



LL.M. PROGRAMME

SPECIALIZATIONS:

- ▶ *The Law and Business in the Czech Republic and Central Europe*
- or
- ▶ *International Human Rights Law and Protection of Environment*



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Prague LL.M. Programme

International Master of Laws (LL.M.)

The Faculty of Law of the Charles University has gained much experience in pedagogical and scientific work in the area of Europeization and internationalization of studies. This holds true not only with respect to the education of Czech students but also with respect to the education of foreign students on the international level. It is especially important to note the successive creation of the study programme “Czech Legal System in European Context”, which is taught solely in English and is predominantly designed for LLP–ERASMUS students from the EU. This programme has been facilitated at our Faculty by the fact that we have offered programs for international students for more than 10 years already. In particular, the 20th Session of Summer Law School with University of San Francisco was held in 2010 and the 7th year of Summer Law School with South Texas College of Law was held in Prague the same year. In addition, exchange programmes with foreign universities make it possible for student exchanges with universities outside of the EU, especially with NOVA Southeastern University, University of San Francisco, University of Miami and others. At the end of 2008 all Ph.D. study programmes carried out at the Law Faculty were accredited also for the English language.

By introducing its own LL.M. programme, the Faculty of Law of the Charles University seeks to join the ranks of the world’s leading academic institutions in the field of law. However, implementation of such a programme cannot be seen as a purely technical issue. Students of the LL.M. programme become clients of the Faculty and are not students in the classical meaning. The content of courses will not be purely theoretical, but quite to the contrary – they will be highlighted by an interactive approach focused on practical skills and knowledge. It will therefore be undertaken to offer to the prospective students activities like case studies, moot courts, clinics, excursions etc. Prominent international scholars will also be invited to participate in the programme, either by way of individual lectures or whole courses.

The organizational aspects of the programme shall be administered by the International Office of the Faculty and the person responsible for the LL.M. programme in whole shall be the Vice-Dean for International Relations, Professor Milan Damohorský. Each of the two modules will also have its own responsible tutor.

Prof. JUDr. Milan DAMOHORSKÝ, DrSc.
Vice-Dean for International Relations
LL.M. Programme Director





SPECIALIZATION 1

The Law and Business in the Czech Republic and Central Europe

Tutor: Prof. JUDr. Monika PAUKNEROVÁ, CSc., DSc.

» GENERAL OVERVIEW

This LL.M. programme offers its participants a unique chance to cover in detail all areas of Private Law relevant for Central European countries. This means that the programme will not solely deal with local legislation governing business activities. On the contrary, it will provide students with broad exposure to various fields and relevant regulations. Special emphasis will be given to the legislative impact of the European Union and also to the aspects of Private International Law. An integral part of the programme will be excursions – e.g. to the Czech National Bank, High Court in Prague, Metropolitan Court in Prague, Stock Exchange, Economic Chamber of the Czech Republic, Agricultural Chamber of the Czech Republic, Arbitration Court attached to the Economic Chamber of the Czech Republic and to the Agricultural Chamber of the Czech Republic. With additional background given to the general economic theories and issues, this programme is aimed especially for lawyers potentially or already working in the economic sector as in-house counsels, auditors or attorneys specialized in Business Law.

Students are required to complete 5 mandatory courses (each for 8 credits). Moreover they are obliged to choose and complete at least 4 optional courses (each for 5 credits). In the third semester students are expected to attend a Dissertation Seminar (5 credits), complete a dissertation work under the supervision of a tutor and defend it before a committee (25 credits).

Mandatory courses

WINTER SEMESTER

► Business and Commercial Law

responsible supervisor: JUDr. Alena Bányaiová, CSc.

▶ **Fundamentals of Private Law for Business and the Judicial Protection of Rights**

responsible supervisors: JUD. Ondřej Frinta, Ph.D., Doc. JUDr. Alena Macková, Dr.

▶ **Private International Law and International Business Transactions**

responsible supervisor: Prof. JUDr. Monika Pauknerová, CSc., DSc.

SUMMER SEMESTER

▶ **EU Internal Market Freedoms and Competition Law**

responsible supervisor: Doc. JUDr. Pavel Svoboda, Ph.D., D.E.A.

▶ **International Economic Law**

responsible supervisors: Prof. JUDr. Pavel Šturma, DrSc. JUDr. Vladimír Balaš, CSc.

Optional courses

WINTER SEMESTER

▶ **EU Law – General Introductory Course**

responsible supervisor: Doc. JUDr. Richard Král Ph.D., LL.M.

(Mandatory for students from non-EU countries who cannot prove previous sufficient background in EU Law)

▶ **European Contract and Tort Law**

responsible supervisor: Prof. JUDr. Luboš Tichý, CSc.

▶ **Public Regulatory Policy: An Economic Perspective**

responsible supervisor: Doc. PhDr. Ing. Jan Urban, CSc.

▶ **Social Rights and their Protection**

responsible supervisor: JUDr. Martin Štefko, Ph.D.

▶ **Possibility to participate in International Moot Court competitions**

responsible supervisors: Prof. JUDr. Monika Pauknerová, CSc., DSc., JUDr. Vladimír Balaš, CSc.

SUMMER SEMESTER

▶ **Comparative Private Law**

responsible supervisors: Prof. JUDr. Michael Bogdan, B.A., LL.M., Prof. Kurt Siehr

▶ **Public Law Regulation of Business Activities**

responsible supervisors: Prof. JUDr. Milan Damohorský, DrSc., Doc. JUDr. Zdeněk Kuehn, Ph.D., SJD, LL.M.

▶ **Intellectual Property Law**

responsible supervisor: JUDr. at MgA. Petra Žikovská

▶ **Introduction to Financial law**

responsible supervisor: JUDr. Petr Kotáb

▶ **MANDATORY COURSES**

▶ **Business and Commercial Law**

Lecturer: JUDr. Alena BÁNYAIOVÁ, CSc.

1. Introduction to Czech Commercial Law

- ▶ Commercial law, structure, essentials of commercial law and its place in the Czech legal system
- ▶ Basic terms of commercial law
- ▶ Entrepreneurs as parties to commercial relations
- ▶ Conduct and legal acts in commercial relations

2. Essentials of Czech Company Law

- ▶ Legal forms of companies
- ▶ Establishment, existence and termination of companies
- ▶ Acting on behalf of a company in the course of its formation
- ▶ Commercial Register

3. General Partnership, Limited Partnership

- ▶ General overview and corporate structure
- ▶ Rights and duties of partners
- ▶ Corporate management

4. Limited Liability Company

- ▶ General overview and corporate structure
- ▶ Rights and duties of partners (shareholders)
- ▶ Corporate management

5. Joint Stock Company

- ▶ General overview and corporate structure
- ▶ Rights and duties of shareholders
- ▶ Corporate management

6. Joint Stock Company – Harmonization with EU Law

- ▶ Minority shareholders and their rights
- ▶ Measures preventing conflicts of interest
- ▶ Basic principles of corporate groupings

7. Competition Law

- ▶ General overview of competition law – private law and public law aspects of competition law
- ▶ Unfair competition – general clause
- ▶ Unfair competition – specific clauses and relevant case law
- ▶ Remedies

8. Competition Law – Antitrust

- ▶ Cartel regulation
- ▶ Abuse of dominant position
- ▶ Private law remedies
- ▶ Other means of public law protection of competition – merger control, public procurement, state aid

9. Commercial Obligations

- ▶ Principles of application of the Commercial Code on commercial relations
- ▶ Law of contracts, special means of contracting, agreement on future agreement
- ▶ Security obligations
- ▶ Changes to and termination of commercial contracts
- ▶ Liability for damage

10. Typical Commercial Contracts

- ▶ Contract on sale of enterprise
- ▶ Contract on lease of enterprise
- ▶ Sales representation
- ▶ Silent partnership

▶ Fundamentals of Private Law for Business and the Judicial Protection of Rights

Lecturers: JUDr. Ondřej FRINTA, Ph.D. (Fundamentals of Private Law)
Doc. JUDr. Alena MACKOVÁ, Dr. (Judicial Protection of Rights)
JUDr. et PhDr. David ELISCHER, Ph.D.,
JUDr. Jana HRSTKOVÁ, Ph.D. LL.M.

1. Introduction to Private Law in the Czech Republic

- ▶ Historical development.
- ▶ Sources of civil law in the Czech Republic – the system and relations among them
- ▶ Fundamental principles and institutes of private law

2. Subjects of Rights and Duties in Private Law

- ▶ Natural persons
- ▶ Legal entities
- ▶ Legal capacity
- ▶ Capacity to perform legal acts

3. Property Law in Czech Republic

- ▶ The concept of the thing in Czech law
- ▶ The system of *iure in re*
- ▶ Ownership, lien, easements, retention right
- ▶ Real estate cadastre



4. Obligations I

- ▶ Formation, termination
- ▶ Change of parties, change of content
- ▶ Security of obligations

5. Obligations II

- ▶ Common types of nominate contracts
- ▶ Consumer contract

6. Liability in Private Law in the Czech Republic

- ▶ Liability for damage
 - General and special liability
 - Strict liability
 - Manner and scope of compensation for damage
- ▶ Unjust enrichment

7. System of Justice

- ▶ The system of courts
- ▶ Constitutional and civil judiciary
- ▶ Legal status of the judge

8. The Bar, Notaries and Executors and other legal professions

- ▶ Legal aid system
- ▶ The position and the role of the bar
- ▶ The role of the notaries and the executors in the legal system

9. Civil Litigation

- ▶ The protection of rights, claims
- ▶ 1st instance civil litigation, evidence, judgement, costs
- ▶ Appellate proceedings, alternative dispute resolution

10. The Enforcement of Judgements

- ▶ The courts and executors
- ▶ The enforcement of judgements and execution
- ▶ Insolvency proceedings

Course description

The course focuses on fundamentals of theoretical background and principles of private law in the Czech Republic, including prepared amendments. First and foremost, the course is focused on actual legal regulations enacted namely in the Civil Code, the Civil Procedure Code and related laws, such as the Act on Liability for Damage Incurred by a Defect of a Product in civil substantive law, the Act on Insolvency and Its Resolution, and the Execution Procedure Code in civil procedure. The basic emphasis of the course is on explanation of legal regulation of obligations, including the conception and legal regulation of liability. Attention is also paid to rights *in re*, both theoretically and in practice (transfers of ownership, namely of immovables). Extra attention will be paid to the draft of the new Civil Code.



