

**SIMULTANEOUSLY TRANSLATED
INTO ENGLISH**



**INTERNATIONAL
COLLOQUIUM**

**25 - 27
November 2015**

COMPETITION
between **JUDGES** in **EUROPE**
THE DIALOGUE IN QUESTION(S)



Faculty of Law, Tours

Under the patronage of the President of the Constitutional Council,
Jean-Louis Debré

Under the Scientific Supervision of

Pierre-Yves Monjal

Professor of Public Law, Codirector of GERCIE
Jean Monnet Chair, François-Rabelais University, Tours

Pascal Jan

Professor of Public Law
IEP Bordeaux

Christophe Geslot

Research Accredited Associate Professor
Franche Comté University

Registration : <http://juges-en-europe.sciencesconf.org>

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PROGRAMME
INTERNATIONAL COLLOQUIUM

25-27 November 2015

Faculty of Law, Tours

Competition between Judges in Europe: The Dialogue in Question(s)

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Competition between Judges in Europe: The Dialogue in Question(s)

For several decades, the dialogue between the judges has provided the reading grid called up by jurists to understand intersystemic and jurisdictional relations both at the national and at the European levels. Many a work has been devoted to this topic over the years and recently.

The issue of competition between judges seeks to mobilize jurists trying to supersede, or at least redirect, this reading of jurisdictional relations. The concept of competition, probably more exploitable in its normative and positive sense than that of dialogue, enables us to recall that courts are established powers. However, the exercise of power is very often exclusive, less inclined to share or engage in a dialogue. When there is a dialogue, it is a muted manifestation of what is played between the judges at a deeper level, that is to say, a veritable strategy of power. Jurisdictional boundaries seem to have been gradually set up whose markings could be sought from the point of view of protection (promotion) of fundamental rights.

In a sort of competition between "best bidders" who are beneficial to litigants, i.e., between major European and/or constitutional courts, the stakes are high. The opinion 2/13 of Court of Justice of the European Union rejecting any idea of accession to the European Court of Human Rights is illustrative enough of the jurisdictional boundaries being preserved and not abandoned to the competition of "others." The proposed papers attempt, within a wide range of situations and combinations (national/national - national/European - European/European ...), to nurture this competitive approach, as a means to renew the analysis of these contemporary and European jurisdictional relations.

Wednesday 25 November
Morning

8h15 Arrival of participants

Community Council of the Tours Urban Community
Tour(s)plus – "Deux Lions" University Site

8h45 Welcoming the participants

- Word of Welcome by Loïc Vaillant, President of Tours University
- Word of Welcome by Philippe Briand, President of Tour(s)plus
- Word of Welcome by Nathalie Albert-Moretti, Professor of Public Law, Dean of the Tours Law Faculty
- Word of Welcome by Abdelkhaleq Berramdane, Professor of Public Law, Codirector of GERCIE, Tours University
- Word of Welcome by Pierre-Yves Monjal, Professor of Public Law, Codirector of GERCIE, Tours University

● OPENING OF THE COLLOQUIUM ●

Pascal Jan, Professor of Public Law, IEP Bordeaux

● DIALOGUE BETWEEN JUDGES QUESTIONED (I) ●

Chair: Pierre-Yves Monjal, Professor of Public Law,
Codirector of GERCIE, Tours University

9h30 Origin of the Concept: «dialogue between judges» - A Critical Gaze
Bruno Genevois, President of the Honorary Section of the Council of State,
President of the French Anti-Doping Agency (AFLD)

9h45 Does there exist a dialogue between judges?

Christophe Frardet, Professor of Public Law, Lorraine University.

10h00 Positivity of the Dialogue between Judges

Jean-Philippe Derosier, Professor of Public Law, Rouen University.

10h15 Discussions

10h45 Pause

11h00 The Dialogue between Judges: Between Normativity and Normalcy

Etienne Picard, Professor Emeritus of Public Law, Paris 1
Panthéon-Sorbonne University

11h15 For a Doctrine of Legal Controversies

François Brunet, Professor of Public Law, Tours University

11h30 The Unnecessary Dialogue between Judges

Claude Blumann, Professor Emeritus of Public Law, Paris II
Panthéon-Assas University

11h45 Discussions

12h00 Lunch (*for the speakers*).

