



Conference on European Delict

Protected Values, Liability of a Member State, and Enforcement under Article 7 TEU

November 24 and 25, 2016

Building of the Law Faculty of the Charles University, Prague 1, nám. Curieových 7, Room No 38

Aim of the Conference

Article 7 TEU protects the European Union against political development in one or more Member States that undermines values on which the common association stands. We may identify three particular reasons for such provision. First, the level of cooperation achieved within the European Union requires consensus on fundamental values among public officials of the Member States who participate in the EU decision-making. Second, since the European Union is not merely an association of states, but a polity of constitutional quality, diversion from the common values would undermine realization of rights of private persons of other Member States in their cross-border activities. Finally, Article 7 TEU protects citizens and resident legal persons of the violating state against political changes that do not respect liberal values, even if achieved through a democratic process. The last issue, which, as the Austrian and Hungarian cases revealed, has been the most controversial, forms in fact the very core of the European integration project.

Article 7 TEU does not state a mere political sanction, but creates a special liability regime. The legal scholarship, however, has not yet undertaken a serious analysis of its particular components. The proposed project aims to remedy this gap. A comprehensive analysis requires bringing together legal experts on European law, constitutional law, law of delict and torts, and experts that can bring comparative perspective about solutions in other jurisdictions.

There is no conference fee. RSVP to novackov@prf.cuni.cz

Program

Thursday, November 24

9.00 Welcoming and introductory remarks

Session I: Protected Values Chair: Jiří Pehe

9.15 *Principles and Values in the European Union*

Rudolf Streinz, University of Munich

9.40 *Reflections on what the rule of law means and how it is enforced at EU level*

Gavin Barrett, Sutherland School of Law, and Emmanuel Sur, University of Bordeaux

10.05 *Discussion*

10.35 Coffee Break

10.50 *Safeguarding the Rule of Law in the European Union*

Matteo Bonelli, University of Maastricht

11.15 *Protection of Fundamental Rights under Article 7 TEU*

Willem Heringa, University of Maastricht

11.40 *Democracy - A Value common to the Member States of the European Union*

Andreas Haratsch, University of Hagen

12.05 *Discussion*

12.35 Lunch for the speakers

Session II: Liability of Member States Chair: Armin Hatje

- 14.10 *Nature and Requirements of Liability of Member States under Art. 7 TEU*
Luboš Tichý, Charles University
- 14.35 *Causation as a requirement for Member State liability*
Ewa Bagińska and Sylwia Majkowska-Szulc, University of Gdansk
- 15.00 *Discussion*
- 15.30 Coffee Break
- 15.45 *Wrongfulness and Fault as Requirements of the 'European Delict' under Art. 7 TEU?*
Ulrich Magnus, University of Hamburg
- 16.10 *Balancing values and interests*
Michael Potacs, Wirtschaftsuniversität Wien
- 16.35 *Criteria of Use of Article 7 TEU: Polish Experience*
Miroslaw Wyrzykowski, University of Warsaw
- 17.00 *Discussion*
- 17.30 End of the first day of the conference
- 19.00 Dinner for the speakers

Friday, November 25

Session III: Enforcement Chair: Armin Hatje

- 9.30 *Bringing Cantons and States into Line - The Swiss and US Experiences in the Mid - 19th Century*
Roman Puff, University of Salzburg
- 9.55 *Comparative study on enforcing common values against subnational units/member states in federations/other international organizations*
Laurent Sermet, University Aix-en-Provence
- 10.20 *Judicial no-man's land? - Judicial Protection of Values in Europe*
Jörg Philipp Terhechte, University of Lüneburg/University of Glasgow
- 10.45 *Discussion*
- 11.15 Coffee break
- 11.30 *Early Warning Mechanism – its function and content*
Martin Nettesheim, University of Tübingen
- 11.55 *From Voting Rights Suspension to Smart Sanctions: Learning from International and Federal Practices*
Tomáš Dumbrovský, Charles University/Yale Law School
- 12.20 *Discussion*
- 12.50 Lunch for the speakers
- 14.30 *Enforceability of Article 7 TEU in the context of alternative (softer) instruments*
Dimitry Kochenov, University of Groningen/Princeton University
- 14.55 *Constitutional remedies of persons injured by Council decision suspending their legitimate expectations*
Jiří Zemánek, Charles University and the Constitutional Court of the Czech Republic
- 15.20 *Right and duty to pursue the wrongdoer and a possible abuse of Article 7 TEU?*
Matthias Niedobitek, Chemnitz University of Technology
- 15.55 *Discussion*
- 16.25 Coffee break

Session IV: Roundtable on the Future of Ensuring Rule of Law in EU Member States

Chair: Jiří Pehe

- 16.40 Speakers: all above
- 17.40 Concluding remarks, Armin Hatje, University of Hamburg
- 18.00 End of the conference
- 19.00 Dinner for the speakers

Contact

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