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# **Reflections on the Role of European Law Through the Financial and Economic Crisis**

*The Dublin 2011 Conference*

*A Joint Conference of  
The Irish Society for European Law  
and  
The United Kingdom Association for European Law*

**Friday, 18 November 2011**

at

The Law Society of Ireland  
Blackhall Place  
Dublin 7  
Ireland

# CONFERENCE PROGRAMME

8:15am to 8.45am

**Registration**

8:50am

**Welcome:** Donogh Hardiman BL, Hon. Secretary of the ISEL

8:55am

**Introduction:** ISEL Organising Committee

9:00am to 10:30am

## **SESSION 1: THE STATE AID RESPONSE TO THE FINANCIAL AND ECONOMIC CRISIS**

Introduction of Speakers: **Richard Ryan**, Arthur Cox

Moderator: **The Hon. Mr. Justice Aindrias Ó Caoimh**, Court of Justice of the European Union

Panellists: **Leo Flynn**, European Commission, Legal Service

**Conor Quigley QC**, Serle Court Chambers

**John Meade**, Partner, Arthur Cox

**Professor Piet Jan Slot**, Europa Institute, Leiden University

Rapporteur: **Aileen Murtagh**, A&L Goodbody

*Issues for discussion may include:*

- *Has the European Commission's temporary framework to support access to finance been a success? Are there implications for withdrawal of the temporary framework?*
- *A comparison of approaches taken to bank support across the EU.*
- *Has the European Commission's State aid framework for the financial sector achieved its goals? Is it fit for purpose? What lessons have been learned from the crisis and the State aid response?*
- *How has the European Commission's experience in the financial sector impacted on its general approach to rescue and restructuring aid?*
- *Has the State aid policy response facilitated a reorganisation and downsizing of the financial sector across the EU? Have remedies imposed on restructured banks enhanced the competitive landscape across the EU? Has there been a retrenchment by banks to home markets? How have the State aid rules impacted on this?*
- *How has the European Commission's exit strategy worked to date? What issues arise when Member States divest their bank interests?*
- *What issues arise from the interplay between competition rules and financial regulation?*

10:30am to 10:45am

**Coffee/Tea Break**

10:45am to 12:15pm

## **SESSION 2: THE EU FINANCIAL REGULATORY RESPONSE TO THE FINANCIAL CRISIS**

Introduction of Speakers: **Maureen O'Neill**, McCann FitzGerald

Moderator: **Professor Takis Tridimas**, School of Law, Queen Mary University of London

Panellists: **Emil Paulis**, Director, Financial Markets, DG Internal Market and Services, European Commission

**Joseph Gavin**, General Counsel, Central Bank of Ireland

**Simon Crown**, Partner, Clifford Chance LLP

**Paul O'Connor**, Director of Capital Markets and Risk, Irish Banking Federation

Rapporteur: **Sarah Jane Hillery BL**

*Issues for discussion may include:*

- *To what extent did the pre-existing regulatory framework contribute to the financial crisis?*
- *A comparison of different national approaches taken to the supervision of financial institutions across the EU.*
- *How has the financial crisis affected the European Commission's vision of a single EU market in financial services? How is the need for financial institutions to be risk-takers balanced with the need to protect consumers and taxpayers?*
- *Is it right that Member State taxpayers should underwrite the cost of failed financial institutions?*
- *Is a single European financial services regulator the logical next step?*
- *How does the European Commission ensure that the EU financial services industry remains competitive in an international context?*
- *What has been the European Commission's response to the financial crisis? How will the European Commission's legislative response to the financial crisis prevent a future crisis, if at all?*

12:15pm to 1:45pm

**Conference Lunch**

1:45pm to 3:15pm

**SESSION 3: LITIGATING IN THE FINANCIAL CRISIS**

Introduction of Speakers: **Joanne Finn**, Eugene F. Collins

Moderator: **The Hon. Mr. Justice Donal O'Donnell**, Supreme Court of Ireland

Panellists: **Shane Murphy SC**

**Christopher Mallon**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

**Piers Gardner BL**, Monckton Chambers

Rapporteur: **Jessica Loughnane**, Eugene F. Collins

Issues for discussion may include:

- *Irish financial crisis litigation*
- *EU law issues in the primary Irish cases*
- *Mortgage litigation, debtors, bankruptcy and the proposed LRC reforms*
- *Current jurisprudence on forum shopping*
- *Proposed EU reforms on Regulation 44/2001*
- *The impact of the ECHR on commercial litigation*
- *Understanding the ECHR strategies available to corporate litigants*
- *Does the ECHR really offer serious financial relief?*

3:15pm to 3:30pm

**Coffee/Tea Break**

3:30pm to 5:00pm

**SESSION 4: FUNDAMENTAL RIGHTS OF COMPANIES IN EU LAW: WIDENING THE SCOPE AND INCREASING CORPORATE PROTECTION**

Introduction of Speakers: **Margaret Gray BL**

Moderator: **The Hon. Mr. Justice John Cooke**, High Court of Ireland

Panellists: **Peter Oliver**, European Commission, Legal Service

**Fernando Castillo de la Torre**, European Commission, Legal Service

Commentators: **The Hon. Mr. Justice Nial Fennelly**, Supreme Court of Ireland, President of the ISEL

**Professor Sir Francis Jacobs**, K.C.M.G., P.C., Q.C., King's College London, President of the UKAEL

Rapporteur: **Ronan Lupton BL**

*Presentation 1: Fundamental rights of companies in EU law*

- *Overview of the extent of corporate protection under the ECHR*
- *Overview of the extent of corporate protection under the Charter, with focus on rights of:*
  - *privacy*
  - *property*
  - *effective judicial protection*

*Presentation 2: Corporate rights in EU competition law proceedings*

- *The institutional setting of enforcement of EU competition law*
- *Presumption of innocence applied to legal persons*
- *Rights of defence in competition proceedings*

5:00pm

**Closing Remarks:** **Christopher Vajda QC**, Hon. Treasurer of the UKAEL

5.15pm

**Conference Reception**

7.00pm

**Conference Dinner (by subscription)**