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**TRUST, INDEPENDENCE, IMPARTIALITY AND ACCOUNTABILITY OF JUDGES AND ARBITRATORS
SAFEGUARDING THE RULE OF LAW UNDER THE EU CHARTER (TRIAL) PROJECT**

TRANSNATIONAL TRAINING WORKSHOP ON: *JUDICIAL APPOINTMENTS & JUDICIAL SELF-GOVERNMENT*

HOST : *UNIVERSITY OF MAASTRICHT, MAASTRICHT CENTRE FOR EUROPEAN LAW*

DATE: *6 MAY 2021 (13.00 – 17.30 CET) AND 7 MAY 2021(13.00 - 17.30 CET)*

PLACE : *ONLINE*

CALL FOR APPLICATIONS FOR JUDGES AND LEGAL PRACTITIONERS

THE EUROPEAN UNION'S STANDARD ON JUDICIAL INDEPENDENCE: SYSTEM OF JUDICIAL APPOINTMENTS, COUNCILS OF THE JUDICIARY AND JUDICIAL ASSOCIATIONS

This transnational training workshop will discuss the topic of judicial appointments in Europe in light of the most recent caselaw developed by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), and how these recent jurisprudential developments can be applied at the national level. In particular, the following issues will be addressed: institutional aspects in the system of appointment for judges (e.g. the role of the Judicial Councils, court presidents, Ministries of Justice, judges' associations); re-assignment of judges to other cases/courts; re-shaping adjudicating panels; direct and indirect influence of the executive in the process of appointing judges, and more generally in the organisation of the justice system;

Various aspects of judicial appointments are coming up before the CJEU and ECtHR, as highlighted in the following cases: concerning judicial reform in Poland *C-619/18, Commission v. Poland*; *C- 192/18* ; *C-811/19, C-840/19; C-357/19, C-547/19* and before the ECtHR concerning the appointment to the High Court of Appeals *Guðmundur Andri Ástráðsson v. Iceland* App no 26374/18, on judicial removals in *Baka v Hungary* App No 20261/12 or assessment of judicial performance *Guz v Poland* App No 965/12. Judicial standards are developed as a part of the European principle of judicial independence under Articles: 2, 7, 19

(1) TEU; Arts. 258 and 267 TFEU; 47 EU Charter; 6 and 13 ECHR. And more issues have been raised by the 2020 Rule of Law Report of the European Commission. Notably, almost all EU Member States have either adopted or negotiated some form of the reform of the justice system (See: Figure 1 of 2020 Justice Scoreboard). Many of the reported reforms gave rise to doubts as to their compliance with EU law, in particular, with the standard of external independence of the judges: the system of judicial appointments and guarantees of irremovability from the office. These developments indicate the need for an updated discussion of the implementation of the CJEU and ECtHR standards on rule of law, independence and accountability in relation to judicial appointments.

Given the European Union and Member States' linked and interactive legal systems, **it is up to national judges to evaluate these reforms both within the remit of their own legal systems and, in enforcement of mutual recognition claims, *vis-à-vis* justice systems of other Member States of the European Union.** We thus invite domestic and European judges to a discussion focused on the standards of judicial independence as it manifests itself in the determination of the system of judicial appointments.

The Transnational Training Workshop aims to support judges, prosecutors and lawyers in developing cooperation amongst them by providing knowledge on the substantive and procedural tools on magistrates' independence as offered by the overlapping EU and Council of Europe based standards. The training will highlight the different techniques of judicial interaction which would be able to protect judicial bodies from external and internal pressures and foster the European Union's rule of law.

The training is offered within the European Commission's funded project TRIIAL - TRust, Independence, Impartiality and Accountability of judges and arbitrators safeguarding the rule of Law under the EU Charter (Horizon 2020, project no. 853832, JUST-JTRA-EJTR-AG-2018). The TRIIAL Project provides training activities and tools for judges, lawyers, prosecutors, and arbitrators on the European rule of law, mutual trust, judicial independence, impartiality and accountability (see the dedicated website [here](#)).

PROVISIONAL AGENDA

6 May 2021 (13.00- 17.30 CET)

13.00 – 13.15 *Welcome address, presentation of TRIAL project and its deliverables* **Karolina Podstawa** (University of Maastricht, Lecturer in European Union Law)

Chair for the Day: Barbara Warwas (Professor of Multilevel Regulation, Hague University of Applied Sciences, TRIAL partner)

OPEN ACCESS SESSIONS

13.15- 13.45 **Keynote/Open access lecture:**

Keynote lecture: *Art. 2 TEU, Art. 19 TEU and Art. 47 CFR, and the standards of judicial independence: challenges of pan-European conundrum through the eyes of a European judge-* **Kees Sterk** (Maastricht University, Professor of European Administration of Justice, former vice-president of the Netherlands Council for the Judiciary, President of the European Network of Councils for the Judiciary)

13.45- 14.00 Questions and Answers

14:00 – 14:30 **Keynote lecture:** *The European standards on rule of law and judicial independence in judicial appointments* **Katarzyna Herrmann** (Member of the Legal Service, European Commission)

14:30-14:45 Questions and Answers

14.45 -15.15 **Keynote lecture:** *Contextualizing the standard of judicial appointments in the European comparative (and historical) perspective* **Jakub Jaraczewski**, Democracy International

15:15-15:30 Questions and Answers

15:30 – 15:45 Break

CLOSED SESSION FOR SELECTED PARTICIPANTS

15:45 – 17:00 *Hypothetical Case study I*

5 parallel working groups guided by a tutor, meeting in the plenary and discussion of the solutions

