



International Conference on Comparative Law

Comparative Law in Eastern and Central Europe

Olsztyn, March 17-18th, 2011

Conference Program

March 17th, 2011

All events on March 17th are held in the Dietrichs' hall, Humanities Center. GPS: 53.750425, 20.457200.

Opening ceremony (12:00 - 12:30)

1. Academic Choir.
2. Welcome word by **Bronisław Sitek**, Dean of the Faculty of Law and Administration.
3. Welcome word by **Wojciech Janczukowicz**, Vice-rector of the University of Warmia and Mazury in Olsztyn.
4. Welcome word by **Maxim Tomošek**, Palacky University in Olomouc.

Session 1 (12:30 - 13:45, chairmen: prof. Bronisław Sitek, Jakub Szczerbowski, Ph.D., Language: English)

1. Prof. **Christian von Bar** (University of Osnabrück, Germany) - On the way to the European contract law. Academic preparation work and political options.
2. Prof. **Aldo Petrucci** (University of Pisa, Italy) - Il DCFR e le radici storiche della tradizione giuridica europea: alcune osservazioni (DCFR and the historical roots of European legal tradition: some remarks).
3. Prof. **Stathis Banakas** (University of East Anglia, Norwich, United Kingdom) - Harmonisation of European private law: out of date, out of time?

Discussion (13:45 - 14:15)

Lunch (14:15 - 15:15)

Session 2 (15:15 - 16:30, chairman: Maxim Tomošek, Ph.D., Language: English)

1. Prof. **Tomasz Giaro** (University of Warsaw, Poland) - European legal tradition in East and West. A comparison.
2. Prof. **Zdzisław Brodecki, Magdalena Konopacka**, Ph.D. (University of Gdańsk, Poland) - Co-existence of legal cultures.
3. Prof. **Alessandro Palmieri** (University of Siena, Italy) - Consumer protection and limits for national legislatures in the field of electronic communications: some reflections about the ECJ Judgments in Polish cases.

Discussion (16:30-17:00)

Coffee break (17:00 - 17:15)

Session 3 (17:15 - 18:30, chairman: prof. Tomasz Giaro, Language: English)

1. Prof. **Wojciech Dajczak** (Adam Mickiewicz University in Poznań, Poland) - Polish way to the unified law of contract. Local curiosity or contribution to the European debate today.
2. **Maxim Tomošek**, Ph.D. (Palacky University in Olomouc, Czech Republic) - Different methods in constitutional comparative law and their benefits.
3. **Bizina Savaneli**, Ph.D. (St. Grigol Peradze University in Tbilisi, Georgia) - New comparative theory of law.

Discussion (18:30 - 19:00)

Dinner (20:30, Hotel Park, Al. Warszawska 119, Olsztyn)

March 18th, 2011

All events on March 18th are held in rooms 306/307 in the Main Library. GPS: 53.7522024, 20.458308.

Panel A (9:30 - 11:00, chairman: prof. Stathis Banakas, Language: English)

1. **Eylem Apaydin**, Ph.D. (University of Kocaeli, Turkey) - Comparison of co-ownership rules in English and Turkish law.
2. **Asta Dambrauskaitė**, Ph.D. (Mykolas Romeris University in Vilnius, Lithuania) - Absolute and relative nullity of contracts v. void and voidable juridical acts – A matter of terminology under Lithuanian civil law?
3. **Aurelien Portuese**, M.A. (University of Paris II Pantheon Assas, France) - Principle of subsidiarity versus principle of economic efficiency in the ECJ case-law. A comparative analysis.
4. **Tereza Kyselovská**, M.A. (Masaryk University in Brno, Czech Republic) - Online defamation - key problems.
5. **Pavel Petr**, M.A. (Palacky University in Olomouc, Czech Republic) - Apartment ownership in Central Europe.
6. **Aleksander Jakowlew**, M.A. (Jagiellonian University in Cracow, Poland) Consumer bankruptcy in comparative approach. Polish solution in the light of foreign experiences.
7. **Aryna Yuryna** (I.I. Mechnikov National University in Odessa, Ukraine) - The Types of Corporations in the Legislation of the Ukraine, France, Germany and the USA (basic items).

