



College of Europe
Collège d'Europe



Centre for Judicial Cooperation

CENTRAL EUROPEAN JUDGES UNDER THE EU INFLUENCE: THE TRANSFORMATIVE POWER OF EUROPE REVISITED ON THE 10TH ANNIVERSARY OF THE ENLARGEMENT

WORKSHOP ORGANISED BY THE CENTRE FOR JUDICIAL COOPERATION, DEPARTMENT OF LAW

IN COLLABORATION WITH THE COLLEGE OF EUROPE

EUROPEAN UNIVERSITY INSTITUTE

12 – 13 MAY 2014

SALA EUROPA – VILLA SCHIFANOIA
VIA BOCCACCIO 121, I-50122 FIRENZE, ITALY

PROGRAMME

Monday, 12th May 2014

SALA EUROPA, VILLA SCHIFANOIA

9.00 **Arrival and Registration of participants**

9.30 **Welcome and Introduction**

Loïc Azoulay, Director of the Centre for Judicial Cooperation, European University Institute
Michal Bobek, College d'Europe

10.00 **Stream 1: Judicial Reasoning and Judicial Ideology - Chair: Loïc Azoulai**

Short presentations by

Peter Cserne - Formalism and Policy Arguments in Judicial Reasoning: Is Central Europe a Special Case?

Jan Zobec and Jernej Letnar Črnič - The Remains of the Authoritarian Mentality within the Slovene Judiciary

Conference venue: EUI, Villa Schifanoia (Sala Europa) – Via Boccaccio 121, I-50122 Firenze

Conference secretariat (Bart Provoost): tel.+39-055-4685 761 / fax: +39-055-4685 200

Marcin Matczak, Matyas Bencze and Zdeněk Kühn - EU law and CEE judges. Administrative judiciaries in the Czech Republic, Hungary and Poland ten years after the Accession

Rafał Mańko - The Impact of EU Membership upon Private Law Adjudication in Poland: A Case Study on Unfair Terms in Consumer Contracts

10.40 Comments by **Boštjan Zalar** and **Erhard Blankenburg**

11.15 *Coffee break*

11.30 **General Discussion**

12.00 **Stream 2: Structural and Institutional Changes** - Chair: Matej Avbejl

Short presentations by

Sinisa Rodin - Dumb and no More Here

Marton Varju and Andras Kovacs - The impossibility of being a European and a national judge at the same time: a Central and Eastern European experience

Nina Poltorak - Changes in the level of the national judicial protection under the EU influence on the example of Polish legal system

Alexander Kornezov - When David Teaches EU Law to Goliath – A Generational Upheaval in the Making in the Bulgarian Judiciary

Aleš Galič - Aversion Against a Judicial Discretion in Civil Proceedings in Post-communist Countries: Can the Influence of the EU Law Change It?

13.00 *Lunch*

14.20 **Stream 2: Structural and Institutional Changes (continued)**

Comments by **Mirosław Wyrzykowski**

14.40 **General Discussion**

15.15 *Coffee break*

15.30 **Stream 3: Constitutional Courts and Constitutional Justice** - Chair: Wojciech Sadurski

Short presentations by

Tomasz Tadeusz Koncewicz - Polish Constitutional Court and the comity of circumspect constitutional courts: The Court of old closures or new openings?

Jiří Přibán - Constitutional Sovereignty and Jurisprudence of the Czech Constitutional Court

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Allan Tatham - "Keeping the Faith": The Trials and Tribulations of the Hungarian Constitutional Court in following its European Vocation

Aleksandra Kustra - When the language you speak is not your mother-tongue: Confusions in CE Constitutional Courts' application of legal concepts concerning EU Membership

Pola Cebulak - From a «teacher-student» relationship to a «student-student» dynamic? The Central and Eastern European «block » of Constitutional Courts in European Judicial Politics

16.30 Comments by **Marek Safjan**

16.50 **General Discussion**

17.30 *End of Day 1*

19.30 *Dinner in Sala Bandiere*

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Tuesday, 13th May 2014

SALA EUROPA, VILLA SCHIFANOIA

9.30 **Stream 4: Backsliding and the Rule of Law** - Chair: Inge Govaere

Short presentations by

Kim Lane Sheppelle - Constitutional coups and judicial review: how transnational institutions can strengthen peak courts at times of crisis (with special reference to Hungary)

Petra Gyöngyi - Constitutional constraints and possibilities and the role of the European Union in guiding judicial reforms in Hungary and Romania

Uladzislau Belavusau - Challenging Authoritarianism: EU Transformative Power in Central & Eastern Europe?

Martin Mendelski - Pathologies of rule of law promotion: The uneven impact of the EU on de jure and de facto rule of law development in Central and Eastern Europe

10.15 Comments by **Hannes Kraemer** and **Jenö Czuczai**

10.50 *Coffee break*

11.10 **General Discussion**

11.40 **Conclusions**

Of Light, Darkness, and the White Man`s Burden

Michal Bobek

12.30 *End of conference*

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