



University  
of Ferrara

Department  
of Law

# *Verba volant, sed imperant?* The Legal Challenges of EU Communication

September 6<sup>th</sup> 2024 | Sala Consiliare “Lorenza Carlassare”  
Corso Ercole I d’Este 44, Ferrara

Inaugural Conference of the Jean Monnet Chair

The event will take place only in person and it will be open to a selected audience. Academics and practitioners interested in following the event are kindly requested to send their request before September 3<sup>rd</sup> 2024 to [jmchair.eulaw@unife.it](mailto:jmchair.eulaw@unife.it), together with a brief CV.



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## Aims

Legal science has devoted so far very little attention to the communication made by EU institutions.

In a nutshell, its approach can be summarized by an old Latin motto, which says: '*verba volant, scripta manent*'. Spoken words fly away, only what is written remains – and, thus, deserves to be taken into consideration, being able to impose rights and obligations on individuals.

However, in the information society we are currently living in, this approach is not fully convincing.

A bare ECB press release, taken following the famous «whatever it takes» speech, has threatened the principle of primacy of EU Law in the *Gauweiler* case. The decision to move the European Medicine Agency's headquarter from London to Amsterdam, that led to four cases before the EU Court of Justice, has been firstly adopted through a tweet. The so-called EU-Turkey 'Agreement' on the management of the Syrian refugees' crisis, according to both EU Courts was a bare intergovernmental statement, published by means of a press release, and thus not reviewable by the EU Judiciary.

Legislation and communication have always gone hand in hand for regulating societies. However, the rise of internet and of social media has clearly projected the latter into a new dimension, whose impact on the legal sphere still has to be fully mastered by legal scholars.

Studies on soft law have made a first attempt in this regard, focusing on acts that have an ambiguous nature... but were, at least, *acts*, often adopted following procedures set forth by hard law. Conversely, press releases, announcements, posts on social media clearly go beyond this nature, being often unwritten or totally non-legal sources, adopted through unregulated procedures – yet, this notwithstanding, often having a huge impact on individuals.

Against this framework, the Jean Monnet Chair *Verba Volant, sed Imperant? The Legal Challenges of EU Communication* aims at debating whether and to what extent communication means and strategies can be seen as new sources of EU Law and how the settled principles on EU judicial protection can handle this brave new world. To this end, the inaugural Conference aims at bringing together academics and practitioners, both from national and EU level, to discuss the legal implications of EU Communication and to map its impact in various EU policy fields.



## Programme

9:00

### **Introductory remarks**

**Serena Forlati** | Dean of the Department of Law of the University of Ferrara

**Giovanni De Cristofaro** | Coordinator of the Ph.D. Programme in EU Law and National Legal Orders at the University of Ferrara

**Jacopo Alberti** | Professor of EU Law at the University of Ferrara and Coordinator of the Jean Monnet Chair

9:15

### **Key-note Speech**

**Jacques Ziller** | Full Professor of EU Law, University of Venice (formerly at Paris Sorbonne, EUI, Pavia)

09:45 – 15:30

### **Roundtable debate**

Chaired by Jacopo Alberti and Jacques Ziller

#### *Speakers*

**Raffaella De Marte** | Head of Unit (Media Services Unit) at the European Parliament

**Niels Timmermans** | Spokesperson at the Belgian Presidency of the Council of the European Union

**Telmo Baltazar** | Principal Adviser for Corporate and Political Communication at the European Commission

**Stefaan Van der Jeught** | Press Officer at the Court of Justice of the European Union and Professor of EU Constitutional Law at the Vrije Universiteit Brussel

**Paul Gordon** | Head of Newsroom at the European Central Bank

**Damijan Fišer** | Senior Communication Officer and Deputy Spokesperson at the European Court of Auditors

#### *Agenda*

09:45

### *The making of EU Communication*

#### **The governance of communication**

How are structured the Communication DGs of the EU institutions? To whom they report? Which procedures do they have to follow for communicating?

#### **The legislative framework of communication**

Are there internal decisions, guidelines, codes of conduct or other sources regulating the communication of EU Institution? Do exist minutes or working documents of the meetings in which the decisions on communication are taken?



## **The interplay with the legal sphere**

Is there any specific connection between Communication Offices and Legal Services before adopting any communication?

### **Institutional vs Personal communication**

How is managed the interplay between the institutional communication and the one personally made by the leader(s) thereof?

*Open floor*

*The debates will be paused around 11:15 for a coffee break*

11:30

## *The strategies of EU Communication*

### **Topics**

How are chosen the topics of EU institutions' communication? Is there any selection?

### **Media / Product**

How are chosen the media on which each EU institution communicates and the product (text, video, audio, etc) with which it does so? Which impact has had the rise of social media thereon?

### **Engagement**

Do EU Institution set specific targets of public engagement (both in terms of views and reaction) that have to be reached?

### **Regulation by communication**

Are there specific communication strategies so as to support / enhance / expand the scope of the act or the fact that is communicated?

### **Multilingualism**

Which impact has multilingualism on the communication of each EU Institution and on its communication strategies?

*Open floor*

*The debates will be paused around 13 for lunch*

14:00

## *The legal implications of EU Communication*

### **Public perception**

Has your Institution ever been questioned by individuals or companies for its communication?

### **Institutional balance**

Has the communication by your Institution ever encroached upon the prerogatives of another EU or national institution or vice versa? How are managed those conflicts?

### **Accountability**

Has your Institution ever been hold accountable before national or EU Courts / Ombudsmen for something it has barely communicated, yet not officially legally adopted?

*Open floor*

*The debates will be paused around 15:30 for a coffee break*



15:45

***Interdisciplinary perspectives on EU Communication by the Young Researchers'  
Platform***

Chaired by Cristiana Fioravanti, University of Ferrara

**Alessandro Cuomo** | Ph.D. candidate at Maastricht University

Taking Words Seriously: Function, Risks and Opportunities of the ECB's Communicative Practice Between Effectiveness and Transparency

**Giulia Toraldo** | Post-doc Research Fellow at the University of Naples

Benefits and drawbacks in the use of dematerialized communication as a tool for EU regulation

**Eleonora Dallagiacomma** | Ph.D. Candidate at the Catholic University of the Sacred Heart Milan

Narratives behind the European environmental policy: a focus on the Nature Restoration Law

**Francesca Tassinari** | Post-doc Research Fellow Juan de la Cierva at the University of the Basque Country

The EU's migration and asylum strategy and communication: regulatory perspectives from the executive leadership

**Cecilia Rasetto** | Ph.D. candidate at the University of Pisa

The European Union communication strategies in the agri-food sector: the Data governance and the smart labels

17:00

End of the Conference