

SCIENTIFIC COMMITTEE

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www.unitn.it/evento/supranational-judiciary



UNIVERSITY
OF TRENTO - Italy
Faculty of Law

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JP
Jurisdiction
and Pluralisms

PERSPECTIVES ON THE SUPRANATIONAL JUDICIARY

TRENTO, 17-18 DECEMBER 2015

ROOM B, FACULTY OF LAW - VIA VERDI 53, TRENTO

The judicial architecture of the European Union plays a key role in the definition and enforcement of EU governmental strategies. It includes a two-tier set of institutions: the Court of Justice of the European Union, directly established by the Union, and national courts, co-opted in EU adjudication through a series of rules and doctrines interfacing the EU and national judicial processes. The EU assumes the existence of member states' judiciaries for the enforcement of its rules, given that the judicial function in the EU is almost entirely performed by national courts. The latter operate at the same time as part of member states' and EU judiciaries and only to a limited extent is their functioning regulated by EU sources of law. This integrated judicial system gives rise to the Supranational Judiciary.

The conference explores the characteristics of the Supranational Judiciary following three distinct perspectives. The focal point of the first perspective is the organisation. A first contribution introduces the notion of supranational judiciary, maps out its structure and identifies the techniques of coordination developed to interface EU and national courts. A second contribution investigates the specific features of the supranational judiciary in the area of freedom, security and justice, with regard also to mainly informal networking. A third contribution explores the impact of EU membership in the organisation, recruitment, training and networking of national courts. A final contribution examines the difficulties emerged in interfacing the EU and ECHR judicial systems, focusing on the specific role played by constitutional courts.

The comparative perspective tries to capture the distinctive features of the supranational judiciary by looking at a series of other judicial architectures such as those existing in federal systems, the Inter-American and the European Courts of Human Rights.

The final session looks at the supranational judiciary from a normative perspective, i.e. it critically reflects on the nature of the EU normative claims and the judicial reactions they can generate at domestic level. It firstly identifies the characteristics of EU legality with a view to the specific policy objectives and normative concerns of the Union. The controversial character of EU legality justifies a variety of reactions (loyalty, dialectic, resistance) which are in turn analysed.

17 DECEMBER 2015

14:00-18:30

Welcome and Introduction
Dean **Giuseppe Nesi**
Roberto Toniatti

KEYNOTE ADDRESS

The Supranational Judiciary and the Quest for a Common European Judicial Culture

Carlo Guarneri

SESSION I THE ORGANISATIONAL PERSPECTIVE

Chair: **Marco Dani**

The Supranational Judiciary: Notion, Structure and Techniques of Coordination

Roberto Toniatti

The Supranational Judiciary in the Area of Freedom, Security and Justice

Simone Benvenuti

Being an EU Court: Organization, Recruitment, Training and Networking

Raffaele Sabato

Difficulties at the Interface between the Supranational Judiciary and the ECHR

Mathias Hartwig

Coffee break at 16:30

18 DECEMBER 2015

9:30-12:30

SESSION II THE COMPARATIVE PERSPECTIVE

Chair: **Roberto Toniatti**

The Supranational Judiciary compared with Models of a Federal Judiciary

Raffaele Bifulco

The Supranational Judiciary compared with the Inter-American Court of Human Rights

Joan Solanes Mullor

The Supranational Judiciary compared with the European Court of Human Rights

Monica Claes

Coffee break at 10:30

Lunch buffet at 13:00

14:30-18:30

SESSION III THE NORMATIVE PERSPECTIVE

Chair: **Raffaele Bifulco**

Qualifying EU Legality

Marco Dani

Priority in Loyalties: National Courts serving EU Legality

Daniel Sarmiento

Dialectic: Courts correcting EU Legality (and being corrected by the ECJ)

Jan Komárek

Resistance: Courts opposing EU Legality

Augustin José Menéndez

Concluding Remarks

Miguel Maduro

Coffee break at 16:30

Coffee break and buffet lunch will be offered to registered participants.

Participation is free of charge, but advance registration is appreciated (see the Registration form on the event webpage).