▶ Private International Law and International Business Transactions

Lecturers: Prof. JUDr. Monika PAUKNEROVÁ, CSc., DSc.,
JUDr. Jan BRODEC, Ph.D., LL.M.,
JUDr. Zbyšek KORDAČ, LL.M.

1. Private International Law – General Introduction

- ▶ General introduction and special characteristics
- ▶ Conflict of law rules and substantive rules
- ▶ European Private International Law

2. General Part of Private International Law

- ▶ Classification
- ▶ *Renvoi*
- ▶ Application of foreign law

3. General Part of Private International Law

- ▶ Mandatory rules
- ▶ Public policy

4. Persons in Czech and European Private International Law

- ▶ Natural persons
- ▶ Legal persons and “other than foreign natural persons”
- ▶ Persons and freedom of establishment in European and Czech law

5. Law Applicable to Contractual and Non-contractual Obligations

- ▶ Determination of the proper law of contracts and torts
- ▶ Law applicable to contractual obligations
- ▶ Law applicable to non-contractual obligations

6. International Commercial Contracts

- ▶ General climate
- ▶ Sources of law and other formulations
- ▶ *Lex mercatoria*

7. International Sales Contracts, CISG

- ▶ Sphere of application
- ▶ Formation of the contract and obligations of the parties
- ▶ Passing of risk
- ▶ Remedies for breach

8. Settlement of Commercial Disputes

- ▶ Introduction
- ▶ General questions and sources
- ▶ Litigation or alternative dispute resolution
- ▶ Basic elements of international civil procedure

9. Settlement of Commercial Disputes: European Private International Law (JP)

- ▶ European Regulations concerning dispute settlements

- ▶ European Regulation on insolvency proceedings
- ▶ Jurisdiction pursuant to Brussels I Regulation
- ▶ Recognition and Enforcement of judicial decisions pursuant to Brussels I Regulation
- ▶ Recognition and Enforcement of European Enforcement Order and European Payment Order

10. International Commercial Arbitration

- ▶ Introduction – the options for international dispute resolution
- ▶ International conventions
- ▶ Arbitration in the Czech Republic

Course description

The course on private international law shall focus on general problems of regulation of commercial relations containing international element, especially with a comparative emphasis. The subject of the education shall be both the classic general part of private international law and the general interpretation of international uniform law, including complicated problems of sources of law and their mutual relations.

In addition, a particular part of the course shall be focused mainly on the subjects in international commercial relations, choice of law in the field of contractual and non-contractual obligations and on the most important international commercial contracts. The course shall also concentrate on the possibilities of settlement of international commercial disputes in judicial and arbitration proceedings.

▶ EU Internal Market Freedoms and Competition Law

Lecturers: Doc. JUDr. Pavel SVOBODA, Ph.D., D.E.A.
Prof. JUDr. PhDr. Michal TOMÁŠEK, DrSc.
JUDr. Tereza KUNERTOVÁ, LL.M.
JUDr. Václav ŠMEJKAL, Ph.D.

1. EU Internal Market Basics

- ▶ Economic integration forms
- ▶ System of legal regulation
- ▶ Fundamental principles
- ▶ Non-discrimination on the grounds of citizenship / origin
- ▶ Legality of so-called reverse discrimination (discrimination of own nationals)
- ▶ Relations among internal market freedoms

2. Free Movement of Goods

- ▶ Principle
- ▶ Material (notion of goods) and territorial (EU territory v free movement of goods territory) scope of the principle
- ▶ Barriers and their removal
- ▶ Exemptions
- ▶ Common commercial policy as external aspect of free movement of goods

3. Free Movement of Persons

- ▶ Personal and territorial scope of the principle
- ▶ Exemption
- ▶ Importance of migrant workers
- ▶ Non-discrimination principle

4. Freedom of Settlement

- ▶ Principle
- ▶ Exemptions
- ▶ Methods of rapprochement of national legislation in the area of legal persons regulation

5. Free Movement of Services

- ▶ Principle
- ▶ Definition of services vis-a-vis other internal market freedoms

6. Free Movement of Capital and Payments

- ▶ Coordination of Member States' economic policies and common currency

7. Competition Law I

- ▶ Basics and structure of legal regulation
- ▶ Relations among individual anticompetitive activities
- ▶ Cartel agreements

8. Competition Law II

- ▶ Abuse of dominant position
- ▶ Dominant position notion
- ▶ Abuse notion
- ▶ Antidumping as external aspect of dominant position abuse

9. Competition Law III

- ▶ Relationship between national and EU competition laws
- ▶ State aid
- ▶ Antisubsidy as external aspect of EU state aid regulation
- ▶ Public tenders and their relationship to free movement of goods and services

10. Intellectual Property and Internal market

- ▶ IP and free movement of goods
- ▶ Parallel imports: IP and competition law
- ▶ Distribution agreements – free movement of knowledge after the Lisbon Treaty

Course description

This course of 10 two-hour lectures shall introduce students to the foundations of the EU internal market and its legal regulation. All of these lectures shall depart from positive law as construed by the European Court of Justice, whose case-law has not only been filling-in lacunas of the Treaties but also shows which of its parts have proven to be important for economic practise. The course will demonstrate a common feature of all four market freedoms. Basic links to global economic regulation (GATT, GATS, TRIPS) are part of the course.

▶ International Economic Law

Lecturers: Prof. JUDr. Pavel ŠTURMA, DrSc.
JUDr. Vladimír BALAŠ, CSc.

1. Introduction to International Legal Framework of Economic Relations
2. Subjects of International Economic Law
International Economic Organizations
3. State in IEL. Jurisdictional Immunities of State
4. Sources of IEL. International Treaties. Interpretation
5. Diplomatic Protection. Case Law (PCIJ, ICJ)
6. WTO. Dispute Settlement
7. Protection of Property Rights by The European Court of Human Rights.
Case Law
8. Multilateral and Bilateral Investment Treaties
9. ICSID Arbitration
10. UNCITRAL and Arbitration ad hoc



▶▶ OPTIONAL COURSES

▶ **EU Law – General Introductory Course**

(Mandatory for students from non-EU countries who cannot prove previous sufficient background in EU Law)

Lecturer: Doc. JUDr. Richard KRÁL, Ph.D., LL.M.

1. Evolution of EU

- ▶ Establishment of 3 European Communities
- ▶ Establishment of EU
- ▶ Treaty of Lisbon

2. EU Membership

- ▶ Origination
- ▶ Content
- ▶ Termination

3. EU Citizenship

- ▶ Notion
- ▶ Catalogue of rights of EU citizens
- ▶ Right of free movement and residence

4. Main EU Institutions

- ▶ European Council
- ▶ Council
- ▶ European Commission
- ▶ European Parliament

5. EU Legislative and Decision Making Process

- ▶ Ordinary legislative procedure
- ▶ Special legislative procedure
- ▶ Involvement of national parliaments

6. EU Law

- ▶ Sources
- ▶ Effects in EU Member States
- ▶ Eur-lex database

7. Court of Justice of the EU

- ▶ Structure
- ▶ Main tasks
- ▶ Main procedures

8. EU Budget

- ▶ Resources



- ▶ Expenditures
- ▶ Drafting and implementation

Course description

This course is primarily designated for those participants of the LL.M. program who have not completed a comprehensive EU law course during their previous undergraduate studies, i.e. particularly for participants from non-EU countries. For such students this course shall be mandatory. The course is included in both the business and the human rights program modules. The aim of the course is to provide general knowledge regarding the structure of EU, its functioning, institutions, key policies and law, i.e. knowledge which will contribute to the efficient handling of specialized courses on EU law. The general introductory EU law course will therefore be offered before the specialized EU law courses.

▶ **European Contract and Tort Law**

Lecturer: Prof. JUDr. Luboš TICHÝ, CSc.

1. Introduction

- ▶ Meaning and functions of Tort Law
- ▶ Avoidance of inefficient behavior
- ▶ The English, French and German Approach, Approach of PETL and DCFR

2. Scope of Protection

- ▶ Protection of life, physical integrity, health and freedom
- ▶ Protection of ownership and property rights
- ▶ Protection of economic interests

3. Liability for One's Own Conduct

- ▶ Acts and omissions
- ▶ Wrongfulness
- ▶ Basic notions
- ▶ Unlawfulness
- ▶ Culpability
- ▶ Grounds of justification

4. Causation

- ▶ The general approach
- ▶ Establishment of causal link
- ▶ Loss of a chance and proportional liability
- ▶ Comparative overview

5. Liability for the Conduct of Others

- ▶ Liability for harm caused by employees

- ▶ Other regimes of liability for others
- ▶ Comparative overview

6. Liability not Based on Conduct

- ▶ General approach
- ▶ Liability for accidents
- ▶ Product liability

7. Defenses

- ▶ Contributory fault
- ▶ Assumption of risk
- ▶ Illegality

8. Remedies

- ▶ The purposes of an award in tort
- ▶ Principle of full reparation
- ▶ Form of compensation and assessment of future damage
- ▶ Loss of or damage to property
- ▶ Compensation: personal injury and death



Course description

The course offers fundamental notions of both Contract and Tort Law based on comparison of three main national legal systems (English, French and German) and two international projects (Draft Frame of Reference and Principles of European Tort Law). The interactive method will be applied (i.e. the course will be carried out by handling practical cases).

▶ Public Regulatory Policy: an Economic Perspective

Lecturer: Doc. PhDr. Ing. Jan URBAN, CSc.

1. Reasons for Government Regulation

- ▶ Goals, tools and measures of business regulation
- ▶ Regulatory effectiveness and efficiency
- ▶ Trends in regulatory development, regulatory reforms

2. Regulatory Policies Analysis

- ▶ Role of regulatory policy analysis
- ▶ Criteria/methods of policy analysis
- ▶ Regulatory impact and compliance cost analysis
- ▶ Regulatory failures

3. Main Components of Business Regulation and their Compliance Costs

- ▶ Regulation for starting a business
- ▶ Regulation for employing workers
- ▶ Regulation for getting credit

- ▶ Regulation for protecting investors
- ▶ Consumer protection regulation
- ▶ Income taxation regulation
- ▶ Regulation for trading across borders
- ▶ Information disclosure and business transparency regulation
- ▶ Regulation for closing a business

4. Business Regulation and its Compliance Costs in Czech Republic

- ▶ Trends of regulatory development in Czech Republic
- ▶ Czech business regulation in comparison with neighbouring states

Course description

Corporate regulation and regulatory costs appear to be important factors in determining a country's incentives for doing business. The purpose of this course is to describe and explain the notions of "regulatory impact" and "compliance costs" – the expenditure of time or money businesses have to bear in conforming with government regulatory requirements – and analyze their main sources and components. At the same time, the course focuses on the development of regulatory framework and its business impact in Czech Republic compared with other EU countries. In terms of theoretical background, the course draws from areas such as "economics of regulation" and "economic analysis of law" as well as from the economic concept of efficiency. However, no previous economic knowledge is necessary.

