CONFERENCE HOSTED BY
THE UNIVERSITY OF WARSAW,
FACULTY OF LAW AND ADMINISTRATION,
CHAIR OF EUROPEAN LAW

AND

THE MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW,
HEIDELBERG

PROTECTING EUROPEAN UNION VALUES: BREACHES OF ARTICLE 2 TEU AND THEIR CONSEQUENCES

14-15 · SEPTEMBER · 2017
FACULTY OF LAW AND ADMINISTRATION · UNIVERSITY OF WARSAW
COLLEGIUM IURIDICUM II · ROOM A2
LIPOWA 4 · WARSAW
PROGRAMME

THURSDAY, 14 • 09 • 2017

8.30-9.00 Registration & Coffee
9.00-9.15 Official Opening

Prof. Tomasz Giaro
Dean of the Faculty of Law and Administration, University of Warsaw

Prof. Armin von Bogdandy
Director at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Prof. Anna Zawidzka-Lojek
Head of Chair of European Law, Faculty of Law and Administration, University of Warsaw

SETTING THE SCENE
9.15-11.10

Chair: Prof. Armin von Bogdandy, Max Planck Institute for Comparative Public Law and International Law, Heidelberg

9.15-9.30
Prof. Maciej Szpunar
Advocate General, Court of Justice of the European Union
The Court of Justice and the Independence of the Judiciary of the Member States

9.30-10.15
Prof. Joseph Weiler
New York University School of Law
People in glass houses shouldn’t throw stones - on Democracy and the Rule of Law in the European Union

10.15-10.30
Prof. Marcin Wiącek
University of Warsaw
The Constitutional Crisis in Poland in light of Article 2 TEU

10.30-11.10
Discussion

11.10-11.25 Coffee break
PANEL 1
WHAT ARE THE EU VALUES?

11.25-12.45
(Presentations 3 x 15 min.)

Chair: Prof. Anna Zawidzka-Łojek, University of Warsaw

Prof. Christophe Hillion
Leiden University
*The Provisions of Article 2 TEU: Their Nature, Function and Enforceability*

Prof. Monica Claes
Maastricht University
*Our Not So Common Values?*

Prof. Werner Schroeder
University of Innsbruck
*Values Expressed in Article 2 TEU: Analysis Considering the CJEU Case-law. What Do These Values Mean andImply?*

12.10-12.45 Discussion
12.45-13.30 Lunch

PANEL 2
SAFEGUARDING THE RULE OF LAW & THE RULE OF LAW FRAMEWORK

13.30-14.50
(Presentations 3 x 15 min.)

Chair: Prof. Franz C. Mayer, University of Bielefeld

Dr. Emmanuel Crabit
Head of Unit, European Commission, Directorate General for Justice and Consumers, Justice Policy and the Rule of Law
*Recent developments regarding the rule of law in the EU*

Prof. Laurent Pech
Middlesex University London
*The Commission’s Rule of Law Framework: An Instrument Which Was Bound to Fail?*

Dr. Maciej Taborowski
University of Warsaw
*The Rule of Law Argument before National Courts: How to Make Use of the Commission’s Rule of Law Recommendation*

14.15-14.50 Discussion
14.50-15.10 Coffee break
PANEL 3
THE ENFORCEMENT OF EUROPEAN VALUES

15.10 - 16.30
(Presentations 3 x 15 min.)

Chair: Prof. Krystyna Kowalik-Bańczyk, Judge of the EU General Court

Dr. Piotr Bogdanowicz
University of Warsaw
The Crisis of Values or the Value of Crisis: Reinterpreting Article 258 TFEU

Matthias Schmidt
Max Planck Institute for Comparative Public Law and International Law, Heidelberg
“General and Persistent” infringements and the Options of the European Commission to Pursue Systemic Threats to the Rule of Law under Article 258 TFEU

Dr. Justyna Łacny
Institute of Law Studies, Polish Academy of Sciences
Can the Member States Be Financially Responsible for Breaching Article 2 TEU?

15.55-16.30 Discussion

16.30-16.50 Coffee break & snacks

PANEL 4
NATIONAL PROBLEMS & ARTICLE 7 TEU

16.50-18.10
(Presentations 3 x 15 min.)

