



mpi

LUXEMBOURG



MAX-PLANCK-GESELLSCHAFT

Wednesday, 25 September 2013

Judicial and quasi-judicial accountability
of European Agencies:
The case of the Board of Appeal
of the European Supervisory Authorities (ESAs)

Program

Judicial and quasi-judicial accountability of European Agencies: The case of the Board of Appeal of the European Supervisory Authorities (ESAs)

The founding Regulations of the European Financial Supervisory Authorities (ESAs) confer on the Board of Appeal – a joint body of the three Authorities – the power to review the legality of the acts adopted by the ESAs.

The seminar will offer the opportunity to examine the features of such review, including its rules of procedure, the scope of decisions subject to control, and the intensity of scrutiny when technical discretion is involved. The recently published first decision by the Board of Appeal, in the case *SV Capital OÜ v EBA*, will also give the chance for a preliminary assessment of the Board's functioning.

Furthermore, the interaction between judicial review by the Court of Justice and quasi-judicial review by the Board of Appeal offers a fruitful perspective for a comparison of the relative advantages and disadvantages of the two models of scrutiny, and can provide indication on the most effective design for quasi-judicial bodies, that are likely to be an increasingly common device for future European Agencies.

The seminar will gather scholars, representatives of the European Institutions, and practitioners from all over Europe, including members of the Board of Appeal who will report on their experience after the first period of the Board's activity.

The seminar will be held on 25 September 2013 from 9 a.m. at the premises of the Max Planck Institute Luxembourg (4, rue Alphonse Weicker, L-2721 Luxembourg).

Program

09:00 Arrival and registration

09:15 Welcome addresses

Professor Burkhard Hess,
Director, Max Planck Institute Luxembourg

Sir William Blair
Chairman, ESAs Board of Appeal

09:30 The Board of Appeal's structure and
procedure: meeting market participants'
needs?

Professor Marco Lamandini
University of Bologna

09:55 The review by the Board of Appeal:
nature and scope

Professor Herwig C. H. Hofmann
University of Luxembourg

Discussion

Break

11:10 The scope of judicial review of the
ESAs' acts

Professor Fabrizio Fracchia
Bocconi University of Milan

11:35 Judicial and quasi-judicial review
of the ESAs' acts: a comparison

Professor Thomas Groß
University of Osnabrueck

Discussion

12:20 Roundtable. Procedural remedies in
context: what role in the future of the ESAs?

Sir William Blair
Chairman, ESAs Board of Appeal

Dr. José Garcia Alcorta
Uría Menéndez, Madrid

Justice Marc Jaeger (tbc)
President, General Court of the European Union

Dr. Petra Senkovic
Head, ECB Financial Law Division



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