

CONFERENCES AND REPORTS

Report from a Conference on “Unnecessarily Overburdening Transposition – Unjustified Gold-Plating of EU Directives”

On 28 November 2014 a conference was held at the Faculty of Law, Charles University in Prague, regarding issues of transposition of EU directives and gold-plating. The accession of the Czech Republic to the EU influenced the Czech legal system in many ways. One of the most significant changes relates to legislative procedure and the fact that post-accession the Czech Republic is obliged to implement EU directives. In this respect, special attention should be paid to national implementing measures which exceed the minimum requirements of EU legal acts and which can cause unnecessary regulatory costs for businesses as well as consumers and impact negatively on trade and competitiveness. However, it should be noted that although being frequently and widely discussed, the concept of gold-plating still remains ambiguous. Therefore, the aim of the conference was (i) to clarify what gold-plating means, (ii) to give examples of existing gold-plating in the Czech Republic, (iii) to compare approaches to gold-plating in selected EU Member States and (iv) to propose modifications in legislative procedure which would prevent the occurrence of unjustified gold-plating.

The conference was opened by **Associate Professor Richard Král**, member of the Department of European Law. In his speech he welcomed guests and emphasised the importance of research relating to gold-plating. Then he presented a paper regarding the theoretical background of gold-plating and its definition. He pointed out that gold-plating shall be understood as non-minimalistic transposition which lacks justification and gave further explanations in respect of the definition of non-minimalistic transposition and its potential justifications. Furthermore, he closely examined the Czech methodological transposition instructions adopted by Government Resolution No 1304 on 12 October 2005, from the point of view of gold-plating.

The second speaker, **Mr Petr Navrátil**, member of the Department of European Law, dealt with regulatory impact assessment (the so-called RIA) in the Czech Republic. He analysed General Principles of Regulatory Impact Assessment as adopted by the Czech Government and argued that General Principles do not constitute sufficient assurance that the issue of unjustified non-minimalistic transposition of EU directives will be adequately taken into consideration within legislative procedure. Moreover, he gave several examples of unjustified non-minimalistic transposition of EU directives.

Ms Aneta Vondráčková, member of the Department of European Law, focused on examples of unjustified non-minimalistic transposition, proving that gold-plating is not only a theoretical problem, but also has significant practical implications.

Associate Professor Harald Christian Scheu, member of the Department of European Law, opened the second part of the conference dedicated to comparison of methodological and legal approaches of selected EU Member States to the issue of gold-plating. He spoke on gold-plating in Germany and Austria. He thoroughly analysed the expert discourse in Germany and Austria and discussed the practical dimension of gold-plating in those countries.

The next speakers, **Dr Monika Matysová** and **Mr Petr Mádr**, also offered comparative approach to gold-plating. Dr Monika Matysová, Ph.D. candidate at the Faculty of Law, introduced relevant provisions of Italian law and argued that although Italian law does formally prevent Italian legislator from gold-plating, it is doubtful that the rules are being respected in practice. Mr Petr Mádr, student at the Faculty of Law, focused on gold-plating and its perception in the United Kingdom. He concluded that the UK Government has established quite an elaborate system based on minimalistic approach to transposition of EU directives, which aims to prevent unjustified gold-plating.

The contributions were followed by a lively discussion with experts from different backgrounds, both public administration and private sector. In this regard, the aim of the conference to provide a

venue for fruitful discussion was fulfilled. Moreover, the conference succeeded in identifying several issues connected to gold-plating and proposed several measures to be adopted in order to limit the occurrence of unjustified gold-plating in the Czech Republic. Finally, all papers delivered will be published in a forthcoming book. Last but not least, special thanks are due to the organisers of the conference.

Petr Navrátil*

International scientific conference on "Law Crossing Eurasia: From Korea to the Czech Republic", Prague January 13th 2015¹

According to a new research strategy of Faculty of Law of Charles University in Prague to promote scientific co-operation with China, Japan and South Korea, the Faculty of Law launched a successful cooperation with the Hankuk University of Foreign Studies in Seoul (Republic of Korea), Law School. Together, they organized a scientific conference on the subject of converge of Korean and Czech, as well as European Union law systems.

The conference was held on January 13th 2015, at Charles University in Prague, Faculty of Law under the auspices of Rector of Charles University **Prof. Tomáš Zima**. The conference was opened by the addresses of **Prof. Aleš Gerloch**, Vice-Rector of Charles University, **Prof. Jan Kuklík**, Dean of the Faculty of Law, **Prof. Moon, Jae Wan**, Director of Law Research Institute at Hankuk University of Foreign Studies and **Prof. Michal Tomášek** Vice-Dean for Research of the Faculty of Law.

The morning opening addresses were followed by parallel specialized sections. The first section was chaired by Prof. Michal Tomášek, who is also the Head of the Department of European Law at the Charles University, Faculty of Law. It was dedicated mainly to the introduction to the Korean Law. The convergence and divergence of the legal systems of Korea, EU and the Czech Republic, was the subject matter of the second section, which was moderated by Prof. Moon, Jae Wan. The language of both sections was English.

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The first section was focused on the Korean Law and brought together excellent scholars in their respective field. The opening speech was delivered by **Prof. Michal Tomášek**. He compared Korean history which is characterized by ceaseless delimitation by its powerful neighbours: China and Japan to the Czech case: "If Korea had its own Palacký," he said "then it might compare its own historical fate with the fate of the Czechs between Germany and Russia". **Prof. Michael Bogdan**, from the Lund University, Faculty of Law, focused on a topic called "Grouping of Legal Systems into Families of Law". He pointed out that there are a lot of alternate criteria for grouping of legal systems. He highlighted that the boundaries between each groups (such as civil law and common law legal systems, capitalist law and socialist law, God's law and secular law etc.) are not sharp and change continuously. Thus he concluded that grouping of legal systems is provided especially for pedagogical purposes.

Prof. Lee, Eun- Young, from the Hankuk University, Law School, delivered her paper entitled "Contract Culture and Settlement of Contract-related Disputes in Korea". She outlined several facts related to the Korean contract law, among others the influence of the Confucian capitalism. She also emphasized that the contract relations in Korea depends mainly on personal networks. **Prof. Monika**

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