

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

Trier, 8-9 October 2020

UP GRADE

YOUR LEGAL
EXPERTISE

Human Rights Law



Speakers

Nina Betetto, Judge, Supreme Court of the Republic of Slovenia; President, Consultative Council of European Judges (CCJE), Ljubljana

Sara Iglesias Sánchez, Legal Secretary, Court of Justice of the European Union, Luxembourg (to be confirmed)

Krystyna Kowalik-Bańczyk, Judge, General Court of the European Union, Luxembourg (to be confirmed)

Herman van Harten, Judge, Head of the Insolvency Team and European Law Coordinator, District Court of The Hague

Mirosław Wróblewski, Head of the Constitutional, European and International Law Department in the Office of the Polish Ombudsman, Warsaw

Key topics

- The system of 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
- Impartial and independent tribunal
- EU law remedies
- Rights of defence

Venue

ERA Conference Centre
Metzer Allee 4
54295 Trier
Germany

Language
English

Event number
420DT110

Organiser
ERA (Sanja Jovičić)



Funded by the European Union's Justice Programme (2014-2020)

Applying the Charter of Fundamental Rights of the European Union

Thursday, 8 October 2020

8:30 Arrival and registration of participants

9:00 **Opening of the seminar**
Sanja Jovičić (ERA)

I. THE SYSTEM OF FUNDAMENTAL RIGHTS PROTECTION IN EUROPE

9:15 **Protecting fundamental rights in Europe: an overview**

- General principles of EU law
- The EU Charter and its legal value

Mirosław Wróblewski

10:00 Discussion

10:15 **Relationship between the Charter of Fundamental Rights of the EU and the European Convention on Human Rights and Fundamental Freedoms**

- The roles of the ECtHR and the CJEU
- The principle of equivalent protection
- Relationship between 6 ECHR and Article 47 EU Charter

Nina Betetto

11:00 Discussion

11:15 Coffee Break

11:45 **Case study:**
The scope of application and interpretation of the EU Charter in national legal orders

- The scope of application and interpretation
- The issue of direct effect of the Charter provisions
- Practical exercise and group work

Mirosław Wróblewski

12:30 Discussion

12:45 Lunch

II. THE RIGHT TO A FAIR TRIAL

14:00 **Independence and impartiality of tribunals in the CJEU case law**

- The notion of “tribunal”
- Conditions for independence and impartiality

Nina Betetto

14:45 Discussion

15:00 **Article 47 EU Charter: scope of application and interpretation**

Herman van Harten

15:45 Discussion

16:00 Coffee break

16:30 **Case study:**
Article 47 EU Charter

- Scope of application and interpretation
- Practical exercise and group work

Herman van Harten

17:30 Discussion of case study results

18:00 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 use remedies in EU law
- How to safeguard the rights of victims in criminal proceedings
- How to effectively exercise the rights of defence under EU law.

What participants said last time

“Everything was very well organised and the speakers were very specific and well prepared for the subjects”

“It is a good opportunity to learn new information about European law”

“Networking with judges from European countries is very interesting”

Your contact persons



Sanja Jovičić
Project Lawyer
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Laura König
Assistant
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19:30 Dinner

Friday, 9 October 2020

III. ARTICLE 47 OF THE EU CHARTER: RIGHT TO A FAIR TRIAL (continued)

- 9:00 **Right to an effective remedy under Art. 47 of the EU Charter**
- Substantive, procedural and institutional requirements
 - Specific remedies under EU law
- Krystyna Kowalik-Bańczyk*
- 9:45 Discussion
- 10:00 **EU law procedural rights standards in practice, limits and balancing (Articles 41, 47 and 48 of the Charter)**
- Obstacles to access to court (court fees, limitation periods, representation)
 - The right to be advised, defended and represented
 - Service, information and linguistic rights
 - The right to be heard and access to the file
 - Procedural rights of victims of crime
- Sara Iglesias Sánchez*
- 10:45 Discussion
- 11:00 Coffee break
- 11:30 **Case study:**
EU law procedural rights standards in practice, limits and balancing
- Practical exercise and group work
- Sara Iglesias Sánchez*
- 13:00 Discussion of case study results
- 13:30 End of seminar and lunch

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



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

Whistleblowers' Protection in Europe
Brussels, 24-25 September 2020

Annual Conference on the Rights of Persons with Disabilities
Trier, 29-30 October 2020

Online Hate Speech: Legal Responses
Trier, 3-4 December 2020

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

can be made through a member of the European Judicial Training Network (EJTN).



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Location

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Language
English

Contact Person

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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 (25 places). Participation will be subject to a selection procedure. Selection will be dependent on the following criteria:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical and language balance among the participants;
 - iii. ability to disseminate the information obtained;
 - iv. in the case of an excess of applications, only one participant per institution may be accepted;
 - v. in case of applicants with the same qualifications, the first applicant to register will be selected.
3. Applications should be submitted by **1 September 2020.**
4. A response will be sent to every applicant shortly after this deadline. **We advise you not to book any travel or hotel before you receive our confirmation.**

Registration Fee

5. No seminar fee.

Travel expenses

6. Travel **expenses will be reimbursed to a maximum of 400 euros** only for participants coming from abroad. Participants coming from Germany will be reimbursed to a **maximum of 200 euros**. The reimbursement is subject to the submission of the **originals** of travel receipts (like flight ticket, boarding pass, train ticket, taxi bill, etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 2 hotel nights** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. One dinner, two lunches, beverages consumed during the event and the seminar documents are offered by ERA.

Participation

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