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20-ЛЕТИЕ
ЧЛЕНСТВА РОССИЙСКОЙ ФЕДЕРАЦИИ В СОВЕТЕ ЕВРОПЫ
20TH ANNIVERSARY
MEMBERSHIP OF THE RUSSIAN FEDERATION IN THE COUNCIL OF EUROPE
20^{ÈME} ANNIVERSAIRE
DE L'ADHÉSION DE LA FÉDÉRATION DE RUSSIE AU CONSEIL DE L'EUROPE



INTEGRATION PROCESSES IN EUROPE AND EURASIA: ROLE OF THE COUNCIL OF EUROPE'S CONVENTIONS

*Co-organisers:
Council of Europe and
the Institute of Legislation and Comparative Law under the Government of
the Russian Federation (IZiSP)*

2 June 2016

Moscow, B. Kharitonevsky pereulok, 22/24

CONCEPT

Legal order based on the Statute and Conventions of the Council of Europe is essential for successful international co-operation in Europe. This assumption is reflected in the on-going regional integration processes which increasingly extend to areas that have already been covered by the Council of Europe instruments.

The European Convention on Human Rights (ECHR) is the cornerstone of what is today understood as “European legal, or public, order”. It does not only establish a minimum standard for the 47 member States of the Council of Europe, but also influences legal systems beyond its borders. Convention issues inevitably arise in the regional integration processes and must be resolved coherently. Appropriate mechanisms may need to be created for this purpose.

Accession to the ECHR by a regional economic union has been considered as one way of securing coherence of the European legal space. Likewise, accession to other Council of Europe mechanisms has been considered. However, problems have already occurred in that respect. For example, the procedure for the European Union’s (EU) accession to the ECHR is on hold and there is no clear time-frame for the next steps. The legal consequences of this situation and possible alternative actions may be identified as priority topics for research, along with the legal consequences that possible further developments may entail for the Eurasian Economic Union and its member states.

Similar questions arise in other contexts including the growing activities of the Eurasian Economic Union (EAEU). Consequently, both the EU and the EAEU will be in any event increasingly confronted to such issues in the future.

There is an assumption that Council of Europe conventions should become a transversal legal component of any integration process in Europe, thus contributing to a greater unity and “deep security” on the continent. This would indeed strengthen Europe’s common legal space, mutual trust and, therefore, better communication and co-operation between the States and their integrated institutions.

The Conference will address the Council of Europe texts and activities of particular relevance in this context and look into their role as a “common denominator” for more robust integration processes in Europe and Eurasia. In

particular, it will examine the ways in which the ECHR requirements, as interpreted by the European Court of Human Rights in its judgments, should influence the integration process, by maintaining a common minimum standard. The need for inclusion of the pan-European legal dimension in the current State and international policies will also be explored.

The Conference is to be attended by renowned experts, representatives of the EU and the EAEU. The reports and discussions will subsequently be published. The Conference may lead to further research on possible ways to avoid conflicts between legal instruments of the Council of Europe and the law of regional integration unions, and thus to preserve the existence of a common denominator in the ongoing integration processes on the continent.

AGENDA

9.00 – 9.30 – REGISTRATION OF PARTICIPANTS

9.30 – 10.15 – OPENING SESSION:

- **Talia KHABRIEVA**, Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Member of the Russian Academy of Science;
- **Sergey ZHELEZNYAK**, Deputy Chairman of the State Duma of the Federal Assembly of the Russian Federation;
- **Philippe BOILLAT**, Director General, Directorate General Human Rights and Rule of Law, (DGI), Council of Europe;
- **Alexey MESHKOV**, Deputy Minister of Foreign Affairs of the Russian Federation;
- **Tatiana VALOVAYA**, member of the Board (Minister) for main directions of integration and macroeconomics of the Eurasian Economic Commission;
- **Andrey KLISHAS**, Chairman of the Federation Council Committee on Constitutional Legislation and State Construction;

10.15 – 11.30 – WORKING SESSION I:

HUMAN RIGHTS DIMENSION OF THE INTEGRATION PROCESSES IN EUROPE AND EURASIA

Chair:

- **Anatoliy KAPUSTIN**, First Deputy Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation;
- **Mikhail LOBOV**, Head of the Human Rights Policy and Cooperation Department, (DGI), Council of Europe

