

**MINUTES**  
*of the*  
**XLI. ELPIS Conference**  
*at*  
**Charles University in Prague, 14<sup>th</sup> – 16<sup>th</sup> June 2012**

**Presence:**

Milan DAMOHORSKÝ (Prague), David KOHOUT (Prague), Svatava MARESOVÁ (Prague), Marie KONECNÁ (Prague), Adriana ALMASAN (Bucharest), Mariann BOTLIK-MOLNÁR (Budapest), Radka SABOVÁ (Bratislava), Slavomir RUDENKO (Bratislava), Sandra FAGERLUND (Stockholm), Ronnie EKLUND (Stockholm), Paul SCHOUKENS (Leuven), Astrid VAN DORT (Groningen), Ingrid KRAMER (Fribourg), Hilmar FENGE (Hannover), Bernd OPPERMAN (Hannover), Steffen PABST (Leipzig), Marine TOULLIER (Rouen), Sophie DE PRADIER (Rouen), Pierre Henri PRELOT (Cergy-Pontoise), Regina VALUTYTE (Vilnius), Elisabeth REIEN (Oslo), Jens Peder LOMSDALEN (Oslo), Vasco PEREIRA DA SILVA (Lisbon), Guilherme d'Oliveira MARTINS (Lisbon), Armaudo ROCHA (LISBON), Fernando GALINDO (Zaragoza), Arndt KÜNNKE (Istanbul).

**Excused:**

Nicolas GUILLET (Le Havre), Wojciech ZAKRZEWSKI (Lublin), Pawel SADOWSKI (Lublin), Charoula APALAGAKI (Thessaloniki), Dan C. OANCEA (Bucharest).

**Guests:**

Jan SOMMERFELD (stud. Prague/Hannover)

TOP 1            Preliminary

a) Introduction und Opening

Welcome and Opening of the conference by Vice-Dean Prof. Dr. Damhorský,  
Welcome and organizational remarks by Mgr. Kohout, Head of the International Office.

The chairman cheerfully thanked the hosting institution for the warm welcome as well as for the comfortable use of university facilities and, last but not least, for the spoiling frame program.

b) Agenda

The suggestions of the chairman were elaborated and developed in order to achieve the present version.

c) Approval of the minutes (XL. ELPIS Conference 12-14 May 2011 at Stockholm)  
A few changes were necessary; some details concerning the attendance names had to be corrected. Furthermore, the requests for inserts to TOP 3a and TOP 6b (already brought out in the present version) have been explained by Prof. Eklund. Last but not least, for the Register of Participating Universities, Lisbon University has to be added, while the other Lisbon partner, Catholic University, is mentioned already.

The minutes were approved with the changes signified.

TOP 2            Reports and news

- a) Programs and conferences at the host institution  
The representatives of the hosting Charles University offered booklets to the delegates, containing a register of all ERASMUS exchange students. Also, international projects and programs were introduced.
- b) ELPIS network reports and news  
The chairman had summarized some news on the network and related activity in the frame of explaining his suggestion of the agenda. All relevant facts are contained and specified by the following TOPs.

### TOP 3

#### **Cooperation report**

*(Remark: due to the importance of this traditional ELPIS TOP, and different from our regular practice, the contributions of the auditorium as outlined in these minutes are combined with the names of the delegates)*

- a) Student exchange, experiences and problems  
Information has been given by about the international students at Prague Moratorium (faces and universities) lively report on the students. This is done in future as well in order to substitute our idea of statistics which did not work. In future therefore, the host university shall introduce its international students and international facilities and programs.
- b) Student exchange: target institution of the students  
Quite some attention has been spent in order to expand the destinations available for student exchange. However, most of our students in ELPIS tend to the West, not to Eastern Middle European destinations. Several solutions have been discussed, as a possible mode of inviting the students of the partners (Schoukens). Another suggestion was to dealing with the difference by smaller structure and treaties, and showing to the students how to obtain things at the eastern partner faculties they cannot get otherwise in the west (Toullier). Furthermore, visiting students back at home should give encouraging information about these targets in the European East (van Dort). However, the language barriers should be notified and integrated into the concept (Sommerfeld), as ELPIS did for example in the case of Vilnius by allowing English language courses for its students at Vilnius. Nevertheless, in general the ELPIS language concept should remain important (Fenge). The participants were convinced that Personal contact has be upheld in order perform this task, e.g., by trying to organize a common project (Künnecke). Although, we should be aware, that there might be a problem of the student c.v. which has to be taken into account, a problem which could be resolved by integrating well-known undertaking being active at eastern destinations (Schoukens) which might be interested in offering internships for our ELPIS students.
- c) Student exchange: mobility for the placements  
The last mentioned idea was well accepted by a dense discussion of the auditorium. Why not bringing the students to a company apart as well in western as in eastern destination by focusing the latter. The ELPIS staff has good experience in placing the students at attractive internships (Rudenko, Lomsdalen), already realized at quite a few of our partner universities. It should be envisaged that ERASMUS will be replaced or will at least integrate a placement program to the result that EU grants and funds will be available (Pereira da Silva). At Vilnius,

