

EXPLANATORY SCREENING WITH ALBANIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

27-28 September 2018

Venue: Room Robert Schuman – Berlaymont building (Rue de la Loi 200)

AGENDA - Chapter 23 Judiciary and Fundamental Rights

**Chairperson: Marc JORNA
(DG Near)**

DAY 1: 27 September 2018

Topic	Time	Speaker
Registration & security screen	8:15 – 9:00	Berlaymont building (Rue de la Loi 200)
Welcome	9:00 – 9:30	Genoveva RUIZ CALAVERA Director Western Balkans – DG NEAR Bojan MARICIKJ - Special Adviser to the PM for European Affairs Gent CAKAJ - Deputy Minister in the Ministry for Europe and Foreign Affairs
Opening speeches		
Start of the meeting	9.30 – 10.00	Marc JORNA - Chairperson Jeroen HOOIJER - Head of Unit (JUST 02) Jan PETRY- DG Justice
Effective justice system – essential parameters		
Official opening in presence of the press	10.00 – 10.15	Christian DANIELSSON - Director General - DG NEAR Bujar OSMANI - Deputy Prime Minister for European Affairs Ms Etilda GJONAJ - Minister of Justice

DAY 1: 27 September 2018

JUDICIARY		
<p>1. <u>Judiciary</u></p> <p>Effective justice system – essential parameters</p> <p>a) Independence (and impartiality) (external and internal independence, legal guarantees for independence, Art. 47 of the EU Charter of Fundamental Rights...)</p> <p>b) Quality (performance and quality indicators, regular evaluation system, quality standards, specialised court staff entrusted with quality policy, training,...)</p> <p>c) Efficiency (length of proceedings indicators (disposition time, clearance rate, pending cases),...)</p>	<p>10.15 – 10:30</p> <p>Jan PETRY / Diana UNGUREANU (DG JUST/02)</p>	<p><u>EU</u></p> <ul style="list-style-type: none"> • Art. 49 TFEU • Art. 2 TEU/ Art. 19 TEU • Art. 7 TEU <ul style="list-style-type: none"> ▪ The Charter of Fundamental Rights of the European Union (Article 47-50) pdf ▪ Jurisprudence of ECJ (in particular C-216/18; C-64/16) and ECtHR (in particular Baka vs. Hungary, 23. June 2016, application no. 20261/12). <p><u>Council of Europe</u></p> <ul style="list-style-type: none"> ▪ European Convention of Human Rights (Articles 6 and 13) pdf ▪ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities html ▪ Venice Commission Report on the independence of the judicial system (2010) - Part I: the independence of judges pdf, Part II: the prosecution service pdf ▪ Venice Commission, Rule of Law Checklist link ▪ European Guidelines on Ethics and conduct for public prosecutors (the Budapest guidelines) adopted by the Conference of Prosecutors General of Europe on 31/5/2005. pdf ▪ Consultative Council of European Judges Opinion No 1 (2001) on standards concerning the independence of the judiciary and the immovability of judges, pdf ▪ Consultative Council of European Prosecutors Opinion No 9 (2014) on European norms and principles concerning prosecutors, pdf ▪ Council of Europe recommendation Rec(2000)19 on the Role of Public Prosecution in the Criminal System pdf (www.legislationonline.org)

