



## PRAGUE/ EUROPEAN UNION SPECIALIZATION / ELECTIVES

This document lists courses offered at the Law School in Prague in English language in 2005/2006 in the fields of

- **International Law**
- **European Union**
- **Human Rights**
- **Environmental Law**

These courses are a part of a European program under the auspices of Socrates: European Community Action Programme in the Field of Education: [http://europa.eu.int/comm/education/programmes/socrates/socrates\\_en.html](http://europa.eu.int/comm/education/programmes/socrates/socrates_en.html). MAIA students can take any one to three of the ten courses indicated in bold script, as acceptable MAIA program electives. The other courses offered in English at the Law School in Prague can be found at: <http://www.prf.cuni.cz/veda/erasmusmain.en.php>. But these are not of direct relevance to MAIA

The arrangement is based on negotiations of an exchange of MAIA students with the students from the Law School, Prague. The courses are available either in spring or fall semester (as indicated) and offered at



School of Law  
Charles University in Prague  
nám. Curieových 7  
116 40 Praha 1  
Czech Republic

## OPPORTUNITIES FOR INTERNSHIP IN PRAGUE

It was also agreed that during their (fall or spring) semester in Prague and in conjunction with (1-3)electives to be chosen from the attached list, MAIA students can take their internship either in international law firms, multinational companies and associations or the media sector, dealing with Central European legal affairs or business. The Law School has an agreement with the Red Cross and other NGOs where too students could take their internship

### ABOUT THE PRAGUE ELECTIVE COURSES

All courses are taught in English. Instruction is a combination of lectures and seminars. Participants are required to attend all classes in which they have been enrolled and an adequate preparation is expected from each student as well. There is an obligatory reading load of between 100-200 pages per course. Background material (lecture notes, statutory and treaty provisions, cases and other relevant legal texts) is distributed to all participants, or is available in the faculty library.

Prepared by Dr.Kubalkova  
based upon negotiations in Prague  
on 12th September 2005

with Professors Kerner and Damohorsky, Assoc Dean of the Law School

Courses are taught by distinguished academics from the Charles University in Prague and some other European universities, as well as judges and leading lawyers. Participants of the courses meet for a total of 24 hours per course. Student performance is evaluated in each course and credits are awarded on the basis of contact hours and classes successfully completed. Course attendance (lectures and tutorials) amounts to approximately half of the workload, the other part consists of home preparation and background reading. Exams are both in written and oral forms. Courses of the Czech language for beginners, as well as for advanced students, are offered free of charge.

### **Academic Calendar**

The courses run through the autumn term for 12 weeks. Classes start the first week of October (3th October 2005) with an introduction-providing seminar on the October 3th 2005 and finish before Christmas (16th December), followed by a break for the 6-week examination session, courses finished earlier in the autumn term might be followed by the exams successively. There is public holiday in the Czech Republic on 28th October, 17th November and the Christmas Holiday (December 17. – January 2) during the last week of December and the 1st January.

The duration of the spring term is 13 weeks. Classes start again in the middle of February (19th February 2006) and finish in the middle of May (19th May 2006) at the latest, followed by another 6-weeks examination session. There is public Easter Holiday, Labour Day on 1st May and public holiday on 8th May.

### **Facilities**

The brand new Law Library, located in the Law School building, is the most extensive and modern law library in the country. It stocks a wide range of specialist periodicals and journals, monographs and textbooks, both Czech and foreign. The library is open from 9 a. m. until 8 p. m. during weekdays and from 9 a.m. until 4 p.m. on Saturdays. Personal computers with up-to-date software, access (with special personal password) to the Internet and the EU database CELEX on CD-ROM etc. are also available. The European Documentation Centre is located nearby Charles University. Students have free access to e-mail and several Czech legal databases (ASPI, JURIS, LEXIS), to the European information KNOWEUROPE service, to the Czech National Bibliography and Index to Foreign Legal Periodicals.

The Faculty of Law frequently holds public lectures given by distinguished guests, international symposia etc. open to the whole academic community. Visits to the Czech Supreme Court and Constitutional Court in Brno, the Czech Bar Association, law firms or to the historical sites and places of interest, etc. will be a consistent part of the program. Additionally, there are other in-door facilities in the faculty building ready for use, such as a fitness and sport centre.

### **Admission Requirements**

It has been agreed that MAIA students approved by the MAIA faculty will be admitted to the courses in Prague. No other requirements (which other foreign students have to meet) will be necessary. No prerequisite courses will be required.

### **Visa, Accommodation and Insurance**

Students are responsible to secure their study visa for the Czech Republic prior to their enrollment. The Faculty of Law will assist students in applying for the required visa at the Czech Embassy/Consulate in the relevant home country by supplying the supporting documents as requested (pre-filled application forms for long-term residence, Letter of Acceptance, the confirmation of guaranteed accommodation in Prague). All the dormitories which Charles University uses to house its foreign students meet European university standards. Each offers bedrooms with 1-2 beds and an en-suite bathroom, a canteen on site, where breakfast and dinner are served, as well as bars, social and leisure facilities. Those who would prefer to find private accommodation will choose from a wide variety of options on the market. There is also a canteen located in the Law School building where lunch can be taken. Students should check with their insurance office whether their insurance will cover them during their stay in Prague.

# List of Available Courses for MAIA Students

## Fall Semester

- **Introduction to Public International Law in the Czech Legal Context**
- **Community European Civil Law**
- **Economic and Public Policy**
- **Administrative Law I., II.**

*Other courses offered in English in Fall Semester are listed below but would be less relevant to MAIA*

*Constitutional Law*

*Private Law*

*Financial Law*

*Czech Legal History*

*An Introduction to the Central European*

*Judicial Culture*

## Spring Semester

- **Theory and Social Context of Human Rights: the Czech Experience**
- **European Law in the Czech-EU Context**
- **Commercial Law and International Transactions**
- **Czech and European Environmental Law and Policy**
- **Institutional Economics and Economics of the Public Sector**
- **International and European Protection of Human Rights**

*Other courses offered in English in Fall Semester are listed below but would be less relevant to MAIA*

*Criminal Law*

*Contracts and Torts*

# Fall Semester

## Economic and Public Policy

**Instructor: Jan Urban**, Doc. PhDr., Ing.,CSc. obtained degree in economics from The Prague School of Economics and doctorate in philosophy from Charles University. Prior to becoming Head of Department of National Economy at the Charles University School of Law, worked as an economic advisor at the Prime Minister office and for several years in the Economic and Forecasting institutes of the Czech Academy of Sciences. Founded and for two years edited the leading Czech economic magazine „Ekonom“, lectured at universities in Western Europe and USA. As a free-lance consultant supported change strategy in several important companies. His main areas of specialisation cover impact of institutional framework on economic performance and change management.