Chair: Dr. Adam Bodnar, Polish Ombudsman

Prof. Anton Abat i Ninet
University of Copenhagen
The Potential Breach of Article 2 and the Enforcement of Article 7 TEU within the Spanish-Catalan Conflict

Dr. Michael Ioannidis
Max Planck Institute for Comparative Public Law and International Law, Heidelberg
Institutional Weakness as a Threat to EU Values (the Case of Greece)

Beáta Bakó
Pázmány Péter Catholic University, Budapest
Measuring or Policing "EU-values" compliance? Hungary's Latest Experiences with Article 2 TEU

17.35-18.10 Discussion

18.10-18.20 Coffee break
PANEL 5
ON ARTICLE 7 TEU
18.20-19.40
(Presentations 3x 15 min.)

Chair: Prof. Miroslaw Wyrzykowski, University of Warsaw, Member of Article 255 TFEU Committee (Former Judge of the Polish Constitutional Tribunal)

Dr. Paweł Marcisz
University of Warsaw
What is the Standard for the Serious and Persistent Breach of the EU Values?

Dr. Stephen Terrett
University of Warsaw
Article 7 as the "Nuclear Option" in Rule-of-Law Disputes. Is There a Case for Unilateral Nuclear Disarmament?

Prof. Dimitry Kochenov
University of Groningen
Implications of Article 7's Weakness for the Rule of Law at the Supranational Level

19.05-19.40 Discussion

19.40 End of day 1

FRIDAY, 15 • 09 • 2017

8.30-9.00 Registration & Coffee

KEYNOTE LECTURE
9.00-9.30

Dr. Adam Bodnar
Polish Ombudsman
Taking the Constitution Seriously? Protection of Human Rights after the Constitutional Crisis

PANEL 6
DIMENSIONS OF THE RULE OF LAW
9.30-11.20
(Presentations 4 x 15 min.)

Chair: Prof. Joseph Weiler, New York University School of Law

Prof. Jörg Polakiewicz
Director of the Directorate of Legal Advice and Public International Law, Council of Europe
The Council of Europe's Role in Promoting and Strengthening the Rule of Law

Prof. Artur Nowak-Far
Warsaw School of Economics
European Union "Rule of Law" Initiative: How to Develop Viable Tools?
Dr. Wojciech Sadowski  
Partner, K&L Gates Warsaw  
*Relevance of the Article 7 and pre-Article 7 Procedures for Determinations of an Investment Treaty Tribunal*

Dr. Anna Czaplinska  
University of Łódź  
*Article 7 TEU and the General Law of International Responsibility*

10.30-11.20 Discussion (including keynote lecture)  
11.20-11.40 Coffee break

**PANEL 7**  
**INSTITUTIONAL AND GENERAL ISSUES**

11.40-13.30  
(Presentations 4 x 15 min.)

Chair: Prof. Stanislaw Biernat, Jagiellonian University, Krakow  
(former Vice-President of the Polish Constitutional Tribunal)

Prof. Pal Sonnevend  
Eötvös Loránt University of Budapest  
*Rule of Law and Human Rights Should Be Enforced by Courts: The Hungarian Experience calls for a Broad Interpretation of Article 51 (1) of the Charter of Fundamental Rights*

Prof. Iris Canor  
Haim Striks School of Law, COMAS, Israel  
*Mutual Trust and Horizontal Solange*

Prof. Frank Schorkopf  
University of Göttingen  
*Institutional Guarantee of European Values - A Critical View of the Emerging Law of Constitutional Crisis*

Prof. Armin von Bogdandy  
Max Planck Institute for Comparative Public Law and International Law, Heidelberg  
*A Systematic Approach to Instruments Protecting the EU Rule of Law*

12.40-13.30 Discussion

13.30 Closing of the conference. Acknowledgments  
Dr. Piotr Bogdanowicz  
Dr. Maciej Taborowski

**ORGANISATION OF THE CONFERENCE:**  
DR. PIOTR BOGDANOWICZ  E-MAIL: P.BOGDANOWICZ@WPIA.UW.EDU.PL  
DR. MACIEJ TABOROWSKI  E-MAIL: M.TABOROWSKI@WPIA.UW.EDU.PL