

Ata n.º 10/2020

do

Conselho Científico da Faculdade de Direito da Universidade de Lisboa

No dia 16 de dezembro de 2020, com início pelas 15:05, teve lugar reunião plenária do Conselho Científico da Faculdade de Direito da Universidade de Lisboa, presidida pelo Professor Dário Moura Vicente e secretariada pelo Professor Nuno Andrade Pissarra, com a seguinte Ordem de Trabalhos:

1. Aprovação da ata da reunião plenária anterior;
2. Avaliações do I semestre e regime de lecionação de aulas;
3. Internacionalização da produção científica;
4. Centro de Arbitragem;
5. Ensino pós-graduado à distância;
6. Revisão da oferta letiva pós-graduada; criação de um LLM;
7. Grupos Científicos;
8. Pós-doutoramentos;
9. Doutoramentos;
10. Mestrados;
11. Pessoal docente;
12. Cooperação;
13. Erasmus e Relações Internacionais;
14. Marcação de reuniões para o período de janeiro a julho de 2021;
15. Outros assuntos.

Participaram na reunião os Professores António Menezes Cordeiro, Miguel Teixeira de Sousa, Maria Fernanda Palma, Maria do Rosário Palma Ramalho, Vasco Pereira da Silva, Maria João Estorninho, Carlos Blanco de Moraes, Ana Paula Dourado, Jorge Duarte Pinheiro, Margarida Salema, David Duarte, Fernando Loureiro Bastos, Pedro Caridade de Freitas, Elsa Dias Oliveira, Míriam Afonso Brigas, Helena Morão, Inês Ferreira Leite e Vitalino Canas. O Professor Luís de Menezes Leitão foi substituído pela Professora Adelaide Menezes Leitão, o Professor José Duarte Nogueira pela Professora Sílvia Alves, o Professor Fernando Araújo pelo Professor Pedro Romano Martinez, o Professor Januário da Costa Gomes pelo Professor Paulo de Sousa Mendes e o Professor Miguel Nogueira de Brito pelo Professor José Melo Alexandrino. O Professor Fernando Loureiro Bastos foi substituído pela Professora Catarina Salgado durante uma parte da sessão.

Participou igualmente na reunião a Diretora da Faculdade, Professora Paula Vaz Freire.

Ao abrigo do art. 33.º do Regimento do Conselho Científico, compareceram os seguintes Professores: Pedro Barbas Homem, Isabel Alexandre, Jaime Valle, Paulo Alves Pardal, Guilherme de Oliveira Martins, Margarida Seixas, Luís Gonçalves da Silva, João Gomes de Almeida, Pedro Sánchez, Teresa Quintela Brito, João Pedro Charters Marchante, Sandra Lopes Luís e Ana Rita Gil.

A reunião foi realizada através da plataforma Zoom.

O Presidente do Conselho Científico deu nota de ter falecido recentemente o pai do Professor Diogo Costa Gonçalves. Foi aprovado, por unanimidade, voto de pesar.

1. Ponto 1 da Ordem de Trabalhos (ata da reunião anterior)

O Presidente do Conselho Científico deu integral conhecimento das alterações ao projeto da ata da reunião do Conselho Científico de 18 de novembro de 2020 (Ata n.º 9/2020) solicitadas pela Diretora, pela Professora Maria do Rosário Palma Ramalho e pelo Professor Jorge Duarte Pinheiro. A respeito destes pedidos, o Professor Pedro Caridade de Freitas manifestou-se contra a inserção, no n.º 2 da ata, de referências à existência de denegação de justiça.

Colocada à votação, a Ata n.º 9/2020 foi aprovada por unanimidade, com ajustamentos ao respetivo n.º 2 em razão das alterações pedidas.

2. Ponto 2 da Ordem de Trabalhos (avaliações do I semestre e regime de lecionação de aulas)

2.1. A Diretora deu conhecimento do seguinte:

- a) até à data, foram realizadas mais de 40 frequências presenciais, o que foi possível devido ao empenho do grupo de trabalho presidido pela Professora Susana Videira, da Dra. Cândida Machado, do Dr. Bertolino Campaniço e dos funcionários da Divisão Académica e do Secretariado, bem como do pessoal de apoio às aulas — todos merecedores do reconhecimento da Direção;
- b) na semana passada, registaram-se 3 casos de alunos confirmados com COVID-19 e 11 isolamentos; nesta semana, surgiram 1 caso positivo e 5 isolamentos;
- c) até 7 de fevereiro, as aulas de Mestrado em Direito e Ciência Jurídica e doutoramento serão à distância;
- d) em princípio, as provas orais relativas ao primeiro semestre serão presenciais, mas hão de ser emitidas recomendações a esse respeito.

2.2. A Professora Sílvia Alves informou que o Conselho Pedagógico se deverá pronunciar sobre a realização de provas orais por júris singulares na próxima sexta-feira.

2.3. Na qualidade de Presidente da Comissão de Júris de Exames e Assuntos Académicos, a Professora Inês Ferreira Leite alertou para a necessidade de garantir a realização dos exames do Mestrado em Direito e Prática Jurídica em salas capazes de

acomodar, com segurança, todos os alunos de cada turma, de molde a que o respetivo docente possa assegurar a respetiva vigilância.

2.4. A Professora Helena Morão pediu esclarecimentos sobre o “Estudo da infeção por SARS-CoV-2 na Universidade de Lisboa” levado a cabo pelo Centro Médico da Universidade de Lisboa, do qual foi dado conhecimento aos docentes por e-mail expedido pela Diretora Executiva em 18 de novembro de 2020; e referiu que, pese embora tenha solicitado, por correio eletrónico, informações sobre esse estudo, não logrou obtê-las até à data.

2.5. A Diretora afirmou que terá em conta a sugestão da Professora Inês Ferreira Leite e providenciará pelo esclarecimento da Professora Helena Morão, sem embargo de o Estudo em causa constituir iniciativa da Universidade de Lisboa e não da Faculdade.

3. Ponto 3 da Ordem de Trabalhos (internacionalização da produção científica)

3.1. A Professora Maria do Rosário Palma Ramalho fez breve apresentação da Comissão para a Internacionalização da Produção Científica, a que preside, e das suas incumbências, frisando a extrema relevância da internacionalização da produção científica para a Faculdade. Lembrou, de seguida, que, em cumprimento do art. 12.º do respetivo Regulamento, a Comissão disponibilizara online um formulário destinado à recolha de dados sobre a internacionalização da produção científica relativos ao ano civil de 2019, dados esses que, depois de tratados e sistematizados, foram vertidos para o Relatório junto à presente ata como Anexo 1. Foi salientado que este Relatório, sendo o primeiro feito na Faculdade sobre o tema, permite ter, pela primeira vez, um diagnóstico sistematizado e tão fidedigno quanto possível — apenas 37,5% dos Professores submeteram o formulário — sobre o estado da internacionalização da produção científica, constituindo, por conseguinte, um importante documento de trabalho a partir do qual devem ser desenvolvidas políticas de internacionalização mais eficazes e ambiciosas.

Depois de agradecer o empenho e a dedicação de todos os membros da Comissão, bem como do Dr. Diogo Cipriano, a Professora Maria do Rosário Palma Ramalho informou o Conselho Científico sobre a metodologia utilizada na recolha dos dados, a amostra sobre que incidiu e os resultados concretamente obtidos, tudo conforme consta do Anexo 1.

A Professora Maria do Rosário Palma Ramalho enunciou as seguintes conclusões principais: o grau de internacionalização de produção científica é, quanto a todas as categorias de professores, relativamente modesto; a internacionalização liga-se sobretudo ao Brasil e a Espanha; o Relatório ora apresentado deve ser encarado como ponto de partida e não como ponto de chegada; será lançado novo formulário para recolha de dados relativos ao ano de 2020; é indispensável muito maior investimento financeiro na internacionalização.

3.2. Seguiram-se intervenções dos Professores Miguel Teixeira de Sousa, Maria Fernanda Palma, Carlos Blanco de Moraes, António Menezes Cordeiro e do Presidente do Conselho Científico.

3.3. O Conselho Científico agradeceu o trabalho desenvolvido pela Comissão para a Internacionalização da Produção Científica e aprovou um voto no sentido de que de que a Faculdade reforce os meios financeiros ao seu dispor.

4. Ponto 4 da Ordem de Trabalhos (Centro de Arbitragem)

4.1. A Presidente do Centro de Arbitragem e de Resolução de Litígios (CARL), Professora Elsa Dias Oliveira, apresentou o respetivo projeto de Regulamento e prestou as seguintes informações:

- a) a elaboração do projeto contou com a participação do Professor João Gomes de Almeida, vice-presidente do CARL;
- b) o Regulamento ora proposto visa definir as atribuições do CARL na sua vertente de centro de arbitragem e mediação e na sua vertente científica;
- c) na vertente científica, o CARL constitui-se como unidade da Faculdade visando incentivar o estudo dos meios de resolução extrajudicial de litígios e estabelecer relações com entidades análogas; neste particular, estão, por exemplo, em avançada fase de negociação protocolos de cooperação com o Centro de Arbitragem Comercial da Câmara de Comércio e Indústria Portuguesa e com o Centro de Arbitragem de Conflitos de Consumo de Lisboa;
- d) encontram-se em preparação um novo Regulamento de Arbitragem e um Regulamento de Mediação;
- e) de acordo com o Regulamento ora proposto, será feita lista de árbitros e mediadores com Professores da Faculdade que pretendam integrá-la, assim se facultando às partes de futuros litígios a respetiva escolha ou ao CARL a sua nomeação;
- f) será feita lista de secretários de tribunais arbitrais com Assistentes da Faculdade que a pretendam integrar, de modo a permitir a sua escolha pelas partes em futuras arbitragens ou a sua designação pelo CARL.

4.2. Ocorreu debate em que intervieram os Professores Carlos Blanco de Moraes, Jorge Duarte Pinheiro, António Menezes Cordeiro, Miguel Teixeira de Sousa, Inês Ferreira Leite, David Duarte e Maria Fernanda Palma.

Foram versados os seguintes temas (indicados pela ordem em que foram introduzidos no debate):

- a) seguro de responsabilidade civil dos árbitros;

- b) contratação de funcionários pelo CARL;
- c) remuneração da Faculdade e dos árbitros;
- d) número de arbitragens realizadas nas instalações do CARL desde que o Centro foi autorizado a funcionar e condições em que foram realizadas;
- e) dificuldades inerentes à implantação do CARL como centro de arbitragem de referência;
- f) necessidade de instalação de gabinetes de tradução e de infraestruturas informáticas compatíveis com as exigências das arbitragens contemporâneas;
- g) composição da lista de árbitros e critérios que devem presidir à sua seleção;
- h) importância do CARL para o desenvolvimento da mediação penal;
- i) divulgação do CARL;
- j) cedência das instalações do CARL.

4.3. O Presidente do Conselho Científico fez notar que o projeto de Regulamento se caracteriza pela flexibilidade que outorga ao Centro, possibilitando que funcione com diferentes valências, ofereça múltiplos serviços e se adapte a solicitações futuras e aos recursos humanos e financeiros ao seu dispor.

4.4. A Professora Elsa Dias Oliveira esclareceu o seguinte:

- a) de harmonia com o art. 6.º, n.º 1, do projeto de Regulamento, a lista de árbitros será composta por todos os Professores Doutores da Faculdade que declarem, junto do Presidente do CARL, querer integrá-la;
- b) neste momento, o CARL não dispõe de secretariado administrativo, estando, todavia, prevista a afetação pela Direção da Faculdade de um funcionário em tempo parcial;
- c) as questões relativas ao seguro, ao sistema informático e ao secretariado serão tratadas quando o CARL tiver condições acolher arbitragens institucionalizadas;
- d) a remuneração dos árbitros nas arbitragens ad hoc em que não intervenham os serviços do CARL será suportada pelas partes;
- e) em 2020, as instalações do CARL foram facultadas para arbitragens em dois dias do mês de setembro.

4.5. Colocado à votação o projeto de Regulamento do Centro de Arbitragem e Resolução de Litígios da Faculdade de Direito da Universidade de Lisboa, foi o mesmo aprovado. Os Professores Carlos Blanco de Moraes e Margarida Salema abstiveram-se.

5. Ponto 5 da Ordem de Trabalhos (ensino pós-graduado à distância)

5.1. O Presidente do Conselho Científico recordou que o Regulamento do Mestrado e do Doutoramento aprovado na última reunião plenária prevê, no art. 13.º, n.º

5, a possibilidade de ministrar cursos pós-graduados exclusivamente à distância nos termos de um Regulamento de Ensino e Avaliação à Distância que compete ao Conselho Científico adotar; lembrou, por outro lado, que a lei impõe a acreditação dos cursos realizados predominantemente à distância e disciplina de forma muito precisa o seu funcionamento.

Neste contexto, o Presidente do Conselho Científico propôs que a Comissão Científica dos Estudos Pós-Graduados fosse mandatada para elaborar o projeto de Regulamento de Ensino e Avaliação à Distância e para preparar a acreditação de cursos pós-graduados ministrados à distância.

5.2. O Professor Paulo de Sousa Mendes deu nota da disponibilidade da Comissão Científica dos Estudos Pós-Graduados para tratar da acreditação, sugerindo, para o efeito, o seguinte procedimento: na reunião plenária de 20 de janeiro de 2021, dar-se-á conhecimento ao Conselho Científico de um estudo preliminar sobre o assunto; na reunião de 24 de fevereiro, será apresentado o projeto de Regulamento de Ensino e Avaliação à Distância; na reunião de 24 de março, será apreciada e posta a votação a versão final do mesmo.

5.3. Iniciado o debate sobre a matéria, nele intervieram os Professores Carlos Blanco de Moraes, Miguel Teixeira de Sousa, António Menezes Cordeiro, Inês Ferreira Leite e Maria Fernanda Palma, bem como a Diretora.

Foram discutidas as seguintes questões:

- a) pertinência ou necessidade do ensino pós-graduado à distância fora de um ambiente de exceção;
- b) âmbito de aplicação do ensino pós-graduado à distância;
- c) carácter imperativo ou facultativo do ensino pós-graduado à distância;
- d) necessidade de garantir e facilitar o acesso à biblioteca à distância.

5.4. O Professor Paulo de Sousa Mendes esclareceu que o âmbito de aplicação e os termos concretos em que será ministrado o ensino pós-graduado à distância não se encontram definidos e carecem de estudo e reflexão, cujas conclusões preliminares serão divulgadas na próxima reunião plenária, sem embargo de serem bem-vindos todos os contributos que os Professores e os órgãos da Faculdade queiram oferecer.

5.5. Por deliberação consensual, o Conselho Científico conferiu mandato à Comissão Científica dos Estudos Pós-Graduados para realizar estudo preliminar sobre a ministração de cursos pós-graduados exclusivamente à distância, estudo esse que será dado a conhecer na próxima reunião plenária, e, bem assim, para apresentar, na reunião de 24 de fevereiro, o projeto de Regulamento de Ensino e Avaliação à Distância.

6. Ponto 6 da Ordem de Trabalhos (revisão da oferta letiva pós-graduada; criação de um LLM)

6.1. O Presidente do Conselho Científico salientou que, nos últimos anos, se tem assistido à migração de licenciados da Faculdade para cursos pós-graduados de outras Faculdades de Direito, sendo que uma das causas para isso reside na circunstância de a Faculdade não dispor de um LLM, razão pela qual considerou oportuno o Conselho Científico ponderar a criação de um curso com essa natureza.

6.2. O Presidente da Comissão Científica dos Estudos Pós-Graduados fez breve exposição focada nos seguintes pontos:

- a) através da criação dos LLM, a Faculdade pode atrair para os cursos pós-graduados, não só os seus licenciados, como também os de outras universidades nacionais ou estrangeiras;
- b) os LLM conferem um título pós-graduado em Direito, costumam implicar a frequência, em tempo integral, de um programa de estudos anual e oferecem uma formação muito técnica e especializada;
- c) os titulares de LLM podem ser muito valorizados no mercado de trabalho jurídico, sendo mais facilmente recrutados por entidades públicas e privadas que atuem num plano internacional;
- d) de modo a atrair alunos estrangeiros, seria importante que os LLM fossem lecionados inteiramente em língua inglesa, à semelhança do que acontece frequentemente em países como a Alemanha (e.g., LMU, Humboldt, Frankfurt a.M., Göttingen, Hannover ou Hamburg), a Itália (e.g., Milano, Bologna, Bocconi ou Fiesole-EUI) e os Países Baixos (e.g., Haia, Maastricht ou Utrecht);
- e) embora os requisitos para completar os LLM variem de universidade para universidade, não é invulgar oferecer-se a possibilidade de acesso a uma fase de elaboração de uma dissertação;
- f) na Faculdade, isso poderia traduzir-se na possibilidade de inscrição na 2.^a fase do Mestrado em Direito e Ciência Jurídica, caso em que a formação completa conferiria o grau de Mestre, mas semelhante possibilidade obriga a acreditação junto da A3ES;
- g) os LLM distinguir-se-iam do curso de especialização do Mestrado em Direito e Ciência Jurídica pelo que respeita, designadamente, ao seguinte: número limitado de LLM (2, por exemplo); número limitado de alunos (v.g., 20 para cada LLM); formação especializada e intensiva, com elevada carga horária semanal de aulas (30 horas); concentração da leção em módulos com a duração de uma semana por unidade curricular (30 horas de aula, 10 horas de tutoria e 6 créditos ECTS) e avaliação integrada nos períodos correspondentes a cada módulo;
- h) o corpo docente seria composto por Professores da Faculdade e de universidades nacionais e estrangeiras, assim como por especialistas não doutorados com reconhecida experiência profissional, de preferência escolhidos de entre os Alumni da Faculdade;

- i) como forma de incentivar a procura por parte de licenciados com elevada preparação, podem ser concedidas bolsas de estudo aos melhores candidatos de cada LLM;
- j) os LLM teriam de ser divulgados internacionalmente;
- k) podem ser celebrados protocolos com universidades estrangeiras permitindo a frequência, por parte dos alunos, de um semestre adicional facultativo no estrangeiro;
- l) a criação dos LLM passará por um período de recolha de sugestões junto dos Professores, órgãos de gestão e serviços da Faculdade, assim como dos representantes dos estudantes (e.g., AAFDL).

6.3. Seguiu-se troca de impressões sobre o assunto, em que participaram os Professores Maria do Rosário Palma Ramalho, Vasco Pereira da Silva, Pedro Romano Martinez, Maria Fernanda Palma, Carlos Blanco de Moraes e Maria João Estorninho.

Discutiu-se o seguinte:

- a) a articulação entre o LLM e os cursos de mestrado e as pós-graduações já oferecidos pela Faculdade;
- b) em particular, a conjugação do LLM com a desejável modernização dos mestrados (especialmente do Mestrado em Direito e Prática Jurídica) e as pós-graduações existentes, bem como a promoção do mestrado ELPIS;
- c) a atribuição de um grau académico pelo LLM;
- d) a importância do LLM para a imagem e afirmação supranacional da Faculdade;
- e) a necessidade de envolver os grupos científicos e os centros de investigação da Faculdade na criação e ministração dos LLM.

6.4. O Professor Paulo de Sousa Mendes asseverou que a Comissão Científica dos Estudos Pós-Graduados irá refletir sobre todas as questões suscitadas e convidou os membros do Conselho a apresentarem por escrito os seus contributos.

6.5. Pelo Presidente do Conselho Científico foi dito que o tema será retomado em futuras reuniões, para que seja objeto da reflexão que demanda e sejam ponderados os contributos dos membros do Conselho Científico, dos grupos científicos e dos centros de investigação.

6.6. O Professor Jorge Duarte Pinheiro teve de abandonar a reunião no termo da discussão do presente ponto da Ordem de Trabalhos.

7. Ponto 7 da Ordem de Trabalhos (Grupos Científicos)

Sob proposta do Professor David Duarte, o tratamento deste assunto foi adiado por deliberação unânime.

8. Ponto 8 da Ordem de Trabalhos (pós-doutoramentos)

A Professora Maria João Estorninho deu conhecimento do seguinte:

- a) forem entregues 4 trabalhos recentemente, estando a decorrer o processo de constituição dos júris que se encarregarão das provas correspondentes;
- b) as provas relativas aos júris constituídos neste ano já foram realizadas, exceto num caso;
- c) aguardam realização algumas provas correspondentes a júris constituídos em 2019;
- d) há novos pedidos de admissão, que estão a ser aperfeiçoados;
- e) é importante que os Professores e os centros de investigação da Faculdade divulguem os pós-doutoramentos junto dos seus ex-orientandos ou alunos.

9. Ponto 9 da Ordem de Trabalhos (doutoramentos)

O Presidente do Conselho Científico prestou as seguintes informações relativas ao ano de 2020: concluíram o doutoramento treze candidatos; estão marcadas nove provas; duas teses foram reprovadas, cinco retiradas pelos candidatos e duas rejeitadas pelos júris; foram mandadas reformular trinta e uma teses.

10. Ponto 10 da Ordem de Trabalhos (mestrados)

10.1. O Presidente da Comissão Científica dos Estudos Pós-Graduados comunicou o seguinte: entre 1 de janeiro e 14 de dezembro de 2020, foram realizadas 181 provas de mestrado (ao passo que no mesmo período de 2019 foram feitas 199); em dezembro realizaram-se 6 provas e encontram-se 8 agendadas até ao fim do mês; há 248 provas por agendar já com júris constituídos.

O Professor Paulo de Sousa Mendes fez lembrar que, a partir de 2 de janeiro de 2021, as teses de mestrado começarão a ser entregues em grande número, visto terminarem as prorrogações e suspensões, e propôs que todas as provas cujo júri se encontra constituído fossem agendadas até 15 de janeiro e realizadas até 30 de março.

10.2. No seguimento de sugestão da Professora Elsa Dias Oliveira, o Presidente do Conselho Científico solicitou que um funcionário da Divisão Académica remetesse recordatória a todos os Professores que são presidentes de júris informando-os das provas de mestrado cujo agendamento é necessário.

10.3. Foi deliberado, por unanimidade, que as provas de mestrado cujos júris já se encontram constituídos devem ser agendadas até ao dia 31 de janeiro e realizadas até ao dia 2 de maio.

10.4. Foram aprovadas, por unanimidade, as alterações ao júri de Mestrado em Direito e Ciência Jurídica de Ana Carolina de Barros França (especialidade em Ciências Jurídico-Internacionais) que constam do Anexo 2.

10.5. Foi aprovada, por unanimidade, a constituição dos júris de Mestrado em Direito e Ciência Jurídica de Bernardo Monteiro Ferraz (especialidade em Direito Civil), Helda Lima Meireles (especialidade em Direito Civil) e Ludmilla Almeida Avatar Martins (especialidade em Direito Laboral) — vide Anexo 3.

10.6. Pelo Presidente da Comissão Científica dos Estudos Pós-Graduados foi dado conhecimento ao Conselho Científico da alteração do júri de Mestrado em Direito e Prática Jurídica de José Carlos da Costa Pacheco (especialidade em Ciências Jurídico-Forenses) — vide Anexo 4.

10.7. Pelo Presidente da Comissão Científica dos Estudos Pós-Graduados foi dado conhecimento ao Conselho Científico da constituição dos júris de Mestrado em Direito e Prática Jurídica de Helena Manuel Catrola Miranda Pedro (especialidade em Ciências Jurídico-Forenses), Joana Cristina Santos Corado (especialidade em Ciências Jurídico-Forenses), Carolina da Silva Guerra (especialidade em Ciências Jurídico-Forenses), João Francisco Viana Leite Santos (especialidade em Ciências Jurídico-Forenses), Catarina Gonçalves Botelho (especialidade em Ciências Jurídico-Forenses), Rosana de Queiroz Lima Guerra (especialidade em Direito Civil), Rômulo Sérgio de Carvalho Guerra (especialidade em Direito Civil), Rita Pupo Sá da Costa (especialidade em Direito Civil), Margarida dos Santos Malheiro Tomás (especialidade em Direito Civil), Ana Carolina Nogueira Krause (especialidade em Direito Civil), Leonarcia Margarida Miguel (especialidade em Direito Civil), Luiza Egypto Bartholomei (especialidade em Direito Comercial Internacional), Luiza Barros Oliveira de Magalhães Castro (especialidade em Direito Comercial Internacional), Luís Henrique Neves de Oliveira (especialidade em Direito Comercial Internacional), Juliana Tonini Gomes (especialidade em Direito Comercial Internacional), Marcos André Capela Gonçalves (especialidade em Direito da Empresa), Patrícia Gurzone (especialidade em Direito da Empresa), João Gonçalo Almeida Mota (especialidade em Direito da Empresa), Marco António Loureiro Pereira (especialidade em Direito da Empresa), João Miguel Comenda António (especialidade em Direito da Empresa), João Diogo Batista Caixeiro Gonçalves de Travassos (especialidade em Direito da Empresa), Leonor Ximenes de Mesquita (especialidade em Direito da Empresa), Inês Costa Marques (especialidade em Direito da Empresa), Sophia Domingos Zirpoli (especialidade em Direito da Empresa), Rosângela Monteiro da Silva da Costa (especialidade em Direito da Empresa), Jackelini Cristini Pinheiro (especialidade em Direito da Empresa) e Ana Cláudia Marques Pimentel (especialidade em Direito da Empresa) — vide Anexo 5.

10.8. Pelo Presidente da Comissão Científica dos Estudos Pós-Graduados foi dado conhecimento ao Conselho Científico da constituição dos júris de Mestrado em Direito e Prática Jurídica de Nilton Mendes da Silva (especialidade em Ciências Jurídico-Forenses), Madalena Barreiros Henriques da Silva (especialidade em Ciências Jurídico-Forenses), Ana Raquel da Silva Ferreira (especialidade em Ciências Jurídico-Forenses), Rafael João Barreto Furtado (especialidade em Direito Penal), Marta Isabel Morgado Anes (especialidade em Direito Penal), Inês Margarida Bernardes de Miranda Brás (especialidade em Direito Penal), Cintia Raquel Costeira Mantinha (especialidade em Direito Penal), Capitão Mendes (especialidade em Direito Penal), Bibiana Russa Lourenço Miguel (especialidade em Direito Penal) e Joana Margarida Alves Queijo (especialidade em Direito Penal) — vide Anexo 6.

11. Ponto 11 da Ordem de Trabalhos (pessoal docente)

11.1. O Conselho Científico deu parecer favorável ao pedido de acumulação das funções da Professora Susana Videira com as de docente na Faculdade de Direito da Universidade Lusíada de Lisboa durante o ano letivo de 2020/2021, desde que não haja prejuízo para o serviço docente na Faculdade.

11.2. O Conselho Científico aprovou, por unanimidade, a proposta de contratação da Doutora Heloísa Duarte de Oliveira como Professora Auxiliar Convidada da Faculdade. Nos termos do disposto nos arts. 5.º e 9.º do Regulamento Geral de Contratação do Pessoal Docente Especialmente Contratado da Universidade de Lisboa, a proposta de convite foi apresentada pelos Professores Carlos Blanco de Moraes e Maria José Rangel de Mesquita, cujos pareceres constam dos Anexos 7 e 8 à presente ata, e submetida ao Conselho Científico pela Diretora, que manifestou a sua concordância com a mesma.

11.3. A renovação do contrato de trabalho em funções públicas, como Professor Auxiliar Convidado da Faculdade, do Professor Kafft Kosta foi aprovada por unanimidade.

11.4. Foi aprovado, por unanimidade, o pedido formulado pela Professora Inês Ferreira Leite de suspensão do contrato de trabalho em funções públicas, como Professora Auxiliar da Faculdade, a partir de 1 de janeiro de 2021 e pelo período em que exerça as funções de vogal do Conselho Superior da Magistratura em regime integral.

A Professora Inês Ferreira Leite foi autorizada, por unanimidade, a reger, a título não remunerado, a disciplina de Criminologia do Mestrado em Direito e Ciência Jurídica e do Doutoramento, desde que a acumulação seja permitida pelo Conselho Superior de Magistratura.

12. Ponto 12 da Ordem de Trabalhos (Cooperação)

12.1. A Professora Catarina Salgado aludiu à cooperação com a Universidade Eduardo Mondlane (Maputo) e, em especial, aos programas que têm sido lecionados, às seis teses de doutoramento recentemente entregues e ao Curso de Pós-Graduação em Direito Bancário e ao VI Curso de Mestrado em Ciências Jurídico-Económicas que terão lugar no ano de 2021.

12.2. Postos à consideração do Conselho Científico os programas constantes dos anexos 9 e 10, foram os mesmos aprovados por unanimidade.

13. Ponto 13 da Ordem de Trabalhos (Erasmus e Relações Internacionais)

13.1. Foi aprovado, por unanimidade, o Relatório de Atividades do Gabinete Erasmus e de Relações Internacionais relativo ao ano letivo de 2019/2020 (Anexo 11).

13.2. Foi aprovado por unanimidade, sob proposta do Professor Vasco Pereira da Silva, voto de louvor à Dra. Andreia Caeiro, pelo seu desempenho no Gabinete Erasmus e de Relações Internacionais.

13.3. O Professor Vasco Pereira da Silva expôs os termos da proposta de Agreement for the elaboration of a PhD thesis in international co-tutelle regarding Ricardo Sergio Schmitz Filho a celebrar entre a Universidade de Lisboa e a Universidade Mykolas Romeris, fazendo notar que observa as condições estabelecidas pelo Conselho Científico e as regras nacionais aplicáveis.

Colocada à votação a proposta constante do Anexo 12, foi a mesma aprovada por unanimidade.

13.4. O Professor Vasco Pereira da Silva deu conhecimento do programa visando a realização de estudos comparativos, por alunos da licenciatura da Faculdade e estudantes americanos, na área do Direito Administrativo e da Justiça Administrativa (Lincoln – ELPIS – FDUL Online students research exchange).

13.5. O Professor Vasco Pereira da Silva informou o Conselho Científico de que, na segunda-feira passada, fora realizada (via Zoom) a reunião anual do grupo ELPIS, bem como das iniciativas aí tomadas.

14. Ponto 14 da Ordem de Trabalhos (marcação de reuniões para o período de janeiro a julho de 2021)

Foi aprovado o calendário das reuniões plenárias do Conselho Científico a realizar entre janeiro e julho de 2021 (Anexo 13).

15. Outros assuntos

O Professor António Menezes Cordeiro comunicou terem sido realizadas provas de agregação pelo Professor Paulo Mota Pinto, da Faculdade de Direito da Universidade de Coimbra, e pelo Professor Paulo Olavo Cunha, da Faculdade de Direito da Universidade Católica Portuguesa, sendo que ambos os jús contaram com a participação de Professores da nossa Faculdade.

16. Encerramento

O Presidente do Conselho Científico deu por encerrada a sessão pelas 20:00.

