

**Date:**

Monday, 22<sup>nd</sup> October 2012

**Location:**

MUDAM Luxembourg  
Musée d'Art Moderne Grand-Duc Jean  
3, Park Dräi Eechelen  
L-1499 Luxembourg  
Luxembourg

**Languages:**

English and French

**Context:**

This conference is organized in the context of the specialization on **European Litigation** of the University of Luxembourg's Master in European Economic Law (LL.M.).

**Inscription fees:** 100,-€ \*

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For more information and registration see:

<http://conference.iuil.lu/>



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\*Special price/rate is granted for academics

Centre for European Law of the  
University of Luxembourg  
&  
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Luxembourg

# The protection of fundamental rights in the EU: Future challenges

Conference on EU Litigation

Monday, October 22<sup>nd</sup> 2012  
MUDAM, Luxembourg



# PROGRAMME\*

## 9.00 am Introduction and Welcome

**Marc Jaeger** (President, General Court, Court of Justice of the European Union)  
**Stefan Braum** (Dean, Faculty of Law, Economics and Finance, University of Luxembourg)  
**Herwig Hofmann** (Professor, Centre for European Law, University of Luxembourg)

## 9.15 am Key Note Speech

**Viviane Reding** (Vice President Commission) (tbc)

## 9.45 am Session 1 -The new plurality of Fundamental Rights sources - What will change and how?

Chair: **Koen Lenaerts** (Judge, Court of Justice of the European Union)  
**"The negotiations for the EU accession to the ECHR and the accession process"** **Hannes Kraemer** (Legal Service, EU Commission)  
**"The Co-Responsibility of the Member States and the EU before the ECHR?"** **Hans Nilsson** (Head of Unit, Fundamental Rights and Criminal Justice, Council of the EU)  
**Interpreting the ECHR, interpreting EU law: Differences that count? Will the ECHR's margin of appreciation doctrine be imported into EU law?**  
Speaker: **Eleanor Sharpston** (Advocate General, CJEU)  
Respondent: **Rick Lawson** (Dean, Professor, Leiden Law Faculty)

### Discussion

## 11.00 am Coffee Break

## 11.20 am Session 2 - How to manage the pluralism of sources of fundamental rights in the EU?

Chair: **Allan Rosas** (Judge, Court of Justice of the European Union)  
**"The relation between the rights arising from the Charter and general principles of law"**  
Speaker: **Herwig C.H. Hofmann** (Professor, University of Luxembourg)  
Respondent: **Sascha Prechal** (Judge, CJEU)  
**"The relation between EU fundamental rights and those recognised in the constitutions of the Member States: competition or complementarity?"**  
Speaker: **Jan Passer** (Judge, Czech Supreme Administrative Court)  
Respondent: **Tom Eijsbouts** (Professor, University of Leiden)  
**The relation between the Charter and the Convention – how to solve conflicts?**  
Speaker: **Jörg Gerkrath** (Professor, University of Luxembourg)  
Respondent: **Henk Lubberdink** (Chair of Chamber, Council of State, Netherlands).

## 1.00 pm Light Lunch

## 2.00 pm Session 3 – Interpretation and Effects of Rights in the new System of Multiple Sources of Rights

**Chair: Josef Azizi** (Judge, General Court, CJEU)  
**What is the effect of accepting horizontal direct effect of Fundamental Rights on the competencies of the Union?**  
Speaker: **Thomas Henze** (Federal Ministry of Economics, Germany)  
Respondent: **Allan Rosas** (Judge, CJEU)  
**"The Accession from the Point of View of the Convention and the ECtHR"** tbc (Judge, European Court of Human Rights)  
**Which effects will the accession have on judicial procedures and judicial cooperation?**  
Speaker: **Arjen Meij** (visiting Professor University of Luxembourg, former judge, General Court, CJEU)  
Respondent: **André Potocki** (Judge, ECtHR)

### Discussion

## 3.00 pm Coffee Break

## 4.00 pm Session 4 - Case studies

**Marc Jaeger** (President, General Court, Court of Justice of the European Union)  
**Union Citizenship and Human Rights under Article 2 TEU**  
Speaker: **Armin v. Bogdandy** (Director, MPI, Heidelberg)  
Respondent: **Cathryn Costello** (Fellow, University of Oxford)  
**The Ne Bis in Idem Principle – State of Play and Perspectives**  
Speaker: **Geert Corstens** (President, Netherlands Supreme Court)  
Respondent: **Georges Ravarani** (President of the Administrative Court and Vice President of the Constitutional Court of the G.D. of Luxembourg)  
**The example of Anti-Discrimination: Does the inflation of sources lead to a devaluation of rights?**  
Speaker: **Gerard C. Rowe** (Professor, Univ Viadrina, Frankfurt a.d.O. and Professeur associé, University of Luxembourg).  
Respondent: **Monica Claes** (Professor, University of Maastricht).

## 5.30 pm Concluding remarks by President Marc Jaeger

## 6.00 pm Closing of conference

\* this programme is subjected to modifications