

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

Ljubljana, 27-28 September 2021

**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

Goran Selanec, Judge, Constitutional Court of Croatia, Zagreb

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

Boštjan Zalar, Higher Court Judge, Administrative Court of the Republic of Slovenia, Ljubljana

Key topics

- Fundamental rights protection in Europe
- Scope of application and interpretation of the Charter in national legal orders
- Article 6 of the ECHR and Article 47 of the Charter
- Independence and impartiality of tribunals
- Effective judicial protection
- Art. 47 of the Charter limitations
- Right to an oral (public) hearing
- Legal aid

Languages

English and Slovene (simultaneous interpretation)

Event number

421DT26f

Organiser

ERA (Sanja Jovičić) in cooperation with the Slovenian Judicial Training Centre (JTC).



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

Applying the Charter of Fundamental Rights of the European Union

Monday, 27 September 2021

09:00 Arrival and registration of participants

09:30 **Opening of the seminar**
Representative of the Slovenian Judicial Training Centre and Sanja Jovičić (ERA)

I. THE ECHR, EU CHARTER AND NATIONAL CONSTITUTIONS

09:30 **The Charter in practice**

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

Nina Betetto

10:00 Discussion

10:15 **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

10:45 Discussion

11:00 Coffee break

11:30 **Practical exercise and group work:
The Charter’s scope of application and interpretation**
Gabriel Toggenburg

12:30 Discussion of the exercise results

13:00 Lunch

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

14:00 **Independence and impartiality of tribunals in the Court of Justice of the EU (“CJEU”) case law**

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

Nina Betetto

14:30 Discussion

14:45 **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

Sara Iglesias Sánchez

15:15 Discussion

15:30 Coffee break

16:00 **Practical exercise and group work:
Application of EU secondary law in light of the Charter procedural provisions in CJEU preliminary ruling proceedings**
Sara Iglesias Sánchez

17:00 Discussion of the exercise results

Objective

The participants will obtain sound knowledge of the scope and interpretation of the Charter of Fundamental Rights of the European Union (“the Charter”), 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 Charter
- how to apply and interpret the Charter at domestic level
- about the scope of application of Article 47 of the Charter in practice and possible restrictions, as well as its relationship with Article 6 of the European Convention of Human Rights (“ECHR”)
- how to ensure effective judicial protection in the EU legal order
- how to ensure an oral (public) hearing in line with the Charter.

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 Ljubljana at any moment to an online seminar. 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.

Venue

To be confirmed.

17:30 End of first seminar day

19:30 Dinner

Tuesday, 28 September 2021

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

- 9:30 **The right to an oral (public) hearing before a court in the context of effective judicial protection under Article 47(2) of the Charter**
Boštjan Zalar
- 10:00 Discussion
- 10:15 **Limitations on Article 47 EU Charter in CJEU case law**
- Public interest
 - Other fundamental rights
 - Procedural considerations
- Goran Selanec*
- 10:45 Discussion
- 11:00 Coffee break
- 11:30 **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
- Goran Selanec*
- 12:00 Discussion
- 12:15 **Practical exercise and group work:
The privilege against self-incrimination under Article 48(1) of the Charter**
Boštjan Zalar
- 13:15 Discussion of the exercise results
- 13:30 End of seminar and lunch

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

Your contact persons



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For further information please consult:
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 Rights of Persons with Disabilities 2021

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

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Languages

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For further information

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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 (35 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **22 August 2021**.
4. A response will be sent to every applicant shortly after this deadline.

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 Slovenia will be reimbursed to a **maximum of 100 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

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

Force majeure

8. 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 Ljubljana 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.