

La morphologie des décisions de justice

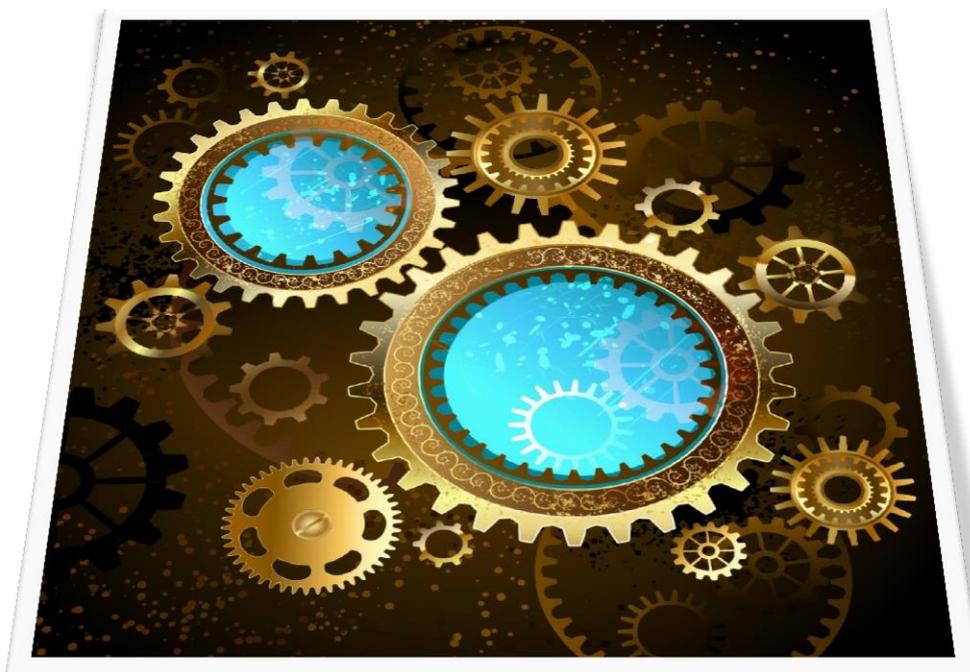
Morphology of judicial decisions

Luxembourg, 21 & 22 May 2015

INSTITUT
FRANÇAIS
LUXEMBOURG



Under the patronage of His Excellency, Mr Guy Yelda,
Ambassador of France to Luxembourg



The workshop aims at investigating the mechanism/mechanic of the internal decision making of Constitutional, Supreme and International Courts, in a comparative perspective.

Invited Speakers

Prof. and Judge Nicole Belloubet – French Constitutional Court
Judge Mattias Guyomar – French Conseil d’Etat
Prof. and Judge Lech Garlicki – ECHR and Constitutional Tribunal of Poland
Prof. Dr. and Judge Gertrude Lübbe-Wolff – German Constitutional Court
Prof. and Judge Constance Grewe – Constitutional Court of Bosnia and Herzegovina
Judge Jean-Claude Bonichot – Court of Justice of the European Union
Prof. Gabrielle Marceau – WTO Dispute Settlement Mechanism
Sarah Lambrecht – Belgian Constitutional Court
Prof. H�el�ene Ruiz Fabri – MPI Luxembourg
Prof. Jean-Marc Sorel – Sorbonne Law School
Prof. Lewis Kornhauser – NYU
Prof. Pasquale Pasquino – EHESS and NYU
Prof. Herv�e Ascensio - Sorbonne Law School
Prof. Laurence Boisson de Chazournes – University of Geneva
Prof. Jo�el Rideau – Universit�e de Nice
Prof. Matthew Happold – University of Luxembourg
Prof. Andrea Gattini – University of Padova – Guest at the MPI Luxembourg
Prof. Lorenzo Gradoni – University of Bologna – Guest at the MPI Luxembourg



Program

Thursday 21 May

- 01:00 pm – 02:00 pm Registration, coffee and pastries
- 02:00 pm – 02:15 pm Opening by Professor H el ene Ruiz Fabri,
Director of the MPI Luxembourg
- 02:15 pm – 03:45 pm **Session 1: Preliminary precisions on the mechanism
of access to the court and on the caseload**
Chair: Professor Pasquale Pasquino
- Identity/nature of the claimants (litigants, citizens, ordinary (non-constitutional) or other judges, political actors (a. minority in Parliament, b. President of the republic, c. the government, d. a sub-unity of the federal regime, etc.), States, international bodies, etc.).
 - Does the Court hold the right to initiate its own questions (self-referral)?
 - Types of conflicts (between norms of different level in the legal hierarchy; between competences/powers of the national/central/European government and sub-units (states, L ander, regions, provinces, etc.); between constitutional/fundamental/human rights and the violation of them by agents/agencies of public authority; between competences of different branches/functions of the central government or the EU.
 - Number of cases per year (received and decided; typology of the cases on the base of the referral).
- 03:45 pm – 04:00 pm Break

04:00 pm – 05:30 pm **Session 2: Screening/Selection/Filtering of cases (the formal and the material)**

Chair: Professor and Judge Constance Grewe

- Does it exist (according to the Statute of the Court, its Rules of procedure or following a practice established by the Court itself)? and is it or not distinguished from admissibility? (Yes in Germany, no in the ECtHR)
- How does it work?