Panel B (9:30 – 11:00, chairperson: Magdalena Konopacka, Language: Polish)

1. Prof. **Jacek Sobczak** (High School of Social Psychology, Warsaw, Poland) - System polityczny Białorusi - w procesie transformacji czy polaryzacji.
2. Prof. **Stanislav Mraz** (Matej Bel University in Banská Bystrica, Slovakia) - Možnosti obmedzenia ľudských prav v rámci boja proti medzinarodnemu terorizmu.
3. Prof. **Bronisław Sitek** (University of Warmia and Mazury in Olsztyn, Poland) - Unifikować czy synchronizować prawo w Europie? Rozważania na przykładzie analizy przypadku State v. Ebrahim z systemu prawa południowoafrykańskiego.
4. **Jan Piszczek**, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Prawo właściwe dla osób prawnych.
5. **Grzegorz Majkut**, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Przejmowanie działek gruntu na własność Skarbu Państwa lub na własność samorządu terytorialnego wydzielanych pod drogi publiczne
6. **Monika Ziniewicz**, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Oplata adiacencka w Polsce i w Niemczech.
7. **Magdalena Rzewuska**, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Ochrona prawna spadkobiercy na przykładzie zachowku i rezerwy.

Coffee break (11:00 - 11:30)

Panel C (11:30 - 13:30, chairperson: Anna Schneiderová, Ph.D., Language: English)

1. **Blanka Tomančáková**, Ph.D. (Palacky University in Olomouc, Czech Republic) - Unfair terms in the consumer contracts and its transposition into the Czech legal system.
2. **Irina Khuzhokova**, Ph.D. (Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow) - Back to continental legal family?: Reception of Western law in CIS.
3. **Edyta Sokalska**, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - The influence of British law tradition on the American legal system (some historical aspects).
4. **Katarzyna Pokryszka**, Ph.D. (University of Silesia, Katowice, Poland) - European economic interest grouping as an opportunity for exercising the freedom of establishment for Polish entrepreneurs on the internet market.
5. **Dušan Korgo**, Ph.D. (Police Academy in Bratislava, Slovakia) - Criminal issues of terrorism in the Slovak Republic.
6. **Zuzana Adameova**, M.A. (Palacky University in Olomouc, Czech Republic) - Public law agreements between private parties in the Czech Republic and Slovakia.

Panel D (11:30 - 13:30, chairperson: Dorota Lis-Staranowicz, Ph.D, Language: English)

1. **Klára Svobodová**, Ph.D. (Masaryk University in Brno, Czech Republic) - Arbitration and human rights.
2. **Marek Antoš**, Ph.D. (Charles University in Prague, Czech Republic) - Electoral system in the Czech Republic: 20 years of legislative and judicial developments.
3. **Maria Roeske**, M.A. (Adam Mickiewicz University in Poznań, Poland) - The concept of human dignity in Polish constitutional law and its impact on the law of prenatal torts.
4. **Marina Borkoveca**, M.A. (Ministry of Justice of the Republic of Latvia, Riga) - Unification of the human rights in Europe.
5. **Pavla Tonnies**, M.A. (Palacky University in Olomouc, Czech Republic) - Prohibition of extradition of own citizens and the Rome Statute of ICC.
6. **Michal Márton**, M.A. (University of Trnava, Slovakia) - Referendum in constitutions of post-communist members of EU.

13:30 - 14:15 Lunch

Panel E (14:15 - 15:45, chairman: prof. Zdzisław Brodecki, Ph.D., Language: English)

1. Prof. **Augusto Teixeira Garcia** - (University of Macau, Macao) - Macao Commercial Code of 1999 - its European roots and influences.
2. **Piotr Piniór**, Ph.D. (University of Silesia, Katowice, Poland) - New methods of exercising shareholder's rights.
3. **Anna Schneiderová**, Ph.D. (Matej Bel University in Banská Bystrica, Slovakia) - Origin, development and legal regulation of *societas europaea*.
4. **Dmitriy Lukyanov**, Ph.D. (Yaroslav the Wise National Law Academy of Ukraine, Kharkov, Ukraine) - Religious systems.
5. **Jakub Jaraczewski**, M.A. (Adam Mickiewicz University in Poznań, Poland) - Renegade airplanes and human dignity; constitutional issues in Germany and Poland.
6. **Szymon Syp, Mariola Mitana** - Contingent capital – a new financial institution. Will it stabilize large financial institutions?
7. **Paweł Polaczuk**, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Social diversity and John Rawls's model for justifying the principles of justice. Some remarks.
8. **Jakub J. Szczerbowski**, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Law and economics as a method in comparative research.