O Presidente do Conselho Científico



(Professor Dário Moura Vicente)

O Secretário do Conselho Científico



(Professor Nuno Andrade Pissarra)



Comissão para a Internacionalização da Produção Científica

**Dados Recolhidos pelo Formulário sobre a Internacionalização
dos Docentes da Faculdade de Direito da Universidade de Lisboa durante
o Ano 2019**

FDUL

**Lisboa
2020**

SIGLAS E ABREVIATURAS

Art(s). – Artigo(s)

Cap(s). – Capítulo(s)

Cpl – Comissão para a Internacionalização da Produção Científica

FDUL – Faculdade de Direito da Universidade de Lisboa

Fig(s). – Figura(s)

N.º – Número

Q. – Questão

Tab(s). – Tabela(s)

ÍNDICE

INTRODUÇÃO.....	6
1 - Metodologia.....	9
I- AMOSTRA	10
II- RESULTADOS.....	11
Q.1 - Publicações de artigos ou similares em revistas estrangeiras com <i>peer review</i> ou indexadas	11
Q.2 - Publicações de capítulos de livros ou de artigos em obras colectivas publicadas por editoras estrangeiras.....	13
Q.3 - Publicação de monografias em editoras estrangeiras.....	15
Q.4 - Edição de obras colectivas em editoras estrangeiras.....	16
Q.5 - Participação em órgãos sociais e científicos de revistas estrangeiras e de organizações científicas estrangeiras ou internacionais	17
Q.6 - Comunicações realizadas em eventos científicos internacionais realizados na FDUL, ou organizadas pela FDUL ou pelos seus Centros de Investigação	19
Q.7 - Comunicações realizadas em eventos científicos realizados no estrangeiro.....	20
ANEXO - FORMULÁRIO	22

ÍNDICE DE FIGURAS

Figura 1 - Universo de Professores FDUL (%)	10
Figura 2 - Formulários recebidos por categoria de Professores (%).....	10
Figura 3 - Formulários recebidos por categoria de Professores face ao universo de Professores da FDUL (%)	10
Figura 4 - Q.1: Publicações de artigos ou similares em revistas estrangeiras com <i>peer review</i> ou indexadas	11
Figura 5 - Q.1: N.º total de revistas e de artigos indicados(as)	11
Figura 6 - Q.1: Local / %	12
Figura 7 - Q.2: Publicações de capítulos de livros ou de artigos em obras colectivas publicadas por editoras estrangeiras	13
Figura 8 - Q.2: N.º total de editoras e de art./cap. indicados	13
Figura 9 - Q.2: Local / %	14
Figura 10 - Q.3: Publicação de monografias em editoras estrangeiras.....	15
Figura 11 - Q.3: N.º total de monografias e editoras indicadas	15
Figura 12 - Q.3: % / Local	15
Figura 13 - Q.4: Edição de obras colectivas em editoras estrangeiras	16
Figura 14 - Q.5: Participação em órgãos sociais e científicos de revistas estrangeiras e de organizações científicas estrangeiras ou internacionais	17
Figura 15 - Q.5: Local / %	18
Figura 16 - Q.6: Comunicações realizadas em eventos científicos internacionais realizados na FDUL, ou organizadas pela FDUL ou pelos seus Centros de Investigação	19
Figura 17 - Q.7: Comunicações realizadas em eventos científicos realizados no estrangeiro	20
Figura 18 - Q.7: Local / %	21

ÍNDICE DE TABELAS

Tabela 1 – Q.4: Editoras indicadas	16
Tabela 2 – Q.5: N.º total de participações indicadas.....	17
Tabela 3 – Q.6: Média de comunicações realizadas em eventos científicos internacionais realizados ou organizados na / pela FDUL ou pelos seus Centros de Investigação	19
Tabela 4 – Q.7: N.º Total de comunicações indicadas.....	20

INTRODUÇÃO

A Comissão para a Internacionalização da Produção Científica (Cpl) dos docentes e investigadores da Faculdade de Direito da Universidade de Lisboa (FDUL) é um órgão *ad hoc* constituído no âmbito do Conselho Científico desta Faculdade.

No essencial, a Cpl visa contribuir para a internacionalização da produção científica dos docentes e investigadores da FDUL, cabendo-lhe, nomeadamente, promover a tradução para a língua inglesa de artigos e similares para efeitos de publicação em periódicos e livros de edição internacional; apoiar a integração daqueles docentes em órgãos científicos de revistas estrangeiras e internacionais; contribuir para o custeamento de despesas relativas à sua participação em congressos e similares no estrangeiro; bem como sistematizar e registar dados de internacionalização relativos à produção científica daqueles docentes.

A internacionalização da produção científica dos docentes e investigadores da FDUL é de extrema relevância. É relevante para efeitos de avaliação dos mesmos e da própria FDUL e é importante, também, para o prestígio nacional e internacional desta Faculdade e da Universidade de Lisboa.

Tendo assumido funções no corrente ano de 2020, os membros da Cpl elaboraram e submeteram à aprovação do Conselho Científico da FDUL o Regulamento deste órgão, o qual foi aprovado em 20 de maio deste ano.

Seguidamente, tendo por base o artigo 12.º deste Regulamento, à luz do qual a Cpl deve recolher e registar, relativamente a todos os docentes e investigadores da FDUL, e por cada ano civil, dados relativos à sua produção científica, iniciaram-se os respetivos trabalhos de recolha e registo, até então inexistentes nesta Faculdade.

É disto que trata este Relatório.

Na sequência de um Formulário oportunamente remetido a todos os docentes e investigadores da FDUL, no qual foram colocadas diversas questões, foram obtidas respostas sobre a internacionalização da respetiva produção científica, que incidiram sobre os seguintes dados:

- Publicações de artigos ou similares em revistas estrangeiras com *peer review* ou indexadas;
- Publicações de capítulos de livros ou de artigos em obras coletivas publicadas por editoras estrangeiras;
- Publicação de monografias em editoras estrangeiras;
- Edição de obras coletivas em editoras estrangeiras;
- Participação em órgãos sociais e científicos de revistas estrangeiras e de organizações científicas estrangeiras ou internacionais;
- Comunicações realizadas em eventos científicos internacionais realizados na FDUL, ou organizadas pela FDUL ou pelos seus Centros de Investigação;
- Comunicações realizadas em eventos científicos realizados no estrangeiro.

O Relatório em apreço retrata e sistematiza as respostas dadas pelos docentes e investigadores às questões acima referidas, relativas ao ano de 2019.

Sendo o primeiro Relatório feito na FDUL sobre o tema em apreço, a sua importância é significativa – permite-nos ter, pela primeira vez, um diagnóstico sistematizado e o mais fidedigno possível sobre o estado de arte da internacionalização da produção científica dos docentes e investigadores da FDUL.

Trata-se, portanto, de um importante instrumento que a Cpl coloca à disposição de todos os órgãos da FDUL, bem como dos seus docentes e investigadores, para que estes possam, agora, com base nos dados que ora se disponibilizam e no retrato da situação, apostar mais ainda na internacionalização da produção científica dos docentes desta Faculdade.

O Relatório que ora se disponibiliza não deve, portanto, ser visto como um ponto de chegada, mas sim como um ponto de partida.

Por um lado, porque houve uma grande fatia de docentes da FDUL que não respondeu ao Formulário distribuído. Pela positiva, só 37,5 % dos Professores submeteram o formulário. Importa sensibilizar os docentes para a importância deste trabalho e para a necessidade de, no futuro, responderem ao formulário relativo a 2020.

Por outro lado, porque os dados que se disponibilizam evidenciam que há muito por fazer em sede de internacionalização da produção científica, quer ao nível de publicações internacionais, quer quanto à participação em órgãos sociais e científicos internacionais, quer quanto a comunicações realizadas em eventos científicos internacionais.

O Relatório em causa é, em suma, um documento de trabalho sobre o qual podem e devem ser desenvolvidas políticas de internacionalização mais eficazes e mais ambiciosas, a bem da FDUL, dos seus docentes e da Universidade de Lisboa.

É esta a missão da Cpl e é com esse intuito que se disponibiliza e divulga o presente Relatório.

Faculdade de Direito de Lisboa, 11 de novembro de 2020.

Os membros da Cpl:

Prof.^a Doutora Maria do Rosário da Palma Ramalho (Presidente)

Prof. Doutor David Duarte

Prof. Doutor Nuno Cunha Rodrigues

Prof. Doutor Pedro Caridade de Freitas

Prof. Doutor Guilherme Dray

1 – Metodologia

Para a operacionalização da recolha dos dados sobre a internacionalização da produção científica dos docentes e investigadores da FDUL, foi enviado para o endereço institucional de e-mail de 290 docentes da FDUL um formulário de preenchimento automático com 12 questões (cf. ANEXO).

O formulário foi elaborado através do software *Microsoft Forms* e esteve disponível para submissão durante o período que decorreu entre o dia 19 de junho de 2020 e o dia 13 de novembro do mesmo ano.

Durante o referido período, foram submetidos para registo um total de 76 formulários, dos quais 51 foram submetidos por Professores da FDUL e 25 por Assistentes da FDUL.

Atendendo à baixa representatividade da amostra face ao universo (26,2%) e tendo-se verificado que só 17,1% do total de Assistentes da FDUL respondeu ao formulário, optou-se por limitar o tratamento dos dados aos formulários submetidos pelos Professores da FDUL, o que permitiu subir a representatividade da amostra para 37,5% do universo.

Os 51 formulários submetidos pelos Professores da FDUL foram exportados para uma página *Excel* e, através deste software, foram realizados os cálculos que deram origem aos resultados que seguidamente se apresentarão sobre a forma de figuras e tabelas.

I-AMOSTRA

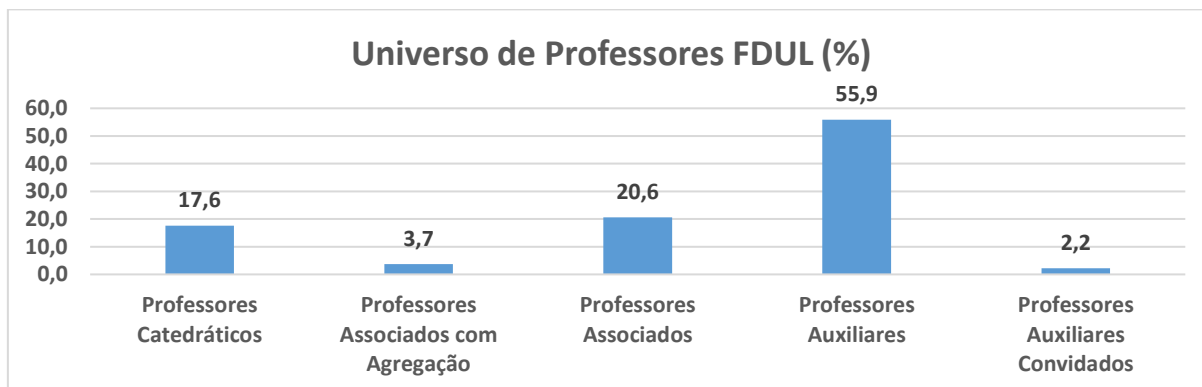


Fig. 1

* Os valores indicados em % têm como referência um universo total de 136 Professores ($\approx 100\%$).

Fonte: página da Internet da FDUL (<http://www.fd.ulisboa.pt/professores/corpo-docente/>).

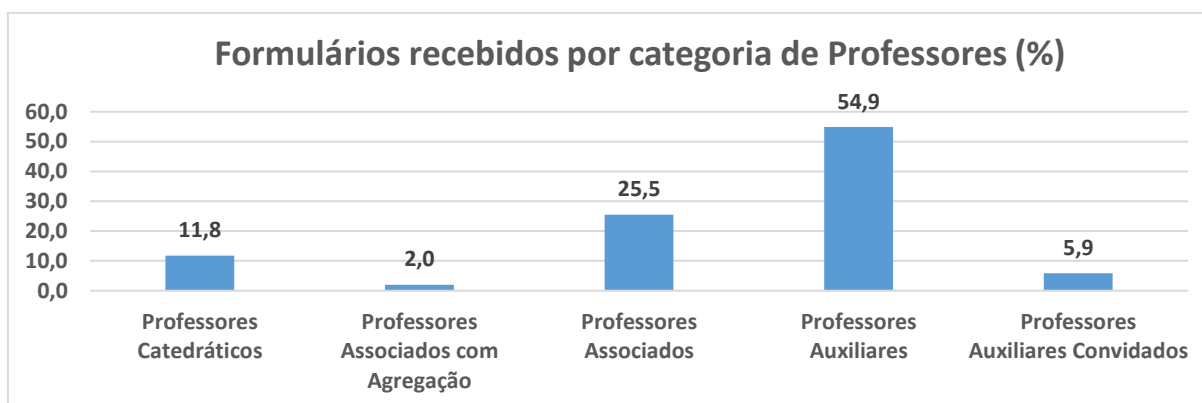


Fig. 2

* Os valores indicados em % têm como referência os 51 formulários ($\approx 100\%$) submetidos pelos Professores da FDUL.

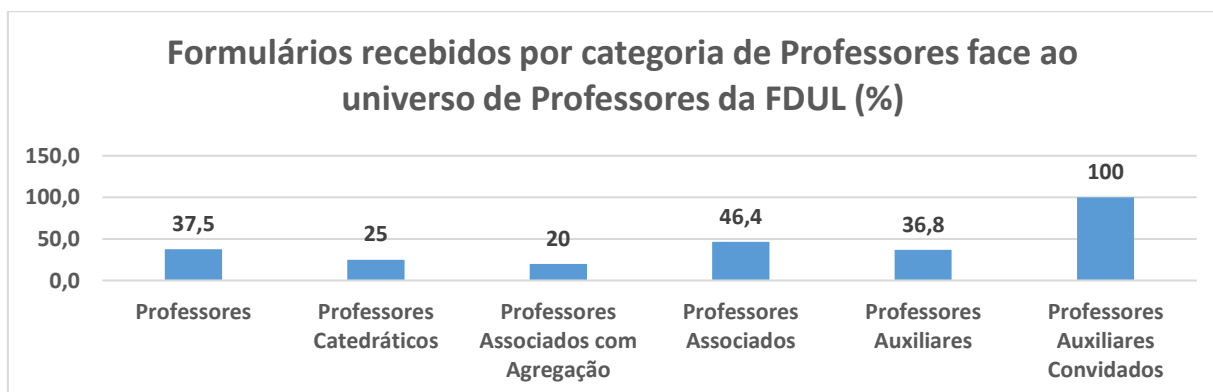


Fig. 3

* Do universo de Professores da FDUL (≈ 136), 37,5 % dos Professores submeteram o formulário.

Em relação ao número de Professores por categoria, a categoria de Professores Auxiliares Convidados foi a que mais formulários submeteu, isto é, 100% dos Professores Auxiliares Convidados submeteram o formulário.

II- RESULTADOS

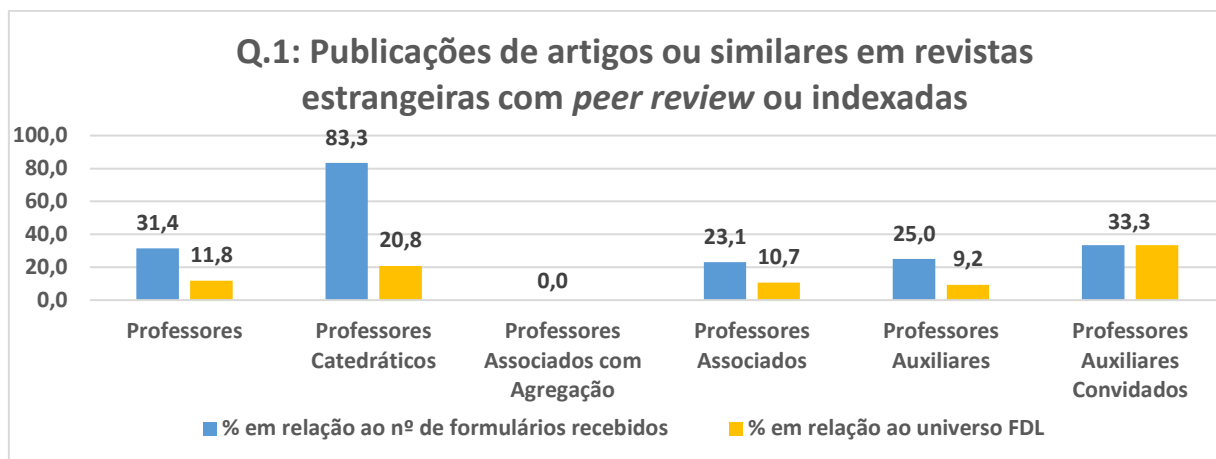


Fig. 4

* Entre os Professores da FDUL que submeteram o formulário (=51), 31,4 % responderam afirmativamente à Q.1. Face ao universo de Professores da FDUL (=136), 11,8 % dos Professores da FDUL responderam afirmativamente à Q.1, ou seja, 11,8 % dos Professores da FDUL indicaram ter publicado, no ano 2019, artigos ou similares em revistas estrangeiras com *peer review* ou indexadas.

Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Catedráticos foi a que mais vezes respondeu afirmativamente à Q.1 (83,3%), ou seja, 83,3% dos Professores Catedráticos que submeteram o formulário, indicaram ter publicado, no ano 2019, artigos ou similares em revistas estrangeiras com *peer review* ou indexadas.

Entre as várias categorias de Professores da FDUL que compõem o universo de Professores da FDUL, a categoria de Professores Catedráticos foi a que mais vezes respondeu afirmativamente à Q.1 (20,8 %), ou seja, 20,8 % dos Professores Catedráticos da FDUL indicaram ter publicado, no ano 2019, artigos ou similares em revistas estrangeiras com *peer review* ou indexadas.

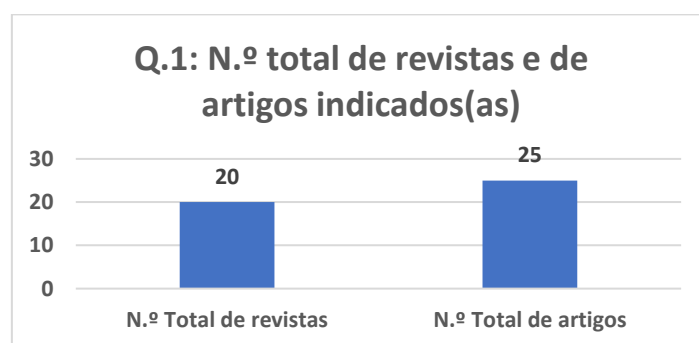


Fig. 5

* Os 25 artigos ou similares indicados pelos Professores da FDUL foram publicados em 20 revistas estrangeiras diferentes.

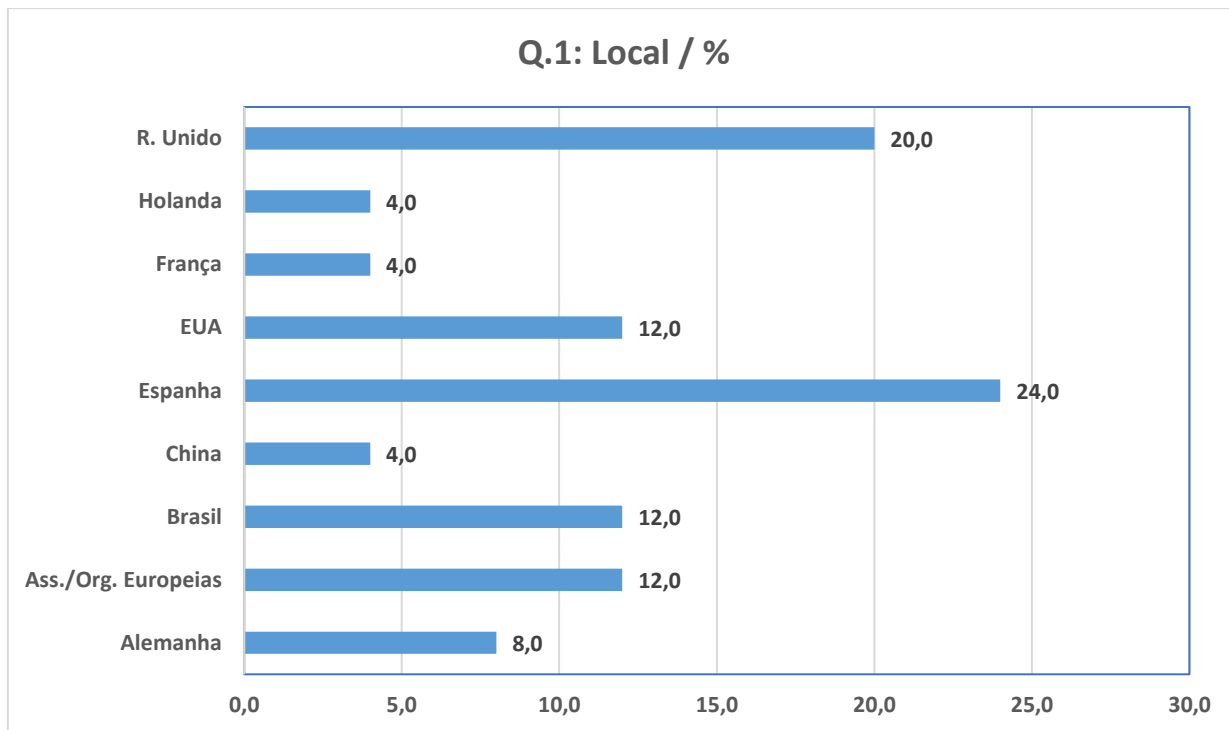


Fig. 6

* A maioria dos artigos ou similares indicados pelos Professores da FDUL foram publicados em revistas estrangeiras com sede / servidor / projeto localizado(a) em Espanha (24 %).



Fig. 7

* Entre os Professores da FDUL que submeteram o formulário, 35,3 % responderam afirmativamente à Q.2.
 Face ao universo de Professores da FDUL, 13,2 % dos Professores da FDUL responderam afirmativamente à Q.2.
 Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Associados com Agregação foi a que mais vezes respondeu afirmativamente à Q.2 (100 %).
 Entre as várias categorias de Professores da FDUL que compõem o universo de Professores da FDUL, a categoria de Professores Auxiliares Convidados foi a que mais vezes respondeu afirmativamente à Q.2 (66,7 %).

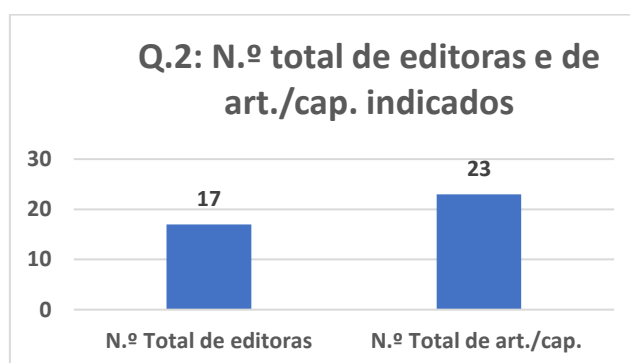


Fig. 8

* Os 23 capítulos de livros ou artigos indicados pelos Professores da FDUL foram publicados em 17 editoras estrangeiras diferentes.

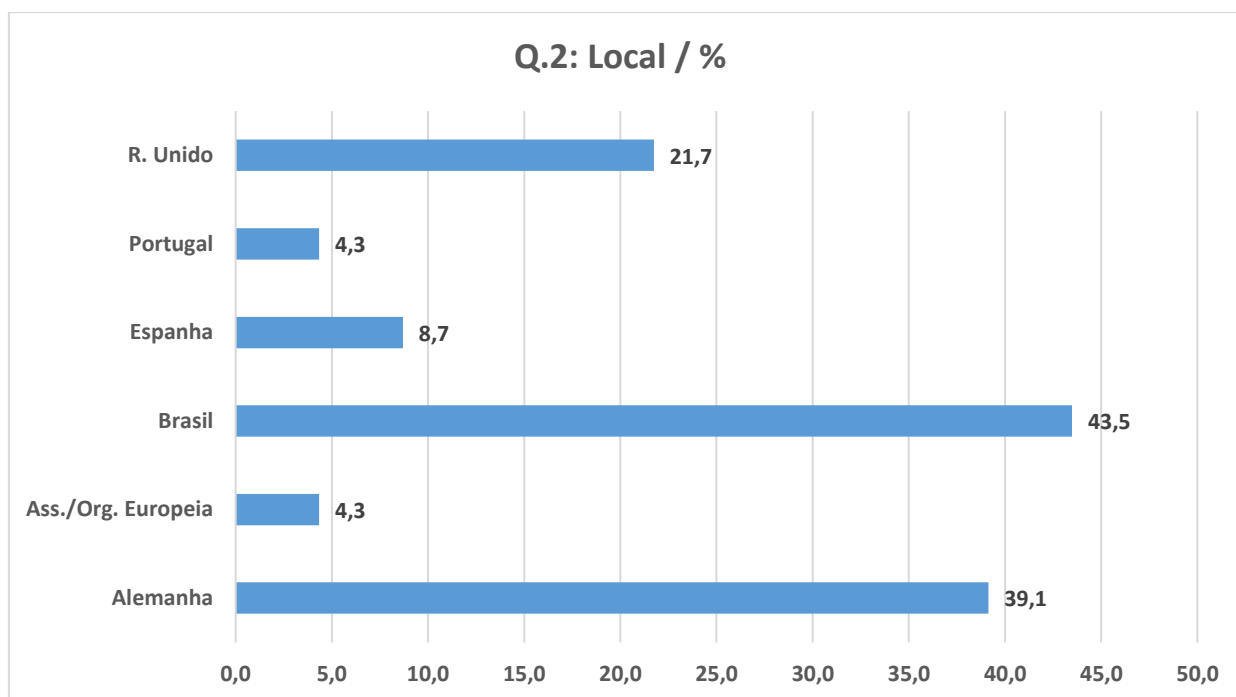


Fig. 9

* A maioria dos capítulos de livros ou artigos indicados pelos Professores da FDUL foram publicados em editoras estrangeiras com sede / servidor / projeto localizado(a) no Brasil (43,5 %).

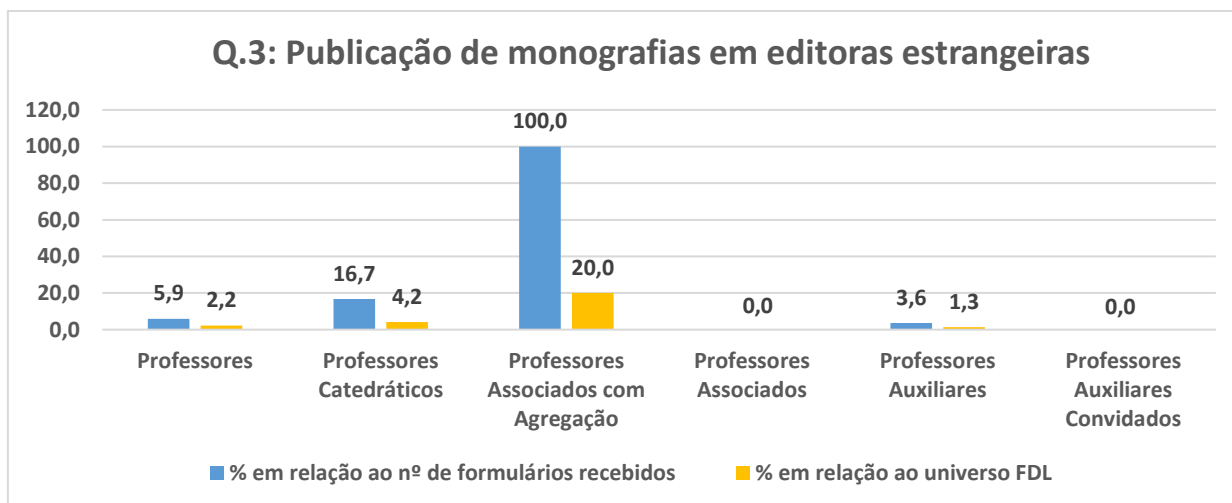


Fig. 10

* Entre os Professores da FDUL que submeteram o formulário, 5,9 % responderam afirmativamente à Q.3.
 Face ao universo de Professores da FDUL, 2,2 % dos Professores da FDUL responderam afirmativamente à Q.3.
 Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Associados com Agregação foi a que mais vezes respondeu afirmativamente à Q.3 (100 %).
 Entre as várias categorias de Professores da FDUL que compõem o universo de Professores da FDUL, a categoria de Professores Associados com Agregação foi a que mais vezes respondeu afirmativamente à Q.3 (20 %).



Fig. 11

* As 3 monografias indicadas pelos Professores da FDUL foram publicadas em 3 editoras estrangeiras diferentes.

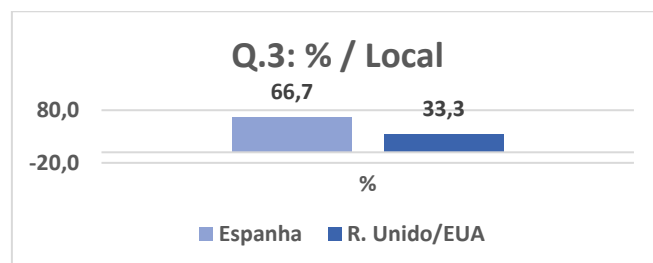


Fig. 12

* A maioria das monografias indicadas pelos Professores da FDUL foram publicadas em editoras estrangeiras com sede / servidor / projeto localizado(a) em Espanha (66,7 %).

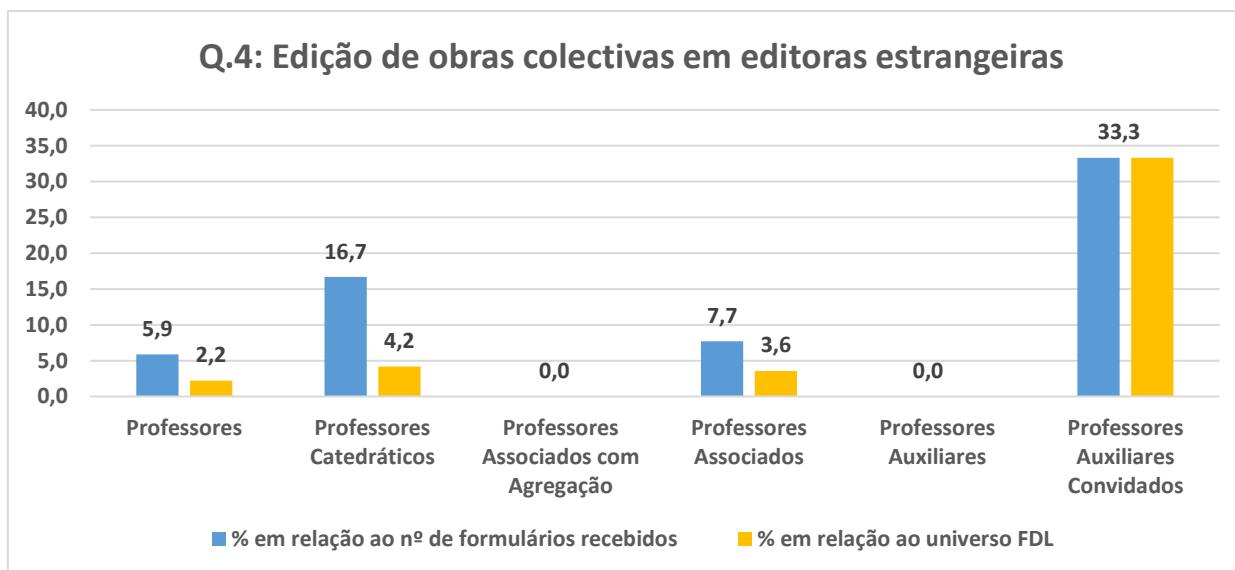


Fig. 13

* Entre os Professores da FDUL que submeteram o formulário, 5,9 % responderam afirmativamente à Q.4.
 Face ao universo de Professores da FDUL, 2,2 % dos Professores da FDUL responderam afirmativamente à Q.4.
 Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Auxiliares Convidados foi a que mais vezes respondeu afirmativamente à Q.4 (33,3 %).
 Entre as várias categorias de Professores da FDUL que compõem o universo de Professores FDUL, a categoria de Professores Auxiliares Convidados foi a que mais vezes respondeu afirmativamente à Q.4 (33,3 %).