		<ul style="list-style-type: none"> ▪ European Charter on the statute for judges, 1998, pdf ▪ Committee of Ministers Recommendation R(94) 12 on the independence, efficiency and role of judge, 1994, pdf ▪ Recommendation No R (86) of the Council of Europe on Measures to Prevent and Reduce the Excessive Workload in Courts pdf ▪ Compilation of Venice Commission opinions and reports concerning courts and judges (http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI%282015%29001-e) ▪ Compilation of Venice Commission opinions and reports concerning prosecutors http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI%282015%29009-e <p><u>Other institutions</u></p> <ul style="list-style-type: none"> ▪ European Network of Councils for the Judiciary, Development of minimal judicial standards I + II, Reports 2010-2011 and 2011-2012 https://www.encj.eu/articles/79 <p><u>UN</u></p> <ul style="list-style-type: none"> ▪ Bangalore Principles of Judicial Conduct” (“Bangalore Principles”), adopted by the UN Human Rights Commission on 23 April 2003 pdf <p><u>EJTN</u></p> <ul style="list-style-type: none"> ▪ http://www.ejtn.eu/News/Principles/
<i>Questions and answers</i>	10.30 – 11.15	
<i>Coffee break</i>	11:15 – 11:30	
ANTI-CORRUPTION POLICY		
<p>2. <u>Anti-Corruption policy</u></p> <p>2.1 EU Instruments</p>	<p>11:30 – 12:15</p> <p>Irina STEFURIUC (DG HOME D3)</p>	<p><u>2.1. EU acquis</u></p> <p>– Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of the Member States of the EU OJ C 195, 25.6.1997 html</p>

<p>2.2 International instruments</p>		<ul style="list-style-type: none"> – Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector <i>OJ L 192, 31.7.2003, p.54</i> html – Commission Decision of 6 June 2011 - <u>Establishing an EU Anti-corruption reporting mechanism for periodic assessment</u> ("EU Anti-corruption Report") (C(2011) 3673 final) https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/pdf/com_decision_c%282011%29_3673_final_en_en.pdf – Council Decision 2008/582/JHA of 24 October 2008 on a <u>contact-point network against corruption</u> http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0852:EN:NOT – Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law – Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') – Council Decision 2008/801/EC of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption OJ L 287, 29.10.2008, p.1. https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:287:0001:0110:EN:PDF – Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention against Transnational Organised Crime OJ L 261, 6.8.2004, p.69 html https://publications.europa.eu/en/publication-detail/-/publication/7d3f984b-1c4d-4b38-a3b3-1f98c35b507d/language-en <p><u>2.2. International instruments</u></p> <ul style="list-style-type: none"> – UN Convention against Corruption, Merida 2003 pdf 31/10/2003 – UN Convention against Transnational Organized Crime, Palermo December 2000. html 15/11/2000 – OECD-Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997; (also relevant for judicial cooperation in criminal matters) html – Council of Europe Criminal Law convention on Corruption, opened to signature on 27 January 1999; (also relevant for judicial cooperation in penal matters) html
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<p>2.3 The links between corruption and other areas:</p> <ul style="list-style-type: none"> ◦ financing of political parties ◦ good governance ◦ economic development ◦ fighting organised crime 		<ul style="list-style-type: none"> – Council of Europe Civil Law convention on corruption, opened to signature on 4 November 1999 html – Council of Europe Resolution (97) 24 on the <u>Twenty Guiding Principles For The Fight Against Corruption</u> 06/11/1997 – Council of Europe Recommendation on Codes of Conducts for public officials (recommendation no. R(2000)10) html 05/2000 – Council of Europe Recommendation on Common Rules against corruption in the funding of political parties and Electoral Campaigns (rec(2003)4) html – OSCE Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism http://www.osce.org/cio/97968?download=true – OSCE DECISION No. 5/14 PREVENTION OF CORRUPTION https://www.osce.org/cio/130411?download=true <p><u>2.3. The links between corruption and other areas</u></p> <p>Fighting organised crime</p> <ul style="list-style-type: none"> – DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 April 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU – Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime – Directive 2014/42/EU on the freezing and confiscation of the instrumentalities and proceeds of crime in the European Union – Proposal for a Directive laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA (common proposal HOME/JUST - under negotiation - COM(2018) 213 final) – Regulation on the mutual recognition of freezing and confiscation orders (political agreement)
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		<p>– Directive on countering money laundering by criminal law (political agreement)</p> <p>Whistleblowing</p> <p>– Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of persons reporting on breaches of Union law COM/2018/218 final</p>
<i>Questions and answers</i>	12:15 – 13:00	
<i>Lunch</i>	13:00 – 14:30	

