

Online Transnational Training Workshop on:

Accountability and Freedom of Expression of Magistrates and Attorneys in Europe

17 June (13.45 - 18.00 CET) and 18 June (13.30 - 17.30 CET) 2021

Host: **Centre for Judicial Cooperation (CJC)** | European University Institute (EUI)

Call for Applications for Judges, Prosecutors, Attorneys

Introduction

What is the transnational training about?

This Transnational Training Workshop will discuss why accountability is important for ensuring the rule of law and how it can be ensured while preserving the freedom of expression of magistrates, as well as their independence and impartiality. Justice reforms in several Member States have also impacted on the system of disciplinary, civil and criminal liability of magistrates, raising issues of disguised external political pressures on the magistrates. While disciplinary actions should serve to strengthen the rule of law, they can also be used to break it. The Court of Justice of the European Union and the European Court of Human Rights have increasingly dealt with questions regarding the compatibility of domestic accountability systems with provisions in the EU Treaties, EU Charter of Fundamental Rights and the European Convention of Human Rights (e.g. C-564/19, C-585/18, C-624/18, and C-625/18, C-83/19, C-127/19 and C-195/19, C-355/19; *Baka v Hungary, L.P and Carvalho v Portugal*), and several other cases are pending before these Courts on the compatibility of magistrates' accountability mechanisms with European principles of judicial independence. This workshop looks at the most recent European standards on *de iure* and *de facto* accountability of legal professions (in particular, judges, prosecutors and attorneys), and freedom of expression as resulting from: the case law of the European Court of Justice of the EU and the European Court of Human Rights; European primary and secondary law; and Council of Europe instruments.

The following issues will be addressed during the training, in light of the most recent practice from the EU Member States: evaluation, promotion, and removal of magistrates; disciplinary, civil and criminal actions against judges and prosecutors; freedom of expression of magistrates, including the freedom of judges of interacting with the Court of Justice of the EU under Article 267 TFEU, and freely expressing their views on the CJEU preliminary rulings; challenges faced by domestic courts, prosecutors and attorneys in ensuring the respect of CJEU standards on disciplinary, civil and criminal sanctions against magistrates; standards necessary to ensure that accountability mechanisms fulfill both responsibility and public trust, without endangering independence and impartiality.



The Transnational Training Workshop aims to support judges, attorneys and prosecutors to foster cooperation by providing knowledge on the substantive and procedural tools on accountability, independence and impartiality as offered by the overlapping EU and Council of Europe based standards.

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](#)).

Programme

- 17 June** **(13.45 - 18.00 CET) Accountability of Magistrates and Attorneys**
- 13.45 - 14.00 *Welcome Address and Introduction of the TRIIAL Workshop*
Gábor Halmai, Scientific Director of the TRIIAL Project, Professor of Comparative Constitutional Law | EUI
- 14.00 - 15.15 **Setting the Scene - Why Accountability is Important? The Other Side of the Coin to Ensure the Rule of Law?**
Moderator:
Gábor Halmai | EUI
- 14.00 - 14.15 Understanding Social Legitimacy of the Judicial Power in Times of Constitutional Reckoning
Tomasz Koncewicz, Professor of European and Comparative Law | University of Gdansk
- 14.15 - 14.35 The Heterogeneous Systems of Accountability of Magistrates in Europe: Accountability to Whom, For What and in Which Way?
David Kosař, Associate Professor | Masaryk University, Czech Republic
- 14.35 - 15.00 Judicial Accountability and the East - West Divide
Edith Zeller, President of the Association European Administrative of Judges
- 15.00 - 15.15 *Questions and Answers*
- 15.15-16.45 **Panel: A European Perspective on Accountability and Independence of Judges, Prosecutors and Attorneys**
Moderator:
Aida Torres Pérez, Professor of Constitutional Law | Pompeu Fabra University
- 15.20 -15.40 Of Codes of Ethics and Conduct: Discussing Transparency and Accountability of Magistrates and Attorneys
Elaine Mak, Professor of Jurisprudence | Utrecht University
- 15.40 - 16.00 Standards of Accountability and Independence of Magistrates and Attorneys in the Jurisprudence of the CJEU
Michal Bobek, Advocate General | Court of Justice of the EU
- 16.00 - 16.20 Standards of Accountability and Independence of Magistrates and Attorneys in the Jurisprudence of the ECtHR
Saša Zagorc, Professor of Constitutional Law and Human Rights | University of Ljubljana
- 16.20 - 16.30 *Questions and Answers*
- 16.30 - 16.40 *Break*

16.40 - 18.00 **Definition and Conceptualization of Accountability Standards for Judges, Prosecutors and Attorneys - Case Studies Discussion**
Moderator:
Madalina Moraru, Research Fellow | CJC

Discussion in separate working groups

Conclusions of the Working Groups in the Plenary Sessions

18 June **(13.30 - 17.30 CET) - Accountability and Freedom of Expression of Magistrates and Attorneys**

13.30 *Moderator:*
Gábor Halmai | EUI

13.35 - 14.00 Presentation of the E-learning Materials on Accountability of Magistrates and Attorneys
Madalina Moraru, Research Fellow | CJC
Mariavittoria Catanzariti, Research Associate | CJC

14.00 - 14.10 *Questions and Answers*

14.10 - 14.30 **Setting the Scene: The Right to Freedom of Expression of Magistrates and its Challenges for Judicial Independence and Accountability**