Q.4: Editoras indicadas	Quant.	Local
Springer	2	Alemanha

Tab. 1

* As 2 edições de obras colectivas em editoras estrangeiras indicadas pelos Professores da FDUL foram editadas em editoras estrangeiras com sede / servidor / projeto localizado(a) na Alemanha.

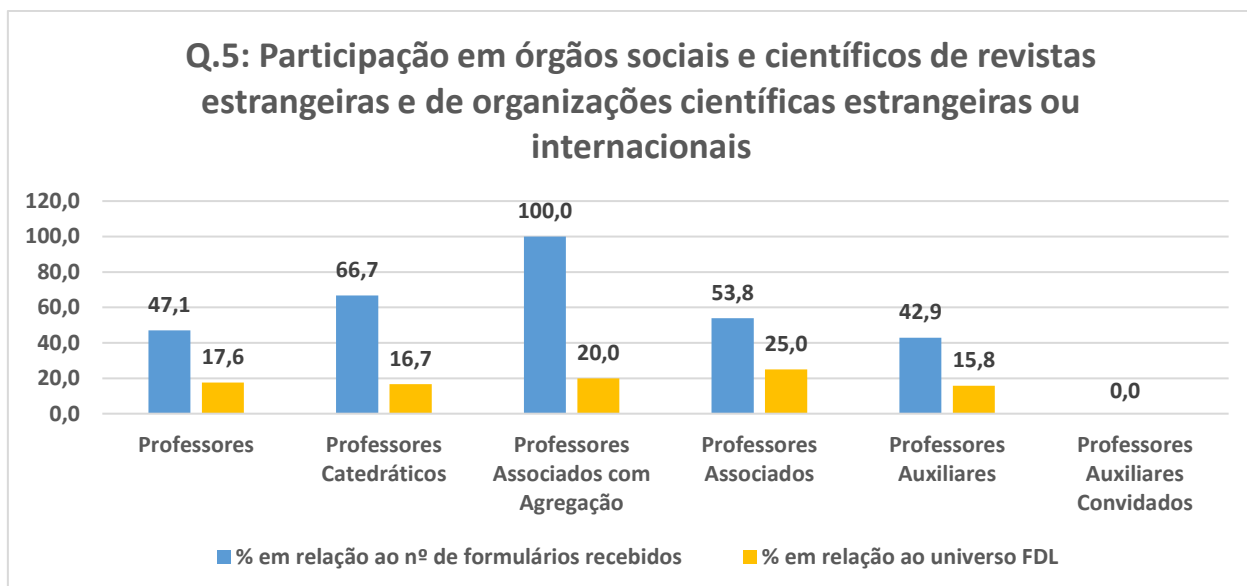


Fig. 14

* Entre os Professores da FDUL que submeteram o formulário, 47,1 % responderam afirmativamente à Q.5.

Face ao universo de Professores da FDUL, 17,6 % dos Professores da FDUL responderam afirmativamente à Q.5.

Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Associados com Agregação foi a que mais vezes respondeu afirmativamente à Q.5 (100 %).

Entre as várias categorias de Professores da FDUL que compõem o universo de Professores FDUL, a categoria de Professores Associados foi a que mais vezes respondeu afirmativamente à Q.5 (25 %).

Q.5: N.º total de participações indicadas	57

Tab. 2

* De acordo com os formulários submetidos pelos Professores da FDUL, os Professores da FDUL participaram, durante o ano de 2019, 57 vezes em órgãos sociais e científicos de revistas estrangeiras e/ou de organizações científicas estrangeiras ou internacionais.

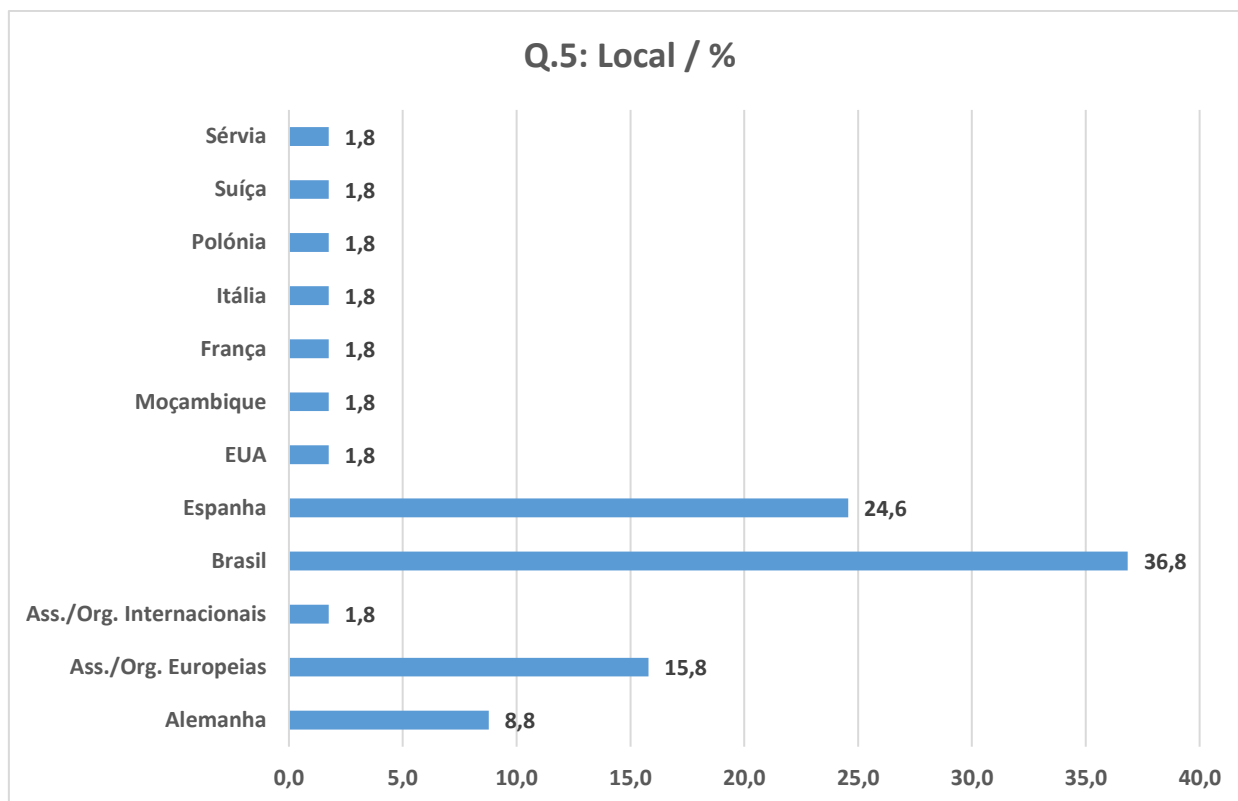


Fig. 15

* A maioria das participações em órgãos sociais e científicos de revistas estrangeiras e/ou de organizações científicas estrangeiras ou internacionais indicadas pelos Professores da FDUL, deram-se em revistas ou organizações estrangeiras ou internacionais com sede / servidor / projeto localizado(a) no Brasil (36,8 %).

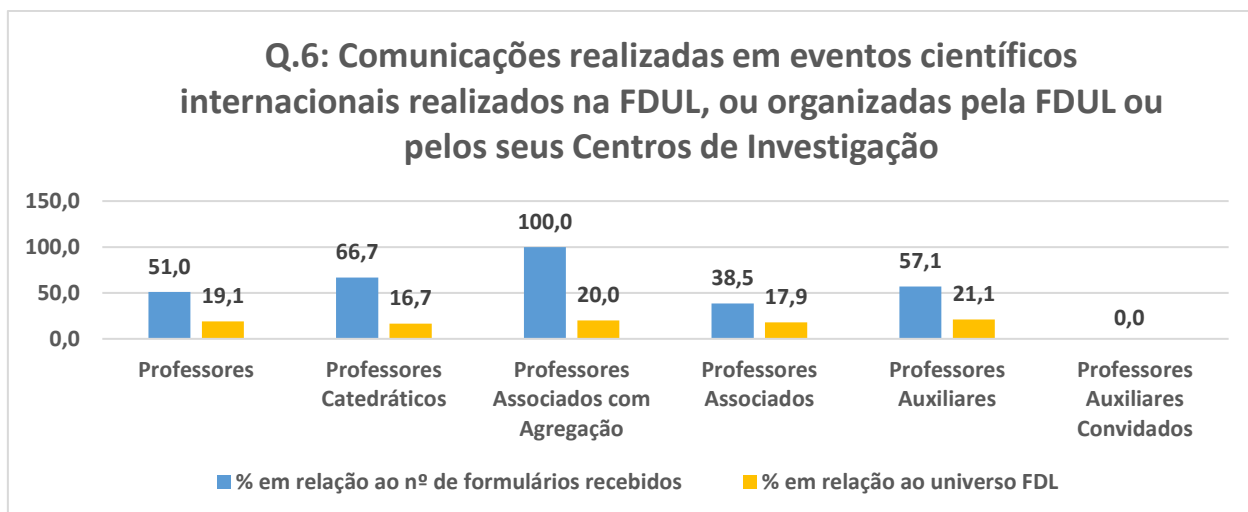


Fig. 16

- * Entre os Professores da FDUL que submeteram o formulário, 51 % responderam afirmativamente à Q.6.
 Face ao universo de Professores da FDUL, 19,1 % dos Professores da FDUL responderam afirmativamente à Q.6.
 Entre as várias categorias de Professores da FDUL que submeteram o formulário, a categoria de Professores Associados com Agregação foi a que mais vezes respondeu afirmativamente à Q.6 (100 %).
 Entre as várias categorias de Professores da FDUL que compõem o universo de Professores FDUL, a categoria de Professores Auxiliares foi a que mais vezes respondeu afirmativamente à Q.6 (21,1 %).

Q.6	Quant.	%	Média de comunicações realizadas por categoria face ao n.º de formulários submetidos	Média de comunicações realizadas por categoria face ao universo FDUL
Total de comunicações realizadas / Professores	75	100,0	2,9	0,55
Total de comunicações realizadas / Professores Catedráticos	17	22,7	4,3	0,71
Total de comunicações realizadas / Professores Associados com Agregação	4	5,3	4,0	0,80
Total de comunicações realizadas / Professores Associados	12	16,0	2,4	0,43
Total de comunicações realizadas / Professores Auxiliares	42	56,0	2,6	0,55
Total de comunicações realizadas / Professores Auxiliares Convidados	0	0,0	0,0	0,00

Tab. 3

- * De acordo com as respostas submetidas, das 75 comunicações realizadas na FDUL, a maioria foi realizada pela categoria de Professores Auxiliares (56%). Ainda de acordo com as respostas submetidas, quem realizou, em média, mais comunicações na FDUL, foi a categoria de Professores Catedráticos (4,3), sendo a média de todos os Professores de 2,9 comunicações. De acordo com o universo de Professores da FDUL, os Professores da FDUL realizaram, em média, 0,55 comunicações. Ainda de acordo com o universo FDUL, a categoria de Professores que, em média, mais comunicações realizou, foi a categoria de Professores Associados com Agregação (0.71 %)

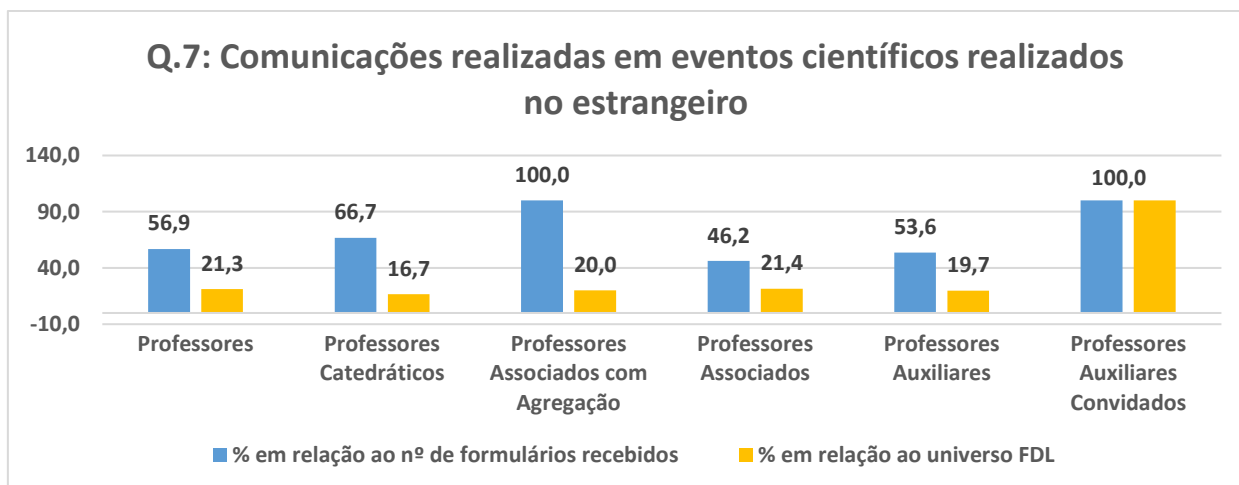


Fig. 17

* Entre os Professores da FDUL que submeteram o formulário, 56,9 % responderam afirmativamente à Q.7. Face ao universo de Professores da FDUL, 21,3 % dos Professores da FDUL responderam afirmativamente à Q.7. Entre as várias categorias de Professores da FDUL que submeteram o formulário, as categorias de Professores Associados com Agregação e de Professores Auxiliares Convidados foram as que mais vezes responderam afirmativamente à Q.7 (100 %). Entre as várias categorias de Professores da FDUL que compõem o universo de Professores FDUL, a categoria de Professores Auxiliares Convidados foi a que mais vezes respondeu afirmativamente à Q.7 (100 %).

Q.7: N.º total de comunicações indicadas	78

Tab. 4

* De acordo com os formulários submetidos pelos Professores da FDUL, os Professores da FDUL realizaram, durante o ano de 2019, 78 comunicações em eventos científicos realizados no estrangeiro.

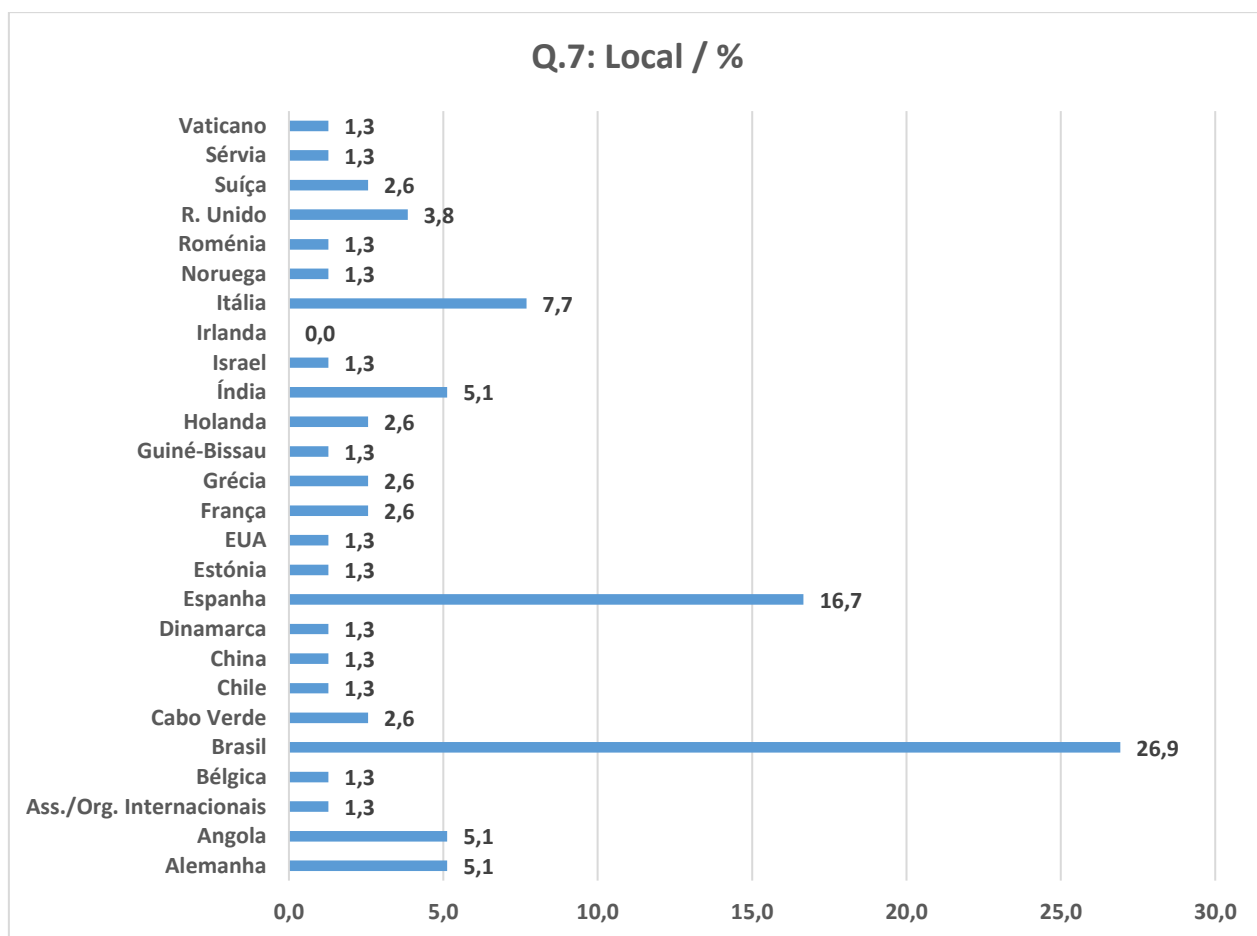


Fig. 18

* De acordo com os formulários submetidos, a maioria das comunicações realizadas no estrangeiro pelos Professores da FDUL realizaram-se no Brasil (26,9%).

ANEXO (FORMULÁRIO)



Comissão para a Internacionalização da Produção Científica

Registo de Internacionalização

Nos termos dos arts. 12º e 13º do Regulamento da Cpl, procede esta Comissão, através do presente formulário, ao registo dos dados de natureza internacional dos docentes e investigadores da Faculdade de Direito atinentes a publicações, edições de obras, comunicações e participações em órgãos sociais e científicos de revistas e organizações científicas, reportados ao ano 2019.

Para efeitos de registo, deve preencher as tabelas em branco, indicando a informação solicitada em cada uma delas.

Quando terminar, selecione "Submeter".

* Os dados submetidos serão utilizados exclusivamente pela Faculdade de Direito.

* Obrigatório

1. Nome. *

2. Email.

3. Categoria. *

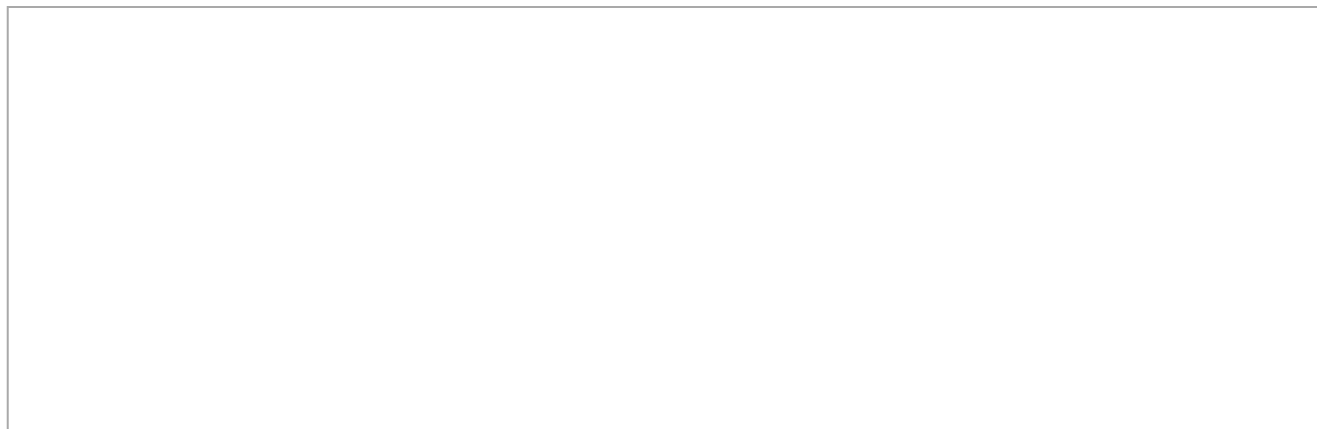
- ☐ Professor(a) Catedrático(a)
- ☐ Professor(a) Associado(a) com Agregação
- ☐ Professor(a) Associado(a)
- ☐ Professor(a) Auxiliar
- ☐ Professor(a) Auxiliar Convidado(a)
- ☐ Assistente
- ☐ Assistente Convidado(a)

4. Tenho dados de natureza internacional a declarar sobre publicações, edições de obras, comunicações e participações em órgãos sociais e científicos de revistas e organizações científicas, reportados ao ano 2019. *

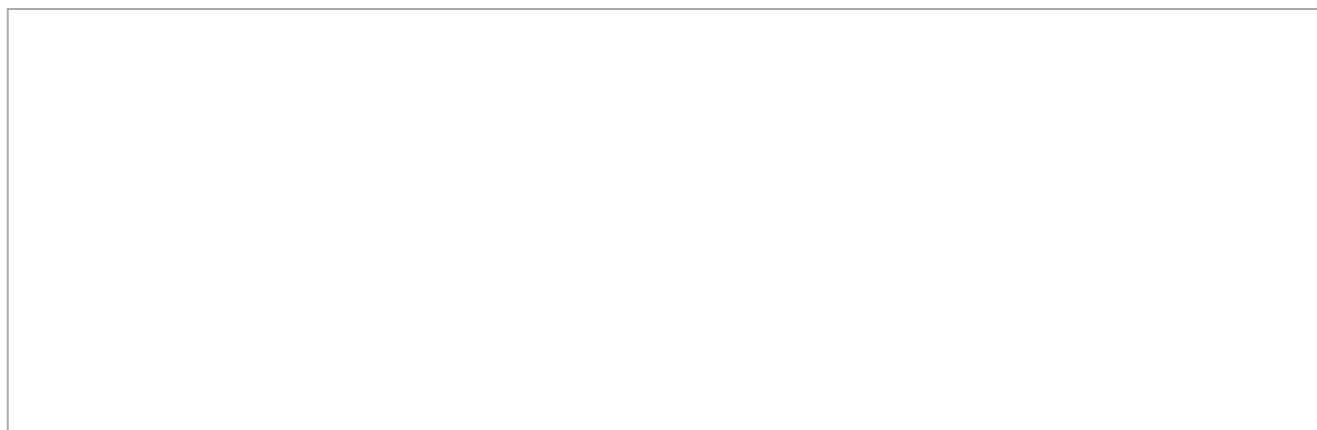
- ☐ Sim (Se respondeu "Sim", preencha as tabelas infra, sempre que se justifique)
- ☐ Não (Se respondeu "Não", desconsidere as próximas questões e selecione "Submeter")

5. Publicações de artigos ou similares em revistas estrangeiras com peer review ou indexadas.

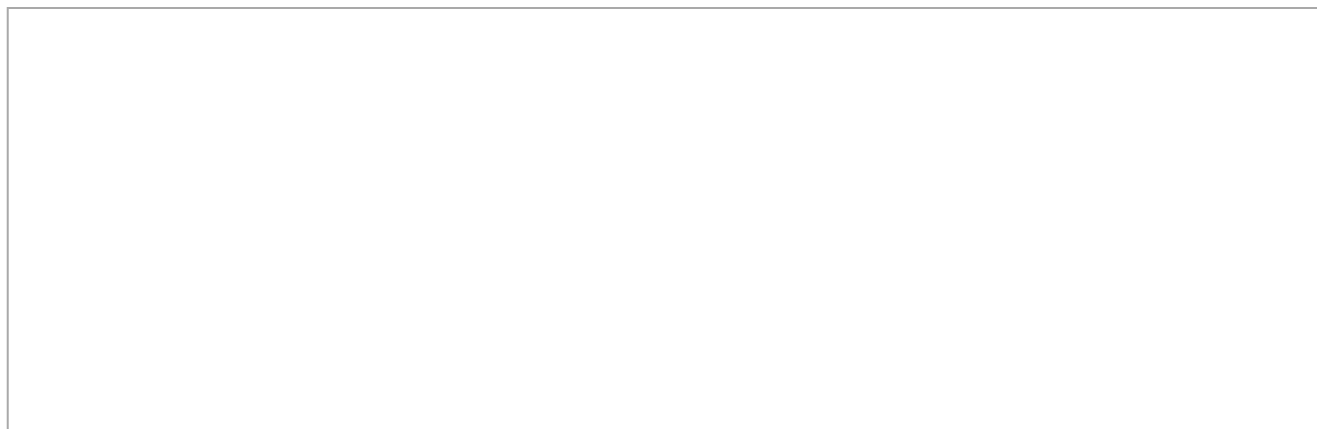
6. Publicações de capítulos de livros ou de artigos em obras colectivas publicadas por editoras estrangeiras.

A large, empty rectangular box with a thin black border, intended for the user to provide details about publications in foreign collective works.

7. Publicação de monografias em editoras estrangeiras.

A large, empty rectangular box with a thin black border, intended for the user to provide details about monograph publications in foreign publishers.

8. Edição de obras colectivas em editoras estrangeiras.

A large, empty rectangular box with a thin black border, intended for the user to provide details about the editing of collective works in foreign publishers.

9. Participação em órgãos sociais e científicos de revistas estrangeiras e de organizações científicas estrangeiras ou internacionais.

10. Comunicações realizadas em eventos científicos internacionais realizados na FDUL, ou organizadas pela FDUL ou pelos seus Centros de Investigação.

11. Comunicações realizadas em eventos científicos realizados no estrangeiro.

12. Observações.

Este conteúdo não foi criado nem é aprovado pela Microsoft. Os dados que submeter serão enviados para o proprietário do formulário.

 Microsoft Forms



Mapa de Alteração de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-INTERNACIONAIS

Candidato	Título da Dissertação	Prof. Orientador	Júri Inicial	Novo Júri
Nome Ana Carolina de Barros França N.º: 58817 Data de Entrega: 25/08/2020	“Quando as fronteiras se tornam barreiras: uma reforma necessária no Sistema Europeu Comum de Asilo”	Prof(a). Doutor(a) Ana Maria Guerra Martins	Prof(a). Doutor(a) Ana Maria Guerra Martins (O) Eduardo Correia Baptista (P) Ana Rita Gil (A) Nuno Pissarra (V)	Prof(a). Doutor(a) Ana Maria Guerra Martins (O) Maria José Rangel Mesquita (P) Eduardo Correia Baptista (A) Nuno Pissarra (V)

*Substituição de Presidente e de Arguente.



Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Bernardo Monteiro Ferraz N.º: 59009 Data de Entrega: 16-10-2020	“Os critérios de imputação na responsabilidade civil objetiva”	Prof(a). Doutor(a) Rui Ataíde	Prof(a). Doutor(a) - Pedro Romano Martinez (P.) - Rui Ataíde (O.) - Paula Meira Lourenço (A.) - Mafalda Carmona
Nome: Helda Lima Meireles N.º: 59014 Data de Entrega: 16-10-2020	Ativismo Judicial, judicialização e autocontenção nas Cortes brasileira e portuguesa”	Prof(a). Doutor(a) José Luís Bonifácio Ramos	Prof(a). Doutor(a) - Isabel Alexandre (P.) - J. L. Bonifácio Ramos (O.) - João Marques Martins (A.) - Margarida Seixas

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO LABORAL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Ludmilla Almeida Avatar Martins N.º: 58767 Data de Entrega: 21-10-2020	“Cedência de empregados e implicações - Comparativo entre a legislação e entendimentos em Portugal e no Brasil”	Prof(a). Doutor(a) Cláudia Madaleno	Prof(a). Doutor(a) -Pedro Madeira de Brito (P.) -Cláudia Madaleno (O.) -Isabel Borges (A.) - Isabel Graes

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).



Mapa de Alteração de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-FORENSES

Candidato	Título da Dissertação	Prof. Orientador	Júri Inicial	Novo Júri
Nome: José Carlos da Costa Pacheco N.º: 12345714 55211 Data de Entrega: 9/10/2018	“Responsabilidade Penal por Intervenções e Tratamentos Médico-Cirúrgicos em desrespeito das leges artis”	Prof(a). Doutor(a) Rui Filipe Soares Pereira	Prof(a). Doutor(a) Paulo de Sousa Mendes (P) Maria Do Céu Rueff (A)* Rui Filipe Soares Pereira (O)	Prof(a). Doutor(a) Paulo de Sousa Mendes (P) Teresa Quintela de Brito (A)* Rui Filipe Soares Pereira (O)



Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-FORENSES

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Helena Manuel Catrola Miranda Pedro N.º: 51324 Data de Entrega: 07-10-2020	“Efeitos da aplicação das medidas de promoção e proteção no exercício das responsabilidades parentais”	Prof(a). Doutor(a) Jorge Duarte Pinheiro	Prof(a). Doutor(a) -Jorge Duarte Pinheiro (O.) -Margarida Silva Pereira (P. e V.) -Catarina Salgado (A.)
Nome: Joana Cristina Santos Corado N.º: 51260 Data de Entrega: 09-10-2020	“O despacho de aperfeiçoamento do requerimento de recurso em matéria de facto”	Prof(a). Doutor(a) Rui Pinto	Prof(a). Doutor(a) -J. L. Bonifácio Ramos (P.) -Rui Pinto (O.) -João Marques Martins (A.)
Nome: Carolina da Silva Guerra N.º: 49857 Data de Entrega: 09-10-2020	“Factos supervenientes em recurso civil”	Prof(a). Doutor(a) Rui Pinto	Prof(a). Doutor(a) -Paula Costa e Silva (P.) -Rui Pinto (O.) -Isabel Alexandre (A.)

Mapa de Constituição de Júri

Nome: João Francisco Viana Leite Santos N.º: 49694 Data de Entrega: 26-10-2020	“A relevância dos fundamentos para efeitos da dupla conforme à luz da teoria do caso julgado”	Prof(a). Doutor(a) Rui Pinto	Prof(a). Doutor(a) -Miguel Teixeira de Sousa (P.) -Rui Pinto (O.) -Isabel Alexandre (A.)
Nome: Catarina Gonçalves Botelho N.º: 57936 Data de Entrega: 28-10-2020	“O Recurso de Revisão no Processo Civil”	Prof(a). Doutor(a) Rui Pinto	Prof(a). Doutor(a) -Miguel Teixeira de Sousa (P.) -Rui Pinto (O.) -Rui Soares Pereira (A.)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Rosana De Queiroz Lima Guerra N.º: 59655 Data de Entrega: 07-10-2020	“Ações possessórias, uma análise comparativa entre o direito Brasileiro e o direito Português”	Prof(a). Doutor(a) Nuno Pissarra	Prof(a). Doutor(a) -José Alberto Vieira (P.) -Sónia Viana (A.) -Nuno Pissarra (O.)
Nome: Romulo Sérgio de Carvalho Guerra N.º: 60342 Data de Entrega: 07-10-2020	“A prova da propriedade, uma comparação entre o direito Brasileiro e o direito Português”	Prof(a). Doutor(a) Nuno Pissarra	Prof(a). Doutor(a) -José Alberto Vieira (P.) -Rui Ataíde (A.) -Nuno Pissarra (O.)

