



Conference

***Talking law in the EU: clear language, rule of law  
and legitimacy in the European legal space***

*Amsterdam, 21-22 January 2021*

***Rationale and key questions***

In recent EU scholarship, the rule of law has been sometimes put forward as one of the ways to address the perceived disconnect between citizenry and governments (Horizon 2020 RECONNECT), while at the same time being indicated in some accounts as one of the ways in which collective self-determination has been disempowered (over-constitutionalisation, Davies and others). That citizens should be able to make sense of the law is a crucial element in allowing the rule of law to fulfil its legitimacy role, and possibly to prevent it from exacerbating the sense of disempowerment which seems to be fuelling populism in and beyond the EU. Clear (legal) language is often mentioned as a precondition, or an instrument, to bridge this gap in an increasingly dense legal space. Projects under the banner of clear language have been launched or re-launched in European as well as national fora.

The conference on *Talking law in the EU* will be an interdisciplinary event involving collaboration between the Faculty of Law (Candida Leone, Iris van Domselaar) and the Faculty of Humanities (Corina Andone). The organising panel reunites a legal with a linguistic perspective on language in EU law. It also proposes a number of contributions from these two perspectives which will help explain the essential factors affecting the working and effectiveness of EU legal language, and find appropriate ways to address them.

First, in one general theoretical panel we concentrate on the general conceptual question of what “clear language” means in law – within national contexts and that of the EU – and discuss the conditions under which it can perform the legitimising function that ongoing projects hope it could fulfil.

Second, in four successive panels, we investigate the role, practices and challenges of clear language in different institutional constellations:

- Legislation
- Transparency and comprehensibility as regulatory tool
- Adjudication
- Non-legislative rule making: soft law and administrative action

### ***Target audience***

Academics interested in ethical and societal aspect of communication, legal scholars, judges and policy-makers.

### ***Programme and invited speakers***

#### **21 January 2021**

13:00 – 13:15 Opening and welcome

#### **13:15 – 14:15 General panel: Clear language and law**

- Dr. Zsolt Zódi, Institute for Legal Studies, National University of Public Services Budapest: *Comprehensible law: a realistic goal or an unattainable dream?*
- Dr. Hanneke van Eijken, Utrecht University: *What do Alice and Gregor have in common? On law, language and citizens in the EU legal order*

14:15 – 14:30 Break

#### **14:30 – 15:30 Panel I: Legislation**

- Prof. Helen Xanthaki, University College London: *Reforming EU legislation to regain a sustainable EU*
- Laura Tafani, formerly at Senato della Repubblica Italiana: *Enhancing the quality of legislation: the Italian experience*

15:30 – 15:45 Break

#### **15:45 – 16:45 Panel II: Controcanto: transparency as regulatory tool**

- Dr. Joasia Luzak, University of Exeter: *The role of transparency in consumer law: a vaccine, a cure-all, a placebo or...?*
- Marissa Ooms, Tilburg University: *'Rule 'through' transparency: managing human rights in global mineral supply chains'*

16:45 Open discussion and Zoom drinks

## 22 January 2021

9:00 – 9:05 Getting started

### 9:05 – 10:25 **Panel III: Non-legislative rule-making**

- Prof. Alexander Flückiger, University of Geneva: *Can, should or must soft law be clear?*
- Dr. Corina Andone, University of Amsterdam & dr. Florin Coman-Kund, Erasmus University Rotterdam: *Argumentative patterns in European Commission's soft law instruments during the COVID-19 crisis*
- Prof. Mariolina Eliantonio & Danai Petropoulou Ionescu, Maastricht University: *Words Matter; Lessons from Linguistics on the Bindingness of Soft Law in EU Environmental Regulation*

10:25-10:40 Break

### 10:40- 11:40 **Panel IV: Adjudication**

- Dr. André Verburg, Raad van State and Utrecht University: *Real access to court: plain language in judicial decisions*
- Dr. Iris van Domselaar, University of Amsterdam: *Plain language in law. An expression of civic friendship?*

### 11:40 – 11:55 **Conclusions**

- dr. Anna van Duin & dr. Candida Leone, University of Amsterdam

(12:00 – 12:45 *Contributor discussion, the way forward*)

### **Organizers**

Corina Andone – Amsterdam Centre for Language and Communication

Candida Leone – Amsterdam Centre for Transformative Private Law

Iris van Domselaar – Amsterdam Centre on the Legal Professions

Anna van Duin – Amsterdam Centre for Transformative Private Law