The course offers students special study and research opportunities in regulatory impact and compliance costs analysis. Each student is asked to choose a (preferably a recent and/or controversial) regulatory topic and analyze its direct and indirect impact on company costs.

▶ Social Rights and Their Protection

Lecturers: JUDr. Martin Štefko, Ph.D.

JUDr. Kristina Koldinská, Ph.D.

1. Law of Social Protection and its History in Europe

- ▶ History of social protection
- ▶ Development of the welfare state, types of welfare state, the crisis of the welfare state
- ▶ Sources of law (international and EC law)
- ▶ Social welfare rights, functions and aims of labour law and social security law

2. Employment Relationship, Definitions

- ▶ Employee, EC worker, dependent work

- ▶ Employer's risks
- ▶ General principles
- ▶ Other types of employment relationships

3. Protection of Work, Liberalisation of Employment Law (Flexicurity)

- ▶ Choice of law rules
- ▶ Non competition covenants
- ▶ Posting of workers, working conditions in central and eastern Europe

5. Contract of Employment, Employment Relationship, Establishment, Changes and Termination

- ▶ Freedom of contract
- ▶ Definitions
- ▶ Express terms (*essentialia negotii*)
- ▶ The EU dimension of the law on dismissals

6. Working Time, Rest Periods, Payments

- ▶ The purpose of regulation
- ▶ Basic framework
- ▶ Overtime, night work
- ▶ Paid leave
- ▶ Public holidays
- ▶ Minimum wage, determination of wage

6. Social Security Law

- ▶ Social insurance, state support and welfare assistance
- ▶ Social risks
- ▶ General principles
- ▶ Coordination of social security laws

7. Pregnancy, Maternity, Working Conditions of Parents

- ▶ Constitutional framework
- ▶ EU Law, international legal sources, national laws and secondary legislation

8. Sicknes, Invalidation, Occupational Injury and Occupational Disease, Aging, Poverty and Social Exclusion

- ▶ Constitutional framework
- ▶ EU Law, international legal sources, national laws and secondary legislation

Course description

The course examines and compares the history, structure and regulations of both Employment Law (Labour Law) and Social Security Law in Central Europe (mainly the Czech Republic, Austria, Germany, Poland and Slovakia). After a definition of general terms and a brief review of both legal theory and history, the course focuses principally on social rights and benefits guaranteed

by the said branches of law (for example employees rights or both benefits and protection acquired during pregnancy, maternity, sickness, disability to work, unemployment, invalidity or death of a breadwinner). The course provides a comprehensive study of current EC law, international law, and Czech labour and social security law including case law. If appropriate, there will be comparisons with other Central European countries. Special attention is devoted to the Posted Workers Directive, and pension and health care reforms in Central Europe.

▶ Possibility to participate in International Moot Court competitions

Supervisors: Prof. JUDr. Monika Pauknerová, CSc., DSc.
JUDr. Vladimír Balaš, CSc.

Teams of the Faculty of Law of Charles University take part in international moot court competitions on regular basis. Hence it is possible to become a member of the student team e.g. for William C. Vis International Moot Court, Central and Eastern European Moot Court and others.

▶ Comparative Private Law

Lecturers: Prof. JUDr. Michael BOGDAN, B.A., LL.M.,
Prof. Dr. Dr. h. c. Kurt SIEHR, M.C.L

1. Introduction to Comparative Law and the Study of Foreign Law

- ▶ The nature, subject and uses of comparative law
- ▶ Some problems connected with the study of foreign law

2. Comparing, Explaining and Evaluating National Legal Solutions

- ▶ The problem of comparability
- ▶ Explaining similarities and differences between legal systems
- ▶ Common core of legal systems
- ▶ Comparative evaluation of the compared national solutions

3. World Map of Legal Systems

- ▶ The concept of legal families
- ▶ Geographic spread of common law
- ▶ Geographic spread of continental European law
- ▶ Geographic spread of the other main legal cultures

4. Common Law I

- ▶ English, American and Law of the former Commonwealth
- ▶ Statutory Law, Judicial Precedents and Literature
- ▶ Substantive Law and Procedural Law

5. Common Law II

- ▶ Contracts
- ▶ Torts
- ▶ Family Law
- ▶ Succession Law and Trusts

6. German-Speaking Systems: Austria, Germany and Switzerland

- ▶ Codified Law: ABGB, BGB, OR and ZGB
- ▶ Contracts and Torts
- ▶ Family and Succession Law
- ▶ Procedural Law: JN, ZPO; ZPO, FamFG; ZPO

7. French-Speaking and French-Influenced Legal Systems: France, Belgium, Italy, Spain, Latin-American Countries

- ▶ Code civil of 1804 and its influence
- ▶ Contracts and Torts
- ▶ Family and Succession Law
- ▶ Procedural Law

8. Islamic Law and the Law of the Far East

- ▶ Sources of Islamic law
- ▶ Islamic legal method
- ▶ Main features of Chinese legal development

Course description

The course on Comparative Private Law is intended to make the students acquainted with the fundamental features of the principal legal cultures (Common law, German law, French law, Chinese law and Islamic law) regarding private-law issues. Another purpose of the course is to make the students understand the main problems arising with the study of foreign law in general, as well as to introduce them to the theoretical and practical aspects of comparing, explaining and evaluating national solutions to private-law problems.

▶ Public Law Regulation of Business Activities (Administrative and Environmental Law)

Lecturers: Prof. JUDr. Milan DAMOHORSKÝ, DrSc.
Doc. JUDr. Zdeněk KUEHN, Ph.D., SJD, LL.M.
JUDr. Michal SOBOTKA, Ph.D.

1. Principles of Administrative Procedure

- ▶ Guarantees of legality in administrative proceedings
- ▶ Principles of good administration in Czech administrative law

- ▶ Public contracts in Czech law
- ▶ The exercise of public power by private persons

2. The Protection of Public Rights in the Czech Administrative Judiciary

- ▶ The conception of public rights
- ▶ The conception of administrative acts
- ▶ Which administrative acts are subject to judicial review
- ▶ Which actions by public power are actionable
- ▶ The basic characteristics of Czech judicial review
- ▶ The position of the Supreme Administrative Court
- ▶ Czech administrative judiciary in comparative dimension

3. Administrative Penal Law and Judicial Review

- ▶ The nature of administrative penal law
- ▶ Czech administrative penal law as a product of judge-made law
- ▶ Specifics of judicial review of administrative penal acts
- ▶ Constitutional problems of judicial review of administrative penal acts

4. Zone Planning

- ▶ Zone plans in Czech law
- ▶ Basic principles of zone planning
- ▶ Judicial review of zone planning

5. Public Interests as Limits for Business Activities

- ▶ The scope of public interests (human health, environmental protection, cultural heritage, etc.)
- ▶ Public administration system
- ▶ Statutory limitations
- ▶ Decision making process

6. Liability for Environmental Harm

- ▶ The concept of environmental harm
- ▶ Czech approach to ELD implementation
- ▶ Public administration responses to environmental harm and means for its reparation

Course description

This course shall introduce students to the area of legal regulation that provides for the protection of public interests. The promotion of public interests (such as public order, protection of cultural heritage, environmental protection etc...) represents significant limits for the execution of individual rights. The powers of public authorities and means for their enforcement will be discussed as well as their judicial control.

► Intellectual Property Law

Lecturers: JUDr. et MgA. Petra ŽIKOVSKÁ

JUDr. Tomáš DOBŘICHOVSKÝ, Ph.D.

JUDr. Jiří ČERMÁK

JUDr. Pavel TŮMA, Ph.D. LL.M.

1. The Subject and System of IP Law

- ▶ Intellectual property – definitions, framework, relations to civil law and commercial law
- ▶ Copyright Law – basic definitions, principles of European and Anglo-American copyright law, moral rights and economic rights, copyright duration
- ▶ Industrial property Law – basic definitions and principles, framework of IP Law

2. Copyright Law – License Agreements and Limitations and Exceptions

- ▶ License agreements – fundamental terms, types of contracts, sublicense agreements, termination of agreements, case law study
- ▶ Exceptions and limitations – three step test, personal use copy, blank copy levy, quotations, exceptions for the disabled, Information directive

3. Copyright Law – Neighboring Rights, other Related Rights and Collective Management

- ▶ Performer's rights, producer's rights, broadcaster's rights, database *sui generis* rights
- ▶ Collective management – the history, basic principles, collective management in digital era, EK recommendation

4. Copyright Protection in Cyberspace

- ▶ Copyright and its protection in cyberspace (internet and other networks)
- ▶ Peer to peer networking and downloading of copyrighted works
- ▶ Cyberpiracy
- ▶ Liability of service providers and other intermediaries
- ▶ Digital content and exhaustion of rights
- ▶ On-line licensing
- ▶ Sale of goods vs. provision of services
- ▶ Digital content and copyright levies

5. Protection of Software, Databases, Know-how and other IP Rights Related to IT

- ▶ Protection of software
- ▶ Protection of software interfaces
- ▶ Licensing software
- ▶ Sale of goods vs. licensing of copyrighted works
- ▶ Protection of underlying know-how and principles

- ▶ Web applications and remote access to software
- ▶ Database rights and protection of electronic databases
- ▶ Sui generic rights to databases and its practical aspects
- ▶ Software contract license
- ▶ Support and maintenance
- ▶ Source code escrow contracts

6. Industrial Property – Trademarks

- ▶ Introduction, the purpose of trademark protection
- ▶ Registrability [absolute and relative grounds]
- ▶ Infringement
- ▶ Defenses
- ▶ Revocation
- ▶ Maintenance
- ▶ Dealing
- ▶ International agreements and EU legislation
- ▶ Case law

7. Industrial Property – Patents, Utility Models, Industrial Designs, Geographical Indications, Commercial Names

- ▶ Introduction
- ▶ Excluded inventions and exceptions to patentability
- ▶ Novelty and obviousness
- ▶ Priority and validity
- ▶ Infringing acts and defenses
- ▶ Exploitation and remedies
- ▶ International agreements and EU legislation
- ▶ Case law

8. International Copyright Law, EU Copyright Law

- ▶ Overview of international agreements in the Copyright field – Berne convention, Rome Convention, TRIPS
- ▶ Overview of all related EU legislation
- ▶ Related current decisions of EJC

Course description

This course covers the whole area of Intellectual Property Law, including patents, copyrights, trademarks, trade secrets and designs. The course addresses the policies underlying the protection of intellectual property and compares the different ways organizations and individuals can use intellectual property to protect their interests. Technological developments affecting copyright are also addressed, including issues related to computer software and the internet. Special attention shall be paid to the international case law in the respective field.

