



***Institute of Advanced Study***  
***University of Bologna***



**IN COLLABORATION WITH**  
**MASTER IN LAW AND ECONOMICS**

**COLLEGIO SUPERIORE ALMA MATER STUDIORUM DI BOLOGNA**

**INSTITUTE LECTURE**

**ROGER VAN DEN BERGH**

*Erasmus University, Rotterdam and ISA Visiting Fellow*

**“THE SUBSIDIARITY PRINCIPLE IN THE  
EUROPEAN CONSTITUTION: A CRITICAL VIEW  
FROM LAW AND ECONOMICS”**

Discussant : Prof. Lucia Serena Rossi e Luca Enriques, Università di Bologna

**Wednesday, December 01<sup>st</sup> 2004, 5.00 p.m.**

Facoltà di Economia, aula 32

P.zza Scaravilli 2 - Bologna

## ABSTRACT AND BRIEF CURRICULUM VITAE

In his talk “The Subsidiarity Principle in the European Constitution: Critical Insights from Law and Economics”, Prof. Roger Van den Bergh will advance economic criteria to assess the scope of the principle of subsidiarity. According to this principle, the European Union “shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level” (Art. 9 (3) of the European Constitution). The economic analysis of law advances arguments enabling to judge when it is “better” to have decisions taken at lower levels of government rather than by a central authority. By using examples of different fields of law (tort law, contract law, environmental law, competition law) it will be made clear when – from an economic perspective – decentralisation is to be preferred to centralisation. In Prof. Van den Bergh’s view, the catalogue of competences included in the European Constitution is a defective tool for implementing the subsidiarity principle. The economic analysis of law allows to make a checklist, which is better suited to guarantee that decisions are taken at the appropriate level of government.

Roger Van den Bergh is a Professor of Law and Economics at the Erasmus University of Rotterdam. He received his Ph D from the University of Antwerpen and subsequently held positions at the universities of Antwerpen, Utrecht, and Hamburg. He was a visiting research fellow at the Max-Planck-Institute in Munich, Yale Law School and the Norwegian Academy of Sciences, as well as a visiting professor at several universities inside and outside Europe. He was President of the European Association of Law and Economics from 1987 until 2001 and Director of the Erasmus Programme in Law and Economics from 2000 until 2004. Currently he is the coordinator of the Erasmus Mundus Masters Consortium of Law and Economics, a network of seven universities (Rotterdam, Hamburg, Bologna, Gent, Manchester, Aix-en-Provence and Vienna) offering a Masters Programme in Law and Economics. Prof. Van den Bergh’s specialisation is the economic analysis of law: the use of economic theory to better understand and evaluate the real-life effects of divergent legal rules. Prof. Van den Bergh has published extensively in books and academic journals on various topics of Law and Economics, including competition law, consumer protection, regulation of professional services, tort law and insurance, and harmonisation of laws. He is a member of the editorial board of several academic journals, including the International Review of Law and Economics and the American Law and Economics Review.