The effectiveness of defence rights granted by EU legal instruments requires more than their correct implementation under national law. It also depends on the existence of enforcement and control mechanisms. The recently adopted directives harmonizing the rights of the suspects and accused persons in criminal proceedings impose remedial obligations to the Member States. However, the different structure and scope of judicial review under national law might undermine the justiciability of procedural safeguards granted by EU law. Divergences among national criminal justice systems also raise challenges in the field of cross-border cooperation. Moreover, even at the supranational level, the scope of the right to judicial review has not been fully clarified, despite the recent and meaningful case law of the European Courts.

By adopting a comparative approach, the conference will bring together international experts with the aim to achieve a better understanding of the structures and the functioning of judicial remedies across Europe. The ultimate goal of the discussion is to identify standards for effective judicial review within the EU criminal justice area.
Programme

Thursday, 28 September

12:30 - 13:30
Welcome lunch

13:30 - 14:00
Welcome address
Katalin Ligeti (Dean, FDEF, University of Luxembourg)
Elsa García-Maltrás (European Commission, DG Justice)

The JURECRIPRO research project:
Legal framework, methodology and goals
Silvia Allegrezza (University of Luxembourg)

14:00 - 15:15
SESSION I
Effective judicial protection: toward a globalized dialogue
Chair: Katalin Ligeti (Dean, FDEF, University of Luxembourg)

On both sides of the Atlantic ocean:
Judicial dialogue between US and European courts
Charles D. Weisselberg (University of California, Berkeley)

Remedies against breaches of defense rights:
What standards of review under the ECHR?
Georges Ravarani (Judge at the ECHR)

EU constitutional framework for the effective judicial protection of defense rights:
What role for the CJEU?
Herwig Hofmann (University of Luxembourg)

Discussion

15:15 - 16:30
Session II
Protecting defense rights in EU enforcement systems:
A European landscape for remedies and judicial scrutiny
Chair: Joana Mendes (University of Luxembourg)

Protecting defense rights in EU anti-trust proceedings
Luca Prete (Référendaire, CJEU)

Proceedings for the imposition of financial penalties in the European Banking Union: What available remedies?
Daniel Sarmiento (University Complutense of Madrid)

Effective judicial protection of procedural safeguards in OLAF investigations
Jan Inghelram (Director, Legal Adviser, CJEU)

Discussion

16:30 - 16:50
Coffee break

16:50 - 18:30
SESSION III
Effective remedies for procedural safeguards:
Challenges for EU integration in criminal matters
Chair: Michele Panzavolta (University KU Leuven)

Effectiveness of defence rights and judicial control over the European Public Prosecutor Office
Katalin Ligeti (University of Luxembourg)

Protecting the rights of defendants in the procedures executing a European Arrest Warrant
Angelo Marletta (University of Luxembourg)

Judicial authorities in criminal proceedings:
A multifaceted concept
Valentina Covolo (University of Luxembourg)

Discussion
The effectiveness of defence rights granted by EU legal instruments requires more than their correct implementation under national law. It also depends on the existence of enforcement and control mechanisms. The recently adopted directives harmonizing the rights of the suspects and accused persons in criminal proceedings impose remedial obligations to the Member States. However, the different structure and scope of judicial review under national law might undermine the justiciability of procedural safeguards granted by EU law. Divergences among national criminal justice systems also raise challenges in the field of cross-border cooperation. Moreover, even at the supranational level, the scope of the right to judicial review has not been fully clarified, despite the recent and meaningful case law of the European Courts.

By adopting a comparative approach, the conference will bring together international experts with the aim to achieve a better understanding of the structures and the functioning of judicial remedies across Europe. The ultimate goal of the discussion is to identify standards for effective judicial review within the EU criminal justice area.
Friday, 29 September

09:00 - 10:00  
Session IV  
Right to translation and interpretation  
Chair: Martine Solovieff (Procureur général d’Etat, Parquet général, Luxembourg)

The right to oral interpretation  
Richard Vogler (University of Sussex)

The right to translation of written documents  
Lawrence Siry (University College Cork)

Implementing remedial obligations: A comparative analysis of national remedies  
Christian Schmitt (University of Saarbrücken)

Discussion

10:00 - 11:00  
Session V  
Right to information  
Chair: Ernest Nilles (Juge d’instruction directeur, Tribunal d’arrondissement du Luxembourg)

Information about rights and accusation  
Raphaëlle Parizot (University of Paris-Nanterre)

Content and restrictions on the right of access to the case file  
Serena Quattrocolo (University of Piemonte Orientale)

Implementing remedial obligations: A comparative analysis of national remedies  
Slawomir Steinborn (University of Gdansk)

Discussion

11:00 - 11:20  
Coffee break

11:20 - 12:30  
Session VI  
Access to a lawyer  
Chair: François Prüm (President of the Luxembourg Bar Association)

Scope and substance of the right to access a lawyer under Directive 2013/48/EU  
Teresa Armenta Deu (University of Gerona)

Temporary derogations of the right to legal assistance: Permitted restriction under European law  
Zlata Đurđević (University of Zagreb, Yale University)

Sanctions against breaches of the right to access a lawyer: A comparative overview of national remedies and evidential rules  
Michele Panzavolta (University KU Leuven)

Discussion

12:30 - 14:00  
Lunch

14:00 - 16:00  
Session VII  
Completing the shield: Forthcoming implementation of EU procedural safeguards  
Chair: Council of the European Union, speaker to be confirmed

Presumption of innocence: From philosophical foundations to an EU legal framework  
Ferry de Jong (University of Utrecht)

Right to remain silent and not incriminate oneself  
Michele Caianiello (University of Bologna)

Strengthening further legal assistance: Evidentiary rules and legal aid under the 2016 Directives  
Anze Erbeznik (Committee on Civil Liberties, Justice and Home Affairs, European Parliament)

European procedural safeguards and in absentia proceedings  
Martin Böse (University of Bonn)

Procedural safeguards for minor defendants under Directive 2016/800/EU  
Dorris de Vocht (University of Maastricht)

Discussion

16:00 - 16:15  
Coffee break

16:15 - 17:00  
Session VIII  
Effectiveness of procedural safeguards in the EU: What remedies?  
Roundtable of National Experts  
Chair: Silvia Allegrezza (University of Luxembourg)

Belgium, Michele Panzavolta

France, Raphaëlle Parizot

Germany, Christian Schmitt

Italy, Michele Caianiello

Luxembourg, Valentina Covolo

Poland, Krzysztof Wozniewski

Spain, Teresa Armenta Deu

Conclusions  
Silvia Allegrezza