



CONFERENCE: JUDICIAL INTERACTION TECHNIQUES FOR THE PROTECTION OF EUROPEAN FUNDAMENTAL RIGHTS: PAST AND FUTURE PERSPECTIVES

CONFERENCE ORGANISED BY THE CENTRE FOR JUDICIAL COOPERATION, DEPARTMENT OF LAW

IN THE FRAMEWORK OF THE PROJECT “EUROPEAN JUDICIAL COOPERATION IN FUNDAMENTAL RIGHTS PRACTICE OF NATIONAL COURTS” (JUDCOOP)



FUNDED BY THE EUROPEAN COMMISSION FUNDAMENTAL RIGHTS & CITIZENSHIP PROGRAMME

EUROPEAN UNIVERSITY INSTITUTE

9 – 10 MAY 2014

REFETTORIO, BADIA FIESOLANA

VIA DEI ROCCETTINI 9, I-50014 SAN DOMENICO DI FIESOLE (FI), ITALY

INTRODUCTION

The Conference takes place in the framework of the project managed by the Centre on Judicial Cooperation (EUI), entitled *European Judicial Cooperation in the Fundamental Rights Practice of National Courts (JUDCOOP) - The unexplored potential of judicial dialogue methodology*, carried out with the support of the European Commission, DG Justice (JUST/2012/FRAC/AG/2755).

The JUDCOOP Project includes one academic institution, the European University Institute (EUI), and several national judicial organisations (from Croatia, Italy, Poland, Romania and Spain) and transnational judicial organisations (the Association of European Administrative Judges).

The objective of the Project is to promote and develop dialogue between European judges, by exploring concrete dimensions of judicial cooperation in the area of European Fundamental Rights. The Centre for Judicial Cooperation has created a network between judges, scholars and practitioners for the purpose of discussing current and past cases in which episodes of dialogue or judicial interaction have occurred, or could have occurred. The aim of this exercise is to identify and classify the tools of interaction between courts in the protection of fundamental rights for the purpose of demonstrating their usefulness in the day-to-day adjudication practice of national judges. The Project's expert team focused on appraising instances of interaction across the case law of different national and supranational courts in the application of particular

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fundamental rights chosen for the Project. The purpose of the events organized by the Project is to enable national judges to make use of the techniques of judicial cooperation with other national and supra-national courts in order to achieve a high level and consistent protection of fundamental rights of the individuals.

The current Conference aims to present the results of the research carried out by the expert team based on the three Workshops on *the principle of non-discrimination, right to a fair trial*, and *freedom of expression*, and three Handbooks prepared for each of these Workshops, and on the national dissemination events that will take place within the partner countries (Croatia, Italy, Poland, Romania, and Spain).

We aim to compare the use of different judicial cooperation techniques for different fundamental rights and different techniques for the same fundamental right. These results will be collected and analysed in the Final Handbook which will be the starting basis of the discussion during the Conference.

Following to a certain extent the model of previous JUDCOOP Workshops, the Conference is designed to differ from an academic conference or a classic session of judicial training. National judges will be at the centre, and all the sessions will revolve around their interest and practices, with the purpose of favouring the sharing of experiences and the confrontation among judges from different jurisdictions. Members of the JUDCOOP team, academics and practitioners will contribute by providing an overview on the techniques of interaction and by giving a fuller account of the multi-layered practice regarding the protection of fundamental rights in different and interlaced judicial systems.

PROGRAM

Friday, 9 May 2014

REFETTORIO, BADIA FIESOLANA

13:30 **Registration and Coffee**

14:00 **Fabrizio Cafaggi**, JUDCOOP Project Director, Co-Director of the Centre for Judicial Cooperation, European University Institute

14:30 Keynote speech - **Judge Ineta Ziemele**, European Court of Human Rights

PART I: Added value of the Final Handbook/Project to Judicial Cooperation in Europe

15:00 Presentation of the JUDCOOP research theme, working methodology, Final Handbook and database of case law – Centre for Judicial Cooperation Legal Experts: **Madalina Moraru, Nicole Lazzerini**

16:00 **Panel 1 - View from the national courts**

Chair: **Karolina Podstawa**, Legal Expert Centre for Judicial Cooperation

Raffaele Sabato, Judge at Corte Suprema di Cassazione, Italy - *The Italian Experience on the use of Judicial Interaction Techniques*

Carolina Rius Alarco, Audiencia Provincial de Valencia - *Conflicts in the Field of European Fundamental Rights Adjudication: Some Highlights from the Spanish National Judicial Practice*

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Prof. Nina Poltorak, Judge at the Supreme Administrative Court, Poland - *The Polish Experience on the use of Judicial Interaction Techniques*

Beatrice Ramascanu, Judge Tribunal of Bucharest, Romania - *Romanian Experience in the Field of Judicial Cooperation Techniques*