### Course description

The purpose of law is to regulate society in such a way as to provide, among other things, economic benefits. While the best way to accomplish this is as debatable as are the questions of who should benefit, economy does have a substantial effect on law. The purpose of this course is to describe and explain how economic behavior is influenced by law and public regulation and how this regulation vary widely in their impacts on economic performance

This course covers topics in the fields of economics of regulation and of law and economics. Economics of regulation draws from areas such as welfare economics and public economics, law and economics examines the economic consequences of laws and legal systems and economic efficiency of legal structures. It also draws heavily on the field of welfare economics and on the economic concept of efficiency.

The course offers students special study and research opportunities in a broad range of subject areas having a significant law-economics interface. Course requirements consist of a presentation and paper Each student is asked to to choose a (preferably a recent and/or controversial) topic, analyze the economic and other issues surrounding it and to present the analysis in class. Each student should also summarize the presentation in a paper which should be about 8 pages in length.

### Main topics of the course:

1. Markets and Economic Efficiency
2. Market Failure, Government Intervention and Failure
3. Property Law, Externalities and Public Goods

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4. Introduction to Regulation:  
Regulation of Natural Monopoly
5. Economic and Social Regulation
6. The Economics of Contracts and Tort Law

### Course Materials and Selected Reading:

Paul Heyne, A Student Guide to Economics  
Gary S. Becker, The Economic Way of Looking at Life  
T. R. Machan, The Right to Private Property  
Michael J. Boskin, Capitalism and its Discontents: The Adam Smith Address  
R. Cooter and T. Ullen, Law and Economics, Scott Foresman, 2000  
W.K. Viscusi, et. Al, Economics of Regulation and Antitrust, MIT Press, 2000  
D. Friedman, Law's Order, Princeton University Press, 2000

## Administrative Law I, II

**Instructor: Taisia Čebišová**, Doc., JUDr., CSc., Associate Professor of Administrative Law and Public Administration, Law Faculty, Charles University, Prague. 1992-96 advisor of the Vice-Minister of the Interior responsible for the Civil Administration Section. She took part in legislative activities, as well in several activities of the Council of Europe. From 1996 involved as an expert in the Council of Europe Project Group on Administrative Law, taking part in elaboration of several documents, concerning principles of the relations between public administration authorities and private persons, legal status of public officials etc. In 1998 she was engaged in Phare Programme on Public Administration Reform in the Czech Republic. Member of editorial boards of two journals Acta Universitatis Carolinae-Juridica and Administrative Law. Co-author of several textbooks on Administrative Law, publications Local Government (Praha 1996), Public Administration and Law (Praha 1997), author of several articles, concerning mainly Civil Service and Public Administration Reform.

**Instructor: Richard Pomahač** Doc., JUDr., CSc., studied at Charles University in Prague at the Faculties of Law and Philosophy and at FIDC in Strasbourg. Associate Professor of Administrative Law at Charles University. Specializes in comparative public administration and European administrative law; teaching activities comprise training for officials in EU affairs. Publications include [European Administrative Justice] (C. H. Beck, 1998), [Public Administration] (C.H.Beck, 2002), and [European Law] (Karolinum, 2003).

## Course Description

The lectures deal with the foundations of administrative law in Central Europe. Attention is paid to the sources and principles of administrative law and regulatory policy, to the civil service, as well as to the judicial control over public administration.

The course focuses on modernization of public administration and administrative law. Recently many questions concerning *ius publicum commune* have arisen as a result of EU enlargement effort. This aspect will hopefully provide a framework for reflection on of European Community of Law and European Administrative Space.

## Outline of the Course

### **Administrative Law I (Administrative Law in Comparative and European Perspective)**

Richard Pomahač

1. Introduction to Administrative Law  
Origin of contemporary systems of Administrative Law in Europe  
Concept of European Administrative Law  
Sources of Administrative Law
2. Substantive Principles  
Legality and Restricted Discretion  
Equality  
Transparency  
Proportionality  
Legitimate Expectations
3. Procedural Principles  
Right to Hearing  
Equality of Arms  
Due Care
4. Public Liability and Personal Data Protection  
State Liability  
Responsibility of Civil Servants  
Data Security
5. Administrative Justice  
Judicial Review of Administrative Action  
Judge-made Law and Leading Cases  
Alternative (non-judicial) Adjudication and Control
6. European Administrative Space  
Supranational, National, Regional and Local Administration;  
Intergovernmental co-operation  
Are there universal principles of good administration?

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## **Administrative Law II (Administrative Law and Public Administration Reform in the Czech Republic)**

**Instructor:** Taisia Čebišová

- 7 Reform of Public Administration and Administrative Law  
Supporting the Process of Change  
Main Stages of the Reform  
Strategy of the Reform  
EU Accession Process Impact
- 8 Organization of the Public Administration  
Central Government  
Local and Regional Government  
Relations between State and Self-governmental Authorities
- 9 Administrative Procedures  
Administrative Procedure Act  
Execution of Administrative Acts, Expediency  
Internal Review
- 10 Judicial Control of Administrative Acts  
Scope and General Principles  
Main Problems (Structures, Protection of Public Interest, Compliance with ECHR)
- 11 Public Administration Accountability  
Parliamentary Control  
Ombudsman
- 12 Public Service Reform  
Status of Public Officials  
Professionalization of Public Service  
Training of Officials

## Reading List

Pomahač, R.: Czech Administrative Law, Charles University, Prague 2004  
Administrative transformation in Central and Eastern Europe (ed. J.J. Hesse), Blackwell, Oxford 1993  
Principles of Administrative Law Concerning the relations between Administrative Authorities and Private Persons, Council of Europe - Directorate of Legal Affairs 1996  
Czech Administrative Law, Law Faculty, 2004

## **Introduction to Public International Law in the Czech Legal Context**

**Instructor:** Pavel Šturma, Prof., JUDr. DrSc. Professor of International Law, graduated from Charles University in 1985, awarded a research degree at the Institute of Law of the Academy of Sciences where he was a research fellow. Prior to his appointment as lecturer (1995) in international law at the Faculty of Law CU, he used to stay at IHEI

University Paris II (1990-91), Council of Europe (1992) and worked as a UN staff member (UN Office at Vienna, 1992-1994). Since autumn 1997 head of the Department of International Law at the Faculty. He is also (co-) author of several books, including Introduction to the European Law of Human Rights Protection (Praha 1994), Asylum and Refugees in International Law (Brno 1997), Course in International Economic Law (Praha 1997), International and European Control Mechanisms in the Field of Human Rights (Praha 1999, 2003), International Criminal Court (Praha 2002), International Responsibility (Brno 2003), as well as many articles published in Czech reviews and partly abroad (in English or French). Member of the Legislative Council of the Czech Government, member of the Permanent Court of Arbitration (The Hague), member of the EU Network of Independent Experts in Fundamental Rights and of several academic and professional associations, visiting professorship at the University Paris XI (2001).

### Course Description

The course intends to provide the participants with basic knowledge concerning the theory of public international law. Particular attention will be given to the Czech position in the international community and to the interaction between the Czech legal system and international law.

