



Irish Centre for European Law

Trinity College, Dublin

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FUNDAMENTAL RIGHTS PROTECTION IN THE EU

Friday 10 May 2013

22 Merrion Square, Dublin 2

9.30am – 4.45pm (*Registration from 8.45am*)

This conference will be on the theme of fundamental rights protection in the European Union, with a particular focus on assessing the impact of the Charter of Fundamental Rights since its adoption, and on the EU's accession to the European Convention on Human Rights. Speakers include Judge Allan Rosas, President of the Tenth Chamber of the Court of Justice, who will deliver an address entitled, 'The EU Charter of Fundamental Rights: A View from the European Court of Justice'.



Programme

8.45-9.30am

Registration & Coffee

9.30am

Welcome - Nathy Dunleavy BL, Director ICEL

Chairperson: The Hon. Mrs Justice Fidelma Macken

Chairperson's Introduction

An Tánaiste, Eamon Gilmore TD
Minister for Foreign Affairs and Trade

Introductory Remarks

9.50am

Judge Allan Rosas
President, Tenth Chamber
Court of Justice of the European Union

The Charter of Fundamental Rights: A View from the European Court of Justice

10.40 am

Q&A and Discussion

11.00-11.30am

Morning Coffee

11.30am	<p>Dr. Síofra O’Leary Head of Unit, Research & Documentation, Court of Justice of the European Union and Visiting Professor, College of Europe (Bruges)</p> <p>A Rough Guide to Fundamental Rights Protection in the European Union - General principles, the ECHR, the Charter and the future</p>
12pm	<p>David Anderson Q.C. Brick Court Chambers, London UK Independent Reviewer of Terrorism Legislation</p> <p>Terrorism and Fundamental Rights in the European Courts</p>
12.30pm	Q&A and Discussion
12.50-2pm	Light Lunch
2pm	<p>Chairperson: The Hon. Ms Justice Mary C. Irvine High Court of Ireland</p> <p><i>Chairperson’s Introduction</i></p>
2.05pm	<p>Catherine Donnelly Associate Professor and Fellow of Trinity College, Dublin Barrister, Law Library and Blackstone Chambers, London</p> <p>Implementation of the ECHR in Ireland: Reviewing the 2003 Act</p>
2.35pm	<p>Peter White Department of Foreign Affairs and Trade and Irish Agent at the European Court of Human Rights</p> <p>EU Accession to the European Convention on Human Rights: Issues in Negotiations and State of Play</p>
3.05pm	Q&A and Discussion
3.20-3.45pm	Afternoon Coffee

3.45pm

Professor Christopher McCrudden
Queen's University Belfast

The CJEU Methodology for Interpreting the Charter and Use of the
Comparative Method

4.15pm

Panel Discussion and Q&A

4.45pm

Conference Close

Biographical Notes

David Anderson Q.C. has been the UK's Independent Reviewer of Terrorism Legislation since 2011, when he succeeded Lord Carlile. The post combines complete independence from Government with a high degree of access to sensitive national security material. He reads and travels widely in order to inform his regular reports to the Home Secretary and the Treasury on the operation of the anti-terrorism laws. Those reports are available on his website <http://terrorism-legislation-reviewer.independent.gov.uk>. You can also follow him on twitter @terrorwatchdog. Prior to taking up the post, David appeared before the full range of UK courts but specialised in advocacy before the Court of Justice of the European Union (where he pleaded some 150 cases) and the European Court of Human Rights (a further 30). He combines his duties as Independent Reviewer with practice from Brick Court Chambers in London, and serves as a Recorder and as a Visiting Professor of Law at King's College London.

Dr Catherine Donnelly LL.B. (Dubl), B.C.L. (Oxon), LL.M. (Harv), D.Phil. (Oxon), B.L. is a practising barrister and an Associate Professor and Fellow of Trinity College, Dublin. She is also a member of Blackstone Chambers in London. As well as practising before the Irish courts, she appears and acts in cases before the courts of England and Wales, the Court of Justice of the European Union and the European Court of Human Rights. She is an editor of *De Smith's Judicial Review* (Thomson Reuters, 2007, 2009 and 2013 (forthcoming, June 2013)). She is also author of *Delegation of Governmental Power to Private Parties: A Comparative Perspective* (Oxford University Press, 2007) and has published widely in European Union Law, Human Rights Law and Public Law. She was formerly a Fellow and College and University Lecturer at Wadham College, Oxford, and an Attorney at Law in the litigation department of Davis, Polk and Wardwell, New York. She was a legal advisor to the Northern Ireland Bill of Rights Forum from 2007—2008 and Principal Legal Advisor to the Northern Ireland Human Rights Commission from 2008—2009 for its Bill of Rights Recommendations.

Eamon Gilmore TD is the Tánaiste of Ireland and Minister for Foreign Affairs and Trade. He has been the leader of the Labour Party since September 2007.

The Hon. Ms Justice Mary C. Irvine is a judge of the Irish High Court. She was called to the Bar in 1978 and took silk in 1990. As a Senior Counsel, she specialised in medical negligence litigation and acted as legal advisor to the Fitness to Practice Committee of the Medical Council and the Nursing Board for many years. She was appointed to the High Court bench in 2007 and in May 2012 was appointed by the President of the High Court to take charge of the Personal Injuries Division of the High Court. Judge Irvine is currently the chair of a working group which has advised the Government on the need to introduce Periodic Payment Orders in catastrophic injury cases.