Mapa de Constituição de Júri

Nome: Rita Pupo Sá da Costa N.º: 51268 Data de Entrega: 09-10-2020	“Atribuição de residência no exercício das responsabilidades parentais e a concretização do superior interesse da criança”	Prof(a). Doutor(a) Jorge Duarte Pinheiro	Prof(a). Doutor(a) -Jorge Duarte Pinheiro (O.) -Margarida Silva Pereira (P. e V.) -Sofia Henriques (A.)
Nome: Margarida dos Santos Malheiro Tomás N.º: 51660 Data de Entrega: 09-10-2020	“O crédito compensatório a ex-cônjuge no contexto das contribuições para os encargos familiares”	Prof(a). Doutor(a) Jorge Duarte Pinheiro	Prof(a). Doutor(a) -Jorge Duarte Pinheiro (O.) -Margarida Silva Pereira (P. e V.) -Daniel Morais (A.)
Nome: Ana Carolina Nogueira Krause N.º: 59631 Data de Entrega: 09-10-2020	“Exercício das Responsabilidades Parentais e o Superior Interesse da Criança no Direito Português,”	Prof(a). Doutor(a) Margarida Silva Pereira	Prof(a). Doutor(a) -Margarida Silva Pereira (O.) -Sofia Henriques (P. e A.) -Catarina Salgado (V.)
Nome: Leonarcia Margarida Miguel N.º: 60313 Data de Entrega: 12-10-2020	Análise do regime Angolano correspondente ao regime português de Intervenção Tutelar Educativo”	Prof(a). Doutor(a) Jorge Duarte Pinheiro	Prof(a). Doutor(a) -Jorge Duarte Pinheiro (O.) -Daniel Morais (P. e A.) -Sofia Henriques (V.)

Mapa de Constituição de Júri

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO COMERCIAL INTERNACIONAL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Luiza Egypto Bartholomei N.º: 59665 Data de Entrega: 07-10-2020	“Cláusulas escalonadas em contratos: o problema do cumprimento das condições precedentes para instauração de tribunal arbitral. O desequilíbrio económico-financeiro das Partes e a dificuldade de acesso à justiça.”	Prof(a). Doutor(a) Diogo Manuel Costa Gonçalves	Prof(a). Doutor(a) -Diogo Costa Gonçalves (O.) -Catarina Monteiro Pires (P. e A.) -João Marques Martins (V.)
Nome: Luiza Barros Oliveira De Magalhães Castro N.º: 59698 Data de Entrega: 09-10-2020	“Vinculação de terceiros em convenções de arbitragem”	Prof(a). Doutor(a) Diogo Manuel Costa Gonçalves	Prof(a). Doutor(a) -Elsa Dias Oliveira (P.) -Diogo Costa Gonçalves (O.) -Catarina Monteiro Pires (A.)

Mapa de Constituição de Júri

Nome: Luis Henrique Neves de Oliveira N.º: 59693 Data de Entrega: 12-10-2020	“A Responsabilidade Civil do Transportador Aéreo em Danos Psicológicos Causados aos Passageiros.”	Prof(a). Doutor(a) Hugo Ramos Alves	Prof(a). Doutor(a) -Januário Gomes (P.) -Hugo Ramos Alves (O.) -Catarina Salgado (A.)
Nome: Juliana Tonini Gomes N.º: 59617 Data de Entrega: 12-10-2020	“Mediação e conciliação enquanto ferramentas adequadas para o tratamento dos conflitos: Brasil x Portugal”	Prof(a). Doutor(a) Catarina Salgado	Prof(a). Doutor(a) -Elsa Dias Oliveira (P.) -Catarina Monteiro Pires (A.) -Catarina Salgado (O.)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO DA EMPRESA

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Marcos André Capela Gonçalves N.º: 60350 Data de Entrega: 2-10-2020	“Dever de lançamento de OPA: Critérios de imputação”	Prof(a). Doutor(a) José Ferreira Gomes	Prof(a). Doutor(a) -Januário Gomes (P.) -José Ferreira Gomes (O.) -David Festas (A.)
Nome: Patricia Gurzone N.º: 59666 Data de Entrega: 09-10-2020	“A Proteção de Dados e as Novas Tecnologias”	Prof(a). Doutor(a) Diogo Pereira Duarte	Prof(a). Doutor(a) -Paula Costa e Silva (P.) -A. Barreto Menezes Cordeiro (A.) -Diogo Pereira Duarte (O.)
Nome: João Gonçalo Almeida Mota N.º: 48283 Data de Entrega: 09-10-2020	“A responsabilidade dos Administradores perante a Sociedade por violação do dever de cuidado”	Prof(a). Doutor(a) Catarina Monteiro Pires	Prof(a). Doutor(a) -Pedro Albuquerque (P.) -Catarina Monteiro Pires (O.) -David Festas (A.)

Mapa de Constituição de Júri

Nome: Marco António Loureiro Pereira N.º: 57938 Data de Entrega: 12-10-2020	“A extensão da convenção de arbitragem a terceiros não signatários no âmbito dos grupos de sociedades.”	Prof(a). Doutor(a) Diogo Costa Gonçalves	Prof(a). Doutor(a) -Elsa Dias Oliveira (P.) -Diogo Costa Gonçalves (O.) -Catarina Monteiro Pires (A.)
Nome: João Miguel Comenda António N.º: 51064 Data de Entrega: 12-10-2020	“Arbitragem societária: alguns problemas”	Prof(a). Doutor(a) Catarina Monteiro Pires	Prof(a). Doutor(a) -Elsa Dias Oliveira (P.) -Diogo Costa Gonçalves (A.) -Catarina Monteiro Pires (O.)
Nome: João Diogo Batista Caixeiro Gonçalves de Travassos N.º: 57978 Data de Entrega: 14-10-2020	“O presidente (da mesa) da assembleia geral”	Prof(a). Doutor(a) José Ferreira Gomes	Prof(a). Doutor(a) -Pedro Albuquerque (P.) -José Ferreira Gomes (O.) -David Festas (A.)

Mapa de Constituição de Júri

Nome: Leonor Ximenes de Mesquita N.º: 49919 Data de Entrega: 16-10-2020	“A Regulação da Tecnologia Financeira: em especial a Operação Bancária Aberta”	Prof(a). Doutor(a) Ana Perestrelo de Oliveira	Prof(a). Doutor(a) -Januário Gomes (P.) -Ana Perestrelo Oliveira (O.) -Francisco Mendes Correia (A.)
Nome: Inês Costa Marques N.º: 49767 Data de Entrega: 16-10-2020	“HealthTech Startups: desafios de implementação e desenvolvimento à luz do RGDP.”	Prof(a). Doutor(a) Diogo Pereira Duarte	Prof(a). Doutor(a) -Adelaide Menezes Leitão (P.) -A. Barreto Menezes Cordeiro (A.) -Diogo Pereira Duarte (O.)
Nome Sophia Domingos Zirpoli N.º 57891 Data de Entrega: 26-10-2020	“As repercussões da regulamentação do equity crowdfunding no direito societário: uma análise na ótica da legislação portuguesa e brasileira.”	Prof(a). Doutor(a) Ana Perestrelo de Oliveira	Prof(a). Doutor(a) -Paula Costa e Silva (P.) -Ana Perestrelo de Oliveira (O.) -José Ferreira Gomes (A.)
Nome: Rosângela Monteiro da Silva da Costa N.º: 52137 Data de Entrega: 28-10-2020	“Responsabilidade Civil dos Intermediários Financeiros”	Prof(a). Doutor(a) José Ferreira Gomes	Prof(a). Doutor(a) -Januário Gomes (P.) -A. Barreto Menezes Cordeiro (A.) -José Ferreira Gomes (O.)

Mapa de Constituição de Júri

Nome: Jackelini Cristini Pinheiro N.º: 57861 Data de Entrega: 28-10-2020	“A responsabilidade dos membros do órgão de administração nos grupos de sociedades”	Prof(a). Doutor(a) José Ferreira Gomes	Prof(a). Doutor(a) -Ana Perestrelo de Oliveira (P.) -José Ferreira Gomes (O.) -Diogo Costa Gonçalves (A.)
Nome: Ana Cláudia Marques Pimentel N.º: 56360 29095 Data de Entrega: 28-10-2020	“Empty Voting - Exceção à regra consagrada no n.º1, do artigo 384.º do CSC”	Prof(a). Doutor(a) David de Oliveira Festas	Prof(a). Doutor(a) -Ana Perestrelo de Oliveira (P.) -José Ferreira Gomes (A.) -David Festas (O.)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).



Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-FORENSES

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Nilton Mendes da Silva N.º: 59704 Data de Entrega: 09-10-2020	"O sistema de controlo de riscos de "lavagem" de capitais em Cabo Verde à luz do direito comparado"	Prof(a). Doutor(a) Paulo Sousa Mendes	Prof(a). Doutor(a) Maria Fernanda Palma (presidente) Paulo Sousa Mendes (orientador) Nuno Cunha Rodrigues (vogal) Inês Ferreira Leite (arguente)
Nome: Madalena Barreiros Henriques da Silva N.º: 51322 Data de Entrega: 09-10-2020	"A Proteção da Vítima no Processo Penal: Análise Crítica da Evolução do Estatuto Processual da Vítima"	Prof(a). Doutor(a) Paulo Sousa Mendes	Prof(a). Doutor(a) Maria Fernanda Palma (presidente) Paulo Sousa Mendes (orientador) Teresa Quintela Brito (arguente) Rute Saraiva (vogal)
Nome: Ana Raquel da Silva Ferreira N.º: 60319 Data de Entrega: 12-10-2020	"Da valoração dos conhecimentos fortuitos nas escutas telefónicas"	Prof(a). Doutor(a) Francisco Aguilar	Prof(a). Doutor(a) Paulo Sousa Mendes (presidente) Francisco Aguilar (orientador) Miguel Prata Roque (arguente)

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO PENAL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Rafael João Barreto Furtado N.º: 51359 Data de Entrega: 09-10-2020	“Os limites da utilização do malware na investigação criminal digital”	Prof(a). Doutor(a) Francisco Aguilar	Prof(a). Doutor(a) Paulo Sousa Mendes (presidente) Francisco Aguilar (orientador) Rui Soares Pereira (arguente)
Nome: Marta Isabel Morgado Anes N.º: 51087 Data de Entrega: 09-10-2020	“O Psicopata na Ordem Jurídica Portuguesa - a eficácia da execução de penas na sua ressocialização”	Prof(a). Doutor(a) Helena Morão	Prof(a). Doutor(a) Fernanda Palma (presidente) Inês Ferreira Leite (arguente) Helena Morão
Nome Inês Margarida Bernardes de Miranda Brás N.º: 51237 Data de Entrega: 12-10-2020	“Maus tratos a idosos: uma análise da eficácia do presente regime”	Prof(a). Doutor(a) Helena Morão	Prof(a). Doutor(a) Fernanda Palma (presidente) Elsa Oliveira (arguente) Helena Morão(orientadora)

Mapa de Constituição de Júri

Nome: Cintia Raquel Costeira Mantinha N.º: 48990 Data de Entrega: 12-10-2020	“O "Ciberbullying" à luz do Direito Penal Comparado”	Prof(a). Doutor(a) Paulo Sousa Mendes	Prof(a). Doutor(a) Fernanda Palma (presidente) Paulo Sousa Mendes (orientador) Miguel Prata Roque (arguente)
Nome: Capitão Mendes N.º: 59752 Data de Entrega: 12-10-2020	“Corrupção à luz da ordem jurídica guineense”	Prof(a). Doutor(a) Inês Ferreira Leite	Prof(a). Doutor(a) Paulo Sousa Mendes (presidente) Inês Ferreira Leite (orientadora) Vitalino Canas (arguente)
Nome: Bibiana Russa Lourenço Miguel N.º: 60464 Data de Entrega: 12-10-2020	“Corrupção passiva no ordenamento jurídico angolano: Um contributo para sua compreensão”	Prof(a). Doutor(a) Inês Ferreira Leite	Prof(a). Doutor(a) Paulo Sousa Mendes (presidente) Inês Ferreira Leite (orientadora) Vitalino Canas (arguente)

Mapa de Constituição de Júri

Nome: Joana Margarida Alves Queijo N.º: 57977 Data de Entrega: 26-10-2020	“Grooming Online - A problemática do Aliciamento de Menores para fins sexuais”	Prof(a). Doutor(a) Francisco Aguilar	Prof(a). Doutor(a) Paulo Sousa Mendes (presidente) Teresa Quintela Brito (arguente) Francisco Aguilar (orientador)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

Carlos Blanco de Moraes

PARECER

1. A Doutora Heloísa Duarte de Oliveira concluiu no dia 29 de Outubro do corrente ano provas de doutoramento em Direito, pela Universidade de Lisboa, tendo sido classificada, por maioria, com a nota de Muito Bom, com distinção e louvor.
2. Primeiramente na qualidade de monitora, depois como assistente convidada, exerceu desde 2007 funções de docência no Grupo de Ciências Jurídico-Políticas, em disciplinas de Direito Internacional Público, Direito da União Europeia, Direitos Fundamentais e Direito do Ambiente.
3. Licenciada com 17 valores pela Faculdade de Direito da Universidade de Lisboa (2007), concluiu a parte curricular do Mestrado em Ciências Jurídico-Ambientais com a classificação de 17 valores (2010). O Conselho Científico permitiu, então, o acesso *per saltum* ao doutoramento. No seu assinalável percurso académico, importa destacar ainda os diversos prémios de mérito que lhe foram atribuídos durante a licenciatura e no decurso da parte escolar do mestrado.
4. Para além de uma actividade intensa de participação e organização de eventos de natureza académica, conforme resulta do Curriculum Vitae da Doutora Heloísa Duarte de Oliveira em anexo, apresenta um conjunto alargado de publicações sobre temas muito relevantes de Direito Público, com destaque para a dogmática e a prática do

Carlos Blanco de Moraes

Direito do Ambiente, incluindo uma publicação recente na prestigiada Max Planck *Encyclopaedia of Comparative Constitutional Law*.

5. Como Coordenador Científico do Centro de Investigação de Direito Público (CIDP), posso testemunhar o seu empenho no processo de avaliação do Centro e nos projetos de investigação mais recentes na área ambiental, nomeadamente no Direito do Mar.

6. Na qualidade de presidente do Grupo de Ciências Jurídico-Políticas, tenho o firme ensejo de propor ao Conselho Científico a contratação da Doutora Heloísa Duarte de Oliveira como professora auxiliar convidada.

Lisboa, 7 de Dezembro de 2020

A handwritten signature in black ink, appearing to read 'Carlos Blanco de Moraes', with a stylized, cursive script.

Carlos Blanco de Moraes

(Professor Catedrático da Faculdade de Direito da Universidade de Lisboa)

PARECER**Assunto: Parecer para efeitos de proposta de contratação da Doutora Heloísa Duarte de Oliveira como professora auxiliar convidada**

1. O presente parecer é elaborado para efeitos de proposta de contratação da Doutora Heloísa Duarte de Oliveira como professora auxiliar convidada da área disciplinar de Ciências Jurídico-Políticas.

2. Como elementos curriculares significativos, constantes do currículo entregue para efeitos de prestação de provas de doutoramento, relativos a graus académicos, cumpre referir os que de seguida se enunciam.

2.1 A candidata licenciou-se em Direito pela Faculdade de Direito da Universidade de Lisboa (FDUL), no ano de 2007, tendo obtido a média final de 17 valores.

2.2 A candidata concluiu a parte curricular do Curso de Mestrado Científico, em Ciências Jurídico-Ambientais, 2008-2010, com a média de 17 valores.

2.3 A candidata realizou provas de doutoramento em 29 Outubro de 2020, tendo obtido o grau de Doutora em Direito pela Faculdade de Direito da Universidade de Lisboa (menção de Ciências Jurídico-Políticas) e sido aprovada com distinção e louvor (por maioria). Para o efeito, apresentou uma dissertação subordinada ao tema “O conteúdo do dever do Estado de garantia de reparação do dano público ambiental no direito publico do ambiente”. Como me foi permitido testemunhar na qualidade de arguente do júri de provas de doutoramento, a dissertação incide sobre tema relevante e actual e denota uma investigação extensa, com vista a apresentar um contributo científico inovador em matéria de direito público do ambiente.

2.4 A candidata detém uma pós-graduação obtida no Curso Pós-Graduado *O novo regime da Responsabilidade Civil Extracontratual do Estado e demais Entidades Públicas*, pelo Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa, no qual obteve a classificação de 18 valores pelo estudo apresentado intitulado “A jurisprudência comunitária e o regime jurídico da responsabilidade extracontratual do Estado e demais entidades publicas” (2008/2009), tendo igualmente cursado diversos outros cursos, seminários, jornadas e módulos de Pós-Graduações, num total de oito, em especial nas áreas do Direito da União Europeia, Direito do Ambiente e Direito tributário.

3. Cumpre ainda relevar outros elementos curriculares de ordem científica, com destaque para os que de seguida se enunciam.

3.1 No período compreendido entre 2009 e 2017 publicou diversos artigos (dois dos quais em co-autoria) em revistas jurídicas e obras colectivas, que versam, na sua maior parte, sobre temas relevantes na área do Direito Público, em especial no domínio do Direito do Ambiente. Cumpre destacar os seguintes da sua autoria:

i) “A jurisprudência comunitária e o regime jurídico da responsabilidade extracontratual do Estado e demais entidades públicas – influência, omissão e desconformidade”, *in Estudos em Homenagem ao professor Doutor José Manuel Sérvulo Correia*, Vol. IV. Coimbra, Coimbra Editora, 2010, pp. 610-638;

ii) “O dano à biodiversidade: conceptualização e reparação”, *in Direito e Biodiversidade*, Curitiba, Juruá Editora, 2010, pp. 149-176;

iii) “A restauração natural no novo regime jurídico de responsabilidade civil por danos ambientais”, *in Cadernos O Direito* 6, Coimbra, Almedina, 2011, pp. 119-138;

iv) “Eficácia e adequação na tutela sancionatória de bens ambientais”, *in Revista de Concorrência & Regulação*, n.º 5, Ano 2, Janeiro-Março 2011, pp. 205-238;

v) “Instrumentos de tutela do ambiente: responsabilidade por dano ambiental/ecológico”, *in Actas do Colóquio – A revisão da Lei de Bases do Ambiente*, Lisboa, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2011, pp. 169-179;

vi) “Avaliação de impacto ambiental e responsabilidade ambiental”, *in Revisitando a avaliação de impacto ambiental*, Lisboa, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2014, pp. 96-111;

vii) “Responsabilidade ambiental do operador de gestão de resíduos”, *in* Direito dos resíduos, Lisboa, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2011, pp. Lisboa, Faculdade de Direito da Universidade de Lisboa, Entidade Reguladora dos Serviços de Águas e Resíduos e Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa, 2014, pp. 241-256.

Na área do Direito Internacional Público, a candidata publicou ainda, em co-autoria com três outros autores, *Direito Internacional público: casos práticos*, Lisboa, AAFDL, 2017.

3.2 No período compreendido entre 2008 e 2014, a candidata proferiu intervenções na qualidade de oradora (e, num caso, relatora) em conferências, colóquios, jornadas, seminários e um workshop, num total de onze, dominando a temática do direito do ambiente.

3.3 No período compreendido entre 2009 e 2017, a candidata proferiu intervenções, na qualidade de docente (e formadora) em vários cursos pós-graduados e cursos e acções de formação, num total de dez, com predominância da temática do direito do ambiente.

3.4 No plano da investigação aplicada é de mencionar, acrescendo aos dados constantes do currículo, que a candidata é investigadora associada do Centro de Investigação de Direito Público da Faculdade de Direito da Universidade de Lisboa, Grupo de Investigação em Direito Administrativo (Linha de investigação *Energia, Recursos Naturais e Ambiente*).

4. Na esfera pedagógica, há que destacar os seguintes elementos no currículo da candidata:

4.1 Desde Outubro de 2011 é assistente convidada da FDUL, do Grupo de Ciências Jurídico-Políticas, tendo prestado serviço docente e lecionado aulas práticas em diversas disciplinas (direito internacional público, direitos fundamentais, contencioso administrativo e tributário, direito da União Europeia, protecção internacional dos direitos humanos);

4.2 Entre Setembro de 2012 e Janeiro de 2016 foi assistente convidada no Instituto Superior Técnico da Universidade de Lisboa, tendo lecionado a disciplina de direito do ambiente;

4.3 No período compreendido entre Novembro de 2007 e Outubro de 2011, exerceu funções de monitora na FDUL, tendo prestado serviço em diversas disciplinas (direito da família, direito das sucessões e direito internacional público).

5. A candidata, no período compreendido entre 2005 e 2009, obteve os seguintes prémios e bolsas:

i) 2005: Bolsa de Louvor Santander/Universidade de Lisboa, por aproveitamento excecional, no ano lectivo de 2004/2005 e Prémio do Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa pela melhor classificação em Direito Comunitário I, no ano lectivo de 2004/2005;

ii) 2006: Bolsa de Mérito da Universidade de Lisboa, pela classificação no conjunto de disciplinas que compõem o ano curricular completo, no ano lectivo de 2005/2006;

iii) 2007: Prémio da Universidade de Lisboa/Caixa Geral de Depósitos ao melhor aluno finalista no curso de Direito 2002/2007;

iv) 2009: Bolsa de Mérito da Universidade de Lisboa, pela classificação no conjunto de disciplinas que compõem um ano curricular completo, no ano lectivo de 2008/2009 (parte curricular do mestrado).

6. Na Faculdade de Direito da Universidade de Lisboa a candidata, no período compreendido entre 2011 e 2019, desempenhou os seguintes cargos académicos:

- i) Membro da Assembleia de Representantes (2011-2013);
- ii) Chefe de Gabinete do Director (2014-2015);
- iii) Membro do Conselho Pedagógico (2015);
- iv) Membro do Conselho de Escola (2015-2016);
- v) Membro do Conselho de Escola (2017-2019).

7. No que respeita a outros cargos não universitários com relevo curricular, a candidata exerceu funções de advocacia no período compreendido entre Setembro de 2007 e Dezembro de 2011, bem como as funções de adjunta do Ministro dos Negócios Estrangeiros (Dezembro de 2015 a Julho de 2017) e de Chefe de Gabinete do Secretário de Estado da Presidência do Conselho de Ministros (Julho de 2017 a Dezembro de 2018).

8. O teor do currículo da candidata e uma apreciação objectiva do seu desempenho como docente e investigadora atestam que esta reúne os requisitos de ordem científica suscetíveis de justificar a proposta de contratação como professora auxiliar convidada da área disciplinar de Ciências Jurídico-Políticas.

Lisboa, 8 de dezembro de 2020.

(Maria José Rangel de Mesquita)



CURSO DE PÓS-GRADUAÇÃO EM DIREITO BANCÁRIO

**em colaboração com a Faculdade de Direito da
Universidade Eduardo Mondlane (Maputo)**

2021

Programa

Módulo I - Introdução ao Sistema Financeiro Moçambicano

Regente: Prof. Doutor Teodoro Andrade Waty

Período letivo: 22 a 26 de março

Módulo II - Direito Bancário Institucional e a Supervisão Bancária

Regente: Doutor Mateus Saize

Período letivo: 19 a 23 de abril

Módulo III - Compliance Bancário e Prevenção do Branqueamento de Capitais

Regente: Prof. Doutor Paulo Sousa Mendes

Período letivo: 24 a 28 de maio

Módulo IV - Direito Bancário Material: Contratos Bancários

Regente: Prof. Doutor Hugo Ramos Alves

Período letivo: 14 a 18 de junho

Módulo V - Direito Bancário Material: Garantias na Atividade Bancária

Regente: Prof. Doutor Januário Costa Gomes

Período letivo: 19 a 23 de julho

Módulo VI - Moedas Bancárias e Serviços de Pagamento

Regente: Prof. Doutor Francisco Mendes Correia

Período letivo: 20 a 24 de setembro

Módulo VII - Meios de Proteção do Consumidor dos Serviços Financeiros

Regente: Prof. Doutor Augusto Paulino

Período letivo: 18 a 22 de outubro

Cada módulo terá a duração de cinco dias úteis, sendo lecionadas duas horas de aulas em cada dia, em horário pós-laboral (18h00m - 20h00m).



VI CURSO DE MESTRADO EM CIÊNCIAS JURÍDICO-ECONÓMICAS

**em colaboração com a Faculdade de Direito da
Universidade Eduardo Mondlane (Maputo)**

2021

Programa

I Módulo – Metodologia de Investigação Científica

Regente: Prof. Doutor Fernando Loureiro Bastos

Período letivo: 12 a 16 de abril

I Módulo - Finanças Públicas e Fiscalidade

Regente: Prof. Doutor Teodoro Waty

Período letivo: 17 a 21 de maio

I Módulo - Economia Política e Teoria e Análise Económica do Direito

Regente: Prof. Doutor Nuno Cunha Rodrigues

Período letivo: 21 a 25 de junho

I Módulo - Direito da Economia

Regente: Prof. Doutor José Renato Gonçalves

Período letivo: 26 a 30 de julho

II Módulo - Economia Política e Teoria e Análise Económica do Direito

Regente: Prof.^a Doutora Ana Comoane

Período letivo: 13 a 17 de setembro

II Módulo - Finanças Públicas e Fiscalidade

Regente: Prof. Doutor Eduardo Paz Ferreira

Período letivo: 25 a 29 de outubro

II Módulo - Direito da Economia

Regente: Prof. Doutor António Chuva

Período letivo: 22 a 26 de novembro

II Módulo – Metodologia de Investigação Científica (Projeto de Investigação)

Regente: Prof. Doutor Fernando Loureiro Bastos

Período letivo: 6 a 10 de dezembro

Cada módulo terá a duração de cinco dias úteis, sendo lecionadas duas horas de aulas em cada dia, em horário pós-laboral (18h00m - 20h00m).

RELATÓRIO DE ATIVIDADES



GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

ANO LETIVO 2019/2020

Índice

Introdução	3
Equipa	5
Programas e Redes	6
Mobilidade de Alunos	
Alunos Incoming	10
Alunos Outgoing	13
Comparação Incoming vs. Outgoing	17
Mobilidade de Docentes e Staff	19
Docentes Incoming	19
Docentes Outgoing	21
Mobilidade de Staff	22
Mestrados Internacionais	23
Mestrado em European Legal Practice	23
Pós-graduação Erasmus de Atualização em Direito Europeu, Global e Comparado	24
Cursos Intensivos	25
Moot Courts	33
Conclusão	34
Anexos	35

INTRODUÇÃO

O Gabinete Erasmus e de Relações Internacionais (GERI) promove e gere, entre outras atribuições, os programas de mobilidade da Faculdade de Direito da Universidade de Lisboa, nomeadamente a mobilidade de alunos, docentes, investigadores e funcionários. No âmbito desta gestão, é atribuição do GERI não só prestar esclarecimentos sobre os programas em vigor, como também promover iniciativas informativas e de incentivo à mobilidade, quer para alunos *outgoing* que queiram realizar um período de mobilidade numa universidade parceira, quer para alunos *incoming* que queiram frequentar um semestre ou um ano letivo na nossa Faculdade.

Estas atribuições, pese embora não terem sofrido alterações, foram bastante afetadas pela pandemia COVID-19, que veio afetar não só a forma como nos relacionamos e convivemos, mas também como trabalhamos. Além das preocupações urgentes de saúde que levaram à suspensão das atividades letivas presenciais e do atendimento ao público, que afetou diretamente o GERI, foi necessário reestruturar todo um conjunto de procedimentos num curto espaço de tempo para conseguir dar resposta de forma eficaz e atempada, especialmente aos alunos *outgoing* e *incoming*, cujos períodos de mobilidade foram fortemente afetados. O atendimento passou a ser feito exclusivamente através do email e a prioridade nas primeiras semanas do Estado de Emergência, decretado dia 18 de março de 2020, foi prestar apoio aos alunos, especialmente aos alunos *incoming*, a regressar aos seus países, no caso dos alunos que desistiram da mobilidade, e a assegurar que aqueles que permaneceram em Lisboa continuavam a frequentar as aulas online e concluíam o seu período de mobilidade com sucesso.

Neste ponto, é importante dar especial destaque aos cursos intensivos, criados originalmente como uma extensão do Programa Erasmus+ e integrados no Mestrado ELPIS, lecionados na sua maioria por docentes estrangeiros, em língua estrangeira, sobre temas específicos com uma vertente predominante de Direito Comparado, Europeu e Global. Este ano letivo, dada a pandemia COVID-19 e as medidas de prevenção que daí advieram, estes cursos sofreram uma reorganização profunda, na medida em que, à semelhança das disciplinas dos vários ciclos de ensino lecionados pela Faculdade, foram lecionados online por docentes estrangeiros convidados, mas também por docentes da Faculdade, em virtude de alguns cursos inicialmente previstos terem sido cancelados. A manutenção de alguns dos cursos inicialmente previstos e a criação de novos cursos lecionados por docentes da FDUL foi fundamental para assegurar que os alunos conseguiram obter o número de ECTS necessário para completar as suas mobilidades.

Paralelamente, o GERI tem vindo a estabelecer, em linha com a política de internacionalização da Faculdade, protocolos com várias instituições de ensino superior, tanto europeias, no âmbito do Programa Erasmus+, como de países sul-americanos. Todos os acordos do Programa Erasmus+ deveriam ser renovados a partir de 2020, mas dada a pandemia COVID-19, a Comissão Europeia decidiu adiar este processo para o ano de 2022, o que significa que até lá todos os acordos permanecem em vigor, caso não haja oposição por parte das universidades parceiras.

O Mestrado em *European Legal Practice*, criado no âmbito do programa Erasmus Mundus e acreditado em 2019 pela A3ES, é também gerido pelo GERI. Este curso faz parte da oferta formativa da Faculdade, bem como o duplo-grau International promovido em conjunto com a Loyola University College of Law, New Orleans.

No quadro da internacionalização da Faculdade, cabe ao GERI a sua representação em redes e eventos internacionais de Direito e a promoção da atividade docente no estrangeiro. A quase totalidade das iniciativas de caráter presencial, programadas para o 2.º semestre do ano letivo 2019/2020, foram substituídas por sessões online, devido ao surto da COVID-19. Uma tal solução permitiu a manutenção da intensa atividade de participação nas instituições internacionais de natureza académica por parte da FDUL, só que realizada agora em forma de “webinar”,

É ainda responsabilidade do GERI manter atualizada a informação no site da Faculdade relativa às mobilidade *incoming* e *outgoing*, à oferta de unidades curriculares em inglês para alunos estrangeiros em mobilidade, aos cursos intensivos e aos mestrados internacionais.

O presente relatório pretende, desta forma, dar conta das atividades promovidas ao longo do ano letivo de 2019/2020, bem como da sua evolução ao longo dos últimos anos letivos, sendo que todas elas, em maior ou menor dimensão, foram afetadas pela pandemia COVID-19.

EQUIPA

A orgânica do Gabinete é composta por um presidente, oito vice-presidentes, representantes dos vários grupos científicos, uma equipa de colaboradores caracterizada por um técnico-superior, quatro alunos-colaboradores e ainda um representante da Associação Académica da Faculdade de Direito da Universidade de Lisboa.