### Outline of the Course

1. Introduction to the Course. Basic concepts. Public International Law and its peculiarities in comparison with national legal orders.
2. Relationship between international and internal law. Theory and practice. Comparative approach. International dimension of the Constitution of the Czech Republic. Article 10 and further developments.
3. Subjects of international law. State and its jurisdiction. International organizations at the universal and regional levels. Examples: United Nations and Council of Europe.
4. International status of individuals. Natural and juridical persons. Nationals and other categories of persons. Rights and obligations of individuals under international law.
5. The Czech constitutional Charter of Fundamental Rights and Freedoms. International protection of human rights. Categories of rights. Fundamental United Nations international instruments.
6. International protection of human rights (cont.). Implementation mechanisms at the UN level. Case law.
7. European protection of human rights. Activities and instruments of the Council of Europe. European Convention on Human Rights, European Social Charter, etc.
8. European protection of human rights (cont.). ECHR norms and standards. European Court of Human Rights and its interpretation of the protected rights. Case law.
9. International criminal justice. History and new developments of the prosecution of war crimes and crimes under international law. International

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Criminal Tribunal for the former Yugoslavia.  
International Criminal Court.

10. Time reserve for a possible extension of any subject.  
Case studies. Tutorial.

### Reading List

- Geistlinger Konjecic (ed.): Public International Law at Central European Universities. Casebook, Karolinum, Praha, 2000
- P. Šturma (ed.): Implementation of Human Rights and International Control Mechanism, PF UK, Praha, 1999
- P. Šturma: The European Convention on Human Rights and the Role of National Constitutional Courts, in: Verfassung, Rechtsstaat und Demokratie im europäischen Umfeld. Seminar, PF UK, Praha, 1999
- P. Šturma: Poverty and International Instruments on Economic and Social Rights, in: Hofmann et al., Armut und Verfassung. Sozialstaatlichkeit im europäischen Vergleich, Verlag Österreich, Wien, 1998

## Community European Civil Law

**Instructor: Ulrich Magnus**, Professor, Dr., studied law at the Universities of Berlin, Freiburg and then Heidelberg, where he also received his doctorate degree (1972). He worked for eight years as a research fellow of the Hamburg Max-Planck-Institute for Foreign and Private International Law. Since 1981, Professor for Civil, Comparative and Private International Law at the University of Hamburg; since 1995 also a part-time judge at the Court of Appeal in Hamburg. His main publications comprise comparative studies of the law of damages, books and articles on the Uniform Sales Law, especially the CISG, and on private international law.

**Instructor: Luboš Tichý**, Prof., JUDr., CSc., retains his position at the Faculty of Law, Charles University as the head of the European Community Law Department and has taught commercial and anti-trust law since 1990. He has held fellowships at the University of Michigan Law School, the Swiss Institute of Comparative Law in Lausanne and the Max-Planck-Institute for Foreign and International Private Law in Hamburg. Member of Board of Directors of the Czech Bar Association (1990/1997), President in 1996. Legal Advisor to Federal Minister of Foreign Affairs (1990/1992), Member and Secretary of the Legislative Committee on Constitution, (1991), advisor to the President of the Czech Parliament (1990). Publications (European Law, editor and co-author, Praha 1999), Private Law Obligations in Conflicts of Laws (co-author, Praha 1989, 2 vol.), Commentary on Czechoslovak Law on Conflicts of Laws (co-author, Praha 1988)

### Course Description

The course is a review of the current europeisation of civil law. It approaches this highly important phenomenon of law in the following three parts.

#### Part I

The first part of the course deals with the constitutional basis of europeisation, e.g. discusses the philosophy of the harmonization, the role of European Court of Justice, etc.

#### Part II

The second part is comprised of four stages. In the first stage the course focuses on existing differences between different European countries in the fields of contract, tort and property law and it explains the reason for these differences. Furthermore, the course deals with the, more or less, unplanned convergence of legal developments that are achieved by international conventions (such as the CISG), parallel legislation and the growing similarity of legal methods and legal thinking. In the third stage the course also deals with the present state of the harmonization of contract, tort and property law in the EU. The final stage of Part II presents an evaluation and the prospects for common European private law.

#### Part III

The third part of the course focuses on the development of the Czech legal system under the influence of European private law. Primary attention is focused on consumer protection.

#### **Outline of the Course**

##### 1. Differences

Short introduction to comparative law

Law families in Europe

The main differences in contract, tort and property law between

European Countries and the reasons for their existence

##### 2. Harmonization through legislation and application in the EU

Concept and function of directives within the EC Treaty

Directives in the context of national legal systems

The issue of consistent interpretation

Inadequate implementation

Sanctions for failures of implementation

##### 3. Harmonisation

The legal and institutional background

Harmonisation of contract law in the EU

Directives ( mainly on consumer protection)

the Lando Commission

Harmonisation of tort law in the EU

Directives ( product liability)

Other efforts

Harmonisation of property law in the EU

##### 4. Harmonization of private law

Harmonization of contract law in the EU

##### 5. Czech private law in the process of Europeanization

Current status of the reform of contract law

Law of torts

Property law

Private international law

Civil procedure

##### 6. Czech consumer protection law in the view of its approximation with

EC law

Product liability approach

Strict liability for services

Consumer protection in contract law

##### 7. Assessments and perspectives at the Czech Republic level

#### **Reading List**

Introduction into Comparative Law, Zweigert, Kötz (J. C. B. Mohr, 2nd ed.)

## Spring Semester

### Theory and Social Context of Human Rights: Czech Experiences

**Instructor: Jiří Přibáň**, Prof., JUDr., DrSc., Faculty of Law graduated from Charles University in Prague in 1989 and joined Cardiff University as a full-time member of staff in 2001. He received his LLD in 2002 and was appointed visiting professor of legal philosophy and sociology at Charles University by President of the Czech Republic in November 2002. He was also visiting professor or scholar at European University Institute in Florence, New York University (Prague Office), University of California in Berkeley, University of San Francisco, and University of Pretoria.

He has published extensively in the areas of sociology of law, legal philosophy, constitutional and European comparative law, and theory of human rights. He is an editor of the *Journal of Law and Society* and a regular contributor to the BBC World Service, the Czech TV, newspapers and other periodicals.

#### Course description

This course examines the human rights developments in the postcommunist Czech Republic. It focuses both on the common and specific features of the legal transformations in the fields of human rights. It provides an opportunity to understand the post-communist legal developments within the social, political and historical context. The course also considers some of the legal aspects of the integration of those countries into the European Union. Students will be introduced to the theoretical and social aspects of the new human rights legislation.

#### Lecture I: Introduction

#### Lecture II: Human Rights Between Past and Future

1. History of Dissident Movements and Human Rights Activists in the Czechoslovak Communist Regime
2. The Charta 77 Petition and Its Role Within the Context of European Politics
3. The Fall of the Berlin Wall; Liberal Aspects of the 1989 Revolutions
4. Human Rights as a Revolutionary Strategy
5. In the Wake of Constitutional Changes
6. Is There Anything Natural About Human Rights?