Viktor Vadász, Judge at Metropolitan Court Budapest and Member of the National Judicial Council

14.30 - 14.40 *Questions and Answers*

14.40 - 15.40 **Roundtable Session: Current Challenges to the Exercise of Freedom of Expression of Magistrates and Attorneys and the Role of the Media**

Moderator:
Tiago Fidalgo de Freitas, Executive Coordinator and Associated Research Fellow | CIDP - Lisbon Centre for Research in Public Law

Giulio Vigevani, Professor of the Law on Information and Communication | Università degli Studi di Milano-Bicocca

Margarete von Galen, President of the Council of Bars and Law Societies of Europe (CCBE)

Julia Laffranque, Former President of the Consultative Council of European Judges (CCEJ) and Judge at the Supreme Court of Estonia (tbc)

José Manuel Santos Pais, President of the Consultative Council of European Prosecutors at the Council of Europe (tbc)

Petros Alikakos, Representative of the European Judicial Training Network (EJTN)

Nuria Diaz Abad, Former President of the European Networks of Councils for the Judiciary (ENCJ), Member of the Spanish Judicial Council

Questions and Answers

15.40 - 15.50 *Break*

15.50 - 17.20 **Hypothetical Cases on Predictive Justice and Relation with the Media**

Moderator:

Mariavittoria Catanzariti, Research Associate | CJC

Discussion in separate working groups

17.20 - 17.30 *Concluding Remarks*

Gábor Halmai | EUI

Who should apply:

Judges; attorneys; and prosecutors; preference will be given to those who also fulfill the role of trainer at national training institutions for prosecutors, judges or attorneys.

There will be **30 participants**. Participation is **free of charge**. Participants will receive **certificates of participation**.

Selection process:

Applicants are invited to submit their applications in accordance with the requirements as specified below by **17th of May 2021** to cjc@eui.eu

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.

Application requirements:

1. A full CV in English;
2. A brief motivation letter in English explaining the candidate's reasons for applying, how they would benefit from and contribute to the project. This letter should not merely restate the candidate's CV.

Applicants will be notified about the result of the selection process by **19th of May 2021**.

Selection Criteria:

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

Thus, candidates are expected to have:

1. An excellent knowledge of the 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 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.

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 similar training programmes before, nor will recent participation in similar training programmes necessarily prevent them from being accepted.

The selected candidates are expected to acquire awareness from the distributed materials, as well as to be ready to commit to the active participation in the workshop.

Methodology:

During the online training you will learn through: short lectures, discussion sessions (including brainstorming, guided debates and small working groups) and problem-solving sessions (case studies and hypotheticals). In advance of the training you will receive preparatory training materials. Notably, you will be provided access to the TRIAL online training platform, which includes a background module on the European rule of law and the mechanisms for its enforcement, a dedicated module on accountability and freedom of expression of the magistrates in Europe, and a database gathering a selection of the most relevant European and national case law, summarised in English (see [CJC database](#)).

What you can expect after the completion of the training:

At the end of the training you will be issued a **certificate of participation** that attests your familiarity with the topics discussed during the training, such as:

1. Disciplinary, civil and criminal liability of judges;
2. Removability of judges and prosecutors from office;
3. Evaluation of performance of judges and prosecutors;
4. Conflict of interest and individual magistrates' responsibility;
5. Councils of the Judiciary/Courts' Presidents and Chief Prosecutors' Role/Spokespersons/Communication with the public;
6. Institutional communication with other branches of power, academics and legal professionals;
7. The use of media by magistrates;
8. Collection and processing of personal data by the Judiciary;
9. Judicial interaction techniques.

Furthermore, you will be able to:

10. 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;
11. acquire: (i) the commonly accepted substantive components of independence, impartiality and accountability of legal professionals in general and the judicial profession in particular; (ii) the substantive and procedural safeguards available within the EU law both to judges of affected Member States as well as to judges from other Member States;
12. use the innovative strands of the CJEU's case law;
13. foster and enhance informal networks of professionals sharing a common understanding of EU law and fundamental rights protection standards;
14. gain knowledge of objective criteria aimed at assessing judicial independence, impartiality and accountability.

Contact person for general information

For additional information on the transnational training, or questions concerning the call for applications, you can contact: madalina.moraru@eui.eu

Participants

Petros Alikakos	European Judicial Training Network (EJTN)
Michal Bobek	General Court of Justice of the EU
Federica Casarosa	European University Institute, CJC
Mariavittoria Catanzariti	European University Institute, CJC
Nuria Diaz Abad	European Networks of Councils for the Judiciary (ENCJ); Spanish Judicial Council
Tiago Fidalgo de Freitas	CIDP - Lisbon Centre for Research in Public Law
Rita Gião Hanek	Lisbon Centre for Research in Public Law
Gábor Halmai	European University Institute
Tomasz Koncewicz	University of Gdansk
David Kosar	Masaryk University
Julia Laffranque	Consultative Council of European Judges (CCEJ); Supreme Court of Estonia (tbc)
Elaine Mak	Utrecht University
Madalina Moraru	European University Institute, CJC
José Manuel Santos Pais	Consultative Council of European Prosecutors at the Council of Europe (tbc)
Aida Torres Pérez	Pompeu Fabra University
Viktor Vadász	Metropolitan Court Budapest, National Judicial Council
Giulio Vigevani	Università degli Studi di Milano-Bicocca
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