

**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*

28<sup>th</sup>-29<sup>th</sup> March 2014

Venue: LUISS Guido Carli, Rome

***Friday 28<sup>th</sup> 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

(11.45-13.30) II session, *The preliminary reference by Constitutional Courts. Constitutional dialogues*

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)

(14.30-16.15) III session, *The preliminary reference by Constitutional Courts. Constitutional challenges*

Chair: Eleonora Ceccherini (University of Genova)

Speakers:

- Eva Lohse (Friedrich-Alexander University, Erlangen-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 (LUISS 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 Benedizione (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 (LUISS Guido Carli, Roma)

Intervengono: Raffaele Bifulco (LUISS 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 (LUISS Guido Carli, Roma) – Giuseppe Tesaro (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](mailto:preliminaryreference@gmail.com)