



CONFERENCE
HOSTED BY

THE UNIVERSITY OF WARSAW,
FACULTY OF LAW AND ADMINISTRATION,
CHAIR OF EUROPEAN LAW

AND

THE MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW,
HEIDELBERG

PROTECTING EUROPEAN UNION VALUES: BREACHES OF ARTICLE 2 TEU AND THEIR CONSEQUENCES

14-15 • SEPTEMBER • 2017

FACULTY OF LAW AND ADMINISTRATION • UNIVERSITY OF WARSAW
COLLEGIUM IURIDIUCM II • ROOM A2
LIPOWA 4 • WARSAW



DFG Deutsche
Forschungsgemeinschaft



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

PROGRAMME

THURSDAY, 14 · 09 · 2017

8.30-9.00 Registration & Coffee

9.00-9.15 Official Opening

Prof. Tomasz Giaro

Dean of the Faculty of Law and Administration, University of Warsaw

Prof. Armin von Bogdandy

Director at the Max Planck Institute for Comparative Public Law
and International Law, Heidelberg

Prof. Anna Zawidzka-Łojek

Head of Chair of European Law, Faculty of Law and Administration, University of Warsaw

SETTING THE SCENE

9.15-11.10

**Chair: Prof. Armin von Bogdandy, Max Planck Institute for Comparative Public Law
and International Law, Heidelberg**

9.15-9.30

Prof. Maciej Szpunar

Advocate General, Court of Justice of the European Union

The Court of Justice and the Independence of the Judiciary of the Member States

9.30-10.15

Prof. Joseph Weiler

New York University School of Law

***People in glass houses shouldn't throw stones - on Democracy and the Rule of Law
in the European Union***

10.15-10.30

Prof. Marcin Wiącek

University of Warsaw

The Constitutional Crisis in Poland in light of Article 2 TEU

10.30-11.10

Discussion

11.10-11.25 Coffee break

PANEL 1

WHAT ARE THE EU VALUES?

11.25-12.45

(Presentations 3 x 15 min.)

Chair: Prof. Anna Zawidzka-Łojek, University of Warsaw

Prof. Christophe Hillion
Leiden University

The Provisions of Article 2 TEU: Their Nature, Function and Enforceability

Prof. Monica Claes
Maastricht University

Our Not So Common Values?

Prof. Werner Schroeder
University of Innsbruck

Values Expressed in Article 2 TEU: Analysis Considering the CJEU Case-law. What Do These Values Mean and Imply?

12.10-12.45 Discussion

12.45-13.30 Lunch

PANEL 2

SAFEGUARDING THE RULE OF LAW & THE RULE OF LAW FRAMEWORK

13.30-14.50

(Presentations 3 x 15 min.)

Chair: Prof. Franz C. Mayer, University of Bielefeld

Dr. Emmanuel Crabit
Head of Unit, European Commission, Directorate General for Justice and Consumers, Justice Policy and the Rule of Law

Recent developments regarding the rule of law in the EU

Prof. Laurent Pech
Middlesex University London

The Commission's Rule of Law Framework: An Instrument Which Was Bound to Fail?

Dr. Maciej Taborowski
University of Warsaw

The Rule of Law Argument before National Courts: How to Make Use of the Commission's Rule of Law Recommendation

14.15-14.50 Discussion

14.50-15.10 Coffee break

PANEL 3

THE ENFORCEMENT OF EUROPEAN VALUES

15.10 - 16.30

(Presentations 3 x 15 min.)

Chair: Prof. Krystyna Kowalik-Bańczyk, Judge of the EU General Court

Dr. Piotr Bogdanowicz
University of Warsaw

The Crisis of Values or the Value of Crisis: Reinterpreting Article 258 TFEU

Matthias Schmidt

Max Planck Institute for Comparative Public Law and International Law, Heidelberg

"General and Persistent" infringements and the Options of the European Commission to Pursue Systemic Threats to the Rule of Law under Article 258 TFEU

Dr. Justyna Łacny

Institute of Law Studies, Polish Academy of Sciences

Can the Member States Be Financially Responsible for Breaching Article 2 TEU?

