

HUMAN
RIGHTS



Applying the Charter of Fundamental Rights of the European Union

- Focus on the rights of Union citizens
- Seminar for legal professionals

Warsaw, 22-23 February 2018

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Human
Rights Law**



Speakers

Adam Bodnar, Polish Ombudsman, Warsaw

Johan Callewaert, Deputy Grand Chamber Registrar, European Court of Human Rights, Strasbourg

Raluca Dimitriu, Professor, University of Economic Studies, Bucharest

Krystyna Kowalik-Bańczyk, Judge, General Court of the European Union, Luxembourg

María Amor Martín Estébanez, Legal Expert, EU Agency for Fundamental Rights, Vienna

Aidan O'Neill QC, Barrister, Matrix Chambers, London

Key topics

- The system of fundamental rights protection in Europe
- Scope of application and interpretation of the EU Charter in national legal orders
- Freedom of movement and residence
- Right to good administration
- Right of access to documents of the EU

Languages
English and Polish
(simultaneous interpretation)

Location
Warsaw Bar Association
Aleje Ujazdowskie 49
Warsaw, Poland

Event number
418DT08

Organiser
ERA (Sanja Jovičić) in cooperation
with the Polish Bar Foundation (FAP)

F·A·P
POLISH BAR FOUNDATION

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2014-2020.

Applying the Charter of Fundamental Rights of the European Union

Thursday, 22 February 2018

8:30 Arrival and registration of participants

9:00 **Welcome and introduction**

Mikolaj Pietrzak (Dean of Warsaw Bar Association) and Sanja Jovičić (ERA)

I. THE SYSTEM OF FUNDAMENTAL RIGHTS PROTECTION IN EUROPE

9:15 **Protecting fundamental rights in Europe: an overview**

- General principles of EU law
- The EU Charter and its legal value
- Other regional and national legal protection instruments

Adam Bodnar

10:00 Discussion

10:15 **Case study:**

The scope of application and interpretation of the EU Charter in national legal orders

- The scope of application and interpretation
- The limits of Article 53 of the Charter in the case law of the CJEU
- The issue of direct effect of the Charter provisions
- Protocol (No 30) on the application of the EU Charter to Poland and to the United Kingdom

Adam Bodnar

11:15 Discussion

11:30 Coffee break

12:00 **Relationship between the Charter of Fundamental Rights of the EU and the European Convention on Human Rights and Fundamental Freedoms: complementing or competing systems?**

- The roles of the ECtHR and CJEU
- Principle of equivalent protection
- EU accession to the ECHR

Johan Callewaert

12:45 Discussion

13:00 Lunch

II. UNION CITIZENS' RIGHTS IN PRACTICE

14:00 **Freedom of movement and residence**

- Who can benefit from the freedom of movement and residence?
- Possible restrictions
- Legally resident third-country nationals and return of illegal immigrants
- Development of the CJEU case law

Raluca Dimitriu

14:45 Discussion

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 Union citizens' rights.

Who should attend?

Legal practitioners from EU Member States (except the United Kingdom and Denmark) working in particular in the field of civil and administrative law.

Please note that the number of places available is limited. Registrations will be accepted on a first come, first served basis.

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
- What is freedom of movement and residence, who can benefit from it and possible restrictions
- How to deal with cases involving family life and the freedom of movement and residence with focus on LGBT rights
- How to tackle discrimination in the freedom of movement and residence
- The scope of application of the right to good administration
- How to access EU documents

Your contact persons



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- 15:00 **Family life and the freedom of movement and residence: focus on the rights of the child and on LGBT rights**
- Right to respect for family life
 - The right of the child to be cared for and maintain contact with both parents
 - Entry and residence, improper removal, alternative care, expulsion of children
 - Entry and residence of spouses, registered and de facto partners, including same-sex
 - The status of non-EU family members
- María Amor Martín Estébanez*
- 15:45 Discussion
- 16:00 Coffee break
- 16:30 **Case study: Discrimination and freedom of movement and residence**
Raluca Dimitriu
- 17:30 Discussion and exchange of national practices
- 18:00 End of first seminar day
- 20:00 Dinner

Friday, 23 February 2018

III. UNION CITIZENS' RIGHTS IN PRACTICE (continued)

- 9:00 **Right to good administration**
- Nature, content and effects of the right to good administration
 - Interaction with other fundamental rights and legal principles
 - Substantive and procedural aspects
- Krystyna Kowalik-Bańczyk*
- 9:45 Discussion
- 10:00 **Right of access to documents of the EU**
- Legal framework and the development of the CJEU case law
 - Exceptions: the right to privacy and integrity, public interest and international relations
- Aidan O'Neill*
- 10:45 Discussion
- 11:00 Coffee break
- 11:30 **Roleplay: Accessing EU documents in practice**
Aidan O'Neill
- 13:00 Discussion of workshop results
- 13:30 End of seminar

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

What participants say:

“Very good organisation and high quality speakers.”

“Professional speakers, interesting subject matters, very informative.”

“It was my very first experience but I would like to attend more events like this one.”

“Great interaction between different European participants.”

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD) and all participants will receive a certificate on completion. This event corresponds to **10 CPD hours**.



This seminar series has received financial support from the European Union's Justice Programme (2014-2020).

For further information please consult:
http://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm

Please note that while simultaneous interpretation will be offered during this event, not all the speakers' papers will be made available in all conference languages.