► Introduction to Financial Law

Lecturers: JUDr. Petr KOTÁB
JUDr. Radim BOHÁČ, Ph.D.
JUDr. Michael KOHAJDA, Ph.D.

1. Introduction to Financial Law

- ▶ Finance and financial activity
- ▶ Monetary mass
- ▶ Tangible and intangible money
- ▶ Central and local financial organs

2. Theory of Taxation, Czech Tax System

- ▶ System of taxes and other budgetary revenues
- ▶ Budgetary destination of taxes
- ▶ Classification of taxes
- ▶ Direct and indirect taxes
- ▶ Basic elements of tax construction
- ▶ Subject, object, tax base, tax rate and maturity of tax

3. Income Taxes

- ▶ Individual income tax
- ▶ Tax residents and non-residents
- ▶ Object of taxation
- ▶ Tax base and partial tax base
- ▶ Corporate income tax
- ▶ Taxation of non-profit entities
- ▶ Source of income
- ▶ Tax depreciation
- ▶ Taxable and accounting period
- ▶ Tax advances

4. VAT

- ▶ Taxable persons and payers of the tax
- ▶ Tax object
- ▶ European dimension of VAT – reverse charge
- ▶ Tax base, tax rates
- ▶ Tax exemptions with and without credit entitlement
- ▶ Tax refunds
- ▶ Taxable periods

5. Other Direct and Indirect Taxes

- ▶ Property taxes
- ▶ Transfer taxes
- ▶ Road tax

- ▶ Excise taxes
- ▶ Energy taxes

6. Banking

- ▶ Notion and classification of banks
- ▶ Banking activities
- ▶ Banking regulation and supervision
- ▶ Deposit insurance
- ▶ Bank secrecy
- ▶ Credit bureaux

7. Monetary Law

- ▶ Money and currency
- ▶ Banknotes
- ▶ Circulating coins and commemorative coins
- ▶ Legal tender and forced circulation
- ▶ Legal protection of currency circulation
- ▶ Payment intercourse
- ▶ Bank transfers
- ▶ European Currency Union

8. Financial Market

- ▶ Characteristics
- ▶ Money market and capital market
- ▶ Investment instruments
- ▶ Investment services and providers thereof
- ▶ Guaranty Fund
- ▶ Collective investment
- ▶ Investment funds and unit funds
- ▶ Regulated markets

Course description

The purpose of the course is to provide solidly based and professional introduction into Czech Financial Law. Special emphasis is given to the law of public revenues, in particular taxes. The course focuses on such areas of financial law that are connected to pursuing business in the Czech Republic or that affect the integration of foreigners and foreign entities in respect of their stay, existence and gainful and other activities in the Czech Republic.





SPECIALIZATION 2

International Human Rights Law and Protection of Environment

Tutor: Doc. Mag. phil. Dr. iur. **Harald Christian SCHEU**, Ph.D.

»» GENERAL OVERVIEW

This LL.M. study programme focuses on international human rights law and protection of environment, and offers an interdisciplinary approach to these two fields, which are closely connected in international theory and practice. International human rights and liberties protection as well as international and national protection of environment are marked by a very dynamic development. Both of these fields have become the key agendas of international organisations.

The connection of these two fields is evidenced by, among other things, the creation of a new international magazine called *Journal of Human Rights and the Environment*, which is supposed to be issued from 2010 by the renowned publishing house, Edward Edgar Publishing. This project caused a remarkable response in the academic field throughout the world. The current concept of the LL.M. programme, which connects the protection of human rights and environmental law, corresponds unambiguously to modern trends and will definitely be able to attract many applicants who realize the connection of these two subjects.

A thorough study of both of these fields resulting in understanding of their mutual relationship offers a very practical and necessary orientation to this domain for future employees of public administration, international governmental and non-governmental organisations, legal offices and to a certain extent also private companies, which are involved in global and regional economic activities.

The interdisciplinary approach is based on a combination of studies of different legal branches. First of all, there is International Law, European law and Environmental Law. Besides that it is necessary to study complex aspects of national law (especially Constitutional Law and Administrative Law) and legal history, because international and regional models of human rights protection and environmental protection must be understood within the concept of their historical evolution of international and supra-national integration.

A necessary condition to successfully complete the study programme is a very good understanding of issues of contemporary International Law. Since the relevant legislation protecting human rights and environment is built in large part on international agreements, special attention will be devoted to law of international treaties, including practical training of preparation of contracts and other international documents at international conferences and at the level of international organisations. Also, understanding the current monitoring processes at the international level and follow-up questions concerning liability and enforcement mechanisms assumes a very good knowledge of both theory and practice of International Law.

The central part of the programme is a course focused on the foundations of supra-national integration. Students of the course will extensively explore different models of European integration, along with the current structure of European law, and the gradual integration of the protection of fundamental rights and protection of environment in the Community agenda.

Mandatory and optional courses of the LL.M. programme are devoted to various issues of international protection of human rights and Environmental Law. The aim of the compulsory course called Introduction to International Human Rights Law is to provide an overview of the universal mechanisms as how to protect human rights. Main attention will be paid to the structure and functioning of the relevant instruments of the United Nations, which are based both on the founding Charter of the organisation and also on specific international conventions on the protection of human rights. Also, non-European regional systems of human rights will be briefly introduced in this obligatory course, especially in the context of cultural differences and global debate on the universal and regional standards of protection.

The content of another compulsory course, The European System of Human Rights Protection, is a detailed study of European mechanisms in the field of protection of human rights. Besides the functioning of individual systems (Council of Europe, European Union, the Organization for Security and Co-operation in Europe), another topic will be the relationship of individual systems and the possible conflicts between different standards of protection. A key part of the course is the study of selected cases of the European Court of Human Rights and the European Court of Justice.

Two obligatory courses are targeted on the issue of environmental protection: one is concentrated on International and European law and environmental policy and is named International and European Environmental Law and Policy, while the other is Czech Environmental Law.

As for optional courses, programme participants should take into account whether the topic of their Diploma thesis would be the international protection of human rights or Environmental Law. Courses on international and European

anti-discrimination law and migration law present a very dynamic issue to the participants of the LL.M. programme. The course on the theory of human rights is focused on the conceptual grasp of the current protection of human rights at the international and national level in the light of philosophical and sociological reflection.

The range of optional subjects enables flexible integration of external teachers, and also teachers from abroad. Some of the courses can be established in the form of an intensive training in one week.

Students are required to complete 5 mandatory courses (each for 8 credits). Moreover they are obliged to choose and complete at least 4 optional courses (each for 5 credits). In the third semester students are expected to attend a Dissertation Seminar (5 credits), complete a dissertation work under the supervision of a tutor and defend it before a committee (25 credits).

Mandatory Courses

WINTER SEMESTER

- ▶ **Theory and Practice of Public International Law**
responsible supervisor: Prof. JUDr. Pavel Šturma, DrSc.
- ▶ **International and European Environmental Law and Policy**
responsible supervisor: Prof. JUDr. Milan Damohorský, DrSc.
- ▶ **Introduction to International Human Rights Law**
responsible supervisor: Doc. Mag. phil. Dr. iur. Harald Christian Scheu, Ph.D.

SUMMER SEMESTER

- ▶ **The European System of Human Rights Protection**
responsible supervisor: Prof. JUDr. Mahulena Hofmannová, CSc.
- ▶ **Czech Environmental Law**
responsible supervisor: Prof. JUDr. Milan Damohorský, DrSc.

Optional courses

WINTER SEMESTER

- ▶ **Development of Supranational Integration and European Law**
responsible supervisor: Prof. JUDr. Jan Kuklík, DrSc.
- ▶ **EU Law – General Introductory Course**
responsible supervisor: Doc. JUDr. Richard Král, Ph.D., LL.M.
(Mandatory for students from non-EU countries who cannot prove previous sufficient background in EU Law)

▶ **Selected Topics from the Theory of Human Rights**

responsible supervisor: JUDr. PhDr. Veronika Bílková, Ph. D., E.M.A.

▶ **Human Rights and Environmental Protection**

responsible supervisor: Prof. Dr. Michael Geistlinger (Universität Salzburg)

SUMMER SEMESTER

▶ **Protection of Fundamental Rights from Perspective of Czech and European Constitutionalism**

responsible supervisor: JUDr. Jan Kudrna, Ph.D.

▶ **International and European Migration Law**

responsible supervisor: Mgr. Věra Honusková

▶ **The International Protection of Minorities**

responsible supervisor: Doc. Mag. phil. Dr. iur. Harald Christian Scheu, Ph.D.

▶ **Economic Tools of Environmental Law in Austria and in the European Union**

responsible supervisor: Univ.Prof. Mag Dr. Erika Wagner (Johannes Kepler Universität Linz)



▶▶ **MANDATORY COURSES**

▶ **Theory and Practice of Public International Law**

Lecturer: Prof. JUDr. Pavel ŠTURMA, DrSc.

1. **Introduction. Basic Concepts of International Law. International and Czech Law**
2. **State and Statehood Today. Recognition of State. Kosovo Case**
3. **Sources. Customary International Law Revisited**
4. **Doctrine. History of the Czechoslovak and Czech International Legal Doctrine**
5. **Fragmentation of International Law. Concurrent Jurisdiction of Judicial Bodies**
6. **Human Rights Protection. Too Many Control Mechanisms?**
7. **Human Rights and International Humanitarian Law. Wall Case**
8. **International Criminal Law and Justice. Current Issues**
9. **Internal Prosecution. Jurisdiction and Immunities. Arrest Warrant Case**
10. **Individual and State Responsibility. Genocide Case**

Course description

The course aims to provide insight into the most important developments of both theory and practice of international law. Students are supposed to already have certain knowledge of basic concepts of public international law.

The subject is presented in a historical perspective, taking into account the Czech point of view. However, the course will focus mainly on the current issues, such as the problems of fragmentation of international law and proliferation of international judicial mechanisms. Not only theoretical but also practical issues need to be discussed. Therefore the lectures are to be combined with seminars, in particular dealing with the relevant case law.