#### Lecture III: Human Rights Legislation and the European Convention

1. The Czechoslovak Charter of Fundamental Rights and Freedoms

- A Matter of Political Principles, Moral Virtues and Legal Rights
2. The Position of the Charter Within the Czechoslovak and Czech Constitutional Order
3. The Structure of the Charter: Different Kinds of Human Rights
4. Influences of the European Convention on Human Rights on the Post-Communist Legal Systems
5. Making Human Rights Naturally: Elements of Natural Law in the Charter
6. Human Rights and New Legal Culture

#### Lecture IV: Constructing the Protection of Free Speech and Democratic Politics

1. Freedom of Thought and Its Codification in the European Convention on Human Rights
2. Freedom of Expression as a Bridge Between Fundamental Human and Political Rights
3. The End of Ideocracy and Umma
4. The Index on Censorship
5. Hate Speech and Its Criminal Law Regulations
6. Politics of Tolerance and Its Limits

#### Lecture V: Public Morality, Private Enterprises and Freedom of Expression

1. What Concerns Public Morality?
2. Pornography
3. Images of Violence
4. Press and Media Legislation
5. Regulatory Media Boards
6. Freedom of Expression and Advertisement Business

#### Lecture VI: The Communist Legacy and Different Forms of Property Privatisation

1. Private Ownership and the Communist Past
2. Inequality Between State and Private Property
3. The Reconstruction of Property Rights after 1989
4. Civil Law Culture and Property Rights Codifications
5. The Process of Privatisation Management Privatisations, Public Coupons, or Restitutions?
6. Political Benefits and Legal Mistakes of the Coupon Privatisation

#### Lecture VII: Property Restitutions and the Matter of Justice

1. Restitutions and Historical Justice

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2. Economic Benefits of Restitutions  
 3. Arguments Against Restitutions Historical Discrimination;  
 Everybody, or Nobody  
 4. Outsiders of the Restitution Legislation  
 5. Jewish Property Restitutions  
 6. Restitutions and the Decision-Making of Constitutional Courts

Lecture VIII: Legal Transformation of Social Rights and the Social Welfare State

1. The Concept of Social Rights, Its Constitutional Definition and Legal Protection  
 2. Social Welfare State after Communism  
 3. Social Rights and Changes in a Structure of Post-Communist State Budgets  
 4. How Extensive Should the System of Social Benefits Be?  
 5. Health Care and Its Transformation  
 6. Education Your Right or Privilege?

Lecture IX: Post-Communist Social Welfare and Gender Equality

1. Double Social Role of a Socialist Woman  
 2. The Status of Women after the 1989 Revolutions  
 3. Feminist Pressure Groups and Their Programmes  
 4. Legal Rights, Benefits and Motherhood  
 5. Equal Treatment, Jobs and Labour Law  
 6. Western Standards and Eastern Experiences

Lecture X: Multiethnic Conditions of Central Europe

1. Central/Eastern Europe History of Ethnic and National Minorities  
 2. Nation States and Their Minorities History of Loyalty and Rebellion  
 3. Jewish Community and Antisemitism  
 4. The Concept of Minority Rights and Its Constitutional Protection  
 5. Ethnic Minority Rights Culture and Politics of Identity and Alterity  
 6. The European Council Documents on Ethnic Minority Rights

Lecture XI: Gypsies and Their Place in the Map of Europe

1. Gypsy/Roma Community and Its European History  
 2. Legal Discrimination Against Gypsies and Their Life-Style Before 1989  
 3. Economic Corruption and Social Ignorance of Gypsy Community  
 4. Racism, Xenophobia and Their Victims

5. Citizenship Legislation and Gypsy Community  
 6. Affirmative Action in the Post-Communist Societies

Lecture XII: Conclusions

### Reading List

#### The Course Book:

Priban, J. Dissidents of Law. 2002. Aldershot. Ashgate

Priban, J. and J. Young (editors). The Rule of Law in Central Europe. 1999. Aldershot, Ashgate Publishers

#### General Literature on Central and Eastern Europe History and Post-Communist Transition:

Berglund, S. and J.A. Dellenbrant. The Breakdown of Authoritarianism in Eastern Europe. in Berglund, S. and J.A. Dellenbrant (editors). The New Democracies in Eastern Europe: Party Systems and Political Cleavages. 1991. Aldershot, Edward Elgar Publishing, p.112

Dahrendorf, R. Reflections on the Revolution in Europe. 1990. London

East, R. and J. Pontin. Revolution and Change in Central and Eastern Europe. 1997. London, Pinter Publishers

Elster, J. The Round Table Talks in Eastern Europe. 1995. Chicago, University of Chicago Press

Funk, N. and M. Mueller (editors). Gender Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union. 1993. London, Routledge Publishers

Garton Ash, T. We the People. 1990. London, Granta  
 Glenny, M. The Rebirth of History. 1993 London, Penguin

Havel, V. Summer Meditations. 1993. New York, Vintage Books

Keanne, J. (editor). The Power of the Powerless: Citizens against the

State in Central-Eastern Europe. 1985. London, Hutchinson Press

Kiraly, B.K. and A. Bozoki (editors). Lawful Revolutions in Hungary 1989-94 1995. Colorado, Atlantic Research and Publications

Krygier, M. and Czarnota, A. The Rule of Law after Communism. 1999. Aldershot. Ashgate

Lewis, P.G. Central Europe since 1945. 1994. Harlow, Longman House

Prins, G. (editor). Spring in Winter: The 1989 Revolutions. Manchester, Manchester University Press

Skalnik Leff, C. National Conflict in Czechoslovakia. 1988. Princeton University Press

Skilling, H.G. The Governments of the Communist East Europe. 1966. New York, Crowell

