

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

Sofia, 9-10 December 2021

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Human  
Rights Law**



### Speakers

**Nikolay Angelov**, Judge, Sofia Administrative Court

**Ioanna Dervisopoulos**, Judge, Darmstadt Administrative Court;  
Former Legal Secretary at the Court of Justice of the European  
Union

**Hristo Kirilov**, Legal Secretary, Court of Justice of the European  
Union, Luxembourg

**Piero Leanza**, Judge at the Civil Section of the Pordenone District  
Court; Former International Judge within the EU Rule of Law  
Mission in Kosovo

**Jan Passer**, Judge, Court of Justice of the European Union,  
Luxembourg

**Beatrice Ramascanu**, Administrative Judge, Bucharest Court of  
Appeal; European Judicial Training Network Expert; Trainer of  
National Institute for Magistracy (to be confirmed)

### 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
- Effective judicial protection
- The right to an oral (public) hearing before a court
- EU law remedies
- Restrictions on Article 47 of EU Charter
- Preliminary ruling procedure

### Venue

To be confirmed.

### Languages

English, Bulgarian  
(with simultaneous interpretation)

### Event number

421DT69f

### Organiser

ERA (Sanja Jovičić) in cooperation with  
the National Institute of Justice (NIJ)



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

# Applying the Charter of Fundamental Rights of the European Union

## Monday, 9 December 2021

8:30 Arrival and registration of participants

9:00 **Opening of the seminar**  
*Silviya Dimitrova (NIJ) and Sanja Jovičić (ERA)*

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### I. THE SYSTEM OF FUNDAMENTAL RIGHTS PROTECTION IN EUROPE

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

- General principles of EU law
- The EU Charter scope of application and interpretation, and its legal value
- The limits of Article 53 of the Charter in the case law of the CJEU
- The issue of direct effect of the Charter provisions

*Jan Passer*

10:00 Discussion

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

- The roles of the ECtHR, CJEU and national courts
- Comparison between Article 6 ECHR and Article 47 EU Charter

*Beatrice Ramascanu*

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**

- Practical exercise and group work

*Ioanna Dervisopoulos*

12:30 Discussion

13:00 Lunch

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### II. THE RIGHT TO A FAIR TRIAL

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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

*Ioanna Dervisopoulos*

14:45 Discussion

15:00 **The right to an oral (public) hearing before a court in the context of effective judicial protection under Article 47(2) of the Charter**

*Beatrice Ramascanu*

15:45 Discussion

16:00 Coffee break

16:30 **Parallel workshops: Articles 47, 48 and 50 of the EU Charter**

- Practical exercise and group work
- The participants will be able to opt for a civil or criminal/administrative case.

*Piero Leanza*  
*Nikolay Angelov*

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

## What participants liked in 2021

"I find the subject matter very interesting and highly valuable for my practice."

"Wonderful content of topics, very useful in practice and excellent organization of the event."

## Special note

In view of the seriousness and unpredictability of the public health situation in Europe, ERA reserves the right to switch the face-to-face event in Sofia to an online seminar at any moment. The selected participants are advised not to book any travel before being instructed to do so by ERA. ERA will not reimburse any costs incurred before such an instruction is given.

17:30 Discussion of case study results

18:00 End of first seminar day

20:00 Dinner

## Tuesday, 10 December 2021

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

9:00 **Right to an effective remedy**

- Substantive, procedural and institutional requirements
- Specific remedies under EU law

*Nikolay Angelov*

9:45 Discussion

10:00 **Restrictions on Article 47 of the EU Charter**

- Evidence barriers, court fees, limitation periods

*Hristo Kirilov*

10:45 Discussion

11:00 Coffee break

11:30 **Case study:**

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

- Practical exercise and group work

*Hristo Kirilov*

12:30 Discussion of case study results

13:00 End of seminar and lunch

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For programme updates: [www.era.int](http://www.era.int)

Programme may be subject to amendment.

**Please note that while simultaneous interpretation will be offered during this event, not all the speakers' papers are available in all conference languages.**

### Your contact persons



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### Social programme

After a day of intensive training, enjoy a dinner at no extra cost on 9 December 2021 with fellow participants from other countries.



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](https://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm)

### Save the date

**Litigating Sexual and Reproductive Health Rights in Europe**

Online, 18-20 October 2021

**Annual Conference on the Rights of Persons with Disabilities**

Online, 17-19 November 2021

Applications for

## ***Applying the Charter of Fundamental Rights of the European Union***

can be made through the national judicial training institutions that are members of the EJTN.



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#### Location

To be confirmed.

#### Languages

English, Bulgarian

#### Contact Person

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Assistant  
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+49 651 9 37 37-423

## **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 **25 October 2021.**
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 Bulgaria will be reimbursed to a **maximum of 150 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.

### **Force majeure**

10. In the view of the seriousness and unpredictability of the public health situation in Europe, ERA reserves the right to cancel the face-to-face event in Sofia at any moment and hold it as an online seminar. The selected participants are advised not to book any travel before instructed to do so by ERA. ERA will not reimburse any costs incurred before such an instruction is given