

Symposium on New Approaches to International Regulatory Cooperation

February 27–28, 2014

OVERVIEW

Over the past few decades, the accelerating pace of globalization and inter-connectedness of national regulatory regimes have sparked growing scholarly as well as intense practical interest by governments, business, and NGOs in international regulatory cooperation. The need for effective regulatory cooperation has been underscored by recent cross-border regulatory failures, including in financial regulation and food & drug safety. President Obama has called for international regulatory cooperation in issuing Executive Order 13609, and in initiating negotiations on a free trade agreement between the United States and the European Union, designated the Transatlantic Trade & Investment Partnership. As those and parallel negotiations for a Trans-Pacific Partnership now proceed, it appears international regulatory cooperation and its potential economic benefits will likely be at the center of the next generation of free trade agreements.

At the same time, national regulators are increasingly engaged in the practice of cross-border regulatory cooperation. For example, the US Food & Drug Administration recently completed a pilot program to share and divide authority with EU and Australian regulatory counterparts for inspecting pharmaceutical manufacturing plants in other countries. The Occupational Safety & Health

Administration has just finalized a rule revising hazard classifications and labels to comply with the UN's Globally Harmonized System for Hazard Communication.

Notwithstanding these initiatives, international regulatory cooperation remains understudied and under-theorized. There are fundamental legal and policy questions that remain unresolved – for example, the legal basis for agencies to cooperate with foreign regulators, or the risk that efforts to improve regulatory compatibility may precipitate a “race to the bottom” of progressively weakened labor, environmental, and consumer protections. These questions increasingly call out for scholarly examination that will inform public discussion and debate.

Organized under the auspices of Institute for International Law & Justice at the NYU School of Law, and its Global Administrative Law Project, this symposium gathers leading practitioners, government officials, and scholars from different fields and regions of the world to address these timely and important questions. The symposium is co-sponsored by the Atlantic Council, the U.S. Chamber of Commerce, and the ABA Section of Administrative Law & Regulatory Practice. The keynote address and papers will be published in *Law & Contemporary Problems*.

THURSDAY, FEBRUARY 27, 2014
POLLACK COLLOQUIUM ROOM, FURMAN HALL, 245 SULLIVAN STREET, NEW YORK

KEYNOTE LECTURE AND DISCUSSION (4:00-6:00 PM)

Chair:

Richard Stewart (NYU School of Law)

Keynote:

“The Transatlantic Trade & Investment Partnership”

C. Boyden Gray (Boyden Gray & Associates, former US Ambassador to the EU)

Panelists:

Ignacio Garcia Bercero (European Commission)

Michael Fitzpatrick (General Electric)

Peter Skinner, MEP (European Parliament)

Jeffrey Weiss (U.S. Department of Commerce)

RECEPTION (6:00-7:00 PM)

FRIDAY, FEBRUARY 28, 2014
POLLACK COLLOQUIUM ROOM, FURMAN HALL, 245 SULLIVAN STREET, NEW YORK

REGISTRATION AND COFFEE (8:30-9:00 AM)

PANEL 1 (9:00-10:45 AM)

MAPPING THE FIELD

Paper: “International Regulatory Cooperation: Toward a Global Policy Laboratory”

Jonathan Wiener (Duke Law School) &

Alberto Alemanno (HEC Paris Law School)

Commentator: **Richard Revesz** (NYU School of Law)

Paper: “Regulatory Cooperation Between International Organizations”

Jeffrey Dunoff (Temple Law School)

Commentator: **Richard Stewart** (NYU School of Law)

Paper: “Conflict and Cooperation in International Regulation”

Robert Ahdieh (Emory Law School)

Commentator: **Anu Bradford** (Columbia Law School)

COFFEE BREAK (10:45-11:00 AM)

PANEL 2 (11:00 AM-12:15 PM)
DOMESTIC PRIORITIES, MECHANISMS, CONSTRAINTS

Paper: “The President’s Role in International Regulatory Cooperation”

David Zaring (University of Pennsylvania Wharton School)

Commentator: **David Golove** (NYU School of Law)

Paper: “Creating a Framework for Regulatory Cooperation in Risk Assessment & Management”

Reeve Bull (Administrative Conference of the United States)

Commentator: **Michael Livermore** (University of Virginia Law School)

LUNCH (12:15-1:45 PM)

PANEL 3 (1:45-3:00 PM)
PROSPECTS FOR REGULATORY HARMONIZATION

Paper: “Regulatory Harmonization in the U.S. and the E.U.: Dismantling Protectionism or Race to the Bottom? Understanding Divergences in Regulatory Cultures to Bridge the Divide”

Fernanda Nicola (American University Washington College of Law)

Commentator: **Robert Howse** (NYU School of Law)

Paper: “The Rise of the New Developmental State and the Remaking of the Regulatory State: Evidence from Latin America”

Mariana Mota Prado (University of Toronto Faculty of Law)

Commentator: **Salo Coslovsky** (NYU Wagner School of Public Service)

COFFEE BREAK (3:00-3:15 PM)

PANEL 4 (3:15-4:30 PM)
CONVERGENCE IN ADMINISTRATIVE PROCEDURES

Paper: “Conflict and Cooperation in the Privacy Sector”

Francesca Bignami (George Washington University Law School)

Commentator: **Ira Rubinstein** (NYU School of Law)

Paper: “Administrative Licensing and Regulatory Reform in China”

Neysun Mahboubi (University of Pennsylvania)

Commentator: **Michael Herz** (Cardozo Law School)

SUMMARY AND REFLECTIONS (4:30-5:00 PM)

Neysun Mahboubi (University of Pennsylvania)
Richard Stewart (NYU School of Law)