▶ **International and European Environmental Law and Policy**

Lecturers: Prof. JUDr. Milan DAMOHORSKÝ, DrSc.
JUDr. Karolína ŽÁKOVSKÁ, Ph.D.

1. **Environmental Law as an Instrument of Environmental Policy**
2. **Environmental Protection and the Human Rights**

3. Right to a Healthy Environment
4. Aarhus Convention and its Reflection in EU Law
5. Access to Environmental Information
6. Public Participation in Environmental Decision Making
7. Access to Justice in Environmental Matters
8. The European Court of Human Rights
9. The Court of Justice of the European Union
10. Constitutional Reflections of International Standards

Course description

The course provides information about the development of the International and European environmental policies and law and about their current status. The students will discuss different regulatory approaches and instruments used to implement environmental policy goals with respect to their effectiveness and efficiency.

The course focuses especially on procedural environmental rights and substantive human rights regarding the environment. This part of the course is based on an analysis of a number of European legal instruments and regimes, including the European Convention on Human Rights and the case law from the European Court of Human Rights, the 1998 UNECE Aarhus Convention as well as environmental law and policy from the European Community. Further, the potential influence of the European regional regime on other regional instruments is evaluated.

The students will have the opportunity to analyse examples of national provisions and institutions existing to promote international and European standards in the field of the protection of the right to a healthy environment.

► Introduction to International Human Rights Law

Lecturers: Doc. Mag. phil. Dr. iur. Harald Christian SCHEU, Ph.D.
Doc., PhDr. Stanislava HÝBNEROVÁ, CSc.
JUDr. PhDr. Dagmar ČERNÁ, Ph.D, LL.M.

1. Basic Structure of the International System for the Protection of Human Rights
2. UN Charter-Based Protection
3. NGO Contributions
4. UN Treaty-Based Protection
5. The Justiciability of Human Rights

6. The Committee on the Elimination of Racial Discrimination – The Matiční Case
7. The Human Rights Committee and the Czech Republic – Children’s Rights
8. The International Combat against Trafficking in Human Beings – A Human Rights Problem
9. Regional Mechanisms for the Protection of Human Rights – Basic Structure and Institutions
10. Universal and Regional Standards – Human Rights and Islam

Course description

The course examines different aspects of human rights protection. Participants will deal with dateless as well as highly topical human rights issues and study the complexity of different models of protection. Special focus will be put upon the protection of human rights as a fundamental component of the current international legal system. Therefore basic knowledge of Public International Law is required.

The course will introduce students to the development of both universal and regional human rights instruments and mechanisms of protection. Stress will be put on universal mechanisms and UN case law. The course aims to provide insight into relevant instruments of protection, such as individual complaints, state reports and fact-finding missions. Participants of the course will examine the international human rights system in the context of current changes in the structure and organization of International Law.

► The European System of Human Rights Protection

Lecturers: Prof. JUDr. Mahulena HOFMANNOVÁ, CSc.
Prof. JUDr. Pavel ŠTURMA, DrSc.
JUDr. PhDr. Dagmar ČERNÁ, Ph.D, LL.M.

1. Mechanisms of Human Rights Protection in Europe – an Overview
2. CoE Legal Instruments in the Field of Human Rights Protection
3. CoE Mechanisms in the Field of Human Rights Protection
4. ECHR: Development and Structure, Proceedings of the ECHR
5. ECHR: Selected Articles and a Case Study – Czech Republic I
6. ECHR: Selected Articles and a Case Study – Czech Republic II
7. ECHR: Selected Articles and Case Study – Czech Republic III

8. EU protection of Human Rights – ECJ Jurisprudence and Charter of Fundamental Rights I

9. EU Protection of Human Rights – ECJ Jurisprudence and Charter of Fundamental Rights II

10. Dialogue of Courts in the Field of Human Rights Protection: ECHR, ECJ and National Constitutional courts

Course description

The course will focus on the European instruments of human rights protection. Participants who have already gained a general overview in the field of universal human rights law and specific procedures of control will explore the elements of the human rights protection both in their specificity and interplay.

The first part of the course will be devoted to the theory of human rights protection – its development, characteristics, position in the general International Law and specific features of the European human rights protection. The second part will analyse this protection under the auspices of the Council of Europe; it will give a critical overview of the most significant regional agreements (e.g. European Social Charter, Framework Convention for the Protection of National Minorities, Language Charter) and mechanisms (e.g. Committee for the Prevention of Torture, Commission against Racism, Venice Commission) engaged in the protection of human rights. The third part will deal with the European Convention on Human Rights and the Jurisprudence of the European Court of Human Rights; special attention will be devoted to cases concerning the Czech Republic and the reform of the mechanism of the Court connected with the 14th Protocol to the ECHR.

The third part will focus on the protection of human rights in the framework of the mechanisms of the European Union: it will explain the issue of the scope of legal sources on EU human rights protection such as the Charter of Fundamental Rights, and will deal with the jurisprudence of the Court of Justice of the European Union in the area of human rights. The course will be concluded with the question of the dialogue of courts in the field of human rights protection and the accession of the European Union to the ECHR.

► **Czech Environmental Law**

Lecturers: Prof. JUDr. Milan DAMOHORSKÝ, DrSc.
JUDr. Michal SOBOTKA, Ph.D.

1. Development of Czech Environmental Policy and Law

2. Constitutional basis of environmental protection

3. Liability for environmental harm

4. Horizontal tools of environmental protection I (Aarhus)

5. Horizontal tools of environmental protection II (Spatial planning and EIA)

6. Sectoral protection I (Biodiversity, Land and Forests)

7. Sectoral protection II (Air and Water)

8. Regulation of sources of endangerment (Waste, Chemicals etc.)

9. Delictual liability

10. Institutional Framework of environmental protection

Course description

This course focuses on the Czech national environmental law and its approaches for transposition and implementation of international and European requirements in the core areas of environmental protection. The students will have the opportunity to compare Czech regulation with other EEC countries' regulatory schemes (e.g. Poland, Slovakia, Hungary).

The course will cover the constitutional framework of environmental protection, especially promotion of the protection of the right to a favourable environment and also the constitutional limits of other human rights due to environmental protection. In this respect specific attention is paid to the Aarhus requirements and other horizontal measures of environmental protection.

The students will discuss specific regulatory schemes for particular environmental problems, including the protection of environmental sectors and the regulation of different sources of environmental harm.



▶▶ OPTIONAL COURSES

▶ **Development of Supranational Integration and European Law**

Lecturer: Prof. JUDr. Jan KUKLÍK, DrSc.

1. Ideas of Integration in Europe from Holy Roman Empire to 19th century
2. Developments during 19th Century and WWI
3. Interwar Period and League of Nations
4. WWII and Ideas for Post-war Cooperation
5. United Nations Organization
6. Post-war Reconstruction, Iron Curtain, Council of Europe
7. Foundations of EEC, Integration within the Western Block
8. Integration within the Eastern Block

Course description

The course provides information about the development of the International and European Integration from the very beginning until the establishment of the European Union. The students will discuss historical, political, ideological and economic reasons for integration based on documents and course materials.

The course focuses especially on procedural environmental rights and substantive human rights to the environment. This part of the course is based on an analysis of a number of European legal instruments and regimes, including the European Convention on Human Rights and the case law from the European Court of Human Rights, the 1998 UNECE Aarhus Convention as well as environmental law and policy from the European Community. Further the potential influence of the European regional regime on other regional instruments is evaluated.

The students will have chance to analyse examples of national provisions and institutions existing to promote international and European standards in the field of the protection of the right to a healthy environment.

▶ **EU Law – General Introductory Course**

Lecturer: Doc. JUDr. Richard KRÁL Ph.D., LL.M.

1. EU before and after the Treaty of Lisbon
2. EU Membership – Origination, Content, Termination
3. EU Citizenship – Notion, Catalogue of Rights of EU Citizens
4. Main EU Institutions
5. EU Legislative and Decision Making Process
6. EU Law – Sources, Nature, Effects in EU Member States
7. Court of Justice of the EU – its Role in Ensuring Unified Interpretation and Effective Enforcement of EU Law
8. EU Budget and Selected Key EU Policies

Course description

This course is primarily designated for those participants of the LL.M. program who have not completed a comprehensive EU law course during their previous undergraduate studies, i.e. particularly for participants from non-EU countries. The course is included in both the business and the human rights program modules. For such students this course shall be mandatory. The aim of the course is to provide general knowledge regarding the structure of EU, its functioning, institutions, key policies and law, i.e. knowledge which will contribute to the efficient handling of specialized courses on EU law. The general introductory EU law course will therefore be offered before the specialized EU law courses.

▶ **Selected Topics from the Theory of Human Rights**

Lecturer: JUDr. PhDr. Veronika BÍLKOVÁ, Ph.D., E.MA.

1. Concept of Human Rights
2. History of Human Rights Protection
3. Universality and Cultural Relativity of Human Rights
4. Human Rights and human Responsibilities
5. Human Rights and non-state actors
6. Human Rights and the use of force
7. Human Rights and terrorism
8. Human Rights and armed conflicts

Course description

The course deals with theoretical aspects of human rights. It is divided into two blocks. The first block (lectures 1–4) aims to introduce students to complex theoretical issues surrounding the concept of human rights and to indicate some of the controversies arising in this area. After lectures introducing the concept of human rights and sketching the history of this concept, attention will be paid to the universalism vs. cultural relativism debate and to the concept of human responsibilities purported to balance human rights.

The second block (lectures 5–8) focuses on four of the many contemporary challenges faced by the human rights law and the concept of human rights more generally. The selected challenges include the increasing international influence of non-state actors, especially non-governmental organizations (NGOs) and transnational corporations (TNCs), the old and new dilemma of the use of force for humanitarian purposes, the limitations imposed on human rights in the war on terrorism, and the application of human rights in the context of armed conflicts.

