
CONFERENCES AND REPORTS

International Scientific Conference „200 Years of the Austrian General Civil Code“

The significant anniversary of 200 years of the Austrian General Civil Code (ABGB) adopted in 1811 was noted not only by the specialist legal public as the anniversary naturally deserves wide attention. The General Civil Code, along with the French Code civil, represent the oldest codifications within the European legal area since they had a substantial influence upon the course of further legislative arrangements of private law in the whole Central Europe region, and not only there. It should be noted, however, that the two codes, although adopted almost in the same time, are quite different if seen from various perspectives. Therefore it is understandable and logical that countries, which are grateful to the Austrian General Civil Code for the introduction into their systems of a traditional legal culture influencing the quality of their legal thinking, celebrate the 200th anniversary of its adoption with high appreciation; at the same time, they try to find an answer to the question of where the grounds are for the strength of ABGB as seen in its having served in Austria as the fundamental piece of legislation in private law for 200 years, despite some legislative modifications.

The Law Faculty of Charles University in Prague, Czech Republic, also observed the anniversary and followed – with only a short delay – the main Austrian celebratory events connected with the adoption of the General Civil Code and held in Vienna. On 22nd and 23rd November, the Law Faculty of Charles University hosted an international scientific conference commemorating the adoption of ABGB, entitled „200 Years of the Austrian General Civil Code“. Co-organizers of this international event were the Department of Civil Law of the Law Faculty, the Institute of Legal History of the Law Faculty in cooperation with the common Centre of Studies in Legal History of the Institute of History, Academy of Sciences of the Czech Republic, and the Law Faculty.

The conference was held under the auspices of **Professor Aleš Gerloch**, Dean of the Law Faculty of Charles University.

This outstanding meeting to consider the Austrian General Civil Code was an essential opportunity to discuss topical issues of the recodification of Czech private law and the draft of a new Czech Civil Code, as the conference was held within the context of the pending legislative work in the Czech Republic. During the two days of the conference, the Law Faculty became the forum for various meetings of leading civil legal scholars as well as the representatives of legal history from both Austria and the Czech Republic. The significance of the conference was emphasized by the participation of **Dr. Jiří Pospíšil**, Minister of Justice of the CR, and His Excellency **Dr. Ferdinand Trauttmansdorff**, Ambassador of Austria to the Czech Republic. Dean of the Law Faculty **Professor Aleš Gerloch** in his opening speech emphasized the sense and significance of debates over the Austrian General Civil Code within the contexts of its two hundred years application to be perceived by lawyers today. He drew attention particularly to the mode of its adoption, which is far from being comparable to the recent requirements for the passage of a democratic code. Justice Minister **Dr. Jiří Pospíšil** in his introductory address provided a brief outline of the legislative procedure relating to the draft of a new Czech Civil Code in the Parliament of the CR; he expressed his belief that the proposed draft would be the solution of, and the answer to, the post-revolutionary legislative situation in the area of private law. Justice Minister also recognised the influence of the Austrian General Civil Code upon the draft of a new Czech Civil Code as it was passed by the lower chamber of the Czech Parliament. His Excellency **Dr. Ferdinand Trauttmansdorff**, Ambassador of Austria to the Czech Republic, talked of both the more general significance of the text of ABGB of 1811 and the practical impact of ABGB upon the legislation of Central European countries. The recent si-

tuation in civil law from the perspective of legal practice and the Bar was considered by President of the Czech Bar Association **Dr. Martin Vychopeň**. In his speech he emphasized the necessity of quality and systematic preparation of legal practitioners with respect to the new code of private law. The significance of the celebration of the 200th anniversary was indicated by the personal participation of **Dr. Martin Foukal**, President of the Chamber of Notaries.

After the official opening, the conference programme split into two sections – civil law and legal history.

