

ENTRY FORM**1. Details of entrant**

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2. Represented by:

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3. Scheme submitted

Title: European Criminal Law and Human Rights Chamber

Date of introduction: March 2007

4. a. Description

European law has been of major importance to lawyers in member states for almost half a century. It really has affected national constitutions in Europe in a revolutionary way. Nevertheless, many lawyers and judges in the Union's member states keep focusing mainly on their own national law. EU law for most of them seems to be strange and even frightening, considered to be abstract and difficult, or at least something not very practical.

Therefore European law should be made much more visible and comprehensible. Legal practitioners must be informed and consulted about important changes in European law at an early stage. This is especially true now European law touches more and more on fundamental rights. It is also true because the legitimacy of the EU is sometimes questioned nowadays in the elder member states.

So we have to close the gap between theory and practice of European. Last year, in 2007 the Criminal Law department of the Amsterdam District Court has developed a programme aimed at interesting criminal judges in European and Human Rights law. Our starting point was that only teaching European law to criminal judges is not enough. If we really want to raise awareness of the importance and the impact of European law and we expect judges to prepare for things to come, then we have to afford them the opportunity to actually practise European law.

Therefore the court organises a special type of court sessions that concentrate on issues related to European criminal law and/or human rights issues. If possible we combine different cases that each touch on different aspects of the same European legal issue. In this way we make clear that European Law does have an impact on day to day criminal cases. The judges, prosecutors and lawyers are informed by the court in advance, so they have to time to prepare.

Following this example we have dealt with cases of EU-citizens staying unlawfully in the Netherlands because of their earlier criminal records. A close look at European jurisprudence revealed that prosecuting EU-citizens is legally possible only if they appear to be an actual threat to the public order. This however had never been an issue in our courts before. Our judgments in these cases have had an effect in that no EU-citizens are being prosecuted in the Netherlands.

b. Description of the effects

It is important to notice that in the Amsterdam court many judges and clerks volunteer to participate in these special sessions. This is important because we explicitly do not want a small group of specialists. More importantly we want all criminal judges and clerks to participate. In our experience judges, clerks, prosecutors and lawyers take an interest in European law as soon as we make clear to them the relevance to individual criminal cases.

The project attracts national attention and is considered to be a pilot for other courts. The Haarlem District Court has announced to follow the Amsterdam model of organising European Law related court sessions.

c. Possible future additions

The project has been considered quite successful in the Amsterdam Court. Therefore in the next future the Chamber will be extended to the Civil Law and Administrative Law departments of the Amsterdam District Court.

d. Documents

- Attached to this form you will find press articles reporting on some of the Chamber's rulings.

- You will also find the report of the Justice Forum meeting on judicial training and the needs of practitioners to apply EU law, 11/11/2008, Brussels. On that occasion I have had the honor of presenting this project. You will find my speech as well in the attachments.

5. Does the scheme have the support of the responsible public authorities in your country? If so, please give details.

Yes. The scheme has been welcomed by the Dutch Ministry of Justice, the Dutch Council of the Judiciary, the Dutch judges in the European Court of the EC and the Court on Human Rights and the Dutch president of the Supreme Court. It has also been welcomed by attorneys, solicitors and scholars on the occasion of a conference organized by the Chamber on July 6th 2008 ('Europe': don't miss it!)

6. Do you believe the scheme to be usable in other courts in European states? Give your reasons.

Yes the scheme would be very well usable in other courts in Europe. The concept of this scheme – organizing court sessions on topics of European law - is quite simple and low cost. It affords judges, law clerks and solicitors with the possibility of practicing European and Human Rights law.

I, Marc de Werd, representing the aforementioned organization, declare that I am aware of the rules of the competition, which I undertake to comply with.

Done at *Amsterdam*

Signed **X**

On (date) *6 january, 2009*