The preliminary reference to the Court of Justice of the European Union
by Constitutional Courts

Il rinvio pregiudiziale alla Corte di giustizia dell’Unione europea
da parte delle Corti costituzionali

Seminar in memoriam of Gabriella Angiulli

28th-29th March 2014

Venue: LUISS Guido Carli, Rome

Friday 28th March (Working language: English)

LUISS, Via Parenzo 11, Aula Magna

I session (9.00-12.00): Constitutional Courts, Court of Justice of the European Union and European Court of Human Rights: towards a multilevel system of constitutional review?

Chair: Tania Groppi (University of Siena)

(9.00-9.30) Introduction – Monica Claes (Maastricht University), The Europeanization of Constitutional Courts

Contributions:

(9.30-9:45) Giuseppe Martinico (Scuola Superiore Sant’Anna, Pisa), Preliminary reference and Constitutional Courts: from competition to cooperation?

(9.45-10.00) Thomas Beukers (European University Institute, Florence), The ‘dialogue’ between the Court of Justice and the Constitutional Courts in the decisions on the financial crisis

(10.00-10.30) Debate

(10.30-10.45) Francesco Cherubini (Luiss Guido Carli, Rome), The relationship between the Court of Justice and the European Court of Human Rights in view of the EU accession to the ECHR

(10.45-11.00) Oreste Pollicino (Bocconi University, Milan), The ‘dialogue’ between the Court of Justice and the European Court of Human Rights: new media rights as a case-study

(11.00-11.30) Debate
WORKSHOP


Chair: Daniele Gallo (LUISS Guido Carli, Rome)

Speakers:

- Janek Tomasz Nowak (University of Leuven –MCI Innsbruck), *The judicial dialogue between the Belgian Constitutional Court and the European Court of Justice: a mutually beneficial relationship*

- Andreas Orator (EIR Institute for European and International Law, Vienna), *The decision of the Austrian Constitutional Court on the EU Charter of Fundamental Rights: an instrument of leverage or rearguard action?*

- Alice Pisapia (University of Insubria, Varese), *The Italian Constitutional Court and the preliminary reference: is the ‘contro limiti’ theory still valid?*

- François-Xavier Millet (University of Toulouse Capitole) & Nicoletta Perlo (University of Toulouse Capitole), *The first preliminary reference of the French Constitutional Council to the European Court of Justice: révolution de palais or revolution in French constitutional law?*

Discussant: Maria Dicosola (University of Bari)


Chair: Eleonora Ceccherini (University of Genova)

Speakers:

- Eva Lohse (Friedrich-Alexander University, Erlagen-Nürnberg), *The German Constitutional Court (BVerfG) and Preliminary References – a match not made in heaven?*

- Miryam Rodríguez-Izquierdo Serrano (University of Sevilla), *The Spanish Constitutional Court and the interpretation of the rights of the Charter after the first preliminary reference*

- Zuzana Vikarská (University of Leuven - Charles University in Prague), *The Slovak Constitutional Court and the Data Retention Directive: Why this is the greatest setting to refer a question to the ECJ*

- Alessia Fusco (University of Genova), *The Supreme Court of the United Kingdom in front of the*
preliminary reference to the European Court of Justice: improving European integration?

Discussant: Giorgio Repetto (University of Perugia)

(16.30-18.00) IV session, Constitutional Courts and the lack of preliminary reference. The missing link

Chair: Nicola Lupo (LUlSS Guido Carli, Rome)

Speakers:
- Fruzsina Gárdos-Orosz (Institute for Legal Studies of the Hungarian Academy of Sciences - Constitutional Court of Hungary), Preliminary reference and the Hungarian Constitutional Court: a context of non-reference
- Aleksandra Kustra (University of Torun), Reading the tea leaves. Polish Constitutional Tribunal and preliminary ruling procedure
- Mihail Vatsov (Maastricht University), European integration through preliminary rulings: the case of the Bulgarian Constitutional Court
- Vita Viorica (European University Institute, Florence), The Romanian Constitutional Court and the principle of primacy: to refer or not to refer?

Discussant: Irene Spigno (University of Siena)

(18.00-18.30)

Conclusions – Robert Schütze (Durham Law School)

Sabato 29 marzo (Lingue di lavoro: italiano e inglese)

LUISS, Viale Pola 12, Sala colonne

(9.00-13.00)

(9.00-10.45) V session (in English), Constitutional Courts and the preliminary reference. A comparative perspective

Chair: Filippo Donati (University of Firenze)
Speakers:

- Solange Fatal (University of Montpellier), *Origins and ‘sources of inspiration’ of the preliminary reference to the Court of Justice at national level*

- Pierre-Vincent Astresses (University of Paris I Panthéon-Sorbonne), *The return of the Huron, or naïve thoughts on the handling of article 267 TFEU by Constitutional Courts when referring to the Court of Justice*

- Clelia Lacchi (University of Luxembourg), *The obligation of national courts of last instance to make a preliminary reference to the Court of Justice as a constitutional guarantee*

- Ludovica Benedizionne (University of Bari) & Eleonora Paris (University of Teramo), *Preliminary reference and dialogue between courts: the case of the ‘Data retention directive’*

- Samo Bardutzky (University of Kent) & Elaine Fahey (University of Amsterdam), *Constitutional Courts, preliminary rulings and the “new form of law”: the adjudication of the European Stability Mechanism*

Discussant: Cristina Fasone (European University Institute, Florence)

(11.00-13.00) Tavola rotonda conclusiva (in italiano)

La Corte costituzionale italiana e il rinvio pregiudiziale: evoluzione e prospettive

Chair: Carmela Decaro (LUlSS Guido Carli, Roma)

Intervengono: Raffaele Bifulco (LUlSS Guido Carli, Roma) – Jean-Philippe Derosier (Université de Rouen) – Massimo Luciani (Università La Sapienza di Roma) – Enzo Moavero Milanesi (già Ministro per gli affari europei) – Elena Sciso (LUlSS Guido Carli, Roma) – Giuseppe Tesauro (Corte costituzionale italiana)

Secretariat: Maria Dicosola (University of Bari), Cristina Fasone (European University Institute, Florence), and Irene Spigno (University of Siena).

**Please, address any inquiry and register your attendance at** preliminaryreference@gmail.com