

## CONFERENCES AND REPORTS

### International scientific conference “The rights and responsibilities attached to the Union citizenship”

The European Union announced since 1993 the so called European years to support society-wide discussion about the important topics of the European politics. This year is dedicated to the European citizenship. Permissions associated with the European citizenship still offer many untapped opportunities. Office of the Government of the Czech Republic which was the administrator for this European year of citizens built on the successful cooperation with the Charles University, Faculty of Law, and together organized a scientific conference on the subject of rights and responsibilities associated with the citizenship of the European Union. The conference was held on 22<sup>nd</sup> October 2013, at the Charles University, Faculty of Law. The international scientific conference was opened by the Dean of the Faculty of Law **Professor Aleš Gerloch** and the State secretary for European affairs **Dr. Vojtěch Belling**.

During the morning plenary session chaired by **Professor Aleš Gerloch**, Dean of the Faculty of Law, the leading Czech and foreign experts both of academic sphere and justice as well as representatives of the state administration presented their contributions: **Professor Michal Tomášek**, Head of the Department of European Law at Charles University, **Ms. Marie Benešová**, Minister of Justice of the Czech Republic, **Dr. Milada Tomková**, Vice-President of the Constitutional Court of the Czech Republic, **Professor Pavel Šturma**, Head of the Department of International Law at Charles University, **Professor Ján Mazák**, Director of Institute of European Law at Pavel Josef Šafárik University in Košice, and **Dr. Petr Mlsna**, Deputy Minister of Justice of the Czech Republic and Vice-President of the Legislative Council of the Government of the Czech Republic.

The morning plenary session was followed by three specialized panels. **Professor Michal Tomášek**, Head of the Department of European Law at Charles University, introduced the first afternoon panel which was held under the auspices of the Department of European Law of Charles University dealing with the free movement of citizens of the European Union and the associated rights and obstacles in using their rights. **Professor Miroslav Bělina**, member of the Department of Labour Law and Social Security Law at Charles University, introduced the second afternoon panel which was held under the auspices of the Department of Labour Law and Social Security Law of Charles University and which was devoted to labour aspects and issues of social security related to the free movement of European Union citizens. **Professor Pavel Šturma**, Head of the Department of International Law at Charles University, introduced the afternoon panel which was held under the auspices of the Department of Constitutional Law of Charles University and the Department of International Law of Charles University with the theme of international and human rights aspects of the citizenship of the European Union.

The first panel was dedicated to the free movement of the Union citizens and it was chaired by **Professor Michal Tomášek**. It brought together speakers who are excellent scholars in their respective field. The opening speech was delivered by **Professor Michal Tomášek**, head of the Department of European Law at Charles University. The languages of the panel were Czech and English. **Dr. Martin Smolek**, Agent of the Czech Republic before the Court of Justice of the EU, delivered his paper entitled “About the Movement of Heavenly Bodies”. He outlined several theses and ideas related to the free movement of EU citizens versus free movement of their family members, citizens of third countries. **Dr. Lenka Pítrová**, from the Department of European Law and Administrative Law at Charles University, focused on a topic called “Europe of States, Europe of Citizens”. She addressed one of the new democratic tools introduced by the Lisbon Treaty within an effort to diminish democratic deficit and to strengthen democratic control in

EU decision making – the European Citizens Initiative. **Professor Dora Kostakpoulou**, from the University of Warwick, built her follow-up presentation on her paper called “Citizenship Between Past and Future”. She focused on processes and institutional change. She emphasized that EU citizenship emerged as a co-created institution and examined its dimensions, various forms and patters by discussing the post-Rottmann and Zambrano case law. **Dr. Katre Luhamaa**, from the University of Tartu, delivered a paper entitled “Concept of Human Dignity as the Basis of Rights”. She dealt with the question of the formal role and position as well as the substantial meaning of human dignity. **Associate Professor Richard Král**, member of the Department of European Law at Charles University, focused on “Reversed Discrimination of Union Citizens”. He pointed two types of reverse discrimination in the context of EU citizenship. Firstly, he outlined the situation when EU member state gives less favourable treatment to its own EU citizens than to EU citizens of other Member states. Secondly, he outlined the situation when EU Member state gives less favourable treatment to EU citizens than to citizens of third countries. **Associate Professor Harald Christian Scheu**, from the Department of European Law at Charles University, presented a paper on a topic “Union Citizenship and Anti-discrimination Law of the EU”. He focused on the relationship between EU citizenship and EU anti-discrimination law. He mainly described the definition and the delimitation of EU citizenship in relation to the position of nationals in the Member States and the status of third-country nationals. **Associate Professor Pavel Svoboda**, member of the Department of European Law at Charles University, delivered a paper entitled “Right of the Union citizen to EU Documents”. In his speech he tackled debates on the right of access to EU documents as a fundamental right and as an EU principle. **Dr. Jiří Zemánek**, member of the Department of European Law at Charles University, focused on “Union Citizenship and European identity”. He emphasized that no reinforcement of the Union citizens’ status has been seriously attempted by the European law-maker yet and that there is a lack of idea about the role of Union citizens in the constitutional system of the EU. **Dr. Tereza Kunertová**, member of the Department of European Law at Charles University, delivered a paper called “Working and studying in the EU, the Benefit Tourism in Practice. She discussed the practical dimension of being simply a citizen or any other individual exercising free movement rights. **Ing. Olga Francová**, from the Office of the Government of the Czech Republic, focused on “Selected economic aspects of the Union citizenship”. In her speech she put the EU citizenship into economic perspective. **JUDr. David Sehnálek**, member of the Department of European and International Law at Masaryk University in Brno, built his follow-up presentation on his paper called “EU Citizenship – an Unfinished Chapter of EU law”. He dealt with the movement and residence of people within the EU. **Dr. Václav Šmejkal and Mr. Petr Navrátil**, both members of the Department of European Law at Charles University, delivered a paper entitled “Every Consumer or EU Citizen Only: Who Benefits from Consumer Protection Law?”. They pointed at the crucial importance of notion of consumer in EU law. They emphasized that the rights derived from EU citizenship and the rights stemming from EU consumer protection legislation are fusing together.

