

HUMAN
RIGHTS



Applying the Charter of Fundamental Rights of the European Union

Focus on the right to a fair trial

SEMINAR FOR JUDGES AND PROSECUTORS

Online, 21-22 June 2020

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Human
Rights Law**



Speakers

Dragoș Călin, Judge, Bucharest Court of Appeal

Tobias Lock, Professor, Maynooth University

Pekka Pohjankoski, Researcher, Helsinki University; Former CJEU Legal Secretary

Gabriel Toggenburg, Policy Coordinator, EU Agency for Fundamental Rights (FRA), Vienna

Ineta Ziemele, Judge, Court of Justice of the European Union, Luxembourg

Anita Zikmane, Head of the Division of Case Law and Research of the Latvian Supreme Court, Riga (to be confirmed)



Key topics

- Fundamental rights protection in Europe
- Scope of application and interpretation of the EU Charter in national legal orders
- Article 6 of the ECHR and Article 47 of the EU Charter
- Effective judicial protection
- Access to court
- Rights of defence

Language
English

Event number
421DT25e

Organiser
ERA (Sanja Jovičić) in cooperation with the Latvian Judicial Training Centre (LJTC).



Applying the Charter of Fundamental Rights of the European Union

Monday, 21 June 2021

9:00 Connecting to the online platform and testing of connection

9:20 **Opening of the seminar**
Representative of the Latvian Judicial Training Centre and Sanja Jovičić (ERA)

I. THE ECHR, EU CHARTER AND NATIONAL CONSTITUTIONS

9:30 **The Charter in practice**

- Scope of application
- Rights and principles in the Charter
- Horizontal direct effect of the Charter
- Judicial dialogue between European courts

Ineta Ziemele

10:00 Discussion

10:10 Short break

10:20 **The right to a fair trial and to a remedy in EU law compared to ECHR**

- Added value of the Charter procedural provisions compared to Articles 6 and 13 ECHR
- Case law analysis on the meaning of “effective remedy” in Luxembourg and Strasbourg

Gabriel Toggenburg

11:50 Discussion

12:00 Short break

12:10 **Practical exercise and group work:
The Charter’s scope of application and interpretation**
Gabriel Toggenburg

13:00 Discussion of the exercise results

13:20 Long break

II. THE RIGHT TO AN EFFECTIVE REMEDY AND TO A FAIR TRIAL IN EU LAW

14:00 **The doctrine of effective judicial protection in CJEU case law**

- Development and evolution of the principle of effective judicial protection as a fundamental right and general principle of EU law
- The principle of national procedural autonomy, the principle of equivalence and the principle of effectiveness

Tobias Lock

14:30 Discussion

14:40 Short break

14:50 **Limitations on Article 47 EU Charter in CJEU case law**

- Public interest
- Other fundamental rights
- Procedural considerations

Dragoş Călin

15:20 Discussion

15:30 End of first seminar day

Objective

The participants will obtain sound knowledge of the scope and interpretation of the Charter of Fundamental Rights of the European Union, as well as its relationship with other legal instruments protecting fundamental rights in Europe. The focus will be on the application in practice of the provisions concerning the right to a fair trial.

Who should attend?

Judges, prosecutors and other judicial staff from an EU Member State (except Denmark), Albania and Montenegro

You will learn...

- how fundamental rights are protected in Europe
- the legal value of the EU Charter
- how to apply and interpret the EU Charter at domestic level
- about the scope of application of Article 47 of the EU Charter in practice and possible restrictions, as well as its relationship with Article 6 of the ECHR
- how to ensure effective judicial protection in the EU legal order
- how to exercise the rights of the defence effectively under EU law

What participants liked in 2020

“High quality training”

“The event was organized very well and the speakers were highly professional”

“Quality of presentations and compilation of jurisprudence”

“The event concerns interesting issues relevant to my work”

Interactive online seminar

The online seminar will be hosted on ERA’s own online training platform. You will be able to interact immediately and directly with our top-quality speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive training experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in a high-quality online training environment.

Tuesday, 22 June 2021

9:00 Connecting to the online platform and testing of connection

II. THE RIGHT TO AN EFFECTIVE REMEDY AND TO A FAIR TRIAL (continued)

9:30 **Legal aid and legal fees in EU law**

- Equality of arms
- Prohibitively expensive procedure
- Access of legal persons to legal aid
- The Legal Aid Directive 2016/1919

Pekka Pohjankoski

10:00 Discussion

10:10 Short break

10:20 **Practical exercise and group work:**

Access to a court in EU law

Pekka Pohjankoski

11:20 Discussion of the exercise results

12:00 Long break

13:00 **CJEU case law on Articles 47, 48 and 50 of the Charter**

- Right to be advised, defended and represented
- Right to remain silent and to avoid self-incrimination
- Right to access to court

Anita Zikmane

13:30 Discussion

13:40 Short break

13:50 **Practical exercise and group work:**

Application of EU Directives in the light of the Charter procedural provisions and formulation of questions for a reference for a preliminary ruling before the CJEU

Anita Zikmane

14:50 Discussion of the exercise results

15:00 End of seminar

For programme updates: www.era.int
Programme may be subject to amendment.

Your contact persons



Sanja Jovičić
Project Lawyer
E-Mail: sjovicic@era.int



Susanne Babion
Assistant
E-Mail: sbabion@era.int



This seminar series has received financial support from the **European Union's Justice Programme (2014-2020)**.

For further information please consult:
https://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm

Save the date

Human Rights and Artificial Intelligence Systems

Online, 29-31 March 2021

Freedom of Expression – Recent ECtHR Case Law

Online, 27-28 May 2021

Applications for
Applying the Charter of Fundamental Rights of the European Union

can be made through the national judicial schools who are members of the EJTN



Applications for
Applying the Charter of Fundamental Rights of the European Union

can be made through the national judicial schools who are members of the EJTN

Language
English

For further information
Jaroslav Opravil

E-Mail: jopravil@era.int
Tel.: +49 (0)651 9 37 37 841
Fax: +49 (0)651 9 37 37 773

Terms and conditions of participation

Selection

1. Participation is only open to **judges, prosecutors and other judicial staff from EU Member States (except Denmark), Albania and Montenegro.**
2. The number of places available is limited (35 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **10 May 2021.**
4. A response will be sent to every applicant shortly after this deadline.

Registration Fee

5. No seminar fee.

Participation

6. Participation at the whole conference is required and your presence will be monitored.
7. A certificate of attendance will be distributed at the end of the conference.