



HUMAN  
RIGHTS



## Applying the Charter of Fundamental Rights of the European Union Focus on the right to a fair trial

ONLINE SEMINAR FOR JUDGES AND  
PROSECUTORS

8-9 October 2020

**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

**Filippo Fontanelli**, Senior Lecturer in International Economic Law,  
Edinburgh Law School

**Sara Iglesias Sánchez**, Legal Secretary, Court of Justice of the  
European Union, Luxembourg (to be confirmed)

**Herman van Harten**, Judge, Head of the Insolvency Team and  
European Law Coordinator, District Court of The Hague

**Mirosław Wróblewski**, Head of the Constitutional, European and  
International Law Department, Office of the Polish Ombudsman,  
Warsaw

### 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
- Impartial and independent tribunal
- EU law remedies
- Rights of defence

Language  
English

Event number  
420SDT110

Organiser  
ERA (Sanja Jovičić)



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# Applying the Charter of Fundamental Rights of the European Union

**Thursday, 8 October 2020**

9:00 **Connecting to the online platform**

9:15 **Opening of the seminar**  
*Sanja Jovičić (ERA)*

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

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9:30 **Protecting fundamental rights in Europe: an overview**

- General principles of EU law
- The EU Charter and its legal value

*Miroslaw Wróblewski*

10:00 Discussion

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

- The roles of the ECtHR and the CJEU
- The principle of equivalent protection
- Relationship between Article 6 ECHR and Article 47 EU Charter

*Nina Betetto*

10:45 Discussion

11:00 Break

11:15 **Case study:  
The scope of application and interpretation of the EU Charter in national legal orders**

- The scope of application and interpretation
- The issue of direct effect of the Charter provisions
- Practical exercise and group work

*Miroslaw Wróblewski*

12:15 Discussion

12:45 Break

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## II. THE RIGHT TO A FAIR TRIAL

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14:00 **Independence and impartiality of tribunals in the CJEU case law**

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

*Nina Betetto*

14:30 Discussion

14:45 **Article 47 EU Charter: scope of application and interpretation**

*Herman van Harten*

15:15 Discussion

15:30 Break

15:45 **Case study:  
Article 47 EU Charter**

- Scope of application and interpretation
- Practical exercise and group work

*Herman van Harten*

16:45 Discussion of case study results

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

## What participants said last time

“Everything was very well organised and the speakers were very specific and well prepared for the subjects”

“It is a good opportunity to learn new information about European law”

## Interactive online seminar

The seminar will be hosted on ERA's own online training platform. You will be able to interact immediately and directly with our top-quality speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive training experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in a high-quality online training environment.

## Your contact persons

17:30 End of first day

## Friday, 9 October 2020

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

9:00 Connecting to the online platform

9:30 **Right to an effective remedy under Art. 47 of the EU Charter**

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

*Filippo Fontanelli*

10:00 Discussion

10:15 **EU law procedural rights standards in practice, limits and balancing (Articles 41, 47 and 48 of the Charter)**

- Obstacles to access to court (court fees, limitation periods, representation)
- The right to be advised, defended and represented
- Service, information and linguistic rights
- The right to be heard and access to the file
- Procedural rights of victims of crime

*Sara Iglesias Sánchez*

10:45 Discussion

11:00 Break

11:15 **Case study:**

**EU law procedural rights standards in practice, limits and balancing**

- Practical exercise and group work

*Sara Iglesias Sánchez*

12:30 Discussion of case study results

13:00 End of seminar



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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

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

Online conference, 29-30 October 2020

**Online Hate Speech: Legal Responses**

Online conference  
3-4 December 2020

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.

Applications for  
***Applying the Charter of Fundamental Rights of the European Union***

can be made through a member of the European Judicial Training Network (EJTN).



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Language  
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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. Applications should be submitted by **1 October 2020.**

### Registration Fee

3. No seminar fee.

### Participation

4. Participation at the whole event is required and your presence will be monitored.
5. A certificate of attendance will be distributed at the end of the event.