

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 13<sup>th</sup> 2015<sup>1</sup>

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 13<sup>th</sup> 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.

#### I.

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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**Pauknerová**, from the Charles University, Faculty of Law, focused on a topic called “Mediation in the Czech Republic”. In her speech she addressed the new Czech Mediation Act from 2012. She dealt with the concept and legal bases of mediation, the mediation procedure, the dual regime of mediators and the difference between voluntary and mandatory mediation. Finally, she spoke about re-booting the EU mediation directive.

**Prof. Kang, Goo Wook**, from the Hankuk University, Law School, built his follow-up presentation on his paper called “Electronic Litigation in South Korea”. He focused on the objectives of electronic litigation. He also discussed the format and applicable scope of the Korean law related to the electronic litigation, the users’ registration, submission of electronic documents and the examination of evidence on electronic documents. By the end of his speech, he summarized positive and negative aspects of the electronic litigation. **Dr. Zbyněk Löebl**, CEO of Youstice, Ltd., Prague, delivered a paper entitled “Online Dispute Resolution of Small Value Disputes in Cross-border E-commerce”. He outlined the negative attitude towards litigation and its expensiveness. Following these facts, he advocated the benefits of online dispute resolution.

**Prof. Pak, Hee-Ho**, from the Hankuk University, Law School, focused on “Korean Civil Code and its Interpretation”. He outlined the historical process which led to the adoption of the Korean civil code. Secondly, he discussed the interpretation of this code. **Dr. Magdalena Pfeiffer**, from the Charles University, Faculty of Law, presented her paper on a topic “New Civil Code on International Private Law”. She pointed out selected issues of the re-codified Czech private international law and compared Czech law with Korean law. She also described the impacts of regional and international unification and modernisation of the international private law. **Prof. Chung, Somin**, from the Hankuk University, Law School, delivered her presentation entitled “Interrelationship between Civil Law and Common Law: the Case of Korea”. She focused on the inheritance law from the comparative (civil law and common law) point of view, particularly on the statutory succession, reserve claims and trusts. She highlighted the influence of civil law and common law upon the inheritance law in Korea.

**Prof. Choi, Yo Sop**, from the Hankuk University, Law School, focused on a topic called “The Europeanisation of Competition Laws in Asia: An Example of Korea”. He pointed out some unique features and objectives of competition law and the consequences of transplantation of competition laws. He emphasized that the heavy influence of European legal and economic theory occurs in Korea and concluded that the Asian competition law converges to the EU standards. **Dr. Václav Šmejkal**, from the Charles University, Faculty of Law, delivered his paper entitled “On Periodization of EU Antitrust Development: Are We in Its New Phase?” Firstly, he confirmed the question raised in the paper’s title. He analysed the major legislative and institutional changes related to the antitrust law and highlighted the actual fusions. **Klára Hurychová**, from the Charles University, Faculty of Law, built her follow-up presentation on her paper called “Executive Remuneration in Limited Liability Companies in Light of the New EU Proposal”. She described the importance of the remuneration policies within the corporate governance and discussed the key changes in executive remuneration after the financial crisis. Afterwards, she highlighted the newly proposed say on pay rule. **Dr. Kim, Hyeonsoo**, from the Hankuk University, Law School, presented his paper on a topic “The Juvenile Judicial System in Korea”. He outlined the international standards and dealt with the juvenile justice procedure in Korea.

The presentations were followed by a rich discussion on, among others, the key changes of the civil law and applicability of mediation in the Czech Republic, the relationship between Korean competition law and personal networking in contract law and the legal base for trusts in Korea. **Dr. Monika Forejtová**, Vice-Dean of Faculty of Law of West Bohemia University in Pilsen compared constitutional principles of the Czech Republic and the Republic of Korea in recent case-law of both constitutional courts.

## II.

The second section was focused on selected issues in the area of both Czech and Korean legal systems, as well as issues connected to the European Union Law and International Law. The opening speech was held by **Prof. Alexander Brööstl** from the University of Košice, Faculty of Law. In his paper called "On Jurisprudence of the Constitutional Court of Korea", he targeted mainly the role of the Constitutional Court of Korea and its decisions. He also focused on similarities to the Czech Constitutional Court and outlined some important cases decided recently by the Constitutional Court of Korea.

