

PROGRAMME OF CONFERENCE

Wednesday 2 November 2005 (public opening session, Audimax, Humboldt University)

- 17:15 Reception of the participants
- 18:00 Welcome by organisers: Advocate General *Juliane Kokott*, ECJ, *Ingolf Pernice*, Humboldt University (ECLN), *Cheryl Saunders*, University of Melbourne (IACL)
- 18:10 Welcome Address by the German Federal Minister of Justice *Brigitte Zypries*
- 18:30 Introductory Presentation by Judge *Vassilios Skouris*, President of the ECJ: "Self-Conception, Challenges and Perspectives of the EU Courts"
- 19:00 *Michel Rosenfeld*, *Benjamin N. Cardozo* School of Law: "The ECJ and the U.S. Supreme Court Compared"
- 19:30 *Peter Häberle*, University of Bayreuth/University of St. Gallen: "Role and Impact of Constitutional Courts in a Comparative Perspective"
- 20:00 End of the opening session
- 20:15 Dinner offered by the German Federal Minister of Justice *Brigitte Zypries*

Thursday 3 November 2005 (restricted workshop, Großer Senatssaal, Humboldt University)

1. MISSION AND TASKS OF HIGHEST COURTS
(Chair: *Didier Maus*, Université de Paris I – Sorbonne)
Issues: Justice in individual cases – Consistency of legal development – Social Engineering?
- 09:30 *Lord Daniel Brennan*, House of Lords: "The Role of a Supreme Court: British Experiences and Recommendations to the EU"
- 09:45 Judge *Bo Vesterdorf*, President of the CFI: "A Constitutional Court for the EU?"
- 10:00 *George Bermann*, Columbia University School of Law, New York: "Specific Tasks of a Supreme Court in a Federal System"
- 10:15 Comments: *Ninon Colneric*, Judge at the ECJ: "The ECJ - a Court at the Centre of a Decentralised Judicial System"
- 10:30 Discussion (opening: *Alfred Dittrich*, German Federal Ministry of Justice)
- 11:00 Coffee

- 2. THE ECJ: CONSTITUTIONAL COURT OR SUPREME COURT?**
 (Chair: *Gil Carlos Rodriguez Iglesias*, Universidad Complutense de Madrid, former President of the ECJ)
 Issues: Limitation of jurisdiction as regards subject matters – Modification of competencies
- 11:30 *Arthur Chaskalson*, former Chief Justice Constitutional Court of South Africa: “Constitutional Courts and Supreme Courts – a comparative analysis with particular reference to the South African experience”
- 11:45 *Pedro Cruz Villalón*, Universidad Autónoma de Madrid, former President of the Spanish Constitutional Court: “Conflict between Tribunal Constitucional and Tribunal Supremo – a National Experience”
- 12:00 *Joseph H.H. Weiler*, New York University: “What is ‘essential’ in the jurisprudence of the ECJ?”
- 12:15 Comments: Judge *Günter Hirsch*, President of the Bundesgerichtshof, former Judge at the ECJ: “Choice of models – quo vadis ECJ?”
- 12:30 Discussion (opening: *Jean-Victor Louis*, Free University of Brussels)
- 13:00 Summary of the first two sessions: *Frank Hoffmeister* (European Commission Legal Service, Brussels)
- 13:15 Lunch
- 3. SIZE AND COMPOSITION OF HIGHEST COURTS – SELECTION OF JUDGES**
 (Chair: *Lord Gordon Slynn of Hadley*, former Judge and Advocate General at the ECJ)
 Issues: Coherence of the jurisprudence – Corporate Identity – Internal structure
- 14:30 Chief Justice *Beverley McLachlin*, Supreme Court of Canada: „The Structure and Composition of a Supreme Court in a Federal System: The Canadian Experience.“
- 14:45 *Allan Brewer-Carias*, Universidad Central de Venezuela: “The Question of Legitimacy: How to choose the Judges of a Supreme Court”
- 15:00 *Christian Tomuschat*, Humboldt-University of Berlin: “National Representation of Judges and Legitimacy of International Jurisdictions – Lessons from ICJ to ECJ ?”
- 15:15 Comments: (*Norman Dorsen*, New York University (Global Law School))
- 15:30 Discussion (opening: *Ana Martins*, Law Faculty of the University of Lisbon)
- 16:00 Tea

