

## The interplay between return proceedings, the CEAS and fundamental rights

### WHAT ARE THE EUAA EXPERT PANELS?



The EUAA Expert Panels are aimed at members of courts and tribunals who wish to deepen their expert knowledge in specific areas of the CEAS covered by the [EUAA judicial publications](#). The panels facilitate the exchange of views, interpretations, best practices on challenging topics and recent developments in the case law of the CJEU and ECtHR or recent national case law.

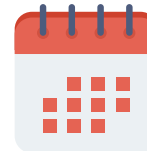
### WHAT IS THE FORMAT?



- Webinar lasting 2 hours.
- Participants ask their questions to the panel beforehand, upon registration.
- Background note with applicable legal framework and *indicative* list of relevant case law available upon registration.

### WHO CAN JOIN?

Members of courts and tribunals from EU Member States and Associated Countries



### WHEN?

**30 November 2023**  
**(15:00 – 17:00 CET)**

### WHAT IS THIS SESSION ABOUT?

- The application and disapplication of the Returns Directive in 'border cases'.
- The Returns Directive and the adequate implementation of the principle of *non-refoulement*.
- The procedural guarantees under the Returns Directive from the perspective of fundamental rights.
- Recourse to detention – valid grounds and conditions to comply with.
- Review of most relevant and recent case law of the Luxembourg and Strasbourg Courts.

### RELEVANT MATERIAL

- EUAA (2016), [Judicial analysis on Introduction to the Common European Asylum System](#)
- EUAA (2018), [Judicial analysis on Asylum procedures and the principle of non-refoulement](#)
- EUAA (2020), [Judicial Analysis - Detention of applicants for international protection in the context of the CEAS](#)
- Madalina Moraru, [Chapter 20: EU Return Directive: a cause for shame or an unexpectedly protective framework?](#) in Research Handbook on EU Migration and Asylum Law, Edited by Evangelia Tsourdi and Philippe De Bruycker, 13.12.2022, Elgar
- European Parliament's Directorate-General for Parliamentary Research Services (EPRS 2020), [The Return Directive 2008/115/EC, European Implementation Assessment](#)
- Moraru, M; Cornelisse, G; De Bruycker, P, [Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union](#), Modern Studies in European Law, 24 February 2022, Bloomsbury Publishing

## THE PANEL EXPERTS



### **Lars Bay Larsen - Vice-President of the CJEU**

Mr Lars Bay Larsen studied at the Københavns Universitet (University of Copenhagen, Denmark). He graduated in political science in 1976 and he obtained his law degree from the same university in 1983. He was then appointed as an official at the Danish Ministry of Justice. From 1985 to 1986, he was Head of Section at the Advokatsamfund (Danish Bar Association). After returning to the Danish Ministry of Justice, he served successively as Head of Section, Head of Division, Head of the Police Department and Head of the Law Department from. He was called to the Bar in Denmark in 1991 and, in 2003, his career turned to the judiciary. At that time, he joined the Højesteret (Supreme Court, Denmark) where he served as a judge until 2006.

Mr Bay Larsen's was a lecturer from 1984 to 1991 and then, from 1991 to 1996, an associate professor in Family Law at the Københavns Universitet. Since 2008, he has been a lecturer in European Criminal Law at the Université du Luxembourg.

Mr Bay Larsen has been a Judge at the Court of Justice since 11 January 2006. Having been elected by his peers to the position of President of the Chamber, he performed that function for two successive terms, from 2012 to 2018. Since 8 October 2021, Mr Bay Larsen is Vice-President of the institution.

### **Barbara Simma**

#### **Judge, Austrian Federal Administrative Court**

Barbara Simma was an Assistant Lawyer at the Registry of the European Court of Human Rights in Strasbourg from 2009 – 2013. In 2014 she was appointed an administrative judge at a first instance tribunal in Austria. In that role she adjudicated, among other legal subject matters, complaints against decisions of the Austrian Asylum Authority in proceedings concerning international protection. In 2022, she was seconded to the Ministry of Justice to work in the Directorate for European and International Affairs. In 2023 she returned to the Federal Administrative Court. Barbara Simma further acts regularly as a lecturer and a contributor to relevant legal publications.



### **Madalina Moraru - Associate Professor of EU Law at the University of Bologna, and the Centre for Judicial Cooperation of the European University Institute**



Madalina Moraru is Associate Professor of EU Law at the University of Bologna, and the Centre for Judicial Cooperation of the European University Institute and ERC StG holder ([ACCESS project](#)). She obtained her PhD from the EUI in 2015 in International, European and Comparative Law. She has a *magna cum laude* LLM in European Law from Durham University (2008), as well as from the EUI (2010), and a law degree from the Faculty of Law, Bucharest (2007). She has been a EU citizenship expert for the European Commission and a Visiting Fellow at the Court of Justice of the European Union. Since 2011, she has organized numerous transnational trainings for legal practitioners across the EU, focusing on EU fundamental rights, asylum and immigration, and rule of law standards.

## CLICK HERE TO REGISTER YOUR INTEREST

In order to apply, interested candidates should demonstrate that they are a **serving member of a court or tribunal and/or a current judicial trainer**, working in the field of international protection. Candidates are required to **register** by **20 November 2023** and **submit their question(s)** to the panel of experts upon registration.