17:00 – 17:15 *Conclusions & Findings*

7 May 2021 (13.00- 17.30 CET)

Chair for the Day: Nicole Lazzerini, (Senior Researcher, University of Florence, TRIAL partner)

CLOSED FOR SELECTED PARTICIPANTS

13:00-14:45 *Hypothetical Case study II (closed for the participants of TRIAL project)*

5 parallel guided by a tutor, meeting in the plenary and discussion of the solutions

14:45 – 15:00 *Conclusions, Findings & Open Questions*

15:00-16:15 **Roundtable: *Judicial Self-Government standards: Councils of the Judiciary, Judicial Associations and Judicial Independence – in Search for a Balanced Approach***

Moderator Jarosław Gwizdak, INPRIS, & participants

OPEN ACCESS SESSIONS

16.15- 16.45 **Keynote lecture: *Standards of judicial independence under review – open questions, need for guidance and the future of European judiciary*** **Monica Claes** (University of Maastricht, Professor of European and Comparative Constitutional Law)

16:45 – 17:15 *Questions and Answers*

17:15-17:30 *Final remarks* (Karolina Podstawa & Madalina Moraru, Centre for Judicial Cooperation, European University Institute)

APPLICATION

Who should apply

Judges and lawyers of all EU Member States, but also representatives of other legal professions are invited to apply and participate in open access sessions.

From all participants up to 30 will be admitted to closed sessions. Preference will be given to those who also fulfill the role of trainers at national training institutions for judges and attorneys and those who represent TRIAL consortium Member States.

The participation is **free of charge**. Participants will be provided with **certificates of participation**.

Application requirements:

A brief statement of motivation in English explaining the candidate's reasons of applying.

Selection process:

Applicants are invited to submit their applications in accordance with the requirements as specified below:

Judges from Belgium and Italy and lawyers from Romania are kindly asked to send their applications, by the same deadline, to their reference institutions.

For **Belgium**, judges are invited to submit their applications: Umit.Oral@igo-ifj.be . The title of your email should be 'Application to the EUI transnational training workshop'.

For **Italy**, judges are invited to submit their applications to: internazionale@scuolamagistratura.it . For questions, the contact person is: Gianluca Grasso) at: gianluca.grasso@giustizia.it .

For **Romania**, attorneys are invited to submit their applications to : veronica.morecut@unbr.ro . For questions, please contact Prof. Raluca Bercea at: raluca.bercea@e-uvt.ro .

All the remaining applicants are invited to submit their applications by **27 April 2021** to k.kaczmarek@maastrichtuniversity.nl .

All applicants will be informed about the results of the selection process by **29 April 2021**.

Contact person for general information

For any information on the workshop, or doubts concerning the call for application, please address the person in charge for the TRIAL Project at the University of Maastricht: Dr. Karolina Podstawa at Karolina.podstawa@maastrichtuniversity.nl.

MORE INFORMATION ABOUT THE TRAINING

Learning Outcomes: What you can expect after the completion of the training:

At the end of the training:

1. You will be able to understand the jurisdictional issues concerning the standard of judicial independence in the European Union and ECHR context.
2. You will be able to understand specific demands for the systems of judicial appointments in European context.
3. You will gain the overview of the systems of judicial appointments across the European Union continent.
4. You will be able to apply the standard in the context of evaluation of your own jurisdiction.
5. You will be able to build a compelling narrative concerning the position of national judges in the broader context of European Union law, in particular as judges serving on ‘courts or tribunals’ within the meaning of Art. 267 TFEU.
6. You will be able to apply the standard in the evaluation of a standard of judicial independence as a part of the rule of law architecture of another Member State and its presence/absence in specific facts of the case.
7. You will be able to build argumentation using the standard and apply it to legal issues arising in your practice.
8. You will be able to engage critically with the argumentation of other European and national courts.
9. You will be able to develop and use a common training methodology, by sharing perceptions of challenges related to independence, impartiality and accountability as well existing best practices across Member States.
10. You will become a part of the network of legal professionals and scholars interested in the development of the European Union wide rule of law.

Methodology:

During the online training you will learn through: short lectures, discussion sessions (including brainstorming, guided debates and small group works) and problem-solving sessions (case studies and hypotheticals).

In advance of the training you will receive preparatory training materials via a TRIAL e-learning platform. The online materials include a background module on the European rule of law and the mechanisms for its enforcement, a dedicated module on judicial appointments featuring also guided discussions of the case law, both on national and European level, that feature in CJC database, summarised in English (see [CJC database](#)).

MORE INFORMATION ABOUT THE SELECTION

Selection Criteria:

In case of multiple applications, the participants invited to full sessions will be selected on the basis of the criteria below.

Thus, candidates are expected to have:

1. An excellent knowledge of English language.
2. A general knowledge of and experience in the topic of the workshop.

The selection will take into consideration the following criteria:

1. Single participation principle: no participant can take part in more than one TRIAL Transnational Training Workshop. Exceptions can be made in duly justified cases.
2. Inter-disciplinary representativity: the selection will ensure, as much as possible, equal representation of legal practitioners working on civil, criminal and administrative cases.
3. Previous experience with legal training or teaching.
4. Gender balance.
5. Age balance.
6. Geographical representation: Geographical distribution shall be taken into account, with the aim of selecting participants who work in different areas and regions within the participating countries.

The selection process aims to identify participants who will effectively and substantially contribute to dissemination of project results.

Participants are asked to devote the necessary time to this project. If selected, participants must commit to all sessions of the workshop for which they have been selected. They are also asked to prepare for the Workshops by reading the relevant materials in advance.

Applicants are not required to have participated in training programmes similar to TRIAL Transnational Trainings before, nor will recent participation in similar training programmes necessarily prevent them from being accepted.