3. FUNDAMENTAL RIGHTS		
3.1. Fundamental Rights	14:30 – 15:10	
1) Introduction-Lisbon Treaty/Charter	Vincent DEPAIGNE (DG JUST/C2)	<p><u>EU</u></p> <ul style="list-style-type: none"> Articles 2, 6 and 7 of the Treaty on European Union Articles 10 and 19 of the Treaty on the Functioning of the European Union Charter of fundamental rights of the European Union, OJ C 303 of 14 December 2007, p.1 pdf
2) Measures against racism and xenophobia	Vincent DEPAIGNE (DG JUST/C2)	<p><u>EU</u></p> <ul style="list-style-type: none"> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law on the basis of Articles 29, 31 and 34(2)(b) of the former EU Treaty. link <p><u>UN</u></p> <ul style="list-style-type: none"> UN Convention on the elimination of all forms of racial discrimination (New-York;7 March 1966) link

<p>3) The EU Fundamental Rights Agency</p> <p>4) Rights of the child</p>	<p>Vincent DEPAIGNE (DG JUST/C2)</p> <p>Valeria SETTI (DG JUST/C2)</p>	<ul style="list-style-type: none"> • UN Declaration on the elimination of violence against women (General Assembly resolution 48/104 of 20 December 1993) link <p><u>EU</u></p> <ul style="list-style-type: none"> • Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights OJ L 53, 22.2.2007, p. 1–14 link • Council Decision 252/2013/EU of 11 March 2013 establishing a Multiannual Framework for 2013-2017 for the European Agency for Fundamental Rights (OJ L 79 of 21 March 2013, p. 1) link <p><u>EU</u></p> <ul style="list-style-type: none"> • Art 24 and Art. 32 of the Charter of Fundamental Rights • EU acquis and policy documents on the rights of the child http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm • Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13 of 20.01.2004, p. 44 link (To be presented under CH 24 organised crime/trafficking) • Directive (EU) 2016/800 on procedural safeguards for children who are suspects and accused in criminal proceedings link <p><u>UN</u></p> <ul style="list-style-type: none"> • UN Convention on the rights of the child (New-York, 20 November 1989) and its Protocols Html
<p><i>Questions and answers</i></p>	<p>15:10 – 15:20</p>	
<p><u>Non-Discrimination</u></p>	<p>15.20-16:10</p>	<p><u>EU</u></p>

<p>1) Key legislation¹</p>	<p>Paulina CARLIN (DG JUST/D1)</p>	<ul style="list-style-type: none"> • Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22–26.² link • Commission Recommendation on standards of equality bodies, 22.06.2018, C(2018) 3850 final link
<p>2) Roma</p>	<p>Jana BALAZOVA (DG JUST/D1)</p>	<ul style="list-style-type: none"> • EU Framework for National Roma Integration Strategies (NRIS) up to 2020 launched by the Commission in April 2011 (COM(2011) 173 final) and endorsed on 19 May 2011 by Council Conclusions and on 23-24 June 2011 by European Council Conclusions link • Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (2013/C 378/01), OJ C 378, 24.12.2013 link • Council Conclusions on accelerating the process of Roma integration, 8 December 2016, 14294/16 link
<p>3) Gender Equality and Violence against women</p>	<p>Ingrid BELLANDER TODINO (DG JUST/D2)</p>	<p><u>EU</u></p>

¹ The following non-discrimination instruments are addressed in Chapter 19:

- employment and occupation (directive 2006/54):
- self employed (directive 2010/41)
- parental leave(directive 2010/18)
- maternity leave (directive 92/85)
- social security (directive 79/7)
- 2014 Recommendation on equal pay

² Cases C-54/07, *Firma Feryn NV*, *Belov*, case C-394/11, C-391/09, *Runevič-Vardyn*, C-571/10, *Kamberaj*, C-83/14 (indirect discrimination of Roma).