The Hon. Mrs Justice Fidelma Macken was educated at Trinity College, and at King's Inns in Dublin, and holds an LL.M. from London School of Economics. In 2002 an Honorary Doctorate was conferred upon her by Trinity College Dublin to mark her contribution to the law. She was called to the Bar of Ireland in 1973, and subsequently to the Bar of England and Wales. She worked as legal counsel in a firm of patent and trade mark agents from 1973 to 1979. From 1979 to 1998 she practised as a barrister, becoming a Senior Counsel in 1995, and specialised in commercial and chancery work, intellectual property, environmental and administrative law, as well as in European Union and Irish constitutional law. Mrs. Justice Macken was appointed a Judge of the High Court in 1998, and in 1999 became the first woman appointed a judge of the European Court of Justice (ECJ), Luxembourg, becoming the president of the third and sixth chambers, and where she served until October 2004. She was during that time, the judge rapporteur in many seminal cases, covering a wide area of EU law. From 2004 to 2005 she again served as a judge of the High Court in Ireland, and was appointed to the Supreme Court in May 2005, where she served until her retirement in 2012. Mrs. Justice Macken is a Bencher of the Honorable Society of King's Inns and an Honorary Bencher of Middle Temple, London. She was the first Averil Deverell Lecturer in Law at Trinity College Dublin, and has been a guest lecturer at many universities including King's College London, University College London, the University of Pittsburgh and at Georgetown University Law School. She has been a Global Hauser Fellow at New York University and has been elected one of the 50 most influential people in the world, in the field of intellectual property. The Hon. Mrs. Justice Macken is Chair of the Irish Centre for European Law, based at Trinity College, Dublin.

Christopher McCrudden is Professor of Human Rights and Equality Law at Queen's University Belfast, and William W. Cook Global Law Professor at the University of Michigan Law School. He is a graduate of Queen's University Belfast, Yale Law School, and Oxford University. Before returning to Queen's, he was Professor of Human Rights Law at Oxford. He was awarded an honorary LL.D. in 2006 by Queen's and was elected a Fellow of the British Academy in 2008. He currently holds a three-year Leverhulme Major Research Fellowship. In 2013-14, he will be a Fellow of the Straus Institute for the Advanced Study of Law and Justice at New York University Law School. His recent publications include *Buying Social Justice* (OUP 2007), for which he was awarded a Certificate of Merit by the American Society of International Law in 2008, *Courts and Consociations* (OUP, 2013, with Brendan O'Leary), and *Understanding Human Dignity* (OUP, in press). He is a practicing barrister at Blackstone Chambers.

Dr Síofra O'Leary BCL (University College Dublin), PhD (European University Institute) is a Head of Unit at the Research and Documentation Directorate of the Court of Justice of the European Union. She is also a Visiting Professor at the College of Europe, Bruges and a member of the Editorial Board of the *Common Market Law Review*. She has served as a référendaire at the Court of Justice for many years in the chambers of Judges Aindrias Ó Caoimh, Fidelma Macken and Federico Mancini. Before working at the Court, Dr. O'Leary was the Assistant Director for the Centre of European Legal Studies at the University of Cambridge and a Fellow of Emmanuel College. She was previously a Visiting Fellow at the Faculty of Law, University College Dublin, a Postdoctoral Fellow at the University of Cádiz, Spain and a Research Associate at the Institute for Public Policy Research in London. She is the author of two books entitled *The Evolving Concept of Community Citizenship* (Kluwer, 1996) and *Employment Law at the European Court of Justice* (Hart

Publishing, 2001) and has published extensively in academic journals and EU law monographs on the protection of fundamental rights in the EU, EU employment law, the free movement of persons and services and EU citizenship generally.

Judge Allan Rosas, dr. iur. (1977), dr.pol. h.c. (2011) has been a judge at the European Court of Justice since 2002. He is a visiting professor at the College of Europe and the University of Helsinki and a former Professor of Public Law at the University of Turku (1978-81) and Armfelt Professor of Law at the Åbo Akademi University (1981-95). Judge Rosas was Principal Legal Adviser at the European Commission (1995-2001) and Deputy Director-General of the said Legal Service (2001-2002). He has published extensively in the fields of EU law, international law, constitutional law and administrative law. His most recent books include *European Constitutional Law: An Introduction*, 2nd rev edn (Oxford, Hart Publishing, 2012, with Lorna Armati) and *Constitutionalising the EU Judicial System* (Oxford, Hart Publishing 2010, ed, with Pascal Cardonnel and Nils Wahl).

Peter White is an Assistant Legal Adviser in the Department of Foreign Affairs and Trade and acts as the Agent for the Government of Ireland before the European Court of Human Rights.

Nathy Dunleavy is a graduate of Trinity College, Dublin, a practising barrister and Director of the Irish Centre for European Law. He was admitted to the New York Bar in 2001 and practised in a number of areas of commercial law in New York and London with the pre-eminent international banking and finance firm, Sullivan & Cromwell LLP. He was called to the Bar of Ireland in 2007 and the Bar of England and Wales in the same year. Nathy has published widely on matters of EU law and is author of *Competition Law: A Practitioner's Guide* (Bloomsbury, 2010). His areas of practice include Administrative Law, Commercial, Company Law, Competition, EU Law and Public Procurement.