Wednesday 25 November
Afternoon

● DIALOGUE BETWEEN JUDGES QUESTIONED (II) ●

Chair Christophe Geslot, Research Accredited Associate Professor of Public Law,
Director CRJFC, Franche Comté University

14h00 Is the agreement between judges based on their specialty an alternative?
Pierre Bourdon, Associate Professor of Public Law, Paris 1
Panthéon-Sorbonne University

14h15 Dialogue between Judges or Judicial Mimeticism? The Figure of the Judge in
Comparative Law
Thierry Renoux, Professor of Public Law, Aix-Marseille University

14h30 « Communicational » Rhetoric in European Judicial Law
Séverine Ménétreay, Assistant Professor in Private Judicial Law, Luxembourg University

14h45 Discussions

● COMPETITION BETWEEN JUDGES QUESTIONED (I) ●

Chair Pascal Jan, Professor of Public Law, IEP Bordeaux

15h15 Is Dialogue among Judges or Competition between Judges a Simple Internal Conflict
between « Makers of Systems »?
Dominique Rousseau, Professor of Public Law, Paris 1
Panthéon-Sorbonne University

15h30 Between Dialogue among Judges and Competition between Judges: The Constraint of
Circulation
Jean-Sylvestre Bergé, Professor of Private Law, Lyon 3 Jean Moulin University

15h45 Autonomous Notions and Competition between Judges
Sandrine Turgis, Associate Professor of Public Law
Reims Champagne-Ardenne University

16h00 Discussions

16h30 End of Day 1

Thursday 26 November
Morning

● COMPETITION BETWEEN JUDGES QUESTIONED (II) ●
Plenary Meeting and the launching of two workshops

Under the supervision of Pierre-Yves Monjal, Professor of Public Law,
Codirector of GERCIE, Tours University

Workshop 1 : Comparative Approach
Chair Etienne Picard, Professor Emeritus of Public Law,
Paris 1 Panthéon-Sorbonne University

8h30 Welcoming the participants
Community Council of the Tours Urban Community
Tour(s)plus – "Deux Lions" University Site

9h00 Ultra Vires Control and Competition between Judges
Adelaide Puttler, Professor of Public Law, Bochum University, Germany

9h15 The Protection of Fundamental Rights in the Federal State: From Dialogue to
Competition between Jurisdictions
Céline Fercot, Associate Professor of Public Law, Paris West University

9h30 Monologue at three among the CJEU, ECtHR and the Supreme Courts
Abdelkhaleq Berramdane, Professor of Public Law, Codirector of GERCIE,
Tours University

9h45 Discussions

10h15 The Court of Justice of the European Free Trade Association States and the Court of
Justice of the European Union: A Special Approach to Dialogue between Judges
Eleftheria Neframi, Professor at Luxembourg University, Jean Monnet Chair and
Clelia Lacchi, LL.M., Doctoral Scholar at Luxembourg University

10h30 The Specificities of the European Union on the International scene: What Impact
on the Dialogue between Judges?
Annie Cudennec, Professor of Public Law, Jean Monnet Chair, West Brittany University

10h45 Financial Jurisdictions: A Japanese-French Comparison
Takumaro Kimura, Professor of Public Law, Chiba University Tokyo

11h00 Discussions

11h15 Pause

Thursday 26 November
Morning

Workshop 2: National Approach
Chair François Brunet, Professor of Public Law
Tours University

8h30 Welcoming the participants
Community Council of the Tours Urban Community
Tour(s)plus – "Deux Lions" University Site

9h00 The Difficult Dialogue between Judges in Domestic Law – The Case of Competition between Criminal Law Judges and Judges of Judicial or Administrative Orders
Béatrice Lapérou-Schneider, Research Accredited Associate Professor of Private Law,
Franche Comté University

9h15 The Constitutional Council, The CJEU and the "social": Competition or Complementarity?
Selma Josso, Associate Professor of Public Law, Tours University

9h30 The Separation of Powers, subject of a French Dialogue
Pierre Mouzet, Research Accredited Associate Professor of Public Law,
Tours University

9h45 Discussions

10h15 French Approach to Competition between Judges with regard to Rights of Aliens
Emmanuel Aubin, Professor of Public Law, Poitiers University

