

## Seminar 1

# Fundamental rights protection in the context of criminal proceedings in the European Union: The application and relevance of the Charter of Fundamental Rights of the European Union and EU legislation

**Barcelona, 13-14 March 2018**

Grant Agreement Number: 763865 – FundRightsProt – JUST-AG-2016/JUST-AG-2016-04

### Seminar Venue

Escuela Judicial del CGPJ (Consejo General del Poder Judicial) Ctra. De Vallvidrera, 43-45

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## Introduction

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**Description:** The European Union's Area of Freedom, Security and Justice, based on the principles of mutual trust and mutual recognition, is preconditioned on the full respect of fundamental rights, which are also the founding values of the European Union. It is the duty and responsibility of EU Member States to ensure compliance with fundamental rights when acting under the scope of EU law, and even more so when they administer criminal proceedings involving the application of EU criminal law instruments. Today, the EU Charter of Fundamental Rights is the pivotal instrument to make recourse to when rights are to be identified and protection standards are pitched. Thus, the proper understanding of the EU Charter, its relevance in national criminal proceedings, and its relationship to the European Convention on Human Rights is key for ensuring that rights under the EU Charter are given full effect, in particular in the context of criminal proceedings.

### Experts

**Ralph Bunche**, Regional Director-Europe, Fair Trials, Brussels, [ralphbunche@gmail.com](mailto:ralphbunche@gmail.com)

**Luis Triunfante**, Seconded National Member for Portugal and member of the Judicial Cooperation Instruments Team of the College, Eurojust, [Ltrunfante@eurojust.europa.eu](mailto:Ltrunfante@eurojust.europa.eu)

### EIPA Luxembourg - European Centre for Judges and Lawyers

**Petra Jeney**, Senior Lecturer, [p.jeney@eipa.eu](mailto:p.jeney@eipa.eu)

**Christiane Lamesch**, Programme Organiser, [c.lamesch@eipa.eu](mailto:c.lamesch@eipa.eu)



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# Programme

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## TUESDAY 13 MARCH 2018

- 09.00      **Welcome and mutual introduction**
- 09.15      **The EU Charter and its scope of application**  
Coming into force and relevance of the EU Charter, rights covered and standards of protection horizontal provision, the Charter's relation to national protection of fundamental rights. The scope of the EU Charter will be discussed and it will be highlighted in what instances EU Member States act under the scope of the EU Charter 'when implementing EU law', hence operate under the auspices of the EU Charter. (C-399/11, *Stefano Melloni v. Ministerio Fiscal*, C-617/10, *Åklagaren v. Hans Åkerberg Fransson*)  
Petra Jeney
- 10.45      Coffee break
- 11.15      **EU legislation on procedural guarantees for suspected and accused persons and their relevance to fundamental rights protection in the EU**  
The session will examine in detail how Charter provisions are mapped out in EU secondary legislation to provide a fuller set of fundamental rights guarantees. In this vein the following instruments will be discussed: Directive **2013/48/EU** on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings and the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Directive **2010/64/EU** on the right to interpretation and translation in criminal proceedings as well as Directive **2012/13/EU** on the right to information in criminal proceedings.  
Petra Jeney
- 12.45      Lunch
- 14.00      **Role of Eurojust in administering European Arrest Warrants**  
Role and competences of Eurojust related to the administration of EAWs; breach in time limits, competing EAWs, requests for additional information, proportionality, failure to notify withdrawal of an EAW, cases where no reason has been given for non-execution of an EAW, fundamental rights concerns (prison and detention condition, time bar, life sentence)  
Luis Triunfante
- 15.45      Coffee break
- 16.15      **Workshop**  
A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees and the role of Eurojust. The EAW and fundamental rights related aspects of the case will be discussed with the participants.  
Luis Triunfante
- 17.30      **End of Day 1**

## **WEDNESDAY 14 MARCH 2018**

09.00      **Human rights protection in the context of EU criminal law, with a particular reference to the European Arrest Warrant**

The session will explore the basic tenets of fundamental rights protection in the EU where particular attention will be made on the CJEU's case law on the interplay between EU fundamental rights protection and the application of the EAW will specifically referred to. (C-404 & 609/15 PPU, *Pál Aranyosi and Robert Căldăraru v. Generalstaatsanwaltschaft Bremen*)

Ralph Bunche

10.30      Coffee break

11.00      **Workshop**

A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees. The EAW and fundamental rights related aspects of the case will be discussed with the participants.