Evening program

06:30 pm Reception at the Residence of the French Embassy
(By invitation only)

Résidence de l'Ambassade de France à Luxembourg
21, rue Notre-Dame
L-2240 Luxembourg

08:30 pm Dinner by invitation of “Institut français Luxembourg”
(Speakers only)



Program

Friday 22 May

09:00 am – 09:30 am Registration and coffee

09:30 am – 11:00 am **Session 3: The rule for assigning the cases among the judges**

Chair: Professor Andrea Gattini

- Is it according to the Statute of the Court, its Rules of procedure or following a practice established by the Court itself?
- How does it work?

11:00 am – 11:30 am Break

11:30 am – 01:00 pm **Session 4: The collective decision making procedure (deliberation), part 1**

Chair: Professor Jean-Marc Sorel

- Who decides: full court, chambers, division, single judge?
- In which order are things done (oral arguments, vote(s), debates on arguments, etc.)?
- In which language is the deliberation held?
- Is there a registrar/a secretariat and what is his precise role? Do the judges (or the Court) have assistants (law clerks) and what is their precise role?
- Who writes the decision (draft, is there a drafting committee, when are the persons in charge of drafting chosen?)?

01:00 pm – 02:30 pm Lunch break



02:30 pm – 03:30 pm **Session 5: The collective decision making procedure (deliberation), part 2**

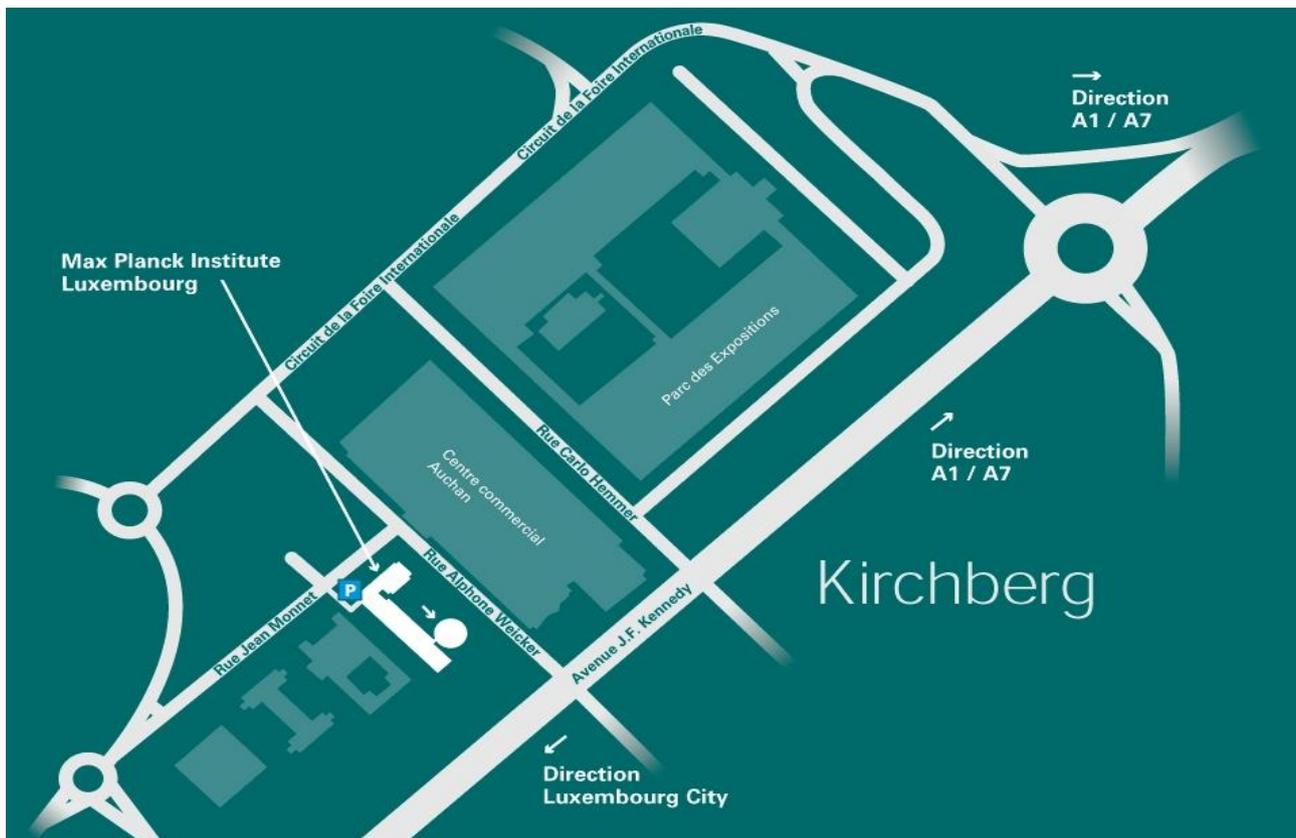
Chair: Professor H el ene Ruiz Fabri

- Are dissenting opinions allowed? Are they communicated before or after the decision is written? Are they anonymous?
- Who attends the deliberation? Average length?
- In which language are the decisions written? Issued? Are there issues of language and of translation? Is some editorial work done afterwards and by whom?

03:30 pm – 04:00 pm Wrap up

04:00 pm – 04:30 pm Refreshment break





Contact person:

Martina Winkel

Phone: (+352) 26 94 88 – 923

secretariat-prof.ruizfabri@mpi.lu

Venue:



Max Planck Institute Luxembourg
for International, European
and Regulatory Procedural Law
4, rue Alphonse Weicker
L-2721 Luxembourg

Conference room 4th floor