CIVIL LAW SECTION

The focus of the civil law section was on the draft of a new Czech Civil Code in its wider European contexts. The sense and significance of the codification of private law in the modern era was dealt with by **Professor Jan Dvořák**, Head of the Department of Civil Law of the Charles University Law Faculty. He reminded the audience of one of the striking reasons for the passage of the General Civil Code, namely of the discrepancy between the functioning of the rigid absolutist state on the one hand, and on the other hand the natural law conception of human rights which, unlike former theories, recognised basic (natural) rights of every human being. Professor Dvořák pointed out that the Austrian General Civil Code had been highly respected even at the time of independent Czechoslovakia after WWI and that the legal experts of that period had not requested its total replacement but only modest modifications. Outstanding Austrian guest **Professor Martin Schauer** (Vienna University) provided his critical analysis of the General Civil Code in its historical perspective and synthesized five areas representing the biggest problems for Austrian civil law due to the original redaction of ABGB and potential attempts to modernize it.

Essential attention was drawn to fundamental principles of civil law and property law. **Professor Jan Hurdík** (the Faculty of Law of Masaryk University in Brno) posed a question as to whether the Austrian General Civil Code could be the code for the third millennium: he analysed the nature and understanding of equitable principles of ABGB. Profes-

sor Hurdík emphasized the role of case-law of the Austrian Supreme Court and compared it with the traditional German law of general clauses. **Professor Jiří Švestka** (Charles University Law Faculty) dealt with the conception of the right of ownership in the historical sequence of civil codes valid in the territory of the Czech Republic until today. He emphasized that the recent civil law, considering its legislative development during the last twenty years, should not be fully rejected. In this respect he considered the draft of a new Czech Civil Code as one possible way of new codification, but not the only one. The systematic conception of the draft of a new Czech Civil Code was introduced in its wider context of recent European and non-European civil codes by **Professor Karel Eliáš** (The Institute of State and Law of the Czech Academy of Science), considering both Romanist and pandect traditions. The roots of regulation of cooperatives in the sense of private law corporations despite the absence of their express codification were considered by **Dr. Tomáš Dvořák** (Law Faculty of West Bohemian University in Plzeň) in relation to the General Civil Code. **Professor Luboš Tichý** (Charles University Law Faculty) expressed his doubts about whether it was relevant and desirable to incorporate in the draft of the new Czech Civil Code those provisions from ABGB which are out-of-date today, and he warned against overestimation of the historical method of interpretation of the rules of civil law. The position of private international law was analysed by **Professor Monika Pauknerová** (Charles University Law Faculty) who clarified the significance of the so-called Vienna Draft for the following codifications of private international law. She highly appreciated the quality of individual regulations and in conclusion she posed a question to the audience as to whether national codifications of private international law should exist at all. Labour law was subject to a comparative and historical analysis by **Professor Miroslav Bělina** (Charles University Law Faculty) who defined the position of labour law within the codification of private law. He supported the legal opinion of the Constitutional Court of the CR based upon the principle of subsidiarity of civil law in employment relations; he criticized the fact

that there are many obstacles within labour law hindering the application of civil law institutions. A historical analysis of the principle *superficies solo cedit* became the focus of an inspiring contribution delivered by **Professors František Zoulík** and **Jan Dvořák** (Charles University Law Faculty). Having examined the circumstances they concluded that the turning point in understanding this principle had occurred as late as with the outset of the industrial revolution, which had revealed that a consistent application of this principle could not cover all situations since it irreparably disrupted the bond between the value of land and the value of a structure built thereupon. Thus, they asserted that the understanding of a structure as a separate thing in a legal sense should be resumed. However, such an approach gives rise to other doubts.

