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
Mirosław 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

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