

# EU CONSTITUTIONALISM IN THE FACE OF CRISES

## CHANGING THE EU's CONSTITUTION WITHOUT CHANGING THE EU's TREATIES?

ANNUAL CONFERENCE OF THE CZECH SOCIETY FOR EUROPEAN AND COMPARATIVE LAW

**ORGANISERS:** Czech Society for European and Comparative Law  
and the Ministry of Foreign Affairs of the Czech Republic

**DATE:** Friday 26 April 2024, 9:00 – 16:30

**VENUE:** Ministry of Foreign Affairs, Czernin Palace,  
Loreta Square 5, 118 00 Prague, Czech Republic

European integration is a dynamic process of change. The Union's legal order, whose flexibility and responsiveness to changing circumstances is key to the Union's stability and prosperity, plays a fundamental role.

Over the past two decades, European countries have faced challenges ranging from financial and migration crises to global pandemics and wars too close to home. But until now, the Union has dealt with crises through "legal tinkering" – inventive, one-off, stop-gap solutions. But as crisis gradually becomes the new normal, what the Union needs most of all is a sustainable and resilient legal framework. Is the current primary law up to the job, or is it time for an overhaul? And are we even in a position to revise the Treaties?

The Union, like its Member States, is constantly changing. Finding new ways and new solutions is not only desirable but necessary. Join us as we reflect on what the Union needs at these important crossroads and how to achieve it.

**registration from 9:00 to 9:20**

please do not forget your ID + make sure you filled out the online registration form,  
the event will only be accessible to those who received a positive response from ČSESP

### **PANEL 1: CHANGING PRIMARY LAW WITHOUT CHANGING THE TREATIES**

Moderator: **Martin Smolek**, Ministry of Foreign Affairs of the Czech Republic

9:30 Welcome & Introduction by **Martin Smolek**



9:40 **KEYNOTE LECTURE:** Changing EU (primary) law by means of case-law  
**Eleanor Sharpston**, University of Cambridge + former Advocate General to the ECJ

Discussants:

10:15 **Daniel Sarmiento**, Universidad Complutense de Madrid + EU Law Live

10:25 **Jan M. Passer**, Court of Justice of the European Union

10:35 **Michal Bobek**, Supreme Administrative Court + former Advocate General to the ECJ

*Discussion*

11:00 coffee break

### **PANEL 2: HOW FLEXIBLE IS THE EU's CONSTITUTIONAL SETTING?**

Moderator: **Zuzana Vikarská**, Masaryk University, Faculty of Law + UCLan Cyprus

11:30 Gaps in EU law and how to handle them

**Zdeněk Kühn**, Constitutional Court of the Czech Republic + Charles University

11:45 Various models of (not) changing EU primary law: Arts 48, 49, 50 TEU ...and others

**Ivo Šlosarčík**, Charles University, Faculty of Social Sciences

12:00 „Take back control“ on a smaller scale: Renationalisation of EU competencies

**Robert Zbíral**, Masaryk University, Faculty of Law

*Discussion*

12:45 buffet lunch

### **PANEL 3: THE EU's CONSTITUTIONAL REACTIONS TO NEW (SECURITY) CHALLENGES**

Moderator: **Ľubomír Majerčík**, Regional Court in Brno

14:30 When “no” actually means “maybe”: the CJEU’s jurisdiction in the area of CFSP

**Kristýna Najmanová**, Ministry of Foreign Affairs of the Czech Republic

14:45 Will the ECtHR become a super-court also for the EU and how is it getting ready?

**Kateřina Šimáčková**, European Court of Human Rights + Masaryk University

15:00 Testing the limits of EU absorption capacity. Is the EU ready for future enlargements?

**Adam Lazowski**, University of Westminster + visiting professor at the College of Europe (Natolin) and Ivan Franko National University of Lviv

*Discussion*

15:45 **CLOSING REMARKS**

**Ivo Šlosarčík**, Charles University, Faculty of Social Sciences

+ some final networking over coffee & free discussion

**please register** on our web: [www.csesp.cz](http://www.csesp.cz)

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