Dr. Kateřina Ronovská (Masaryk University Law Faculty) in her speech pleaded for the admission of private law purposes of foundations. Positive prescription in its historical contexts was dealt with by **Dr. Alexander Thöndel** (Charles University Law Faculty); he concentrated on the issue of fair possession. The area of family law was excellently outlined by **Associate Professor Michaela Hendrychová-Zuklínová** (Charles University Law Faculty): she subjected the institution of adoption and marriage to a contextual and historical synthesis and demonstrated various approaches to, and views upon adoption. Issues of surrogacy were treated by **Dr. Ondřej Frinta** (Charles University Law Faculty), who built his presentation upon a more general explanation of the determination of paternity in its historical contexts and a wider comparative perspective. The agenda of the first conference day was concluded by the speech of **Dr. David Elischer** (Charles University Law Faculty); he focused on tortious, or delictual, liability, dealt with the issues of unlawfulness and damage in ABGB, and drew attention to deeper contexts of the institution *pretium affectionis* which should be governed in the new Czech Civil Code. In the very conclusion, **Dr. Kateřina Eichlerová** (Charles University Law Faculty) introduced the audience to selected issues of conduct of entrepreneurs.

The first presentation in the civil law section on the second conference day focused on pro-

cedural issues: **Associate Professor Alena Macková** (Charles University Law Faculty) outlined a historical analysis of the development of the judicial protection of rights, particularly its scope and institutional framework. **Dr. Jan Brodec** (Charles University Law Faculty) compared Austrian and Czechoslovak insolvency law with a special regard to some issues of international insolvency law. **Dr. Petr Šustek** (Charles University Law Faculty) concentrated on the protection of life and health as regulated by the General Civil Code; particularly he analysed recent case law of Austrian courts relating to compensation of some types of non-economic harm. The principle of loyalty and the issue of standardized care of a diligent father of family viewed from the subjective and objective perspective of trusts (administration of property of another) was considered by **Associate Professor Bohumil Havel** (The Institute of State and Law of the Czech Academy of Science). Various interesting aspects of the regulation of leases and the protection of a tenant in Czechoslovakia before World War II were introduced by **Associate Professor Josef Salač** (Charles University Law Faculty). He noted that the protection of a lease relationship was not complex as is the case today, and outlined recent amendments of the existing Czech Civil Code as well as relevant judgments of the Constitutional Court of the Czech Republic relating to the regulation of rents. **Dr. Petr Bezouška** (Law Faculty of Palacky University in Olomouc) considered the need for the institution of *laesio enormis* to be included in legislation. He preferred a legislative solution based upon the construction of inadequate reduction over a more precise quantitative determination of the reduction of purchase price. **Dr. Tomáš Horáček** (Charles University Law Faculty) compared topical issues of consumer protection as regulated in the existing Czech Civil and Commercial Codes, the Consumer Protection Act, the Payment Transaction Act and recent case law. He also tackled a highly debated issue of arbitration clauses in consumer contracts. The regulation of insurance contracts in the perspective of its legislative development covering several centuries was outlined by **Dr. Petr Dobiáš** (Charles University Law Faculty). The agenda of the second con-

ference day was concluded by **Mgr. Zuzana Pospíšilová** (Charles University Law Faculty), who considered certain aspects of the protection of personal rights, particularly compensation of non-economic harm in the case of damage to health. The civil section programme was closed by the summary of the conference and discussion during which some controversial issues presented over the two days were clarified and explained. Topics of individual speeches demonstrated the enormous extent of scholarship in civil law, or private law generally, and the scope of its interests in the modern democratic state based upon the rule of law.

The final summary of the civil law section programme was made by Professor Jan Dvořák; he appreciated the whole course of the international scientific conference and its contribution to both academic and scientific fields. Professor Dvořák pointed out, in particular, the vividness and vitality of the Austrian General Civil Code and its recognised and still applicable values; he considered ABGB amendments, prepared in Austria and aimed at its updating, within a wider context of the changing European civil law scholarship.

HISTORY OF LAW SECTION

The central topic of the history of law section of the conference was a reflection of two hundred years of the development of the Austrian General Civil Code. This section of the conference was chaired by **Professor Karel Malý**, Head of the Centre of Studies in Legal History of the Institute of History, Academy of Sciences of the Czech Republic, and the Charles University Law Faculty. In his opening speech he emphasized not only the historical significance of the General Civil Code as the first purely civil, modern codification applicable to the Czech territory and built upon rationalism and natural law elements, but also its influence as a joining element in the multinational state, which may be inspiring for recent positive legislation, jurisprudence and legal practice. He pointed out the extensive background of ABGB including Roman law, traditional legal systems and theories of natural law, as well as differences between what was expressly stated in the Code and how it was

interpreted and applied by judicial and administrative bodies.

