

The EU Charter of Fundamental Rights and judicial cooperation in criminal and civil matters – challenges and solutions in national practices

Conference, 1.-2. February 2024

Organized by EIPA – European Institute of Public Administration

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Programme

Target group

This conference aims at judges, prosecutors and lawyers whose activity is related generally to EU law, especially, but not limited to, applying and carrying out EU judicial cooperation instruments based on the principle of mutual recognition. Simultaneous interpretation into Polish, French, Lithuanian and Spanish will be provided.

Seminar description

The conference builds on the previously implemented advanced seminars on the relevance of the EU Charter of Fundamental Rights for the national judiciary in judicial cooperation in civil and criminal matters. The conference seeks to complement the trainings regarding application of the EU Charter of Fundamental Rights at the national level with a particular focus on procedural guarantees, with a view to identifying good practices and potential lacunae in practice.

Throughout the conference emphasis will be put on how the Charter is relevant for national courts and on EU mutual recognition instruments in civil and criminal matters and the challenges arising, in terms of fundamental rights protection, from the use of those instruments.

Methodology

The methodology is designed to optimize engagement with and between the participants. It will allow for exchange of experience on challenges arising in national contexts and on solutions and best practices that are developed in the different Member States. We will alternate between two formats during the training. Half of the sessions will be in the form of facilitated panel discussions with participants being encouraged to engage, the other half of the sessions will be focused on case studies on which the participants will be asked to work in small groups before discussing the outcome all together.



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1. February 2024

- 09.00** Registration of participants
- 09.15** **Warm-up: Recap**
A short quiz on the contents of the asynchronous introductory modules and the advanced modules
- 09.30** **Back to the basics: mutual recognition and fundamental rights, two key concepts in the European integration process – panel discussion**
In this first discussion we will revisit the origins of the concept of mutual recognition as well as the roots of the EU's system of protection of fundamental rights and discuss their implications in the recent evolutions and current functioning of the EU's system of cooperation in criminal and civil matters, with an emphasis on the challenges arising from the diversity of national legal systems and cultures within the EU.
Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin
- 10.15** Q&A
- 10.30** Break
- 10.45** **The challenges of applying the EU Charter of Fundamental Rights in a multilevel legal system – panel discussion**
We will discuss the challenges of directly applying the EU Charter of Fundamental Rights in national procedures. We will address the relationship between the EU Charter of Fundamental Rights and the domestic law of the Member States, how national courts shall be guided by the main principles governing the relationship between EU law and domestic law (e.g. direct effect, primacy). We will also discuss how protection standards set by the European Convention on Human Rights shall be taken into account by national courts in applying the EU Charter of Fundamental Rights.
Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin
- 11.30** Q&A
- 11.45** Break



12.00 Pre-trial detention and detention conditions – case studies

Practical cases on how to impose pre-trial detention in compliance with the EU Charter of Fundamental Rights and how to put into effect the case law of the Court of Justice of the European Union and the corresponding jurisprudence of the European Court of Human Rights regarding detention conditions at the national level. Exchange of views and best practices on how to accommodate the recent case law of the CJEU in European Arrest Warrant surrender procedures.

Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin

12.45 Q&A

13.00 Lunch Break

14.30 Presumption of innocence – panel discussion

Panel discussion on national experiences and good practices on how to best safeguard the presumption of innocence in national criminal procedures with reference to the corresponding case law of the Court of Justice of the European Union and the European Court of Human Rights respectively.

Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin

15.15 Q&A

15.30 Break

15.45 Rights of the defense – case studies

Practical scenarios will allow the participants to discuss national experiences and good practices and brainstorm on how to best safeguard the rights of the defense in criminal and civil procedures with reference to the corresponding case law of the Court of Justice of the European Union and the European Court of Human Rights respectively.

Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin

16.30 Q&A

16.45 End of Day 1

2. February 2024

- 08.00** Registration of participants
- 08.15** **Warm-up: Recap**
A short quiz on the discussions of Day 1
- 08.30** **Mutual recognition and the fundamental rights of vulnerable individuals – case studies**
Practical cases will provide the basis for discussing the application of the EU Charter in situations involving individuals who are particularly vulnerable due e.g. to their age or their gender, in both criminal and civil procedures where mutual recognition instruments are applicable.
Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin
- 09.15** Q & A
- 09.30** Break
- 09.45** **The future of fundamental rights and mutual recognition in the European judicial space – Part I Towards a European area of civil justice? – panel discussion**
The first part of this concluding discussion will focus on the most recent developments in the area of judicial cooperation in civil matters and the challenges that arise from the interaction between the EU's system of protection of fundamental rights and the mechanisms of mutual recognition that remain essential to the functioning of the European area of civil justice.
Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin
- 10.30** Q & A
- 10.45** Break
- 11.00** **The future of fundamental rights and mutual recognition in the European judicial space – Part II European criminal law: towards more harmonization? – panel discussion**
The second part of this concluding discussion will focus on the most recent developments in the area of judicial cooperation in criminal matters. In the light of the challenges to the effectiveness of EU fundamental rights, we will address the ongoing debate as to whether the EU needs to move past the current mechanisms of mutual recognition and to further harmonize its criminal law.
Dr. P. Zinonos, Dr. Carlos Santalo Goris and Dr. Catherine Warin
- 11.45** **Survey**
- 12.00** **End of the training**