	<p>and</p> <p>Martina TORNKVIST (DG JUST/D2)</p>	<ul style="list-style-type: none"> • Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and service link • Strategic engagement for gender equality 2016-2019³ link • Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality (OJ L 403 of 30 December 2006, p. 9) link <p><u>CoE</u></p> <ul style="list-style-type: none"> • Convention on preventing and combating violence against women and domestic violence⁴. (Istanbul, 11 May 2011)⁵ html
<i>Questions and answers</i>	16:10 – 16:30	
<i>Coffee break</i>	16:30 – 16:45	
<p><u>3.2. Procedural safeguards</u></p> <p>1) Procedural rights</p>	<p>16:45 – 17:30</p> <p>Ms Ingrid BREIT (DG JUST/B2)</p>	<p><u>EU</u></p> <ul style="list-style-type: none"> • Charter of fundamental rights of the European Union, OJ C 364 of 18 December 2000, p.1 (Articles 47-50) html • Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings link • Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings link • 2013/48/EU Directive of the European Parliament and the Council on the right of access to a lawyer in criminal proceedings and procedures of the European arrest

³ http://ec.europa.eu/justice/gender-equality/document/files/strategic_engagement_en.pdf

⁴ <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

⁵ NB EU is aiming to accede to the Convention

<p>3.3. Rights of victims of crime</p>	<p>Sara CHRZANOWSKA (DG JUST/B2)</p>	<p>warrant and on the rights of a third party having informed the deprivation of liberty and to communicate, while deprived freedom, with third parties and with consular authorities link</p> <ul style="list-style-type: none"> • Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and the right to be present at one's trial link • Directive (EU) 2016/800 on procedural safeguards for children who are suspects and accused in criminal proceedings (to be transposed by 11 June 2019) • Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings link • Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings OJ C 378, 24.12.2013, p. 8–10 link • Commission Recommendation of 27 November 2013 on the right to legal aid for suspects or accused persons in criminal proceedings OJ C 378, 24.12.2013, p. 11–14 link <ul style="list-style-type: none"> • Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims link • Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA link • Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (in criminal matters) link • Regulation 2013/606/ EU of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181 of 29 June 2013, p. 4); link • Commission Implementing Regulation (EU) No 939/2014 of 2 September 2014 establishing the certificates referred to in Articles 5 and 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (OJ L 263 of 3 September 2014, p. 10) link
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3.4. War crimes	David HUDSON (DG NEAR/A1)	<ul style="list-style-type: none"> • Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes (OJ L 118 of 14 May 2003, p.12); • Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (OJ L 167 of 26 June 2002, p.1)
<i>Questions and answers</i>	17:30 – 18:00	
End of Day 1		

DAY 2 - 28 September 2018

FUNDAMENTAL RIGHTS (contd.)		
3.5. Detention and conditions of detention	09.30 - 09.45 C LAURENS-DINSDALE (DG NEAR D3)	CoE and UN standards
3.6 Rights of members of a minority and cultural rights Rights of members of a minority	9:45 – 10:15 C LAURENS-DINSDALE (DG NEAR D3)	<u>CoE</u> <ul style="list-style-type: none"> • Council of Europe Framework Convention on the protection of Minorities (Strasbourg, 1 February 1995) html • European Charter for Regional or Minority Languages (1992) html
3.7 Freedom of Assembly and Association	C LAURENS-DINSDALE (DG NEAR D3)	<u>UN</u> <ul style="list-style-type: none"> • Article 12 EU Charter of Fundamental rights • Article 11 European Convention on Human Rights
3.8 Freedom of Expression	D HUDSON (DG NEAR A1)	<ul style="list-style-type: none"> • Article 11 EU Charter of Fundamental rights • Article 10 European Convention on Human Rights <p>Additional link JUFREX project http://www.coe.int/en/web/freedom-expression/promoting-freedom-of-expression-in-south-east-europe</p>

<i>Questions and answers</i>	10:15– 10:30	
<i>Coffee break</i>	10:30– 11:00	
3.7. Protection of personal data	11:00 – 12:00 Jan OSTOJA-OSTASZEWSKI (DG JUST/C4)	<u>EU</u> <ul style="list-style-type: none"> • Treaty on the Functioning of the European Union (TFEU): Article 16 Official Journal C 115 , 9/05/2008 P.47 • EU Charter of Fundamental Rights of 7 December 2000 pdf • Current acquis⁶