4. CONCENTRATION OF PRELIMINARY REFERENCES AT THE ECJ OR TRANSFER TO THE HIGH COURT/CFI

(Chair: *Bruno de Witte*, EUI)

Issues: Transfer from the ECJ to the High Court/CFI – Three-pillars judicial system – Decentralisation und regionalisation – ECJ's performance in preliminary rulings – role of the national courts in this – evolution of their duty to refer

- 16:30 Judge *Koen Lenaerts*, ECJ: “The Unity of European Law and the Overload of the ECJ – The System of Preliminary Rulings Revisited”
- 16:45 Judge *Josef Azizi*, CFI: “Opportunities and Limits for the Transfer of Preliminary Reference Proceedings to the Court of First Instance”
- 17:00 *Tom Eijsbouts*, University of Amsterdam: “Ensuring the Unity of Law in the EU”
- 17:15 Comment: *Jiří Zemánek*, Charles University, Prague: “The Czech Constitutional Court and the uniform application of European Law”
- Discussion (opening: Judge *Carl Baudenbacher*, President of the EFTA Court)
- 18:00 Summary of session 3 and 4: *Stephan Wernicke*, ECJ, Luxembourg)
- 20:00 Dinner

Friday, 4 November 2005 (restricted workshop, Großer Senatssaal, Humboldt University)

5. FOCUS OF THE ECJ ON THE (CONSTITUTIONAL) “ESSENTIALS”

(Chair: *Roger Errera*, Conseiller d’Etat honoraire, Paris)

Issues: Filtering mechanisms – Upper limits for number of cases – Limitation by subject matter – standing – ripeness/maturity of problems – special responsibilities of the ECJ regarding judicial integration

- 09:30 Advocate General *Miguel Poiares Maduro*, ECJ: “The ‘constitutional essentials’ in European law?”
- 09:45 *Dieter Grimm*, Humboldt University, former Judge at the German Federal Constitutional Court: “Constitutional issues in Substantive Law – Limits of Constitutional Jurisdiction”
- 10:00 *José Maria Beneyto*, Universidad San Pablo-CEU, Madrid: “Caseload of the Spanish Constitutional Court and Concentration on the Essentials”
- 10:15 Comments: Advocate General *Miguel Poiares Maduro*, ECJ: “What follows for the judicial architecture in the EU”
- 10:30 Discussion
- 11:00 Coffee

6. ECJ AND ECHR AFTER ACCESSION OF THE EU TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS
(Chair: *Lech Garlicki*, University of Warsaw)
Issues: Coordination? – Cooperation? – Subordination?
- 11:30 Advocate General *Francis Jacobs*, ECJ: “ECHR Case-Law in the Jurisprudence of the ECJ – Impacts of EU Accession to the ECHR”
- 11:45 Judge *Egbert Myjer*, ECHR: “Can the EU Join the ECHR – General Conditions and Practical Requirements”
- 12:00 Judge *Heinz Aemisegger*, Former President of the Swiss Federal Court: “The Federal Judge vis-à-vis the Jurisdiction of the ECHR”
- 12:15 Comments: Judge *Brun-Otto Bryde*, German Federal Constitutional Court: “ECJ, ECHR and the German Constitutional Court – A New Relationship?”
- 12:30 Discussion (opening: *Vlad Constantinesco*, Université Robert Schuman de Strasbourg)
- 13:00 Summary of sessions 5 and 6: *Franz Mayer*, Walter Hallstein-Institute, Berlin
- 13:15 Snack and drinks
7. FINAL ROUND TABLE: CONSEQUENCES AND PERSPECTIVES FOR THE ECJ
(Chair: *Reinhard Müller*, FAZ.)
- 13:45 *Vassilios Skouris*, Judge, President of the ECJ
Hans-Jürgen Hellwig, former President of the CCBE
Cheryl Saunders, University of Melbourne (IACL)
Juliane Kokott, Advocate General ECJ
- 15:15 Conclusions and Closure of the Colloquium: *Ingolf Pernice*, Humboldt-University of Berlin