

Judicial Training Project
FUNDAMENTAL RIGHTS IN COURTS AND REGULATION
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PROJECT PARTNERS

University of Trento – Institute of Law Studies of the Polish Academy of Sciences –
University of Versailles – University of Groningen – Pompeu Fabra University –
University of Coimbra – Bruno Kessler Foundation (FBK) –
Italian National School of the Judiciary (SSM)

**TRANSNATIONAL TRAINING WORKSHOP
ON NON-DISCRIMINATION**

***“EU Fundamental Rights and Non-Discrimination:
Effective Protection in the Light of
Article 21 of the Charter”***

2-3 November 2020
University of Groningen,
The Netherlands

*Due to the current developments in the health crisis in Europe,
the workshop will be held exclusively in online mode.*



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Workshop Presentation

This Transnational Training Workshop will address effective protection against discrimination in the light of Articles 21 and 47 of the Charter of Fundamental Rights of the European Union. Specifically, the workshop is intended to enhance participants' understanding of the meaning and scope of the prohibition of discrimination, when acting in a discriminatory manner may be justified under the Charter, and how effective protection from discrimination is ensured in the light of Article 47 of the Charter. The workshop is structured in two sessions, which both examine discrimination through the lens of effective protection: (1) The scope of protection from direct and indirect discrimination under EU law; (2) The fundamental right to an effective remedy and a fair trial in the field of non-discrimination. The first session will cover issues related to the material scope of non-discrimination (such as the limited grounds of discrimination, the 'comparability' of situations) and the personal scope of Article 21 (i.e. its application to private, as well as state entities). The second session will explore the application of Article 47 of the Charter in the field at issue. Each session will consist of a roundtable followed by interactive hypothetical case discussions.

The content of this workshop represents the views of the participants only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

MONDAY 2 November (14.00 – 17.30)

14.00 – 14.10: Welcome address and introduction to the FRICoRe workshop on Non-discrimination (*Paola Iamiceli, University of Trento, Coordination Unit of the FRICoRe Project*).

14.10 – 14.30: Presentation of the FRICoRe Casebook “EU Fundamental Rights and Non-Discrimination: Effective Protection in the Light of Article 21 of the Charter” (*Dr. Tobias Nowak, University of Groningen*).

14.30 – 14.50: Discussion from the audience introduced by Prof. Angela Ward (*Legal Secretary, Advocate General Evgeni Tanchev, Court of Justice of the European Union*).

14.50 – 15.00: Break

FIRST SESSION: The scope of protection from direct and indirect discrimination under EU law

15.00 – 16.00: Roundtable with judges on “*The scope of protection from direct and indirect discrimination under EU law*”, chaired by Dr. Lottie Lane (*University of Groningen*) and briefly concluded by Prof. Erica Howard (*Middlesex University London*). Discussion from the audience.

Speakers:

- Dr. Aglica Adamova, *Supreme Administrative Court of Bulgaria*
- Dr. Antonio Scalera, *Court of Appeal of Catanzaro, Italy*
- Dr. Mara Bottone, *Lawyer - Law Firm in Genova, Italy and Warsaw, Poland*

16.00 – 16.10: Break

16.10 – 16.20: Presentation of Hypothetical sessions’ methodology.

16.20 – 17.20: Hypothetical session in breakout rooms.

17.20 – 17.30: Sharing of results in plenary room (by one reporter from each breakout room).

TUESDAY 3 NOVEMBER (9.00 – 12.30)

SECOND SESSION: The fundamental right to an effective remedy and a fair trial in the field of non-discrimination

9.00 – 9.30: "The Relation between Articles 18(1) TFEU and 21(2) of the Charter on Non-Discrimination on Grounds of Nationality in Extradition Cases" by Judge Bostjan Zalar, *Administrative Court of the Republic of Slovenia – European Chapter of the International Association of Refugee and Migration Judges (IARMJ- Europe)*, with concluding comments by Dr. Viola Bex-Reimert (*University of Groningen*).

9.30 – 11.00: Roundtable with judges on “*The fundamental right to an effective remedy and a fair trial in the field of non-discrimination*”, chaired by Prof. Paola Iamiceli (*University of Trento*). Discussion from the audience.

Speakers:

- Prof. Dr. Gerhard Kuras, *Supreme Court of Austria*
- Dr. Francesco Perrone, *Tribunal of Padua, Italy*
- Dr. Karolina Rubik-Schweinberger, *Regional Court in Bedzin, Poland*

11.00 – 11.10: Break

11.10 – 12.20: Hypothetical session in breakout rooms.

12.20 – 12.30: Discussion in plenary room.

Discussion Workshop:
Judicial Governance and EU Non-Discrimination Law

13:25 – 13:30 Welcome words and Introduction

13:30 – 15:00

Prof. Angela Ward (Legal Secretary, Advocate General Evgeni Tanchev, Court of Justice of the European Union): *Article 21 of the Charter and the scope of application of EU law under Article 51*

Prof. Erica Howard (Middlesex University London): *Race discrimination and religion or belief discrimination: two divergent approaches?'*

Prof. Robert Wintemute (King's College London): *Article 21 of the Charter and sexual orientation discrimination: Why it should have been cited in Coman & Hamilton but should not be invoked in private-sector cases*

Discussion

15:00 – 15:15 Break

15:15 – 16:45

Prof. Maria Elena Sanchez Jordan (University La Laguna, Spain): *Non-discrimination based on sex or sexual orientation: a review of Spanish case law*

Prof. Dagmar Schiek (Queen University Belfast): *de Graffenreid Moments? – EU judges and intersectionality*

Dr. Ulad Belavusau (Asser Institute, The Hague): *Legislative and judicial governance of LGBT rights in the European Union*

Discussion

16:45 – 17:00 Concluding remarks - Dr. Lottie Lane (University of Groningen)
