



Joint EJTN-AEAJ Judicial Training on Conflict of Norms in the Application of Fundamental Rights, 15-16 March 2018 – Thessaloniki, Greece

Debate – Friday, 16 March 2018 (11.50 am -12.45 pm)

National Reports by participants

Pre-training questionnaire

Dear Participants,

The above-mentioned Session of the upcoming Training, traditionally, is dedicated to a discussion on the relation between EU-law and fundamental rights granted by national constitutions. The Debate Session should be based on National Reports prepared by the participants of the Training.

In my function as moderator of this Session I was asked to provide the participants with a pre-training questionnaire for the preparation of National Reports.

The topic contains the following questions, which – among others - may be addressed by the participants in the National Reports with references to national legislation and, most importantly, case law of national courts:

1. What is the general relation between EU-law and National Constitutional Law under the legal system of the respective Member State? Does one overrule the other or are they on the same level?
2. In case the National Constitution prevails EU-law, does this apply to all provisions of the National Constitution or only to a limited extend? Is it true also for fundamental rights?
3. What is the national understanding of the principle of precedence of EU-law?
4. How does art. 53 of the Fundamental Rights Charter affect the relation between EU-law, e.g. fundamental rights, and rights under the national constitution? Could you provide, please, the position/particular cases of national courts (*inter alia* Constitutional courts) concerning the relationship between EU-law and national law/Constitution?

As the Session is scheduled for less than one hour, it was agreed that an oral presentation of a National Report will not be given to each participant.

As a moderator, I will present a brief Summary of all National Reports. I will try to indicate the most specific aspects of the legal regulation of each State, including the most relevant case law of national courts, in the Summary. After my presentation, all participants, according to their wish, will be granted an opportunity to add (shortly) some additional information (comments) concerning their States.

Full versions of National Reports can be added to the Training materials.

Dear Participants, please, submit your National Reports to danute.jociene@lrkt.lt at the latest **until 20 February 2018** so that I could have enough time to prepare the Summary.

Thank you very much Mr. Holger Böhmman for formulating the original questions which are used in this Questionnaire.

Kind regards,

Danutė Jočienė
danute.jociene@lrkt.lt