Stokes, G. The Walls Came Tumbling Down. 1993. Oxford, Oxford University Press

- Wandycz, P.S. *The Price of Freedom*. 1992. London, Routledge
- Literature on Constitutional and Human Rights Transformation:
- Agh, A. *The Permanent Constitutional Crisis in the Democratic Transition: The Case of Hungary*. in Hesse, J.J. and N. Johnson. *Constitutional Policy and Change in Europe*. 1995. Oxford, Oxford University Press, p.296326
- Brzezinski, M. and L. Garlicki. *Judicial Review in Post-Communist Poland: The Emergence of a Rechtsstaat?* (1995) 31 *Stanford Journal of International Law*
- Butorova, Z. *A deliberate Yes to the dissolution of CSFR?*. In *Czech Sociological Review I*. (1993), p.5872
- Cotterrell, R. *Some Aspects of the Communication of Constitutional Authority* in Nelken, D. (editor). *Law as Communication*. 1997. Aldershot, Dartmouth Publishers, p.129-151
- Elster, J. *Constitution-Making in Eastern Europe: Rebuilding the Boat in the Open Sea*, in 71 *Public Administration* 12 (1993), p.169217
- Elster, J. *Transition, constitution-making and separation in Czechoslovakia*. In *European Journal of Sociology* 36 (1), p.105134
- Finer, S.E. *Comparing Constitutions*. 1995. Oxford, Clarendon Press
- Hollander, P. *The new Slovak constitution: a critique*. in *East European Constitutional Review*, 1992
- Kurczewski, J. *The Resurrection of Rights in Poland*. 1993. Oxford, Clarendon Press
- Laciak, B. *Family Benefits and Social Policy in Poland* in Maclean M. and J. Kurczewski (editors). *Families, Politics and the Law: Perspectives for East and West Europe*. 1994. Oxford, Clarendon Press, p.277288
- Pogany, I. *Human Rights in Eastern Europe*. 1995. Aldershot, Edward Elgar Publishers
- Pogany, I. *Righting Wrongs*. 1998. Manchester, Manchester University Press
- Rosenberg, T. *The Haunted Land: Facing Europe's Ghosts after Communism*. 1995. New York, Vintage
- Sajo, A. (editor). *Western Rights? Post-Communist Application*. 1996. London, Kluwer
- Sajo, A. *Reading the Invisible Constitution: Judicial Review in Hungary*, (1995) 15 *Oxford Journal of Legal Studies*
- Schwarz, H. *Lustration in Eastern Europe* (1994) 1 *Parker School Journal of East European Law*, 141
- Skilling, H.G. *Charter 77 and Human Rights in Czechoslovakia*. 1981. London, Allen & Unwin
- Sokolewicz, W. *The Relevance of Western Models for Constitution-Building in Poland* in Hesse, J.J. and N. Johnson. *Constitutional Policy and Change in Europe*. 1995. Oxford, Oxford University Press, p. 243277
- Stein, E. *Post-communist constitution-making*. *New Europe Law Review I*. (1993), p.421475
- Stein, E. *The New East European Constitutional Courts* 13 *Michigan Journal of International Law* 1992

## European law in the Czech-EU Context

**Instructor: Jiří Zemánek**, JUDr.Ing.CSc., graduated in law and economics in Prague. Since 1993 a researcher in international economic law at the Czechoslovak Academy of Sciences. In 1990 fellow of the Alexander von Humboldt-Stiftung at the Max-Planck-Institute for Foreign and International Private Law in Hamburg, in 1991 assignment at the Swiss Institute of Comparative Law in Lausanne. In 1993 he came to the Charles University as a full-time lecturer, since 1998 Jean Monnet Professor of EU-law focusing on European constitutional law (member of the European Constitutional Law Network) and legal implications of the Czech accession to the EU. Member of the Council for Legislation of the Czech Government, President of the Czech Branch of International Law Association.

**Instructor: Richard Král**, Doc. JUDr. LL.M., (In collaboration with *Manfred A. Dausés*) lecturer in European law at Charles University Faculty of Law since 1992. Graduated from the Law Faculty in 1986. Master of EC Law at the University of Amsterdam (1990-91). Member of the Czech Bar. Author of many books, textbooks and articles on the European law issues. E. g. *Transposition and implementation of EC Directives in the EU member states and Czech Republic*, Prague C. H. Beck 2002; *Principles of application of EC law by national courts*, Prague C. H. Beck 2003.

**Instructor: Manfred A. Dausés**, Professor, studied law and political sciences at the Universities of Erlangen-Nürnberg, Würzburg and Lausanne; Dr. iur. utr. (University of Würzburg 1970); research fellowship at Georgetown University, Washington D. C. (1970/71); advanced studies at ENA Paris (1972/73). Public prosecutor and judge at Landgericht Essen; temporarily seconded for service with the Bundesministerium der Justiz (1975/78); legal secretary/director at the European Court of Justice (1979-92). Since 1993 Professor of Public Law, especially European Law, at the University of Bamberg (since 1993); visiting Professor at Charles University since 1995; extensive lecturing and consulting activities in the EU and CEECs, USA and Japan. Publications (a. o.): *Handbuch des EG-*

Wirtschaftsrechts (7th ed. 1997, loose-leaf in two volumes), co-editor of Europäische Zeitschrift für Wirtschaftsrecht

### Course description

First, basics of the institutional and legal system of the European Union and fundamental principles of its operation and evolution are presented. Then, summary of EU law of internal market and related policies will follow. On this background institutional and legal aspects of Czech EU membership shall be introduced. The reforms made to meet the requirements of EU membership and challenges of enlargement by the acceding countries and by the European Union, will be briefly reviewed. Special attention shall be paid to the analysis of the Treaty on Accession and transitional measures concerning Czech Republic. Then, the effects of EU law within the Czech legal and judicial system will be analysed. The innovative potential of the Treaty on a Constitution for Europe will be discussed, too. The students should be given an impetus for their own judgements, opinions and approach; therefore, the discussion in the class is welcome.

### Outline of the course

1. The evolution of EC/EU
  - Community pillar
  - Common Foreign and Security Policy
  - Police and Judicial Cooperation in Criminal Matters
2. Basic methods and principles of EU system of governance
  - Intergovernmentalism
  - Supranationalism
  - Division of powers
3. The EU and its Member States
  - Becoming a Member State
  - The membership's rights and duties
  - Enhanced co-operation
4. The EU-citizenship
  - An individual in the focus of the EU-law
  - The legal substance of the EU-citizenship
  - Protection of fundamental rights
5. The system of EU law
  - Definition
  - Sources
  - General principles
6. The decision-making process
  - Institutions and their powers
  - Community method
  - Role of national Parliaments
7. The law of Internal Market
  - Four freedoms
8. The EU competition law and policy
  - Free movement of goods
  - Free movement of workers
  - Cartels
  - Abuse of dominant position
  - State aids
  - Enforcement
9. The Harmonization of Member States law
  - Implications of Cassis de Dijon case for approximation
  - Models of so called partial or core harmonization
  - The new approach to harmonization
  - Illustrative examples of new approach
10. The Court of Justice
  - Jurisdiction
  - Position (in the EU-institutional balance and vis-à-vis the Member States)
  - Procedures and rules
11. The Court of Justice and national courts
  - Preliminary ruling procedure
  - Cases
12. The application and enforcement of the EC law by the national courts and administrations
  - Direct applicability of EC law
  - Supremacy of EC law
  - Principles of loyalty and effect utile
13. The Community Directives
  - Structure
  - Proper transposition
  - Consequences of improper transposition
  - Transposition of Community Directives in the Czech Republic
14. Accession of the Czech Republic and its effects
  - The Treaty on Accession (scope of obligations, transition arrangements)
  - The Czech constitutional context of attribution of powers
  - The enforcement of EU law within the Czech legal system
15. The European Constitution in the making
  - The constitutionalisation of European law by the case law of the ECJ
  - The drafting of Treaty by the European Convention
  - The structure of the document
16. The Treaty on a Constitution for Europe
  - Selected issues
  - Entry into effect
  - The Czech position

