



THE SWEDISH NETWORK FOR EUROPEAN LEGAL STUDIES
IS PROUD TO PRESENT THE CONFERENCE:

The Resilience of General Principles of EU Law and Fundamental Rights in the digital EU Legal order

8–9 November, 2018

|Grillska huset, Stockholms Stadsmission|
|Stortorget 3, Stockholm|

Conference outline

The Conference will address the role of general principles in the era of digitalization and the (potential) impact of digitalization on the theory of general principles of Union law.

Not only will we reflect on the latest developments and overarching themes regarding general principles, but we will also look in particular at the issues revolving around the digital single market, competition, data protection and the relationship between digitalization, general principles, democracy and the rule of law.

The background is well-known. The digitalization of our economies and society has important ramifications for citizens and businesses in the European Union. The market place is rapidly changing due to the growing significance of the collaborative economy with actors like Airbnb and Uber, the importance of e-commerce, the dominant role of the tech giants Google (Alphabet), Facebook, Apple, Microsoft and Amazon, or complex algorithms and their impact on the free flow of information. At the same time, there are concerns as to how citizens' fundamental rights, like the protection of privacy and personal data, human dignity or freedom of information, can be sufficiently safeguarded in the era of digitalization.

Program

Day 1: Thursday 8th November

- 12.30 **Welcome lunch**
- 13.30 **Welcome**
Antonina Bakardjieva Engelbrekt, Chair, Swedish Network for European Legal Studies *and*
Ulf Bernitz, professor of European Law, Stockholm University

Part 1: General Principles in the EU's (Digital) Legal Order

- 13.40 *Opening Presentation:*
Revisiting the EU Single Market's legal building blocks in the light of digitalization
Sybe de Vries, professor of EU Single Market Law & Fundamental Rights, Utrecht University School of Law.
- 14.00 *General session*
Too little or too much resilience? On the use and abuse of 'General Principles' in EU law
Dorota Leczykiewicz, Associate Professor of Law, University of Oxford
- 14.30 **Some implications of the principle of sincere cooperation, in particular in connection with digitalization**
John Temple Lang, Irish Centre for European Law, Dublin
- 15.00 **Break**
- 15.30 *Parallel sessions*
Panel 1: EU Law and Digital Copyright
- Balancing of fundamental rights as a method for enforcing digital copyright in the EU: Exploring the institutional implications.**
Antonina Bakardjieva Engelbrekt, Professor of European Law, Stockholm University
- Private ordering by platforms: trends and risks**
Stefan Kulk, LLM and PhD candidate, Utrecht University School of Law
- EU Charter rights and private law relations: what the CJEU's intellectual property and internet case law might teach?**
Tuomas Mylly, Professor of Commercial Law, University of Turku

15.30

Panel 2: The Inclusive EU Single Market, Digitalization and General Principles

The free movement principle and the internet: Observations on current developments in the case law of the CJEU.

Ulla Neergaard, Professor of European Law, University of Copenhagen

The database EESSI enhancing the coordination of social security – An example of when general principles collide

Jaan Paju, Associate Professor of Law, Stockholm University

General principles of EU Law for the sharing economy: Between resilience and reinvention.

Vassilis Hatzopoulos, Professor of EU Law and Policies, Panteion University, Athens

17.00

General session

The Proportionality Paradox. EU proportionality between the technical and the political in EU legislation

Ton van der Brink, Associate Professor of European Law, Utrecht University School of Law

17.30

Guided tour of Stockholm Old Town (optional)

End of day 1

Program

Day 2: Friday 9th of November

Part 2: New Technology and Fundamental Rights and Principles

- 09.30 *General session*
Data processing by AI and fundamental rights
Claes Granmar, Associate Professor of European Law, Stockholm University
- 10.00 **The resilience of the general principle of non-discrimination and the protection of the fundamental right to equality in the age of artificial intelligence: Has anti-discrimination law become unfit?**
Linda Senden Professor of European and International Law, Utrecht University School of Law *and*
Raphaële Xenidis PHD Researcher in Gender Equality Law, Utrecht University School of Law
- 10.30 **Break**
- 11.00 *Parallel sessions*
Panel 3: Competition Law in the Frame of EU Principles
- Conceptualizing the power of big tech as modern bigness**
Anna Gerbrandy, Professor of Competition Law, Utrecht University School of Law
- Blockchain: a panacea or a threat to fundamental rights?**
Thibault Schrepel, Assistant Professor in European Economic Law, Utrecht University School of Law
- Applying the principle of proportionality in the assessment of on-line sales restrictions – Have the courts found the balance?**
Helene Andersson, Ass. Lecturer of European Law, Stockholm University
- Discussant**
Björn Lundqvist, Associate Professor of European Law, Stockholm University
- 11.00 **Panel 4: Data Protection**
- Towards principles on the regulation by design of artificial intelligence**
Lucky Belder, Assistant Professor of European Law, Utrecht University School of Law
- The loss of personal autonomy in the digital age**
Stanley Greenstein, Institute of Law and Informatics, Stockholm University

Whether the requirement of data protection by design set forth in the GDPR clashes with the general principles of EU law
Liane Colona, Institute of Law and Informatics, Stockholm University

Discussant:

Andreas Moberg, Associate Professor, Gothenburg University

13.00

Lunch

14.00

Concluding session

**The Resilience of General Principles. How to go Forward?
Summing up and Conclusions**

Xavier Groussot, Professor of European Law, Lund University

General Discussion

15.00

End of day 2