



**PLURI
COURTS**



European
Research
Council



MultiRights Workshop

Subsidiarity and the Margin of Appreciation Oslo, 4-5 June 2015

Venue: Room 571, 5th floor, Domus Nova, St. Olavs Plass 5

Programme

Thursday 4 June 2015

08:45-09:00 **Registration**

09:00-09:15 **Opening**

Andreas Follesdal, Co-Director, PluriCourts
Introductory Remarks

Session 1 - Reflections on the Existing Theoretical Accounts of the Doctrine of the Margin of Appreciation; Application of the Margin of Appreciation by the ECtHR in light of recent developments

Chair: Andreas Føllesdal (University of Oslo)

09:15-10:00 George Letsas (University College London)
The Margin of Appreciation and the Myth of Deference

10:00-10:45 Oddný Mjöll Arnardóttir (University of Iceland)
From Substantive to Procedural Review under the Margin of Appreciation Doctrine: Creating a Vicious Circle or a Virtuous Circle?

10:45-11:00 **Coffee break**

Session 2 – The Margin of Appreciation in the ECtHR’s Jurisprudence (continued)

Chair: Nino Tsereteli (University of Oslo)

- 11:00-11:45 Matthew Saul (University of Oslo)
The ECtHR's Margin of Appreciation and the Processes of National Parliaments: Towards a Deeper Subsidiarity?
- 11:45-12:30 Amrei Müller (University of Oslo)
Obligations to Co-evolve and the Margin of Appreciation – Mapping the ECtHR's jurisprudence
- 12:30-13:30 **Lunch**

Session 3 - European Consensus and the Margin of Appreciation

Chair: Amrei Müller (University of Oslo)

- 13:30-15:00 Kanstantsin Dzehtsiarou (University of Surrey)
European Consensus as a Source of Subsidiarity in the Age of Subsidiarity
Andreas Føllesdal (University of Oslo)
Emerging Consensus – Why Should it Matter?

15:00-15:15 **Coffee Break**

Session 4 – EU and the Margin of Appreciation

Chair: Nino Tsereteli (University of Oslo)

- 15:15-16:00 Leonard Besselink (University of Amsterdam)
The Margin of Appreciation: the Vertical Division of Powers in EU human rights adjudication

19:00 *Dinner*
Location Brasserie 45

Friday 5 June 2015

Session 5 - Beyond Europe – Comparative Perspectives on Subsidiarity/the Margin of Appreciation

Chair: Amrei Müller (University of Oslo)

- 09:15-10:00 Andrew Legg (Essex Court Chambers)
Are there differences in the approach to subsidiarity taken by the ECtHR, the UN Human Rights Committee, and the IACtHR, as reflected in their approaches to the margin of appreciation?
- 10:00-10:45 Roland Pierik (University of Amsterdam)
The freedom of religion before the ECtHR and the US Supreme Court: different approaches but similar conclusions

10:45-11:00 **Coffee break**

11:00-11:15 Erik Voeten (Georgetown University)
Reflections

11:15-11:45 **Conclusion of workshop**

Lunch