



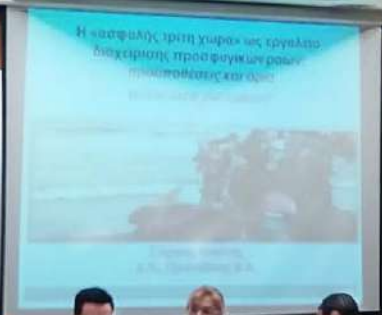
# *in brief*

## *Newsletter*

January - March 2018

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Conference

## Protection of Human Rights Contemporary Issues in the European Area of Justice

On Thursday 15th and Friday 16th of February 2018, a two -days Conference took place in Thessalonik, conversing the protection of fundamental rights in the EU. The Conference was organized within the context of the EU Funded Justice Program 'Training for a European Area of Justice - TrEAJus', assigned to the Centre of International and European Economic Law (CIEEL of Thessaloniki and the Frederick University of Nicosia, Cyprus.

Among the key speakers in the Conference, there were academics, lawyers and practitioners in the field of human rights' protection from Greece, Cyprus and other EU countries.

The conference opened with the addresses of Professor Christina Deliyanni-Dimitrakou, Secretary of CIEEL, and Mr. Efsthathios Koutsouhinas, President of the Bar Association of Thessaloniki.

During the first session, chaired by Associate Professor Dimitrios Skiadas, S. Kofinis, Judge at the Administrative Court of First Instance, M. Mourmouris, Deputy Head of the Regional Office of Asylum of Thessaloniki, and M. Papakonstantis, Special Advisor to the Deputy Minister of the Interior, contemplated on the rights of migrants, refugees and asylum seekers, referring to the concept of 'safe third country', the work and functioning of the Asylum Service and the exclusion of certain individuals from 'international protection'.





Conference

## Protection of Human Rights Contemporary Issues in the European Area of Justice



The topics of the next session, chaired by Professors Lina Papadopoulou, concerned the EU Charter of Fundamental Rights and they were presented by V. Karagounis, lecturer at Frederick University, A. Paschalidis, former Judge of the Supreme Court of Cyprus, and E. Fotiadou, researcher at CIEEL.

In the evening session of the first day, chaired by Professor Ioannis Koukiadis, Professor P. Stagos, Mrs Fabiana Pierini, from the European Commission, and Mr. Regis Brillat, from the Council of Europe, elaborated on all aspects of the European Social Charter.

Professor E. Alexandropoulou-Aigyptiadou chaired the first session of the second day, whereas matters about personal data protection were discussed by Mr. K. Kouroupis, Lecturer at Frederick University, X. Xenis, Judge of Regional Court at Cyprus, and G. Christoforidis, Adjunct Lecturer at Frederick University.

The last session of the conference was chaired by Professor Despina Anagnostopoulou. Mr. S. Stavros from the Council of Europe, Professor K. Tsitselikis and Mrs. A. Giannakoula, Academic Fellow at the Law Scholl of the Aristotle University of Thessaloniki, expressed their views about racism, hate speech and hate crimes in the EU.

All sessions were concluded by interesting debate among the speakers and the participants.





## Conversations Franco-Helléniques European Court of Human Rights: Accomplishments and Challenges



Within the context of the 'Conversations Franco-Helléniques', CIEEL and the French Institute of Thessaloniki co-organized on February 21, 2018 an academic event about the European Court of Human Rights (ECHR) in Strasbourg.

Professor Vassilios Skouris, President of CIEEL and President from 2003 to 2015 of the European Court of Justice in Luxembourg, and Mr. Pierre-Yves Le Borgn, Candidate to the Office of Commissioner for Human Rights at the Council of Europe, former Deputy and former Member of the Parliamentary Assembly of the Council of Europe, elaborated and exchanged opinions on the various challenges that the European Court of Human Rights is facing nowadays. The number of pending individual applications, amongst which there are certain ones that should be promptly heard, is constantly increasing, while there are also some judgements of the Court, principally those regarding social matters, that they are seriously contested by various political groups, in a few cases even by Member States of the Council of Europe. Moreover, the national selection procedure, in which each state party chooses a list of three qualified candidates, as well as the electoral procedure undertaken by the Assembly, in which the Parliamentarians assess the qualifications of the three candidates before coming to vote which one should become judge, are frequently receiving a lot of criticism.



