

WORKSHOP

on the occasion of the publication of

Redressing Fundamental Rights Violations by the EU

The Promise of the 'Complete System of Remedies'

(Cambridge University Press, forthcoming 2024)

edited by Melanie Fink

Organiser



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Universidade Católica Portuguesa, Lisbon Campus



Melanie Fink

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Event hosted by **CATÓLICA GLOBAL SCHOOL OF LAW (Lisbon)**

with the support of the AUSTRIAN ACADEMY OF SCIENCES / CENTRAL EUROPEAN UNIVERSITY (APART-GSK Grant 'No Right Without A Remedy'), the UNIVERSITY OF LIÈGE (European Legal Studies Research Center and JUST-AI Jean Monnet Centre of Excellence), the Belgian FUND FOR SCIENTIFIC RESEARCH (F.R.S.–FNRS), and the UNIVERSITY OF UTRECHT (Centre for Regulation and Enforcement in Europe – RENFORCE).



What if the EU fails to live up to its fundamental rights promises? This seemed far fetched when the EU was set up with the task to adopt laws with a primarily economic scope. Individuals were accordingly also not provided with strong tools to hold the EU accountable. But this is a problem today. The EU deploys armed border guards, exercises state like law enforcement powers to fight crime, and increasingly envisages the use of new technologies in these areas. These activities are fundamental rights sensitive. Yet, they are hard – sometimes almost impossible – to challenge by those affected.

This Workshop is a forum for discussion and exchange of ideas on the reform of the EU remedies system among experts. Taking the findings of the recently completed Edited Volume ‘Redressing Fundamental Rights Violations by the EU: The Promise of the ‘Complete System of Remedies’ (Cambridge University Press, forthcoming 2024) as a starting point, in this Workshop we discuss and share ideas on pathways to improve individuals’ access to mechanisms to vindicate their rights against the EU and explore possibilities for future collaborations.



PROGRAMME

9:00	Arrival and Coffee	
9:30	Welcome and Introduction	Melanie Fink
10:00	<p>Session 1 The CJEU and National Courts: Ensuring the Right to Effective Remedies?</p> <p>Discussion points</p> <ul style="list-style-type: none"> • The CJEU as a fundamental rights court? • Art 47 CFR as a basis for changes in procedures? • What role do/can national courts play? • What role do/can less 'popular' mechanisms play (action for failure to act; plea of illegality)? • How to respond to multi-level administrative cooperation? A common forum? • What are the implications of accession of the EU to the ECHR? 	<p>Chair Giulia Gentile</p> <p>Impulse statements</p> <ul style="list-style-type: none"> • Mariolina Eliantonio • Patrícia Fragoso Martins • Andreas Hofmann • Rui Lanceiro • Lucia Lopez Zurita • Teresa Pareja Sánchez
11:00	Coffee Break	
11:30	<p>Session 2 Administrative Remedies and Alternative Dispute Resolution: Complements or Alternatives?</p> <p>Discussion points</p> <ul style="list-style-type: none"> • How to best exploit the strengths of administrative review mechanisms? • Best practices within different mechanisms (EO, BoA, EDPS, FRO,...)? • How to best address their weaknesses? • Relationship between administrative mechanisms and the CJEU? • Does Alternative Dispute Resolution have a role to play in the EU's remedies system? • Is Online Dispute Resolution an Option? 	<p>Chair Moritz Schramm</p> <p>Impulse statements</p> <ul style="list-style-type: none"> • Filipe Brito Bastos • Jonas Grimheden • Michal Krajewski • Kris van der Pas • Veronika Yefremova
12:30	Lunch	Vilaplana Restaurant



PROGRAMME

14:00	<p>Session 3 Individual Remedies Against EU Law Enforcement</p> <p>Hosted by the Centre for Regulation and Enforcement in Europe (University of Utrecht)</p> <p>Discussion points</p> <ul style="list-style-type: none"> • Particular challenge of non-legislative EU conduct • Requirements under Art 47 CFR? • What can we learn from national law on remedying conduct beyond law-making? • How could secondary law address gaps in the current remedies system? • Good practices in current mechanisms? 	<p>Chair Mira Scholten</p> <p>Impulse statements</p> <ul style="list-style-type: none"> • Florin Coman-Kund • Talha Günay • Argyro Karagianni • Benedita Menezes Queiros • Lisette Mustert • Salvatore Nicolosi
15:00	Coffee Break	
15:30	<p>Session 4 Technology - an opportunity to refocus (digital) fairness on protecting the individual</p> <p>Hosted by the University of Liège (ELSC and JUST-AI JMCE) and F.R.S.–FNRS</p> <p>Discussion points</p> <ul style="list-style-type: none"> • Risks that new technologies pose to fundamental rights • Transparency and good administration as gateways to access effective remedies • The problem of evidence and burden of proof • Expertise of review bodies • Technology as an opportunity? 	<p>Chair Ljupcho Grozdanovski and Pieter Van Cleynenbreugel (University of Liège)</p> <p>Impulse Statements</p> <ul style="list-style-type: none"> • Jérôme de Cooman • Simona Demková • Vanessa Franssen • Giulia Gentile • Benjamin Jan
16:30	Closing	Melanie Fink
17:00	End	
19:00	Dinner	

