

Opening speech

First French-German-Turkish Winter University in Law Studies

Istanbul, 11-16th January 2016

Dear Mr. Vice-President of the University of Yeditepe,

Dear ladies and gentlemen,

Dear students,

Dear colleagues,

If a French-German-Turkish Winter University takes place for the first time in Istanbul, to my mind, this is for a very simple reason: it had expressly been wished for by our Turkish friends. During the before-last annual meeting of the persons in charge of our European Nanterre network in Dresden in May 2014, the Dean Haluk Kabaalioğlu had suggested to organise such an event for the first time in Istanbul, revolving around “Private Enforcement” (the topic of which was suggested by Prof. Stephanie Dijoux and Prof. Robert Freitag). The University of Yeditepe is, as a matter of fact, our most important Turkish ERASMUS-partner, with whom we have been in cooperation for 10 years.

In reality, our European annual meetings have for more than 20 years been an opportunity for us and our partner universities to discuss our innovations in the field of international cooperation in research and teaching. And German-French Summer Universities with third countries have simply become a symbol of the French-German courses of the University of Paris Ouest Nanterre La Défense over the last 12 years; which has been pointed out in a foreword 4 years ago by no one less than the current French Minister of the Interior, Bernard Cazeneuve who was at the time the appointed Minister for Foreign Affairs. He paid tribute to a form of academic *pré-rentree* by stating that its "success cannot be denied and can even be exported, thus enhancing the influence of the French-German cooperation in Europe". Indeed, as they are organised all over Europe with German partner-universities (Potsdam, Frankfurt am Main, Münster, Erlangen-Nürnberg), Summer Universities display assets that make them original in comparison to traditional academic offerings:

1° Since 2004, these summer universities – following the example of the first and main one organized each year in Vilnius, in the Lithuanian capital - follow the ongoing process of harmonization of legislations and practices in the European Union. Essentially built up in the field of European comparative law, they not only contribute to mutual legal understanding, but also to the discovery of the countries’ societal dimensions. The diversity of participants - such as historians, economists or sociologists - enables a multidisciplinary approach to dealing with legal questions.

2° Summer universities also lend themselves to innovative educational approaches. Defined as a forum open to dialogue, they are likely to contribute to a better perception of law and to the intellectual enrichment of both postgraduate students and PhD students. Her workshops allow intensive implication of young researchers through an interactive approach. For graduate students, the work can be based on preliminary research on the topic of their future thesis, which is encouraged (as for PhD students) by a close cooperation with the French-German doctoral college (created recently by our Colleague Stephanie Dijoux with our partners in Potsdam) that will be expanded to a European level in the future.

3° Summer universities are seen as an occasion to transmit national legal cultures – as much as possible - in their national languages. This concept is spurred on by the idea of a Europe promoting its *cultural* and *linguistic diversity*. If this cannot be the case here in Istanbul, it is for purely material reasons: simultaneous translations are expensive and we cannot finance them, and we lack the time for successive translations (by our own students, like in Vilnius), considering the richness of the presentations and workshops in only a few days. This is why we make a virtue out of necessity and try our best to help ourselves with the English language.

As the event here in Istanbul - organised for the first time in the Winter, therefore a Winter University - the French-German integrated curricula also open their activities to universities of non EU-countries. As a matter of fact, we have already been organising a Summer university in Minsk for 5 years with the State University of Belarus, a member of the Commonwealth of Independent States (CIS) and the Eurasian Economic Union (EEU). So, our Summer Universities encourage the participants to reflect on the evolution of law within a European legal area in a larger context than the one limited to the European Union.

However, it is also true that for the last two years, we have specifically organised our Summer Universities with States that are candidates for an accession to the EU: an itinerant Summer University in the Balkans is a real *novum* that is expressly welcomed by diplomats from France and Germany in a *common declaration* of the Embassadors of both countries. As the *European Motor*, it is up to France and Germany to reflect the role of *European law* for countries that aspire to adhere to the European Union.

