

Jean Monnet Conference

“From Eastern Partnership to the Association – The Great Debate”

[REPORT]

Venue: Ministry of Foreign Affairs of the Czech Republic, Czernin Palace, Great Hall, Loretane square 5, Prague, Czech Republic

Date: 17. - 18. 6. 2013

The Conference represented the final output of the Jean Monnet Research project granted by the European Commission involving the scientists from the Czech Republic (Prof. Siskova from Palacky University), Germany (Prof. Müller-Graff from University in Heildeberg), Ukraine (As. prof. Roman Petrov from Kiev-Mohyla University in Kiev) and Slovakia (Prof. Kunova from Comenius University in Bratislava). The Conference was set to be a significant forum for the changing of views concerning the actual issues and future prospects of the Eastern Partnership. The Conference involved the professors from Members states of the EU, as well as from the Partnership states. The participation of the representatives of the European judiciary (the judges of the European Court of Human Rights and the Court of the EU) was also envisaged.

The Conference was held also as the Second Annual Conference of the Czech Association for European Studies.

The conference has welcomed tens of representatives of the diplomatic corps of EU and Eastern Partnership countries settled in Czech Republic, the representatives of academia, state administration and legal professionals.

The programme of the conference was divided into the six parts which took place in Czernin Palace (the seat of Ministry of Foreign Affairs of Czech Republic). It lasted for the two days.

First Day - 17. 6. 2013

First opening bloc included opening and welcome speeches. The first speaker Mr Jiří Schneider (First Deputy Minister, Ministry of the Foreign Affairs of the Czech Republic) welcomed the guests and participants of the conference on behalf of the Czech ministry of foreign affairs. Second panellist Mr. Jaroslav Kursfürst (Director General of Europe Section, Ministry of the Foreign Affairs of the Czech Republic) made and introductory speech about importance and developments of the Easter Partnership and neighbourhood policy of the Eurpean Union. First opening panel was concluded by the contribution of the prof. Naděžda Šišková (President of the Czech Association for European Studies; Head of the Department of European Law, Palacký University in Olomouc) who serves as the main Coordinator of the

Jean Monnet Multilateral Research Group which organised the conference. Prof Šišková welcomed the participant and made a short note about the goals and outcomes of the project. Afterwards the conference continued by the five thematic sections.

First section was devoted to the problems of historical roots, development and future of the Eastern Partnership and neighbourhood policy of the EU in wide sense. The section was titled “Eastern Partnership in the Current State and its Prospects” and it was chaired by the prof. Naděžda Šišková. First contributor Mr Jan Michal (the Head of Representation of the European Commission in the Czech Republic) presented the speech titled as „Eastern Partnership in the Current State and its Prospects“. He offered the systemic analysis of the logic, legal base and development of the Eastern Partnership. Second speaker his Excellence Petr Mareš (the Ambassador for the Eastern Partnership) made a contribution titled as “Eastern Partnership: The End of the Beginning or the Beginning of the End?” In his distinctive display he offered the in depth view on the main problems of the Eastern Partnership policy, concretely the question of its finality of on the other side open contours. The main problem discussed by his Excellency was the question of future association or even accession of the eastern neighbours to the European Union. Last panellist was Mr Viktor Matsko (Counselor of the Embassy of Ukraine in the Czech Republic) who in his speech called “From Eastern Partnership to the Association - the View from the Ukraine” made a short but systemic description of the demands and expectations coming from the Ukraine in connection with the future Association of this country with the European Union.

Second section was dedicated to the legal aspects of the Association (it was titled: “From Eastern Partnership to the Association – the Legal Aspects and Approximation of Laws”). The panel was presided by prof. Peter-Christian Müller-Graff (University in Heidelberg). Four contributors made their statements within this conference part. First speaker was prof. Pavel Svoboda (Faculty of Law, Charles University in Prague) who gave the presentation on the “Evolution of Association Agreements in EU External Relations Law” in which it analysed the role and characteristic of the Association Agreements within the EU legal order and examined the typology of association agreements. Next speaker prof. Roman Petrov (Kiev-Mohyla University in Kiev) analysed the accessible information on the planned “EU-Ukraine Association Agreement.” He uncovered the expectations which Ukrainian society connects with the project of association. Following contributor prof. Vlasta Kunová (President of the Slovak Association for European Studies) offered the analysis of “The Theoretical Issues of the Approximation of Laws and the Slovak Experience for the Partnership States.” In her valuable contribution she compared the process of association of Slovak Republic and the future association of the Eastern Partnership countries and gave some recommendations how to solve the potential legal barriers accompanying these processes. The section was closed by the presentation of Mr. Emil Ruffer (Head of the Department of Community Law, Czech Ministry of Foreign Affairs) called “Interpretation, Implementation and Enforcement of Association Agreements: Institutional Structures, Dispute Settlement Mechanisms and the Jurisdiction of the Court of Justice of the EU”. Last speaker focused on legally-technical aspects of the association process and potential models of institutional and dispute-setting architecture which might be used in future association agreement with the Eastern Partnership countries.