### Reading list

Dausen Manfred, Zemánek Jiří, Král Richard, Selected materials

Steiner Josephine, Woods Lorna, Textbook on EC Law, Blackstone 1999/2003  
[www.europa.eu.int](http://www.europa.eu.int) (Selected documents)

## Commercial Law and International Transactions

**Instructor: Monika Pauknerová**, Prof., JUDr. CSc., graduated from Charles University in 1975; 1975-1979 postgraduate study at the Institute of State and Law at the Czechoslovak Academy of Sciences in Prague and since 1980 research fellow there. Since 1993 lecturer and since 2002 Professor in Private International Law and International Commercial Law at the Faculty of Law. More than 25 years experience in this field. President of the Czech National Committee of the International Association of Legal Sciences (IALS), since 2003 member of the International Committee of Comparative Law of the IALS. Since 2004 member of the European Group for Private International Law. Since 1990 member of the Czech National Committee of the International Law Association. Since 1985 arbitrator at the Arbitration Court in Prague. Author of more than 120 publications.

Other lecturers:

**Alena Bányaiová**, JUDr., CSc., practising lawyer with more than 20 years of experience in economic and commercial law. Received her doctoral degree (JUDr.) from Charles University in 1973; in 1988 received CSc. degree (PhD equivalent), from Charles University. Served as an arbitrator at the Czechoslovak State Arbitration Agency, between 1976-87 a member of the Legislative Department of the Czechoslovak State Arbitration Agency, between 1988-89 research scholar at the Institution of State and Law of the Czechoslovak Academy of Sciences and since 1991 in private practice. A member of the Legislative Council of the Government of the Czech Republic. A member of the Czech Bar and the International Bar Association. Author of about 30 articles. Since 2001 arbitrator with the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic with its seat in Prague.

### Course Description

The course consists of two parts. The first part focuses on the general principles of Czech commercial law, in particular the legal status of entrepreneurs, and the essentials of Czech company law. Special attention will be paid to the latest developments in regulations regarding company law, as well as the main issues of the competition law. The course will deal with the law of commercial contracts including security obligations,

breach of contracts, liability for damages and other types of remedies.

The second part of the course will be oriented directly to commercial relations with an international element, their legal regulations, as well as to some practical implications. Special regard will be paid to the conflict of laws rules. Further parts concern international trade regulation, in particular commercial contracts and other formulations. Attention will also be drawn to the settlement of disputes, especially to the commercial arbitration.

### Outline of the Course

#### I. Commercial Law

##### General principles of commercial law

- legal status of entrepreneurs
- representation of business entities

##### Company law

- essential of Czech company law
- legal forms of companies
- establishment of companies
- reorganization and dissolution of companies

##### Company law – general partnership

- corporate structure
- rights and duties of partners
- reorganization and dissolution

##### Company law – limited liability company

- corporate structure
- rights and duties of members (shareholders)
- rights and duties of corporate bodies
- increase and decrease of the registered capital
- reorganization and dissolution

##### Company law – joint stock company

- corporate structure
- shares, registered capital
- establishment of a joint stock company

##### Company law – joint stock company

- Corporate bodies
- Duty of care
- Liability of members of corporate bodies

##### Company law – joint stock company

- rights and duties of shareholders
- participations of shareholders in management of the company

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- principles of minority shareholders protection
- mandatory tender offers

#### **Competition law**

- unfair competition
- merger control

#### **Commercial obligations**

- general principles
- types of commercial obligations
- law of contracts

## II. Private International Law and International Transactions

### **1. General introduction and special characteristics of the Czech private international law, conflict of laws and substantive rules**

- a) General introduction - the working of private international law demonstrated
- b) Classification of private international law rules and related rules:
  - conflict rules
  - direct substantive rules
  - rules governing status of aliens
  - mandatory rules (rules of immediate application)
  - rules of international civil procedure
- c) Conflict rules in general
- d) Elements of conflict rules, connecting factors

### **2. General introduction (continued), Sources of the Czech private international law, European private international law**

- a) Sources of the Czech private international law
  - national law
  - international treaties and conventions
  - other sources
- b) European private international law - introduction
- c) Special characteristics of Czech private international law

### **3. General problems of Private international law (selected topics)**

- a) Classification (qualification)
- b) *Renvoi*
- c) Application of foreign law

- d) Public policy

### **4. Private international law rules and related rules, rules of immediate application**

- a) Direct substantive rules
- b) Conflict rules and direct substantive rules in Czech private international law
- c) Mandatory rules (rules of immediate application)

### **5. Persons in Czech and European private international law**

- a) Natural persons in private international law
- b) Legal persons and “other than foreign natural persons” in private international law
- c) Persons and freedom of establishment in European Community law

### **6. Contractual and non-contractual obligations in Czech and European private international law**

- a) Contracts and Czech conflict of laws
- b) Autonomy of the parties, determination of the proper law of contract
- c) Damages and Czech conflict of laws
  - contractual damages
  - non-contractual damages
  - the applicable law
- d) Contractual and non-contractual obligations in European private international law

### **7. International commercial contracts and Czech law - general climate, sources of law and other formulations**

- a) International commercial contracts
- b) Sources of law
- c) Other formulations - *lex mercatoria* under Czech law
  - international commercial usages
  - model and standard contracts
  - general conditions for delivery

### **8. Settlement of disputes and commercial arbitration in the Czech Republic**

- a) Introduction
- b) Litigation or alternative dispute resolution
- c) litigation - law of international civil procedure in the Czech Republic, European Community law
- d) alternative dispute resolution

9. Arbitration in the Czech Republic
  - a) sources of law
  - b) the scope of application of arbitration agreements
  - c) arbitration *ad hoc* and courts of arbitration
  - d) characteristic features of arbitration under Czech law
  - e) arbitration and civil procedure

### Reading List

- Doing Business in the Czech Republic, editor Monika Pauknerová, Juris Publishing, New York 1999 (Contributors: A. Banayiová, D. Falada, A.Kerner, P. Kotáb, L. Neustupná, M. Pauknerová, J. Zemánek, V. Zunt)
- Pauknerová, M., Private International Law, Czech Republic in: International Encyclopedia of Laws, Kluwer Law International, The Hague 2002
- Private international law in Czechoslovakia, Zdeněk Kučera, in: Bulletin of Czechoslovak Law, vol. 23, No. 24, Prague, 1985
- The Commercial Code, Commentary, Trade Links, Prague
- Czech Business Law, Z. Slováková, foreword by M. Pauknerová, UK PF, Prague 2005

## Czech and European Environmental Law and Policy

**Instructor: Milan Damohorský**, Doc., JUDr., DrSc., graduated from the Faculty of Law in 1985. Before becoming Associate Professor of Environmental Law at Charles University in 1998, he served as lawyer specialist at the State Institute for Nature Conservation. At present he is Vice-Dean for Foreign Affairs, Head of the Environmental Law Department and Director of the CLS Programme. He is member of the Commission of Environmental Law of the International Union for Nature Conservation (from 1994) and European Council of Agricultural Law (from 1999), president of the Czech Society for Environmental Law (from 2001). His main publications comprise monograph on environmental law liability and nature conservation. Author or co-author of more than 140 of books, commentaries, textbooks and articles on the environmental law issues. Damohorský, M., Drobník, J., Smolek, M., Sobotka, M., Stejskal, V.: Environmental Law. 1.Edition. Publishing house C.H.Beck 2003, 545 str., ISBN 80-7179-747-2, Damohorský, M.: Czech Environmental Law, Textbook. Book Edition: Czech Law and the

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European Union, Volume 2, Charles University, Prague 2003, ISBN 80-85889-49-8.