Ralph Bunche

12.00      **The interplay between the European Convention of Human Rights and the EU Charter of Fundamental Rights**

Session will explain the stance and relevance of the European Convention of Human Rights in EU law its specific relationship to the Charter. The session will also discuss how the European Court of Human Rights reviews EU law and its compatibility with the rights protected in the Convention (ECtHR *Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v. Ireland* Appl. No. 45036/08, judgment, ECtHR *M.S.S. v. Belgium and Greece*, Appl. No. 30696/09, ECtHR *Avotin, š v. Latvia*, Appl. No. 17502/07)

Petra Jeney

13.00      **Evaluation**

**END OF SEMINAR**



## Seminar 2

# Fundamental rights protection in the context of criminal proceedings in the European Union: The application and relevance of the Charter of Fundamental Rights of the European Union and EU legislation

**Warsaw, 26-27 June 2018**

Grant Agreement Number: 763865 – FundRightsProt – JUST-AG-2016/JUST-AG-2016-04

### Seminar Venue

Hotel Novotel Warsaw Centre, Marszałkowska 94/98, 00-510 Warsaw

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## Introduction

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### Experts

**Monika Skinder-Pik**, *Prosecutor* at the Gdansk Circuit Public Prosecutor’s Office, [skinder@poczta.fm](mailto:skinder@poczta.fm)

**Tony P. Marguery**, *University Lecturer*, University of Utrecht, Utrecht Centre for Regulation and Enforcement in Europe, [t.p.marguery@uu.nl](mailto:t.p.marguery@uu.nl)

### EIPA Luxembourg - European Centre for Judges and Lawyers

**Petra Jeney**, *Senior Lecturer*, [p.jeney@eipa.eu](mailto:p.jeney@eipa.eu)

**Christiane Lamesch**, *Programme Organiser*, [c.lamesch@eipa.eu](mailto:c.lamesch@eipa.eu)



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# Programme

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## **TUESDAY 26 JUNE 2018**

08.30      **Registration of participation**

09.00      **Welcome and mutual introduction**

09.15      **The EU Charter and its scope of application**

Coming into force and relevance of the EU Charter, rights covered and standards of protection horizontal provision, the Charter's relation to national protection of fundamental rights. The scope of the EU Charter will be discussed and it will be highlighted in what instances EU Member States act under the scope of the EU Charter 'when implementing EU law', hence operate under the auspices of the EU Charter. (C-399/11, *Stefano Melloni v. Ministerio Fiscal*, C-617/10, *Åklagaren v. Hans Åkerberg Fransson*)

Petra Jeney

10.45      Coffee break

11.15      **EU legislation on procedural guarantees for suspected and accused persons and their relevance to fundamental rights protection in the EU**

The session will examine in detail how Charter provisions are mapped out in EU secondary legislation to provide a fuller set of fundamental rights guarantees. In this vein the following instruments will be discussed: Directive **2013/48/EU** on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings and the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Directive **2010/64/EU** on the right to interpretation and translation in criminal proceedings as well as Directive **2012/13/EU** on the right to information in criminal proceedings.

Petra Jeney

12.45      Lunch

14.00      **When and how to issue a European Arrest Warrant?**

Proportionality assessment at the issuing authority. Considering the alternatives to the EAW i.e.: MLA, financial penalties FD, transfer of prisoners, pre-trial supervision, EIO. When to issue an EAW? Issuance of European Arrest Warrants in cases that are not prosecution/trial ready. How to fill out the EAW form?

Monika Skinder-Pik

15.45      Coffee break

16.15      **Workshop**

A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees and the role of issuing authority. The EAW and fundamental rights related aspects of the case will be discussed with the participants.

Monika Skinder-Pik

17.30      **End of Day 1**

## **WEDNESDAY 27 JUNE 2018**

- 09.00     **Human rights protection in the context of EU criminal law, with a particular reference to the European Arrest Warrant**  
The session will explore the basic tenets of fundamental rights protection in the EU where particular attention will be made on the CJEU's case law on the interplay between EU fundamental rights protection and the application of the EAW will specifically referred to. (C-404 & 609/15 PPU, *Pál Aranyosi and Robert Căldăraru v. Generalstaatsanwaltschaft Bremen*)  
Tony P. Marguery
- 10.30     Coffee break
- 11.00     **Workshop**  
A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees. The EAW and fundamental rights related aspects of the case will be discussed with the participants.  
Tony P. Marguery
- 12.00     **The interplay between the European Convention of Human Rights and the EU Charter of Fundamental Rights**  
Session will explain the stance and relevance of the European Convention of Human Rights in EU law its specific relationship to the Charter. The session will also discuss how the European Court of Human Rights reviews EU law and its compatibility with the rights protected in the Convention (ECtHR *Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v. Ireland* Appl. No. 45036/08, judgment, ECtHR *M.S.S. v. Belgium and Greece*, Appl. No. 30696/09, ECtHR *Avotin, š v. Latvia*, Appl. No. 17502/07)  
Petra Jeney
- 13.00     **Evaluation**
- 13.30     Lunch
- 15.00     **END OF SEMINAR**





