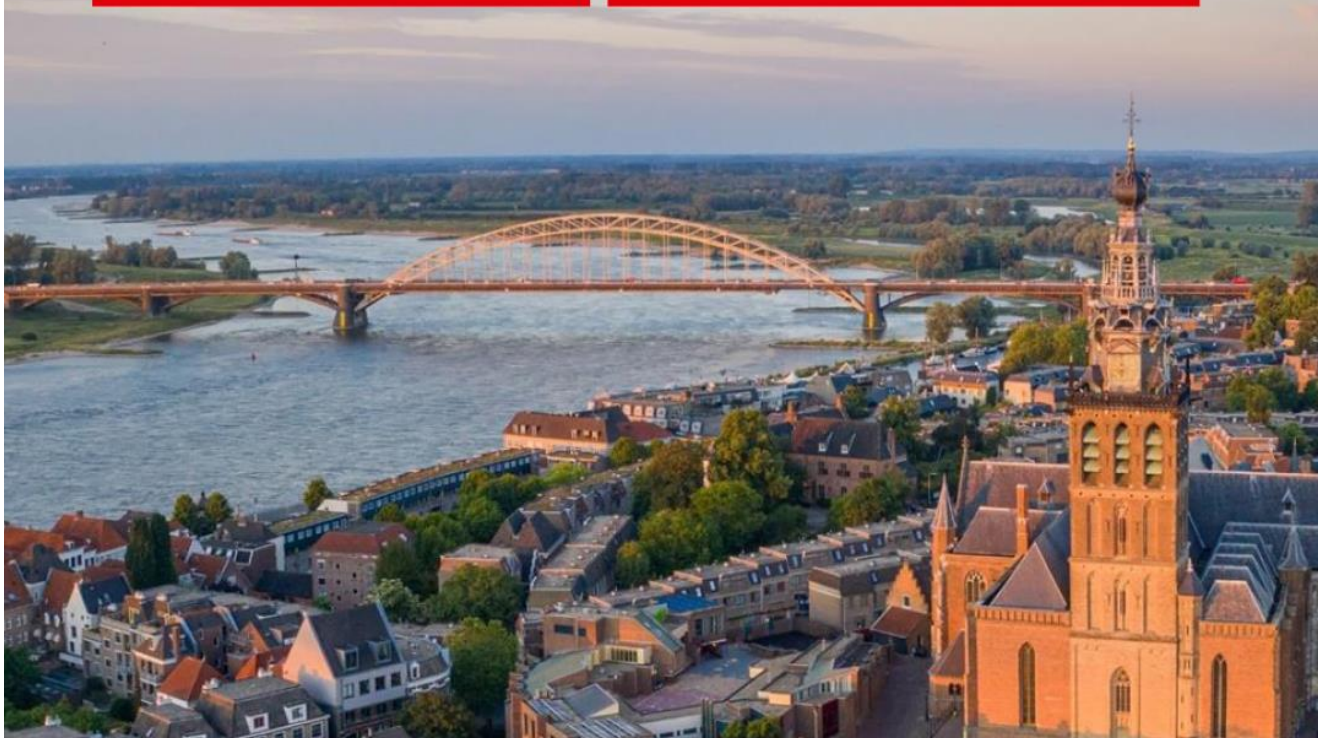


From Rule of Law Backsliding to A Sustainable Rule of Law

21 - 22nd of September

Nijmegen, the Netherlands



Conference in honour of
the inauguration of Prof.
Petra Bárd as *Professor of
Sustainable Rule of Law*



With the support of the
Erasmus+ Programme
of the European Union



SteR | Research Centre
for State and Law
Radboud University



Thursday 21 September 2023

Location: Theaterzaal C, Elinor Ostrom Building, Heyendaalseweg 141

12.00-12.30 Welcome coffee/ tea

12.30-12.45 Word of welcome by Prof. Roel Schutgens (dean of the Faculty of Law, Radboud University)

12.45-13.30 Keynote by Prof. R. Daniel Kelemen, Georgetown University

Chair: Prof. Henri de Waele, Radboud University

13.30-14.45 **Plenary debate: Rule of law resilience and sustainability**

Video contribution from Prof. Kim Lane Scheppele, Princeton University (produced by Elene Amiranashvili, Zuzanna Uba and Anna Walczak from Our Rule of Law)

- *Dr. Joelle Grogan, UK in a Changing Europe, King's College London*
- *Prof. John Morijn, University of Groningen*
- *Prof. Laurent Pech, University College Dublin*
- *Dr. Anna Sledzinska-Simon, University of Wrocław*

Chair: Prof. Jasper Krommendijk, Radboud University

- Walk from Theaterzaal C to the Aula -

Location: Auditorium/ Aula, Comeniuslaan 2

15.45-16.30 Inaugural lecture by Petra Bárd: ‘Rule of law sustainability and mutual trust in a transforming Europe’