**Instructor: Michal Sobotka**, JUDr., PhD., graduated from the Faculty of Law in 1996. At present he is an senior lecturer in the Department of Environmental Law and tutor of the CLS Programme. He cooperates intensively with the Czech Ministry for Environment. Specialization in water and waste management law. Contributions in some environmental law books and journals. Sobotka, M.: Legal and Economic Instruments of the Environmental Protection - Monography. In: Acta Universitatis Carolinae – Iuridica, Prague, 2002, No. 3-4/2001, ISSN 0323-0619; ISBN 80-246-0444-2.

### Course Description

The course provides information about the development of the Czech environmental policy and law since 1990 and about their current status. The course deals with legal, economic and institutional instruments of environmental protection in the Czech Republic. It covers both sectoral and horizontal Czech environmental legislation and the background of public administration of the environmental protection. The course also provides general information about the process of approximation of the Czech environmental legislation with that of the EC and about the current state of international and European standards of environmental protection.

### Outline of the Course

1. The state of the environment and environmental policy in the Czech republic since 1989.
2. Environmental law (system, instruments). Institutional safeguards for environmental protection.
3. The liability system of environmental protection.
4. Access to environmental information, public participation in environmental decision-making.
5. Main horizontal legislation: EIA, IPPC, land-use planning.
6. Biodiversity and Nature protection.
7. Land and Forrest Protection.
8. Air and Water protection.
9. Waste and waste packaging management regulation. Noise regulation.
10. Chemical substances and other sources of environmental harm. Nuclear Safety and protection against accidental harm.
11. Protection against natural disasters.

12. International, European and national environmental policy.
13. Problems of transposition and implementation of community law into the Czech legal order.

### Reading List

Damohorský, M.: Czech Environmental Law, Charles University, Prague 2003  
 Kiss, A. Shelton, D.: Manual of European Environmental Law, Cambridge University Press 1993  
 Kraemer, L.: European Environmental Law Casebook, Sweet and Maxwell, London, 1993  
 Environmental Laws of the Czech Republic Volume one till five, Ministry of Environment 1993-1999  
 State Environmental Policy, Ministry of the Environment of the Czech Republic, Prague 2004

## Institutional Economics and Economics of the Public Sector

**Instructor: Jan Urban**, Doc. PhDr., Ing., CSc. obtained degree in economics from The Prague School of Economics and doctorate in philosophy from Charles University. Prior to becoming Head of Department of National Economy at the Charles University School of Law, worked as an economic advisor at the Prime Minister office and for several years in the Economic and Forecasting institutes of the Czech Academy of Sciences. Founded and for two years edited the leading Czech economic magazine „Ekonom“, lectured at universities in Western Europe and USA. As a freelance consultant supported change strategy in several important companies. His main areas of specialisation cover impact of institutional framework on economic performance and change management.

### Course description

The course is divided into two mutually related parts. The purpose of the first part is to describe and explain how economic behavior is influenced by institutions a how institutions vary widely in their impacts on economic performance: while some economies develop institutions that produce growth and development, other develop institutions leading to high costs, economic problems and stagnation.

The second part of the course focuses on functioning and economic principles of the public (government) sector. It looks both at general goals, mechanisms and efficiency of the public sector and at its specific issues analysed by economic theories of public choice,

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regulation, taxation and income redistribution, government bureaucracy and public companies.

### Outline of the course

#### Part I

1. Institutional Economics: Basic Premises and Concept
2. Economic Theory of Ownership Rights
3. Theory of Contractual Relations
4. Theory of Corporate Governance
5. Institutions and Economic Transformation

#### Part II

1. Economic Reasons of Government
2. Theory of Public Choice
4. Public Sector and Bureaucracy
5. Theory of Taxation, Taxation and Efficiency
6. Public Social and Health Care Systems: Costs and Benefits

### Selected Reading

Structure and Change in Economic History, D.C. North, 1981  
 Institutions, Institutional Change and Economic Performance, D.C. North, 1991  
 Economics of the Public Sector, J. E. Stiglitz, 1988  
 Privatization and Institutional Reforms in Czech Republic, J.Urban 2004

## International and European Protection of Human Rights

**Instructor: Harald Christian Scheu**, Mag. phil. Dr. iur. Ph.D., Educated at the University of Salzburg (Dr.iur., 1995, Mag.phil., 1996) and the University of Prague (Ph.D., 1997). Since 1997 at the Department of International Law at the Law Faculty of Charles University. Teaches and conducts research in issues concerning International Law and Human Rights Law.  
**Instructor: Stanislava Hýbnerová**, Doc. PhDr., CSc., has a degree in philosophy and a law degree from Charles University. She studied at the Indian School of International Studies in New Delhi where she wrote her thesis. After fulfilling different assignments she joined the Faculty of Law of Charles University where she is now associate professor at the Department of International Law (and Politics) with focus on international law and on human rights. She is one of the founders of the Czech branch of the International Studies Association and of the Czech Atlantic Commission. She was reading lectures at several

foreign, mostly American Universities. In 1995 she was teaching the course Central and Eastern Europe: Two Hundred Years of Nationalism in the summer session at Adelphi University in New York. Since 1996 she has been teaching the course Russian Road to Democracy for the English speaking students at the Economic University in Prague.

### Course Description

The protection of human rights is a fundamental component of the current international legal system. Basic rights and freedoms of the individual have been confirmed in various international declarations and conventions. The course introduces students to the development of both universal and regional human rights instruments. Students will examine the international protection of human rights in the context of current changes in the structure and organization of international law. There will be discussion on the development of the universal human rights system, the contribution of the United Nations to a comprehensive legal and political approach on the international level and the issue of cultural relativism in the field of human rights protection. Students will explore the functioning of universal and regional human rights mechanisms. The course aims at providing insight into relevant instruments of protection, like e.g. individual complaints, state reports and fact-finding missions. In this context students will study selected case-law developed by the European Court of Human Rights and other international bodies.