► Human Rights and Environmental Protection

Lecturer: Prof. Dr. Michael GEISTLINGER (Universität Salzburg)

1. The Protection of the Environment in the Universal Declaration of Human Rights and in the International Covenants 1966
2. Human Rights Approaches to the Protection of the Environment in other Universal Legal Documents
3. Environmental Rights in the African Charter on Peoples' and Human Rights
4. Environmental Rights in the Arab Charter of Human Rights
5. Environmental Human Rights in America
6. Environmental Human Rights within the Council of Europe
7. Environmental Rights in the EU Charter of Fundamental Rights and Freedoms
8. Environmental Human Rights Emanating from General Principles of Law

Course description

The course will deal with the current state of a human right to protection of the environment on the universal (United Nations) and regional level (Europe/Council of Europe, European Union, Africa, Arab countries, America). It will

focus on analysis of jurisprudence of the African Commission of Human Rights and the European Court of Human Rights, and on other articles (e.g. articles 2, 3, 8 European Convention on Human Rights, article 11 Protocol to this Convention) which serve the purpose of environmental protection. Instruction will be performed through working groups formed by the participants themselves.

► Protection of Fundamental Rights from Perspective of Czech and European Constitutionalism

Lecturers: JUDr. Jan KUDRNA, Ph.D.

JUDr. Ing. Jiří ZEMÁNEK, CSc.

1. The Constitutional System of the Czech Republic. Introduction
2. The Sources of Law in the Czech Republic; International Law and European Law
3. The Constitutional Court of the Czech Republic as a Reviewing Body, its Position in the Constitutional System and Proceeding
4. Human Rights Doctrines in the Decisions of the Constitutional Court, the Influence of the Membership in the European Union and the Changes of the Doctrines I
5. Human Rights Doctrines in the Decisions of the Constitutional Court, the Influence of the Membership in the European Union and the Changes of the Doctrines II
6. The Reason for and the Concepts of European Constitutionalism
7. The Individuals-centred Drive: the Constitutional Principle of the EU as a Community of Law
8. The Equal Protection of Union Citizens' Fundamental Rights at the EU and National Level
9. The Ultimate Jurisdiction on Fundamental Rights as the Matter of a Constitutional Conflict

Course description

The protection of human rights in the Czech constitutional system obtained after the collapse of totalitarian regime a predominant role: the Bill of Rights, the accession to the ECHR and the primacy of directly applicable international treaties on human rights and fundamental freedoms over statutes in the new Constitution in early 1990' evidenced it. However, the fresh doctrine, established by the case-law of the Constitutional Court, has been early challenged by the perspective of the EU accession. Was there a real danger of undermining

the authority recently earned by this institution? Was an adaptation or a re-consideration of the constitutional doctrine necessary? How does the dialog between the Czech judiciary and the European Court of justice work?

These and some other questions will be presented in the course of lectures and seminars for those interested in such exciting developments towards the background, first, of basic structure of the Czech constitutional system. Then, the European constitutional pluralism as 'a unity in diversity' and the Czech approach to judicial dialog will be exposed, with a special regard to the post-Lisbon EU.

► **International and European Migration Law**

Lecturer: Mgr. Věra HONUSKOVÁ

- 1. International Standards of Migration Law. Contemporary Forms of Voluntary and Involuntary Migration**
- 2. Legal Framework of Labour Migration. Free Movement of Persons under EU Law**
- 3. EU Measures against Irregular Migration**
- 4. International and European Refugee Law**
- 5. External Border Control. Principle of Non-refoulement**
- 6. Human Rights Implications for Migration and Asylum Law**
- 7. Integration and Migration. The Question of Regularization**
- 8. Migration and Social Security**

Course description

The course will focus on international and European legal framework governing voluntary and involuntary migration. The course will also cover the Czech approach to transposition and implementation of relevant legal instruments. The course will also reflect on the nexus of migration and refugee law.

The course will include lectures and case studies. The lectures will present key legal instruments in migration and refugee law at the international and European level. It will also provide necessary information on the Czech legal context. Case studies will provide students with knowledge of current challenges in this field and will show the real life situations of migrants and refugees.

The aims of the course are to provide students with deep knowledge of international and European instruments in migration and refugee law and to show the current challenges of the theory and practice.

► **The International Protection of Minorities**

Lecturer: Doc. Mag. phil. Dr. iur. Harald Christian SCHEU, Ph.D.

- 1. The History of Minority Protection: the League of Nation System and Minority Treaties**
- 2. The Problem of Definitions: Minorities, Nations and Indigenous Peoples**
- 3. The UN System of Minority Protection: Standard-setting and Mechanisms of Control**
- 4. The Issue of Racial Discrimination: Relevant Case-law**
- 5. The Protection of National Minorities within the Council of Europe**
- 6. The Practice of the Framework Convention for the Protection of National Minorities**
- 7. The Status of New Minorities**

Course description

The goal of the course is to provide the participants with an overview of the complex issue of minority protection. The course will present the theoretical framework of minority rights as well as the practice of concrete legal instruments for the protection of minorities and their members. The objective is to understand minority rights as part of the system of international human rights protection and to learn about specific issues which are relevant for minorities.

The course will also explain different approaches towards minority protection in the light of the prevention of racial discrimination, language law and general anti-discrimination law. Besides issues concerning the traditional concepts of national minority protection, students will also deal with problems and legal solutions connected to the status of so-called new minorities. New minority rights will be debated in the context of migration and migration law.

► **Economic Tools of Environmental Law in Austria and in the European Union**

Lecturer: Univ.-Prof. Mag. Dr. Erika M. WAGNER (Johannes Kepler Universität Linz)

- 1. Introduction**
- 2. Basics of the Environmental Law of Austria**
- 3. Important Principles Concerning Economic Tools (polluter pays principles / tragedy of commons / internalizing externalities)**

4. **Survey of the Tools of Market-based Instruments of Environmental Law**
5. **Private Party Responses to Environmental Problems**
 - a. Private Party Contract Law
 - b. Law concerning the respective interests of neighbours
 - c. Tort law for environmental damages
6. **Environmental Liability Law / EC and Austria**
7. **Environmental Auditing / EC and Austria**
8. **Greenhouse Gas Emission Allowance Trading / EC and Austria**
9. **Other Possible Tools (environmental agreements)**

Course description

One purpose of this course is to provide an introduction to the Environmental Law of Austria in view of the implementation of the Environmental Law of the European Community.

In Austria the Environmental Law has two sides: the one of the Public Law and the other of the Private Law. On the basis of the mentioned contents it will be possible to learn about Austrian law in general.

The other purpose of the course is to give an overview of the economic tools of Environmental Law such as environmental liability, environmental auditing and greenhouse gas emission allowance trading. Various directives and rules of the Environmental European Community Law, including its judicial interpretation by the European Court of Justice and its implementation in Austria will also be subject of the course.

ORGANISATION OF THE PROGRAMME

Length of study

The LL.M. study Programme is organized into 3 semesters (two semesters of on-site study, one additional semester of distance study for writing a thesis and its defence).

Credit system

Students will be required to earn a minimum of 60 credits during the first two semesters through course work, written assignments and exams. Each mandatory course carries 8 credits, and 5 credits will be awarded for successful completion of any optional course. The third semester will be dedicated to the completion of the Diploma Thesis and attendance of the Diploma Seminar, which will be an intensive seminar spanning around three full days. The main objective of the Diploma Seminar is to discuss the anticipated results of the Diploma Thesis and to address related methodological and content-related questions. For the attendance of the Diploma Seminar, students are awarded 5 credits. For the successful defence of the Diploma Thesis, which has to be written in English, students are awarded 25 credits. The Diploma Thesis is expected to be 50–60 pages written double-spaced.

Commencement of the Programme

Beginning of October each year

Admission requirements, application deadline

Admission requirements

Each Candidate must meet specific requirements and submit the Application Form (available online here) together with all required supporting documents listed here:

- ▶ Motivation Letter;
- ▶ Candidates must hold a university degree in law and attach its verified copy;
- ▶ Two Letters of Recommendation from university professors;

- ▶ For non-native speakers proof of competence in the English language (TOEFL etc.) unless they carried out their previous university studies predominantly in the English language;
- ▶ Curriculum Vitae;
- ▶ List of previous scientific publications (if applicable).

Each candidate's application will be reviewed by a committee comprised of professors and other representatives of the Faculty of Law after the application deadline. Successful candidates will be notified of their admission thereafter and will be asked to sign the Learning Agreement.

Application deadline

30th April each year

Tuition fee

Students are responsible for financing their living expenses while staying in Prague. Upon request, the national authorities or information centres in the countries of which the foreign students are nationals provide advice concerning post-graduate scholarships and other available sources of funding offered by national and international foundations and enterprises.

Tuition fees amount to **USD 6.000 for the whole Programme**. Successful applicants notified of their admission are required to secure their admission with an advance payment of the whole sum by 31 August.



TEACHING STAFF PROFILES

▶▶ **VLADIMÍR BALAŠ**, JUDr., CSc. Former director and research fellow of the Institute of Law of the Czech Academy of Sciences, lecturer at the Law Faculty of the Charles University in Prague, He is (was) a member of many professional institutions: International Academy of Comparative Law (Paris); Permanent Court of Arbitration (the Hague); ICSID Panel of Arbitrators (Washington); International Law Association (ILA – London); ILA Committee on the Law of Foreign Investment 2003–2008; British Institute of International and Comparative Law (London); Czech Bar Association; Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic; President of Czech ILA Branch. During his career he has devoted his attention to number of fields of specific expertise: International Public Law; International Investment Law; Peaceful Settlement of Disputes; International Arbitration; Counsel in ICSID and *ad hoc* (mostly UNCITRAL) investment arbitrations.

▶▶ **ALENA BÁNYAIOVÁ**, JUDr., CSc., practising lawyer with more than 30 years of experience in economic and commercial law. Received her doctoral degree (JUDr.) from Charles University in 1973; in 1988 received CSc. degree (Ph.D. equivalent) from Charles University. Served as an arbitrator at the Czechoslovak State Arbitration Agency, between 1976–1987 a member of the Legislative Department of the Czechoslovak State Arbitration Agency, between 1988–1989 research scholar at the Institution of State and Law of the Czechoslovak Academy of Sciences and since 1991 has worked in private practice. A member of the Committee for Private Law of the Legislative Council of the Government of the Czech Republic. A member of the Czech Bar and the International Bar Association. 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.

▶▶ **VERONIKA BÍLKOVÁ**, PhDr., JUDr., Ph.D., E.MA, graduated from the Law Faculty of Charles University (Mgr. 2001, Ph.D. 2006, JUDr. 2007, specialization: international law), the Philosophical Faculty of Charles University (Mgr. 2003, PhDr. 2004, specialization: political science and French philology) and the European Master Program in Human Rights and Democratization (E.MA 2004). Research fellow at the Institute of International Relations in Prague (since

2001). Internship at the International Commission of Jurists in Geneva (2005). Awarded several prizes (Hlávka Prize 2001, Gilbert Apollis Prize 2001, Bolzano Prize 2006) and scholarships (Sasakawa 2003, Hus Foundation 2005). Publications in Czech, English and French mainly on terrorism, the use of force, international humanitarian law, international criminal law, human rights and the UN reform.

