

CONFERENCES AND REPORTS

“THE EUROPEAN UNION AND THE HOLY SEE”

International Conference on the occasion of the 75th anniversary
of the Schuman Declaration – Prague May 6th, 2025

On the occasion of the 75th anniversary of the Schuman Declaration, which became a basis of European integration structures, the Faculty of Law of Charles University, together with the Archbishopric of Prague and the Apostolic Nunciature in Prague organized an international conference “The European Union and the Holy See”. The conference under the Auspices of the Rector of Charles University, the Archbishop of Prague and Primate of Bohemia and the Apostolic Nuncio in Prague was held in the Patriotic Hall of the Karolinum (Charles University) on May 6th, 2025.

In her introductory remarks **Professor Milena Králíčková**, Rector of Charles University, spoke about Christian traditions as a basis of the European Coal and Steel Community, the European Economic Community and the present European Union. She quoted one of the designers of the flag Arsène Heitz, who stated that the circle of stars was based on the iconographic tradition of showing the Blessed Virgin Mary as the Woman of the Apocalypse, wearing a “crown of twelve stars”. **Archbishop Mons. Jan Graubner**, the Archbishop of Prague and the Primate of Bohemia linked the anniversary of the Schuman Declaration to the 80th anniversary of the end of the Second World War, noting Schuman’s idea of avoiding new conflicts in the future by practical implementation of the teachings of the one who gives hope, i.e. based on the teaching of Jesus Christ, and on the principles of Christianity. Schuman believed that Jesus alone can conquer death, he is the giver of true freedom and peace, he is a fixed point in the universe that provides security, he is a sure way to the goal of peace. In recognition of Schuman’s activities, the immortalized Pope Francis proclaimed Robert Schuman venerable, and the process of his beatification began. **Archbishop Mons. Jude Thaddeus Okolo**, the Apostolic Nuncio in Prague, spoke about the pivotal role of the Holy See in shaping European history, acting as both a moral and political force across centuries. It closely accompanied European nations as they emerged. Pontifical diplomacy, with its network of legates and ambassadors, played a key role in resolving conflicts and forging alliances between European powers since the seventh century, with a fixed presence in the courts of Emperors. On the political and governmental level, the Pope often influenced the choices of rulers, crowned them, and led movements of social and religious reform. It has gone through the vicissitudes of the chequered history of Europe. In recent times, these relations and the dialogue between the Holy See and the European Union have been considerably strengthened. In fact, since 2015, there has been the establishment, together with the European Union, of an annual “Structured Dialogue on foreign policy and global issues”.

The conference took place in a very difficult period both for the Catholic Church and the Holy See. When Pope Francis had passed away on April 21st, 2025, the Conclave to elect a new Pope was convoked for May 7th, 2025. For this very reason an important expected guest of the conference **Professor Vincenzo Buonomo**, former Rector of the Pontifical Lateran University, had to remain in the Vatican City in his position as senior legal advisor to the Holy See. His topic “The Diplomatic Relations between the European Union and the Holy See: Legal Basis, Historic Development and Current Challenges” was presented by **Mons. Stanislav Příbyl**, the Bishop of Litoměřice. Mons. Stanislav Příbyl presented on the position of individual popes on European integration from John XXIII to the present day, and the tools of communication for the Holy See, or rather the Catholic Church, with an integrat-

ed Europe and its institutions. Pope John XXIII supported the idea of a united Europe on Christian principles. In his encyclical *Pacem in Terris*, addressed for the first time to non-Catholics, he called for the unification of Europe. John Paul II supported the idea of European integration and noted that it should be a spiritual project. He called for a focus on the human being. However, he warned against the loss of national identity. Both Pope John Paul II and Pope Benedict XVI criticized the lack of explicit reference to God in EU documents, such as the EU Charter of Fundamental Rights and the draft Treaty establishing a Constitution for Europe. Pope Francis believed that European unity should not be uniform but should respect the diversity of individual nations. The attitude of the Popes towards European integration was positive. They appreciated the spiritual and moral dimensions of European integration and warned against excessive secularization.

Associate Professor Pavel Svoboda, Czech Ambassador to the Holy See, stressed that the relationship between the EU and the Holy See cannot be understood without a broader legal basis for the EU's relationship with religion. This is because, among other things, the Holy See pursues interests different from those of a classical state, for example it lacks economic diplomacy. Europe's cultural and religious heritage is largely Christianity. The European system of human rights protection originated precisely from Christianity and Judaism and their innovative contribution, which was and is respect for the individual. The first common denominator of the Holy See and the European Union is people. According to the Eurobarometer, 45% of EU citizens in the EU identify as Catholic. The EU values are enshrined primarily in Art. 2 of the EU Treaty. They include respect for human dignity, freedom, democracy, equality, the rule of law, respect for human rights, including the rights of persons belonging to minorities, pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. The two previous common denominators of the EU-Holy See relationship create the conditions for a third, in the speaker's opinion, completely underutilized common denominator: the possibilities for cooperation. The thesis is as follows: the EU and the Holy See share many common values. It is therefore a pity that, among other things, due to a number of prejudices on both sides and their promotion, they cooperate far less than is possible and necessary.

