmed that the relationship between the ‘autonomy’ and the ‘coherence’ of the European legal system is well-defined, both in the external relations field and in relations between the Union and its Member States. In particular, the principle of autonomy is widely considered to operate as a “coherence device”: thus, the protection of the autonomous nature of the EU legal order would also ensure its internal effectiveness and consistency. Albeit sound in general terms, this reading does not seem to directly address the consequences, for the coherence of the Union’s external action, deriving from the application of the principle of autonomy as operated by the European Court of Justice (ECJ) in some judgments, which belong, in particular, to the case-law strand considering the lawfulness of the dispute settlement mechanisms established by agreements concluded (or to be concluded) by the Union itself. Indeed, in the *Mox Plant* and the *Komstroy* judgements, as well as in *Opinion 2/13*, the ECJ set high compatibility conditions, sometimes interpreted in the relevant literature as preventing the Union from actually submitting to the decisions of an international tribunal. This kind of foreclosure would have important consequences on the very coherence of the Union’s external action. Indeed, pursuant also to Article 3(5) TEU, in its relations with the wider world, the EU is called upon to promote its values and objectives, thus contributing, among other aspects, to the protection of human rights, to the sustainable development of the Earth, and to the promotion of free and fair global trade. The actual pursuit of all these objectives requires, however, the creation of international control devices, or dispute settlement mechanisms, verifying the Contracting Parties’ compliance with the relevant conventional provisions: this holds true for the treaties on human rights and environmental protection, as well as for free trade and investment protection agreements. Therefore, if the principle of autonomy, as interpreted by the Court of Justice, is to be understood as an obstacle to the Union’s participation in agreements establishing international supervisory or adjudicatory bodies, this principle would actually impair the coherence of the Union’s action, which would thus be impeded in the promotion of those objectives that, according to primary law, should still inform its international activity. In light of the above considerations, this intervention aims at, firstly, assessing the notions of ‘autonomy’ and ‘coherence’: indeed, even if both intuitively understandable, these concepts are surrounded by interpretative uncertainty, which necessarily affects the scope of application of the relevant principles. Once proposed a common understanding of the notions at hand, this contribution will try to explore the relationship between the principle of autonomy and the principle of coherence also under the “problematic” perspective just described. In the end, it will be argued that the protection of the autonomy of the EU legal system does not affect the coherence of its external action and the actual promotion of the relevant objectives set by primary law.

Dr Giada Grattarola works as Research Fellow (Ricercatore Junior – RTDa) and Lecturer at the University of Pavia. She holds a Master’s Degree in Law from the University of Pavia and a Diploma in Social Sciences from the Pavia’s Scuola Universitaria Superiore IUSS. She completed her doctorate in 2021 delivering a PhD dissertation on the regulation of EU internal relations, with a particular focus on the validity and applicability of treaties concluded between Member States. She has been Postdoctoral Research Fellow from November 2021 to September 2022 and tasked with a research project dealing with the relevance of the Vienna Convention on the Law of the Treaties in the case-law of the European Court of Justice. Her related work, addressing the principle of autonomy of the European legal order, has been awarded in 2023 by the Italian Society of International Law and European Union Law (SIDI) (<https://www.sidi-isil.org/archivio-premi-sidi/>). Her research interests focus

primarily on the autonomy of the European legal order; on international and European immigration law; on EU's health competences and policies; on mandatory labelling requirements according to EU food law. She is responsible for the course on European Agri-food Law at the University of Pavia, Department of Natural Sciences. As guest lecturer, she taught classes on consumer protection in EU food law at the Freie Universität of Berlin.