Presidente: Professor Doutor Vasco Pereira da Silva

Grupo de Ciências Jurídicas

Professor Doutor Tiago Soares da Fonseca

Professor Doutor José Ferreira Gomes

Grupo de Ciências Jurídicas-Económicas

Professor Doutor Nuno Cunha Rodrigues

Professor Doutor Rute Saraiva

Grupo de Ciências Jurídico-Políticas

Professor Doutor Miguel Raimundo

Professor Doutor Rui Guerra da Fonseca

Grupo de Ciências Histórica-Jurídicas

Professora Doutora Sílvia Alves

Professora Doutora Isabel Graes

Equipa de colaboradores:

Andreia Caeiro (Técnica Superior, 2020)

Eduarda Camilo (Técnica Superior – cessou funções em Março)

Anaísa Sorna (Fevereiro, 2020)

Filipe Andrade (Fevereiro, 2020 – cessou funções em Abril)

Filipe Vigo (Fevereiro, 2020)

Flora Ferreira (Maio, 2020)

Talita Crespo (Maio, 2020)

Talita Nunes (2018 – cessou funções em Janeiro)

Representante da Associação Académica: Filipa Costa

PROGRAMAS E REDES

A internacionalização tem sido uma das principais prioridades da Faculdade de Direito da ULisboa, cuja importância se traduz não só nos diferentes programas de mobilidade, mas também na oferta formativa, permitindo assim que os alunos da Faculdade e os alunos visitantes de universidades parceiras tenham uma experiência académica enriquecedora e multicultural.

A fim de concretizar esse objetivo, a FDUL é membro de vários programas e redes, cujos objetivos se prendem com o intercâmbio de alunos, docentes e funcionários, a realização de encontros periódicos, o estabelecimento de parcerias, o desenvolvimento de projetos de investigação em conjunto e a atribuição de graus académicos conjuntos.

As redes internacionais de que a Faculdade de Direito da Universidade de Lisboa é parte são as seguintes:

ELFA (European Law Faculties Association)

Associação representativa das Faculdades de Direito europeias, fundada em 1995, em Leuven, Bélgica, é atualmente composta por mais de 180 Faculdades de Direito e constitui-se como um dos principais fóruns de discussão para assuntos relacionados com o ensino do Direito. A rede é responsável pela publicação do “European Journal of Legal Education”.

Rede ELPIS (European Legal Practice Integrated Studies Network)

Rede fundada pela Leibniz Universität Hannover, atualmente composta por cerca de quatro dezenas de universidades europeias (assim como associadas, de outros continentes), destina-se à promoção do intercâmbio de estudantes, docentes e funcionários, à organização de programas de estudos, cursos e publicações, assim como à promoção da investigação científica e pedagógica, em especial, nos domínios do Direito Europeu e Direito Comparado.

Na sequência da eleição do Professor Doutor Vasco Pereira da Silva, em 2015, para a liderança do grupo ELPIS, a Faculdade de Direito da Universidade de Lisboa assegura a respetiva coordenação. Entre as alterações realizadas durante o presente mandato, foi criado o ELPIS-Research que, juntamente com o ELPIS-Network e o ELPIS-Master, completa a organização institucional internacional do Grupo ELPIS, autonomizando as tarefas de investigação.

Este ano foi lançada a “ELPIS v-Law Review”, uma revista científica digital que visa retratar a atividade do “ELPIS Research”, cujo primeiro número se dedica ao tema «10 to 15 Minutes on: The effect of the “corona virus” in Global, European and National Law». Este número reúne um conjunto de artigos, em formato de vídeo, dedicados à análise dos problemas jurídicos causados pelo COVID-19, numa perspetiva nacional europeia e global, aproveitando o trabalho e a investigação científica produzida por Professores de Direito de Universidades de mais de 40 países.

Rede EuropePolis

Rede de cooperação e promoção da investigação académica, fundada em março de 2011, pela Sapienza - Università di Roma, é composta por 19 universidades e centros europeus, com o objetivo de incentivar o ensino do Direito Europeu. A Faculdade de Direito da Universidade de Lisboa é membro fundador desta rede.

Rede de Direito de Roterdão (Rotterdam Law Network)

Rede de intercâmbio e cooperação académica, fundada pela Erasmus Universiteit Rotterdam, atualmente composta por 30 universidades europeias, destina-se à promoção do intercâmbio de estudantes, docentes e funcionários.

Rede de Nanterre (Nanterre Network)

Rede de cooperação e promoção de investigação universitária nas ciências do Direito, coordenada pela Universidade de Université Paris-Ouest Nanterre (La Défense), da qual a Faculdade de Direito da Universidade de Lisboa é membro desde maio de 2011.

PROTOCOLOS E PARCERIAS

A Faculdade de Direito da Universidade de Lisboa possui três tipos de programas de mobilidade, sendo que o GERI é responsável pela gestão da mobilidade ao abrigo de protocolos assinados no âmbito do Programa Erasmus+, pela gestão da mobilidade ao abrigo dos protocolos assinados pelo Instituto de Direito Brasileiro e pela gestão da mobilidade ao abrigo de protocolos com outras instituições de ensino superior não inseridas em programas específicos.

O GERI é igualmente responsável pela gestão dos protocolos que regulamentam os dois mestrados internacionais: o Mestrado em *European Legal Practice* (ELPIS) e o Duplo Grau com a University of Loyola College of Law. Existe ainda o Programa Almeida Garrett, que é gerido pela Reitoria, cabendo ao GERI a responsabilidade de receber e validar as candidaturas, para enviar posteriormente ao Núcleo de mobilidade da Reitoria.

No fim do ano letivo de 2019/2020, o GERI encontrava-se a gerir 165 protocolos com instituições europeias, americanas, latino-americanas e asiáticas.¹

No que respeita à evolução dos parceiros, geridos pelo GERI, com os quais foram assinados protocolos, com mobilidade (Fig. 1), verificamos que não houve uma alteração geográfica significativa.

Foram assinados 8 novos acordos de mobilidade (Fig. 2), mas os países com maior número de parceiros mantiveram-se a Espanha e a Itália, seguidos da Alemanha.²

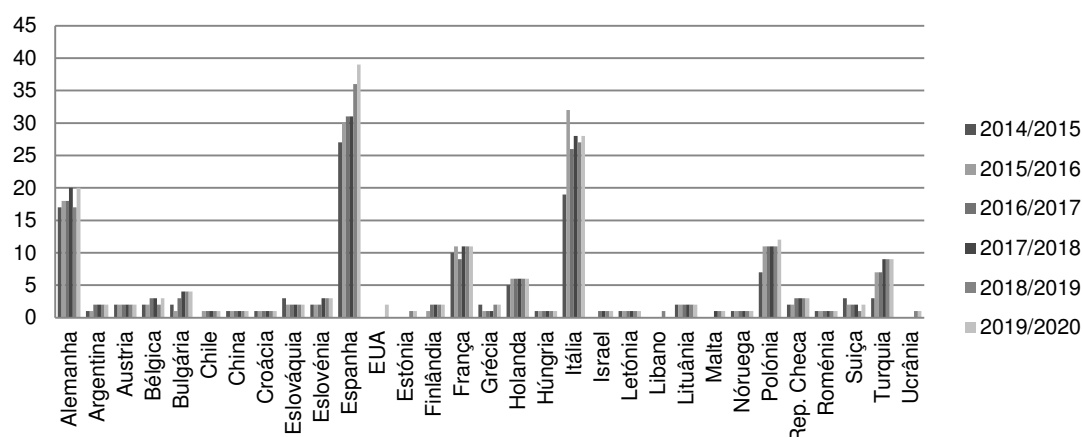


FIG. 1 EVOLUÇÃO DO N.º DE PROTOCOLOS ERASMUS+ POR PAÍSES

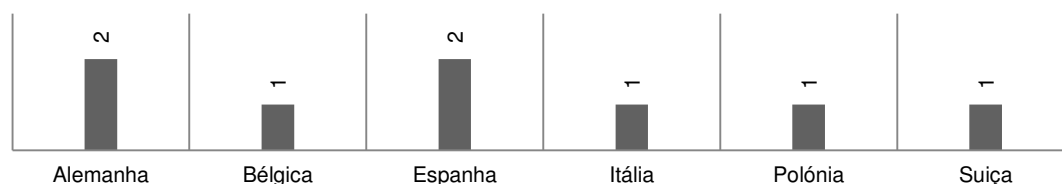


FIG. 2 PROTOCOLOS ASSINADOS EM 2018/2019, POR PAÍSES

¹ A este número devem ser acrescentados os protocolos estabelecidos entre Instituto de Direito Brasileiro, Instituto de Cooperação Jurídica e Reitoria da ULisboa e universidades estrangeiras, ao abrigo das quais a FDUL também pode enviar e receber alunos em mobilidade.

² Anexo 1 – Lista de Protocolos em vigor e assinados em 2019/2020.

No ano letivo de 2019/2020, enviámos 100 alunos para 43 instituições parceiras e recebemos 384 alunos de 147 instituições. Em regra, o número de vagas é respeitado, embora haja casos de instituições parceiras que aceitam receber mais alunos da Faculdade de Direito da Universidade de Lisboa do que aqueles que enviam e vice-versa³.

³ Ver Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.

MOBILIDADE DE ALUNOS

Alunos Incoming

384 ALUNOS

147 INSTITUIÇÕES⁴

30 PAÍSES⁵

35 NACIONALIDADES⁶

A mobilidade *incoming* nos 3 últimos anos tem vindo a aumentar progressivamente, como pode verificar-se na Fig 3. Pela segunda vez, nos últimos anos, o número de candidatos ao Programa Erasmus+ ultrapassou significativamente o número de mobilidades por Protocolo, que se manteve estável em relação ao ano letivo anterior, embora seja possível verificar que tem vindo a diminuir ligeiramente. Os alunos *free movers*⁷ (*alunos visitantes*) também não têm grande expressão no contexto da mobilidade, apesar de ter havido um ligeiro crescimento em relação ao ano anterior. Estes alunos provêm maioritariamente de instituições de ensino superior brasileiras. O Programa Almeida Garrett, sendo um programa nacional, tem um universo de mobilidade bastante mais pequeno e no ano letivo anterior não houve nenhum aluno deste programa. Em 2019/2020, a FDUL recebeu 483 nomeações, tendo recebido 513 candidaturas, das quais 25 se referiam a *free movers* e 3 foram anuladas pelos candidatos. No presente ano letivo, realizaram-se 384 matrículas, o que significa que houve uma redução de alunos matriculados na ordem dos 8 % em relação ao ano anterior.

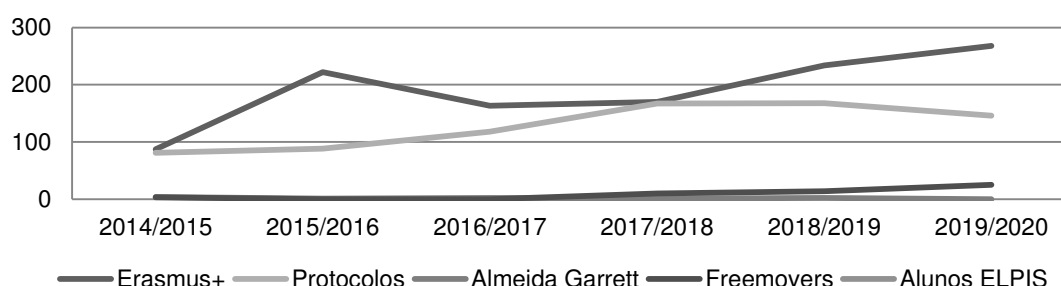


FIG. 3 EVOLUÇÃO DOS ALUNOS INCOMING, POR PROGRAMA (2014-2020)

No ano letivo de 2019/2020, recebemos por período letivo uma média de 219 alunos, tendo havido 9 pedidos de extensão. Devido à pandemia COVID-19, registámos 17 desistências e 23 alunos regressaram ao país de origem, mas continuaram a frequentar as aulas a distância.

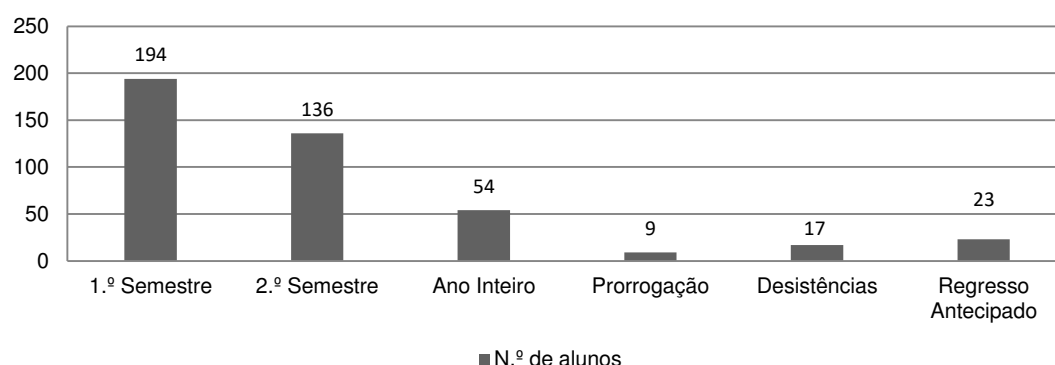


FIG. 4 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR SEMESTRE, EM 2019/2020

⁴ Anexo 2 – Alunos *incoming* inscritos por universidade de origem.

⁵ Anexo 3 – Alunos *incoming* por país de origem.

⁶ Anexo 4 – Alunos *incoming* por nacionalidade.

⁷ Alunos *free movers* são alunos que realizam uma mobilidade na Faculdade de Direito da Universidade de Lisboa sem estarem abrangidos por nenhum programa ou protocolo. Estes alunos, não estando enquadrados em nenhum programa de mobilidade, são recebidos na qualidade de aluno que realiza unidades curriculares isoladas.

A Faculdade de Direito recebeu em média 2,6 alunos por universidade parceira (Fig. 5) e um número médio de 12,8 alunos por país de origem (Fig. 6).

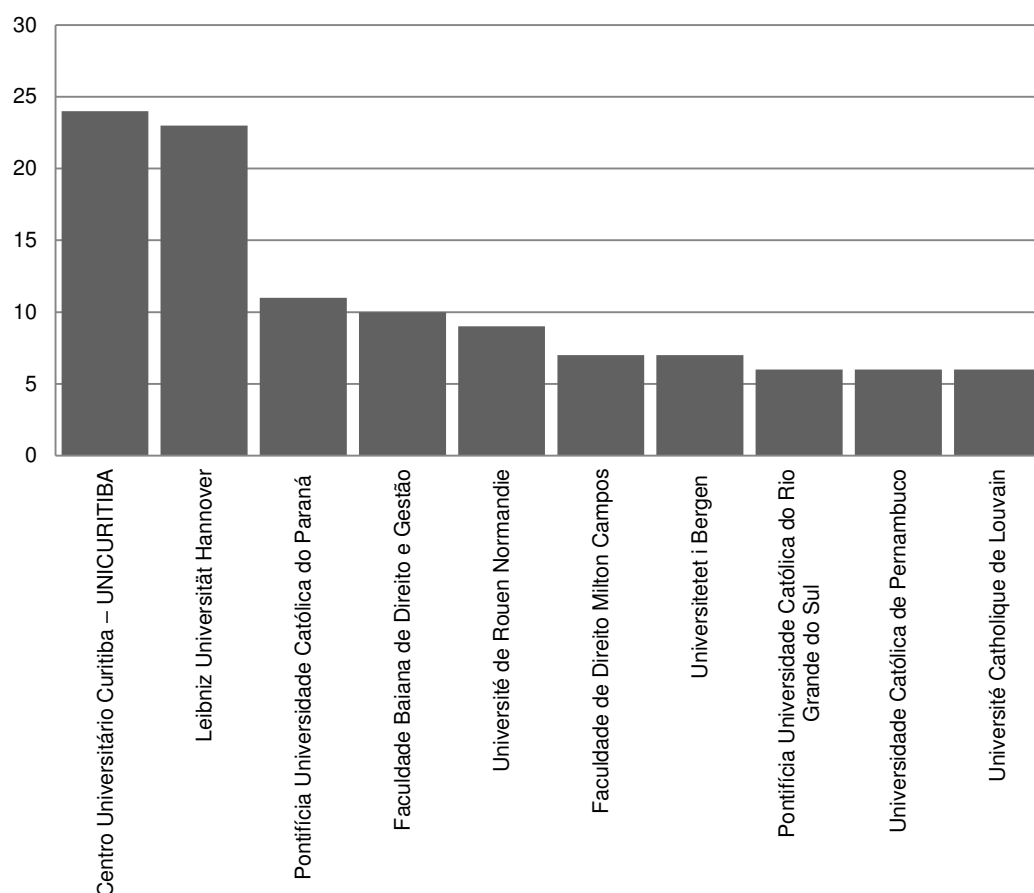


FIG. 5 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS INCOMING

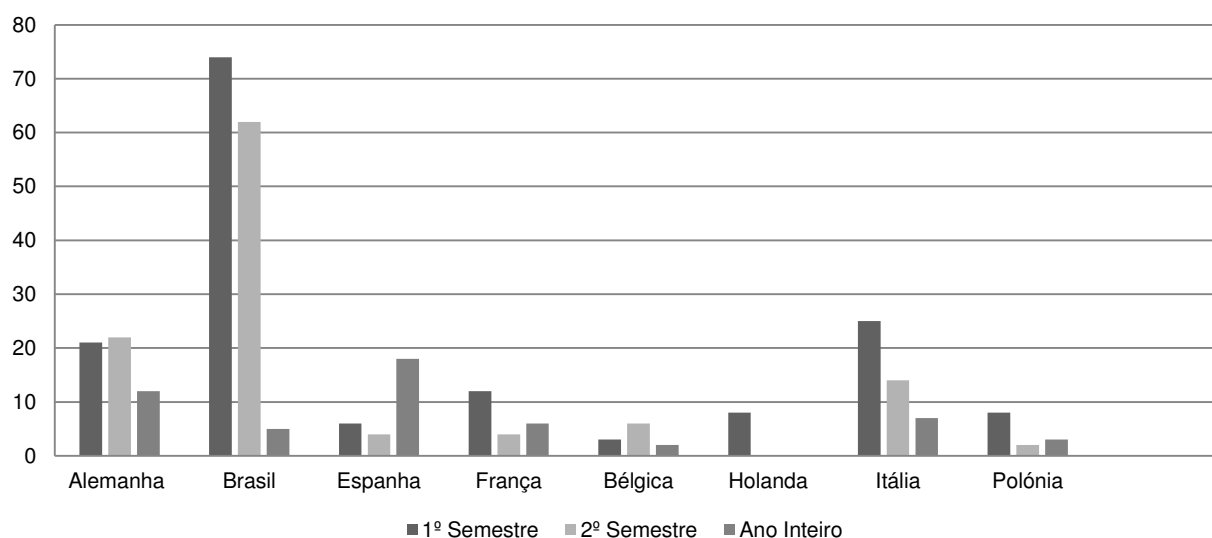


FIG. 6 PAÍSES COM MAIOR NÚMERO DE ALUNOS INCOMING

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 7) e maioritariamente entre os 21 e os 25 anos (Fig. 8).⁸

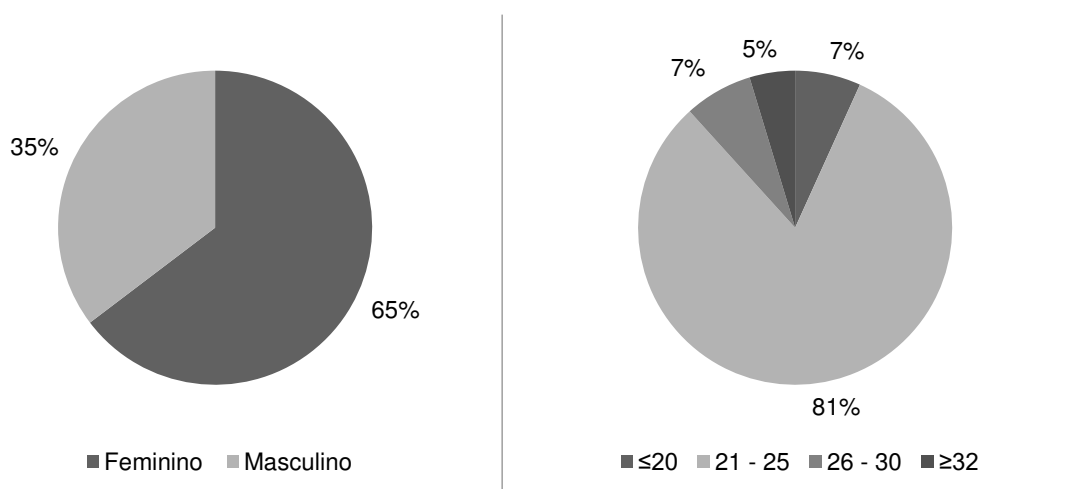


FIG. 7 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÉNERO

FIG. 8 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE

Os alunos *incoming* frequentaram, em 2019/2020, 104 disciplinas (mais 2 unidades curriculares do que no ano letivo anterior), numa média de 17 alunos *incoming* por unidade curricular. As unidades curriculares que tiveram maior número de alunos *incoming* inscritos foram: Direito comparado (140); Direito do Ambiente (131); Direito Internacional Público (101); Direitos Fundamentais (96); Direito e Economia (67); Direito da União Europeia (63); História do Pensamento Jurídico (61); Contencioso da União Europeia (55); Direito das Nações Unidas (50); Direito do Trabalho I (48); Proteção Internacional dos Direitos do Homem (44); Organizações Internacionais (44); Direito da Família (35); União Económica e Monetária (34); Direito Internacional Económico (33); Introdução ao Direito da Concorrência (30); História das Relações Internacionais (30); Direito Comercial I (30).⁹ 19% das unidades curriculares com alunos de mobilidade tiveram 30 ou mais alunos inscritos.

Em cada ano letivo é criado um conjunto de unidades curriculares cuja língua de ensino é o inglês. Estas unidades curriculares, tanto na Licenciatura em Direito como no Mestrado em Direito e Prática Jurídica, visam facilitar o processo de aprendizagem e ensino destes alunos que não dominam ainda o português. Os alunos que optam por se inscrever nestas disciplinas são na sua maioria de origem alemã, espanhola, francesa, italiana e polaca. Existem também muitos alunos brasileiros que optam por frequentar estas unidades curriculares como forma de valorizar a sua experiência no estrangeiro.

Em 2019/2020, nas 23 disciplinas em inglês¹⁰ foram lecionadas 25 subturmas: 15 no 1.º semestre e 10 no 2.º semestre. As disciplinas com maior número de alunos foram: Direito Comparado (79); Direito do Ambiente (70); Direitos Fundamentais (67); Direito e Economia (66); Direito Internacional Público (55); Contencioso da União Europeia (49); História do Pensamento Jurídico (44); Direito das Nações Unidas (42); Direito da União Europeia (39); Organizações Internacionais (39).¹¹

Em termos de avaliação, a média geral dos alunos *incoming* é de 13,57¹². Esta média diminui ligeiramente quando analisamos apenas as disciplinas lecionadas em inglês, cuja média é 12,31¹³.

⁸ Anexo 5 – Alunos *Incoming* por Género e Idade.

⁹ Anexo 6 – Alunos *incoming* inscritos por disciplina.

¹⁰ Anexo 7 – Lista de unidades curriculares lecionadas em inglês.

¹¹ Anexo 8 – Número de alunos *incoming* por unidades curriculares lecionadas em Inglês.

¹² Anexo 9 – Média de avaliação dos alunos *incoming* por disciplina.

Alunos Outgoing

100 ALUNOS

43 INSTITUIÇÕES¹⁴

19 PAÍSES¹⁵

No ano letivo 2019/2020, houve uma diminuição significativa no número de candidaturas aos programas de mobilidade em comparação com 2018/2019, com um total de 203 alunos a candidatar-se aos vários programas de mobilidade oferecidos pela FDUL:

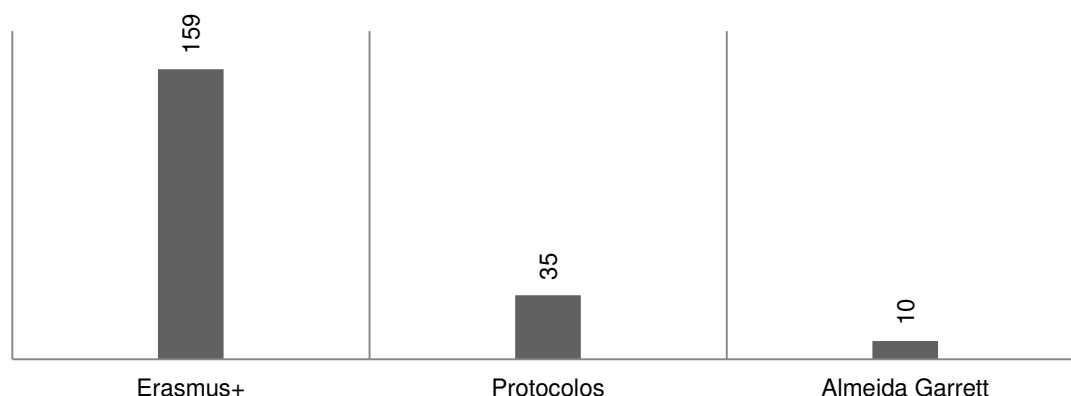


FIG. 9 NÚMERO DE CANDIDATURAS NO ANO LETIVO 2019/2020.

Esta diminuição no número de candidaturas refletiu-se no número de alunos a realizar períodos de mobilidade, conforme consta na Fig. 10. Desistiram 103 alunos. Estas desistências devem-se a vários fatores, como por exemplo a diferença do custo de vida entre Portugal e os países de destino, a inexistência de equivalências em algumas universidades ou a não atribuição de orientadores no caso dos alunos do 2.º ciclo, condição obrigatória para a mobilidade ser validada.

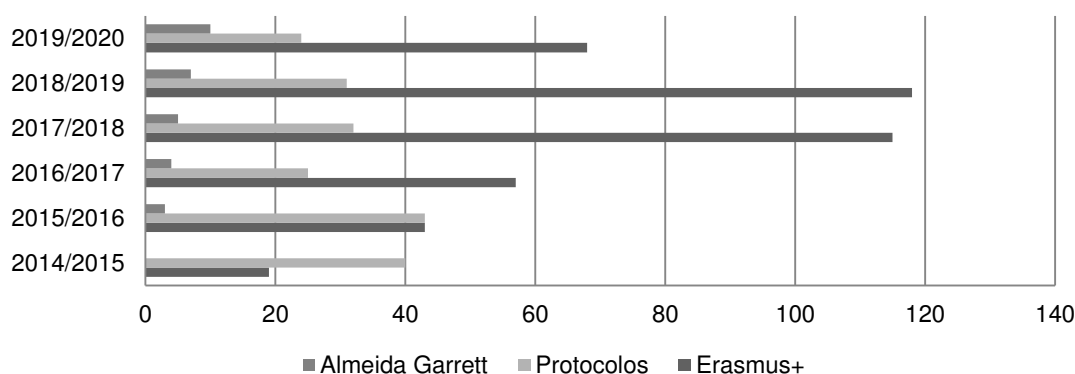


FIG. 10 EVOLUÇÃO DOS ALUNOS OUTGOING, POR PROGRAMA

¹³ Anexo 10 – Média de avaliação dos alunos *incoming* por disciplina (turma) lecionada em Inglês.

¹⁴ Anexo 11 – Alunos *outgoing* por universidade de destino.

¹⁵ Anexo 12 – Alunos *outgoing* por país de destino.

No ano letivo de 2019/2020, a grande maioria das mobilidades tiveram lugar no 1.º semestre (Fig. 11), à semelhança do que se tem vindo a verificar nos últimos anos.

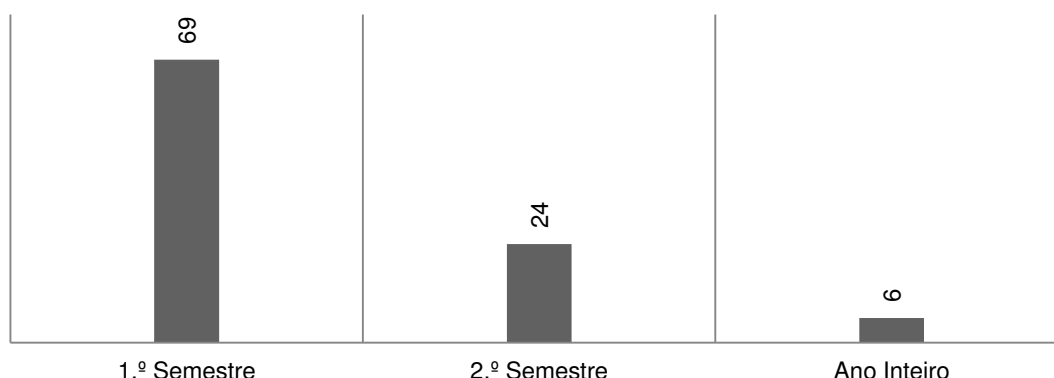


FIG. 11 DISTRIBUIÇÃO DOS ALUNOS OUTGOING POR SEMESTRE, EM 2018/2019

A Faculdade de Direito enviou em média 2,3 alunos por universidade de destino e um número médio de 5,3 alunos por país de destino. Na Fig. 12 encontram-se em análise as 12 universidades que mais alunos da Faculdade de Direito receberam para um período de mobilidade em 2019/2020. Estes alunos são, na sua maioria, alunos de licenciatura. Na generalidade, a mobilidade durante a licenciatura é bastante superior à mobilidade nos demais ciclos de estudos (Fig. 12).

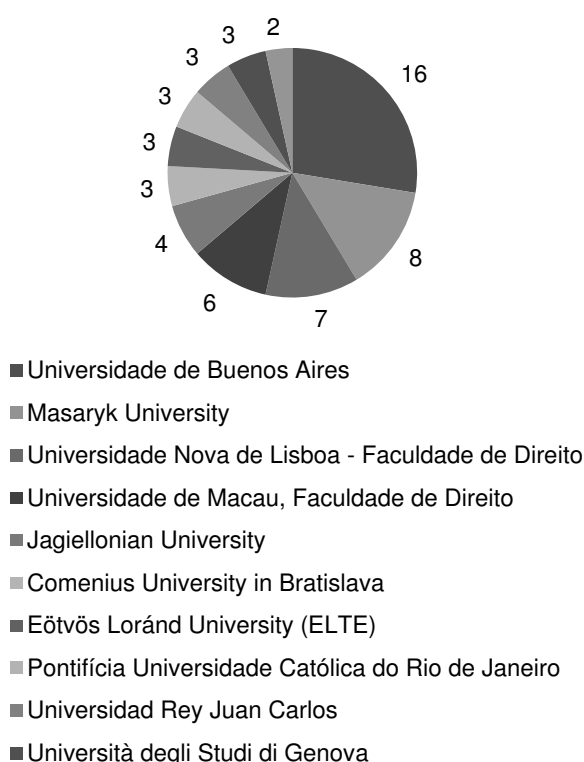


FIG. 12 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS OUTGOING

Ainda em relação ao 2.º semestre, na sequência da suspensão das atividades letivas presenciais na grande maioria das universidades e dos estados de emergências implementados nos vários países, é fundamental perceber de que forma a pandemia COVID-19 afetou as mobilidades que estavam a decorrer ou que iriam iniciar:

Mobilidades afetadas pela pandemia COVID-19	N.º de Alunos
Mobilidade Virtual c/ ou s/ regresso antecipado	23 ¹⁶
Mobilidade suspensa c/ativação da cláusula de força maior	5
Mobilidade suspensa s/ativação da cláusula de força maior	2
Prorrogação	1
Total	31

TABELA 1 – MOBILIDADES DO 2.º SEMESTRE AFETADAS PELA PANDEMIA COVID-19

É possível concluir que, apesar das medidas de prevenção em vigor na altura e da incerteza vivida durante o 2.º semestre do ano letivo 2019/2020, todos os alunos cuja mobilidade estava já a decorrer, continuaram os seus estudos a distância, sendo que os alunos cuja mobilidade foi suspensa ainda não tinham iniciado a sua mobilidade. Importa ainda referir que todos os alunos que continuaram os seus estudos online completaram a sua mobilidade com sucesso.