Such issues, as the above analyzed, are rendering essential the introduction of the necessary reforms, in order to strengthen the legitimisation and the effectiveness of the Court.

The event was concluded by a further, interesting discussion between the speakers and the audience with Professor Eugenia Prevedourou, from the Law School of the Aristotle University of Thessaloniki, as moderator.



## Conference

# RENEWABLE ENERGY SOURCES: Contemporary Legal Issues

On Monday, March 12, 2018, a conference took place at the premises of CIEEL on the contemporary legal issues concerning the renewable energy sources, organized with the donation of the Stavros Niarchos Foundation (SNF).

The conference was attended by distinguished academics and representatives from the energy sector. Mr. Vassilios Tsolakidis, bio-architect, engineer and President of the Center for Renewable Sources and Energy Saving (hereto 'CRES'), was the chairman of the conference.

During the first session, Assistant Professor of Law School of the University of Athens, Mrs. Aikaterini Iliadou, presented the basic parameters of the EU's policy targeting to the support of renewable energy sources, which are included in the so-called 'Winter Package', and which shall directly affect all Member States' energy markets and, subsequently the Greek energy market. Following, Mr. Dionysios Papachristou, electrical engineer, Special Scientist and Director of the Press and Public Relations Office of the Regulatory Authority for Energy (RAE), analyzed the regulatory and legislative framework of the permanent competitive tender procedures for renewable energy sources projects.





## Conference

# RENEWABLE ENERGY SOURCES: Contemporary Legal Issues



The second session of the conference highlighted the environmental dimension of renewable energy sources. Professor Konstantinos Gogos, from the Law School of the Aristotle University of Thessaloniki, elaborated on the legal matters relating to the spatial planning of wind farms in Greece. Mrs Christina Chatzikonstantinou, Researcher at CIEEL in the fields of energy and environmental law, discussed the legal aspects of the protection of the forestry environment in Greece in regard to the the construction of renewable energy sources projects.

Both sessions were summoned by interesting questions of the participants and a lively dialogue with the speakers. The conference provided a comprehensive overview of the renewable energy sources regulatory framework, as well as the key legislative and case-law developments at EU and national level. Furthermore, the current situation of the Greek energy market was also highlighted.

The subject of the conference was of interdisciplinary interest and, thus, it has been attended by lawyers, academics, judges, members of public administration and many businessmen from the energy sector, as well.

The records will be published shortly





## Conference

# TELEVISION LICENSING Contemporary Legal Issues

On Tuesday, March 27, 2018, CIEEL successfully organized, with the donation of Stavros Niarchos Foundation, a conference entitled "Television Licensing - Contemporary Legal Issues". The conference, which was held at "Dimitrios Evrygenis" Auditorium and chaired by Mr. Athanasios Koutromanos, President of the National Council for Radio and Television (hereto 'NCRTV') and former President of the Greek Supreme Court (Areios Pagos) opened with the address of Professor Vassilios Skouris, President of CIEEL.

Professor Dimitra Papadopoulou-Klamari, from the Civil Law Department of the Athens National and Kapodistrian University Law School, presented particular pertinent examples, in order to discuss extensively the responsibilities of NCRTV, which are not exhausted within the content of broadcast programs, but evidently extend to the operation of the broadcasting stations, their licensing, the approval of transmitting messages with social content, as well as to various other issues.

