

Asia and the Global Reach of European Union Law

10-11 June 2019

European Union Institute, Florence

Convened by Joanne Scott and Jolene Lin

On 21 April 2016, it was announced that Indonesia has met the final requirements of its Voluntary Partnership Agreement (VPA) with the EU and will be the world's first country to issue licenses for the sale of 'legal timber products' into the EU.¹ The VPA is part of the EU's Forestry Law Enforcement Governance and Trade (FLEGT) initiative, which aims to eliminate timber that is logged unsustainably and in violation of domestic environmental laws from entering the EU.² Timber originating in a country that has entered a VPA with the EU is exempted from due diligence requirements otherwise imposed by EU law.³ This regulatory initiative is a striking example of the global reach of EU law, which has the potential to shape law, social norms and business practices in the EU's external trading partners.

There is a rapidly growing body of literature on the global reach of EU Law, including its use of extraterritoriality, territorial extension and the 'Brussels effect'. Scott developed the territorial extension concept to refer to the phenomenon where the application of a measure is triggered by the existence of a territorial connection with the EU but where an assessment of compliance with the law requires an evaluation of foreign conduct and/or third country law.⁴ The above example of timber regulation is a case in point. EU environmental law is rich with examples of territorial extension including regulations concerning illegal, unreported and unregulated fishing (IUU fishing), and waste management (including ship recycling). Most of the scholarship has thus far focused on mapping and analyzing these multiple manifestations of territorial extension in EU law, with less being written about the regulatory, social and environmental impacts in the jurisdictions that are affected by the territorial extension of EU law.

By bringing together scholars from the EU and Asia, this small 'brainstorming' workshop is intended to inspire thinking about issues such as the impacts and consequences of the territorial extension of EU law in developing countries, justifications for territorial extension, and whether and how regulatory innovation in third countries (in response to territorial extension) has in turn influenced EU law.

At this stage, the workshop will focus on three issue areas: forestry governance, waste management and fisheries management. We are, however, open to suggestions to expand this initial focus. Participants are encouraged to share their research, regardless of

¹ <https://www.eco-business.com/opinion/new-eu-indonesia-timber-agreement-will-improve-forest-protection/>; http://www.euflegt.efi.int/news/-/asset_publisher/VoA92AEdZlro/content/flegt-enters-a-new-era-with-major-news-on-licensing.

² <http://www.euflegt.efi.int/what-is-flegt>

³ Reg. 995/2010 laying down the obligations of operators who place timber and timber products on the market [2010] OJ L295/23.

⁴ Joanne Scott, "Extraterritoriality and Territorial Extension in EU Law", (2014) 62(1) American Journal of Comparative Law 87-126.

whether it is at an early or advanced stage and can look forward to constructive engagement and feedback.

Finally, one of the aims of this workshop is to discuss the subsequent stages of developing this project on 'Asia and the Global Reach of EU Law'. We are committed to a second workshop in 2020 to be convened by the Asia Pacific Centre of Environmental Law in Singapore.

About the Conveners

Joanne Scott is Professor of European Law at the EUI. Her research interests lie in environmental law and climate change law and she has been developing the theme of EU extraterritoriality in her work following the award of a Major Research Fellowship from the Leverhulme Trust (2012-2014). This workshop is part of her current research project on the [Global Reach of EU Law](#).

Jolene Lin is Associate Professor of Law at the National University of Singapore. She is also director of the Asia Pacific Centre for Environmental Law. Her research interests lie in transnational environmental law and climate change law. Her publications include [Governing Climate Change: Global Cities and Transnational Lawmaking](#) (Cambridge University Press) and a forthcoming article on climate change litigation in the Global South.



WORKSHOP

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Villa Salviati, Sala del Torrino

Via Bolognese 156, Florence

■ PROGRAMME

Monday 10 June

- 09:30 – 09:45 *Introduction*
Jolene Lin and Joanne Scott
- 09:45 – 10:45 *Reducing the EU's Environmental Footprint(s) Through Territorial Extension*
Joanne Scott
- 10:45 – 11:15 Coffee Break (Courtyard)
- 11:15 – 12:45 **Fisheries**

Impacts of the EU IUU Regulation on Thailand and Vietnam: Effects of Time and Power on the Transformation of Third Countries' Fishery Laws
Yoshiko Naiki and Jaruprapa Rakpong

Third Country Reception and Impacts of EU IUU
Eva van der Marel
- 12.45 – 14:00 Lunch (Courtyard)
- 14:00 – 15:30 *Forests*
Jolene Lin
Maria Weimer
Arpitha Kodiveri, discussant
- 15:30 – 16:00 Coffee Break (Courtyard)
- 16:00 – 17:00 *Corporate Sustainability*
Nilubol Lertnuwat

Tuesday 11 June

09:30 – 11:00	<i>EU Law's Territorial Extension Effects on Taiwan's Environmental Law and Policy-With Special Reference to Climate Change Actions, Chemical and Waste Management</i> Hsing-Hao Wu <i>'Territorial extension' of EU Environmental Law in China</i> Zhao Yue <i>The Legitimacy of the Global Reach of EU Law and the Case of Ship Recycling</i> Ioanna Hadjiyianni (by skype) Emilia Korkea-aho (by skype)
11:00 – 11:30	Coffee Break (Courtyard)
11:30 – 12:30	<i>Due Diligence as an Instrument of Sustainable Supply Chains</i> Claire Bright
12:30 – 13:30	<i>Perspectives from the WTO</i> Gracia Marín Durán
13:30 – 14:30	Lunch (Courtyard)
14:30 – 15:15	<i>Perspectives from EU Consumer Protection Law</i> Iris Benöhr
15:15 – 15:45	Coffee Break (Courtyard)
15:45 – 16:45	<i>Final Reflections</i>

■ PARTICIPANTS

Iris Benöhr	Queen Mary University of London
Claire Bright	European University Institute
Eva van der Marel	House of Ocean
Ioanna Hadjiyianni	University of Cyprus
Arpitha Kodiveri	European University Institute
Emilia Korkea-aho	University of Helsinki
Nilubol Lertnuwat	Thammasat University Faculty of Law
Jolene Lin	National University of Singapore
Gracia Marín Durán	University College London (tbc)
Justine Viviane Anne Muller	European University Institute

Yoshiko Naiki	Osaka University
Jaruprapa Rakpong	Thammasat University Faculty of Law
Suvi Sankari	University of Helsinki
Joanne Scott	European University Institute
Maria Weimer	University of Amsterdam
Rebecca Williams	European University Institute
Hsing-Hao Wu	National Kaohsiung University Taiwan
Zhao Yue	Sichuan University