A cláusula de força-maior foi solicitada junto da Agência Nacional Erasmus+ e permitiu aos alunos solicitar o reembolso de despesas relacionadas com as suas mobilidades, evitando assim a devolução da bolsa de apoio individual. Este processo foi gerido pelo Núcleo de Mobilidade da ULisboa.

No caso dos alunos cuja mobilidade foi suspensa, com ou sem ativação de cláusula de força maior, 4 solicitaram o adiamento da mobilidade para o ano letivo 2020/2021.

Relativamente aos países de destino, há uma preferência dos alunos da Faculdade de Direito por Argentina (16), seguido da Itália (16), Espanha (13), Portugal (10), República Checa (10), China (6), Brasil (4), e Polónia (4).

¹⁶ Este número inclui os alunos que estavam a realizar um período de mobilidade ao abrigo do Programa Almeida Garrett.

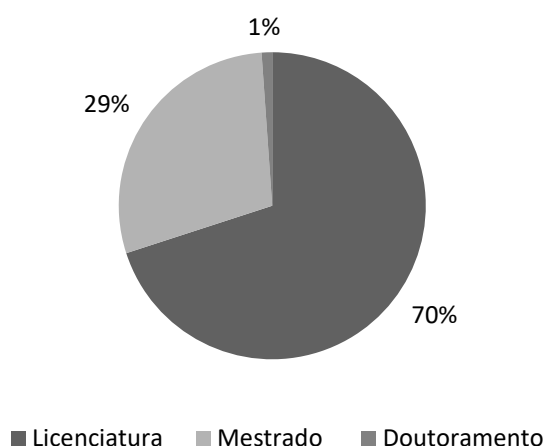


FIG. 13 ALUNOS OUTGOING, POR CICLO DE ESTUDOS

A maioria dos alunos (67%) que realizou um período de mobilidade numa universidade estrangeira frequenta o 1.º ciclo na Faculdade de Direito da Universidade de Lisboa (Fig. 13). Sendo um ciclo de estudos com uma duração maior, na licenciatura o aluno tem um intervalo de tempo maior para decidir se pretende fazer mobilidade e para que instituição, não havendo qualquer tipo de restrição relativa ao semestre em que escolhe realizá-la, ao contrário dos alunos de 2.º ciclo, que apenas podem realizar mobilidade no 1.º semestre do segundo ano do ciclo de estudos, o ano para elaboração da dissertação¹⁷.

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 14) e maioritariamente entre os 21 e os 25 anos (Fig. 15).¹⁸

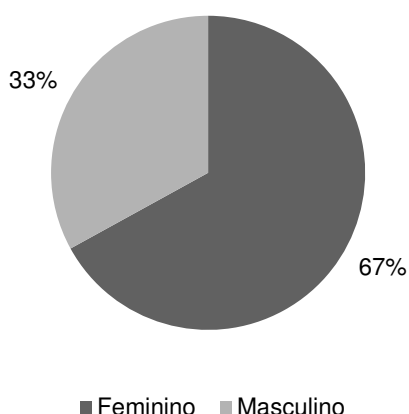


FIG. 14 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÉNERO

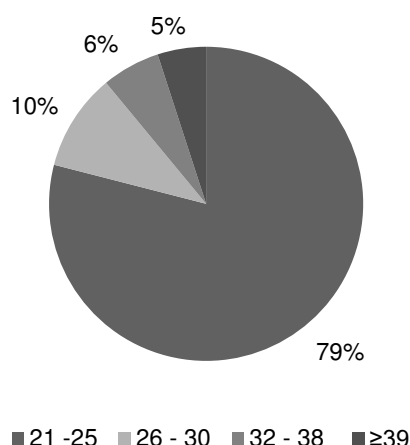


FIG. 15 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE

¹⁷ Anexo 13 – Alunos *outgoing* por ciclo de estudos.

¹⁸ Anexo 14 – Alunos *outgoing* por Género e Idade.

Comparação Incoming vs. Outgoing

A FDUL recebe dois terços do total de fluxos de mobilidade da Faculdade, pelo que nem sempre existe reciprocidade (Fig. 16), dado que recebemos mais alunos de instituições para as quais não enviamos¹⁹.

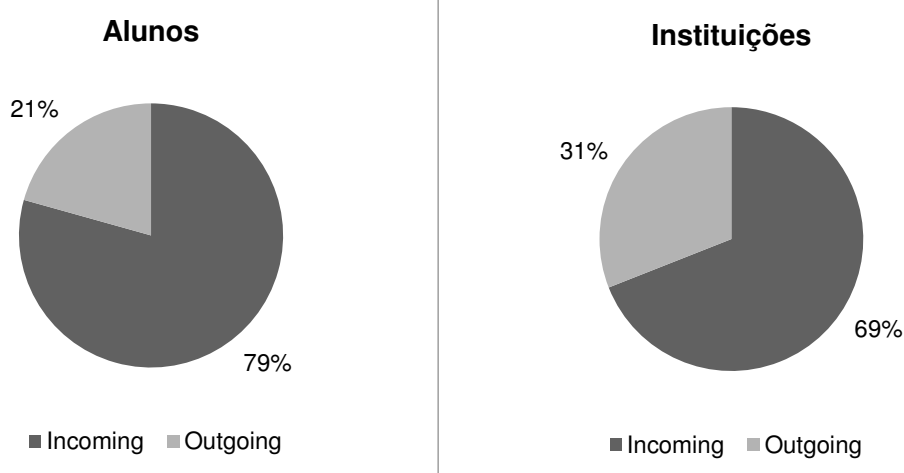


FIG. 16 ALUNOS INCOMING VS ALUNOS OUTGOING

Esta diferença de números é ainda mais visível quando comparamos os alunos recebidos e enviados com as instituições de origem e destino (Fig. 17). Apenas existe reciprocidade (*i.e.*, enviarmos e recebermos alunos da mesma instituição) com 18% dos parceiros, ainda que este valor seja superior às instituições para as quais apenas enviámos alunos no ano letivo 2019/2020.

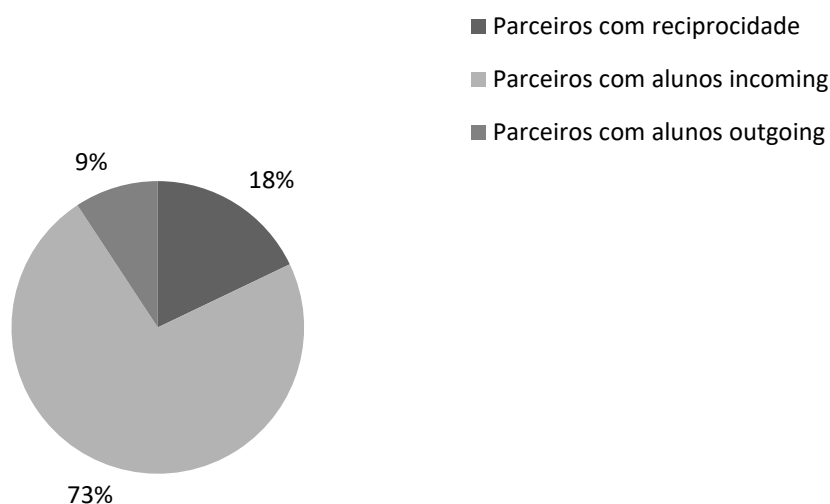


FIG. 17 RECIPROCIDADE POR INSTITUIÇÃO PARCEIRA

Na Figura 18 é possível comparar a reciprocidade por país. Na Fig. 18 podemos constatar que países como o Brasil, Itália, Alemanha, Espanha, França, Polónia, Argentina, Bélgica e República Checa são os destinos mais procurados pelos alunos em 2020/2021, ainda que o número de alunos recebidos seja bastante

¹⁹ Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.

superior ao número de alunos enviados²⁰. Esta situação não se verifica em países como a Argentina ou a República Checa, nos quais o número de alunos enviados é superior ao número de alunos recebidos; ou em países como o Brasil, no qual o número de alunos é bastante superior ao número de alunos enviados.

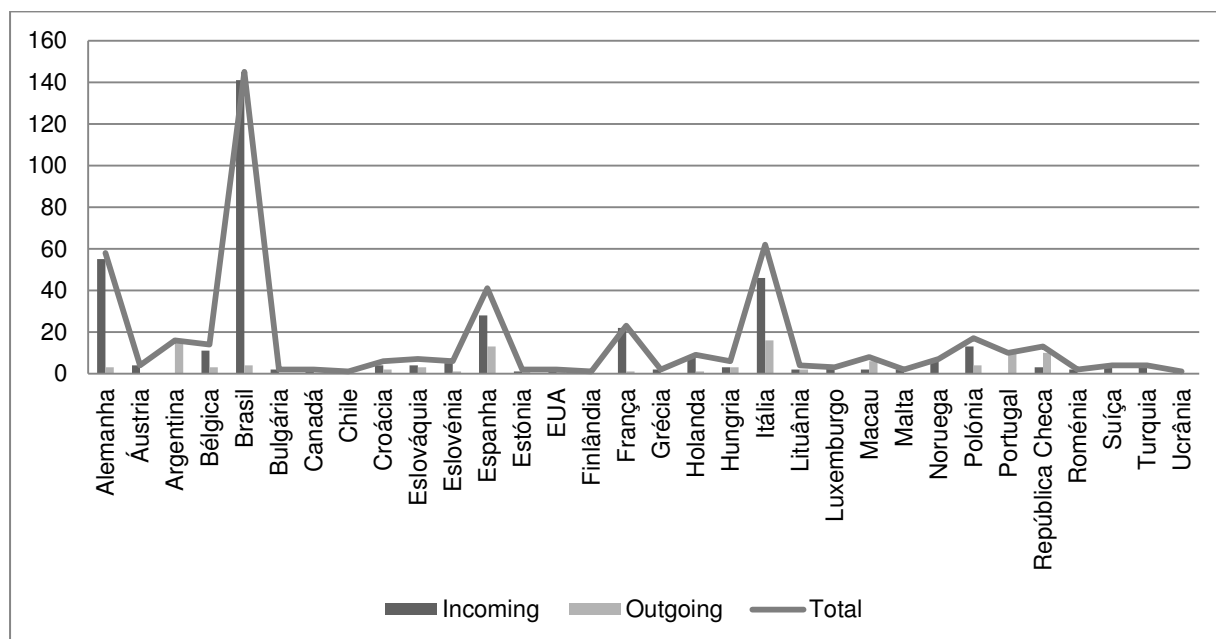


FIG. 18 RECIPROCIDADE POR PAIS

Quando analisamos o fluxo de alunos por semestre, o maior número de mobilidades ocorre no 1.º semestre (Tabela 2), tanto na mobilidade *incoming* como na mobilidade *outgoing*.

Período de Mobilidade	Incoming	Outgoing	Fluxos
1.º Semestre	194	69	263
2.º Semestre	136	24	160
Ano inteiro	54	7	61
Total Geral	384	100	484

TABELA 2 - FLUXOS DE MOBILIDADE POR PERÍODO DE ESTUDOS

²⁰ Anexo 16 – Alunos *incoming* e *outgoing*, por país.

MOBILIDADE DE DOCENTES E STAFF

As mobilidades de docentes ao abrigo do Programa Erasmus+ são organizadas exclusivamente pelo Gabinete Erasmus e de Relações Internacionais. Os dados apresentados não incluem informações do Instituto de Cooperação Jurídica, nem do Instituto do Direito Brasileiro, nem participações de docentes em conferências, seminários, congressos, ou manifestações similares.

A mobilidade de docentes para missões de ensino é um pilar fundamental na estratégia de internacionalização da FDUL, que beneficia não só o docente, mas também a Faculdade. A realização de um período de mobilidade neste âmbito proporciona aos docentes uma oportunidade de valorização pessoal e profissional, reforçando os laços entre as instituições de ensino superior de países diferentes, sendo também um instrumento de melhoria e de partilha de boas práticas, na medida em que promove o intercâmbio de conhecimentos e de experiências.

Uma missão de ensino ao abrigo do Programa Erasmus+ tem a duração mínima de 2 dias consecutivos e máxima de 2 meses e obriga à lecionação de 8 horas de aulas.

Docentes *Incoming* ²¹

A mobilidade de docentes, à semelhança do que aconteceu na mobilidade de alunos, foi fortemente afetada pela suspensão das atividades letivas presenciais e das deslocações de docentes visitantes no âmbito do Programa Erasmus, ao abrigo do n.º 7 do Despacho n.º 29/2020, de 9 de março, dado que a grande maioria das mobilidades, que se iam realizar no 2.º semestre, foram canceladas.

No 1.º semestre, a Faculdade de Direito da Universidade de Lisboa, recebeu 16 docentes, sendo que 5 vieram ao abrigo do Programa Erasmus+. Os restantes 11 docentes foram convidados para lecionar cursos intensivos, três dos quais fazem parte dos 5 referidos anteriormente. No 2.º semestre estavam previstas cerca de 30 mobilidades, mas como foi referido anteriormente, foram todas canceladas.

Importa ainda referir 7 docentes colaboraram com a FDUL na lecionação de cursos intensivos online durante o 2.º semestre. À semelhança do que tem vindo a acontecer nos últimos anos, a grande maioria dos docentes que visitaram ou colaboraram com a FDUL a distância, em missão de ensino, fizeram-no para lecionar cursos intensivos, cuja análise será feita em secção própria.

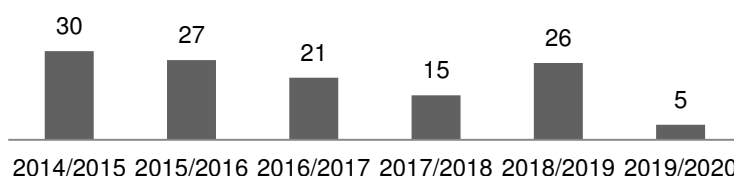


FIG. 19 - EVOLUÇÃO DE DOCENTES *INCOMING* – c/ suspensão das mobilidades

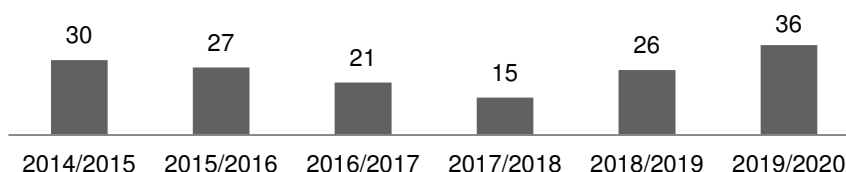


FIG. 20 - EVOLUÇÃO DE DOCENTES *INCOMING* – s/ suspensão das mobilidades

²¹ Mais dados sobre a mobilidade docente incoming pode ser consultada no Anexo 17.

Em 2019/2020, os docentes em missão de ensino ao abrigo do Programa Erasmus+ durante o 1.º semestre vieram de Espanha (4) e Lituânia (1) e das seguintes instituições de ensino:

- Mykolas Romeris University;
- Universidad Complutense de Madrid;
- Universidad de Alicante;
- Universidad de Valência;
- Universidad Pablo de Olavide.

No 2.º semestre os docentes viriam de diversos países e das mais variadas instituições de ensino:

País	N.º de Docentes:
Alemanha	2
Bulgária	3
Eslováquia	1
Espanha	9
Hungria	1
Itália	2
Noruega	1
Polónia	12
Total Geral	31

TABELA 3 - DOCENTES *INCOMING* POR PAÍS

Universidade de origem	N.º de Docentes:
Akademia Frycza Modrzewskiego	1
Eötvös Loránd University	1
Pan-European University	1
Ruhr-Universität Bochum	1
Universidad Complutense de Madrid	2
Universidad de León	4
Universidad de Santiago de Compostela	1
Universidad Isabel I	2
Università degli Studi di Padova	1
Universität Augsburg	1
University of Bergen	1
University of Economy and Human Sciences in Warsaw	1
University of Lodz	1
Università degli Studi di Milano	1
Uniwersytet Rzeszowski	5
Varna Free university "Chenorizets Hrabar"	3
Warsaw School of Economics	1
Zielona Góra University	3
Total Geral	31

TABELA 4 - DOCENTES *INCOMING* POR INSTITUIÇÃO

Docentes *Outgoing* ²²

Em 2019/2020 e face aos motivos já expostos, o número de mobilidades *outgoing* ao abrigo do programa Erasmus+ diminuiu em comparação com o ano lectivo anterior (Fig. 20).

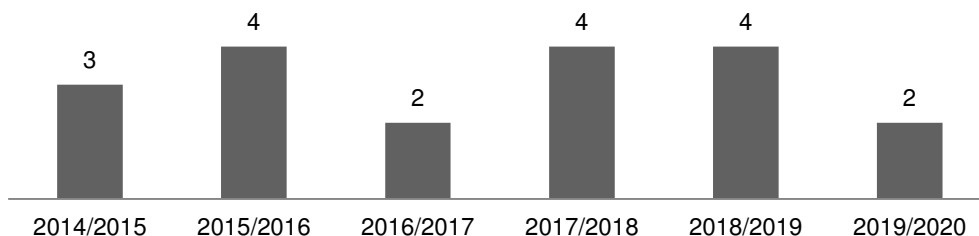


FIG. 21 EVOLUÇÃO DO NÚMERO DE DOCENTES OUTGOING

A mobilidade de docentes *outgoing* é pouco procurada pelos docentes da FDUL, o que decorre também do reduzido número de bolsas de ensino atribuídas à FDUL. A fraca expressão da mobilidade *outgoing* na FDUL resulta numa dispersão geográfica e institucional, que, embora fortaleça as relações interinstitucionais, não reflete a estratégia de internacionalização da Faculdade (Fig.21).

País	Universidade	N.º de Docentes
Noruega	University of Bergen	1
Itália	University of Bologna	1
Total		2

TABELA 5 - DOCENTES *OUTGOING* POR PAÍS E INSTITUIÇÃO

Importa ainda referir que estas mobilidades foram realizadas durante o 1.º semestre e que estava programada uma terceira mobilidade para o 2.º semestre na Universidade Complutense de Madrid (Espanha).

²² Mais dados sobre a mobilidade docente incoming pode ser consultada no Anexo 18.

Mobilidade de *Staff*²³

No ano letivo 2019/2020, estavam programadas três mobilidades para o 2.º semestre, ao abrigo do programa Erasmus+, mas que foram igualmente canceladas:

Universidade de destino	País
University of Thessaly	Grécia
Freie Universität Berlin	Alemanha
Tallin University of Technology	Estónia
Total	3

TABELA 6 - STAFF *OUTGOING* POR INSTITUIÇÃO

À semelhança do que aconteceu com a mobilidade docente, todas as mobilidades staff foram canceladas, o que acabou por se refletir no número de colegas que visitaram a FDUL ao abrigo do Programa Erasmus+.

No 1.º semestre recebemos 3 colegas de outras instituições de ensino superior, oriundas da University of Greifswald (2), Alemanha, e da Anadolu University (1), da Turquia.

Para o 2.º semestre, estavam programadas 5 mobilidades, da Università degli studi di Sassari (4), Itália e da Andrzej Frycz Modrzewski Krakow University (1), Polónia.

²³ Mais dados sobre a mobilidade docente incoming pode ser consultada no Anexo 19.

MESTRADOS INTERNACIONAIS

Mestrado em European Legal Practice

O Mestrado em *European Legal Practice* (ELPIS) foi criado no âmbito do programa Erasmus Mundus em 2004 e faz parte da oferta formativa da FDUL, tendo sido acreditado pela A3ES em 2019.

Este mestrado é uma oferta conjunta entre a Faculdade de Direito da Universidade de Lisboa, a Leibniz University Hannover (Alemanha), a University of Rouen (França) e a Mykolas Romeris University in Vilnius (Lituânia). Este mestrado foi criado no âmbito do programa Erasmus Mundus, pelas seguintes universidades: a Faculdade de Direito da Universidade de Lisboa (Portugal), a Gottfried Leibniz Universität Hannover (Alemanha), a Université Rouen Normandie (França) e a Mykolas Romeris University in Vilnius (Lituânia). Este mestrado insere-se nas atividades do Consórcio ELPIS, que envolve cerca de Faculdades de Direito, em quase todos os Estados-Membros da União Europeia (UE) e países da Associação Europeia de Comércio Livre (EFTA), que data de 1985. Estas quatro Universidades compõem o consórcio que atribui o grau de mestre.

Sendo uma oferta conjunta, a frequência deste curso implica que os alunos passem pelo menos um semestre numa das instituições parceiras. Os participantes podem escolher qualquer uma das universidades parceiras para submeter a sua candidatura e passar um ou dois semestres numa ou duas instituições. O semestre relativo à dissertação deve ser realizado na universidade de origem (i.e., onde submeteu a sua candidatura).

O mestrado, sendo uma oferta conjunta, obriga a que os alunos passem pelo menos um semestre numa das instituições parceiras. Os participantes podem escolher qualquer uma das universidades parceiras para submeter a sua candidatura e escolher passar um ou dois semestres numa, ou duas, das restantes parceiras, sendo apenas obrigatório que o aluno realize o semestre de dissertação na universidade de origem (i.e., onde submeteu a sua candidatura e foi aceite). Em 2019/2020, o número de alunos *outgoing* diminuiu um pouco face ao ano letivo anterior, mas os alunos ELPIS *incoming* aumentou ligeiramente (Fig. 24).

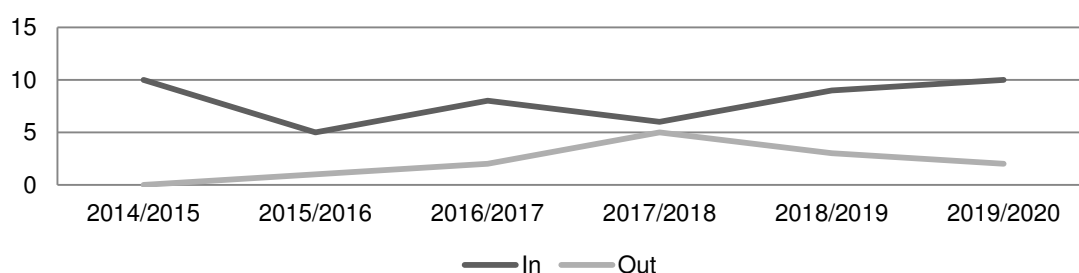


FIG. 22 EVOLUÇÃO DO NÚMERO DE ALUNOS EM MOBILIDADE DO MESTRADO CONJUNTO ELPIS

Dos 2 alunos da FDUL que realizaram ou pretendiam realizar o 3.º semestre numa das instituições do consórcio do Mestrado ELPIS, um escolheu a Université Rouen Normandie e outro a Gottfried Leibniz Universität Hannover. Uma terceira aluna solicitou a transferência para a Gottfried Leibniz Universität Hannover, onde irá completar o curso.

A aluna que pretendia realizar o 3.º semestre Gottfried Leibniz Universität Hannover adiou a sua mobilidade para o 1.º semestre do ano letivo 2020/2021 devido à pandemia COVID-19,

Em 2019/2020, recebemos 25 candidaturas, das quais foram aceites 2 alunos, que reuniam todos os requisitos necessários à frequência do mestrado.

PÓS-GRADUAÇÃO ERASMUS DE ATUALIZAÇÃO EM DIREITO EUROPEU, GLOBAL E COMPARADO

A Pós-graduação Erasmus de Atualização em Direito Europeu, Global e Comparado é uma oferta formativa especializada da Faculdade de Direito, com cariz internacional e lecionada em várias línguas.

O interesse manifestado por parte dos alunos e o crescente incentivo que tem vindo a ser dado à presença de professores e estudantes estrangeiros a nível dos cursos pós-graduados, levou à criação deste curso, que está assente na estratégia de internacionalização da Faculdade de Direito da ULisboa e beneficia da experiência da lecionação dos cursos intensivos, lecionados por docentes estrangeiros.

O plano de estudos da pós-graduação é composto pelo conjunto de Cursos Intensivos oferecidos pela Faculdade de Direito. Os alunos deverão obter um total de 60 ECTS:

- 42 ECTS, referentes aos Cursos Intensivos frequentados
- 18 ECTS, referentes a um trabalho escrito.

O trabalho escrito é elaborado individualmente e deve abordar qualquer um dos temas lecionados nos cursos intensivos frequentados.

No ano letivo 2019/2020 houve apenas uma aluna a frequentar este curso, mas uma das prioridades do GERI no futuro será divulgar e dinamizar este curso de forma a atrair mais alunos, valorizando assim os cursos intensivos e a importância da internacionalização enquanto pilar da Faculdade..

CURSOS INTENSIVOS ²⁴

No ano letivo 2019/2020 foram calendarizados 34 cursos intensivos, para os quais foram convidados 32 docentes estrangeiros, sendo que 3 lecionaram um curso ao abrigo do Programa Erasmus+ (1.º semestre) e 2 pertenciam à Faculdade de Direito da Universidade de Lisboa.

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
A Descriptive Analysis of the EU Labour Market Policy (LMP)	3ª	1.º	Francisco Roca	Universidade Complutense de Madrid
European and International Energy Law	2ª	1.º	Claas Germelmann	Leibniz Universität Hannover
History of European Laws since the 18 th Century	2ª	1.º	Jean-Louis Halpérin	École Normale Supérieure de Paris
International Aviation Law	5ª	1.º	Regina Valutyte	Mykolas Romeris University
Introduction to the Law of the United States	9ª	1.º	Patrick Ryan Hugg	Loyola University College of Law
Litigation in Economic International Law	6ª	1.º	Millán Requena Casanova	Universidad de Alicante
Philosophy of Law	4ª	1.º	Alexandre Viala	Université de Montpellier
Political Symbols and Constitutional Law	1º	1.º	Massimo Luciani	Università degli Studi di Roma "La Sapienza"
Redes Sociales, Companhias Tecnológicas y Democracia	1ª	1.º	Francisco Balaguer Callejón	Universidad de Granada
The American Law of Risk	1ª	1.º	Leo. P Martinez	University of California
United States Constitutional Law: History, Theory and Practice	2º	1.º	Dane S. Ciolino	Loyola University College of Law
Introduction to Portuguese Law	3ª e 4ª	1.º e 2.º	João Tiago da Silveira	Faculdade de Direito da Universidade de Lisboa
Brexit: Process and Impact on EU and Member State's Law	1.ª	2.º	Jacques Ziller	Università degli Studi di Pavia
Comparative Criminal Procedure Selected Topics	4.ª	2.º	Stephen Thaman	Saint Louis University School of Law
Comparative Environmental Law	3.ª	2.º	Colin Crawford	University of Louisville
Constitutional Justice in Europe	3.ª	2.º	Rainer Arnold	Universität Regensburg
Construction Contracts in the System of German Civil Law	3.ª	2.º	Jochen Glockner	Konstanz University

²⁴ ²⁴ Mais dados sobre os cursos intensivos pode ser consultada no Anexo 20.

Eu Administrative Procedural Law and Europeanization of National Administrative Law	1. ^a	2. ^o	Rui Lanceiro	Faculdade de Direito da Universidade de Lisboa
European Administrative Law and Administrative Procedure	1. ^a	2. ^o	Diana-Uriana Galetta	Unviersità degli Studi di Milano
European Competition Law: The Law of Market Structure	6. ^a	2. ^o	Bernd Oppermann	Leibniz Universität Hannover
General Theory of the State	2. ^a	2. ^o	Michel Tropez	Université Nanterre de Paris
Globalisation and International Protection of Human Rights	6. ^a	2. ^o	Marine Toullier	Université Rouen Normandie
História da Teoria do Crime: da Formação da Dogmática ao Direito Constitucional Penal	7. ^a	2. ^o	Cláudio Brandão	Pontifícia Universidade Católica de Minas Gerais/
Information and Consultation Rights in the European Union	5. ^a	2. ^o	Seul Otmar	University of Paris Ouest-Nanterre-La Defense
Introduction to European Private Law	8. ^a	2. ^o	Andreas Schwartze	University of Innsbruck
Introduction to the North American Constitution	7. ^a	2. ^o	Russell Weaver	Unviersity of Lousville
Introduction to Tort Law: From an American and an English Perspective	3. ^a	2. ^o	Elizabeth O'Leary	Universität Augsburg
Main Issues of Corporate Governance	2. ^a	2. ^o	Virginijus Bitė	Mykolas Romeris University
Modelos Federais e Desafios ao Estado Federal: O Processo de Secesión de Cataluña no Marco da União Europeia	1. ^a	2. ^o	Vicente A. Sanjurjo Rivo	Universidad de Santiago de Compostela
Regulation of EU/EEA Energy Markets	1. ^a	2. ^o	Ignacio Anchustegui	University of Bergen
The Area of Freedom, Security and Justice	5. ^a	2. ^a	Jaap de Zwaan	Erasmus University Rotterdam
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	2. ^a	2. ^o	Alex Kämmerer	Bucerius Law School
La Crisis del Estado de Derecho	4. ^a	2. ^o	Fausto Vecchio	Universidade de Granada
Roman Law and European Legal Roots	1. ^a	2. ^o	Salvatore Randazzo	University LUM Jean Monnet

TABELA 7 - CURSOS INTENSIVOS 2019/2020

Na sequência da suspensão das atividades letivas presenciais no âmbito das medidas de prevenção adotadas pela FDUL devido à pandemia COVID-19, os cursos intensivos foram inicialmente cancelados. Após uma análise cuidada e ponderada foi decidido cancelar 11 cursos e 7 foram lecionados online através do Zoom, 6 por docentes convidados e 1 pertencia à Faculdade de Direito da Universidade de Lisboa. Os cursos cancelados encontram-se sublinhados a cinzento na Tabela 5. Para complementar esta oferta, foram

ainda lecionados 9 cursos online por docentes da FDUL. É feita ainda a ressalva que dois dos cursos inicialmente previstos foram lecionados presencialmente no início do semestre, antes da suspensão das aulas presenciais, o que significa que foram lecionados um total de 18 cursos no 2.º semestre.