#### Outline of the course

1. The Basic Structure of the International System for the Protection of Human Rights
2. UN Human Rights Treaties
3. Universality versus Cultural Diversity
4. Case Study – Individual Communication to the Human Rights Committee
5. Regional Human Rights Treaties
6. Theory and Practice of the European System of Human Rights
7. Case Study – Procedure before the European Court of Human Rights
8. The Rights of National Minorities and the Elimination of Racial Discrimination
9. Current Aspects of International Humanitarian Law

### READING LIST

- Henry J. Steiner, Philip Alston (ed.), *International Human Rights in Context*, Clarendon Press, Oxford, 1996
- Paul Sieghart, *The International Law of Human Rights*, Clarendon Press, Oxford, 1983
- R. St. J. Macdonald, F. Matscher, H. Petzold (ed.), *The European System for the Protection of Human Rights*, Martinus Nijhoff Publishers, 1993
- P. van Dijk, G. J. H. van Hoof, *Theory and Practice of the European Convention on Human Rights*, second edition, Kluwer Law and Taxation Publishers, 1990
- Sandra Fredman (ed.), *Discrimination and Human Rights. The Case of Racism*, Academy of European Law, European University Institute, Oxford University Press, 2001. Asbjorn Eide, Catarina Krause, Allan Rosas (ed.), *Economic, Social and Cultural Rights. (A Textbook)*, Martinus Nijhoff Publishers, 1995
- Benedetto Conforti, Francesco Francioni (ed.), *Enforcing International Human Rights in Domestic Courts*, Martinus Nijhoff Publishers, 1997
- C. A. Gearty, *European Civil Liberties and the European Convention on Human Rights. (A Comparative Study)*, Martinus Nijhoff Publishers, 1992
- René Provost, *International Human Rights and Humanitarian Law*, Cambridge Studies in International and Comparative law, Cambridge University Press, 2002
- Gudmundur Alfredsson; Asbjorn Eide, *The Universal Declaration of Human Rights: A Common Standard of Achievement*, Martinus Nijhoff Publisher, Kluwer Law International, 1999
- Hurst Hannum, Richard B. Lillich, *International Human Rights: Problems of Law, Policy, and Practice*, Aspen Pub., 1995.
- Frank C Newman; David S Weissbrodt, *International Human Rights: Law, Policy, and Process*, Second edition, Anderson Pub., 1996.
- Michael Geistlinger, Erwin Konjecic, *Public International Law at Central European Universities*, Karolinum, Prague, 2000..
- Bernhardt (ed.), *Encyclopedia of Public International Law*, Volume I-IV, 1992-2000.



## About Charles University



Founded in 1348 by the Czech King and Roman Emperor Charles IV, Universitas Carolina Pragensis is the oldest university in Central Europe. It has enjoyed a long international reputation for high quality teaching and research. From the very beginning, instruction in Canon Law and Roman Law has been a part of the curriculum of Charles University and formed the basis of *ius communae europae*. Among the University's distinguished alumni, Johannes Kepler, Bernard Bolzano, T. G. Masaryk and Albert Einstein are included.

The fortunes of the University have been linked with the fates of the nation. In the second half of the XIXth century, the University was challenged by the aspirations and ambitions of political self-reliance. In 1882 the government in Vienna was forced (by the efforts of independence in the cultural and intellectual life of the Czech society) to divide the University into two separate institutions, the German one and the Czech one. This double status lasted until the German occupation. Protests by its students resulted in the closing of Czech universities from 17th November 1939 for the next six years. Some students and professors were executed, many of them oppressed. In 1945 the German University was abolished and the Czech one re-established. But, academic freedoms and privileges were violated again by the communist regime after the *coup d'etat* in 1948.

Charles University supported the political revolt of the *Prague Spring* in 1968. After a 'strike of sympathy' evoking strong feelings of solidarity between students and university academic staff, Jan Palach, a student of the Faculty of Arts, committed suicide, in an attempt to provoke resistance against the Russian occupation. Oppression followed . . .

The rebellion of Charles University students on 17 November 1989 started subsequent political developments in the country. Since the re-establishment of a democratic government and basic rights in the Czech Republic in 1989, Charles University has been facing the challenge of evolving and adapting in a rapidly changing environment, and has been prompted to revive its international position as a centre of excellence. The total number of its students now amounts to more than 40,000 throughout 17 Faculties.

## About The School of Law



**PRÁVNICKÁ FAKULTA**  
UNIVERZITY KARLOVY V PRAZE



With more than 4000 students, the Faculty of Law is the largest accredited law faculty in the country. Many of its alumni hold prominent positions in the central and regional administration, the public service as well as in advocacy and private business.

The basic legal education at the Faculty takes five years and the curriculum is taught entirely in Czech. The first year provides students with a thorough background in Czech and European legal history, Roman law, legal theory and national economics. During the following four years, students are offered an in-depth study in all fields and aspects of law. Students who have completed this curriculum graduate as *Master of Law* (Mgr.). Those who pass successfully the rigorosum-exam are awarded the academic title JUDr. The Faculty also offers advanced studies within a three-year post-graduate curriculum, leading to the doctoral degree of *PhD*.

Since 1998/99 the Faculty has gradually been involved, together with universities in Germany, France, the United Kingdom, Ireland, Austria, Switzerland, Greece, Italy, Spain, Portugal, Belgium, the Netherlands, Denmark, Finland and Sweden, in the student and teaching staff mobility scheme within the ERASMUS programme of the European Union. Courses offered in English have been covered by the European Credit Transfer System (ECTS). The Faculty also admits students under the exchange programmes of inter-governmental cultural agreements and inter-university

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agreements. Each academic year, about 60 law students from the Member States of the European Union can spend one or two terms in Prague, while the equivalent approx 110 of Czech law students from Law Faculty of Charles University go abroad for a comparable period.

The students of Charles University consistently achieve distinguished positions among non-native English speakers in the International Moot Court competitions ELMCS, Jessup, Telders and R. Cassin (in 1998 and 2001 the Regional Final of the ELMCS was held in Prague). The Faculty has the pleasure of hosting the 2-year Distance Learning Programme organized by the Warsaw Centre for English and European Law of the University of Cambridge. There is a close co-operation with the University of San Francisco and South Texas (Summer Law School in Prague) and the University of Pretoria (South African Republic). The Faculty also maintains many bilateral projects with a number of another partner universities e.g. in Canada (McGill University), Japan (Waseda and Tsukuba Universities), Australia (Queensland) as well as in Slovakia, Poland, Hungary etc. There is an active branch of the European Law Students Association (ELSA) together with other students associations Vsehrd and Common Law Society.

There is an established commitment within the University to interdisciplinary training in the management of EU-affairs for professionals from state bodies, non-profit entities, etc., called *Europeum*. The Faculty has been regularly inviting visiting professors and leading specialists from Germany, France and the United Kingdom, who are providing students with a unique opportunity to obtain first-hand knowledge of their respective legal systems.

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