Professor Martin Selmayr, Ambassador of the European Union to the Holy See, remarked on the 55th anniversary of diplomatic relations between the EC/EU and the Holy See, both atypical subjects of international law *sui generis*. Before 1970, an opinion was prevailing that their relations should have only a spiritual dimension, since there was no room for economic diplomacy. Both the EC customs union of 1968 and the EC common commercial policy of 1969 seemed not to offer any potential for diplomatic relations with the Holy See and the Vatican City. When Italian Christian Democrat Franco Maria Malfatti in 1970 became president of the European Commission, diplomatic relations between the EC and the Holy See were established within a scope of competencies transferred from Member States to the EU. Diplomatic relations became standard in the 1990s with categories like European citizenship and the single currency. The Treaty of Lisbon mentions a spiritual dimension of the EU, in Art. 17 of the Treaty on Functioning of the EU mentioning religious freedom in connection with the rule of law. Dialogue with churches is considered an important part of EU policy. Since the Lisbon Treaty of 2009, diplomatic relations between the EU and the Holy See have their full legal basis. Professor Selmayr pointed out one specific feature of the Holy See diplomacy: it is a unique entity having diplomatic relations with the Republic of China on Taiwan (ROC) instead of the People's Republic of China (PRC). The Holy See recognizes instead the (ROC) under the doctrine, that the ROC is a sole representative of China. This doctrine was applied by the UN from its establishment in 1945 until 1971 when the PRC replaced the ROC as a UN Member State and permanent member of the Security Council. Diplomatic ties between the Holy See and ROC were established in 1942. The PRC and the Chinese Communist Party (CCP) are restricting religious activities and complicating appointments of Catholic bishops in the country by the Pope. An agreement in 2018 between the Holy See and the PRC allowed the Pope to appoint or to veto bishops appointed by the CCP. This agreement was renewed in 2020. But the PRC regime has been

systematically violating the terms for appointments of Catholic bishops provided for in the agreement. Chinese bishops are supposed to be elected by the Chinese Catholic Patriotic Association where the CCP has ultimate control. This is contradictory to the canon law of the Catholic Church. According to canon law such Chinese bishops and people participating in their ordination could be excommunicated. The Holy See has never done so but describes the ordination of Chinese bishops as “valid but illicit”. In 2024 the Chinese government and the Holy See concluded a provisional agreement on this issue.

Dr. José Luis Bazán, legal advisor to the Commission of the Bishops’ Conferences of the European Union in Brussels, said that the Holy See’s Diplomacy (not that of the Vatican City State, which is a separate international legal entity) is an expression of the Catholic Church’s religious mission and vocation in the international life. Not being a State, the Holy See has characteristics “comparable to those of a State” with the same rights and obligations of a State, as has been recognized by the European Court of Human Rights. It enters bilateral international treaties (concordats or agreements) to articulate the activities of the Catholic Church within the domestic legal framework of the state in mutual benefit, is party to several multilateral treaties (regional and universal), and has its own diplomatic corps, besides its capacity, in some cases, to also represent the Vatican City State. The religious nature of the mission of the Holy See should not be seen as a sectarian approach to international relations based on religious biases, but a source of inspiration of universal values and principles conveyed by the Catholic Church as messenger.

Mr. Eduard Hulicius, Deputy Minister of Foreign Affairs of the Czech Republic, described the development of relations between Czechoslovakia/Czech Republic from 1918 until conclusion of the Treaty with the Holy See in 2024. After the creation of Czechoslovakia in 1918, it was necessary to redefine relations with the Holy See. At that time, discussions were taking place regarding the position of the Catholic Church in the new state, which was significantly secular, especially in the western part - diplomatic relations were established as early as 1920. In 1928, an agreement - *Modus vivendi* - was concluded regulating relations between the state and the church. After the Munich Agreement of 1938 and the subsequent occupation in 1939, relations stagnated. The Holy See did not communicate with our government-in-exile in London, and the influence of the Holy See was limited by the Nazi occupation administration. After World War II, relations were restored, but the situation changed rapidly after the communist coup in February 1948. Czechoslovakia resumed its diplomatic relations with the Holy See in 1990. In 2023, negotiations began on a new bilateral treaty with the Holy See. The treaty was signed in 2024, and at the time of the conference, its ratification process was underway.