**Prof. Moon, Jae Wan**, from the Hankuk University, Law School, delivered his presentation entitled "Right to Be Forgotten: a Korean Experience". In the presentation, he firstly mentioned three kinds of privacy rights, stipulated by the Korean Constitution, than continued to explain application of privacy right at communication in the area of electronic communication. The right to be forgotten and the right to delete institutes were thoroughly analyzed in the presentation of **Dr. Jaromír Hořák**, from the Charles University, Faculty of Law, delivered a paper entitled "Right to Privacy in the Czech and European Contexts". In his speech he focused on recent issues, related to the right to privacy, namely privacy of health records, camera surveillance, financial privacy and data retention.

**Prof. Kim Bongchul**, from the Hankuk University, Law School, presented his paper on a topic "The Legal Tools for the Economic Cooperation between Korea and the Czech Republic". He outlined the legal infrastructure necessary for economic cooperation between both countries, including the bilateral agreements and the Korea – EU Free trade agreement. The effect of adoption of the Free trade agreement on the Korean Private Law was also mentioned. **Prof. Richard Pomahač**, from the Charles University, Faculty of Law, built his follow-up presentation on his paper called "Depoliticizing the Civil Service – the Case of the Czech Republic". He focused on current problems of the Czech civil service and particularly drew the attention to delicate balance between legal criteria for selection, retention, promotion and disciplining of officers. **Dr. Vít Horáček**, from the Charles University, Faculty of Law, focused in his presentation called "Corporate Governance in International Investments" on issues regarding arbitration and intellectual property protection in the Czech Republic. He mentioned the negative attitude towards arbitration, describing the Czech Republic as not arbitration friendly country. The intellectual property protection was evaluated as highly developed.

**Prof. Kim Eun Kyung**, from the Hankuk University, Law School, presented her paper on a topic "On the Principles of European Insurance Contract Law from the Perspectives of Outsiders from the EU". In her speech, she made a brief comparison of insurance contract law of EU and Korea and especially pointed out duty of providing information after the contract, institutes of cooling-off period and consideration time. **Dr. Petr Dobiáš**, from the Charles University, Faculty of Law, delivered his presentation entitled "Compulsory Insurance in the New Czech Civil Code". At the beginning of his speech, he mentioned a few examples of the compulsory insurance in Korean legal system and international treaties. Then he outlined goals of compulsory insurance and analyzed issues related to the insurance sum and selected constitutional aspects of the compulsory insurance.

**Assoc. Prof. Martin Štefko**, from the Charles University, Faculty of Law, focused on a topic called "The European Welfare States and a Timid Constitutional Protections against Unfavorable Social Reforms". The major part of his presentation was devoted to the public pension insurance. Among other issues, the right to pension and the relation between height of pensions and wealth status of the pensioners were especially mentioned.

**Prof. Lee Jang-Hie**, from the Hankuk University, Law School, built her follow-up presentation on a paper called "International Legal Perspective on the Future of International Humanitarian Law Actions". She outlined the history of International Humanitarian Law, emphasized the differences between International Humanitarian Law and other legal regimes and outlined recent challenges facing International Humanitarian Law and International Law. **Prof. Pavel Šturma**, from the Charles University, Faculty of Law, presented his paper on a topic "Protection of Persons in The Event of Disaster".

He particularly focused on rules at the crossroad of Disaster Response Law and protection of human rights and mentioned various obligations of states in the area of disaster response, for example the obligation to cooperate with the United Nations. **Assoc. prof. Veronika Bílková**, from the Charles University, Faculty of Law, delivered her paper entitled “Responsibility to Protect instead of the Old Humanitarian Intervention”. In her speech she described the “Responsibility to Protect” institute and analyzed thoroughly the position of the Czech republic and Republic of Korea towards the institute. She also mentioned several problems related to implementation of “Responsibility to Protect” doctrine.

It may be summarized that the conference proceeded successfully and engaged a wide professional audience. Its aim to provide a platform for expert discussion was fulfilled, as the high-profile speakers delivered very interesting speeches, targeting recent issues of Czech, Korean and European Law. Moreover it should be emphasized that speeches were always followed by an active discussion. All papers delivered by participants will be soon published as individual chapters in a Czech – Korean monograph.

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