



THE SWEDISH NETWORK FOR EUROPEAN LEGAL STUDIES  
HAS THE GREAT PLEASURE  
OF INVITING YOU TO A CONFERENCE ON:

**30 Years After the Fall of the Berlin Wall:  
Rule of Law in the European Union**

14–15 November 2019  
Hasselbacken, Stockholm

For registration, please visit:

[www.snef.se](http://www.snef.se)

## Conference outline

The demise of the Berlin Wall in the Fall of 1989, amidst a series of breath-taking revolutions in Central and Eastern Europe (CEE), was by many seen as the ultimate triumph of Western liberal values; of democracy, rule of law and free markets. Commentators were quick to proclaim the end of ideological confrontation and even, famously, the end of history.

This perception was further strengthened by the firmly declared political will of the countries from Central and Eastern Europe to join the European Union. The subsequent process of preparing the candidate countries for EU membership constituted probably the most ambitious operation of political and legal transformation in the history of mankind. Despite its many challenges, the process resulted in eleven CEE countries joining the Union in the period between 2004 to 2013 and was largely celebrated as a success. The Eastern Enlargement of the Union was expected to bring dividends for rule of law and democracy not only for the acceding countries but also for the Union itself, prompting a serious reflection on the fundamental values and institutional principles underpinning the European project and bringing about a clear restatement of these values and principles in the Union Treaties and in the EU Charter on Fundamental Rights.

30 years later, the situation is dramatically different. There is little left of the euphoria of the 1990s and the consensus about fundamental values is seriously shaken. In a number of EU Member States – both new and old – the values of liberal democracy and rule of law are openly called into question. There is mounting evidence that the independence of the media and of the judiciary in individual EU countries is under threat, a development which undermines the very foundation of the Union, namely mutual trust.

This conference aims to take stock of the state of rule of law in the European Union 30 years after the fall of the Berlin Wall. It pays special attention to the challenges that the societies in Central and Eastern Europe have been facing in their transition to democracy and rule of law, but also inquires, more broadly, into the causes for the crisis of rule of law in the Union. Importantly, the conference puts the crucial question: What is the role of the EU institutions in upholding the rule of law in the Union and its Member States?

## **Day 1**

- 12.45            **Arrival, Registration and Coffee**
- 13.00            **Opening Address**  
Antonina Bakardjieva Engelbrekt, Chair, Swedish Network for European Legal Studies
- 13.30            **Panel 1: The current state of Rule of Law in the EU: taking stock**  
**Chair:** Jane Reichel, Professor in Administrative Law, Stockholm University
- Rule of Law problems as problems of democracy**  
Leonard Besselink, Professor of Constitutional Law, University of Amsterdam
- Illiberal Constitutionalism in East Central Europe**  
Gábor Halmai, Professor of Comparative Constitutional Law, EUI Florence
- Why Rule of Law can never be part of an "illiberal" democracy**  
Joakim Nergelius, Professor of Constitutional Law, Örebro University
- 15.30            **Coffee**
- 16.00            **Special Address**, Hans Dahlgren, Minister for EU Affairs, Swedish Government
- 16.30            **Panel 2: Rule of Law in an Enlarged Europe**  
**Chair:** Joakim Nergelius, Professor of Constitutional Law, Örebro University
- The Rule of Law and liberal legalism in (post-communist) Europe**  
Jan Komárek, Professor, Copenhagen University
- From strong post-totalitarian Rule of Law safeguards to illiberal developments in Central-Eastern Europe: Reflections on the possible causes of the change**  
Anneli Albi, Professor of European Law, Kent Law School
- The rule of law in Italy under the power of populism**  
Valentina Colcelli, Italian National Research Council (CNR)
- 18.00            **End of day 1**

## Day 2

09.00

### **Panel 3: A look at the past: the communist legacies revisited**

**Chair:** Andreas Moberg, Associate Professor, Gothenburg University

#### **Surviving legacies of the old legal culture?**

Zdenek Kühn, Professor of Jurisprudence, Charles University Law School, Prague

#### **Legal argumentation and interpretation in Central and Eastern Europe from a historical perspective**

Katalin Kelemen, Associate Professor in Law, Örebro University

#### **The ambiguous role of law in the command economy**

Antonina Bakardjieva Engelbrekt, Professor of European Law, Stockholm University

10.30

### **Coffee**

11.00

### **Panel 4: Rule of Law and the process of Eastward Enlargement**

**Chair:** Ulf Bernitz, Professor of European Law, Stockholm University

#### **The Council of Europe as an antechamber to EU membership**

Daniel Tarschys, SIEPS/Secretary General, Council of Europe (1994-1999)

#### **The role of the Venice Commission**

Iain Cameron, Professor of Law, Uppsala University

#### **The party politics of sanctioning democratic backsliding in the EU and the Council of Europe**

Ulrich Sedelmeier, Reader in International Relations, London School of Economics

#### **The constraints and limits in the EU's involvement in Rule of Law reform**

Antoaneta Dimitrova, Professor of Comparative Governance, University of Leiden

13:00

### **Lunch**

14:00

**Panel 5: Enforcing Rule of Law in the EU: current mechanisms and prospects**

**Chair:** Xavier Groussot, Professor of European Law, Lund University

**Rule of Law backsliding in the EU: What is it and what must be done about it?**

Laurent Pech, Professor of European Law, Middlesex University, London

**Upholding the Rule of Law in the EU: a perspective from the Commission**

Anna Perego, policy officer, DG Justice, Unit C1 Justice policy and rule of law

**The respect of the Rule of Law: a European Parliament's perspective**

María José Martínez Iglesias, European Parliament, Director in the Legal Service

**Looking forward: What can we expect from the Commission's "Blueprint for Action"**

Andreas Moberg, Associate Professor, Gothenburg University

16.00

**Closing Discussion**

16.15

**End of Day 2**