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- ⁶ Judgement of the European Court of Justice of 20 May 2003, Joint Cases C-465/00, C-138/01 and C-139/01 – [Rechnungshof](#) (Disclosure of data on the income of employees of bodies subject to control by the Rechnungshof),
 - Judgment of the European Court of Justice of 6 November 2003, Case C-101/01 - [Bodil Lindqvist](#) (Freedom of expression - Compatibility with Directive 95/46 of greater protection for personal data under the national legislation of a Member State)
 - Judgment of the European Court of Justice of 30 May 2006 Joined Cases C-317/04 and C-318/04 - [PNR data](#)
 - Judgment of the European Court of Justice of 16 December 2008 Case C-524/06) – [Huber](#) (general processing of personal data relating to citizens of the Union who are nationals of another Member State and the concept of necessity)
 - Judgment of the European Court of Justice of 16 December 2008 Case C-73/07– [Satakunnan](#) (Processing and flow of tax data of a personal nature)
 - Judgment of the European Court of Justice of 9 March 2010 Case C-518/07 - Commission v Germany (Independence of national supervisory authorities)
 - Judgment of the European Court of Justice of 7 May 2009 Case C-553/07 [Rijkeboer](#)
 - Judgment of the European Court of Justice of 9 November 2010 Joined Cases C-92/09 and C-93/09 - [Volker und Markus Schecke](#)
 - Judgment of the European Court of Justice of 16 October 2012, Case C-614/10, (Independence – Supervisory authority and the Federal Chancellery – Personal and organisational links)– [Commission v. Austria](#)
 - Judgment of the Court of Justice of 30 May 2013, Case C-342/12 (disclosure of working time record for legitimate purposes) [Worten – Equipamentos para o Lar SA](#)
 - Judgment of the Court of Justice of 7 November 2013, Case C-473/12 (exceptions under article 13(1) of the directive), [Institut professionnel des agents immobiliers \(IPI\)](#)
 - Judgment of the Court of Justice of 12 December 2013, Case C-486/12 (the level of levying fees for access to data must not exceed the cost of communicating such data), [X](#).
 - Judgment of the Court of Justice of 8 April 2014, Case C-288/12 (Independence supervisory authority), [Commission v Hungary](#)
 - Judgment of the Court of Justice of 8 April 2014, Joined Cases C-293/12 and C-594/12 (invalidation of the Data retention Directive 2006/24/EC), [Digital Rights Ireland Ltd](#)
 - Judgment of the Court of Justice of 13 May 2014, Case C-131/12 ('right to be forgotten'), [Google Spain SL](#)
 - Judgment of the Court of Justice of 1 October 2015, Case C-201/14 (Data subjects' information; Transfer by a public administrative body of a Member State of personal tax data for processing by another public administrative body)
 - Judgment of the Court of Justice of 1 October 2015, Case C-230/14 (Determination of the applicable law and the competent supervisory authority), [Weltimmo](#).
 - Judgment of the Court of Justice of 6 October 2015, Case C-362/14 (invalidity of the EU/US Safe Harbour scheme), [Maximilian Schrems v Data Protection Commissioner](#)

