

Joint Indo-German Conference
Open Markets, Free Trade and Sustainable Development –
Friends or Foes?

13th - 15th March 2016

DETAILED PROGRAM SCHEDULE

Inauguration: 13th March 2016 (Sunday Evening)

**VENUE – Room No. 506, Fifth Floor,
ACADEMIC BLOCK, NATIONAL LAW UNIVERSITY DELHI**

- *Inaugural Session (Welcome and Introduction) 5.30 p.m. to 6.50 p.m.*

Inaugural Session	Speaker	Time [5.30 p.m. to 6.50 p.m.]
Welcome Address	Professor (Dr.) Ranbir Singh, Vice Chancellor, NLU Delhi	10 minutes (5.30 p.m. to 5.40 p.m.)
Introducing the Indo-German Conference	Prof. Helmut Goerlich, University of Leipzig	10 minutes (5.40 p.m. to 5.50 p.m.)
Special Address	Prof. Wolfram Cremer, Ruhr- University Bochum	10 minutes (5.50 p.m. to 6 p.m.)
Keynote Address	Prof.(Dr.) Mahendra Pal Singh, NLU Delhi	30 minutes (6 p.m. to 6.30 p.m.)
Comment on the Keynote Address	Prof. Markus Kotzur, University of Hamburg	20 minutes (6.30 p.m. to 6.50 p.m.)

Networking Dinner – 7 p.m. onwards

Venue - University Guest House

Day 1: 14th March 2016 (Monday)

Venue (For Panel 1 - 4) - Room No. 506, Fifth Floor, Academic Block,
National Law University Delhi

Registration - 9.00 - 9.30 a.m.

I. First Panel : *What is the “social” part of a “social market economy”?* 1 hour 30 minutes [9.30 a.m. to 11 a.m.]

Panel Chair: Prof. Helmut Goerlich, University of Leipzig

As early as in 2004, Christian Joerges and Florian Rödl asked in a Working Paper for the EUROPEAN UNIVERSITY INSTITUTE, FLORENCE DEPARTMENT OF LAW: “Social Market Economy as Europe’s Social Model?” After the Lisbon Reform Treaty, Art. 3 III *TEU* expresses the aim to build a “highly competitive *social market economy*”. Germany might be the “role model” for this “social market economy”, which in India is qualified as “inclusive growth”. The presentations critically analyze the prerequisites of a market economy to qualify as “social”.

Speaker	Paper title/details	Time (9.30 a.m. to 11 a.m.)
Prof. Sudhir Krishnaswamy, Azim Premji University	N.N.	15 minutes
Pritam Baruah, Jindal Global University	‘The Primacy of the Social: Finding the Market in the Indian Constitution’	15 minutes
Prof. Michael von Hauff, Technical University of Kaiserslautern	‘From the social market economy to a sustainable market economy – The example of Germany’	15 minutes
Prof. Jörg Luther, Universities of Eastern Piedmont and Turin (Italy)	‘Social Rights in the European and the Indian Union’	15 minutes
Discussion		30 minutes

Tea/Coffee Break– 20 minutes (11 a.m. to 11.20 a.m.)

VENUE- Outside Conference Room No. 506

II. Second Panel: *Open Markets in cultural diversity – a specific encounter.*

1 hour and 45 minutes [11.20 a.m. to 1.05 p.m.]

**Panel Chair: Prof. Dr. Michael von Hauff, Technical University of
Kaiserslautern**

Both, India and the European Union see themselves as political communities “united in diversity”. That might have specific implications on the way they conceive and organize their open markets. Cultural diversity, e.g., might lead to different standards in labour and employment law, might bring about different notions of competition, different views on the balance between free and fair trade. The papers present – culturally diverse – views from Europe and India taking into account also problems of legal pluralism.

Speaker	Paper title/details	Time (11.20 a.m. to 1.05 p.m.)
Prof. Amar Pal Singh, GGSSIP University	‘Open markets and Diversity of India’s Politico-legal Ordering’	15 minutes
Avirup Bose, Jindal Global University	'A Poverty of Antitrust Reasoning: Five Tales from India'	15 minutes
Dr. Risham Garg, NLU Delhi	‘Cultural diversity as one of the mainsprings of development- is as important and is an inseparable aide to its economic aspects’	15 minutes
Prof. Kamala Sankaran, University of Delhi	‘Transitioning from the informal to the formal economy: The continuing relevance of State law’	15 minutes
Prof. Markus Kotzur, Universität Hamburg	‘Invisible hands and visible cultures: Open Markets in cultural diversity- A specific encounter’	15 minutes
Discussion		30 minutes

Lunch Break – 1 hour (1.05 p.m. to 2.05 p.m.)
VENUE - University Guest House

III. Third Panel: *Market Liberalization as Prerequisite for Sustainable Development.*
[1 hour 45 minutes (2.05 p.m. to 3.50 p.m.)]