Jasna Gažić Ferenčina, Judge Municipal Civil Court of Zagreb, Croatia - *View from a national judge on the potential and use of judicial interaction techniques in EFRs adjudication*

17:00 *Coffee break*

17:15 **Professor Valerio Onida**, emeritus President of the Italian Constitutional Court

Dialogue between national and European courts: the role of Constitutional judges

17:40 **Panel 2 - Training methodologies**

Chair: Madalina Moraru, JUDCOOP Project Manager, Centre for Judicial Cooperation

Edith Zeller, Representative of the Association of European Administrative Judges, AEAJ – *methodologies in training*

the **Octavia Spineanu Matei**, Judge at the Romanian High Court of Cassation and Justice, Director of Romanian National Institute of Magistracy - *Ex pluribus, jus: learning from each other. Follow-up action plan within the EUI/CJC Project*

Raffaele Sabato, Judge at Corte Suprema di Cassazione, Italy - *Training agencies shaping the attitude of judges towards judicial dialogue*

Ksenija Dimec, Judge of the County Court of Rijeka - *(Croatian) Back Home Action Plan*

Teresa Kurcysz-Furmanik, Regional Court of Sosnowiec, Poland - *Which of the judicial interaction techniques cause us problems and what measures should be taken to sort the problems out*

José Alberto Coloma Chicot, Magistrado del Juzgado Pena, 20, Barcelona, Spain - *Training of Spanish Judges in human rights*

19:00 Key note speech: **Judge Marek Safjan**, Court of Justice of the European Union

Fields of application of the Charter of Fundamental Rights and constitutional dialogues in the European Union

19:30 *Dinner in Sala Rossa*

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Saturday, 10 May 2014

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PART II: A minore ad maius: Judicial Interaction Techniques – their Utility and Challenges

9:20 Key note speech **Judge Anthony Scirica**, US Federal Court of Appeals 3rd Circuit

The Structure of U.S. Federal and State Courts and Mechanisms for Formal and Informal Resolution of Conflicts

10:00 **Panel 3 - View of European Institutions**

Chair: Mislav Mataija, Legal Expert Centre for Judicial Cooperation

Jana Gajdosova, Freedoms and Justice Department of the EU Fundamental Rights Agency – *Judicial Cooperation from the point of view of FRA*

Wilhelm Lehmann, Legal expert, AFCO Committee, European Parliament - *Constitutional implications of the accession of the EU to the Strasbourg Convention*

Paul Nemitz, Director of the Fundamental Rights and Union Citizenship Directorate, European Commission - *The European Commission and Judicial Cooperation*

11:00 *Coffee break*

11:30 **Panel 4 - European judicial networks – forums for judicial cooperation**

Chair: Fabrizio Cafaggi, JUDCOOP Project Director, Co-Director of the CJC/EUI

Jože Štrus, European Commission: Directorate-General for Justice - *Effective justice systems in the EU - Effective justice systems in the EU*

Paul Gilligan, President of the European Network of Councils for the Judiciary - *The ENCJ enhancing European Judicial Cooperation*

Bart van Lierop, President of the Consultative Council of European Judges of the Council of Europe, *The CCEJ and enhancing European Judicial Cooperation*

Heinrich Zens, President of the Association of European Administrative Judges - *Presentation of AEAJ, its assets, its needs and its opinions concerning professional training of judges*

Wojciech Postulski, Secretary General of the EJTN European Judicial Training Network - *The EJTN - Enhancing European judicial cooperation with judicial training*

Stephane Leyenberger, European Commission for the Efficiency of Justice (CEPEJ) and the Consultative Council of European Judges (CCJE) - *Council of Europe enhancing European Judicial Cooperation*

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13:00 *Lunch in Sala Rossa*

14:30 Keynote speech: **Paul Nemitz**, Director of the Fundamental Rights and Union Citizenship Directorate, European Commission

15:00 **Panel 5 - Dialogue between judges and academics: improving judicial interaction techniques**

Chair: Giuseppe Martinico, Legal Expert Centre for Judicial Cooperation

Aida Torres Pérez, Professor of Constitutional Law at Pompeu Fabra University, *The dialogue about dialogue: some lights and shadows*

Maria Bergstrom, Associate Professor in European Law, Uppsala University, *The outsiders' perspective – methodological and practical observations*

Valsamis Mitsilegas, Head of the Department of Law, Professor of European Criminal Law and Director of the Criminal Justice Centre at Queen Mary, University of London, *Judicial Interactions in Europe's Area of Freedom, Security and Justice: Lessons from Academia*

Michal Bobek, Professor at College of Europe

16:30 Conclusions

20:00 *Dinner at Osteria Godo' – Piazza Edison 3/4 r, 50125 Firenze (Tel: 055 583881)*

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