

INVITATION EuCourts Master Class: European Integration and National Constitutional Identity - 7 April



EuCourts Master Class V European Integration and National Constitutional Identity

Friday 7 April 2017

14:00- 16:00 Master Class - 16:00 drinks

Statenzaal, Faculty of Law, Maastricht University

With:

Professor Peter Huber

Justice of the German Federal Constitutional Court

&

Professor Bruno de Witte

Professor of European Union law at Maastricht University and the European University Institute

In this fifth EuCourts master class we will address the Order of the German Federal Constitutional Court of 15 December 2015 concerning the surrender under a European Arrest Warrant of a person convicted in absentia. The Court ruled that in individual cases, the protection of fundamental rights by the Federal Constitutional Court may include review of acts determined by Union law, if this is indispensable to protect the constitutional identity guaranteed by the eternity clause in the German Basic Law. In the case at hand, however, such identity review was not deemed necessary, and there was no need to restrict the primacy of EU law, because the requirements under Union law with regard to the execution of a European arrest warrant were not less protective of the rights of the accused than those required by human dignity as protected under the German Basic Law.

The case raises a number of questions: Can the EU indeed be identified as a “union of states, constitutions, administrations and courts” as the Court states in paragraph 44 of the Order? Which court has the last word in cases where constitutional identity may be at stake? Can a national court refuse to apply EU law in order to protect the national constitutional identity? Who decides whether the ‘national identity’ is at stake? Is it the same for all member states?

Marc de Werd, Judge at the Amsterdam Appeals Court and Extraordinary Professor at Maastricht University will chair the meeting.

Second year law students of the Maastricht University Law College will contribute to the discussion and present a comparative legal study and a societal impact study.

The master class is open to all (master) students and academics, and we warmly welcome members of the judiciary and legal practice to register here: <http://bit.ly/2d2wb16>

*Please be advised that appropriate preparation for the master class is recommended: Link to the order of 15 December 2015, BvR 2735/14 (press release and full text).

