

Judicial Training Project
FUNDAMENTAL RIGHTS IN COURTS AND REGULATION (FRICORE)
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PROJECT PARTNERS
University of Trento – University of Versailles – University of Groningen –
Pompeu Fabra University – University of Coimbra – Institute of Law Studies
of the Polish Academy of Sciences – Italian National School of Magistracy – Bruno
Kessler Foundation (FBK)

TRANSNATIONAL TRAINING WORKSHOP

Judicial protection of health as a fundamental right

University of Trento

The training event will take place in online mode (Zoom)

Thursday, **27 May 2021** (9.30 – 16.45 CET)
Friday, **28 May 2021** (9.00 – 16.30 CET)



THIS WORKSHOP IS FUNDED BY THE
EUROPEAN UNION'S JUSTICE
PROGRAMME (2014 -2020)

This Transnational Training Workshop will address effective protection of the right to health in the light of the **Charter of Fundamental Rights of the EU**. Based on the ongoing judicial dialogue in this field, the workshop is meant to investigate the several challenges faced by national and European courts in balancing the right to health, both as an individual's right and as a collective interest, with other fundamental rights, such as freedom of movement (of people, service, capital and goods), data protection, refugees' rights, access to justice. The role of the Charter of Fundamental Rights, with special regard **Article 52** (on proportionality) and **Article 47** (on the right to an effective remedy), will be particularly considered in order to understand how the right to health influences the balancing between fundamental rights envisaged by Article 52 and the identification of effective remedies under Article 47.

The event will be structured in two training sessions followed by a discussion workshop specially aimed at delving into the multiple challenges posed by the Covid-19 pandemic. In particular, the first training session will address the **complementarity** between the right to health and other rights, by referring to significant cases in which the protection of the former results in strengthening the latter. On the contrary, the second training session will focus on cases in which the protection of the right to health entails a **balance** among fundamental rights.

The training event is intended for judges and lawyers from all over the EU. The objective is to enhance the mutual awareness of workshop participants regarding similarities and differences amongst the EU Member States in the field of effective protection of the right to health. To this end, plenary sessions will be combined with **interactive sessions** aimed at stimulating open discussion over hypothetical cases. Dedicated training materials will be provided in advance of the workshop.



Thursday, 27th May 2021

9.30 – 9.40	Welcome Address and Introduction to the Workshop
9.40 – 10.00	<p>Presentation of the FRICoRe Casebook on Health and Fundamental Rights</p> <p>Paola Iamiceli – Scientific Coordinator of the FRICoRe Project, University of Trento Chiara Angiolini – FRICoRe Research Fellow, University of Trento</p>
10.00 – 11.00	<p>Keynote Speech</p> <p>Justice Raffaele Sabato</p> <p>European Court of Human Rights</p> <p>"The right to health and the protection of persons with disabilities: the perspective of the European Court of Human Rights "</p>
11.00 – 11.30	<p>Discussion introduced by</p> <p>Fabrizio Cafaggi, Council of State, Italy Coordinator of the FRICoRe Advisory Board</p>
11.30 – 11.45	Break
11.45 – 13.00	<p>ROUNDTABLE 1</p> <p>The horizontal dimensions of health protections: the right to health in consumer protection, data protection, asylum, non-discrimination</p> <p>Chair: Paola Iamiceli, University of Trento</p> <p>Participants: Angela Ward – Legal Secretary, Advocate General Evgeni Tanchev, Court of Justice of the European Union Lottie Lane – University of Groningen, the Netherlands Cristina Correale – Tribunal of Naples, Italy Patricia Costa – District Civil Court of Leiria; Centro de Estudos Judiciários, Portugal</p>
13.00 – 15.00	Break
15.00 – 15.15	<p>Introduction to the Hypothetical Session</p> <p>Presentation of Hypothetical sessions' methodology Chiara Angiolini, University of Trento</p>
15.15 – 16.30	Hypothetical Session in Breakout Rooms
16.30 – 16.45	Sharing of Results in Plenary Room



Friday, 28th May 2021

9.00 – 9.30	<p align="center">Keynote Speech</p> <p align="center">Justice Peter Huber</p> <p align="center">Federal Constitutional Court, <i>Bundesverfassungsgericht</i>, Germany</p> <p align="center">“The pandemic and the rule of law in Germany”</p>
9:30 – 9:45	<p align="center">Discussion introduced by</p> <p align="center">Elena Buoso, University of Padova</p>
9.45 – 11.00	<p align="center">ROUNDTABLE 2</p> <p align="center">Balancing the right to health with other Fundamental Rights: the role of general principles of EU law</p> <p>Chair: Brigit Toebes, University of Groningen</p> <p>Participants:</p> <p>Karoline Bülow – Administrative Court of Berlin, Germany</p> <p>Markus Thoma – Supreme Administrative Court, Austria</p> <p>Maria Jackowska – Supreme Administrative Court, Poland</p> <p>Giancarlo Montedoro – Council of State, Italy</p>
11.00 – 11.15	Break
11.15 – 12.30	Hypothetical Session in Breakout Rooms
12.30 – 12.45	Sharing of Results in Plenary Room

Discussion workshop:
**“The fight against the Covid-19:
 how effective has judicial protection been?”**

14.30 – 16.30	<p>Chair: Franco Frattini, Council of State, <i>Consiglio di Stato</i>, Italy</p> <p>Holger Böhmann, Federal Administrative Tribunal, <i>Bundesverwaltungsgericht</i>, Germany</p> <p>Yves Doutriaux, Council of State, <i>Conseil d’Etat</i>, France</p> <p>Matej Accetto, Constitutional Court of Slovenia, <i>Ustavno sodišče Republike Slovenije</i>, Slovenia</p>
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