

CONFERENCE

Ruling European External Borders, Between Rule of Law Crisis and Accountability Gaps

Scientific Organisers:

Dr. Luisa Marin, EUI – Law Department

Dr. Mariana Gkliati, Radboud University

Place: Villa Salviati, Sala del Torrino, Florence

Date: 13-14.10.2022

ABSTRACT

The management of external borders is a vulnerable and contested policy of the EU. The evidence emerging from the scrutiny over the European Border and Coast Guard Agency, Frontex, raises serious questions on the respect of the rule of law at the EU's external borders. Other agencies, such as the EU Asylum Agency and EU-LISA, face similar issues. Moreover, other trends such as externalization and digitalization of controls, and the increased reliance on Artificial Intelligence technologies, complicate the efforts to scrutinise the discretion exercised by those actors, and their compliance with their legal obligations.

The aim of this conference is to build a reflection on these topics. It will tackle the emergence of a rule of law crisis at the external borders, the question of access to justice followed by the challenges posed by digitalization to the rule of law; finally, it addresses accountability gaps and explores possible solutions.

PROGRAMME

Day 1 - 13.10.2022

13.30 – 14.00 Registration

14.00 – 15.00 Keynote speech

Chair: Luisa Marin (European University Institute/University of Insubria)

The ever-expanding democratic accountability over Frontex: the role of the European Parliament ¹

Tineke Strik (Member of the European Parliament/Radboud University)

15:00-16:30 Panel 1:

The rule of law crisis at the external borders of the EU

Chair: Deirdre Curtin (European University Institute)

- Guarding the guards: enforcement of the EU's external borders acquis
Jorrit Rijpma (Leiden University)
- Challenging the European rule of law at the internal borders: the case of pushbacks of third-country nationals
Emanuela Pistoia (University of Teramo)
- Frontex and the rule of law crisis at the external borders: which lessons for the composition of the Management Board?
Luisa Marin (European University Institute/University of Insubria)
- Refugee protection backsliding at EU's external borders: a rule of law analysis
Lilian Tsourdi (Maastricht University)

¹ This session is held under [Chatham House Rules](#)

16:30-17:00 Coffee break

17:00-18:30 Panel 2:

The thorny issue of access to justice: turning the impossible into possible?

Chair: Mariana Gkliati (Radboud University)

- Lessons from Frontex: establishing the facts
Elspeth Guild (Queen Mary University of London/Radboud University)
- An incomplete system of legal remedies: migrants and access to the CJEU
Salvo Nicolosi (Utrecht University)
- The European Union Agency for Asylum: legal remedies and national articulations in composite border procedures

Mariolina Eliantonio (Maastricht University), Agostina Pirrello (University of Florence)

20.00 Conference Dinner

Day 2 - 14.10.2022

09:30-11:00 Panel 3:

Digitalization, and other emerging challenges to the rule of law

Chair: Emilio de Capitani (FREE Group)

- The digitalization of the hotspots in the blind spot of supervisory authorities
Sarah Tas (EUI)
- Digitalization and interoperability in inter-agency cooperation
Niovi Vavoula (Queen Mary University of London)
- Rule of law challenges of 'algorithmic discretion' & automation in EU border control: a case study of ETIAS through the lens of legality
Amanda Musco Eklund (Umeå University)

11:00-11:30 Coffee break

11:30-13:00 Panel 4:

Re-designing accountability for the integrated border management administration

Chair: Alberto di Martino, Sant'Anna School of Advanced Studies-Pisa

- Transparency and financial scrutiny as a toolbox for political accountability

Michele Gigli (EUI)

- What's in a name? Fragments of accountability and the model of systemic accountability

Mariana Gkliati (Radboud University)

- Informalisation as dis-integration: the rule of law impact of externalised borders

Violeta Moreno-Lax (Queen Mary University of London/University of Barcelona)

- Transparency at external borders: any space for Article 42 of the EU Charter?

Laura Salzano (University of Barcelona)

13:00-14:00 Lunch

PARTICIPANTS

- Prof. Deirdre Curtin, European University Institute
- Emilio De Capitani, FREE Group
- Prof. Alberto di Martino, Sant'Anna School of Advanced Studies- Pisa
- Prof. Mariolina Eliantonio, Maastricht University
- Michele Gigli, PhD researcher, European University Institute
- Dr. Mariana Gkliati, Radboud University
- Prof. Elspeth Guild, Queen Mary University of London/Radboud University
- Dr. Luisa Marin, European University Institute/University of Insubria
- Prof. Violeta Moreno Lax, Queen Mary University of London/University of Barcelona
- Amanda Musco Eklund, PhD researcher, Umeå University
- Dr. Salvo Nicolosi, Utrecht University
- Agostina Pirrello, PhD researcher, University of Florence
- Prof. Emanuela Pistoia, University of Teramo
- Prof. Jorrit Rijpma, Leiden University
- Laura Salzano, PhD researcher, University of Barcelona
- Prof. Tineke Strik, MEP, European Parliament/Radboud University
- Sarah Tas, PhD researcher, European University Institute
- Dr. Lilian Tsourdi, Maastricht University
- Dr. Niovi Vavoula, Queen Mary University of London