These assertions were confirmed by the first presenter, **Professor Monika Niedermayr** (University of Innsbruck) who focused on the case law of the Supreme Judicial Office (die Oberste Justizstelle) immediately after the adoption of ABGB. Although the documents of the Czech and Austrian panels of this ultimate judicial body, acting also as administration of justice, had been destroyed by fire, the archives of the Tirol subpanel show that the law in action, i.e. the law functioning in practice, had significantly derogated from the written law since this body had decided only rarely under the code and the same may be presumed with respect to lower courts.

Presentations by foreign participants brought primarily a comparative perspective of ABGB in relation to foreign normative acts. **Professor Gerhard Lingelbach** (Friedrich-Schiller-University Jena, Germany) dealt with the applicability of ABGB to the Saxon Civil Code, promulgated on January 2, 1863, and effective as of March 1, 1865, i.e. at the time when Saxony belonged to the most important allies of the Habsburg Monarchy within the German Union, finding itself under a strong Austrian influence. However, the effects of the Austrian Code on the Saxon Civil Code were not significant since the Saxon Code rather followed its older predecessor of 1763, the General Prussian Law of 1794 and was inspired by Code civil. In addition, its conception was closer to the Savignian historical method. **Professor Dorota Malec** (Jagiellonian University in Kraków, Poland) outlined the particularism of the Polish legal order during the republic between wars and its reception; she described the process of codification and the influence of the Austrian code upon Polish civil law, in particular upon the Code of Obligations of 1933. **Dr. Tomáš Gábriš** (Komenský University in Bratislava, Slovakia) chose a different approach: due to shared Czech and Slovak history he spoke about unifying attempts in civil law from the perspective of the Commission of Slovak Lawyers and the incorporation of certain aspects of Slovak law into the draft of a Civil Code of 1937. **Professor Karel Malý** (Charles University Law Faculty) delivered an inspiring speech

on the contribution of Czech lawyers in the codification of the Austrian General Civil Code and on some other examples of work on codification from the Czech environment. Professor Malý also mentioned subsequent analyses of codes and institutions contained therein written by outstanding Czech legal scientists: he focused on the work of Emanuel Tilsch as the representative of the liberal conception, the sociologic evaluation of the code by Emil Svoboda and the new historical method by Antonín Randa.

In his presentation **Associate Professor Radim Seltenreich** (Charles University Law Faculty) analysed the political and economic background of the evolution in codification during the 19th century; he focused on the Enlightenment ethos, theories of national economy underlying the process of „drafting“ the legal order, the legal environment and prerequisites of codifications. He analysed various branches of legal codification, in particular French and German including a phenomenon playing the key role in those countries with respect to codification, namely the dependence of jurisprudence upon legal exegesis expressed in legal rules in France and a similar role played by the legal historian school in German-speaking countries.

The subsequent presentations concentrated on the change of various provisions of ABGB in the first half of the 20th century, attempts to recodify civil law and further evolution of civil law in the territory of the Czech Republic. **Associate Professor Ladislav Soukup** (Charles University Law Faculty) dealt with the most significant changes brought in by three major amendments of the General Civil Code during WWI. **Professor Jan Kuklík** (Charles University Law Faculty) in his inspiring speech outlined new information: his study of the archives showed that the work on the draft of a Czech Civil Code of 1937 was not discontinued during the Authoritative Second Republic; there was an idea to apply the potential of enabling legislation introduced by Act 330/1938 Sb. z. a n. to publish the prepared draft. However, the idea could not be completed. **Dr. Petra Skřejpková** (Charles University Law Faculty) focused on the changes to the Austrian General Civil Code in succession states after 1918. **Associate Professor**

Vladimír Kindl (Charles University Law Faculty) summarized the relationship between two Austrian and two Czechoslovak Constitutions and ABGB. He compared elements changed in ABGB under the influence of the Constitution of 9th May 1948. Further departure of Czechoslovak civil law from the tradition of continental legal culture in the area of property law and the law of obligations, particularly its Austrian understanding, was considered by **Professor Michal Tomášek** (Charles University Law Faculty). However, he also pointed out some features of the Czechoslovak Civil Code of 1950 representing certain continuity with respect to the German BGB through the obligatory patterns of Soviet codes.

