

SELEC



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Info Day in Germany 08.10.2021 Leipzig



Università
degli Studi
della Campania
Luigi Vanvitelli



Project acronym: SELECT

Title: StrEnghten Lay and honorary judges European CompeTencies

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Description: Document to report workshops' results, organized in order to promote the Manual and the training Guidelines and to carry out a collaborative knowledge exchange among the target group and the stakeholders involved in the project.

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SELECT partnership

Università degli Studi della Campania "Luigi Vanvitelli" – IT



Concilium Schlichtung und Beratung GmbH – AU



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Associazione Nazionale Giudici di Pace – IT



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(Info Day in Germany)

Date – 08/10/2021 Duration 10:15a.m /01:30p.m.	Place: Hotel MICHAELIS GmbH Paul-Gruner-Straße 44 D-41071 LEIPZIG www.michaelis-leipzig.de Alte Essig-Manufactur
Event modality: Live	
Event Type: Info day	
Event target group: Honorary expert judges in commercial matters	
Number of participants: 39	
Participating Partners: 1	Participants:
Bundesverband der Richter in Handelssachen e.V.	See enclosed presence list

AGENDA (Speaker: Mr Rainer Sedelmayer, Project manager SELECT/UEMC)

1. Presentation of the SELECT project abstract
2. Council of the European Union, 6795/21, 08.03.2021
3. History of the expert judges in commercial matters
4. Result of the questionnaire
5. Manual for training
6. Information for the coming trainings
7. Questions & answers

RECAP OF TOPICS DISCUSSED

SELECT speaker faced the following issues:

1) Presentation of the SELECT project abstract:

"The project aims to develop a training course through frontal lessons and e-learning instruments able to provide lay judges involved with didactic and practical tools suitable to support the correct application of the "Charter of Fundamental Rights of the European Union" (so-called Charter of Nice) in the national legal systems. The Charter is relevant in significant areas for the judicial protection of individuals, such as immigration law, family and children law, labour and consumer law, anti-discrimination law and criminal law.

Its application with respect to internal rules, in addition to being required for the fulfilment of the obligations set by EU law, enriches the tools for the protection of individuals, determining, in many cases, greater protection than that provided by the national law.

However, the assessment of the criteria for the application of the Charter is a very complex task for national justice operators, since a constant reference to case-law of the EU Court of Justice and to EU rules is required.

The project, therefore, responds to the need for follow up on a constant updating to which justice professionals are legally subjected."

2) Council of the European Union, 6795/21, 08.03.2021:

"23. The Council calls on Member States to explore further avenues to improve the proficiency of the judiciary and other justice practitioners on the Charter, drawing on dedicated training material, including e-learning tools. The Council suggests that Member States encourage networks of judges, lay and honorary judges and other justice practitioners to put a renewed emphasis on the application of the Charter at national level, namely by cooperating on training and sharing of practices and building on support and tools offered by the Commission, the European Judicial Training Network (hereinafter .EJTN.) and FRA."

3) History of the expert judges in commercial matters,

Dipl.-Ing. Dieter KUNZLER, 08.03.2008, out of www.eujc.eu

"500 Years of European commercial jurisdiction Frankfurt. On 17 March is the 500th anniversary, where the European commercial jurisdiction has been launched. Their inventor, Emperor Maximilian I, stated in his 1508 edict of the constitution of the Nuremberg Bankoamt as the first German commercial court ". that absolutely nobody is more clever to decide the stated disputes of the merchants and the commercial infirmities than the merchants itself...,"

The highly educated as well as pragmatic Habsburgian, who initiated among others the development of a German written language, and who prevailed for his family the legendary recognition that marriage is more helpful for the expansion of the empire than war, established reasoned since that time a successful system of commercial jurisdiction. Even this proceed from the preventability of energy-sapping wars, such as between armies of experts. The emperor had thus based on since long time successful practices of northitalian city-states as a model. Under the influence of the Hanseatic League, and later also of the French law the practice took shape, although in different European countries in varying works.

The honorary expert judges in commercial matters is not like a lay assessor or a juror, but a - as example in Germany by the Ministry of Justice appointed for five years – expert judge, who supports in his professional competence the law studied professional judge. Both interaction enables the respective senates or chambers in commercial matters, as these bodies are called, for tough decisions without excessive costs and expert appeals. By that the widely accepted commercial jurisdiction in all these countries over the centuries have proved. The national associations of expert judges in commercial matters operate internationally in the Union Européenne des Magistrats statuant commerciale en matière (UEMC/EUJC) closely together. The UEMC/EUJC is accredited at the Council of Europe and at the European Commission."

4) Result of the questionnaire

Thanks to the broad and precious audience interested in SELECT project, in just two months SELECT partnership collected 732 questionnaires on training needs filled by lay and honorary judges from Austria, Belgium, France, Germany and Italy . reaching almost 50% more than the fixed target.

Interesting results emerged from the data analysis:

Although 2 out of 3 respondents are aware of applying the EU law during their professional activity (65.9%), almost 1 out of 2 is not (or just in part) aware of applying the EU Charter of Fundamental Rights (44.7%)

More than 1 out of 2 respondents (55.7%) states never to have disapplied national law to apply the Charter.



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More than 1 out of 2 respondents has little or no knowledge about the Charter (51,7%)

and its scope (56.7%).

Almost 2 out of 3 respondents have little or no knowledge about the legal effects of the Charter's provisions (63.6%) and the jurisprudence of the EU Court of Justice based on them (63.9%)."



5) Manual for training

The SELECT consortium, mainly the Vanvitelli University/IT, edited a 200 pages manual which will be the base of the following trainings.

6) Information for the coming trainings

in AUSTRIA (physically, probably hybrid):

-04.-07.11.2021 SELECT training within the 33th European congress of judges in commercial matters in SALZBURG

For other target groups of honorary and lay judges:

in GERMANY (only online):

SELECT Seminar on European fundamental and human rights

-03.11.2021 18:30-21:00

-11.11.2021 18:30-21:00

-20.11.2021 18:30-21:00

-30.11.2021 18:30-21:00

QUESTION & ANSWER

7) Questions & answers

There were several questions concerning the SALZBURG training, including the "up to EUR 200,00 per training unit subsidy within the SELECT project".

