Webinar

Judging Judges: Judicial Accountability Standards under EU Law

18 March, 16.00 to 17.45 (CET)

on Zoom (the event will be recorded)

Centre for Judicial Cooperation | European University Institute (EUI)

Introduction

This is the third webinar that is organised within the framework of the project TRIIAL – TRust, Independence, Impartiality and Accountability of legal practitioners safeguarding the rule of Law under the EU Charter. The TRIIAL project, which was funded by the European Union’s Justice Programme (2014-2020), under G.A. no 853832, provides freely accessible training activities and tools for judges, lawyers, prosecutors, and arbitrators on the European rule of law, mutual trust, judicial independence, impartiality and accountability.

This event is dedicated to discussing recent case law from the CJEU and the ECtHR on judicial accountability standards, the challenges faced by national courts on applying these standards, and whether and how judicial interactions can assist the enforcement of the rule of law in Europe. The first speaker will discuss the scope and limits of the freedom of speech of judges through the lens of ECtHR case law. The second speaker, a former civil judge will address the challenges faced by Polish courts in ensuring the respect of CJEU standards on disciplinary sanctions against the judiciary in Poland. The third presentation will focus on defamation lawsuits brought by judges and respective ECtHR case law against Portugal for violation of freedom of expression. The final presentation will look at the future and consider two pending preliminary rulings sent by Romanian courts concerning disciplinary sanctions and civil liability of judges adopted in the context of controversial reforms of the Romanian judicial system: what role can the Cooperation and Verification Mechanism (CVM) established at the time of Romania’s accession to the European Union play in the fight for justice and rule of law? Moreover, which ECtHR caselaw should inspire the CJEU in the currently pending cases on the Romanian justice system reform.

The speakers will present the key aspects of these cases and the reasoning developed, and will then reflect on the implications of these decisions with scholars and practitioners from the institutions involved the TRIIAL project.

Past TRIIAL webinars are available here: https://cjc.eui.eu/projects/triial/
Programme

18 March

16.00  Moderator  
Gabor Halmai | European University Institute

16.10  Mariavittoria Catanzariti | Centre for Judicial Cooperation  
Decoupling judicial accountability: from the duty of communication to the duty of restraint

16.25  Jaroslaw Gwizdak | Institute for Law and Society (INPRIS)  
Disciplinary actions against judiciary in Poland: difficulties in applying the CJEU standards

16.40  Rita Gião Hanek | Lisbon Centre for Research in Public Law (CIDP)  
L.P and Carvalho v Portugal: how did we get here and where are we going?
A European multilevel constitutional system towards legal certainty and trust

‘Pending Cases to Watch’

16.55  Madalina Moraru | Centre for Judicial Cooperation and Raluca Bercea | National Association of the Romanian Bars  
Working together? CJEU and ECtHR on judicial accountability on Romania  
(C-83/19- Judicial Inspection, C-397/19 – civil liability of members of judiciary)

17.20  Q & A

Participants

Raluca Bercea  National Association of the Romanian Bars (UNBR)
Mariavittoria Catanzariti  Centre for Judicial Cooperation (CJC)
Mohor Fajdiga  University of Ljubljana
Alessandra Favi  University of Florence
Zoltán Fleck  Eötvös Loránd University (ELTE)
Rita Gião Hanek  Lisbon Centre for Research in Public Law (CIDP)
Gianluca Grasso  Italian School for the Magistracy (SSM)
Jaroslaw Gwizdak  Institute for Law and Society (INPRIS)
Gabor Halmai  TRIIAL Project Coordinator
Tomasz Koncewicz  University of Gdansk
Nicole Lazzerini  University of Florence
Marcin Michalak  University of Gdansk
Madalina Moraru  Centre for Judicial Cooperation (CJC)
Ümit Oral  Belgian Judicial Training Institute (IFG/IGO)
Anna Podolska  University of Gdansk
Karolina Podstawa  University of Maastricht
Aida Torres  University of Pompeu Fabra (UPF)
Barbara Alicja Warwas  The Hague University of Applied Sciences (THUAS)