Professor Michal Skřejpek (Charles University Law Faculty) in his presentation subjected to a critical analysis the thesis of a significantly Romanist nature of ABGB, which is considered as a matter of common knowledge by contemporary jurisprudence. Real contracts were chosen as a sample for his analysis. However, Professor Skřejpek found out that Romanist overlaps are not significant, except for loan contracts. Certain institutions of traditional Roman obligations could even be found in ABGB as structurally incorporated into property law. He concluded that the Austrian General Civil Code was based on pandectism of the 19th century rather than on the original Roman law regulation of real contracts.

Constitutional Court Justice Dr. Stanislav Balík applied a Millonian inductive method to an analysis of a group of articles dealing with ABGB provisions, and generally civil law, published in the journal *Právník*. Generalizing axiomatic assessing criteria he found out that there were several core topics treated by authors, probably due to their frequent occurrence in legal practice and within debates over potential changes of the rules.

Several contributions from legal theory were presented. **Associate Professor Pavel Maršálek** (Charles University Law Faculty) dealt with aspects of natural law in the key civil codification, i.e. the second ideational source of ABGB besides Roman law. **Professor Karolína Adamová** (Charles University Law Faculty) and **Dr. Antonín Lojek** (The Institute of State and Law, Academy of Scien-

ces of the Czech Republic) in their joint presentation examined the features of constitutional law in ABGB. They concluded that despite declared differences between private and public law, where civil law is classified as part of private law and constitutional law as part of public law, ABGB belongs to documents examined by Czech legal historians where the rules and principles of constitutional law are quite frequent. **Associate Professor Karel Beran** (Charles University Law Faculty), in consequence of his focus on the institution of a moral person in his scholarship, dealt with the concept of a moral person in ABGB. Analysing the positions of Dr. Zeiller, the drafter of ABGB, and authors of the commentaries at that time, he emphasized a clear difference between the conception of a moral person and that of a juristic person since the institution of a moral person did not include foundations.

A series of presentations on particular institutions of the General Civil Code was commenced with the speech by **Professor Ladislav Vojáček** (Masaryk University Law Faculty) talking about the destiny of a service contract after 1950. Whilst the drafting of a Labour Code was included in the legislative agenda of the Ministry for the Protection of Work and Social Care as early as in 1947, the enforcement of this generally binding normative act to replace an „obsolete bourgeois law“ and to unify employment for all employees took rather a long time, and the Code of 1811 facilitated all major socialist constructions. **Professor Jiří Raymund Třetěra** and **Dr. Zábaj Horák** (Charles University Law Faculty) in their joint presentation focused on the development of marital law in ABGB and certain influences of Canon law upon this branch. Marital law from the perspective of persons of Jewish religion was dealt with by **Dr. René Petráš** (Charles University Law Faculty). As he explained, the rules were understood as *lex specialis* in relation to the general principles of marital law. Dr. Petráš argued that despite some problems and harsher conditions for Jews, particularly before the 1860s, it can generally be said that the regulation of marriages and the rights and duties of spouses was not discriminatory if compared to other confession groups.