there exists a placement program for about 50 students in the frame of ERASMUS MUNDUS. Even in big organizations like the NATO or UN such placements are available. Especially for Bachelors placements are compulsory, though, not for masters where the measure appears voluntary. However, such a System implies supervisors on both sides. It was even envisaged by some delegates to replace ERASMUS scholarships by EU placement scholarships since they appear to be better available in future (Pereira da Silva). Bratislava pointed out to be also very active in placement programs. Funds are available, and contacts provide contacts to foreign law firms will be provided (Rudenko).

Although, there are language problems in placement matters which should not be underestimated. At least in Hungary, law firms are interested in students speaking the actual language of the county (Botlik-Molnár). Moreover, another conflicting view took the approach that the utmost of our members (except a few like the partner at Vilnius and the Catholica at Lisbon) are a public institutions which do not promote private enterprises with public money (Damohorský). There could be conflicts on the borderline public – private sector. Further, we are scientific institutions and to not promote practical education for its own means (Damohorský, Oppermann). Therefore, this might be a very valuable side activity, but for the main focus, this is not our contribution. Moreover, “Practice” in ELPIS does not mean practical education which appears to be a matter of other institutions. Instead, there should be more diverse approaches, different fields of law to be envisaged (Fenge).

Nevertheless, private companies should be committed to legal education (Schoukens). ELPIS has a clearly theoretical approach as the approach of university education, which however, should be balanced on Master level with practical concerns of entering the legal profession (Toullier). Due to national differences in state examination and clerkship the view of member state institutions differ in such respect (Oppermann). There are differences in theoretical tradition and trainee-tradition also between the faculties: The placement program of the EU has not worked in the law field for exactly that reason (Pereira da Silva). However, Saragossa has developed a way how to integrate both and to fulfill this academic tradition (Galindo). From a student’s perspective, a placement program gives a great opportunity to integrate practical education, e.g. working at Prague at an international law firm (Sommerfeld).

d) Exchange of scholars, experiences and problems

Rouen offers lectures for foreign scholars; Leuven wants to enhance this perspective as well. Lisbon follows a two-track model via Erasmus und via intensive courses. Hanover receives regularly scholars on the track ERASMUS exchange, also by means of several more specific academic exchange programs. The hope has been expressed to be successful in the Lisbon ERASMUS MUNDUS III application which would enhance the exchange activity at least for some of our member. Regardless of such specific funds, the delegates continued to debate suggestions in order to enhance the successful exchange of scholar via the ELPIS network in future.

e) Language skills of ERASMUS exchange students

Language standards were debated. Except for specific English language programs, the delegates expect in principle that students are capable of the language of the host university since the ELPIS concept connects the language with the law in comparative studies.

The delegates discussed how to filter the students in terms of language wisely. A useful tool secure language skills would be the incorporation into the exchange agreement (van Dort). In any case, there should be a good control of language skills as they start their studies at the host university. The counter-argument stated that in ELPIS, we ought to trust, not to test. Moreover, the sending institution may realize the degree of language knowledge, not the host university (Schoukens). In extreme cases, though, we do have the possibility and the practice to send the students back home (Damohorský). Whether sending or receiving, it is important to organize language tests at our institutions (Toullier), as many of law faculties do already (Botlik-Molnár), while other ELPIS members rely on central university units (Oppermann). Anyway, there should be several institutional modes for the students where they may go in order to test their language skills (Schoukens). In principle the auditorium wants to keep the condition that a visiting students needs to know the language of the host, the country of destination. The language must not be spoken perfectly, though, on an acceptable level (Pabst).