Enforcing Sustainability in the EU PTAs: the Role of Private Parties. Abstract: The EU trade policy has traditionally and constantly been a distinctive part of the international action of the Union. More and more characterized by the principle of sustainable development, and considered as a major driver for the achievement of the SDGs of the UN 2030 Agenda, since the Lisbon Treaty the common commercial policy of the European Union has been promoting a new generation of preferential trade agreements (PTAs). The latter are highly innovative and rich instruments in promoting environmental and social standards, biodiversity and gender protection, and fighting climate change while pursuing economic integration between the EU and its trade partners. The present lecture aims at illustrating the main features of the EU PTAs, with a focus on their trade and sustainable development chapters (TSD chapters), considering the role private parties have in the monitoring, implementation and enforcement of these new treaty tools. In particular, the bilateral dispute settlement mechanisms of the EU PTAs will be analyzed, together with the new EU mechanism of the Single Entry Point (SEP) and the EU Trade Barriers Regulation, presenting the role economic operators, and more generally civil society, may have in pursuing the observance of the sustainability obligations of the EU trade agreements.

Prof Elisa Baroncini, cum laude Law Degree and PhD in EU Law, is Full Professor of International Law at the University of Bologna, where she currently teaches International Economic Law, International Law on Sustainable Development, and International Energy Law. After having served for ten years (2012-2022) as Co-Chair of the ESIL IG on International Economic Law, in 2019 Elisa co-founded and is currently Coordinator of the Interest Group on International Economic Law of the Italian Society of International Law (DIEcon); and in December 2023, she has been elected as Member of the Executive Council of the Society of International Economic Law (SIEL). She has been Visiting Professor at the China-EU School of Law, speaker and organizer of many international conferences, Visiting Researcher at the European University Institute. Elisa coordinates and participates in international and national research projects. She has been awarded the Jean Monnet Module "Re-Globe-Reforming the Global Economic Governance: The EU for SDGs in International Economic Law" (2022-2025), the Jean Monnet Chair "SustainEU-orPlanet- The EU as a Global Actor in the International Law for the Sustainable Development of the Planet – Advancing Fairness, Expanding Accountability and Promoting Security" (2025-2028), and the research fund by the Italian Ministry of Foreign Affairs for the project "L'Organizzazione mondiale del commercio quale protagonista dello sviluppo sostenibile nel rilancio del sistema multilaterale". Elisa has recently been the Coordinator of two UNA Europa Seeds Research Projects: "WHC@50- Forever Young: Celebrating 50 Years of the World Heritage Convention"; and "ImprovEUorGlobe- The UN 2030 Agenda in the EU Trade Policy: Improving Global Governance for a Sustainable New World". Member of the Scientific Committee of the "Centro Interuniversitario sul Diritto delle Organizzazioni Internazionali Economiche" (CIDOIE), Elisa has also been part of the Promoting Committee of the University of Bologna to honour the 1972 UNESCO Convention, and Member of the Scientific Committee of the Institute of Advances Studies (ISA) of the University of Bologna. In June 2022 she has been appointed by the European Commission TSD Expert for the dispute settlement mechanisms of the new generation of EU free trade agreements. In May 2023, Elisa Baroncini has been appointed Independent Non-executive Director of the Board of Eni S.p.A. She is also Member of the Editorial Board of "The Journal of World Investment & Trade" and the Editorial Board of Bologna of "Diritto del commercio internazionale". Elisa publishes extensively mainly in English and Italian, and her main fields of research include: the reform process of the WTO dispute settlement mechanism; the relation between free trade and non-trade values; transparency and civil society in international economic law; the new generation of EU FTAs and their enforcement; the participation of the European Parliament and the Commission in the EU treaty-making power; the relation between free trade and investment protection and cultural heritage protection; EU and international energy law.

Conclusions

Prof Paolo Mengozzi: Professor of International Law, holder of the Jean Monnet Chair of EC law at the Bologna University; Doctor honoris causa of the Carlos III University, Madrid; Visiting Professor at the Universities of Johns Hopkins (Bologna Center), St. Johns (New York), Georgetown, Paris II, Georgia (Athens) and the Institut universitaire international (Luxembourg); coordinator of the European Business Law Pallas Programme of the Nijmegen University; member of the Consultative Committee of the EC Commission on Public Procurement; Under-secretary of State for Trade and Industry during the Italian Presidency of the Council; member of the Working Group of the EC on the WTO, Director of the 1997 session of the research centre of The Hague Academy of International Law, devoted to WTO; Judge at the Court of First

Instance (1998-2006); Advocate General at the Court of Justice (2006-2018). Professor Emeritus of the University of Bologna; Knight of the Grand Cross of Merit of the Italian Republic.

