



## Judging on the Common European Asylum System: Key issues in the implementation of the CEAS from the judicial perspective

Court of Justice of the European Union, L-2925 Luxembourg

5-6 November 2015

The creation of a genuine Common European Asylum System (CEAS) with the formal conclusion of the second generation of recast asylum *acquis* harmonising certain aspect of national asylum processes represented a move forward from the previous minimum standards that were established in the first phase of this system. The current CEAS aims to create a **level playing field of common standards** which are intended to be safe, fair, effective and impervious to abuse. It is evident that certain aspects of the system have come under increasing pressure in the recent past due, inter alia, to very high numbers of applications for international protection being made.

Such developments have by no means gone unnoticed in the judicial area. The respective responsible European Courts (CJEU and ECtHR) have handed down a number of milestone decisions in relation to asylum-related matters that have had a decisive role in shaping the CEAS. Indeed such decisions continue to do so on a daily basis as they are implemented by national asylum authorities when applying provisions of European asylum law as interpreted by the Courts. There has understandably also been a knock-on effect of such decisions that is visible in national jurisprudence. However, there are many questions on which there has yet to be a decision from the European courts; further requests for preliminary rulings as well as applications to the ECtHR are pending judgment. Hence, there are still some instances of divergent jurisprudential practice remaining between Member States. This conference aims to highlight key topics of particular relevance to members of courts and tribunals in the field of European asylum law. It will aim to identify areas of **common practice** in relation to the **judicial understanding and interpretation of key aspects of the CEAS** as well as such divergences. It is envisaged that by providing a forum for discussion between peers from a wide range of Member States, this occasion represents an important opportunity for an **exchange of practice and experience between judges** with a view to ultimately furthering the **mutual understanding and harmonisation of judicial standards** throughout the EU+ countries.

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### Agenda

Thursday, 5 November 2015

08:45 – 09:15	Arrival and registration of participants
09:15 – 09:45	<p><b>Opening words of welcome</b></p> <ul style="list-style-type: none"> <li>● <b>Koen Lenaerts</b>, President, Court of Justice of the European Union (CJEU)</li> <li>● <b>Mark Camilleri</b>, Executive Office, European Asylum Support Office (EASO)</li> </ul> <p>Statements by:</p> <ul style="list-style-type: none"> <li>○ <b>Hugo Storey</b>, President of European Chapter of International Association of Refugee Law Judges (IARLJ)</li> <li>○ <b>Edith Zeller</b>, President, Association of European Administrative Judges (AEAJ)</li> <li>○ <b>Wojciech Postulski</b>, Secretary General, European Judicial Training Network (EJTN)</li> </ul>
09:45 – 10:45	<p>Session 1 – <b>Keynote speeches</b></p> <p><b>Chair: François Bienfait</b>, Head of Centre for Training, Quality and Expertise, EASO</p> <ul style="list-style-type: none"> <li>● <b>Lars Bay Larsen</b>, Judge, CJEU</li> <li>● <b>Ledi Bianku</b>, Judge, European Court of Human Rights (ECtHR)</li> </ul>
10:45 – 11:00	Discussion
11:00 – 11:30	Coffee break
11:30 – 12:45	<p>Session 2 – <b>Panel discussion: Current issues in European asylum law with a focus on qualification for international protection</b></p> <p><b>Chair: Lars Bay Larsen</b>, Judge, CJEU</p> <p><u>Discussants:</u></p> <ul style="list-style-type: none"> <li>● <b>Yves Bot</b>, Advocate General, CJEU</li> <li>● <b>Harald Dörig</b>, Judge, Federal Administrative Court, Germany</li> <li>● <b>Nuala Mole</b>, Senior Lawyer, Advice on Individual Rights in Europe (AIRE) Centre, United Kingdom</li> </ul>



12:45 – 14:00	Lunch break
14:00 – 15:30	<p>Session 3 – <b>The Charter of Fundamental Rights in asylum cases: value added or simply taxing?</b>  <b>Chair: Koen Lenaerts</b>, President, CJEU</p> <p><u>Speaker</u>: <b>Angela Ward</b>, Former référendaire, CJEU</p> <p><u>Judicial Discussants</u>:</p> <ul style="list-style-type: none"> <li>• <b>Boštjan Zalar</b>, High Court Judge of the Administrative Court, Slovenia</li> <li>• <b>Johanna Dickschen</b>, Judge, Administrative Court of Stuttgart, Germany</li> <li>• <b>Gabriel Toggenburg</b>, Senior Legal Adviser, Fundamental Rights Agency of the EU (FRA)</li> </ul>
15:30 – 16:00	Coffee break
16:00 – 17:30	<p>Session 4 – <b>Judicial aspects of the application of the recast Dublin Regulation</b>  <b>Chair: Ledi Bianku</b>, Judge, ECtHR</p> <p><u>Speaker</u>: <b>Francesco Maiani</b>, Associate Professor, Swiss Graduate School of Public Administration, University of Lausanne, Switzerland</p> <p><u>Judicial Discussants</u>:</p> <ul style="list-style-type: none"> <li>• <b>Jakub Camrda</b>, Judge, Supreme Administrative Court, Czech Republic</li> <li>• <b>Jacek Chlebny</b>, Vice President, Supreme Administrative Court, Poland</li> <li>• <b>European Commission</b></li> </ul>
17:30	Conclusion of first day

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Friday, 6 November 2015

08:45 – 09:00	Arrival of participants
09:00 – 10:30	<p>Session 5 – <b>Parallel working-group session 1</b></p> <p><b>1. <u>Subsidiary protection</u></b></p>

	<p><b>Chair:</b> Hugo Storey, President of European Chapter, IARLJ</p> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>• <b>Karin Winter</b>, Judge, Federal Administrative Court, Austria</li> <li>• <b>Katelijne Declerck</b>, Judge, Council for Alien Law Litigation, Belgium</li> </ul> <p><b>2. <u>Credibility and evidence assessment</u></b></p> <p><b>Chair:</b> to be confirmed</p> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>• <b>Bernard Dawson</b>, Judge, Upper Tribunal (Asylum and Immigration Chamber), United Kingdom</li> <li>• <b>Dóra Dudás</b>, Judge, Budapest Administrative and Labour Law Court, Hungary</li> </ul>
10:30 – 11:00	Coffee break
11:00 – 12:30	<p>Session 6 – <b>Parallel working-group session 2</b></p> <p><b>1. <u>Exclusion</u></b></p> <p><b>Chair:</b> to be confirmed</p> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>• <b>Joseph Rikhof</b>, Senior Counsel, Manager of the Law with the Crimes against Humanity and War Crimes Section of the Department of Justice, Canada</li> <li>• <b>Jacques Jaumotte</b>, Council of State, Belgium</li> </ul> <p><b>2. <u>Country of Origin Information</u></b></p> <p><b>Co-chairs:</b> Ward Lutin &amp; Christophe Hessels, Centre for Information, Documentation and Analysis, EASO</p> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>• <b>Paul Southern</b>, Judge, Upper Tribunal (Asylum and Immigration Chamber), United Kingdom</li> <li>• <b>Florence Malvasio</b>, Judge, National Asylum Court and former Head of Documentation Centre (CEREDOC), France</li> </ul>
12:30 – 13:15	Closing session – Reports from the parallel sessions and final plenary discussion
13:15	End of conference