European Colloquium
MANAGING CONSTITUTIONAL LITIGATION BETWEEN NATIONAL AND SUBNATIONAL GOVERNMENTS OUT OF COURT: AN ANALYSIS OF EXPERIENCES IN EUROPE
20th May 2019
Sala Conferenze, Palazzo di Giurisprudenza via Verdi 53, Trento

The tension between national and subnational governments over competencies and resources is physiological in federal, regional and devolved polities; and such tension, in rule of law states, is just as physiologically to be eventually decided in court. Nevertheless, such politics also favour - in law or in practice, through conventional agreements - attempts at managing such litigation at a pre-judicial stage, relying on courts only if and when such other instruments fail to eventually achieve a mutually acceptable negotiated result.

Contrary to such shared model in Europe, in Italy there is no formal normative source encouraging pre-judicial solutions to state-regions controversies, nor has practice developed reasonable ways to avoid going to court - to the extent that state-regions litigation has recently reached peaks of over half of the workload of the Constitutional Court. Litigation in front of the Constitutional Court proves to be the only remedy available to managing such controversies. No alternative conventional way out of such conundrum has been so far developed with the aim of managing such litigation, other than starting a bargaining process at a later stage and eventually renouncing the lawsuit already filed.

The Colloquium aims at exploring the law as well as the practice in Austria, in Belgium, in Germany, in Spain, in Switzerland and in the United Kingdom and at providing a comparative assessment, while also dealing with the relevant Italian experience in the field.

9.15 Welcome and introduction
Roberto Toniatti, Professor of Comparative Constitutional Law, University of Trento

9.30-12.45 First Session
Valerio Onida, Emeritus Professor of Constitutional Law, University of Milan, and former President of the Constitutional Court in Italy
Maribel Gonzales Pascual, Professor of constitutional law, Universitat Pompeu Fabra, Barcelona

10.45-11.00 Coffee Break

Eva María Belser, Chair of Constitutional and Administrative Law, Co-Director, Institute of Federalism, University of Fribourg
Julien Pieret, Director, Centre de droit public (CDP) - Université libre de Bruxelles (ULB)

12.00-12.45 Discussion
12.45 Lunch

14.15-18.30 Second Session
Anna Gamper, Institut für öffentliches Recht, Staats- und Verwaltungswissenschaft, University of Innsbruck
Karl-Peter Sommermann, Prof. Dr. Dr. h.c., Chair of Public Law, State Theory and Comparative Law, German University of Administrative Sciences Speyer
Peter Leyland, Professor of Public Law, SOAS and London Metropolitan University

16.15-16.30 Coffee break
16.30-18.00 Discussion
18.00-18.30 Final Remarks
Nicola Steytler, South African Research Chair in Multilevel Government, Law and Policy - Dullah Omar Institute of Constitutional Law, Governance and Human Rights, University of the Western Cape

Scientific coordinator
Prof. Roberto Toniatti

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