**Decision:** Good skills of the language of the receiving institution (host) are conditional. "Good skills" means to be able to follow the law courses of the receiving institution. In principle, the use of English language (except for specific programs announced) does not substitute the knowledge of language of the country of destination.

f) Grades / years of study / capacity of ERASMUS exchange students

We should not mix together students of different knowledge in their academic subject, which has to be formalized by years of study. Quality depends on the level of the students. Therefore, the students should not be sent under one completed year or they ought to have collected a corresponding amount of credits (van Dort). It has been disputed, whether they should have completed at least two years of studies (Fenge). Other delegates proposed not to introduce very strict rules (Pereira da Silva, Rudenko). Finally, the auditorium consented that exchange students should not be beginners in the field of law and ought to have at least some semesters of knowledge in their academic field.

g) Different models of integration

For integrating Erasmus students into the law studies at the host institution, there are roughly spoken two different models in use. Firstly, some faculties ask their visiting students to participate in regular law classes of the host University in their desired subject of national law. Secondly, other faculties preferred implementing separate Erasmus or International programs merely for the foreign students. Some of the classes are mainly focusing on International and European Law, a few even in English language.

The debate was opened by the statement that the ELPIS idea always has been to learn the law and the language of the hosting university and not to attend only international courses but moreover by attending courses in the frame of the first-mentioned integrative model (Fenge). Vilnius focused on their special situation by offering two complete law programs in English language. Moreover they offer as well national law courses in Lithuanian language at least concerning undergraduate education. Thus, the matter should be regarded in respect whether undergraduate or graduate education is concerned (Valutyte). As well as for Lithuanian language, there will be not many foreign students being interested in Dutch language. Therefore, Leuven offers English courses with a few exemptions (Schoukens). The same is true for Oslo; it makes a difference which lan-

guage we may envisage (Reien). At some places, like Lisbon, the English courses are integrated into the studies of national law (Pereira da Silva), so this appears to be a kind of compromise between the two abovementioned models. In Stockholm, there is only one law course in English offered for the foreign students, the rest of the courses is integrated (Eklund). As well at Groningen, both models are represented: the students may visit some English courses, and additionally, they may choose whatever they like in native language (van Dort). The same counts for Stockholm and for Rouen: there is an integrated course structure despite the use of foreign language in some classes, while ERASMUS exchange lectures are anyway mostly held in English language (Fagerlund, Toullier, Oppermann).

- h) European space for higher education and the money making matter: a contradiction or the way to mutual benefit?  
A short discussion took place concerning fees and tuition. The subject was not regarded as urgent, therefore postponed to the next meeting.
- i) Bureaucratization of the Erasmus exchange procedure  
Suggested problems could be the formalizing of learning agreements to be delivered a few semesters in advance, the inflation of forms and procedure, difficulties during the application procedure, and the "rising pyramid" by building complex levels of hierarchy in administering international studies. For the utmost of ELPIS partner institutions such topics appeared to be neutral. Thus, arising problems must be regionally homemade. The advice of the delegates tends towards flexible arrangements of the forms and learning agreements (van Dort).
- j) The ELPIS idea: learn the language and the law of the country of destination  
(See above 3b, 3e, and 3g)
- k) Miscellaneous matters on cooperation

#### TOP 4                      Bologna Declaration – recent development

(For applied Bologna topics, first see above Top 3 passim)

- a) Many of our member institutions are obligated (by State law) to organize their non-graduate law programs not in conformity with the Bologna rules (no Bachelor Master), e.g. Germany, Austria, Czech Republic, Hungary, Romania, and others. In a widely held view, Bologna criteria are unnecessary for the legal and for the medical university education (Damohorský). For that reason, this reform was not really adopted by the law faculties, even these who pretend to do so: Oslo offers a 5-year Masters degree, while Copenhagen still splits the law studies into the Bachelor-Master scheme (Eklund). After raising doubts about the correct use of terminology concerning under-graduate and post-graduate students in view of implementing the Bachelor-Master-structure (Kohout), the auditorium finished the discussion in re-adjusting the terminology including ECTS grading scale and credit system in accordance to Bologna criteria. Despite its long time pre-existence, there are still some differences in the use of the ECTS grading scale which should be harmonized.

- b) Bologna measures and the recent development of law student exchanges, only a German problem?  
Bachelor /Master-structures should be realized in Europe in order to constitute a space of European higher education, an approach, which did not work indeed (Schoukens). The Bologna system goes to comparable grades, which should enable us to discuss on the same level. The final examination (Master or State Examination) remains a national peculiarity and constitutes a problem for our European goal. Bologna is a reality, though, it could be better. There could be more mobility, more joint experiences. In reality the experiences and the statistics are different from the approach. Obviously, the notion of less mobility due to “Bologna” measures seems to be caused by national implementation (Pereira da Silva).