Panel Chair: Prof. Bharat Desai, Jawaharlal Nehru University

Art. 3 III TEU holds that the “*Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.*” The presentations shall – from an Indian and a European perspective – discuss whether market liberalization (which the European internal market liberalization) is an adequate instrument to achieve sustainable development goals.

Speaker	Paper title/details	Time (2.05 p.m. to 3.50 p.m.)
Prof. A. Jayagovind, NLU Delhi	‘India in pursuit of Sustainable Development: A critique of Indian Investment and Trade Policies’	15 minutes
Dr. Uday Shankar, IIT Kharagpur	‘Common Market and the Indian Constitution’	15 minutes
Dr. Niraj Kumar, NLU Delhi	‘Whether Market Liberalization triggers a race to bottom on Environmental Issues: with special reference to Judicial response in India’	15 minutes
Jasmine Joseph, NUJS Kolkata	‘Social justice deficits in market liberalization and legitimacy questions from national constitutions’	15 minutes
Dr. Rike Kraemer, Ruhr University Bochum	‘Sustainable Public Procurement in Europe - Creating markets or distorting the internal market?’	15 minutes
Discussion		30 minutes

Tea/Coffee Break – 20 minutes (3.50 p.m. to 4.10 p.m.)
VENUE- Outside Conference Room No. 506

IV. Fourth Panel : *Development Cooperation between India and the EU.*
[1 hour 30 minutes (4.10 to 5.40 p.m.)]

Panel Chair: Prof. Markus Kotzur, Universität Hamburg

The Delegation of the European Union to India communicates via internet:

The European Union's development cooperation with India has a successful track record, spanning over several decades. The EU is engaged with India as a strategic partner since 2005, investing in mutually agreed areas of cooperation. The relationship has evolved from providing traditional development assistance to a mutually beneficial partnership type of cooperation. As of 2014, no new bilateral allocations are provided to India along with 17 Upper Middle Income Countries and Indonesia, but the thematic and regional co-operation continue and many projects funded from previous allocations are still ongoing.

These issues will be discussed regarding their legal infrastructure and their political efficiency.

Speaker	Paper title/details	Time (4.10 to 5.40 p.m.)
Prof. Ummu Salma Bava, Jawaharlal Nehru University	‘India-EU Strategic Partnership and Development Cooperation’	15 minutes
Dr. Pallavi Kishore, Jindal Global University	‘WTO Governance of Mechanisms to Promote Development: An Example of EC – Tariff Preferences Case/GSP Schemes’	15 minutes
Prof. Philipp Dann, Humboldt University Berlin	‘Indian Development Cooperation’	15 minutes
Prof. Markus Kaltenborn, Ruhr-University Bochum	‘The EU-India Development Partnership - Legal framework and political perspectives’	15 minutes
Discussion		30 minutes

Dinner and Get Together – 6.30 p.m. onwards
VENUE - University Guest House

Day Two: 15th March 2016 (Tuesday)

**VENUE (FOR PANEL 5 - 8) - ROOM No. 506, Fifth FLOOR, ACADEMIC BLOCK,
NATIONAL LAW UNIVERSITY DELHI**

I. Fifth Panel: *A Free Trade Agreement between India and the EU as development strategy: Risks, Chances, Perspectives.*

1 hour 15 minutes [9.30 a.m. to 10.45 a.m.]

Panel Chair: Prof. Ummu Salma Bava, Jawaharlal Nehru University [TBC]

The European Commission (Directorate General for Trade) states on its website:

The EU and India are committed to further increase their trade flows in both goods and services as well as bilateral investment and access to public procurement through the Free Trade Agreement negotiations that were launched in 2007. Substantial progress has been made so far, and key areas that need to be further discussed include improved market access for some goods and services, government procurement and geographical indications, and sustainable development.

The risks, chances and perspectives of this development shall be discussed from a legal (and/or economic perspective).

Speaker	Paper title/details	Time (9.30 a.m. to 10.45 a.m.)
Prof. Shamnad Basheer, Nirma University	‘Trade in IP: Back to (Free) Basics?’	15 minutes
Shailja Singh, Centre for WTO Studies, Indian Institute of Foreign Trade	‘EU-India Free Trade Agreement in the light of challenges from mega-regionals like the TPP - <i>An Indian perspective</i> ’	15 minutes
Prof. Kirsten Schmalenbach, Paris-Lodron-University Salzburg / Austria	‘A Free Trade Agreement between India and the EU as development strategy: Risks, Chances, Perspectives – A European View’	15 minutes
Discussion		30 minutes

Tea/Coffee Break – 20 minutes (10.45 a.m. to 11.05 a.m.)
VENUE- Outside Conference Room No. 506

II. Sixth Panel: *Specific Issues of Market Liberalization: Goods and Services.*
1 hour 30 minutes [11.05 a.m. to 12.35 p.m.]

