



**Responsible for the Conference:**

**Prof. Dr. Werner Schroeder**

Department of European Law and Public International Law, University of Innsbruck  
Centre for European Integration Innsbruck (CEI)

**Venue of the Conference:**

University of Innsbruck, Austria  
Kaiser-Leopold-Saal, Karl-Rahner-Platz 3, 2<sup>nd</sup> floor  
The Conference office opens 11:00



Participation in the Conference is free of charge

**Registration is required**, please contact no later than **March 20, 2014**:

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Austrian Federal Ministry for Europe, Integration and Foreign Affairs  
University of Innsbruck

Department of European Law and Public International Law  
and Austrian Federal Ministry for Europe, Integration and Foreign Affairs

## Conference

# Strengthening the Rule of Law in Europe

From a Common Concept to Mechanisms of Implementation

in cooperation with the Hanns Martin Schleyer-Foundation and  
Heinz Nixdorf Foundation (Universitas-Initiative „dialogue science – practice“)

### 3 and 4 April 2014



**Austrian Chairmanship**  
**Council of Europe**  
November 2013 – May 2014  
**Présidence de l'Autriche**  
**Conseil de l'Europe**  
Novembre 2013 – Mai 2014



# Program

## Thursday, 3 April 2014

### 12:30 Welcome Address

Tilman MÄRK, Professor, Rector, University of Innsbruck  
Bernhard ECCHER, Professor, Dean of the Faculty of Law, University of Innsbruck

#### Introduction

Werner SCHROEDER, Professor, University of Innsbruck  
Andreas KUMIN, Deputy Legal Adviser, Austrian Foreign Ministry

### 13:00 Panel 1: Origins and Current Role of the Rule of Law in Europe

Chair: Andreas KUMIN, Deputy Legal Adviser, Austrian Foreign Ministry

#### The Rule of Law in Europe in the 21<sup>st</sup> Century

Sir Jeffrey JOWELL, KCMG, QC, Professor, Director, Bingham Centre for the Rule of Law, London

#### Historical and Philosophical Roots of the Rule of Law, Rechtsstaatsprinzip, État de droit in Europe

Otto PFERSMANN, Professor, University of Paris 1 Panthéon Sorbonne

14:00 Coffee Break

### 14:30 Panel 2: Core Elements of the Rule of Law

Chair: Kirsten SCHMALENBACH, Professor, University of Salzburg

#### Principle of Legality and Hierarchy of Norms

Franz MERLI, Professor, University of Graz

#### Independent Courts and Access to Justice

Attila BADÓ, Professor, University of Szeged

#### Transparency

Inger ÖSTERDAHL, Professor, University of Uppsala

16:00 Coffee Break

### 16:30 Principle of Proportionality

Peter M. HUBER, Judge, Federal Constitutional Court, Karlsruhe and Professor, University of Munich

#### Legal Certainty

Anna GAMPER, Professor, University of Innsbruck

18:00 End of the first day

19:00 Reception

## Friday, 4 April 2014

### 09:00 Panel 3: Council of Europe and European Union - Different Concepts of the Rule of Law?

Chair: Rudolf STREINZ, Professor, University of Munich

#### The Council of Europe and the Rule of Law

Jan Erik HELGESEN, First Vice-President Viviane of the Venice Commission and Professor, University of Oslo

### The European Union and the Rule of Law

Martin SELMAYR, Head of Cabinet of Vice-President Viviane Reding, European Commission and Professor, University of Saarbrücken

#### The Rule of Law in the Jurisprudence of the European Court of Human Rights

Elisabeth STEINER, Judge, European Court of Human Rights, Luxembourg

#### The Rule of Law in the Jurisprudence of the Court of Justice of the European Union

Thomas von DANWITZ, President of chamber, Court of Justice of the European Union, Luxembourg

11:00 Coffee Break

### 11:30 Panel 4: Mechanisms of Implementing the Rule of Law in Europe

Chair: Werner SCHROEDER, Professor, University of Innsbruck

#### Global Activities and Current Initiatives in the Union to Strengthen the Rule of Law - A State of Play

Andreas KUMIN, Deputy Legal Adviser, Austrian Foreign Ministry

#### Reinforcing Legal Oversight in the European Union

Carlos Juan CLOSA MONTERO, Spanish National Research Council, Madrid and part time Professor, European University Institute, Fiesole and Dimitry KOCHENOV, Professor, University of Groningen

#### The rule of law and the role of measuring performance

Gabriel N. TOGGENBURG, Senior Legal Advisor, European Union Agency for Fundamental Rights, Vienna

13:00 Lunch break

### 14:15 Panel 5: Implications of Implementing the Rule of Law in Europe

Chair: Gregor SCHUSTERSCHITZ, Deputy Legal Adviser, Austrian Foreign Ministry

#### Rule of Law and Constitutionalization of the European Union

Monika CLAES, Professor, University of Maastricht

14:45 Coffee break

#### Panel Discussion on the Institutional Aspects of the Rule of Law in Europe

Participants: Thomas von DANWITZ, President of chamber, Court of Justice of the European Union, Luxembourg  
Deaglán Ó BRIAIN, Principal in the Dept. of Justice and Equality, Ireland  
Eva LICHTENBERGER, Member of the European Parliament  
Jörg POLAKIEWICZ, Legal Adviser, Council of Europe  
Martin SELMAYR, European Commission

### 16:30 Concluding Remarks

Werner SCHROEDER, Professor, University of Innsbruck and Gregor SCHUSTERSCHITZ, Deputy Legal Adviser, Austrian Foreign Ministry

17:00 End of the conference