#### TOP 5

##### New and common products at ELPIS member faculties

- a) Charles University Prague has introduced to the delegates
- PhD studies in European law and other selected fields;
  - LL.M. studies for Master of Law of two different subjects (economy-oriented and human rights oriented).
- b) Bachelor or Master of Laws – employing the experiences at Hanover:
- The common European legal Practice LL.M. Eur has been subject of a patchwork accreditation which is presently finalizing
  - The well-known MLE-degree is granted for new candidates only until 2013. Afterwards, it will be substituted by a LL.B. Europe degree. For a short interim period a MLE-certificate will be available.
- c) Joint Doctoral Studies  
Chances and partners for joint doctoral studies have been discussed.
- d) Reports on other projects

#### TOP 6

##### Membership report and decisions

- a) Universidade Católica Portuguesa remains partner of the ELPIS network
- b) Introduction of the Okan University /Istanbul  
Yrd.Doç. Dr. Arndt Künnecke, Hukuk Fakültesi Öğretim Üyesi Okan Üniversitesi, Tuzla Kampüsü, Istanbul, introduced his institution. Okan is a private university and educates about 9.000 students in Turkish and English language. The delegate offered a presentation of Istanbul, the Okan University, and ultimately its law faculty. The young law faculty offers legal education for 120 incoming students presently. For more details, please see the materials distributed. A thorough questioning and discussion on the subjects of Okan legal studies followed.  
**Decision:** The delegates decided to accept the law faculty of Okan University at Istanbul to become partner in the ELPIS network.
- c) Introduction of Sofia University as a possible first Bulgarian member  
The chairman suggested as a possibly interested partner in Bulgaria the State University at Sofia, where preliminary requests have been made. Although the ELPIS network has partners in all EU and EFTA countries where law faculties

are present, Bulgaria is still missing on our map. The matter was debated between the delegates. The chairman applied to proceed by inviting a delegate of Sofia to become our guest at the next meeting at Bucharest.

DECISION: The chairman may proceed (against vote: 0, abstention: 5).

d) Suggested new partner institution in Italy, Sassari University (Sardinia)

On request of the chairman, Prof. Marine Toullier brought the matter by brief circumscription back into the memory of the auditorium. Rouen keeps virulent contacts with Sassari. Language of the courses at the law faculty is Italian. Prof. Toullier informs Hanover whether there will be an application for membership and how to proceed.

e) Other recent requests concerning the ELPIS network

f) The procedure concerning inactive partners  
The matter will be treated at the next meeting again.

TOP 7 Introduction of the recently amended ELPIS

- Please see [www.elpis.eu](http://www.elpis.eu) -

TOP 8 SUMMER ACADEMIES

a) GREIT Lisbon summer course in tax law

Prof. Pereira da Silva briefly introduced into the state of creating a new version of the European-US summer school. In the meanwhile, the ELPIS students are especially invited to visit the Summer School on Tax Law.

Detailed information about the Summer School on Tax Law organized by Católica Global School of Law / School of Law of the Portuguese Catholic University has been distributed by separate mail. You can also find more information about this Summer School at the link:

<http://www.fd.lisboa.ucp.pt/site/custom/template/ucptplfac.asp?sspageID=3373&lang=2> .

For further information, do not hesitate to contact Prof. Rocha of our partner Portuguese Catholic University.

b) Summer Academy in Vilnius

Prof. Valutyte was introducing the Vilnius summer school on the protection of human rights.

c) European /US summer school, state of development

See above a). Lisbon University plans to establish with New Orleans a new edition of the European-US-American summer school. There might be a possibility to realize the project for next year, maybe in connection with Vienna.

TOP 10 New common projects of the ELPIS network

a) Application for EM III by the University of Lisbon for the ELPIS II network:  
brief report by Prof. Pereira da Silva

b) German patchwork accreditation procedure LL.M. joint degree:  
brief report by Prof. Oppermann

c) New common projects

TOP 11 Publication ELPIS on European and International Law (presentations of ELPIS scholars), Volume II  
- Just a reminder for all interested to participate ! -

TOP 12 Future Conferences

2013: Prof. Almasan in her function as Vice-Dean brought in the invitation for the ELPIS meeting next year at Bucharest. Her invitation has been most pleasantly accommodated. For a time frame, the month of June was suggested. Further arrangements will be communicated with Hanover.

2014 Reykjavik (envisaged only, not confirmed yet)

2015 Hannover

TOP 13 Miscellaneous  
Multiple bilateral and multilateral discussions

Prague / Hanover June 14 - 16 / July 4, 2012

Bernd Oppermann

**Please note (to do):**

1. The agenda of the ELPIS II (Erasmus Mundus) side-meeting at Prague is subject to the suggestion of Lisbon University;

2. The address list of the ELPIS group should be attached to this mail by Ms. Ingrid Haehnel. Please, correct the list in respect of your data and send it back to us. Some days later, we will provide you with the updated member and address list.