

## Workshop Programme

# Constitutional Interpretation in Emergencies in Europe

HUN-REN Centre for Social Sciences, Institute for Legal Studies, Budapest

Institute for Legal Studies, ILS Council Room, November 7, 2024

The aim of the workshop is to examine how emergencies impact the methodology and practice of constitutional interpretation in Europe.

There has been a vast and growing literature over the last two decades on the legal theory of emergencies, regulatory regimes, and the scientific assessment of exceptional powers and rights-restrictions. However, less attention has been paid to the constitutional review of emergency legislation, despite the fact that the issue has been raised time and time again from *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866) to *Korematsu v. United States*, 323 U.S. 214 (1944), from *A v. Secretary of State for the Home Department* [2004] UKHL (the *Belmarsh case*) to the “COVID-19 case law” of the European Court of Human Rights. The primary reason for this scholarly gap may be that (constitutional) courts have traditionally been deferential to the executive in dealing with a crisis in times of emergency, and, since judicial review usually reacts to legal challenges with some delay and after the events, it is difficult to access the relatively limited information needed for normative assessment or even for broader comparative analysis.

### Organisers

The workshop is organised as part of the project on *Constitutional Interpretation in Emergencies in Europe* (CINEM) and is supported by the Widening Europe Programme of the European University Institute, Florence, the HUN-REN Centre for Social Sciences, Institute for Legal Studies, Budapest, and the Research Group on Constitutional Interpretation of the International Association of Constitutional Law. The EUI Widening Europe Programme initiative, backed by contributions from the European Union and EUI Contracting States, is designed to strengthen internationalisation, competitiveness, and quality in research in Widening countries, and thus foster a more cohesive European Higher Education and Research area. The Principal Investigators of the framework project are Gráinne de Búrca, Professor of Law at the European University Institute, Florence; Fruzsina Gárdos-Orosz, Research Professor, Institute for Legal Studies, HUN-REN Centre for Social Sciences and Professor of Law, ELTE Law School, and Zoltán Sente, Fernand Braudel Fellow, European University Institute and Research Professor, Institute for Legal Studies, HUN-REN Centre for Social Sciences.



## 7 November, Thursday

9.30 – 9.45 Registration

9.45 – 10.00 Welcome speech of **Zoltán Szente**

### Morning session

Chair: **Zoltán Szente**

10.00–10.20 **Anna-Bettina Kaiser**: *Constitutional Interpretation in Emergency in Germany*

10.20–10.40 **Monika Florczak-Wątor**: *Constitutional Interpretation in Emergency in Poland*

10.40–11.00 **Bianca Gutan**: *Constitutional Interpretation in Emergency in Romania (on-line)*

11.00–11.20 **Vaidotas Vaičaitis**: *Covid-19 case-law of the Lithuanian Constitutional Court*

11.20–11.50 Discussion

11.50–12.00 Coffee break

12.00–12.20 **Pavel Ondřejek**: *Justification of Extraordinary Measures Adopted Pursuant to the Pandemic Act in the Czech Republic (on-line)*

12.20–12.40 **Đorđe Gardašević**: *Relevance of classical arguments in contemporary emergency interpretation*

12.40–13.00 **Fruzsina Gárdos-Orosz**: *Crisis and Law: Handling Covid-19 by emergency powers in the Central and Eastern European countries*

13.00–13.30 Discussion

13.30–14.30 Lunch break

### Afternoon session

Chair: **Fruzsina Gárdos-Orosz**

14.30–14.50 **Cesare Pinelli**: *Constitutional Interpretation in Emergency in Italy (on-line)*

14.50–15.10 **Francisco Balaguer Callejón**: *Constitutional Interpretation in Emergency in Spain*

15.10- 15.30 Discussion

15.30–15.50 **Konrad Lachmayer**: *Constitutional Interpretation in Emergency in Austria*

15.50–16.10 **Claudia Cinnirella**: *Emergency interpretation in European Union Law: a first attempt of systematisation*

16.10–16.40 Discussion

16.40–17.30 **Zoltán Szente-Fruzsina Gárdos-Orosz**: *Constitutional interpretation in emergency – Closing remarks and discussion of further project plans*



**Participants:**

BALAGUER CALLEJÓN, Francisco, Professor of Law, University of Granada, Granada

CINNIRELLA, Claudia, Post-doc Researcher, University of Catania, Catania

DE BÚRCA, Gráinne, Professor of Law, European University Institute, Florence

FLORCZAK-WĄTOR, Monika, Professor of Law, Jagellonian University, Cracow

GARDAŠEVIĆ Đorđe, Professor of Law, University of Zagreb, Zagreb

GÁRDOS-OROSZ, Fruzsina, Research Professor, Institute for Legal Studies, HUN-REN;  
Professor of Law, ELTE Law School, Budapest

GUTAN, Bianca, *Professor, "Lucian Blaga" University of Sibiu, Faculty of Law*

KAISER, Anna-Bettina, Professor of Law, Humboldt University, Berlin

LACHMAYER, Konrad, Professor of Law, Sigmund Freud University, Vienna

ONDŘEJEK, Pavel, Associate Professor, Charles University, Prague

PINELLI, Cesare, Professor of Law, Sapienza University, Rome

SZENTE, Zoltán, Research Professor, Institute for Legal Studies, HUN-REN, Budapest

VAIČAITIS Vaidotas, Associate Professor, University of Vilnius, Vilnius

