

## SCIENTIFIC COMMITTEE

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[www.unitn.it/evento/supranational-judiciary](http://www.unitn.it/evento/supranational-judiciary)



UNIVERSITY  
OF TRENTO - Italy  
Faculty of Law

30us

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).