Speakers:

Jean-Francois AKANDJI-KOMBÉ, Professor, Sorbonne University Law School, Director of Continuous Training in Pantheon Sorbonne, France

”Protection of economic, social and cultural rights in the process of regional economic integration and influence of the European Social Charter on the European Union law”

Alexey AVTONOMOV, Head of the Department of Foreign Constitutional, Administrative, Criminal Legislation and International Law of the IZiSP

“Ensuring the human right to access to justice: approaches to the United Nations and Council of Europe”

Luis GALVAO, Lawyer, Partner at SRS Advogados, Lisbonne, Portugal

“Data protection: the articulation between European Union and Council of Europe legal instruments”

Mark ENTIN, Professor of the Moscow State Institute of International Relations (MGIMO); Vice-President of the Association of European studies (AES); Vice President of RAIL; Chief Editor of the magazine «All Europe»; Ambassador of Russia in Luxembourg 2012-2016

“The value of law Council of Europe for the internal legal order of member States”

DISCUSSION

11.30 – 12.00 – Coffee break

12.00 – 13.00 – WORKING SESSION I (continued)

Chair:

- **Anatoliy KAPUSTIN**, First Deputy Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation;
- **Mikhail LOBOV**, Head of the Human Rights Policy and Co-operation Department, (DGI), Council of Europe;

Natalia SEMILYUTINA, Head of Department of civil legislation of foreign States IZiSP

“Investment regulation in the aspect of the European Convention on Human Rights”

Sergey KASHKIN, Head of the Department of European Union law, Moscow State University of Law named after O. E. Kutafin

“Modern tendencies of development of integration law”

Natalia ZYABKINA, First Deputy Head of the Office of the Commissioner of the Russian Federation at the European Court of Human Rights – Deputy Minister of Justice of the Russian Federation

“Some aspects of the implementation of the European Convention on Human Rights and fundamental freedoms and practice of the European Court of Human Rights in the legal system of the Russian Federation”

Valery LAZAREV, Head of Department of Implementation of Court Decisions in the Legislation of the Russian Federation (IZiSP)

“The impact of the decisions of the European Court on Human Rights on Russian legal order”

DISCUSSION

13.00 – 14.30 – Lunch

14.30 – 16.00 – WORKING SESSION II:

JUDICIAL DIALOGUE AND INTERACTION: CROSSED PERSPECTIVES FROM STRASBOURG, LUXEMBOURG AND MINSK

Chair:

- **Anatoly KOVLER**, Deputy Head of the Department of Implementation of Court Decisions in the Legislation of the Russian Federation (IZiSP), former Judge of the European Court of Human Rights;

- **Philippe BOILLAT**, Director General, Directorate General Human Rights and Rule of Law, (DGI), Council of Europe;

Speakers:

Konstantin CHAIKA, Judge of the Court of the Eurasian Economic Union (EAEU)

“The correlation of human rights and fundamental freedoms and the Eurasian integration”

Oreste POLLICINO, Professor of Constitutional Law at Bocconi University, Milan

“Interaction between various legal orders in Europe: judicial aspects”

Georg STAWA, President of the European Commission for the Efficiency of Justice (CEPEJ)

“20 years of efficiency Russian Federation and CEPEJ”

Luca PRETE, Legal Secretary to Advocate General N. Wahl at the Court of Justice of the European Union

“The Council of Europe legal instruments in the case-law of the Court of Justice of the European Union: legal and practical impact”

Elchin KHALAFOV, rector of the Academy of justice under the Ministry of justice of the Republic of Azerbaijan, member of the Committee for the selection of judges, Chair of the Department of civil process and commercial law at Baku state University

“The study of the European Convention on Human Rights in the process of initial and continuing training of judges”

Bogdan ZIMNENKO, Deputy Head of Department - Head of Division of International Law of the Supreme Court of the Russian Federation

“The implementation of the European Convention on Human Rights and fundamental freedoms in the practice of the Supreme Court of the Russian Federation”

DISCUSSION

16.00 – 16.30 – CONCLUSIONS

- **Philippe BOILLAT**, Director General, Directorate General Human Rights and Rule of Law; (DGI), Council of Europe;
- **Talia KHABRIEVA**, Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Member of the Russian Academy of Science