Panel F (14:15 - 15:45, chairman: Edyta Sokalska, Ph.D., Language: English)

1. **Gabriela Halířová**, Ph.D. (Palacky University in Olomouc, Czech Republic) - The maternity leave and related legal questions.
2. **Nadezda Ljubojev**, Ph.D. (University of Novi Sad, Zrenjanin, Serbia) - The child abuse within a family.
3. **Annalisa Alongi**, Ph.D. (University of Palermo, Italy) - The foster care and the right to a family.
4. **Veronika Kudrová**, M.A. (Masaryk University in Brno, Czech Republic) - Enactment of the constitutional right to higher education in the law of member states of the Visegrad Group.
5. **Ewa Kabza**, M.A. (Mikołaj Kopernik University in Toruń, Poland) - Cohabitants divorce.
6. **Lucia Madlenakova**, M.A. (Palacky University in Olomouc, Czech Republic) - Parental refusal of medical care.
7. **Ewa Kosior**, M.A. (University of Białystok, Poland) - The impact of leading the business on economic foundations of family functioning.

Closing session (15:50-16:20, Language: English)

Final comments by:

1. Prof. **Bronisław Sitek** (University of Warmia and Mazury in Olsztyn, Poland).
2. Prof. **Alessandro Palmieri** (University of Siena, Italy).
3. Prof. **Stathis Banakas** (University of East Anglia, Norwich, United Kingdom).

Other submitted papers

1. Klára Hamuláková, Ph.D. (Palacky University in Olomouc, Czech Republic) - The comparison of the models of judicial control of administrative bodies' acts.
2. Jana Křiváčková, Ph.D. (Palacky University in Olomouc, Czech Republic) - The principle of foreseeability of judicial decision as a component of the right to a fair trial.
3. Bizina Savaneli, Ph.D. (St. Grigol Peradze University in Tbilisi, Georgia) - Mutual transition, spiral and evolutionary development of single positive law and plural normative order related to the New Comparative Normative Order Study in the context of global conflict resolution.
4. Jarosław Szczechowicz, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Consumer protection in the light of Directive 2008/122/EC of 14th January 2009.
5. Irina Izarova, Ph.D. (Vadym Hetman Kyiv National Economic University, Ukraine) - About city planing law.
6. Maciej Rzewuski, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Notarial testament in Europe.
7. Justyna Krzywkowska, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - Marriage as a relationship for the whole life.
8. Tomas Tintera, M.A. (Palacky University Olomouc) - Contractual penalty in Civil law
9. Paweł Romaniuk, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - The right to social control administration, as an inalienable human right.
10. Paweł Romaniuk, Ph.D. (University of Warmia and Mazury in Olsztyn, Poland) - The right to public information, as a constitutional category.
11. Joanna Radwanowicz-Wanczewska, Ph.D. (University of Białystok, Poland) - Europeanization of the Polish legislation relating to human artificial procreation.
12. Jakub Zięty, Ph.D., Aleksander W. Bauknecht, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Penalty clauses in German and Polish contracts.
13. Magdalena Zielińska, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Can the comparative law methods be a solution? Some remarks on the example of future damages and anticipated injury.
14. Adrian Szczudłowski, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Unjust enrichment in Civil Law and Common Law, comparative remarks.
15. Ewa Bieniek, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Legal consequences of emancipation by marriage.
16. Michał Mariański, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - The possible impact of Hague Securities Convention on the liquidity of the financial markets in Central Europe.
17. Marcin Kazimierzczuk, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Wolność zgromadzeń w świetle ustawodawstwa III RP.
18. Sylwia Lazarewicz, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Liability for non-material damage in contract
19. Katarzyna Piecha, M.A. (University of Warmia and Mazury in Olsztyn, Poland) - Human rights and European law.