Third section which closed the first working day of the conference dealt with the question of “Human Rights and Democratic Values as the Precondition for the Association – the View from the EU.” The panel was chaired by Mr Ondřej Hamulák (Vice-dean, Faculty of Law, Palacký University in Olomouc). First outstanding speaker was prof. Peter-Christian Müller-

Graff (University in Heidelberg) whose speech titled as “Respecting Human Rights (Article 2, 8, 49 TEU): The Role of Fundamental Rights in the Federal Community of Law of the European Union” offered the high level theoretical analysis of the role of human rights and their protection within the legal and constitutional system of the European Union. Next speaker prof. Naděžda Šišková, Head of the Department of European Law, Palacký University in Olomouc) gave the speech titled “The Concept of Dynamic Approximation under EU-Ukraine Association Agreement: the Prospects of Human Rights Protection at the Level of the EU after the Lisbon Treaty”. In her presentation she described the revolutionary changes in the field of the fundamental rights protection which were brought by the Treaty of Lisbon and she marked the most discussed issues like application of the Charter of fundamental rights of the EU, the interpretation of the Protocol no. 30 or Accession of the EU to the European Convention. Last speaker Mr David Petrlík (Court of Justice of the European Union) titled his speech as the “New Conception of Protection of Human Rights in the Case-Law of the Court of Justice of the EU”. It contained the systemic examination of the Court of Justice contribution to the protection of fundamental rights on the supranational level with the special impetus given to the recent case-law.

First day of the conference was concluded by the award ceremony on which Annual Awards of the Czech Association for European Studies) were given to the following laureates:

- Mr Vojtěch Belling (State Secretary for European Affairs, Office of the Government of the Czech Republic) for his significant contribution to the development of European cooperation.
- Prof. Josef Blahož (Institute of State and Law, Czech Academy of Sciences) for his significant contribution to the development of research and science in the field of European law.
- Mr Jiří Georgiev (Deputy Director General, European Affairs Section, Office of the Government of the Czech Republic) for his significant contribution to the development of research and science in the field of European law.
- Prof. Jiří Malenovský (Judge, Court of Justice of the European Union), for his significant contribution to the development of European cooperation.
- Prof. Běla Plechanovová (Faculty of Social Sciences, Charles University in Prague) for her significant contribution to the development of research and science in the field of European political studies.

Second Day – 18. 6. 2013

During second day of the conference the deliberations continued in two subsequent panels which were focused mostly on the cooperation and future association from the view of eastern partners.

First section of the day two was titled “Human Rights and Democratic Values as the Precondition for the Association – the View from the Partnership State” and it was presided by the prof. Roman Petrov (President of the Ukrainian Association of European Studies, Kiev-Mohyla University in Kiev). The panel was opened by the contribution of the prof. Kuznecova (Faculty of Law, Kiev National University Schevchenko) who titled her speech “The Protection of the Individual Civil Rights in the Ukraine: the Issues of the Unification with the EU Legislation”. She focused on the description and critical analysis of the law reform in the Ukraine in the field of substantive civil law and civil procedure. Next speaker prof. Alina Biryukova (University of the Advocacy of the Ukraine; Ukrainian Bar Association presented the topic titled “The Newest Legislation on Advocacy of Ukraine and European

Standards.” She paid attention to the legal regulation of the Advocacy and mainly to the new rules concerning the legal responsibility of Advocates and their professional ethics. The panel was closed by the prof. Zacharova (Faculty of Law, Kiev National University Schevchenko) who spoke about “Guarantee of the Right for Fair Trial under the Legislation of the Ukraine” where she offered the high level and systemic examination of the topic of access to justice in the Ukraine.

Second section dealt with the question of “EU Studies and Human Rights in Education of the EU Member States and Partnership States”. The last section of the whole conference was chaired by the prof. Běla Plechanovová (Faculty of Social Sciences, Charles University in Prague). In this bloc there were only two contributing speakers. First of them, prof. Sergiy Goncharenko (University of the Advocacy of the Ukraine) spoke about “The Concept of Human Rights and contrinution Democratic Values in the Legal Education”. Second speaker prof. Lydia Gruzina (Academy of Advocacy of Ukraine) spoke about “The Teaching of Human Rights – Experience in the Ukraine”

Both contributions presented the methods and real quotidian problems which law teachers are facing in the Ukraine.