		<ul style="list-style-type: none"> • Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119 of 4 May 2016, p.1) link • Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purpose of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L119 of 4 May 2016, p.89) link • Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of
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- Judgment of the Court (Grand Chamber) of 21 December 2016, Tele2 Sverige AB v Post- och telestyrelsen and Secretary of State for the Home Department v Tom Watson and Others, C-203/15 [link](#)
 - Judgment of the Court (Third Chamber) of 28 July 2016, Verein für Konsumenteninformation v Amazon EU Sàrl, Case C-191/15 [link](#)
 - Judgment of the Court (Second Chamber) of 19 October 2016, Patrick Breyer v Bundesrepublik Deutschland, Case C-582/14 [link](#)
 - Judgment of the Court of 19 October 2016 Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros v Administración del Estado (Directive 2002/21/EC — Article 3 — Impartiality and independence of national regulatory authorities — Institutional reform — Merger of national regulatory authority with other regulatory authorities — Dismissal of the President and a board member of the merged national regulatory authority before the expiry of their terms of office — Ground for dismissal not provided for under national law); Case C-424/15 [link](#)
 - Judgment of the Court of 4 May 2017; Valsts policijas Rīgas (Conditions for the lawful processing of personal data — Concept of ‘necessity for the realisation of the legitimate interests of a third party’ — Request for disclosure of personal data of a person responsible for a road accident in order to exercise a legal claim — Obligation on the controller to grant such a request) , Case C-13/16 [link](#)
 - Judgment of the Court of 9 March 2017; Salvatore Manni (disclosure of personal data in the companies register —Restriction of access to that data by third parties), Case C-398/15 [link](#)
 - Judgment of the Court of 27 September 2017, Peter Puškár (rules on the lawfulness of the processing of personal data, Performance of a task carried out in the public interest by the controller); Case C-73/16 [link](#)
 - Judgment of the Court of 20 December 2017, Peter Nowak v Data Protection Commissioner (Concept of ‘personal data’ ,Extent of the data subject’s rights to access and rectification), Case C-434/16 [link](#)
 - Judgment of the Court of 5 June 2018, Wirtschaftsakademie Schleswig-Holstein GmbH, (Order to deactivate a Facebook page (fan page), Concept of the controller), Case C-210/16 [link](#)
 - Judgment of the Court of 10 July 2018, Tietosuojavaltuutettu, (definition of a ‘personal data filing system’ Definition of a ‘controller’ of the processing of personal data) Case C-25/17 [link](#)

		<p>personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8 of 12 January 2001, p. 1)⁷ link</p> <ul style="list-style-type: none"> • Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty (OJ L 284, 31 October 2003, p. 1) link • Council Decision (EU) 2016/920 of 20 May 2016 on the signing, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection, investigation, detection, and prosecution of criminal offenses (OJ L154 of 11 June 2016, p.1) link • Commission Decisions on the adequacy of the protection of personal data in third countries (Andorra, Argentina, Canada, Switzerland, Faroe Islands, Guernsey, State Of Israel, Isle Of Man, Jersey, United States Of America, Uruguay, New Zealand) <p>Andorra 2010/625/EU: Commission Decision of 19 October 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Andorra https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010D0625</p> <p>Argentina 2003/490/EC: Commission Decision of 30 June 2003 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Argentina https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003D0490</p> <p>Canada 2002/2/EC: Commission Decision of 20 December 2001 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate</p>
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⁷ This Regulation is currently under review in order to be brought in line with the General Data Protection Regulation. The European Commission published a proposal on 10 January 2017 (COM(2017) 8 final). On 23 May 2018, representatives of the Council and the Parliament reached a political agreement on the Regulation. The new rules will apply as of Autumn 2018.

		<p>protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32002D0002</p> <p>Faeroe Islands 2010/146/: Commission Decision of 5 March 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection provided by the Faeroese Act on processing of personal data https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32010D0146</p> <p>Guernsey 2003/821/EC: Commission Decision of 21 November 2003 on the adequate protection of personal data in Guernsey https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003D0821</p> <p>Israel 2011/61/EU: Commission Decision of 31 January 2011 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the State of Israel with regard to automated processing of personal data https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011D0061</p> <p>Isle of Man 2004/411/EC: Commission Decision of 28 April 2004 on the adequate protection of personal data in the Isle of Man https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0411</p> <p>Jersey 2008/393/EC: Commission Decision of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008D0393</p> <p>New Zealand 2013/65/EU: Commission Implementing Decision of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013D0065</p>
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		<p>- Commission Decision 2004/915/EC amending Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:385:0074:0084:en:PDF</p> <p>Commission Decision 2010/87/EU of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32010D0087</p> <p>Commission Decisions 2001/497/EC and 2010/87/EU on Standard Contractual Clauses have been amended by an Implementing Decision (EU) 2016/2297 http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016D2297</p> <p><u>CoE</u></p> <ul style="list-style-type: none"> • European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR): Article 8 html • Convention (ETS No. 108) for the Protection of Individuals with regard to Automatic Processing of Personal Data (Strasbourg, 28 January 1981) html • Additional Protocol (CETS No. 181) to the Convention regarding supervisory authorities and transborder data flows, CETS No 181 (Strasbourg, 8 November 2001). http://conventions.coe.int/Treaty/en/Treaties/Html/181.htm <p>Protocol CETS No 223 amending and updating the Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168089ff4e</p>
<i>Questions and answers</i>	12:00 – 12:30	
<i>Lunch Break</i>	12:30 – 14:00	
EU CITIZEN'S RIGHTS		

