



**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**

1. Maciej Taborowski: Hard effects of a soft recommendation? – On the potential consequences of the Commission’s Rule of Law Recommendation

*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**



**MAX PLANCK INSTITUTE**  
FOR COMPARATIVE PUBLIC LAW  
AND INTERNATIONAL LAW



**DFG** Deutsche  
Forschungsgemeinschaft

**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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