Have we reached this characterization in nature, function, and political dimension of the German-French Summer and Winter Universities with third countries in the event opened today at the Yeditepe University?

The colleagues who are implicated like me in its direction have already thoroughly presented in their introductory speeches the topic and issue of this trilateral winter university. According to these, the theory and practice of the private *law enforcement* are not only of utmost relevance for the law of the European Union and the national legal systems of the member States (consumer law, contract law, competition law, security regulations, constitutional law, labour law,

arbitration and mediation), but also for Turkey: “Even if the experiences and discussions of the United States of America, particularly in the field of the law on capital markets already give important basic information, the basis and conditions of functioning of *private law* enforcement (including the enforcement by private persons of regulations mainly passed for public interest) must still partly be developed in the legal systems concerned by the Winter University (extract of the request for subvention to the DFH, 3.1 Scientific objective).

This accounts for instance for the European directive 2014/104/EU on damages claims as a result of prohibited agreements within cartels that is currently to be implemented, or the planned arbitration clauses in the planned TTIP-Agreement between the EU and the USA, which shall enable private companies to enforce the conditions of the agreement on the contracting states.

The event shall contribute to the current scientific discussion and enrich it through its *law-comparing* nature, as well as through its pluri-disciplinary approach that examines the various topics going from labour law to constitutional law

If our law comparison is expanded to Turkey, it is first of all because negotiations about its EU-accession are in process since October 3rd 2005. Like no other candidate state, Turkey has been waiting for decades for its adhesion to the *European* community.

In spite of its successive re-assertations, Turkey’s European role is until today an issue in both the political class and the public opinion in France, in Germany and in other member States of the European Union. Which is what pushed the Dean Haluk Kabaalioglu already 6 years ago to suggest holding an **international seminar in Nanterre on the relations between the European Union and Turkey**. This seminar was held on the 12th and 13th of March 2009 by our German-French course and the *Institut des Sciences sociales du politique* (ISP) of Paris Ouest Nanterre la Defense, in cooperation with the Faculty of Law of the University of Yeditepe and with the support of the Foundation for the economic development in Turkey, Istanbul. The discussion of this seminar also revolved around the public controversy; the pro and contra of Turkey’s accession to the EU.

The opponents of the accession foresee a "privileged partnership". But which one do they mean, since it already exists (customs union, 1996) Turkey does not want to be confined in merely the Union for the Mediterranean (2008) - a partnership binding Europe to countries neighbouring the Mediterranean - the credibility of which would be greater if Turkey was soon part of the EU.

If today, nearly 7 years later, we are holding once again upon the wish of Dean Kabaalioglu another top-class common event - this time in Istanbul and in cooperation with our German ERASMUS partner Erlangen-Nürnberg - , it is surprising for all of us (and unforeseeable

during the preparation) that it is taking place in a suddenly different political context: the refugee crisis of 2015 all of a sudden made Turkey the strategically most important partner, especially of Germany, in order to stop the uncontrolled immigration towards the EU. Ankara does not hesitate to turn the revival of the negotiations about a EU-membership into a condition for a close cooperation with the EU in the refugee-crisis. Indeed, the negotiations have already in December been broadened: with the opening of the chapter on the accession to the economic and currency policy, the 15th out of 35 chapters in total.

The only chapter that has now temporarily been completed is the one about Science and Research (12.06.2006). Hereby particularly sensitised for the *acquis communautaire* of the EU in this area, our Turkish colleagues will be giving a valuable contribution within this first trinational Winter University to the controversies and arbitration clauses that shall be included in the future free trading agreement between the EU and the United States of America, and also about EU-directives concerning private enforcement that must be implemented in the national laws of the member States (like the 2014/104/EU directive on antitrust damages actions in antitrust law).

Our thank and appreciation go to Dean Haluk Kabaalioglu, who encouraged us for the third time now within a decade to not simply think about the common elements of our legal systems, but in particular about our European common interests.

Istanbul, January 11th 2016

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