▶▶ **MICHAEL BOGDAN**, Prof., JUDr., B.A., LL.M. and juris doctor (Lund). Born in 1946 in former Czechoslovakia. Since 1968 has lived in Sweden and since 1995 has been Professor of Comparative and Private International Law in the Law Faculty of the University of Lund. His previous positions were Professor of Private Law and International Trade Law (1985–1995) and Associate Professor of International Law (1978–1984), both at the University of Lund. Member and former President of GEDIP (Groupe européen de droit international privé), member of the International Academy of Comparative Law and associated member of the Institut de droit international. Author of ten books and more than 400 articles and reviews, mainly in the fields of private international law and comparative law.

▶▶ **DAGMAR ČERNÁ**, JUDr., PhDr., Ph.D., LL.M., graduated from the Law Faculty of Charles University, received doctoral degree and Philosophiae Doctor with the specialization in international law, constitutional law and European law. She also graduated from the Faculty of Social Sciences of Charles University – the Institute of International Studies, field of German and Austrian Studies. At the University of Konstanz she graduated from LL.M. programme specialized in international law, European law and German national law. Currently working at the International Law Department of the Ministry of Foreign Affairs of the Czech Republic and is an external teacher at the Faculty of Social Sciences of the Charles University. Author of book: *Standard of Human Rights in Europe* (Prague: Charles University of Prague, Law Faculty, 2009) and has also published many articles.

▶▶ **MILAN DAMOHORSKÝ**, Prof., JUDr., DrSc., graduated from the Faculty of Law in 1985. Before becoming a teacher (1989–2005) and later Professor of Environmental Law at Charles University in 2005, 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 a member of the Commission of Environmental Law of the International Union for Nature Conservation and a member of European Council of Agricultural Law (from 1997), and president of the Czech Society for Environmental Law (from 2001). His main publications comprise

monographs on environmental law liability and nature conservation. Author or co-author of more than 200 books, commentaries, textbooks and articles on environmental law issues. Damohorský, M., Drobník, J., Smolek, M., Sobotka, M., Stejskal, V.: *Environmental Law*. 1st, 2nd and 3rd editions. Publishing house C. H. Beck 2003, 2007, 2010; Damohorský, M.: *Czech Environmental Law, Textbook, Czech Law and the European Union, Volume 2*, Charles University, Prague 2003 and 2006.

▶▶ **DAVID ELISCHER**, JUDr., PhDr., Ph.D., member of the Civil Law Department, graduated at the Law Faculty of Charles University in 2005, received his doctoral degree (JUDr.) in 2006 and Philosophiae Doctor (Ph.D.) in 2009 from Charles University. He wrote his dissertation thesis on Wrongfulness and damage as prerequisites of civil responsibility in European legal context. Within the Civil Law Department where he works as an assistant professor he deals with the law of obligations, particularly with its general part, contracts and civil responsibility (torts). He also concentrates on family law, namely on so-called alternative ways of cohabitation such as registered partnership, unmarried cohabitation, PACS etc. Within the family law, he focuses on the social and legal protection of children in a comparative way. In 2008–2009 he was a member of a working group on new Czech civil code by the Legislation Council of the Czech Government.

▶▶ **ONDŘEJ FRINTA**, JUDr., Ph.D., member of the Department of Civil Law, graduated from the Law Faculty of Charles University in 2004, received his doctoral degree (JUDr.) from Charles University in 2005 and Philosophiae Doctor (Ph.D.) in 2008. As a postgraduate student at the Department of Civil Law at the same faculty, he focused on issues concerning the legal regulation of subjects, namely of those with artificial nature, their legal personality, etc. He is also interested in legal issues concerning new reproductive techniques and related issues of the establishment of parental relationships, surrogate motherhood, etc.

▶▶ **VĚRA HONUSKOVÁ**, Mgr., graduated from the Law Faculty of Charles University, currently finishing her Ph.D. studies with the theme of her doctoral thesis being *Definition of refugee and its interpretation and application in contemporary public international law* at the International Law Department of the Law Faculty, where she works as an assistant professor. For many years she worked in non-governmental organizations dealing with refugees and migrants. Mgr. Honusková specializes in migration, asylum and refugee law and human rights, and she is leader of the law clinic of asylum and refugee law. She is member of the academy network Odysseus Network, European Society

of International Law and Czech Society of International Law and was awarded Sasakawa fellowship scholarship in 2007. She has been a speaker at many conferences and is an active publisher in the field of the family reunion and the influence of European law on Czech law, as well as other topics. She is the author or co-author of numerous books, e.g. Šturma, P., Honusková, V. eds. *Theory and practice of asylum and refugees*, lecture notes, Prague, 2006. Honusková, V.: *The concept of "refugee" in acquis and its transposition into the national law*. In Jílek, D., Pořízek P. (eds): *Common European asylum system: transposition of directions*, Public Defender of Rights Office, Brno, 2008. Honusková, V.: *Concurrent jurisdiction in the merger of a family law*. In *From the codification of the international law to its fragmentation*, 18 pages, Prague, 2009. Kosař, D., Molek, P., Honusková, V., Jurman, M., Lupačová, H.: *Act on Asylum. Commentary*. Prague: Wolters Kluwer ČR, 2010.

▶▶ **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 has lectured at several foreign universities, mostly American. In 1995 she taught 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 Economics University in Prague.

▶▶ **PETR KOTÁB**, JUDr., graduated 1985. He is a member of the Department of Financial Law and Financial Science of Charles University Faculty of Law in Prague and was formerly a visiting professor at the University of Connecticut. He also lectured at the University of Economics in Prague, the Metropolitan University in Prague and the Central European University. Previously, he was a member of several expert commissions of the Czech Government and a member of supervisory boards of several major financial institutions. Currently, he serves as the Chairman of Senate of the Appellate Commission of the Czech National Bank. He is an author or co-author of several university textbooks on financial law and more than 40 other publications. He is a member of the Czech Chamber of Advocates, Slovak Chamber of Advocates, the International Bar Association and the International Fiscal Association.

▶▶ **RICHARD KRÁL**, Doc. JUDr., LL.M., Ph.D., 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 Legislative Council of the Czech Government. Author of many books, textbooks and articles on 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; *National application and implementation of EC regulations*, Prague C. H. Beck 2006; *National Normative implementation of EC Regulations: an exceptional or rather common matter?*, *European Law Review*, 2/2008.

▶▶ **JAN KUKLÍK**, Prof., JUDr., DrSc., the present Vice-Dean for Reform of the Studies of the Law Faculty. Graduated from the Faculty of Law in 1989 (JUDr.); awarded Doctorate in legal theory and history (1995); in 1991–92 a visiting graduate student at St. Edmund Hall, Oxford University, where he specialized in Czech and Czechoslovak legal history, with a focus on the 19th and 20th centuries. Publications on Czechoslovak legal history and foreign policy during the interwar period and WW II; monograph: *The Establishment of the Czechoslovak National Committee and Provisional Government in Exile*.

▶▶ **ZDENĚK KÜHN**, Doc., JUDr., Ph.D., LL.M., S.J.D., earned his Ph.D. degree from the Charles University School of Law, Prague, Czech Republic, in 2001, and his LL.M. and S.J.D. degrees from the University of Michigan Law School in Ann Arbor, Michigan in 2002, 2005 respectively. Zdenek Kühn is Associate Professor of Jurisprudence at the Charles University Law School. In 2007 he was appointed Justice ad hoc at the European Court of Human Rights in Strasbourg and in 2008 Justice of the Supreme Administrative Court of the Czech Republic. He is author of 3 books, co-editor of 2 other books. He has written a number of articles published in the Czech Republic, USA, Great Britain, China, Russia, the Netherlands etc. His academic interest includes issues of jurisprudence, constitutional interpretation, fundamental rights and constitutional aspects of European integration.

▶▶ **ALENA MACKOVÁ**, Doc., JUDr., Ph.D., graduated 1985 (Charles University Prague), Ass. Professor at the Civil Law Dept., PHARE Programme Expert. Author of *Independence of the Judge*, 1996 (awarded The Rector of the Charles University and the Rule of Law Foundation Prizes), *Attorney's Services* (C. H. Beck, 2002), *Civil Procedure in Czech Republic* (Kluwer, 2007), *E-government Act, Commentary* (Kluwer, 2009), and many others. The Democratic Institution Fellowship fellow (Brussels 1992). Visiting lecturer and scholar at the Catholic University Leuven, University of Passau, LMU Munich and Vienna University. Research Study at the

Court of Justice of European Communities (Court of First Instance). Research interests include issues such as the role of the judge, the effectiveness of judicial protection of rights, legal aid etc.

▶▶ **MONIKA PAUKNEROVÁ**, Prof., JUDr., CSc., graduated from Charles University; 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 30 years experience in this field. Since 2003 member of the International Academy of Comparative Law (IACL), since 2007 President of the Czech National Committee of the IACL. Since 2004 member of the European Group for Private International Law. Since 1990 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, member of the Czech National Committee of the International Law Association. Since 1985 arbitrator at the Arbitration Court in Prague. Author of about 150 publications.

▶▶ **HARALD CHRISTIAN SCHEU**, Doc., 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, Doc., 2006). Numerous Fellowships (Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht in Heidelberg, University of Bern, European University Institute in Florence). Member of the International Institute for Strategic Studies, London. From 1997 to 2006 at the Department of International Law, since 2006 at the Department of European Law of the Law Faculty of Charles University in Prague. In 2001 and 2002 Guest Lecturer at the University of Banská Bystrica, Slovakia. From 2005 to 2006 Attaché for European Affairs at the Austrian Embassy in Prague. Teaches and conducts research in issues concerning International and European Law and International Human Rights Law.

