Bringing together different legal experts on asylum and migration from across Europe, this conference critically assesses “Conflict and Compromise between Law and Politics in EU Migration and Asylum Policies” as 2017 has been marked by several rulings of the Court of Justice in extremely sensitive cases on migration and asylum issues. The most important policy and legal measures are analysed in three streams:

**Stream 1 : EXTERNALISATION**
International Responsibility | External Representation of the EU

**Stream 2 : HUMAN RIGHTS**
Right to Leave | Collective Expulsion

**Stream 3 : INSTITUTIONS**
Border Surveillance | JHA Agencies

Information and Registration:
After the success of the 2016 edition on the issue of solidarity and of the 2017 edition on the theme “Beyond Crisis?” that attracted a total of 900 persons, the next edition of the Odysseus Law and Policy Conference that will take place in Brussels comes back on the agenda on Thursday 1 February 2018. The theme of this year is “Conflict and Compromise between Law and Politics in EU Migration and Asylum Policies” as 2017 has been marked by several rulings of the Court of Justice in extremely sensitive cases on migration and asylum issues. Six workshops (instead of nine last year because time was considered as too short by many participants) and two plenary sessions will be organized as detailed below.

The workshops will be introduced by one or two academics followed by comments from three or four high level policy makers from EU institutions/agencies or Member States. Around one hour will be left for questions and debate with the audience. The conference participants are invited to select the workshops they will attend from a choice of three parallel streams as below.

As the annual Odysseus conference intends to become the platform where organisations and professionals working in EU migration and asylum law and policy meet every year in Brussels, a specific networking event will be organised for the participants in the evening of Wednesday 31 January before the conference as well as an evening cocktail just after the conference. The conference will start on Thursday 1 February at 9:00 am and close around 5pm.

<table>
<thead>
<tr>
<th><strong>STREAM 1</strong></th>
<th><strong>STREAM 2</strong></th>
<th><strong>STREAM 3</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXTERNALISATION</strong></td>
<td><strong>HUMAN RIGHTS</strong></td>
<td><strong>INSTITUTIONS</strong></td>
</tr>
<tr>
<td><strong>WORKSHOP A</strong></td>
<td><strong>WORKSHOP C</strong></td>
<td><strong>WORKSHOP E</strong></td>
</tr>
<tr>
<td>Which International Responsibility for the Cooperation of the EU and its Member States with the Libyan Coast Guards?</td>
<td>The Human Right to Leave a Country: to Protect or Forget?</td>
<td>Which Common Modalities and Funding for Border Surveillance in the EU?</td>
</tr>
<tr>
<td><strong>WORKSHOP B</strong></td>
<td><strong>WORKSHOP D</strong></td>
<td><strong>WORKSHOP F</strong></td>
</tr>
<tr>
<td>Competence and External Representation of the EU and its Member States in the Area of Migration and Asylum</td>
<td>Collective Expulsion or not? Individualisation of Decision making in Migration and Asylum Law</td>
<td>The New Border Guard and Asylum Agencies: A New Model of EU Agencies Having Discretionary Powers and Controlling Member States?</td>
</tr>
</tbody>
</table>
Several legal questions related to the implementation of the European Agenda on Migration will be analysed in relation with the Commission Communication of 27 September 2017 about the delivery of this agenda, including the issue of policy evaluation at EU level.

**WORKSHOP STREAM 1: EXTERNALISATION**

**WORKSHOP A: WHICH INTERNATIONAL RESPONSIBILITY FOR THE COOPERATION OF THE EU AND ITS MEMBER STATES WITH THE LIBYAN COAST GUARDS?**

While avoiding carefully to trigger the application of the ECHR, the EU and its Member States collaborate closely with Libyan coast guards by providing them training, equipment and funding in order to prevent migrants to leave the country. Can these elements lead to international responsibility of the EU and its Member States and in case before which judge?

**WORKSHOP B: COMPETENCE AND EXTERNAL REPRESENTATION OF THE EU AND ITS MEMBERS STATES IN THE AREA OF MIGRATION AND ASYLUM**

The General Court considered in the case T-192/16 of 28 February 2017 that the EU/Turkey declaration has not been made by the European Council but the Member States. Is this ruling coherent with the case law of the CJEU on the external competence of the EU, in particular the leading case ERTA? The current discussions of the global compacts on migration and refugees in the UN offer also a good occasion for this workshop to look at the external representation of the EU and its Member States in the area of migration and asylum.
The freedom to leave any country including his own recognised under human rights law is more and more challenged by pull-back practices as part of the fight against irregular migration and the externalisation of the EU migration policy. Turkey is requested to prevent migrants and asylum seekers to leave its territory by the EU in the declaration of March 2016. Transit countries like Libya if not origin countries, are asked to act in a similar way. The compatibility of such measures with the right to leave going further than the limitations traditionally authorised and imposed by States will be assessed.

**WORKSHOP D: COLLECTIVE EXPULSION OR NOT? INDIVIDUALISATION OF DECISION MAKING IN MIGRATION AND ASYLUM LAW**

The Strasbourg Court delivered two contradictory rulings on collective expulsion in the case Khlaifia. The recent ruling in N.D. & N.T. about returns from Mellila to Morocco adds a seventh case to the list of violations of article 4 of Protocole 4 of the ECHR on the prohibition of collective expulsions recognised by the EctHR. What seems to be at stake is the level of individualisation of return decisions required by case law. This kind of principle of administrative law appeared also about family reunification in the case Chakroun of the CJEU. But what does individualisation mean and require precisely?

PM Orban requested the reimbursement of half of the costs of the wall that Hungary build at its external borders to prevent illegal crossings. This brings up the issue of the diversity of border surveillance’s modalities belonging to Member States’ discretion but also of fair sharing of responsibilities between Member States. While solidarity has been analysed by the CJEU in the case of Slovakia and Hungary against the Council regarding relocation of asylum seekers, the current organisation and funding of the external borders policy should also be confronted to the legal requirements of article 80 TFEU
WORKSHOP F: THE NEW BORDER GUARD AND ASYLUM AGENCIES: A NEW MODEL OF EU AGENCIES HAVING DISCRETIONARY POWERS AND CONTROLLING MEMBER STATES?

In the case of Frontex, the adoption of a “technical and operational strategy for European integrated border management” by Regulation 2016/1624 shows that EU Agencies are increasingly tasked with competences involving some discretionary powers. JHA agencies are also more and more asked to controlling if Member States fulfill their obligations and could acquire a position of line manager of national authorities. These trends that look problematic with the intergovernmental nature of agencies will be analysed in light of the case law of the CJEU from Meroni to ESMA. The undergoing transformation of the EASO into a European Asylum Agency as well as the new European Public Prosecutor’s Office will be included.

FINAL PLENARY SESSION

TOWARDS “JUDICIAL PASSIVISM” IN EU MIGRATION AND ASYLUM LAW?

The final session will deal with the position sometimes considered as judicial passivism adopted in the course of 2017 by the Court of Justice of the European Union in several cases on extremely sensitive issues like the humanitarian visas for asylum seekers, the declaration made by the EU and Turkey in March 2016 and the issue of relocation of asylum seekers in relation with the principle of solidarity. This session will be fed with summaries about the output of the previous workshops putting the emphasis on the (potential) role of judges in relation with each subject.