<p>4. EU Citizen’s rights</p> <p>4.1 Right to vote and stand as a candidate in elections to the European Parliament</p> <p>4.2 Right to vote and stand as a candidate in municipal elections</p>	<p>14:00 – 14:45 Ruta SIMELYTE (DG JUST D3) for all sections</p>	<ul style="list-style-type: none"> • Article 20 of the TFEU; 4 (3) and Article 9 TEU. • Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, relating to the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, OJ L 278 of 8.10.1976, p. 1; Corrigendum published in OJ L 326 of 25 November 1976, p. 32); html • Act concerning the election of the representatives of the European Parliament by direct universal suffrage (OJ L 278 of 8 October 1976, p. 5) html • Council Decision of 25 June 2002 and 23 Sept. 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom (OJ L 283 of 21 October 2002, p. 1. Corrigendum published in OJ L 126 of 21 May 2009, p. 23) html • 93/81/Euratom, ECSC, EEC: Decision amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976.(Official Journal L 033 , 09/02/1993 P. 0015 - 0015) html • Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, OJ L 329 of 30.12.1993, p. 34 html • Council Directive 2013/1/EU of 20 December 2012 adapting Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 26 of 26 January 2013, p. 27) pdf • Council Directive (94/80/EC) of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals, OJ L 368, 31/12/1994, p. 38, as amended html
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		<ul style="list-style-type: none"> • Council Directive 96/30/EC of 13 May 1996 amending the Annex to Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 122 of 22 May 1996, p. 14) link • Act concerning the conditions of accession and the adjustments to the Treaties- Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236 of 23 September 2003, p. 334) replacing the Annex to Directive 94/80/EC link • Council Directive 2006/106/EC of 20 November 2006 adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of Bulgaria and Romania (OJ L 363 of 20 December 2006, p. 409) link • Commission Implementing Decision 2012/412/EU of 19 July 2012 amending the list of "basic local government units" in the Annex to Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals (OJ L 192 of 20 July 2012, p. 29) link • Council Directive 2013/19/EU of 13 May 2013 adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 231) link • Commission Recommendation 2013/142/EU of 12 March 2013 on enhancing the democratic and efficient conduct of the elections of the European Parliament (OJ L 79 of 21 March 2013, p. 29) link • Commission Recommendation 2014/53/EU of 29 January 2014 addressing the consequences of disenfranchisement of Union citizens exercising their rights to free movement link • EU Treaty Article 4 (3) • Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely
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4.3 Right to move and reside freely within the European Union		<p>within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30/04/2004, p. 77 html</p> <ul style="list-style-type: none"> • Council Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC html • Decision of the Representatives of the Governments of the Member States (96/409/CSFP) meeting within the Council of 25 June 1996 on the establishment of an emergency travel document, OJ L 168, 06/07/1996, p. 4 html
4. 4. Diplomatic and consular protection		
<i>Questions and Answers</i>	14:45 – 15:15	
Rights of persons with disabilities	15.15 – 15.30 Inmaculada PLACENCIA PORRERO (DG EMPL C3)	UN Convention on the Rights of Persons with Disabilities, accessibility, equal recognition of legal capacity. Council decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United nations Convention on the Rights of Persons with Disabilities
<i>Questions and Answers</i>	15.30 – 15.40	
<i>Conclusions</i>	15:40 – 16.00 Genoveva RUIZ CALAVERA Director Western Balkan (DG NEAR)	
Closing remarks	16:00 -16:20 Commissioner HAHN	In the presence of media.

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