16.30-18.00 Drinks at the Aula



Friday 22 September 2023

Location: Grotiusbuilding, Montessorilaan 10

8.30-9.00 Welcome coffee/tea in the Central Hall's basement of the Grotiusbuilding

9.00-10.45 **Parallel sessions 1**

Democracy, and the rule of law I: Political science and legal theory perspectives

GR 1.104 (CPO zaal)

- 'EU rule of law agents and their rationale for enforcement: understanding the nature of the beast'
Prof. Carlos Closa, European University Institute
- 'Supranational First Principles of the Law of Integration: On the challenges of the right legal framing, understanding the stakes and moving forward (still together?)'
Prof. Tomasz Tadeusz Koncewicz, University of Gdańsk
- 'Thick vs. Thin: Why the EU needs a thick conception of the rule of law and democracy'
Prof. Marlene Wind, University of Copenhagen
- 'Rule of Law: undetermined concept, necessarily uncomplete structure, predominantly selective conception'
Prof. Otto Pfersmann, EHSS, Paris

Chair: Prof. Ronald Tinnevelt, Radboud University

The role of courts I: European and national courts in restoring the rule of law

GR 1.120

- 'Countering the Rule of Law Backsliding Judicially: Is Resistance Futile?'
Dr. Jan Petrov, The Queen's College University of Oxford
- 'An Accident waiting to happen? Risks of centralized Court Administration and how to address them'
Theo Tsomidis LL.M., Leiden University
- 'The role of Romanian Judges' Forum Association in defending the rule of law',
Dr. Dragoş Călin, Judge at the Bucharest Court of Appeal, co-president of the Romanian Judges' Forum Association
- 'A De Minimis Democracy? The Meaning of Democratic Accountability in Article 10(2) TEU'
Dr. John Cotter, Keele University

Chair: Dr. Sjarai Lestrade, Radboud University

Rule of law defenders I: The role of CSOs, think tanks and journalists

GR 1.112

- 'The Role and Efficiency of NGOs' Rule of Law Advocacy at the EU-level'
Miklós Ligeti, Transparency International Hungary
- 'Building transnational civil society cooperation for the rule of law in the EU'
Márta Pardavi LL.M., Hungarian Helsinki Committee
- 'The creative interplay between civic space and rule of law at EU level'
Natacha Kazatchkine, Open Society Foundations



- ‘The Role of Youth Resistance Movements in the Protection of Rule of Law Values in Hungary’
Dr. Eszter Kirs, Corvinus University of Budapest

Chair: Prof. Judit Sándor, Central European University

10.45-11.15 **Break** (*coffee/ tea in the Central Hall’s basement of the Grotiusbuilding*)

11.15-12.45 **Parallel sessions 2**

Democracy and the rule of law II: EU responses to rule of law backsliding

CPO zaal (GR 1.104)

- ‘Politics of the rule of law: European Parliament and other institutions’
Aleksejs Dimitrovs, Legal Advisor, Greens/ EFA Group in European Parliament
- ‘The EU’s Rule of Law Cacophony: Constitutional Dialogue in the Hands of the Court of Justice’
Prof. Dimitry Kochenov, Central European University
- ‘Politics of avoidance’
Dr. Barbara Grabowska-Moroz, Central European University Democracy Institute

Chair: Prof. Tineke Strik, Radboud University

The role of courts II: The interplay between the ECHR and the EU Charter

GR 1.120

- ‘Reducing Complexity, Strengthening Synergy: The EU’s Accession to the ECHR and Sustainable Rule of Law’
Dr. Przemyslaw Tacik, Jagiellonian University Kraków
- ‘The Contribution of the Charter of Fundamental Rights to the Sustainable Protection of EU Values’
Martina Coli LL.M. University of Maastricht & University of Florence
- ‘To Catch the Wind. The Immediacy Requirement and the Protection of Judicial Independence by the European Courts’
Prof. Rick Lawson, Leiden University

Chair: Dr. Lize Rixt Glas

EU criminal justice: Mutual trust in the Area of Freedom, Security and Justice

GR 1.112

- ‘Mutual recognition: Building upon mutual trust, or building up mutual trust’
Assoc. Prof. Stefan Schumann, Johannes Kepler University Linz
- ‘The rule of law and red lines: what future for mutual recognition in the AFSJ?’
Dr. Kathrin Hamenstädt, University of Birmingham
- ‘Enhancing trust through the Rule of Law report’
Dr. Wouter van Ballegooij, European Commission DG Justice, Rule of Law unit

Chair: Dr. Anna Pivaty, Radboud University



Workshop ‘Rule of law at the dinner table’ by the Our Rule of Law Team (*students only*)
GR 1.102 (Alumni Lounge)

The aim of the workshop is to identify the underlying values behind the importance of the rule of law and give concrete techniques and strategies on how to communicate those values in daily conversations. The workshop is directed to 18-24 bachelor/ master students, divided into groups of 3 or 4, both from law and law-related fields.

