



ACTIVATING THE PROTECTION OF FUNDAMENTAL AND HUMAN RIGHTS AT EUROPEAN LEVEL

HIGH-LEVEL CONFERENCE ORGANISED BY
THE DEPARTMENT OF EUROPEAN LEGAL STUDIES

JOINT CONFERENCE

Law Department of the College of Europe
& Institute for European Law of KU Leuven/RESHUFFLE project

Activating the Protection of Fundamental and Human Rights at European Level

Venue: College of Europe, campus Verversdijk, Verversdijk 16, 8000 Brugge

programme

There is growing awareness that the European Union, next to the Council of Europe, is playing an active role in the protection of human rights in Europe. The importance of the European Court for Human Rights of the Council of Europe ('ECtHR') hardly needs being reiterated. As noted by Síoira O'Leary, in her opening speech as its new President, 'in this tragic period that Europe is living through', the ECtHR is not just a Court, it is 'the European mechanism for the protection of human rights' by which 'we seek, together and collectively, to safeguard democracy and the rule of law and to protect human rights'. Meanwhile, the Court of Justice of the European Union ('CJEU') is increasingly frequently asked to adjudicate on threats to fundamental rights be they invoked in the context of preliminary rulings, annulment actions or infringement proceedings in which the Charter of Fundamental Rights of the European Union is nowadays given a prominent role. The two Courts thus often act side-by-side to protect Europe's most cherished rights. The President of the CJEU, Koen Lenaerts, borrowing from the former President of the ECtHR, has referred to 'a symbiotic relationship'¹ between the case law of the two Courts in the context of threats to the rule of law.

¹ Robert Spano, 'The rule of law as the lodestar of the European Convention on Human Rights: The Strasbourg Court and the independence of the judiciary', *European Law Journal* 1, 13 (2021); Koen Lenaerts, 'On Checks and Balances: the Rule of Law within the EU', *Columbia Law Journal* 2, 29 (2023).

Without denying the limits of EU law on matters of fundamental rights' protection nor the distinct systemic nature of the two Courts, this event will shed light on the procedural tools available before each of them to enhance the protection of 'human rights', in the language of the ECtHR, and of 'fundamental rights', in the language of EU law. What are the respective strengths and weaknesses of each of the two judicial systems when it comes to actually activating them?

The technicalities for litigating and enforcing European human and fundamental rights have been developing fast in recent years to respond to multiple pressing challenges such as the need to protect vulnerable groups (eg. detainees or minor children) or against systemic threats (eg. to the rule of law) owing to speedy procedures and measures (eg. interim measures, accelerated or urgent procedures), the necessity to address repetitive and frequent threats (eg. pilot judgements), the protection of the integrity of judicial processes and the authority of rulings (eg. financial sanctions and penalty payments), or the increasingly integrated European judicial architecture (eg. advisory opinions before the ECtHR, efforts to restructure jurisdiction for preliminary rulings within the CJEU).

Yet, expertise in the field remains largely fragmented along the lines of two sub-legal disciplines: the community of European human rights' lawyers, on the one hand, and that of EU lawyers, on the other. While research on substantive law showing complementarities as well as differences between the two approaches is growing, there is still very little analysis of the procedural features of the emerging European law of fundamental and human rights. This event and the publication that will result therefrom are intended to bridge this gap in a context characterised by the revival of prospects of accession by the EU to the ECHR.

Thursday 7 March 2024	
09:45	Welcome address
	Inge Govaere , College of Europe & University of Ghent
10:00 – 10:45	Opening
	Síofra O’Leary , President of the ECtHR
10:45 – 12:00	Panel I. Who can go to Court?
	Lucia van der Meulen , RESHUFFLE & KU Leuven
	- Access to justice for NGOs/individuals in fundamental rights cases before both the ECtHR & CJEU by Janneke Gerards & Elif Erken, University of Utrecht - Third parties intervention before both the ECtHR & CJEU by Virginia Passalacqua, the University of Turin
	Discussants: Nuala Mole , AIRE Centre & Joyce De Coninck , University of Ghent & NYU, Francesca Romanelli , Academic Assistant of the College of Europe
12:00 – 13:00	Sandwich lunch
13:00 – 13:30	Perspectives on accession by the EU to the ECtHR
	Cecilia Rizcallah , RESHUFFLE, KU Leuven & Université Saint-Louis
	David Milner, the Council of Europe Felix Ronkes Agerbeek, European Commission
13:30 - 15:30	Panel II. Specific procedures before each Court
	Eleftheria Neframi , University of Luxembourg
	- Pilot-judgment procedure at the ECtHR by Kanstantsin Dzehtsiarou, University of Liverpool - Advisory opinions from the ECtHR by Jasper Krommendijk, Radboud University - The preliminary ruling procedure in fundamental rights cases by Takis Tridimas, King’s College London & College of Europe - Infringement actions for the protection of fundamental rights by Luca Prete, CJEU
	Discussants: Jonathan Tomkin , European Commission Legal Service & Kushtrim Istrefi , University of Utrecht, Marie Trapet , Representative of the students of the College of Europe
15:30 – 16:00	Coffee
16:00 – 18:00	Panel III. Time-limits & interim measures for the protection of fundamental rights
	Orlando Scarcello , RESHUFFLE & KU Leuven
	Time limits/accelerated procedures at ECtHR by Krešimir Kamber, Registry Lawyer, European Court of Human Rights

19:00	Time limits/urgent preliminary procedure/expedited procedure/other forms of prioritisation by Sara Iglesias Sanchez, University Complutense of Madrid
	Interim measures at the ECtHR by Philip Leach, Middlesex University London
	Interim measures at the CJEU by Kathleen Gutman, CJEU
	Discussants: Alexander Kornezov, Judge at the General Court & Markella Papadouli, Aire Centre & Erriketi Tla Nta Silva, Academic Assistant of the College of Europe
	<i>Speaker's dinner</i>
Friday 8 March 2024	
09:00 – 10:40	Panel IV. The internal organisation of the Courts
	Victor Davio , RESHUFFLE & KU Leuven
	The organisation of the internal work of the ECtHR by Ellen Penninckx, ECtHR
	The organisation of the internal work of the CJEU by José Gutierrez Fons, CJEU
	Deliberations & dissenting opinions by Frédéric Krenc, ECHR Judge
	Discussants: Joni Heliskoski, Justice at the Supreme Administrative Court of Finland & Ledi Bianku, former Albanian judge at ECtHR, Université de Strasbourg, Miguel del Moral Sánchez, Academic Assistant of the College of Europe
10:40 – 11:00	<i>Coffee</i>
11:00 – 12:40	Panel V. Compliance
	Sacha Garben , College of Europe
	(Non-)compliance with the rulings of the ECtHR by Laurence Burgorgue-Larsen, La Sorbonne
	(Non-)compliance with the rulings of the CJEU by Allan Rosas, former Judge at the CJEU & College of Europe
	Discussants: Gabriel Toggenburg, Fundamental Rights Agency, Amirsalar Kavoosi, Representative of the students of the College of Europe
12:40 – 13:15	Closing speech
	Elise Muir , RESHUFFLE, KU Leuven & College of Europe
	<i>Sandwich lunch</i>