Welcome greetings and Chairs

Prof Federico Casolari is Full professor of European Union Law at the Alma Mater Studiorum – University of Bologna, where he teaches EU law and EU Constitutional Law. He currently serves as member of the Joint Managerial Committee of the China-EU School of Law (CESL), member of the National Biodiversity Future Centre and member of the Interuniversity Centre on the Law of Economic International Organizations. He is also member of the Centre for Digital Ethics (CedE) and of the International Research Centre on European Law (CIRDE) of the University of Bologna and tutor at the Collegio Superiore of the same university (2016-2025). He is Director of the Master Programme in European Funds and Funding Projects Expert (MEFFE). He is Head of the Department of Legal Studies of the University of Bologna (Dean, School of Law).

Anna Lisa Boni, born in Bologna on June 15, 1969. She has a Master's degree from the University of Bologna in political science, and from the University of Leuven in European studies. She has been secretary general of EUROCITIES for over 7 years, representing the voice of 200 big cities across Europe. She has 30 years of professional experience in EU public affairs in the field of local and regional government and has successfully worked for a stronger recognition of cities' challenges within the European agenda. Her aim is to strengthen Bologna's profile as a European and global city, open to cooperate with and inspire other cities across Europe and the world, and as a key player in the EU arena in terms of accessing EU funds and influencing EU policies affecting cities. Anna Lisa studied political science and worked for the European Parliament. She has been Head of EUROCITIES for 8 years. She has 30 years of experience in EU public affairs for local and regional governments. Her aim today is to strengthen Bologna's profile as a European and global city and to make it a climate neutral digital and inclusive city.

Elisabetta Lucertini serves as civil servant at the Legislative Assembly of the Emilia-Romagna Region. Graduated in Political Science from the University of Bologna in 1999, with a Master degree in European Union Law. She is currently manager of Europe Direct Emilia-Romagna, an information and training centre that is part of the Europe Direct network coordinated by the European Commission.

Prof Gian Maria Farnelli, Ph.D., is Associate Professor of International Law at the Department of Legal Studies, University of Bologna; visiting scholar at the Max Planck Institute for Comparative Public Law and International Law. A member of the Italian Legal team in M/V Norstar (ITLOS), Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (ICJ) and Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (ICJ). Research assistant in inter-state and investor-state disputes. Editorial Assistant of the online journal Questions of International Law; a member of the Editorial board of the Osservatorio sulle attività delle organizzazioni internazionali e sovranazionali, universali e regionali, sui temi di interesse della politica estera italiana. His publications, in Italian and English, address issues of law of the sea, environmental law, State immunity, investment law and the law of international adjudication.

Dr Susanna Villani, Ph.D., is Assistant Professor in EU Law at the Department of Legal Studies of the University of Bologna (Italy) and is involved in the extended partnership PE01 – “Future Artificial Intelligence Research” FAIR- PNRR, Spoke 8 – Pervasive AI. From 2019 to 2023 she worked as a research fellow at the University of Bologna and in 2021 published a monography titled The Concept of Solidarity within EU Disaster Response Law. A Legal Assessment. She was also involved in several research projects of both national and supranational nature. She participated as a speaker in various conferences with contributions on solidarity in EU law, cybersecurity and artificial intelligence, the management of migration related to climate change, the principle of sustainable development in EU free trade agreements and the role of the European Parliament in the EU institutional framework.

Scientific Coordinator: Prof Elisa Baroncini

Scientific Organizer: Dr Niccolò Lanzoni

For further information about the event, please contact niccolo.lanzoni2@unibo.it