

ROUND TABLE ON “UKRAINIAN LAW AND THE LAW OF THE CZECH REPUBLIC: AN UNEXPECTED ENCOUNTER”

Faculty of Law, Charles University
Prague, 13th June 2023

Ukrainian law and the law of the Czech Republic represent two different, but interconnected legal systems. The massive influx of Ukrainian citizens to the territory of the Czech Republic after the aggression of the Russian Federation against Ukraine in February 2022 has caused a radical increase in mutual interferences between elements governed by either Ukrainian or Czech law. This increase of mutual interferences has occurred primarily in the field of the practical application of law. The full scale of this increase can be easily demonstrated on the fact that the Czech Republic accepted the largest number of Ukrainian refugees per capita in the European Union – 470,000 refugees, which make up 4 percent of the population. Having said this, one can easily understand that the appearance of thousands of Ukrainian certificates, licences and other acts has primarily represented a problem of practical application of law. However, the mutual relations between the two legal systems have also attracted the attention of the legal academy.

This attention represented the reason for launching of a project, entitled «*Ukrainian Law and the Law of the Czech Republic: An Unexpected Encounter*» under the scheme of the specific university research platform, which is being supported by the Ministry of Education. The project aims to address the mutual encounters of the two legal systems from an interdisciplinary perspective. To achieve this goal, academicians from the departments of civil, administrative, international and health law have established a joint research team to tackle the questions arising.

Under the umbrella of the project, a round table was held at the Faculty of Law, Charles University in Prague on 13th June 2023. The round table was divided into three panels, which aimed to address topical issues arising with respect to the massive influx of Ukrainian citizens to the Czech Republic.

The round table was opened by **Professor Jakub Handrlica** with his keynote speech «*Ukrainian Law and the administrative law of the Czech Republic*». For the beginning of the round table, he reminded the existence of the Ukrainian Free University (UFU) in Prague in the years 1921–1945, which also provided legal education. In this respect, he highlighted the fact, that since the UFU no longer resides in Prague, it is the obligation of the Charles University and in particular its Faculty of Law to address the issues discussed at the round table. Further, Professor Handrlica pointed out several new phenomena, which have appeared in administrative law with regard to the increasing number of various Ukrainian licences and certificates, appearing before the administrative authorities of the Czech Republic. Firstly, he discussed briefly the Memorandum, issued by the Ministry of Transport in February 2022, which provided for recognition of Ukrainian driving licences with lapsed validity. This way of regulation seems to represent a novel approach, as the recognition was provided by a non-binding instrument of soft law. Secondly, Professor Handrlica presented selected provisions of the Regulation 2022/1280, which was issued several months after the above-mentioned Memorandum and which has addressed the issue of recognition of Ukrainian driving licences by the means of EU law. This directly applicable piece of legislation provided for special regime of recognition, which is much wider than framework established by the Vienna Convention on the Road Traffic. While the convention remains silent concerning the cases of lost driving licences, or concerning forgeries of these licences, the Regulation has reacted on these practical issues. Lastly, Professor Handrlica pointed out another appearance in recent legislation, which has been provided by the Decision (EU) 2022/2512 on non-acceptance of travel documents of the Russian Federation issued in Ukraine and Georgia. While the above-mentioned pieces of legislation provided for recognition of foreign acts, this Decision blocks legal consequences of certain documents, issued pursuant to foreign legislation.

The first panel, entitled «Mutual recognition of judicial decisions in matters of civil law» was introduced by the presentation by **Assistant Professor Miroslav Sedláček** and doctoral candidate **Tetiana Kravchenko** on «*Recognition and enforcement of judgments between the Czech Republic and Ukraine*». Mr. Sedláček and Mrs. Kravchenko outlined both Czech and Ukrainian framework for recognition of foreign judgements in civil matters and respective instruments of international law in this field. Also, they pointed out that on 24th April 2023, the Council of the European Union agreed to establish the agreement relations with Ukraine within the framework of the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (so called Judgments Convention).

The second panel, entitled «*Legal issues of temporary protection*». Three presentations were delivered here to analyse various aspects, arising from the legal instrument of temporary protection, which has found a wide application with respect to the current crisis both in the Czech Republic and in other states of Central Europe.