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
Brexit: Process and Impact on EU and Member State's Law	1. ^a	2.º	Jacques Ziller	Unviersità degli Studi di Pavia
European Administrative Law and Administrative Procedure	1. ^a	2.º	Diana-Uriana Galetta	Unviersità degli Studi di Milano
EU Administrative Procedural Law and Europeanization of National Administrative Law	1. ^a	2.º	Rui Lanceiro	Faculdade de Direito da Universidade de Lisboa
Main Issues of Corporate Governance	2. ^a	2.º	Virginijus Bitė	Mykolas Romeris University
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	2. ^a	2.º	Alex Kämmerer	Bucerius Law School
The Law of Apps	2.º	2.º	Pedro Lomba	Faculdade de Direito da Universidade de Lisboa
Public Finance and Global Governance	1.º	2.º	Guilherme W. d'Oliveira Martins	Faculdade de Direito da Universidade de Lisboa
Globalisation and International Protection of Human Rights	6. ^a	2.º	Marine Toullier	Université Rouen Normandie
Public Procurement and Competition in a Globalized World	1.º	2.º	Nuno Cunha Rodrigues	Faculdade de Direito da Universidade de Lisboa
European Union Administrative Law	1.º	2.º	Lourenço Vilhena Freitas	Faculdade de Direito da Universidade de Lisboa
Private Enforcement of EU Competition Law – A Preview of the Future of Civil Litigation in the EU?	1.º	2.º	Miguel Sousa Ferro	Faculdade de Direito da Universidade de Lisboa
Constitutional and Administrative Law Without Frontiers	1.º	2.º	Vasco Pereira da Silva	Faculdade de Direito da Universidade de Lisboa
Introduction to the North American Constitution	7. ^a	2.º	Russell Weaver	Unviersity of Lousville
Constitutional Justice in Europe	3. ^a	2.º	Rainer Arnold	Unvierstät Regensburg
Introduction to European Private Law	8. ^a	2.º	Andreas Schwartze	University of Innsbruck
Introduction to the History of Justice: the modern period	1.º	2.º	Isabel Graes	Faculdade de Direito da Universidade de Lisboa

Behavioral Law and Economics	1.º	2.º	Rute Saraiva	Faculdade de Direito da Universidade de Lisboa
European Integration through Preliminary Ruling Procedures	1.º	2.º	Ana Soares Pinto	Faculdade de Direito da Universidade de Lisboa

TABELA 8 - CURSOS INTENSIVOS – 2.º SEMESTRE

No total foram lecionados 30 cursos intensivos durante o ano letivo 2019/2020:

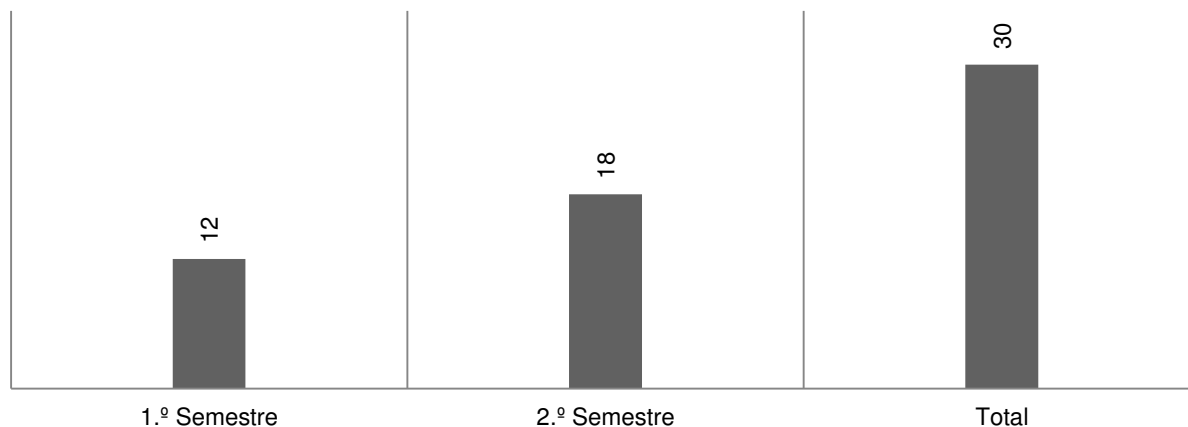


FIG. 23 CURSOS INTENSIVOS 2019/2020

Os cursos intensivos, sendo lecionados por docentes estrangeiros, são necessariamente lecionados numa língua estrangeira, sendo que a língua preferencial de leção é o inglês (94%).

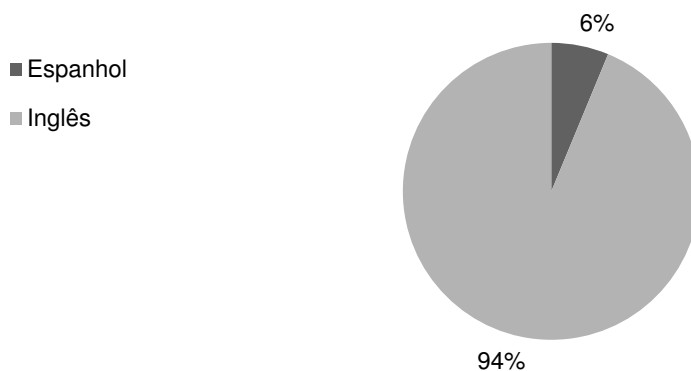


FIG. 24 LINGUAS EM QUE OS CURSOS SÃO LECIONADOS.

A origem dos docentes que lecionam os cursos é muito variada, não havendo predominância de um país específico; no entanto, podemos destacar a Alemanha, EUA, França e Espanha como os países de origem com mais docentes convidados (Fig. 29).

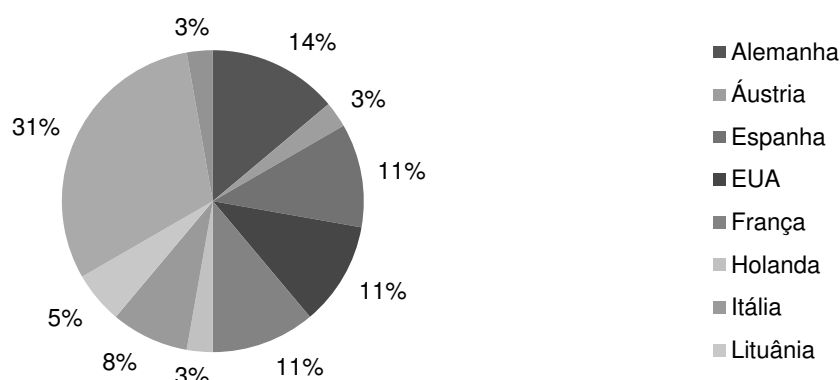


FIG. 25 PAÍS DE ORIGEM DAS UNIVERSIDADES DE ORIGEM DOS DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

Dada a suspensão das atividades letivas presenciais e à lecionação de cursos online por docentes da FDUL, o número de docentes portugueses (11) aumentou significativamente em relação aos anos anteriores.

Relativamente às candidaturas, em 2019/2020 foram submetidas 2,086 candidaturas, das quais 21% não foram aceites por o curso intensivo ter completado o número máximo de vagas e 38% foram anuladas por não serem elegíveis (Fig. 30).

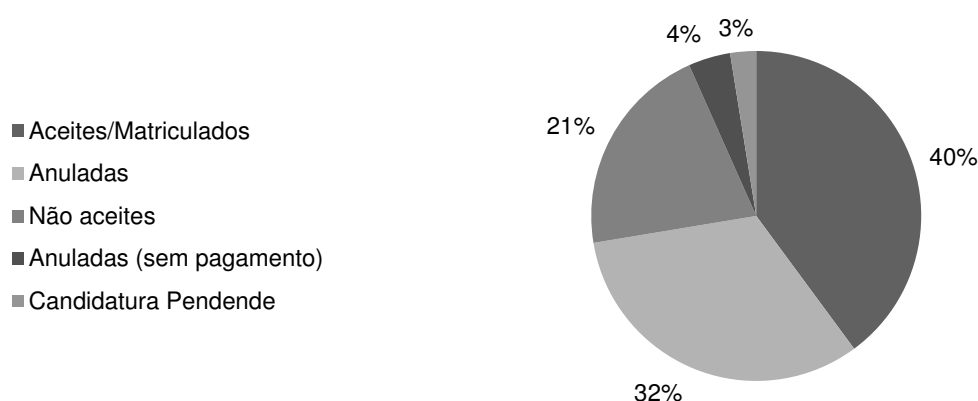


FIG. 26 CANDIDATURAS AOS CURSOS INTENSIVOS, EM 2018/2019

De acordo com a Fig. 26, numa visão global, os cursos mantiveram em média uma turma de cerca de 33 alunos, tendo havido turmas maiores no primeiro semestre, ainda que tenham havido mais cursos no 2.º semestre (Fig. 31). Isto deve-se ao facto de muitos dos alunos que se inscreveram nos cursos inicialmente previstos terem decidido não se inscrever nos cursos online, cujo limite de vagas foi também reduzido para 35 ao contrário das 40 vagas habituais.

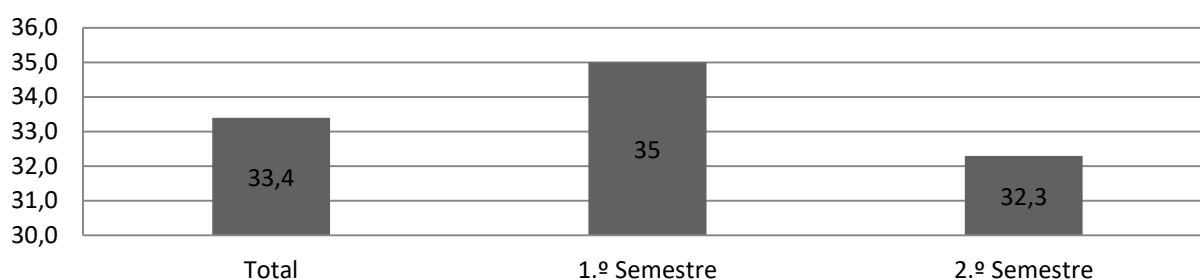


FIG. 27 NÚMERO MÉDIO DE ALUNOS POR TURMA

As cerca de 2,086 candidaturas foram submetidas por 409 candidatos, resultando numa média de 2,1 cursos aceites por candidato e numa média de 3,1 candidaturas por candidato²⁵.

É importante ainda referir que os alunos em mobilidade também se podem inscrever nos cursos intensivos, resultando num total de 1001 alunos inscritos (Fig. 28).

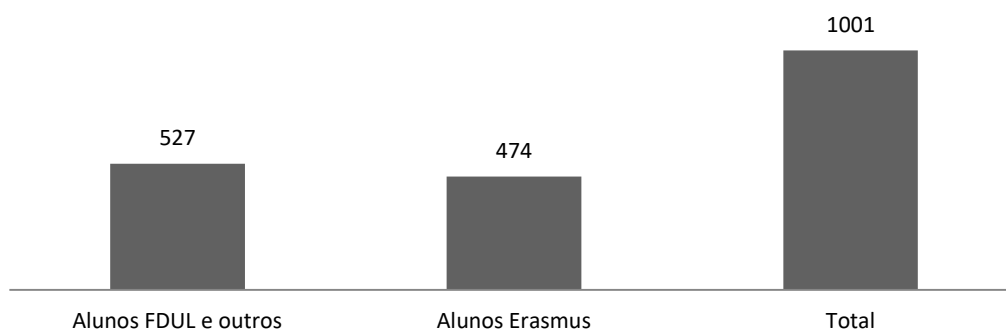


FIG. 28 NÚMERO DE ALUNOS INSCRITOS

Dos 1001 alunos inscritos, verificamos que foram avaliados 804 alunos, sendo que 175 alunos cancelaram ou desistiram do curso e 22 foram reprovados.

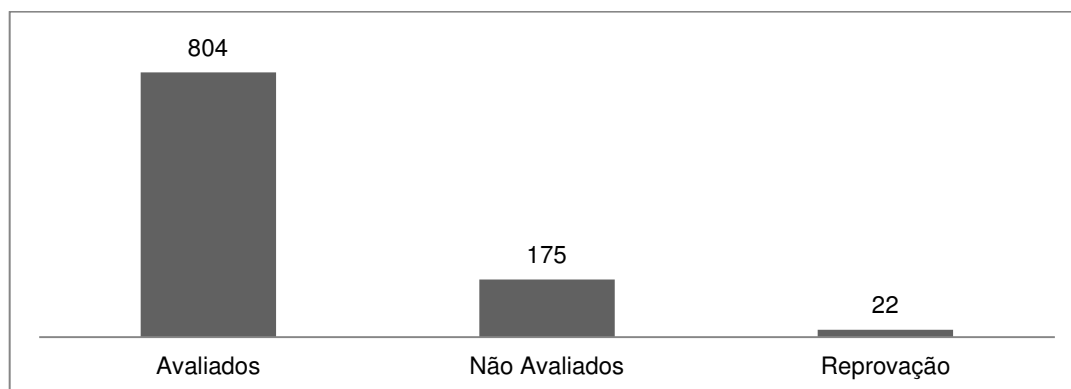


FIG. 29 ANÁLISE DA FREQUÊNCIA DOS CURSOS INTENSIVOS

Esta discrepância entre o número total de candidaturas e o número efetivo de alunos inscritos deve-se não só às candidaturas que não foram aceites ou anuladas, mas também à suspensão das atividades letivas

²⁵ Mais informações sobre Cursos Intensivos no Anexo XX.

presenciais e cancelamento inicial dos cursos intensivos. No caso dos alunos inscritos em cursos cancelados, foi-lhes dada a oportunidade de transitar para um dos cursos online, mas muitos optaram por cancelar a inscrição. A alteração dos procedimentos de inscrição no 2.º semestre também fez com que o número de candidaturas diminuísse, dado que o sistema só permite que os alunos se inscrevam em dois cursos intensivos.

No caso dos alunos da Licenciatura em Direito e do Mestrado em Direito e Prática Jurídica, a frequência de dois cursos intensivos dá-lhes a oportunidade de solicitar a substituição de uma unidade curricular optativa. No ano letivo 2019/2020 foram submetidos 150 pedidos de substituição. As unidades curriculares optativas mais substituídas foram as seguintes:

UC Optativa	Pedidos
Contencioso da União Europeia	9
Direito Administrativo III	18
Direito Comercial III	10
Direito Comparado	3
Direito da Economia	5
Direito do Ambiente	23
Direito do Urbanismo	4
Direito dos Contratos II	8
Direito dos Mercados Financeiros	7
Direito Fiscal Internacional	6
Direito Internacional Económico	10
Direito Internacional Público II	8
Direito Marítimo	2
Direito Penal III	7
Economia II	1
Economia Internacional	5
História das Relações Internacionais	1
História do Pensamento Jurídico	2
Justiça Constitucional	3
Proteção Internacional dos direitos do homem	3
União Económica e Monetária	15
Total	150

Os cursos intensivos utilizados para solicitar a substituição das unidades curriculares optativas foram os seguintes:

Cursos Intensivos	Substituição de UC Optativa
Litigation in Economic International Law	9
Behavioral Law and Economics	6
Brexit: process and impact on EU and Member States' Law	24
Constitutional and Administrative Law without Frontiers	16
Constitutional Justice in Europe	5
Construction Contracts in the System of German Civil Law	2
EU Administrative Procedural Law and Europeanization of National Administrative Law	9
European Administrative Law and Administrative Procedure	21
European and International Energy Law	2
European and Comparative Competition Law	1
European Integration Through Preliminary Ruling Proceedings	8

European Union Administrative Law	10
Philosophy of Law	5
Global Competition Law	1
Globalisation and International Protection of Human Rights	7
História da Teoria do Crime: da formação da Dogmática ao Direito Constitucional Penal	2
History of European Laws since the 18 th Century	5
International Aviation Law	7
Introduction to the North America Constitution	3
Introducción a la Historia del Derecho Privado Español	2
Introduction to Tor Law: from an American and an English perspective	1
Introduction to European Private Law	4
Introduction to the Law of the United States	9
Introduction to the History of Justice: the modern period	9
Competition Law in the Digital Economic	2
Main issues of Corporate Governance	9
La Crisis del Estado de Derecho	1
Political Symbols and Constitutional Law	14
Private Enforcement of EU Competition Law – A preview of the future of civil litigation in the EU?	6
Public Finance and Global Governance	15
Public Procurement and Competition in a globalized world	5
Redes sociales, compañías tecnológicas y democracia	18
The American Law of Risk	9
The European Economic and Monetary Union (EEMU)	8
The Law of Apps	13
A descriptive analysis of the EU Labour Market Policy (LMP)	25
United States Constitutional Law: History, Theory and Practice	7

MOOT COURTS

Moot Court	Data	Local	Organização	Equipa	Treinadores	Resultado
European Law Moot Court Competition	29/01 – 02/02	Atenas Grécia	ELMC Society	Miguel Líbano Monteiro de Almeida Santos	Rui Tavares Lanceiro	Fase Oral (17 valores)
				Pedro Henrique de Almeida Fernandes	David Brito	
				Rita Isabel Lopes Pereira Pedroso Ferreira	Ana Sofia Rolim	
				Rodrigo Saldanha de Matos David		
The Philip C. Jessup Moot Court Competition	11/04 - 19/04	Washington EUA	International Law Students Association	Carolina de Carvalho e Oliveira Batista	Rui Tavares Lanceiro	Apurados para a fase oral ²⁶ (17 valores)
				Diogo Dias Martins Madeira Canário	Diogo Santana Lopes	
				João de Castro Henriques Moreira da Silva	Paulo Simões Ramos	
				Tomás Hauser Avelar	Bernardo Kahn	
24th Annual Willem C. Vis International Commercial Arbitration Moot	04/04 – 09/04	Viena Áustria	Association for the Organisation and Promotion of the Willem C. Vis International Commercial Arbitration Moot	Carolina de Nagy Morais Correia	José Ferreira Gomes	Fase oral (18 valores)

²⁶ Devido à pandemia Covid-19, todas as deslocações ao exterior dos alunos e docentes da FDUL em sua representação foram canceladas ao abrigo do n.º 7 do Despacho n.º 29/2020, de 9 de março, e as próprias Rondas Internacionais foram canceladas pela organização do *The Philip C. Jessup Moot Court Competition*, impossibilitando a participação na última fase.

CONCLUSÃO

À semelhança do que tem vindo a acontecer nos últimos anos letivos, 2019/2020 foi um bastante atípico, não só pela elevada rotatividade dos colaboradores do GERI, fator que já tinha sido referido no relatório do ano passado, mas acima de tudo devido à pandemia COVID-19. A adoção de medidas de prevenção com profundo impacto nas instituições e na sociedade tiveram um impacto profundo que abalou a forma como trabalhamos e convivemos. A necessidade de nos adaptarmos rapidamente ao ensino a distância e assegurarmos que os alunos *incoming* iriam completar o seu período de mobilidade com sucesso; garantir que os alunos *outgoing* conseguiram regressar a Portugal com segurança; assegurar a lecionação dos cursos intensivos online; todos estes desafios obrigaram-nos a alterar a forma como trabalhamos e a definir prioridades, não só para conseguirmos responder a todas as solicitações atempadamente, mas também para garantirmos o normal funcionamento do GERI, dentro destas circunstâncias excecionais. Todos os colaboradores do GERI sentiram uma responsabilidade acrescida, especialmente durante o 2.º semestre, perante os alunos e a restante comunidade académica. Creio que é importante salientar que a grande maioria dos membros do GERI iniciaram funções no início do ano e, perante um período de instabilidade e incerteza, souberam responder aos desafios que lhes foram colocados. Ainda que a pandemia COVID-19 tenha gerado muitas dificuldades, a gestão quotidiana do trabalho, dentro das limitações impostas pelas medidas de prevenção, foram resolvidas e mitigadas.

ANEXOS

Anexo 1 | Lista de Protocolos em vigor e assinados em 2019/2020

País	Nome da instituição
Alemanha	Bucerius Law School
Alemanha	Freie Universität Berlin
Alemanha	Gottfried Wilhelm Leibniz Universität Hannover
Alemanha	Humboldt Universität zu Berlin
Alemanha	Justus-Liebig-Universität Giessen
Alemanha	Leipzig University
Alemanha	Ludwig-Maximilians-Universität München
Alemanha	Martin-Luther Universität Halle-Wittenberg
Alemanha	Rheinische Friedrich-Wilhelms-Universität
Alemanha	Technische Universität Dresden
Alemanha	Universität Augsburg
Alemanha	Universität Bayreuth
Alemanha	Universität Hamburg
Alemanha	Universität Konstanz
Alemanha	Universität Regensburg
Alemanha	Universität Zu Köln
Alemanha	University of Applied Sciences Hochschule Koblenz, RheinAhrCampus Remagen
Alemanha	University of Greifswald
Alemanha	Westfälische Wilhelms - Universität Münster
Argentina	Universidad de Buenos Aires- Facultad de Derecho
Argentina	Universidad de Mendoza
Áustria	Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg
Áustria	University of Innsbruck Faculty Law
Belgica	Ghent University
Bélgica	Université Catholique de Louvain - Faculté de droit et de criminologie
Bélgica	Université Libre de Bruxelles
Bulgaria	Varna Free University "Chernorizets Hrabar"
Bulgária	Angel Kanchev - University Of Ruse
Bulgária	Sofia University St. Kliment Ohridski
Bulgária	University of National and World Economy
Chile	Pontificia Universidad Catolica de Chile
China	Universidade de Macau, Faculdade de Direito
Croácia	University of Zagreb
Eslováquia	Comenius University in Bratislava
Eslováquia	Pan-European University
Eslovénia	NOVA UNIVERSITY, EUROPEAN FACULTY OF LAW
Eslovénia	University of Maribor
Eslovénia	Univerza v Ljubljani
Espanha	Colégio Universitario de Estudios Fianceiros - CUNEF / At Universidad Complutense de Madrid
Espanha	Universidad Autonoma de Madrid

Espanha	Universidad Carlos III de Madrid
Espanha	Universidad CEU Cardenal Herrera
Espanha	Universidad Complutense de Madrid
Espanha	Universidad de Alicante
Espanha	Universidad de Barcelona Faculty of Law
Espanha	Universidad de Burgos
Espanha	Universidad de Cadiz
Espanha	Universidad de Castilla - La Mancha
Espanha	Universidad de Córdoba
Espanha	Universidad de Extremadura
Espanha	Universidad de Extremadura
Espanha	Universidad de Granada
Espanha	Universidad de Huelva
Espanha	Universidad de Las Palmas de Gran Canaria
Espanha	Universidad de León
Espanha	Universidad de Málaga
Espanha	Universidad de Murcia
Espanha	Universidad de Navarra
Espanha	Universidad de Oviedo
Espanha	Universidad de Santiago de Compostela
Espanha	Universidad de Sevilla
Espanha	Universidad de Valladolid
Espanha	Universidad de Zaragoza
Espanha	Universidad del País Vasco/ Euskal Herriko Unibersitatea (UPV/EHU)
Espanha	Universidad Internacional de Andalucía
Espanha	Universidad Isabel I
Espanha	Universidad Miguel Hernandez de Elche
Espanha	Universidad Nacional de Educación a Distancia
Espanha	Universidad Pablo de Olavide
Espanha	Universidad Rey Juan Carlos
Espanha	Universidade da Coruña
Espanha	Universitat Autònoma de Barcelona
Espanha	Universitat de Girona
Espanha	Universitat de València
Espanha	Universitat Pompeu Fabra
Espanha	University of Salamanca
Estados Unidos da America	Loyola University New Orleans College of Law
EUA	University of Louisville
Estónia	University of Tartu
Finlândia	Tallin University / Tallinna Ulikool
Finlândia	University of Turku
França	Paris Descartes University

França	Université de Bourgogne
França	Université de Cergy-Pontoise
França	Université de Le Havre
França	Université de Rouen
França	Université de Strasbourg
França	Université Grenoble Alpes
França	Université Paris 13
França	Université Paris Ouest Nanterre La Défense
França	Université Paris-Sud
França	Université Toulouse 1 Capitole
Grécia	Aristotle University of Thessaloniki
Grécia	University of Macedonia
Holanda	Erasmus University Rotterdam
Holanda	Maastricht University
Holanda	Radboud University Nijmegen
Holanda	University of Amsterdam
Holanda	University of Groningen Faculty of Law
Holanda	Windesheim University of Applied Sciences
Hungria	Eötvös Loránd University (ELTE)
Israel	Bar-Ilan University
Israel	Bar-Ilan University Law Faculty
Itália	Sapienza - Università di Roma
Itália	SECONDA DEGLI STUDI DI NAPOLI Università degli Studi della Campania "Luigi Vanvitelli"
Itália	Università degli Studi "G. d'Annunzio" Chieti-Pescara
Itália	Università degli Studi "SUOR ORSOLA BENINCASA"
Itália	Università degli Studi del Piemonte Orientale
Itália	Università Degli Studi di Bari Aldo Moro
Itália	Università degli studi di Cagliari
Itália	Università Degli Studi di Enna "Kore"
Itália	Università degli studi di Genova
Itália	Università degli Studi di Milano
Itália	Università degli Studi di Milano-Bicocca
Itália	Università degli studi di Napoli "L'Orientale"
Itália	Università degli Studi di Napoli "Parthenope"
Itália	Università degli Studi di Napoli Federico II
Itália	Università degli studi di Padova
Itália	Università degli Studi di Perugia
Itália	Università degli studi di Roma "Tor Vergata"
Itália	Università degli studi di Salerno
Itália	Università degli Studi di Sassari
Itália	Università degli Studi di Teramo
Itália	Università degli Studi di Trento

Itália	Università Degli Studi Magna Graecia di Catanzaro
Itália	Università degli Studi Roma Tre
Itália	Università di Messina
Itália	Università di Pisa
Itália	Università Europea
Itália	Università Mediterranea di Reggio Calabria
Itália	University of Catania
Letónia	University of Latvia
Libano	Modern University for Business and Science / Lebanon
Lituânia	Mykolas Romeris University
Lituânia	Vilnius Universitetas
Malta	University of Malta
Noruega	Universitetet of Bergen Faculty of Law
Polónia	Adam Mickiewicz University in Poznan
Polónia	Andrzej Frycz Modrzewski Krakow University; Faculty of Law, Administration and International Relations
Polónia	Jagiellonian University
Polónia	Kozminski University
Polónia	SGH Warsaw School of Economics
Polónia	Spoleczna Akademia Nauk - University of Social Sciences
Polónia	The University of Szczecin
Polónia	University of Bialystok
Polónia	University of Lodz
Polónia	University of Rzeszów
Polónia	University of Warsaw
Polónia	University of Zielona Góra
Regensburg	Universität Mannheim
República Checa	Charles University in Prague - Faculty of Law
República Checa	Masaryk University - Faculty of Law
República Checa	Univerzita Palackého v Olomouci
Roménia	University of Bucharest
Suíça	University of Lucerne
Suíça	University of Fribourg
Turquia	Analadou University
Turquia	Beykent University Istanbul
Turquia	ÇaG University
Turquia	Istambul Sabahattin zaim University
Turquia	Koç University
Turquia	MEF University of Law
Turquia	Okan University Law Faculty
Turquia	Université Galatasaray
Turquia	Yeditepe Univesity - Faculty of Law

Ucrânia	Yaroslav Mudryi National Law University
Total	165
	Protocolos assinados em 2019/2020

Anexo 2 | Alunos *Incoming* inscritos por Universidade de origem

Universidade de Origem	1.º Sem	2.º Sem	Ano Inteiro	Total
Adam Mickiewicz University in Poznań		1		1
AECNP – Associação de Educação e Cultura do Norte Paulista	3			3
Alma Mater Studiorum Università di Bologna	2			2
Andrzej Frycz Modrzewski Krakow University	1			1
Bucerius Law School	1			1
Cag University	2	1		3
Centro Universitário 7 de Setembro - UNI7	1			1
Centro Universitário Curitiba – UNICURITIBA	14	10		24
Centro Universitário UNIFAFIBE	2			2
CESUPA - Centro Universitário do Pará	4	1		5
Charles University in Prague			1	1
Comenius University in Bratislava	1	2		3
Eötvös Loránd University	2	1		3
Erasmus Universiteit Rotterdam	1			1
European Faculty of Law	1			1
Faculdade Baiana de Direito e Gestão	7	3		10
Faculdade Católica Imaculada Conceição do Recife		1		1
Faculdade Damas da Instrução Cristã	2			2
Faculdade de Direito da Universidade de São Paulo		1		1
Faculdade de Direito de Franca		5		5
Faculdade de Direito de Vitória		1		1
Faculdade de Direito Milton Campos	4	3		7
Faculdade Escola Superior do Ministério Público	4			4
Faculdade Independente do Nordeste			1	1
Faculdade Internacional Signorelli		1		1
Faculdade Meridional IMED	1			1
Faculdade Multivix	2	1		3
FGV Direito Rio		1		1
Free Mover			2	2
Hochschule Koblenz (University of Applied Sciences) - RheinAhrCampus		2		2
Humboldt Universität zu Berlin	2		2	4
Jagiellonian University	4			4
Justus-Liebig-Universität Gießen	2			2
Kozminski University	1	1		2
Leibniz Universität Hannover	7	12	4	23
Leopold-Franzens-Universität Innsbruck		2		2
Ludwig-Maximilians-Universität München	1	3		4
Maastricht University	2			2
MEF University	1			1
Palacky University in Olomouc	1	1		2
Pan-european University	1			1
Pontificia Universidad Católica de Chile		1		1
Pontificia Universidade Católica de São Paulo	2	3		5

Universidade de Origem	1.º Sem	2.º Sem	Ano Inteiro	Total
Pontifícia Universidade Católica do Paraná	6	5		11
Pontifícia Universidade Católica do Rio de Janeiro	2			2
Pontifícia Universidade Católica do Rio Grande do Sul	3	3		6
Radboud University	2			2
Sofia university " St Kliment Ohridski"	1	1		2
Tallinn University		1		1
UNED - Universidad Nacional de Educación a Distancia	1	1		2
UNIFOR - Universidade de Fortaleza	2	1		3
UNISINOS - Universidade do Vale do Rio dos Sinos		2		2
Universidad Autónoma de Madrid	1			1
Universidad de Burgos			2	2
Universidad de Granada			2	2
Universidad de Malaga			1	1
Universidad de Murcia			2	2
Universidad de Oviedo			2	2
Universidad de Sevilla	1			1
Universidad de Valladolid			2	2
Universidad del País Vasco			1	1
Universidad Pablo de Olavide	1		4	5
Universidad Rey Juan Carlos	2			2
Universidad Santiago de Compostela			1	1
Universidade Católica de Brasília	1			1
Universidade Católica de Pernambuco	2	4		6
Universidade Católica de Petrópolis	1			1
Universidade de Brasília	2	2		4
Universidade de Caxias do Sul		1		1
Universidade de Passo Fundo		1	2	3
Universidade de São Paulo		1		1
Universidade Federal de Juiz de Fora	1			1
Universidade Federal de Minas Gerais		1		1
Universidade Federal de Ouro Preto	1			1
Universidade Federal de Pernambuco		1		1
Universidade Federal de Santa Catarina		1		1
Universidade Federal do Rio Grande do Norte - UFRN	1			1
Universidade Federal do Rio Grande do Sul	3	1		4
Universidade Franciscana		1		1
Universidade FUMEC	3	1		4
Universidade Luterana do Brasil - ULBRA		1		1
Universidade Positivo	1		2	3
Universidade Presbiteriana Mackenzie	1			1
Universidade Tiradentes		2		2
Università degli Studi della Campania Luigi Vanvitelli	3			3
università degli studi di Bari Aldo Moro	1			1
Università degli Studi di Catania		2		2