10h30 Juridical and Critical Analysis of a «Successful Dialogue» between the European Court of Human Rights, the Court of Cassation, the Council of State and the Constitutional Council
Régis Ponsard, Associate Professor of Public Law, Reims University

10h45 Discussion

11h15 Pause

11h30 Synthesis of two workshops and discussion
Under the Supervision of Pierre-Yves Monjal, Professor of Public Law, Codirector
of GERCIE, Tours University
Community Council of the Tours Urban Community

12h30 Lunch (*for the speakers*)

Thursday 26 November
Afternoon

● Competition between Judges Revealed (I) ●

Chair Eric Desmons, Professor of Public Law, Paris 13 University

14h00 Is there a Path from Competition to Dialogue between Judges in the European Union ?
Lætitia Guilloud-Colliat, Professor of Public Law, Grenoble-Alpes University

14h15 The Competition between European Judges from the Constitutional Council's
Standpoint
Jean Rossetto, Professor of Public Law, Tours University.

14h30 The Competition between European Judges from the point of view of the Internal
Market
Valérie Michel, Professor of Public Law, Jean Monnet Chair, Aix-Marseille University

15h45 Discussions

16h15 Pause

16h30 Competition between European Judges viewed from the point of view of
Fundamentality
Sébastien Touzé, Professor of Public Law, Paris II Panthéon-Assas University

16h45 EU accession to the ECHR: Autonomy or Surrender of European Union Law
Patrick Dollat, Associate Professor, IEP Strasbourg,
First Judge of the Administrative Court

17h00 Discussions

17h30 End of Day 2

Friday 27 November
Morning

● Competition between Judges Revealed (II) ●
Chair Diane Roman, Professor of Public Law, Tours University

9h00 Conflicts among Interpreters of Fundamental Social Rights
Sylvaine Laulom, Professor of Public Law, Lyon 2 Lumière University

9h15 The Charter of Fundamental Rights a Source of New Competition between Judges?
Émilie Chevalier, Associate Professor of Public Law, Limoges University

9h30 Is the Court of Justice of the European Union in a Situation of Abuse of Dominant Position?
François Hervouet, Professor Emeritus in Public Law, Poitiers University

9h45 Discussions

10h15 The Competition between the International Court of Justice and other International Jurisdictions
Guillaume Le Floch, Professor of Public Law, Rennes 1 University

10h30 Pause

10h45 L'avis 2/13 de la Cour de justice et la concurrence des systèmes de garantie des droits fondamentaux dans les ordres juridiques européens

Laurence Potvin Solis, Professeur de droit public, Université de Caen Normandie, Chaire Jean Monnet

11h00 Discussions

12h00 End of Academic Proceedings - Lunch (*for the speakers*)

Friday 27 November
Afternoon

● Round Table ●

(Pause at 15h30)

Dialogue between and with the Judges

Chair

Pascal Jan
Professor of Public Law
IEP Bordeaux

Jean-Philippe Deroisier
Professor of Public Law
Rouen University

Soraya Amrani Mekki
Professor of Private Law, Member of the Superior Magistrature Council (France)
(under reservations)

Nicole Belloubet
Professor of Public Law, Member of the Constitutional Council (France)

Johan Callewaert
Joint Registrar of the Grand Chamber of the European Court of Human Rights, Professor at
Louvain University

Thomas von Danwitz
President of the Fifth Chamber of the Court of Justice of the European Union

Angelika Nußberger
German Judge at the European Court of Human Rights
Vice-President of the Section

Malgorzata Pyziak-Szafnicka
Professor of Private Law, Judge at the Polish Constitutional Court (Poland)

Bernard Stirn
President of the Litigation Section of the Council of State (France)

Augustin Zegrean
Président of the Constitutional Council (Romania)

VOTE OF THANKS – END OF COLLOQUIUM

REGISTRATION

On the web site: <http://juges-en-europe.sciencesconf.org>

Before 24 November 2015

Registration fee: 90 euros – Free for students

INFORMATION

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ACCESS TO THE COLLOQUIUM

"Deux Lions" Site, Tours – Tram Station: «L'Heure Tranquille»

La communauté d'agglomération de Tours

56 avenue Marcel Dassault - 37200 Tours