The second panel was chaired by **Professor Petr Tröster**, member of the Department of Labour Law and Social Security Law at Charles University. The language of the panel was Czech. **Professor Zdeňka Gregorová**, member of the Department of Labour Law at Masaryk University Brno, spoke on topic “Free movement of workers and the relevant legal order”. In her speech she defined the EU regulation of the free movement of workers and its reflection in the Czech legal order. Then she spoke about application of the law which will the employment relation with an international element follow. The main attention was paid to the Rome I Regulation, including an analysis of connecting factors for the use of the relevant legal order and the conditions restricting the use of this legal order. **Professor Helena Barancová**, from the Faculty of Law of the Trnava University dealt with the topic “Free movement of European Union workers versus obstacles to the free movement”. **Dr. Martin Štefko**, member of the Department of

Labour Law and Social Security Law at Charles University, analysed the topic “Posting of workers to the supranational provision of services in Germany and Austria”. In this speech was briefly demonstrated the recent condition of implementation of EU regulation of the transnational provision of services in two neighbouring countries Germany and Austria. **Dr. Jakub Morávek**, member of the Department of Labour Law and Social Security Law at Charles University, spoke on the issue of “Regulation of the transfer of personal data – obstacle of the cross-border movement of labour?” This contribution focused on the existing legal instruments of protection the personal data during international transfers. The speaker tried to answer the question, if the interpretation and application of legislation on protection the personal data during the international transfers do not constitute an obstacle to cross-border movement of labour. The last speaker of this panel was **Associate Professor Kristina Koldinská**, member of the Department of Labour Law and Social Security Law at Charles University, with her contribution on the issue “Social security coordination for European Union citizens and third country citizens – are we equal?”. She spoke on the position of third countries in the field of social security coordination with placing emphasis on recent judicial decisions of Court of Justice of the European Union and tried to answer the question of equality.

The third panel was chaired by **Professor Pavel Šturma**. The language of the panel was Czech. **Associate Professor Jana Reschová**, member of the Department of Constitutional Law at Charles University, spoke on the topic “Identity of citizen and citizenship”. In her speech she tried to understand the sociological, historical and ideological sources of the concept of citizenship which is the starting point for a critical view on today’s political and legal instruments that shape the political status of EU citizenship. **Associate Professor Helena Hofmannová**, member of the Department of Constitutional Law at Charles University, spoke on the theme “Citizenship without a state”. This contribution dealt with a pyramidal structure of European Union citizenship and human rights values. **Dr. Vojtěch Belling**, State secretary for European affairs of the Office of the government of the Czech Republic, spoke on the issue “Demos and citizens in a supranational political entity”. **Associate Professor Filip Křepelka**, member of the Department of European and International Law at Masaryk University in Brno, delivered a paper entitled “Consular Assistance and Diplomatic Espousal of EU citizens in Non-Member States Provided by other Member States (Theory and Practice after 20 years)”. He outlined the practical application of EU citizen consular assistance and diplomatic espousal regulation. **Dr. Štefan Viedenský**, from the University of International and Public Relations in Prague, focused on “EU Citizens and Right to Consular Assistance in the Third Countries”. He dealt with the right to consular assistance. **Dr. Jiří Georgiev**, member of the Department of constitutional Law at Charles University, built his follow-up presentation on his paper called “Contractual Basis of EU Citizenship and its Interpretation in Case Law”. He analysed the concept of EU citizenship. **Dr. Jiří Hřebejk**, member of the Department of Constitutional Law at Charles University, focused on the issue of “Double Citizenship”. He outlined problems arising from Act No. 186/2003 Coll. of Laws. **Dr. Jan Kudrna**, member of the Department of Constitutional Law at Charles University, dealt with “Selected Aspects of Legal Regulation of Right to Vote of Foreigners”. He focused on issues of right to vote in Czech Republic. **Dr. Marek Antoš**, member of the Department of Constitutional Law at Charles University, delivered a paper entitled “Political Rights of EU Citizens: an Effective Tool or just a Fairy Tale?” In his speech he tackled the issues of right to vote in Czech Republic. **Dr. Alla Tymofeyeva**, member of the Department of International Law at Charles University, focused on “Human Rights of EU Citizens and Case Law of European Court of Human Rights.” She dealt with the reflection of EU citizenship in the case law of European Court of Human Rights. **Dr. Věra Honusková**, member of the Department of International Law at Charles University, presented a paper on “Family Reunification in the case Law of Court of Justice of the EU and European Court of Human Rights.” In her speech, she analysed the case of Zambrano.

We can conclude that the aim of the conference to provide a venue to expert discussion was fulfilled, as the high-profile speakers delivered very interesting speeches before a wide professional audience. Moreover it should be emphasized that speeches were always followed by a lively discussion. The conference named problems of EU citizenship and application of rights stemming from the EU citizenship. All papers delivered by participants should be soon published in law journals. Last but not least, special thanks are due to the organizers of the conference. Without their hard work and commitment this high quality event wouldn't be possible.

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