Dr. Ondřej Horák (Palacký University Law Faculty) analysed the issue of ownership as treated by ABGB. He concentrated on terminological changes as well as on the issue of divided ownership. He drew attention to the somehow disregarded influence of the General Prussian Land Law of 1794 upon ABGB. **Dr. Marek Starý** (Charles University Law Faculty) dealt with the provisions for state citizenship in ABGB. He emphasized the development of the modes of acquiring state citizenship where some of them, such as the commencement of work for civil service, were gradually removed. **Mgr. Martin Cempírek** (Masaryk University Law Faculty) focused on carriage relations in ABGB including relevant obligations governing those issues, particularly set forth in a manual work contract and a contract to perform a particular job. Whilst in the beginning contracts regulating those issues were distinguished, later they were merged. **Dr. Daniel Patěk** and **Dr. Jiří Šouša** (Charles University Law Faculty) combined in their presentation approaches of legal history and legal positivism. They not only analysed the roots and nature of the legal regulation of a contractual penalty under ABGB, but also dealt with the issue of mitigating discretion of judges and the relationship between a contractual penalty and compensation for damage; then they compared their outcomes with the applicable law and the draft of a new Czech Civil Code, and proposed some possibilities for future amendments. The last presenter was **Dr. Pavla Slavíčková** (Palacký University Faculty of Arts) dealing with the issues of curatorship and tutorship in the Austrian General Civil Code; she showed that the regulation did not differ much from the regulation contained in the Rights of Municipalities of the Czech Monarchy. A probable reason for this situation was the influence of Roman law upon the Code of Municipal Law of 1579.

David Elischer, Jiří Šouša

Workshop on the Research Project of the Faculty of Law of the Masaryk University – Brno, November 23, 2011

In 2004, the Faculty of Law of the Masaryk University in Brno was assigned a research

project „The European Context of the Development of the Czech Law after the Year of 2004“. During the course of the research, there were engaged usually about 27 faculty members of the Faculty of Law of Masaryk University. Moreover, there were other co-researches, especially other faculty members, Ph.D. students and other students, engaged as well.

The intent of the research project covers two general levels according to each particular project. The general goal was aimed especially at the effects of the EC/EU law and the Czech law as a whole, or at the structure of the branches of law; simultaneously, particular members of the team or partial groups of researchers have started fulfilling partial research assignments within the area of their interest. Whereas the basic outcomes of most of the partial goals have already been transformed into monographs published by the Faculty of Law of MU in the period of 2010-2011 and lots of works were also published abroad, the final part of the research was reserved for synthetic output compiling all the achieved results on the general level of the common theme of the research project.

This synthetic output made a subject of the workshop held on November 23, 2011 at the Faculty of Law of the Masaryk University. The workshop was opened by the main researcher of the research project **Professor Jan Hurdík**. He explained that the objective of the workshop was to deliberate the shape of the final report of the research project, whose material objective is to picture the influence of the development of the EU law on the Czech law after the Czech Republic joined the European Union. With respect to the object of the research, the prevailing method is a method comparing *sui generis* and the method procedurally genetic and with respect to the generality of the common topic, also the methods of synthesis and abstraction, which after all say a lot about the process of forming the system of the EU law and its branches, were used. Also the timing of the research is important. Whereas the time ground (*dies a quo*) is defined by the date May 1, 2005, *dies ad quem* is hard to fix, because of the ongoing and more and more dynamic process of the pace of the European law, which especially now are

unclear. The uncertain future development, on the one hand pushing through a way to more integration of the European law, and on the other hand, factually challenged by the reality of the Euro zone and the whole EU of the last weeks and months, do not allow for finishing the process of fulfilling of the research project by showing clear and declared and fixed outcomes, directions and goals of the development.

This situation, which we have to face, has also shaped the structure of the presented report. Its structure covers four basic and dynamic views at the object of the research:

- 1) the initial state of the EU law at the start of the research
- 2) the changes of the EU law in the period of 2005–2011
 - a. expansion of the EU law in relation to national legal orders
 - b. the essence, sources, forms and extent of Europeanization of law, and
 - c. their influence on national legal orders
- 3) the essence and consequences of the changes in the EU law in respect to the Czech law in the researched period; the real process of Europeanization of the Czech law and its results in the researched period within legislation and application practice
- 4) the crucial tendencies of EU law and their influence on the development of the Czech law *pro futuro*.

The concept of the report was prepared by the research team under the guarantee of the heads of the partial branches of the team, who presented substantial information about solving the research project within the scope of their branches.