Mrs Tonia Pediaditaki, Legal Advisor to the Ministry of Digital Policy, analyzed thoroughly the issue of radio spectrum, referring to the principle of subsidiarity in the light of the 'Single Digital Market', and to the EU's policy on radio spectrum, laying out a series of relevant legislative measures and proposals by the European Commission. She underlined that radio spectrum is a valuable, but limited natural resource, stressing out the challenge of making use of it in the most effective way.

Associate Professor Panagiotis Mantzoufas, from the Law School of the Aristotle University of Thessaloniki, focused on the constitutional foundations of pluralism and on 'the 'public good' of television frequencies, which should be both taken into account in the allocation procedure of broadcasting licenses. He elaborated on the constitutionally guaranteed





## Conference

# TELEVISION LICENSING

## Contemporary Legal Issues



rights of freedom of expression, information and freedom of economic activity, pointing out that any attempt towards the monopolization of media, whereas there is no sufficient justification, denounces pluralism. Therefore, in order to meet public interest objectives, the selection of licensed providers should be based on qualitative criteria, relevant to broadcasting activity and not to be limited within the criterion of the broadcasting stations' economic viability.

Professor Giorgos Gerapetritis, from the Law School of the Athens National and Kapodistrian University, approached the issue of TV licensing in the light of fundamental liberties. Underlining member states' wide discretion in matters pertaining to the licensing process, he identified the elements which could serve as the legitimate basis for subjecting the licensing procedure to EU law. Such elements may be the transfrontier interest, as well as, the application of the general principles of EU law on the broadcasting market.

Mrs Afroditi Dimopoulou, Researcher at CIEEL in the field of human rights with the donation of Stavros Niarchos Foundation, examined the approach of the European Court of Human Rights in Strasbourg regarding issues of broadcasting licenses. She referred to the principles that the Court has established through its case law and analyzed the regulatory framework governing the freedom of expression and, in particular, the structure of Article 10 of the European Convention of Human Rights, emphasizing the importance of its interpretation in the formulation of national legislation.

The conference was concluded with a stimulating debate, followed by a vivid discussion and interesting interventions by the participants.

The records will be shortly published.







# Brexit

## Brexit: New Draft Withdrawal Agreement

On March 20, 2018, Brexit negotiators reached a political deal on the terms of a Brexit transition period in a new draft Withdrawal Agreement that will ease business fears over a post-Brexit cliff edge. In particular, the EU's proposals for full implementation of European legislation by the UK, without involvement in the decision-making process (i.e. without representatives in the European institutions), were accepted, but it was noted that the transition period will expire on 31.12.2020. EU citizens, arriving in Britain after Brexit but till the end of the transition period on December 31, 2020, will be automatically entitled to residency rights, including those for future spouses and children.

Regarding the issue of Northern Ireland, the two sides reaffirmed the joint report presented in December, in which they commit themselves to avoid "harsh borders" and secure the Good Friday Agreement, the common travel space and cooperation between North and South on the Island of Ireland. M. Barnier noted that the legal text of the Withdrawal Agreement would have the "back-up" option of some sort of border between the British Isle and the Irish island, "until another solution is found", stating, however, that the EU is ready to consider the other options. At the same time, he reminded that the transition period depends on the achievement of the whole withdrawal agreement, specifying that "nothing has been agreed until everything is agreed".

The Council, meeting in an EU27 format, was briefed by the Commission's chief negotiator, Michel Barnier, on the latest developments in the Brexit negotiations. The chief negotiator presented to the ministers an agreement reached by negotiators on parts of the legal text of the Withdrawal Agreement covering citizens' rights, the financial settlement, a number of other withdrawal issues and transition. On March 23 2018, the European Council adopted guidelines on the framework for post-Brexit relations with the UK. These guidelines are to serve as a mandate for the EU negotiator to start discussing the framework for the future relationship, with the aim of reaching an overall understanding. That understanding will be reflected in a political declaration accompanying the Withdrawal Agreement and will be referred to in it.