▶▶ **KURT SIEHR**, Prof., dr. iur., Ph.D., born on 28 July 1935 in Sovetsk (Tilsit), former East Prussia, Germany. Primary and secondary school in Tilsit, Hohenems (Austria), Hamburg-Harburg, Buxtehude. Law study in Hamburg (Germany) and Ann Arbor (Michigan, USA). First and second bar examination in Hamburg. 1963 Master of Comparative Law at the University of Michigan Law School, Ann Arbor, Michigan. 1970 Dr. iur. at the University of Hamburg. Research assistant and research associate at the Hamburg Max-Planck-Institute of Comparative and International Private Law from 1963–1991. 1980 Ph.D. at the University of Zürich Faculty of Law (Switzerland). Lecturer, associate and full professor of private law, private international law and comparative law at the University

of Zürich Faculty of Law from 1981–2002. Retirement in 2002. Since then free research associate at the Hamburg Max-Planck-Institute of Comparative and International Private Law. 2009 Dr. iur. honoris causa of the Eötvös Lorand University of Budapest. Member of several national and international associations: e.g. Swiss Society of International Law; German Society of International Law; German Council of Private International Law; International Law Association; International Cultural Property Society; Groupe européen de droit international privé; German Society of Comparative Law; bilateral law associations with Israel, Italy, Turkey and the USA.

▶▶ **MICHAL SOBOTKA**, JUDr., Ph.D., graduated from the Faculty of Law in 1996. At present he is a senior lecturer in the Department of Environmental Law. He cooperates intensively with the Czech Ministry for Environment. He is a member of the Czech Waste Management Council and Minister of the Environment Appeal Commission. He is also a Vice-President of the Czech Environmental Law Society. Specialization in waste and water management law, IPPC and EIA regulation. Contributions in several environmental law textbooks, journals, e.g. *Legal and Economic Instruments of the Environmental Protection* (2002), *Textbook on the Czech Environmental Law* (2003 and 2007, co-author), *Waste Management Act* (2005).

▶▶ **PAVEL SVOBODA**, Doc., JUDr., Ph.D., D.E.A., graduated from the Law Faculty of Charles University in 1984. Studied at the Université Sciences Sociales, Toulouse, France, Academy of International Law in the Haag and Academy of European Law in Florence. Since 1993 he has worked as a professor assistant at the European Law Department of the Faculty of Law of Charles University, since 2000 he has been a visiting professor at the Université Sciences Sociales in Toulouse. He was a member of the Commission for the recodification of copyright law. Between 2004 and 2006 he was a deputy to the Minister of Foreign Affairs. Between 2007 and 2009 he worked as an ambassador-permanent representative of the Czech Republic at the Council of Europe. In 2009 he was Minister-Chairman of the Legislative Council of the Government. Since then he has worked as the Counselor of the Ministry of Foreign Affairs.

▶▶ **MARTIN ŠTEFKO**, JUDr., Ph.D., is a Senior Lecturer at the Charles University Faculty of Law, a Fellow at the Max Planck Institute in Munich and a Guest Professor at NOVA Southeastern University in Florida, USA (2009). He holds a degree as Doctor of Law (2003) and a Ph.D. degree (2005), both from Charles University. Martin Štefko teaches a variety of courses in labour law as well as in social security law. He is also the coordinator of the human resources and public employment policy course. His primary research interest is the Posted

Workers Directive and its implementation in EU Member States but he is also active in topics on the relationship between civil law, labour law and immigration law. Martin Štefko has written more than 90 articles published in various legal journals. He has also written, jointly or individually, 20 books concerning labour law and social security law. He also works as a law adviser at the Czech Social Security Administration in Prague and is an honour member of the Expert Board at the Labour Office of Prague.

▶▶ **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 worked 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, since February 2006 Vice Dean for Research and Publications. He is also author or co-author of several books, as well as many articles published in Czech reviews and 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).

▶▶ **LUBOŠ TICHÝ**, Prof., JUDr., CSc., retains his position at the Faculty of Law, Charles University as the head of the Centre for Comparative Law and taught European, civil and antitrust law from 1993–2009. 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). Member of Coordinating Committee of the Study Group on European Civil Code, member of European Group of Tort Law, member of the Board of Academic Society of Competition Law, member of other international organizations, member of Advisory Board of 3 European legal Journals, member of the Advisory Board of the British Institute for International Private Law. 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), and others.

▶▶ **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's office and researcher in the Economic and Forecasting institutes of the Czech Academy of Sciences. He founded and edited the leading Czech economic magazine *Ekonom*, and lectured at universities in Western Europe and USA. As a free-lance consultant, he has supported change strategy in several important companies. His main areas of specialisation include public policy, impact of institutional framework on economic performance and change management.

▶▶ **ERIKA MARIA WAGNER** Univ. Prof. Mag. Dr., since 2010 professor at the Institute of Environmental Law and at the Institute of Private Law at the Johannes Kepler University in Linz, Upper Austria (JKU); deputy director of both institutes since 2004; from 1. 10. 2004 to 1. 10. 2010: ao Univ. Prof. at both institutes; 2008 scientific consultant at the law firm of Hasliger/Nagele & Partner, Vienna; 2004 habilitation procedure, *venia docendi* for the *whole of civil law with special consideration of environmental law*; thesis: *Dogmatic of Legal Injunctions in Civil Law*; several short scientific stays abroad, e.g. at the Johannes Gutenberg University, Mainz, at the European Commission (Belgium), at the Moscow Institute of Legislation and Comparative Law of the Government of the Russian Federation; at the University of Trier; at the Charles University in Prague; from 1997–2003 assistant professor at the Institute of Environmental Law and at the Institute of Private Law at; 1996 judicial year at the BG and LG Linz (district and provincial court); 1994–1996 doctoral studies in law at the Johannes Kepler University in Linz; promotion in 1996 doctor iuris (dissertation topic: *The Plant in the Civil Neighboring Law*); from 1990–1994 studying law at the JKU, graduation in 1995 as Master of law; several scientific awards.

▶▶ **ZUZANA WEISOVÁ**, JUDr., LL.M., Ph.D. After she earned her degree in law at the Law Faculty of the Charles University in Prague in 2003, she continued with her studies in Konstanz (LL.M. in 2005) simultaneously with her studies in Prague (Ph.D. in 2007). Since 2004 she has been working at the Ministry of Interior of the Czech Republic (department of international law), and since 2007 she also has been giving lectures on international and European law (University of Karlovy Vary.)

▶▶ **KAROLINA ŽÁKOVSKÁ**, JUDr., Ph.D., graduated from the Faculty of Law in 2001. In 2003 she obtained a Master's degree from the Faculty of Law and Political Sciences in Nantes, France. Currently she is a senior lecturer in the De-

partment of Environmental Law. She cooperates actively with the Maritime and Ocean Law Centre of the University of Nantes. She is a member of the Czech Environmental Law Society. She specializes in international environmental law, marine environment and biodiversity protection and chemicals management. She is author or co-author of several contributions in law journals and textbooks, e.g. *Textbook on International Environmental Law* (2008).

▶▶ **PETRA ŽIKOVSKÁ**, JUDr., Ph.D., graduated from the Law Faculty of Charles University in 1995 and from the Academy of Performing Arts in Prague in 1997. Research fellow at the Institute of copyright law, industrial law and competition law since 1995. Specialist in copyright law at music publishing house BMG Ariola ČR/SR between 1997 and 2000. Then she worked in Supraphon a.s. as the head of international department and licensing, and since 2005 she is the director of the International Federation of the Phonographic Industry. Studied law at Utrecht University, Tempus Programme, English Legal System Summer School at Cambridge University, New York University (supported by Fulbright foundation), comparison of the Anglo-American and European copyright law system.



PRACTICAL INFORMATION

Prague

Prague is the capital and largest city of the Czech Republic, situated in central Bohemia. Lying along the banks of the River Vltava (Moldau), Prague is a magical city of bridges, towers, church domes and buildings of various style periods. For eleven centuries it has been developing into its present day shape. Prague is, however, a green city, too. Nowadays it covers a total area of 496 square kilometers with almost 1,2 million permanent residents. In 1992 the historical centre with a unique panorama of the Prague Castle was listed in the UNESCO World Cultural and Natural Heritage Register.

Prague is the seat of the top-level legislative, administrative and political bodies of the country – the Parliament, government and President. The most important social, cultural and educational institutions also reside here. “The Magical City”, “Golden Prague”, “The City of One Hundred Towers”, “The Paris of the East” and “The Rome of the North” are some of the common descriptions of Prague.

Prague has generally very good connection with all other capitals in Europe via its international airport. It is also an ideal starting point for exploring other countries in Central Europe. Public transportation (underground, trams, buses) is highly developed within the city itself.

The Charles University

Founded in 1348 by the Czech King and Roman Emperor Charles IV, *Universitas Carolina Pragensis* is the oldest university in Central Europe and 19th oldest university in continuous operation in the world. It has enjoyed a long international reputation for high quality teaching and research. From the



very beginning, instruction in Canon Law and Roman Law have been a part of the curriculum of Charles University and have formed the basis of *ius commune europae*. Johannes Kepler, Bernard Bolzano, T. G. Masaryk and Albert Einstein are included among the University's distinguished alumni.

The fortunes of the University have been linked with the fate 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 17 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'état* 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 45 000 throughout 17 Faculties.

The Faculty of Law

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, in public service, as well as in advocacy and private business.

The Czech universities have been invited to participate in the European dimension in higher education since the academic year 1998–1999. Since this year (based on the Europe Agreement on Association – Decision of the Association Council No. 2/1997) the Faculty of Law 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, Sweden, Norway, Iceland, Malta etc. in the student and teaching staff mobility scheme within the SOCRATES/ERASMUS Programme of the European Union (later LLP–Erasmus Programme). Courses offered at the Law Faculty in English have been covered by the European Credit Transfer System (ECTS).

The Faculty also admits students from outside of the EU/EFTA Member States under the exchange programmes of inter-governmental cultural agreements and inter-university agreements. Nowadays, about 130 law students from the Member States of the European Union nominated by their home Universities can spend one or two terms in Prague, while approx 140 Czech law students from Law Faculty of Charles University go abroad for a comparable period.

Now the Faculty of Law of Charles University in Prague seeks to make another step towards modern forms of continuous education, i.e. open its own LL.M. Programme in two different specializations.

Accommodation, catering, other facilities

Foreign students are housed in the **University's Residence Halls**, in double occupancy rooms with shared kitchen and bathroom facilities. Accommodation in single rooms is usually not available. Students can use either the cafeteria in the Law Faculty building, or in dormitory area. Generally it is also easy to hire an apartment privately.

The **Law Library**, located in the Faculty 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. Wireless internet connection is available in the whole building of the Law Faculty. The Faculty of Law frequently holds public lectures given by distinguished guests, international symposia etc. open to the whole academic community. Additionally, there are other in-door facilities in the Faculty building ready for use, such as a fitness and a basic sport centre.





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