Professor Jiří Rajmund Tretera, Chairman of the Church law society from the Faculty of Law of Charles University, described the differences in the concepts of “the Holy See” and the “Vatican City State”. He stressed that the Holy See and the Vatican City State were completely different entities. There is as well a dichotomy between the Catholic Church and the Holy See. The *Status Civitatis Vaticanae* states that “both the Catholic Church and the Holy See are legal persons created by God”. The Catholic Church and the Holy See are therefore two different legal entities in canon law. The highest representative (and one could say the statutory body) of both is the Roman Pontiff – the Pope. However, the Catholic Church does not enter into international legal relations. The Holy See does so on its behalf. The Vatican City State is a completely different entity. It was established by an international treaty between the Apostolic See and the Italian State on 7 June 1929. There is therefore no divine provision. Its existence in the Church is therefore not of divine law, but purely of ecclesiastical law. According to its constitution, the Pope is the sovereign of this state.

Dr. Milan Lipovský, Member of the Department of International Law of the Faculty of Law of Charles University, presented a basic overview of subjects of international law with their brief descriptions, focusing on aspects relevant to the international legal personality of the Holy See. He gave a historical excursus on the position of the Holy See since 1870. He assessed the legal

basis in the Lateran Treaties and possible agreements with third states, focusing on the Czech Republic.

Professor Harald Christian Scheu, Member of the Department of European Law of the Faculty of Law of Charles University, stressed that the basic doctrine of human rights distinguishes between the internal dimension of freedom of thought, conscience and religion (*forum internum*) and the right to manifest this belief externally as the external dimension (*forum externum*). It is also generally accepted that freedom of thought, conscience and religion can be understood in a negative sense, i.e. as a right with which the State must not interfere, but also in a positive sense, as the State's duty to create the conditions for its effective exercise. Although issues related to the official registration of churches and religious communities fall in principle within the discretion of individual States, national legislation in this area must not be arbitrary, discriminatory or unduly restrict the exercise of freedom of religion. The State must in particular avoid disproportionate interference through financial or fiscal measures which could disadvantage certain religious groups. It must also not interfere in the internal affairs and disputes of religious communities.

Professor Martin Štefko, Member of the Department of Labor and Social Security Law of the Faculty of Law of Charles University, devoted his presentation to the analysis of the current law from the point of view of identifying the degree of influence of the Church's doctrines on the legal regulation of labor law and social security law. The Church's doctrines stem from very practical considerations such as the inalienability of the right to rest, the maximum extent of working hours and the minimum extent of rest periods, the influence of the difficulty of work and the season on working hours. Some of these issues were considered by modern labor law almost from the beginning, whilst others appeared only gradually, when time was ripe for it. Some of them were even excluded from the recent regulation, but later were again included under the pressure of various crises. The current regulation in labor law still considers Sunday rest and holiday rest and guarantees the right of employees to vacation. All these institutions were very closely connected with Christianity and the Church at their inception. However, Czechoslovakia and the Czech Republic later became secularized, and the question arises whether the continuing influence of Christianity can still be recognized in the issue of Sunday and holiday rest, especially in a situation where statistical data confirm that more and more people work on Sundays in the European Union. He considered to what extent the valid regulation of rest periods, specifically of continuous rest during the week (i.e. Sunday rest) and holidays (as a successor to holiday rest), is still inspired by the Christian faith and (Catholic) church regulation. Since the valid legal regulation does not contain references to the Bible or official documents of the Catholic Church, and since in the political discourse, argumentation in this way is not considered appropriate or correct today, the question arises of how to identify the influence of Christianity on the valid regulation of selected institutes of rest periods. Since the right to rest is also an important social right, which in the valid regulation is promoted primarily by the agenda of the European Union, and this right is regulated in primary law and elaborated by secondary law, or the case law of the CJEU, it is necessary to also examine the ideological sources of the EU regulation of some aspects of the organization of working time and rest periods.

Professor Michal Tomášek, Vice-Dean and Head of the Department of European Law of the Faculty of Law of Charles University, said that more than fifty years of diplomatic, and thus also legal, relations between the European Union and the Holy See do not only have an ecumenical dimension, but also represent a specific external relationship between the EU and a microstate immersed in the territory of an EU member state, namely Italy. The Vatican City and the Holy See are considered by the EU institutions as a *sui generis* entity that deserves appropriate treatment. It is above all important for the EU to legally grasp customs and monetary relations. After introduction of the single currency in 1999, in cash form in 2002, it seemed necessary for the Vatican City and the Holy See to have a legal agreement with the EU on the use of the euro. Otherwise,

the Holy See is rather reticent about deeper and more differentiated integration with the EU, unlike other micro-states, namely Andorra or San Marino, with which the EU has been negotiating Association agreements. However, the use of the euro and the corresponding system of monetary agreements with the EU lead to the *de facto* acceptance of some parts of EU law in terms of protection of the euro, and also in EU financial regulation.

The conference was concluded by **Cardinal Dominik Duka**, Emeritus Archbishop of Prague and Primate of Bohemia. Cardinal Duka thanked the organizers of the conference and highlighted the importance of the topic of the conference. Special attention should be given to the relationship between Church and law. In this context he quoted the late Pope John Paul II: “The Church with law is a Church of love. The Church without law is a lawless Church”.

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