



European
University
Institute

DEPARTMENT
OF LAW



WORKSHOP ON THE TECHNIQUES OF JUDICIAL COOPERATION IN THE MULTI-SYSTEM PROTECTION OF FUNDAMENTAL RIGHTS:

FREEDOM OF EXPRESSION

WORKSHOP ORGANISED BY THE CENTRE FOR JUDICIAL COOPERATION, DEPARTMENT OF LAW

**IN THE FRAMEWORK OF THE PROJECT "EUROPEAN JUDICIAL COOPERATION IN FUNDAMENTAL RIGHTS
PRACTICE OF NATIONAL COURTS" (JUDCOOP)**



**FUNDED BY THE EUROPEAN COMMISSION FUNDAMENTAL RIGHTS&CITIZENSHIP
PROGRAMME.**

EUROPEAN UNIVERSITY INSTITUTE

31 JANUARY – 1 FEBRUARY 2014

VIA DEI ROCCETTINI 9, I-50014 SAN DOMENICO DI FIESOLE (FI), ITALY

INTRODUCTION

The workshop takes place in the framework of the project managed by the EUI Centre on Judicial Cooperation, entitled *European Judicial Cooperation in the Fundamental Rights Practice of National Courts (JUDCOOP) - The unexplored potential of judicial dialogue methodology*, carried out with the support of the European Commission, DG Justice.

The JUDCOOP Project includes one academic institution, the European University Institute (EUI), and several judicial organizations, of national (from Croatia, Italy, Poland, Romania and Spain) and transnational nature (the Association of European Administrative Judges).

The objective of the project is to promote and develop dialogue between European judges, by exploring concrete dimensions of judicial cooperation in the area of EU fundamental rights. We will create small epistemic communities composed of judges, scholars and practitioners and discuss current and past cases in which episodes of dialogue or

Conference venue: EUI, Badia Fiesolana (Refectory) - Via dei Roccettini 9, I-50014 San Domenico di Fiesole

Conference secretariat (Bart Provoost): tel.+39-055-4685 761 / fax: +39-055-4685 200

judicial interaction have occurred, or could have occurred. The aim of this exercise is to identify and classify the tools of interaction between courts in the protection of fundamental rights, as well as demonstrating their usefulness in practical context. In particular, the focus will be placed on appraising instances of interaction across the case law of different courts in the application of a particular fundamental right. The workshops will be attended by a small group of judges selected by each national and transnational partner. The purpose of the events is to enable national judges to make use of the techniques of judicial cooperation with other national and supra-national courts, to achieve a better and more consistent protection of fundamental rights.

The current workshop – the last one to be held in the framework of the Project - will focus on the freedom of expression principle, relevant for judges from various levels of jurisdictions dealing with diverse areas of law. In light of the complexity of legal sources governing this right (ECHR Arts 10, EU Charter of Fundamental Rights, EU secondary law, national constitutions), judicial dialogue and cooperation across borders become imperative in the implementation of freedom of expression principle.

The workshop is designed to differ from an academic conference or a classic session of judicial training. National judges will be at the centre, and all the sessions will revolve around their interest and practices, with the purpose of favouring the sharing of experiences and the confrontation among judges from different jurisdictions. Members of the JUDCOOP team and academics will contribute by providing an overview on the techniques of interaction and by giving a fuller account of the multi-layered practice regarding the protection of fundamental rights in different and interlaced judicial systems.

PROGRAMME

Friday, 31st January 2014

REFECTORY, BADIA FIESOLANA

14.00 **Registration and Coffee**

14.30 **PART I: PLENARY SESSION**

Welcome and Introduction

Fabrizio Cafaggi, Director of the Centre for Judicial Cooperation, European University Institute, JUDCOOP Project Director

14.45 **Presentation of the Handbook on freedom of expression**

15.00 **GENERAL DISCUSSION**

15.30 **The evolution of the supply chain in information distribution**

Mario Tedeschini-Lalli, Vice-Director “Innovation and Development”, Gruppo Editoriale L’Espresso.

15.50 **The dialogue between ECtHR and CJEU on freedom of expression**

Conference venue: EUI, Badia Fiesolana (Refectory) - Via dei Roccettini 9, I-50014 San Domenico di Fiesole

Conference secretariat (Bart Provoost): tel.+39-055-4685 761 / fax: +39-055-4685 200

Roberto Mastroianni, University of Naples

16.10 GENERAL DISCUSSION

16.30 *Coffee Break*

17.00 KEY NOTE SPEECH –

Onur Andreotti, Council of Europe

17.30 PART II - JUDICIAL DIALOGUE TECHNIQUES

Introduction and overview: **Giuseppe Martinico, Filippo Fontanelli and Aida Torres-Pérez (CJC)**

The participants will be invited to reflect on the practices and tools of judicial interaction. The handbook will provide a point of reference for the classification of the tools of interaction and their possible effects. National judges are encouraged to confront and share their experience.

19.00 *End of Day 1*

20.00 *Dinner at Trattoria Godo' – Piazza Edison 3/4 r, 50125, Florence*

Saturday, 1st February 2014

REFECTORY, BADIA FIESOLANA

9.00 **The structure of media regulation**

Speaker tbc

9.20 **ROUND TABLE DISCUSSION**

Chair: **Tony Prosser**, University of Bristol

In order to maximize the participation of judges we will ask some of them, as well as the designated national experts, to prepare short points for discussion in the round table. Other speakers and participants will be on the round table panel as well.

Participants:

Daniela Iancu - Romanian Superior Council of Magistrates - Romania

Agnieszka Gora-Blaszczykowska - Regional Court, Warsaw - Poland

Alessandro Andronio – Corte Costituzionale - Italy

Vesna Alaburic - Attorney at Law - Croatia

10.30 *Coffee break*

10.45 **ROUND TABLE DISCUSSION – continued**

11.30 General Discussion

12.00 **PART III –WORKING GROUP SESSION**

JUDICIAL DIALOGUE ON FREEDOM OF EXPRESSION - HYPOTHETICALS (seminar rooms 2 and 3)

The working group sessions will focus more directly on the freedom of expression by discussing the hypothetical cases included in the handbook. The discussion will focus on how judicial interaction techniques can be used in those contexts. Each of the two groups will spend one of the sessions discussing each of the three hypotheticals.

Group 1 – Tutor 1 Hypothetical 1	Group 2 – Tutor 2 Hypothetical 1
--	--

13:30 *Lunch in Sala Colonna / Steering Committee Meeting – JUDCOOP Project*

Conference venue: EUI, Badia Fiesolana (Refectory) - Via dei Roccettini 9, I-50014 San Domenico di Fiesole

Conference secretariat (Bart Provoost): tel.+39-055-4685 761 / fax: +39-055-4685 200

14:30 WORKING GROUP SESSION 2 (continued)

Group 1 – Tutor 3 Hypothetical 2	Group 2 – Tutor 4 Hypothetical 2
--	--

16:00 *Coffee break*

16:30 WORKING GROUP SESSION 2 (continued)

Group 1 – Tutor 5 Hypothetical 3	Group 2 – Tutor 6 Hypothetical 3
--	--

18:00 CONCLUSIONS AND CLOSING REMARKS

18:30 *End of Day 2*

20:30 *Dinner at Ristorante Pentola d'Oro – Via di Mezzo 24, 50121, Florence*