Firstly, **Assistant Professor Věra Honusková** and **Mgr. Enes Zaimović** delivered their presentation entitled «*Temporary protection: a rediscovered instrument of international protection?*». In their speech, they pointed out that already in 2016, Assistant Professor Věra Honusková posed a hypothetical question, how would the European Union legally respond to the arrival of hundreds of thousands fleeing a large-scale armed conflict in Ukraine. This question was – unfortunately – rather prophetic with respect to the future developments. In their presentation, they also described the origins of the current response to the mass influx of refugees from Ukraine, as well as assessed the use of temporary protection as a rediscovered instrument of international protection. The speakers also outlined the obligations of the EU member states regarding persons who enjoy temporary protection and why this particular method of protection was chosen as an emergency response. At the very end of their presentation, the question regarding the future of temporary protection led to an intensive and fruitful discussion among the participants of the round table.

Secondly, **doctoral candidate Nataliya Isayeva** held her presentation, entitled «*Social and economic rights of Ukrainians under the temporary protection of the Czech Republic*». She focused special attention on the issue of education for Ukrainians and their children in the Czech Republic. In particular, she paid attention to circulation of documents, certifying education of children and to the need to ensure, that these documents will be recognised in the next academic year either in the Czech Republic, or in Ukraine. In her conclusions, she indicated the future prospective of the discussed topic.

Third presentation in the panel was devoted to the problems of translation and interpretation in judicial and administrative proceedings. **Mgr. Kamila Balounová** and **Assistant Professor Vladimír Sharp** firstly presented the models of interpretation services in the Czech Republic. After that, they highlighted major shortcomings of the current framework that occurred with respect to the major influx of Ukrainian citizens to the territory of the Czech Republic. In this respect, problems arising by renumeration of translators and interpreters were discussed and also issues arising with transcriptions of names from Cyrillic into the Latin alphabet.

Finally, the last panel entitled «*Leges Ukrainae*» was devoted to the legal issued, arising from the emergency legislation issued in the Czech Republic after February 2022. **Associate Professor Lenka Pítrová** clearly revealed the concept and essence of this emergency legislation in her presentation entitled «*Leges Ukrainae: A short introduction*». She drew attention to the rights and benefits granted to those enjoying temporary protection: free access to work, provision of housing accompanied by a special type of social assistance for households hosting refugees, social welfare, health care and access to education. In conclusion, the speaker discussed a direct path from temporary protection to the integration of Ukrainians in Czech society and obstacle to such integration in the legal system.

The panel was completed by presentation of **doctoral candidates Liliia Serhiichuk** and **Yulia Mohylda**. In her presentation «*Lex Ukraine. Medical insurance. Persons, entitled to temporary protection and digitalization issues*», Liliia Serhiichuk briefly spoke about the concept of temporary protection in the Czech Republic and about similar national protection schemes in Europe. After that,

she paid attention to the framework for the health insurance for Ukrainians in the Czech Republic and the current conditions for obtaining it, as well as changes in the rules for obtaining free health insurance. In her presentation entitled «Lex Ukraine. Compliance with the best interests of the child during the implementation of Lex Ukraine», Yuliia Mogilda highlighted that children make up a little more than a third (35%) of all refugees from Ukraine in the Czech Republic. She paid a special attention to the legal issues, arising from situation when a child has arrived to the Czech Republic unaccompanied by a legal representative or accompanied by a stranger. She also discussed consequences of the principle of «the best interests of the child», which is enshrined in Article 3 of the Convention on the Rights of the Child and provides that «In all actions concerning children, the interests of the child must come first».

The round table has clearly demonstrated, that the situation that has occurred after February 2022 represents a desirable field for legal research – not only in various areas of law, but also on interdisciplinary level. The round table also aimed to demonstrate the integration of doctoral candidates, which have arrived from Ukraine and were admitted to pursue their studies at the Faculty of Law in Prague.

The final written versions of presentations, delivered at the round table, will be published in a proceedings entitled «*Ukrainian Law and the Law of the Czech Republic: An Unexpected Encounter*», which will be indexed in the Web of Science database.

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