

CONFERENCES AND REPORTS

30 YEARS of the Department of European Law of Charles University Faculty OF Law

On October 19th, 2023, the Department of European Law of Charles University Faculty of Law organized a conference to commemorate the 30th anniversary of its establishment. The conference was attended by more than thirty speakers. The entire program was divided into four thematic panels on normative and applied implementation of EU law in the Czech Republic, EU Citizenship and protection of fundamental human rights and freedoms, guarantees of the constitutionality of EU law in a multi-level bundle, and 30 years of the European single market.

The conference opened with keynote speakers. **Prof. Radim Boháč**, Dean of the Faculty of Law, first welcomed the conference participants and expressed his delight in inaugurating the conference. He highlighted the diverse backgrounds of the participants, who came from various law faculties in the Czech Republic and Slovakia, including not only scholars but also practitioners and students, promising a rich and engaging discussion. **Prof. Luboš Tichý**, the founding Head of the Department of European Law and currently the Head of the Centre for Comparative Legal Studies, recounted the establishment of the Department of European Law 30 years ago. The Department of European Law was established before the Czech Republic joined the EU. Professor Tichý also emphasized the importance of methodology in European law jurisprudence. **Prof. Michal Tomášek**, Vice-Dean of the Faculty of Law and Head of the Department of European Law, lauded the department's professional growth and increasing number of high-quality publications. In particular, he appreciated the recent collaborative effort among Czech law faculties' departments of European law on the commentary on the EU treaties. He also noted that many former and current members of the department and Ph.D. students now hold positions in national and European institutions and work as researchers in prestigious EU research organizations, which speaks to the Department of European Law being a well-established research hub.

The first panel was dedicated to *Normative and applied implementation of EU law in the Czech Republic*.

Prof. Richard Král, a founding and current member of the Department of European Law and the chairman of this panel, spoke about relativization of the limits of the direct effect of directives by the CJEU. The main purpose of his presentation was to point out this trend and take an evaluative position on it. **Assoc. Prof. David Sehnálek** focused on division of the consequences of the principle of primacy of EU law for national judicial and law-making bodies. **Prof. Harald Christian Scheu** and **Bohumil Peterka** spoke about EU soft law in the legislative practice of the Czech Republic. **Prof. Filip Křepelka** analyzed “normative” and “hybrid” decisions and their replacement by regulations. **Assoc. Prof. Lenka Pítrová** focused on evaluation of the application of mechanisms through which national parliaments can intervene in the legislative process at the EU level in the area of non-exclusive powers, and dealt with the reasons why the interest of national parliaments in using this mechanism is gradually declining. **Assoc. Prof. Robert Zbírál** dealt with the question of how much the proponents of draft laws in the Chamber of Deputies of the Czech Republic use the argument of EU law in the legislative process for easier approval of their drafts. **Dušan Uher** spoke about the creation of EU regulations with regard to their future implementation from the point of view of the Department of Compatibility of the Office of the Government of the Czech Republic. **Dr. Markéta Whelanová** analyzed current issues and new challenges in the implementation of EU law.

The second panel, dedicated to *EU Citizenship and protection of fundamental human rights and freedoms*, was chaired by **Assoc. Prof. Jana Plaňavová-Latanowicz**, a founding member of the Department of European Law and a lecturer in European Economic Law at the Centre for Europe at Warsaw University. **Assoc. Prof. Naděžda Šišková** analyzed effectiveness and limits of legal instru-

ments for protecting the fundamental values contained in Article 2 of the TEU. **Assoc. Prof. Martina Jánošíková** discussed the evolution of EU citizenship, particularly the influence of CJEU's case law on the rights accorded to EU citizens. **Dr. Zuzana Trávníčková** spoke about the role of third country national citizenship and EU citizenship in deciding whether to impose sanctions on physical persons and the role of EU citizenship in relation to different types of restrictive measures. The topic of citizenship was also the subject of a presentation held by **Veronika Vráblíková**, who analyzed the current state of LGBTQ+ rights and families within the context of EU citizenship. **Dr. Věra Honusková** spoke about potential conflicts in competing court decisions of the ECHR and CJEU in the field of asylum and refugee law due to different terms and definitions provided by international and EU asylum and refugee law. **Dr. Barbora Havlíková** discussed the impact of modern technologies on the concept of human dignity. **Miroslav Jakab** spoke about challenges in enforcing the *ne bis in idem* principle in competition law across the EU. **Adéla Martínková** discussed the European Arrest Warrant and whether it effectively safeguards the fundamental rights of transferred individuals.

