



University
of Ferrara

Department
of Law

Roundtable on EU agencies' Boards of Appeal

University of Ferrara

June 17th 2022

Aims of the initiative

The Roundtable aims at discussing the current and future challenges of EU agencies' Boards of Appeal, going beyond the differences and similarities as to their composition, powers, etc. and focusing on their common features and perspectives.

The Roundtable will gather distinguished members of the Boards of Appeal, of the EU General Court and of the Academia. The initiative has purely scientific and academic purposes. Opinions will be presented by speakers in their personal capacity and do not bind the institution to which they belong.

The event will take place only in person and, due to sanitary restrictions, it will be open to a selected audience. Academics and practitioners interested in following the debates are kindly requested to send their request before June 6th 2022 to riccardo.torresan@unife.it, together with a brief CV.

*Organised by the Jean Monnet Module on EU Specialized Judicial Protection
coordinated by Prof. Jacopo Alberti*



Speakers

- Jacopo ALBERTI *Associate Professor of EU Law at the University of Ferrara and Coordinator of the Jean Monnet Module on EU Specialized Judicial Protection*
- Antoine BUCHET *President of the Board of Appeal of ECHA and Chairman of the Inter Agency Appeal Panel Network*
- Massimo CONDINANZI *Full Professor of EU Law at the University of Milan and Coordinator of the Task Force for the EU infringement procedures at the Presidency of the Council of Ministers*
- Marc JAEGER *Judge at the General Court of the EU and former President thereof*
- Alexandra KUSTUROVIC *Head of Cabinet of the Boards of Appeal of EUIPO*
- Marco LAMANDINI *Full Professor of Commercial Law at the University of Bologna, Member of the Appeal Panel of SRB and former President of the ESAs Joint Board of Appeal*
- Marcus NAVIN-JONES *Vice-President of the Board of Appeal of CPVO and Alternate Member of the Board of Appeal of ECHA*
- Massimo ORZAN *Réferendaire at the General Court of the EU*
- Miro PREK *President of the Board of Appeal of ACER and former Judge at the General Court of the EU*
- Michael SANCHEZ RYDELSKY *President of the Board of Appeal of EASA*
- Michele SIRI *Full Professor of Commercial Law at the University of Genoa and President of the Joint Board of Appeal of the ESAs*
- Marcel VERSLYPE *Chair of the Board of Appeal of ERA*



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Programme

9:30

Introductory remarks

Marc JAEGER, *Judge at the General Court of the European Union and former President thereof*

Antoine BUCHET, *President of ECHA Board of Appeal and Chairman of the Inter Agency Appeal Panel Network*

Massimo CONDINANZI, Marco LAMANDINI and Jacopo ALBERTI, *Roundtable's organising committee*

9:50

Roundtable discussion

on institutional and procedural matters

(approx. 15 minutes per BoA member for discussing the items below.

Debates will be paused around 11:00 for a coffee break)

Members' status

Which is the status of your BoA's members? Do they fall within the scope of application of Protocol n. 7 on Privileges and Immunities and/or the EU Staff Regulation?

Secretarial support and training

Does your BoA have a permanent and *ad hoc* Registry? If not, do you think that one is needed? Do you consider that your agency provides you the necessary means to satisfy your training needs?

BoA's budget

How and by whom is defined the budget of your BoA? Has this issue ever raised any particular concern within your agency or between your agency and the Commission?

Relationship between the BoA and the agency

When your agency's establishing regulation or other fundamental acts in your policy fields are under negotiations, is your BoA involved in the debates? Who is responsible to prepare the defence before the EU Courts where a decision of your BoA is challenged?

Open floor: is there any other institutional or procedural issue currently debated within your BoA / agency that could be of common interest? Does the General Court see any other issue which deserves to be discussed?

13:15

Lunch



14:30

Roundtable discussion

on the possible evolutions of the Boards of Appeal

(approx. 15 minutes per BoA member for discussing the items below)

Extending BoAs' powers

Would it make sense in your view to expand the acts that could be reviewed by your BoA and/or to grant to your BoA other powers than the bare review of the legitimacy of the act? (e.g. action for damages; action for failure to act; arbitration between Member States, if your BoA does not already exercises *de iure* or *de facto* similar powers)

Appointment and removal

Are the rules on the appointment and removal of the members of your BoA currently discussed? Would it make sense in your view to amend them, and how?

Fair trial

According to the settled CJEU case-law, EUIPO's Boards are *not* bound by the principle of fair trial. This approach has been endorsed also with regard to other BoAs, albeit sometimes only implicitly. Does your BoA respect this principle, despite the lack of a clear legal obligation to do so? Conversely, would your BoA's functions be undermined if bounded by this principle? If your BoA falls within the scope of Art. 58a of CJEU Statute (EUIPO, CPVO, ECHA, EASA), has the entry into force of this provision brought to any amendment in this regard?

Open floor: is there any other possible evolution that your BoA might or should face in the next future? Does the General Court see any other issue which deserves to be discussed?

17:30

End of the Roundtable



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