The general issues of the effects of the EU law within the sphere of the Czech legal order was presented by **Professor Vladimír Týč** and the changes of the EU law, its essence, sources, forms and the extent of Europeanization of the Czech law were presented by **Professor Miloš Večeřa**. Particular topics were presented by heads of the branch teams: constitutional law (**Professor Jan Filip**), civil law (**Professor Josef Fiala**), labor law (**Associate Professor Zdeňka Gregorová**), commercial law (**Professor Josef Bejček**), international

private law (**Professor Naděžda Rozehnalová**), administrative and finance law (**Dr. Petr Mrkývka** on behalf of **Associate Professor Soňa Skulová**), criminal law (**Professor Vladimír Kratochvíl**), law of information society (**Dr. Radim Polčák**).

The contents of the final report of the research project are based on several assignments with respect to the manner its usage:

- 1) the basis for defense of the outcomes of meeting the research project before the provider, i.e. as a part of the report on meeting the goals of the research project;
- 2) summarization of the outcomes of the research project for professionals, i.e. as the foundations for publishing the outputs of the research project in the journal titled *Časopis pro právní vědu a praxi* No 4/2011;
- 3) the basis for further research of the topic.

The final report for these particular purposes will continue to be shaped and thus it was presented as a flexible content and structural basis at the workshop; its contents provide fundamental orientation in the object of the research, the structure of the research and it pays attention to the outputs of the research. With regard to the extent of the research and report, the outputs of the research were not included in the report in their full extent and there are many references to the main outputs that have been published during the research in respect to particular issues of the research and by means of which the report presents a comprehensive guidance to the full scope of the research project.

The goals of the research project were shaped:

- 1) on a general level given by the area of focus of the research project as a common research goal of the whole team;
- 2) in order to cover the common system of bonds between particular goals of the research project generalizing the research on the levels of particular branches of the legal order and their functional bonds; and finally
- 3) on the levels of particular objectives of the research project.

Given the fact that fulfillment of the parti-

cular assignments has already been realized by means of publishing a number of monographs of the particular researchers and the partial research groups and many other outputs, in this report, the attention was aimed especially at the sub-goals 1 and 2, i.e. the outputs of the research at the level of the EU law – Czech legal order and at the level of the particular branches of law.

The purpose and the objective of the workshop was to consider the concept, structure, content of the report together with many prominent experts of particular branches of law. There were contributions presented *inter alia* by **Associate Professor Ján Husár** who commented especially the findings presented by **Professor Josef Bejček**, regarding the intensive expansion of the EU law towards the Czech legal order in the area of capital markets. **Professor Ján Švidroň** also commented the presented outputs of the research project. He focused on the findings within the area of civil law presented by **Professor Josef Fiala**. In his presentation, he *inter alia* aimed at the concepts of „national identity“ in respect to „European identity“. **Associate Professor Jozef Záhora** and **Associate Professor Tomáš Gřivna** presented their contribution regarding criminal law, i.e. both the substantial and procedural aspects. Both of them commented positively the findings of **Professor Vladimír Kratochvíl** and also presented their arguments regarding that topic.

Two contributions were presented in written: **Professor Michal Tomášek** provided the comparison between the approaches and outputs of research projects of Faculty of Law of Charles University in Prague and Faculty of Law of Masaryk University in Brno. **Associate Professor Jan Kysela** focused his attention on the outputs within the area of constitutional law.

The presenters agreed that the findings of the research project, aimed at recording the process of Europeanization of the Czech law after the year of 2004, are dynamic and are of procedurally genetic nature with respect to the tendency to accelerate the process of integration of national laws into a common European framework. Nevertheless, with respect to the significant obstacles placed on its realization, especially due to the economic situation of the

Union and its member states, the findings, which may be done *in futuro*, are only of relative validity.

The research project of the Faculty of Law of the Masaryk University is finishing, but

a research of the European and national dimensions of law, based *inter alia* on its findings, will certainly continue.

Jan Hurdík, Markéta Selucká