Conference on 28-30 June 2017
Protecting and Advancing the Rule of Law in Europe
Max Planck Institute for Comparative Public Law and International Law, Heidelberg
Pre-Conference to “Article 7 TEU, the EU Rule of Law Framework and EU Values: Powers, Procedures, Implications”, Warsaw, September 2017

Programme

Wednesday, 28 June 2017

Until 11 am - Arrival of Participants

11 am to 12:15 pm - Session 1: Book Presentation: András Jakab and Dimitry Kochenov (eds.), The Enforcement of EU Law and Values, Oxford University Press, 2017
➢ Of which: 30 minutes presentation and
➢ 45 minutes discussion of the first chapter and what it reports

12:15 pm to 1:30 pm - Lunch Break at DKFZ

1:30 pm to 2:30 pm - Session 2: Systemic Threats to the Rule of Law
➢ Scene Setter: The Situation in Poland

1. Marcin Wiącek: Constitutional Crisis in Poland 2015-2016. Facts and Law
   1:30 pm to 2:15 pm

   Shorter presentations with general discussion at the end

2. Paweł Marcisz: The National Judicial Council – 10 min

3. Maciej Taborowski: Proposed Amendments to the Polish Judiciary – 5 min

2:30 pm to 2:45 pm - Coffee Break

2:45 pm to 4 pm - Session 2, cont.

4. Justyna Łacny: Legal Amendments permitting Surveillance of Citizens – 10 min

5. Wojciech Sadowski: New Legal Arms of the State - Public Prosecution and the General Council of the Republic of Poland – 15 min
6. Piotr Bogdanowicz: Media Laws and the National Media Council – 10 min

7. General discussion – 40 min

4 pm to 4:10 pm - Short Break

4:10 pm to 5 pm - Session 3: Developments at EU Level


7:30 pm - Dinner at Restaurant – Kulturbrauerei, Altstadt
Leyergasse 6, 69117 Heidelberg, transfer provided on request

End of First Day

Thursday, 29 June 2017

9:00 am to 10:30 am - Session 3, cont.

Per participant: 15 minutes presentation, 30 minutes discussion

2. Matthias Schmidt: Mind the GAP: “General and Persistent Infringements” as possible follow-up options for the “EU Framework to strengthen the Rule of Law” under Article 258 TFEU
9:00 am to 9:45 am

3. Piotr Bogdanowicz: Breach of Article 2 TEU as a failure to fulfil an obligation under the TFEU in the meaning of Article 258 TFEU
9:45 am to 10:30 am

10:30 am to 10:45 am - Coffee Break
10:45 am to 1 pm - **Session 3, cont.**

4. Paweł Marcisz: Escape from Politics: Is there a legal standard for the serious and persistent breach of the Union values?
   *10:45 am to 11:30 am*

5. Michael Ioannidis: Institutional weakness as a threat to EU values
   *11:30 am to 12:15 pm*

6. Justyna Łacny: Can financial penalties be imposed on the Member State for a breach of common values mentioned in Article 2 TEU?
   *12:15 pm to 1:00 pm*

1 pm to 2 pm - **Lunch Break at DKFZ**

2 pm to 4 pm - **Session 3, cont.**

7. Wojciech Sadowski: Relevance of the Article 7 and pre-Article 7 procedures for determinations of an investment treaty tribunal
   *2 pm to 2:45 pm*

8. Armin von Bogdandy: A Systematic Approach to Instruments Addressing the EU Rule of Law: Advancing Clarification and Effectuation
   *2:45 pm to 3:30 pm*

9. Final Discussion on Session 3
   *3:30 pm to 4 pm*

8 pm - **Public Evening Talk:**
The Decline of the Rule of Law in Hungary and Poland – Moving away from European values into the unknown? Pál Sonnevend, Maciej Taborowski & Armin von Bogdandy
Deutsch-Amerikanisches Institut (DAI), Sofienstraße 12, 69115 Heidelberg, transfer provided on request.
*Free admission for conference participants.*

**End of Second Day**
Friday, 30 June 2017

10:00 am to 11:30 am - Session 4: The Rule of Law in Hungary: Cross-cutting issues in preparation of a Hungarian Commentary on the ECHR – General Issues

- The role of comparative law in the case law, European consensus
- Margin of appreciation and the legitimacy of the court
- What are the trends of citing international documents in the case law? Which documents are most often cited and why?
- Evolution of interpretation methods in the case law

11:30 am to 11:45 am - Coffee Break

11:45 am to 1 pm - Session 4, cont. - General Issues

- The status of European Union law in the practice of the European Court of Human Rights, the perspectives of the accession
- Effectivity of the enforcement mechanism, experiences of the pilot judgment procedures
- The status of the Convention in the national legal systems, recent case law of European constitutional courts

1 pm to 2:30 pm - Lunch Break

2:30 pm to 4 pm - Session 4, cont. - The Rule of Law in Hungary, Methodology

- What are the main functions of a commentary? Structuring the law, marking out its principles, structuring the discourse around the law? What are the factors that influence which type of a commentary is chosen by the editors?
- Who can be the target group of a commentary on the Convention (attorneys, judges, academics, etc.)? Can these aims be achieved at the same time?
- Should a commentary be country-specific or is only the language different?

4 pm - End of Conference
Conference Venue:
Max Planck Institute for Comparative Public Law and International Law
Im Neuenheimer Feld 535
D-69120 Heidelberg
Tel. (Front Desk): + 49 6221 482-1

Conference Room 014 (ground floor)
Due to construction works, access to the building from the rear only.

Lunch Venue:
German Cancer Research Center (DKFZ)
Casino am Technologiepark
Within walking distance from the institute.

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