## Seminar 3

# Fundamental rights protection in the context of criminal proceedings in the European Union: The application and relevance of the Charter of Fundamental Rights of the European Union and EU legislation

Luxembourg, 2-3 October 2018

Grant Agreement Number: 763865 – FundRightsProt – JUST-AG-2016/JUST-AG-2016-04

### Seminar Venue:

EIPA Luxembourg – European Centre for Judges and Lawyers  
Building of the *Chambre des Métiers*, 2 Circuit de la Foire Internationale, 1347 Luxembourg

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## Introduction

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### Experts

**Holger Matt**, former Chair of the European Criminal Bar Association, Specialist lawyer in criminal law ([kanzlei@dr-matt.de](mailto:kanzlei@dr-matt.de))

**Petra Bárd**, Associate Professor, ELTE School of Law, Eötvös Loránd University Budapest, Visiting Professor and Researcher at Central European University; Visiting Professor at Goethe-Universität Frankfurt ([petra.bard@ajk.elte.hu](mailto:petra.bard@ajk.elte.hu))

### EIPA Luxembourg - European Centre for Judges and Lawyers

**Petra Jeney**, Senior Lecturer, [p.jeney@eipa.eu](mailto:p.jeney@eipa.eu)

**Christiane Lamesch**, Programme Organiser, [c.lamesch@eipa.eu](mailto:c.lamesch@eipa.eu)



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# Programme

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## TUESDAY 2 OCTOBER 2018

- 09.00     **Welcome and mutual introduction**
- 09.15     **The EU Charter and its scope of application**  
Coming into force and relevance of the EU Charter, rights covered and standards of protection horizontal provision, the Charter's relation to national protection of fundamental rights. The scope of the EU Charter will be discussed and it will be highlighted in what instances EU Member States act under the scope of the EU Charter 'when implementing EU law', hence operate under the auspices of the EU Charter. (C-399/11, *Stefano Melloni v. Ministero Fiscal*, C-617/10, *Åklagaren v. Hans Åkerberg Fransson*)  
Petra Jeney
- 10.45     Coffee break
- 11.15     **The interplay between the European Convention of Human Rights and the EU Charter of Fundamental Rights**  
This session will explain the stance and relevance of the European Convention of Human Rights in EU law its specific relationship to the Charter. The session will also discuss how the European Court of Human Rights reviews EU law and its compatibility with the rights protected in the Convention (ECtHR *Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v. Ireland* Appl. No. 45036/08, judgment, ECtHR *M.S.S. v. Belgium and Greece*, Appl. No. 30696/09, *ECtHR Avotin, š v. Latvia*, Appl. No. 17502/07)  
Petra Jeney
- 12.15     Lunch (Restaurant Apulia, Galerie Auchan 1er étage, Tel +352 2452 7485)
- 14.00     **Human rights protection in the context of EU criminal law, with a particular reference to the European Arrest Warrant**  
The session will explore the basic tenets of fundamental rights protection in the EU where particular attention will be made on the CJEU's case law on the interplay between EU fundamental rights protection and the application of the EAW will specifically referred to. (C-404 & 609/15 PPU, *Pál Aranyosi and Robert Căldăraru v. Generalstaatsanwaltschaft Bremen*)  
Holger Matt
- 15.30     Coffee break
- 16.00     **Workshop**  
A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees. The EAW and fundamental rights related aspects of the case will be discussed with the participants.  
Holger Matt
- 17.30     **End of Day 1**

### WEDNESDAY 3 OCTOBER 2018

- 08:20 **Visit to the Court of Justice of the European Union**
- 13.00 Lunch (Restaurant La Table du Belvédère, 4, place de l'Europe, Tel : +352 4302 59022)
- 14.00 **EU legislation on procedural guarantees for suspected and accused persons and their relevance to fundamental rights protection in the EU**  
The session will examine in detail how Charter provisions are mapped out in EU secondary legislation to provide a fuller set of fundamental rights guarantees. In this vein the following instruments will be discussed: Directive **2013/48/EU** on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings and the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Directive **2010/64/EU** on the right to interpretation and translation in criminal proceedings as well as Directive **2012/13/EU** on the right to information in criminal proceedings.  
Petra Bárd
- 15.30 Coffee break
- 16.00 **Workshop**  
A case study will be presented highlighting the fundamental rights issues in an EAW case with a specific reference to the procedural guarantees. The EAW and fundamental rights related aspects of the case will be discussed with the participants.  
Petra Bárd
- 17.30 **Evaluation**
- 17.45 **END OF SEMINAR**