15.55-16.30 Discussion

16.30-16.50 Coffee break & snacks

PANEL 4

NATIONAL PROBLEMS & ARTICLE 7 TEU

16.50-18.10

(Presentations 3 x 15 min.)

Chair: Dr. Adam Bodnar, Polish Ombudsman

Prof. Anton Abat i Ninet
University of Copenhagen

The Potential Breach of Article 2 and the Enforcement of Article 7 TEU within the Spanish-Catalan Conflict

Dr. Michael Ioannidis

Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Institutional Weakness as a Threat to EU Values (the Case of Greece)

Beáta Bakó

Pázmány Péter Catholic University, Budapest

Measuring or Policing "EU-values" compliance? Hungary's Latest Experiences with Article 2 TEU

17.35-18.10 Discussion

18.10-18.20 Coffee break

PANEL 5 **ON ARTICLE 7 TEU**

18.20-19.40

(Presentations 3x 15 min.)

Chair: Prof. Mirosław Wyrzykowski, University of Warsaw, Member of Article 255 TFEU Committee (Former Judge of the Polish Constitutional Tribunal)

Dr. Paweł Marcisz
University of Warsaw

What is the Standard for the Serious and Persistent Breach of the EU Values?

Dr. Stephen Terrett
University of Warsaw

Article 7 as the "Nuclear Option" in Rule-of-Law Disputes. Is There a Case for Unilateral Nuclear Disarmament?

Prof. Dimitry Kochenov
University of Groningen

Implications of Article 7's Weakness for the Rule of Law at the Supranational Level

19.05-19.40 Discussion

19.40 End of day 1

FRIDAY, 15 · 09 · 2017

8.30-9.00 Registration & Coffee

KEYNOTE LECTURE
9.00-9.30

Dr. Adam Bodnar
Polish Ombudsman

Taking the Constitution Seriously? Protection of Human Rights after the Constitutional Crisis

PANEL 6 **DIMENSIONS OF THE RULE OF LAW**

9.30-11.20

(Presentations 4 x 15 min.)

Chair: Prof. Joseph Weiler, New York University School of Law

Prof. Jörg Polakiewicz
Director of the Directorate of Legal Advice and Public International Law, Council of Europe
The Council of Europe's Role in Promoting and Strengthening the Rule of Law

Prof. Artur Nowak-Far
Warsaw School of Economics

European Union "Rule of Law" Initiative: How to Develop Viable Tools?

Dr. Wojciech Sadowski
Partner, K&L Gates Warsaw
Relevance of the Article 7 and pre-Article 7 Procedures for Determinations of an Investment Treaty Tribunal

Dr. Anna Czaplińska
University of Łódź
Article 7 TEU and the General Law of International Responsibility

10.30-11.20 Discussion (including keynote lecture)

11.20-11.40 Coffee break

PANEL 7

INSTITUTIONAL AND GENERAL ISSUES

11.40-13.30

(Presentations 4 x 15 min.)

Chair: Prof. Stanisław Biernat, Jagiellonian University, Krakow
(former Vice-President of the Polish Constitutional Tribunal)

Prof. Pal Sonnevend
Eötvös Lóránt University of Budapest
Rule of Law and Human Rights Should Be Enforced by Courts: The Hungarian Experience calls for a Broad Interpretation of Article 51 (1) of the Charter of Fundamental Rights

Prof. Iris Canor
Haim Striks School of Law, COMAS, Israel
Mutual Trust and Horizontal Solange

Prof. Frank Schorkopf
University of Göttingen
Institutional Guarantee of European Values - A Critical View of the Emerging Law of Constitutional Crisis

Prof. Armin von Bogdandy
Max Planck Institute for Comparative Public Law and International Law, Heidelberg
A Systematic Approach to Instruments Protecting the EU Rule of Law

12.40-13.30 Discussion

13.30 Closing of the conference. Acknowledgments

Dr. Piotr Bogdanowicz
Dr. Maciej Taborowski

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