

**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/>



*\*Special price/rate is granted for academics*

Centre for European Law of the  
University of Luxembourg  
&  
IUIL - Institut Universitaire International  
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