Panel Chair: Prof. Philipp Dann, Humboldt University Berlin

Panels 6 and 7 concentrate market liberalization issues that have been constitutive for the EU internal market: the so-called “four freedoms”. Panel 6 deals with the free movement of goods and services as on the one hand phenomena of European economic integration and on the other hand options for Indian market liberalization. This panel would additionally focus on international intellectual property norms and the manner in which they interact with domestic IP and competition regimes.

Activity (Panel 6)	Speaker	Paper title/details	Time (11.05 a.m. to 12.35 p.m.)
Free Movement of Goods and Services within the EU’s internal market	Dr. James Nedumpara, Jindal Global University	‘Trade Contingent Protection and Market Access Barriers for Indian Goods in the EU’	15 minutes
	Yogesh Pai, NLU Delhi	‘Addressing the International Dimension of Standard-essential Patents: A Legal Assessment’	15 minutes
Free access of foreign goods and services to the Indian market	Dr. Ralph Zimmermann, University of Leipzig	‘The national judicial review of free trade agreements in Europe – from TTIP and CETA onwards’	15 minutes
	Dr. Sanjay Jain, ILS Law College Pune	‘National Treatment obligation under Article 3 of GATT vis-a-vis Indian Constitution ‘	15 minutes
Discussion			30 minutes

Lunch Break – 1 hour (12.35 p.m. to 1.35 p.m.)
VENUE - University Guest House

III. Seventh Panel: *Specific Issues of Market Liberalization: Freedom of Establishment and Free Movement of Capital.* 1 hour 15 minutes [1.35 p.m. to 2.50 p.m.]

Panel Chair: Prof. Wolfram Cremer, Ruhr-University Bochum

Panel 7 is the follow-up to panel 6 turning to the two other of the “four freedoms” and their potential resemblances in Indian law and politics.

Activity (Panel 7)	Speaker	Paper title/details	Time (1.35 p.m. to 2.50 p.m.)
Freedom of Establishment and Free Movement of Capital within the EU’s internal market.	Dr. Prabhash Ranjan, South Asian University	‘Free Movement of Capital in India: Role of Indian Investment Treaties’	15 minutes
	Dr. Thomas Emde, Freshfields Bruckhaus Deringer	‘Freedom of Establishment and Free Movement of Capital within the EU’s internal market’	15 minutes
Freedom of Establishment for Foreign Companies and Free Movement of Capital as Options for India	Prof. Anil Rai, NLU Delhi	‘Major Legal Risks for Foreign Direct Investors in India’	15 minutes
Discussion			30 minutes

Tea/Coffee Break – 20 minutes (2.50 p.m. to 3.10 p.m.)
VENUE- Outside Conference Room No. 506

IV. Eighth Panel: *Free Trade and Open Markets: Serving the Common Good or an Attack on Global Justice? – Summarizing Perspectives on the Conference Topic.*

50 minutes [3.10 p.m. to 4 p.m.]

The 8th panel shall be organized as a panel discussion. A moderator and four panelists will critically evaluate the Conference's outcome also taking into account the role of the civil society, of NGOs, and different forms of institutionalized development cooperation.

[The session shall be followed by a valedictory session and farewell dinner.]

Panel Discussion (Panel 8)	Speaker	Time (3.10 p.m. to 4 p.m.)
Moderator	Prof. Mahendra Pal Singh, NLU Delhi	10 minutes
Panelist 1	Prof. Ummu Salma Bava, Jawaharlal Nehru University [TBC]	10 minutes
Panelist 2	Dr. Prabhash Ranjan, South Asian University	10 minutes
Panelist 3	Prof. Helmut Goerlich, University of Leipzig	10 minutes
Panelist 4	Prof. Philipp Dann, Humboldt University Berlin	10 minutes

V. Valedictory Session: 1 hour (4 p.m. to 5 p.m.)

Activity	Speaker	Time (4 p.m. to 5 p.m.)
Valedictory Address	Prof. Upendra Baxi, Distinguished Professor, NLU Delhi; Professor of Law, University of Warwick; Former Vice Chancellor of Universities of South Gujarat and Delhi	50 minutes
Vote of Thanks	Dinesh Singh, Research Associate, NLU Delhi	10 minutes

Farewell Dinner and get together – 6 p.m. onwards

VENUE - University Guest House