Elene Amiranashvili, Zuzanna Uba and Anna Walczak, Our Rule of Law

12.45-13.45 **Lunch break** (*in the Central Hall’s basement of the Grotiusbuilding*)

13.45-15.30 **Parallel sessions 3**

Democracy and the rule of law III: Militant democracy and abusive constitutionalism
CPO zaal (GR 1.104)

- ‘Militant Constitutionalism: institutional and non-institutional instruments of constitutional resilience’
Chiel Kuypers LL.M., Radboud University
- ‘Towards a theory of Militant Constitutionalism’
Jorieke Manenschijn LL.M., Leiden University
- ‘What Values Justify Rule of Law Backsliding? The Ideological Narrative of the Hungarian Constitution’
Mateo Cohen MA, Leiden University
- ‘Responding to Rule of Law Backsliding with Republican Constitutional Pluralism: The Primacy of Non-Domination and Legal Humility’
Dr. Max Steuer, Jindal Global Law School, Comenius University Bratislava

Chair: Prof. Ronald Tinnevelt, Radboud University

Democracy and the rule of law IV: Between trust and populism
GR 1.112

- ‘The principle of equality and elections. The case of Poland in historical perspective’
Dr. Anna Wojcik, Institute of Legal Studies of the Polish Academy of Sciences
- ‘Counteracting the Erosion of Trust in the EU as a Resilient Response to the EU Rule-of Law Crisis’
Dr. Sofiya Kartalova, Max Planck Institute for the Study of Crime, Security and Law
- ‘Sustainable rule of law and democracy’
Prof. Zoltán Fleck, Eötvös Loránd University
- ‘Presumption of (constitutional) innocence? Should we believe the legislator?’
Dr. Tamás Lattmann, University of New York in Prague/ Tomori Pál College, Budapest

Chair: Dr. Judit Bayer, Budapest Business School



The role of courts III: Judicial independence

GR 1.120

- ‘The Predominance of Legal Spirit. Judicial independence as a cornerstone of the rule of law’
Prof. Konrad Lachmayer, Sigmund Freud University
 - ‘Judicial independence: arguments populists will love’
Prof. Károly Bárd, Central European University
 - ‘Judicial Independence at Risk in the Netherlands?’
Anne-Marie Smit, Court of Appeal ‘s Hertogenbosch & Commissie Meijers
- Chair: Prof. Violeta Besirevic, Union University Law School Belgrade

Contemporaneous problems & cutting edge methods in rule of law enforcement

GR 2.130 (FdR-kamer)

- ‘Between a rock and a hard place: the impact of rule of law backsliding on the EU’s response to the Russo-Ukrainian war’
Benedetta Lobina LL.M., University College Dublin
- ‘Two (digital) heads are better than one: How to create a digital grasp on the safeguards for rule of law’
Anita Koncsik LL.M., Eötvös Loránd University
- ‘The EU’s turn towards a transactional approach to rule of law spending conditionality in the 2020s’
Pauline Thinus MA, Université libre de Bruxelles
- ‘The role of (EU) competition law in defending the rule of law’
Dr. Katalin Cseres, University of Amsterdam

Chair: Dr. Oliver Garner, Bingham Center for the Rule of Law in London

15.30-16.00 **Break** (*coffee/ tea in the Central Hall’s basement of the Grotiusbuilding*)

16.00-17.15 **Closing plenary debate: The future of the rule of law**

GR 0.100 (lecture hall at the Grotius building)

- Video contribution from Prof. András Sajó, *Central European University*
- Video contribution from Prof. Wojciech Sadurski, *University of Sydney & Warsaw* (produced by Elene Amiranashvili, Zuzanna Uba and Anna Walczak from Our Rule of Law)
- ‘Tempering Power. How to think, and not to think, about the Rule of Law’
Prof. Martin Krygier, UNSW Sydney & Central European University Democracy Institute

Chair: Elene Amiranashvili, Zuzanna Uba and Anna Walczak from Our Rule of Law

17:15 - **Drinks in the Central Hall’s basement of the Grotius building**



About the Conference:

This conference is organized within the context of the Jean Monnet Chair on Rule of law in the EU and national legal orders (EUroLNAT) of Dr. Jasper Krommendijk.

The Research Centre for State and Law (SteR) is part of the Faculty of Law at Radboud University. The Centre conducts cutting-edge research in the field of public law, in particular the relation between law and the state. This conference is part of the research programmes 'Founding principles and fundamental rights' (with 'Resilient rule of law' as the research theme for 2021-2027), and 'Interaction between national and international law'.

Organising committee:

- Prof. Petra Bárd (Sustainable Rule of Law),
- Dr. Jasper Krommendijk (International and European law),
- Prof. Ronald Tinnevelt (Philosophy of Law),
- Prof. Henri de Waele (International and European law),
- Dr. Sjarai Lestrade (Criminal Law),
- Chiel Kuypers LL.M. (Philosophy of Law).

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