The third panel, dedicated to *Guarantees of the constitutionality of EU law in a multi-level bundle* was chaired by **Dr. Jiří Zemánek**, a founding member of the Department of European Law and judge of the Constitutional Court of the Czech Republic. **Assoc. Prof. Monika Forejtová** spoke about the challenges and implications of the potential extension of the EU, highlighting the need for significant internal reforms and the reaffirmation of compliance with fundamental EU values. **Assoc. Prof. Magdaléna Svobodová** discussed the new trend of using the terms “act” and “law” in EU legislation and whether such shift of terminology might indicate the EU's effort to federalize. **Dr. Ondřej Hamul'ák** explored the references in the EU Charter to common constitutional traditions of Member States and their role in acknowledging the multi-level constitutional structure of the EU. **Dr. Jindřiška Syllová** spoke about Article 10b of the Czech Constitution and its role in practice of the Czech legislature. **Dr. Attila Vincze** discussed procedural scenarios in which the matter of judicial independence might become the subject of preliminary questions before the CJEU, and examined the associated obstacles. **Dr. Michal Říha** spoke about the recent decision on Russia Today France and discussed the EU's authority to impose international sanctions under the Common Foreign and Security Policy. **Jan Petr** discussed the competences of the European Public Prosecutor's Office in cross-border investigations and issues regarding the judicial review of measures and its scope.

The fourth panel, dedicated to *30 years of the European single market*, was moderated by **Assoc. Prof. Pavel Svoboda**, a founding and current member of the Department of European Law. **Dr. Jan M. Passer** dealt with the issue of information flow versus privacy protection in the EU internal market. **Prof. Radim Polčák** spoke about the paradoxical contradiction between the planned uniform regulation of AI development by European law and the persistently different regulation of data rights in individual member states. **Dr. Jaroslav Denemark** focused on the regulation of AI in the EU and recommendations for future steps at EU level and public education on this issue. **Assoc. Prof. Ondřej Blažo** spoke about the application or non-application of EU law and the effect on trade between EU member states as a jurisdictional criterion. **Assoc. Prof. Václav Šmejkal** analyzed how and whether the EU adequately deals with the two greatest challenges that digitization currently poses for the protection of economic competition. **Dr. Jan Exner** spoke about the role of the EU in the reform of sport. **Dr. Aneta Vondráčková** dealt with individual issues involving new regulation in the field of crypto-assets.

The conference programme was followed by a round table organised on the occasion of the 70th anniversary of the European Commission's Legal Service. On this occasion, the publication 70 years of EU law: A Union for its Citizens, was presented, showing the impact of the Legal Service on the development of the *aquis communautaire*. The panellists were ECJ Judge **Dr. Jan Passer**, Czech agent **Dr. Martin Smolek**, **Prof. Michal Tomášek**, Head of the European Law Department of the CU, and **Dr. Eva Kružíková**, former member of the Legal Service. The round table was moderated by Czech members of the Legal Service **Dr. Petra Němečková** and **Dr. Petr Ondrůšek**. The discussion included a question-and-answer session, during which the guests could ask questions to the panellists. These included questions on how the Commission decides to open infringement proceedings, or what the

Czech agent takes into account when considering intervening in ongoing proceedings. Jan Passer spoke about the importance of self-limitation of judges in the face of various social turmoils. The roundtable was followed by an informal session during which discussions on further developments in European law continued.

The conference was followed by a round table on innovations in the teaching of European law, which took place with the participation of representatives of the departments of European law of Czech public universities, a representative of the Department of European Law from Warsaw University and a representative of the Department of European Law from Comenius University in Bratislava. The next round table on innovations in the teaching of European law will take place in the University of West Bohemia in Pilsen in 2025.

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