

Webinar

Is there a common standard of independence and impartiality for judges and arbitrators under European law?

18 February, 16.15 to 17.30 (CET)

on Zoom (the event will be recorded)

Centre for Judicial Cooperation | European University Institute (EUI)

Introduction

This webinar is organised within the framework of the project TRIAL- *TRust, Independence, Impartiality and Accountability of legal practitioners safeguarding the rule of law under the EU Charter*. The TRIAL project, which is funded by the European Union's Justice Programme (2014-2020), under G.A. no 853832, is dedicated to discussing case law on trust, independence, impartiality and accountability of legal practitioners. The webinar is part of the series of 3 webinars, in which panels of experts share views, including in a comparative perspective, on recent European and national case law and arbitration awards relevant to the project.

This webinar will take the form of a discussion between two speakers aiming to elucidate the extent to which the standard of independence and impartiality applicable to judges which is embedded in the ordinary justice system is also applicable to arbitrators. Traditionally, the ordinary justice system and arbitration have been distinct and governed by different standards. However, the standard of independence and impartiality of arbitrators and the actual role of arbitration vis-à-vis the ordinary justice system are increasingly scrutinized by national and European judges. Hence, arbitration is also reviewed based on the institutional and procedural requirements of a right to a fair trial, hence based on the standard of independence and impartiality applicable to judges.

This webinar will consider the theoretical and practical responses to the question: **does a common standard of independence and impartiality for judges and arbitrators exist under European law?**

In order to address this question, speakers will compare the standard of independence and impartiality in the case of national judicial systems (***Commission v Poland (619/18)***) and sport arbitrations (***Mutu and Pechstein v. Switzerland***). This will be followed by a discussion that will aim to understand if and how both systems can learn from one another.



Programme

18 February

- 16.15 *Welcome*
Madalina Moraru | Centre for Judicial Cooperation
- 16.25 Part 1: Emergent standard of judicial independence, impartiality and accountability – some reflections on Commission v Poland (619/18) and the national follow up
Karolina Podstawa | University of Maastricht
- 16.40 Part 2: Judicial review of the standard of independence and impartiality in arbitration – Mutu and Pechstein v. Switzerland, ECtHR, 2 October 2018
Barbara Warwas | The Hague University of Applied Sciences (THUAS)
- 16.55 Part 3: How do both system inform one another?
Karolina Podstawa and **Barbara Warwas**
- 17.10 *Q & A session*

Participants

Raluca Bercea	National Association of the Romanian Bars (UNBR)
Mariavittoria Catanzariti	Centre for Judicial Cooperation (CJC)
Mohor Fajdiga	University of Ljubljana
Alessandra Favi	University of Florence
Zoltán Fleck	Eötvös Loránd University (ELTE)
Rita Gião Hanek	Lisbon Centre for Research in Public Law (CIDP)
Gianluca Grasso	Italian School for the Magistracy (SSM)
Jaroslav Gwizdak	Institute for Law and Society (INPRIS)
Gabor Halmai	TRIAL Project Coordinator
Tomasz Koncewicz	University of Gdansk
Nicole Lazzerini	University of Florence
Arnaud Louwette	Belgian Judicial Training Institute (IFG/IGO)
Marcin Michalak	University of Gdansk
Madalina Moraru	Centre for Judicial Cooperation (CJC)
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Aida Torres	University of Pompeu Fabra (UPF)
Barbara Alicja Warwas	The Hague University of Applied Sciences (THUAS)