Universidade de Origem	1.º Sem	2.º Sem	Ano Inteiro	Total
Universita' degli studi di Genova	3			3
Università degli Studi di Messina			2	2
Università degli Studi di Milano	3	1		4
Università degli studi di Milano-Bicocca	1	1		2
Università degli Studi di Napoli Federico II		1	1	2
Università degli Studi di Napoli Parthenope	4			4
Università degli Studi di Padova	1	2		3
Università degli Studi di Perugia		1		1
Universita' Degli Studi di Roma "La Sapienza"			1	1
Università degli Studi di Salerno		1		1
Università degli Studi di Sassari	1		2	3
Università degli studi di Tor Vergata			1	1
Università degli studi di Trento	2	1		3
Università Degli Studi Magna Graecia di Catanzaro		1		1
<i>Università degli Studi Roma Tre</i>	2	1		3
Università di Pisa	1			1
Universität Augsburg	2		1	3
Universitat de Barcelona		2		2
Universitat de Valencia			1	1
Universität Hamburg		3	1	4
Universität Leipzig	1		2	3
Universitat Pompeu Fabra		1		1
Universität Salzburg		2		2
Universität zu Köln	2		1	3
Université Catholique de Louvain		6		6
Université de Bourgogne Faculté de Droit et de Sciences Economique et Politique		1		1
Université de Cergy Pontoise	1	3		4
Université de Le Havre				
Université de Rouen Normandie	7		2	9
Université de Strasbourg			1	1
Université Libre de Bruxelles	3			3
Université Paris-Nanterre	2			2
Université Paris-Sud - Faculté Jean Monnet			2	2
Université Toulouse Capitole	2		1	3
Universiteit van Amsterdam	2			2
Universitetet i Bergen	6	1		7
University of Bucharest		2		2
University of Ghent			2	2
University of Groningen	1			1
University of Ljubljana	3			3
University of Louisville Brandeis School of Law	1			1
University of Luxembourg	3			3
University of Macau	1	1		2
University of Macedonia		2		2

Universidade de Origem	1.º Sem	2.º Sem	Ano Inteiro	Total
University of Malta	2			2
University of Maribor	1			1
University of Montreal	2			2
University of Naples "Parthenope"		1		1
University of Rzeszów			2	2
University of St. Gallen	1			1
University of Turku	1			1
University of Vilnius	2			2
University of Warmia and Mazury in Olsztyn	1			1
University of Warsaw	1			1
University of Zagreb		4		4
University of Zurich	3			3
University of Teramo	1	1		2
Uniwersytet Warszawski			1	1
Westfälische Wilhelms - Universität Münster	1	2	1	4
Yaroslav Mudryi National Law University	1			1
Total	194	134	54	384

Anexo 3 | Alunos *Incoming* por País de origem

País	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Alemanha	21	22	12	55
Austria		4		4
Bélgica	3	6	2	11
Brasil	74	62	5	141
Bulgária	1	1		2
Canadá	2			2
Chile		1		1
Croácia		4		4
Eslováquia	2	2		4
Eslovénia	5			5
Espanha	6	4	18	28
Estónia		1		1
EUA	1			1
Finlândia	1			1
França	12	4	6	22
Grécia		2		2
Holanda	8			8
Hungria	2	1		3
Itália	25	14	7	46
Lituânia	2			2
Luxemburgo	3			3
Macau Região Admin. Especial da China	1	1		2
Malta	2			2
Noruega	6	1		7
Polónia	8	2	3	13
República Checa	1	1	1	3
Roménia		2		2
Suiça	4			4
Turquia	3	1		4
Ucrânia	1			1
Total	194	136	54	384

Anexo 4 | Alunos *Incoming* por País de origem

Nacionalidade	Alunos
Albânia	1
Alemanha	39
Áustria	4
Bélgica	11
Brasil	140
Bulgária	2
Canadá	2
Chile	1
China	3
Colômbia	1
Croácia	4
Eslováquia	4
Eslovénia	5
Espanha	28
Estados Unidos	1
Finlândia	2
França	18
Grécia	3
Guiné Equatorial	1
Holanda	5
Hungria	3
Itália	50
Lituânia	2
Macedónia	1
Malta	2
Noruega	7
Polónia	16
República Checa	4
Roménia	2
Síria	9
Suíça	4
Tunísia	1
Turquia	5
Ucrânia	2
Uzbequistão	1
Total	384

Anexo 5 | Alunos *Incoming* por País de origem

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	127	88	33	248
Masculino	67	48	21	136
Total	194	136	54	384

Idade	Total
19	4
20	22
21	64
22	82
23	89
24	56
25	22
26	11
27	7
28	2
29	3
30	4
32	2
33	4
34	3
35	3
37	3
38	1
39	2
Total Geral	384

Anexo 6 | Alunos *Incoming* inscritos por disciplina

Curso	Código	Unidade Curricular	Alunos
Licenciatura em Direito	143	Ciência Política	9
	282	Contencioso Administrativo e Tributário	30
	263	Contencioso da União Europeia	55
	106	Direito Administrativo I	29
	206	Direito Administrativo II	16
	306	Direito Administrativo III	8
	117	Direito Comercial I	30
	217	Direito Comercial II - Sociedades Comerciais	16
	317	Direito Comercial III	10
	147	Direito Comparado	140
	107	Direito Constitucional I	11
	207	Direito Constitucional II	3
	116	Direito da Economia	8
	119	Direito da Família	35
	251	Direito da União Europeia	63
	111	Direito das Obrigações I	9
	211	Direito das Obrigações II	1
	220	Direito das Sucessões	12
	268	Direito do Ambiente	131
	127	Direito do Trabalho I	48
	227	Direito do Trabalho II	24
	157	Direito do Urbanismo	7
	171	Direito dos Contratos I	6
	271	Direito dos Contratos II	5
	256	Direito dos Mercados Financeiros	8
	115	Direito Fiscal	8
	264	Direito Fiscal Internacional	5
	134	Direito Internacional Económico	33
	133	Direito Internacional Privado I	24
	233	Direito Internacional Privado II	8
	114	Direito Internacional Público I	101
	314	Direito Internacional Público II	28
	275	Direito Marítimo	9
	118	Direito Penal I	14
	239	Direito Penal II	13
	339	Direito Penal III	5
	112	Direito Processual Civil I	10
	212	Direito Processual Civil II	7
	149	Direito Processual Civil III	1
	228	Direito Processual Penal	12

Curso	Código	Unidade Curricular	Alunos
	132	Direito Romano	15
	138	Direitos Fundamentais	96
	213	Direitos Reais	12
	103	Economia I	10
	203	Economia II	12
	155	Economia Internacional	26
	231	Filosofia do Direito	13
	210	Finanças Públicas	4
	253	História das Ideias Políticas	9
	130	História das Relações Internacionais	30
	202	História do Direito Português	9
	121	História do Pensamento Jurídico	61
	101	Introdução ao Estudo do Direito I	1
	258	Justiça Constitucional	15
	129	Medicina Legal	26
	310	Proteção Internacional dos Direitos do Homem	44
	252	Sociologia do Direito	14
	105	Teoria Geral do Direito Civil I	1
	205	Teoria Geral Do Direito Civil II	2
	260	União Económica e Monetária	34
Mestrado em Direito e Prática Jurídica	3068	Contencioso da União Europeia	13
	3003	Contratação Pública e Concorrência	26
	3080	Contratos Internacionais	6
	3006	Convenções de Dupla Tributação	1
	3108	Direito Aéreo I	1
	3103	Direito Comparado II	1
	3046	Direito da Água e dos Resíduos	2
	3075	Direito da Arbitragem e da Mediação I	13
	3081	Direito da Arbitragem e da Mediação II	5
	3095	Direito da Família e das Sucessões	2
	3063	Direito da Insolvência	1
	3056	Direito da Responsabilidade Internacional	1
	3050	Direito das Nações Unidas	50
	3072	Direito das Sociedades Comerciais I	2
	3055	Direito Diplomático e Consular	2
	3045	Direito do Gás e do Petróleo	1
	3078	Direito do Trabalho III	1
	3069	Direito dos Menores	2
	3043	Direito dos Recursos Naturais e das Energias Renováveis	1
	3001	Direito e Economia	67
	3052	Direito Internacional do Mar	1
	3033	Direito Internacional dos Direitos Humanos	4

Curso	Código	Unidade Curricular	Alunos
	3060	Direito Processual Civil Internacional I	1
	3066	Direito Processual Civil V	1
	3058	Direito Processual Penal III	2
	3087	Direito Processual Penal III	1
	3013	Economia Comportamental e Direito	10
	3007	Finanças Europeias	1
	3035	Governance Administrativa	1
	3005	Harmonização Fiscal Europeia	3
	3051	História das Relações Internacionais	4
	3000	Introdução à Metodologia da Investigação Científica I	3
	3008	Introdução ao Direito da Concorrência	30
	3053	Justiça Internacional	1
	3057	Organizações Internacionais	44
	3004	Políticas Fiscais e Governação Global	1
	3002	Políticas Públicas	2
	3059	Registos e Notariado	1
	3020	Regulação das Indústrias de Rede	1
	3010	Regulação Financeira	2
	3009	Teoria Geral da Regulação Económica	1
	3016	Tributação das Empresas	25
Mestrado em Direito e Ciência Jurídica	4027	Direito Internacional e Económico do Investimento	1
Total			1765

Anexo 7 | Lista das unidades curriculares lecionadas em Inglês

Sem.	Ciclo	Ano	Unidade Curricular (PT)	Unidade Curricular (ENG)	Docente
1.º	Licenciatura em Direito	2.º	Direito Administrativo I	Administrative Law I	Professor Doutor Francisco Paes Marques
			Direito Comparado	Comparative Law	Dra. Catarina Granadeiro
			Direito Internacional Público I	International Public Law	Professor Doutor Lourenço Vilhena de Freitas
			Direito Internacional Público I	International Public Law	Professor Doutor Jaime Valle
			História do Pensamento Jurídico	History of Legal Philosophy	Professora Doutora Isabel Graes
		3.º	Economia Internacional	International Economy	Professor Doutor Miguel Sousa Ferro
		4.º	Contencioso da União Europeia	European Union Procedural Law	Professor Doutor Rui Tavares Lanceiro
			Direito do Trabalho I	Labour Law	Professor Doutor Guilherme Dray
			Direito Internacional Público II	International Public Law II	Professor Doutor Fernando Loureiro Bastos
			União Económica e Monetária	Economic and Monetary Union	Professora Doutora Nazaré da Costa Cabral
			Contencioso Administrativo e Tributário	Administrative Justice	Professor Doutor Miguel Assis Raimundo
	MDPJ	1.º	Contratação Pública e Concorrência	Public Procurement and Competition	Professor Doutor Nuno Cunha Rodrigues
			Direito das Nações Unidas	United Nations Law	Professora Doutora Ana Soares Pinto
			Direito e Economia	Economy and Law	Professora Doutora Paula Vaz Freire
			Introdução ao Direito da Concorrência	Introduction to Competition Law	Professor Doutor Miguel Moura e Silva
2.º	Licenciatura em Direito	2.º	Direito Administrativo II	Administrative Law II	Professor Doutor Francisco Paes Marques
			Direito Comparado	Comparative Law	Mestre Catarina Granadeiro
			Direito da União Europeia	European Union Law	Professor Doutor Miguel Mota Delgado
		3.º	Direito Internacional Económico	International Economic Law	Professor Doutor Miguel Moura e Silva

		4.º	Direito do Ambiente	Environmental Law	Professor Doutor Rui Tavares Lanceiro
			Direito do Trabalho II	Labour Law II	Professor Doutor Guilherme Dray
			Direitos Fundamentais	Fundamental Rights	Professor Doutor Pedro Lomba
	MDPJ	1.º	Contencioso da União Europeia	European Union Procedural Law	Professora Doutora Ana Soares Pinto
			Organizações Internacionais	International Organizations	Professora Doutora Margarida Salema
			Tributação de Empresas	Corporate Taxation	Professor Doutor Carlos Lobo

Anexo 8 | Número de alunos *incoming* por unidades curriculares lecionadas em inglês

Curso	Código	Unidade Curricular	Alunos
Licenciatura em Direito	282	Contencioso Administrativo e Tributário	28
	263	Contencioso da União Europeia	49
	106	Direito Administrativo I	22
	206	Direito Administrativo II	9
	147	Direito Comparado	79
	251	Direito da União Europeia	39
	268	Direito do Ambiente	70
	127	Direito do Trabalho I	33
	227	Direito do Trabalho II	16
	134	Direito Internacional Económico	19
	114	Direito Internacional Público I	55
	314	Direito Internacional Público II	22
	138	Direitos Fundamentais	67
	155	Economia Internacional	22
	121	História do Pensamento Jurídico	44
	260	União Económica e Monetária	29
Mestrado em Direito e Prática Jurídica	3068	Contencioso da União Europeia	13
	3003	Contratação Pública e Concorrência	26
	3050	Direito das Nações Unidas	42
	3001	Direito e Economia	66
	3008	Introdução ao Direito da Concorrência	28
	3057	Organizações Internacionais	39
	3016	Tributação de Empresas	23
Total			840

Anexo 9 | Média de avaliações dos alunos *incoming* por disciplina

Curso	Código	Unidade Curricular	Média
Licenciatura em Direito	143	Ciência Política	13,2
	282	Contencioso Administrativo E Tributário	15,7
	263	Contencioso da União Europeia	14,4
	106	Direito Administrativo I	14,4
	206	Direito Administrativo II	13,7
	306	Direito Administrativo III	13,4
	117	Direito Comercial I	12,7
	217	Direito Comercial II - Sociedades Comerciais	11,2
	317	Direito Comercial III	13,6
	147	Direito Comparado	13,8
	107	Direito Constitucional I	11,3
	207	Direito Constitucional II	14
	116	Direito da Economia	14,7
	119	Direito da Família	13,3
	251	Direito da União Europeia	12,1
	111	Direito das Obrigações I	10,8
	211	Direito das Obrigações II	13
	220	Direito das Sucessões	12,7
	268	Direito do Ambiente	14,1
	127	Direito do Trabalho I	12,4
	227	Direito do Trabalho II	12
	157	Direito do Urbanismo	13,4
	171	Direito dos Contratos I	12,9
	271	Direito dos Contratos II	12,3
	256	Direito dos Mercados Financeiros	13,7
	115	Direito Fiscal	12
	264	Direito Fiscal Internacional	11,6
	134	Direito Internacional Económico	13,9
	133	Direito Internacional Privado I	11,34
	233	Direito Internacional Privado II	13,4
	114	Direito Internacional Público I	11,9
	314	Direito Internacional Público II	14,2
	275	Direito Marítimo	11,7
	118	Direito Penal I	11,4
	239	Direito Penal II	12,2
	339	Direito Penal III	13,4
	112	Direito Processual Civil I	12,6
	212	Direito Processual Civil II	12,9
	149	Direito Processual Civil III	14,4
	228	Direito Processual Penal	12,4

Curso	Código	Unidade Curricular	Média
	132	Direito Romano	13,8
	138	Direitos Fundamentais	14,1
	213	Direitos Reais	14,1
	103	Economia I	13,4
	203	Economia II	12,6
	155	Economia Internacional	15
	231	Filosofia Do Direito	12,6
	210	Finanças Públicas	14,7
	253	História Das Ideias Políticas	14,1
	130	História Das Relações Internacionais	13,8
	202	História Do Direito Português	13,2
	121	História do Pensamento Jurídico	14,2
	101	Introdução ao Estudo do Direito I	10
	258	Justiça Constitucional	14,1
	129	Medicina Legal	12
	310	Proteção Internacional dos Direitos do Homem	13,6
	252	Sociologia do Direito	11,6
	205	Teoria Geral Do Direito Civil II	12
	260	União Económica E Monetária	14,4
Mestrado em Direito e Prática Jurídica	3068	Contencioso da União Europeia	13,7
	3003	Contratação Pública e Concorrência	15,4
	3080	Contratos Internacionais	18
	3006	Convenções de Dupla Tributação	11
	3103	Direito Comparado II	11
	3046	Direito da Água e dos Resíduos	15,4
	3075	Direito da Arbitragem e da Mediação I	13,4
	3081	Direito da Arbitragem e da Mediação II	13,3
	3095	Direito da Família e das Sucessões	13,4
	3063	Direito da Insolvência	16
	3050	Direito das Nações Unidas	13,6
	3072	Direito das Sociedades Comerciais I	10,9
	3055	Direito Diplomático e Consular	Ñ
	3045	Direito do Gás e do Petróleo	17
	3069	Direito dos Menores	14,2
	3001	Direito e Economia	15,9
	3052	Direito Internacional do Mar	15
	3033	Direito Internacional dos Direitos Humanos	14,5
	3060	Direito Processual Civil Internacional I	10
	3066	Direito Processual Civil V	14
	3058	Direito Processual Penal III	16
	3087	Direito Processual Penal III	15
	3013	Economia Comportamental e Direito	15,4

Curso	Código	Unidade Curricular	Média
	3007	Finanças Europeias	14
	3035	Governance Administrativa	15
	3005	Harmonização Fiscal Europeia	10,5
	3051	História das Relações Internacionais	15,4
	3000	Introdução à Metodologia da Investigação Científica I	16
	3008	Introdução ao Direito da Concorrência	14,2
	3057	Organizações Internacionais	15,1
	3004	Políticas Fiscais e Governação Global	14
	3002	Políticas Públicas	15
	3020	Regulação das Indústrias de Rede	17
	3010	Regulação Financeira	14,5
	3016	Tributação das Empresas	17,8
Total			13,57

Anexo 10 | Média de avaliações dos alunos *incoming* por disciplina (turma) lecionada em inglês

Curso	Código	Disciplina	Média
Licenciatura em Direito	282	Contencioso Administrativo e Tributário	15,2
	263	Contencioso da União Europeia	13,3
	106	Direito Administrativo I	13,5
	206	Direito Administrativo II	6,2
	147	Direito Comparado	11,1
	251	Direito da União Europeia	9,5
	268	Direito do Ambiente	13,5
	127	Direito do Trabalho I	11,2
	227	Direito do Trabalho II	9,93
	134	Direito Internacional e Económico	9,15
	114	Direito Internacional Público I	13,5
	314	Direito Internacional Público II	14,7
	138	Direitos Fundamentais	13,4
	155	Economia Internacional	11,1
	121	História do Pensamento Jurídico	12,9
	260	União Económica e Monetária	12,4
Mestrado em Direito e Prática Jurídica	3068	Contencioso da União Europeia	14,4
	3003	Contratação Pública e Concorrência	13,5
	3050	Direito das Nações Unidas	13,5
	3001	Direito e Economia	15,5
	3008	Introdução ao Direito da Concorrência	8,6
	3057	Organizações Internacionais	15,3
	3016	Tributação de Empresas	14,7
Total			12,31

Anexo 11 | Alunos *outgoing* por Universidades de destino

Universidades de Destino	1.º Semestre	2.º Semestre	Ano Inteiro	Total Geral
Alma Mater Studiorum Università di Bologna	2			2
Comenius University in Bratislava	3			3
Eötvös Loránd University (ELTE)	3			3
Faculdade de Direito da Universidade de São Paulo	1			1
Freie Universität Berlin	1			1
Ghent University		1		1
Gottfried Wilhelm Leibniz Universität Hannover		1		1
Jagiellonian University	4			4
Loyola University New Orleans College of Law		1		1
Ludwig-Maximilians-Universität München		1		1
Maastricht University		1		1
Masaryk University	8			8
Palacký University Olomouc	2			2
Pontifícia Universidade Católica do Rio de Janeiro	1		2	3
Sapienza - Università di Roma		2		2
Tallin University	1			1
Universidad Autonoma de Madrid	1			1
Universidad Complutense de Madrid		1		1
Universidad de Granada	1			1
Universidad de Málaga		1		1
Universidad de Navarra	1			1
Universidad Miguel Hernandez de Elche		1		1
Universidad Pablo de Olavide	1			1
Universidad Rey Juan Carlos	2		1	3
Universidade Católica do Porto		1		1
Universidade da Coruña		2		2
Universidade de Buenos Aires	16			16
Universidade de Coimbra – Faculdade de Direito		2		2
Universidade de Macau, Faculdade de Direito	5	1		6
Universidade Nova de Lisboa - Faculdade de Direito	1	5	1	7
Università degli Studi di Genova	3			3
Università degli Studi di Milano			1	1
Università degli Studi di Milano-Bicocca		1		1
Università degli Studi di Napoli Federico II	1	1		2
Università degli Studi di Padova	2			2
Università degli Studi di Roma "Tor Vergata"	2			2
Università degli studi di Roma Tre	1			1
Université Catholique de Louvain / Faculté de Droit et de Criminologie	1		1	2
Université de Rouen		1		1
University of Maribor	1			1
University of Salamanca			1	1
University of Zagreb	2			2
Vilnius University	2			2
Total	69	24	7	100

Anexo 12 | Alunos *outgoing* por país de destino

País	1.º Semestre	2.º Semestre	Ano inteiro	Total Geral
Alemanha	1	2		3
Argentina	16			16
Bélgica	1	1	1	3
Brasil	2		2	4
China	5	1		6
Croácia	2			2
Eslováquia	3			3
Eslovénia	1			1
Espanha	6	5	2	13
Estónia	1			1
EUA		1		1
França		1		1
Holanda		1		1
Hungria	3			3
Itália	11	4	1	16
Lituânia	2			2
Polónia	4			4
Portugal	1	8	1	10
República Checa	10			10
Total Geral	69	24	7	100

Anexo 13 | Alunos *outgoing* por ciclo de estudos

Universidade	1º Ciclo, Licenciatura	2º Ciclo, Mestrado	3º Ciclo, Doutoramento	Total Geral
Vilnius University	2			2
University of Zagreb	1			1
University of Salamanca	1			1
University of Maribor	1			1
Université de Rouen		1		1
Université Catholique de Louvain / Faculté de Droit et de Criminologie		2		2
Università degli studi di Roma Tre	1			1
Università degli Studi di Roma "Tor Vergata"	2			2
Università degli Studi di Padova	2			2
Università degli Studi di Napoli Federico II	1	1		2
Università degli Studi di Milano-Bicocca		1		1
Università degli Studi di Milano		1		1
Università degli Studi di Genova	3			3
Universidade Nova de Lisboa - Faculdade de Direito	7			7
Universidade de Macau, Faculdade de Direito	6			6
Universidade de Coimbra – Faculdade de Direito	2			2
Universidade de Buenos Aires	16			16
Universidade da Coruña		2		2
Universidade Católica do Porto	1			1
Universidad Rey Juan Carlos	3			3
Universidad Pablo de Olavide		1		1
Universidad Miguel Hernandez de Elche			1	1
Universidad de Navarra		1		1
Universidad de Málaga		1		1
Universidad de Granada		1		1
Universidad Complutense de Madrid		1		1
Universidad Autonoma de Madrid	1			1
Tallin University	1			1
Sapienza - Università di Roma		2		2
Pontifícia Universidade Católica do Rio de Janeiro	3			3
Palacký University Olomouc	2			2
Masaryk University	8			8
Maastricht University		1		1
Ludwig-Maximilians-Universität München		1		1
Loyola University New Orleans College of Law		1		1
Jagiellonian University	4			4
Gottfried Wilhelm Leibniz Universität Hannover		2		2
Ghent University		1		1
Freie Universität Berlin		1		1
Faculdade de Direito da Universidade de São Paulo	1			1
Eötvös Loránd University (ELTE)	3			3
Comenius University in Bratislava	3			3
Alma Mater Studiorum Università di Bologna	2			2
Total	77	22	1	100

Anexo 14 | Alunos *outgoing* por Género e Idade

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	42	20	5	67
Masculino	27	4	2	33
Total	69	24	7	100

Idade	Total
21	6
22	48
23	13
24	8
25	4
26	4
28	3
29	1
30	2
32	1
33	2
34	1
38	2
39	2
41	1
43	1
45	1
Total Geral	100

Anexo 15 | Alunos *incoming* e *outgoing* por instituição parceira

Universidade de Origem	IN	OUT	Total
Adam Mickiewicz University in Poznań	1		1
AECNP – Associação de Educação e Cultura do Norte Paulista	3		3
Alma Mater Studiorum Università di Bologna	2	2	4
Andrzej Frycz Modrzewski Krakow University	1		1
Bucerius Law School	1		1
Cag University	3		3
Centro Universitário 7 de Setembro - UNI7	1		1
Centro Universitário Curitiba – UNICURITIBA	24		24
Centro Universitário UNIFAFIBE	2		2
CESUPA - Centro Universitário do Pará	5		5
Charles University in Prague	1		1
Comenius University in Bratislava	3	3	6
Eötvös Loránd University	3	3	6
Erasmus Universiteit Rotterdam	1		1
European Faculty of Law	1		1
Faculdade Baiana de Direito e Gestão	10		10
Faculdade Católica Imaculada Conceição do Recife	1		1
Faculdade Damas da Instrução Cristã	2		2
Faculdade de Direito da Universidade de São Paulo	1	1	2
Faculdade de Direito de Franca	5		5
Faculdade de Direito de Vitória	1		1
Faculdade de Direito Milton Campos	7		7
Faculdade Escola Superior do Ministério Público	4		4
Faculdade Independente do Nordeste	1		1
Faculdade Internacional Signorelli	1		1
Faculdade Meridional IMED	1		1
Faculdade Multivix	3		3
FGV Direito Rio	1		1
Free Mover	2		2
Freie Universität Berlin		1	1
Hochschule Koblenz (University of Applied Sciences) - RheinAhrCampus	2		2
Humboldt Universität zu Berlin	4		4
Jagiellonian University	4	4	8
Justus-Liebig-Universität Gießen	2		2
Kozminski University	2		2
Leibniz Universität Hannover	23	1	24
Leopold-Franzens-Universität Innsbruck	2		2
Loyola University New Orleans College of Law		1	1
Ludwig-Maximilians-Universität München	4	1	5
Maastricht University	2	1	3
Masaryk University		8	8
MEF University	1		1
Palacky University in Olomouc	2	2	4

Universidade de Origem	IN	OUT	Total
Pan-european University	1		1
Pontificia Universidad Católica de Chile	1		1
Pontificia Universidade Católica de São Paulo	5		5
Pontificia Universidade Católica do Paraná	11		11
Pontificia Universidade Católica do Rio de Janeiro	2	3	5
Pontificia Universidade Católica do Rio Grande do Sul	6		6
Radboud University	2		2
Sapienza Università di Roma		2	2
Sofia university " St Kliment Ohridski"	2		2
Tallinn University	1	1	2
UNED - Universidad Nacional de Educación a Distancia	2		2
UNIFOR - Universidade de Fortaleza	3		3
UNISINOS - Universidade do Vale do Rio dos Sinos	2		2
Universidad Autónoma de Madrid	1	1	2
Universidade Complutense de Madrid		1	1
Universidad de Burgos	2		2
Universidad de Granada	2	1	3
Universidad de Málaga	1	1	2
Universidade de Coimbra		2	2
Universidade da Coruña		2	2
Universidade de Granada\		1	1
Universidad de Murcia	2		2
Universidad de Navarra		1	1
Universidad de Oviedo	2		2
Universidad de Sevilha	1		1
Universidad de Valladolid	2		2
Universidad del País Vasco	1		1
Universidade Miguel Hernandez de Elche		1	1
Universidad Pablo de Olavide	5	1	6
Universidad Rey Juan Carlos	2	3	5
Universidad Santiago de Compostela	1		1
Universidade Católica de Brasília	1		1
Universidade Católica de Pernambuco	6		6
Universidade Católica de Petrópolis	1		1
Universidade de Brasília	4		4
Universidade de Buenos Aires		16	16
Universidade de Caxias do Sul	1		1
Universidade de Passo Fundo	3		3
Unviersidade Católica do Porto		1	1
Universidade Nova de Lisboa		7	7
Universidade de São Paulo	1		1
Universidade Federal de Juiz de Fora	1		1
Universidade Federal de Minas Gerais	1		1
Universidade Federal de Ouro Preto	1		1
Universidade Federal de Pernambuco	1		1

Universidade de Origem	IN	OUT	Total
Universidade Federal de Santa Catarina	1		1
Universidade Federal do Rio Grande do Norte - UFRN	1		1
Universidade Federal do Rio Grande do Sul	4		4
Universidade Franciscana	1		1
Universidade FUMEC	4		4
Universidade Luterana do Brasil - ULBRA	1		1
Universidade Positivo	3		3
Universidade Presbiteriana Mackenzie	1		1
Universidade Tiradentes	2		2
Università degli Studi della Campania Luigi Vanvitelli	3		3
università degli studi di Bari Aldo Moro	1		1
Università degli Studi di Catania	2		2
Universita' degli studi di Genova	3	3	6
Università degli Studi di Messina	2		2
Università degli Studi di Milano	4	1	5
Università degli studi di Milano-Bicocca	2	1	3
Università degli Studi di Napoli Federico II	2	2	4
Università degli Studi di Napoli Parthenope	4		4
Università degli Studi di Padova	3	2	5
Università degli Studi di Perugia	1		1
Università Degli Studi di Roma "La Sapienza"	1		1
Università degli Studi di Salerno	1		1
Università degli Studi di Sassari	3		3
Università degli studi di Tor Vergata	1	2	3
Università degli studi di Trento	3		3
Università Degli Studi Magna Graecia di Catanzaro	1		1
<i>Università degli Studi Roma Tre</i>	3	1	4
Università di Pisa	1		1
Universität Augsburg	3		3
Universitat de Barcelona	2		2
Universitat de Valencia	1		1
Universität Hamburg	4		4
Universität Leipzig	3		3
Universitat Pompeu Fabra	1		1
Universität Salzburg	2		2
Universität zu Köln	3		3
Université Catholique de Louvain	6	2	8
Université de Bourgogne Faculté de Droit et de Sciences Economique et Politique	1		1
Université de Cergy Pontoise	4		4
Université de Rouen Normandie	9	1	10
Université de Strasbourg	1		1
Université Libre de Bruxelles	3		3
Université Paris-Nanterre	2		2
Université Paris-Sud - Faculté Jean Monnet	2		2

Universidade de Origem	IN	OUT	Total
Université Toulouse Capitole	3		3
Universiteit van Amsterdam	2		2
Universitetet i Bergen	7		7
University of Bucharest	2		2
University of Ghent	2	1	3
University of Groningen	1		1
University of Ljubljana	3		3
University of Louisville Brandeis School of Law	1		1
University of Luxemburg	3		3
University of Macau	2	6	8
University of Macedonia	2		2
University of Malta	2		2
University of Maribor	1		1
University of Montreal	2		2
University of Naples "Parthenope"	1		1
University of Rzeszów	2		2
University of Salamanca		1	1
University of St. Gallen	1		1
University of Turku	1		1
University of Vilnius	2		2
University of Warmia and Mazury in Olsztyn	1		1
University of Warsaw	1		1
University of Zagreb	4	2	6
University of Zurich	3		3
University of Teramo	2		2
Uniwersytet Warszawski	1		1
Westfälische Wilhelms - Universität Münster	4		4
Vilnius University		2	2
Yaroslav Mudryi National Law University	1		1
Total	384	100	484

Anexo 16 | Alunos *incoming* e *outgoing* por país

País	IN	OUT	Total
Alemanha	55	3	58
Áustria	4		4
Argentina		16	16
Bélgica	11	3	14
Brasil	141	4	145
Bulgária	2		2
Canadá	2		2
Chile	1		1
Croácia	4	2	6
Eslováquia	4	3	7
Eslovénia	5	1	6
Espanha	28	13	41
Estónia	1	1	2
EUA	1	1	2
Finlândia	1		1
França	22	1	23
Grécia	2		2
Holanda	8	1	9
Hungria	3	3	6
Itália	46	16	62
Lituânia	2	2	4
Luxemburgo	3		3
Macau Região Admin. Especial da China	2	6	8
Malta	2		2
Noruega	7		7
Polónia	13	4	17
Portugal		10	10
República Checa	3	10	13
Roménia	2		2
Suíça	4		4
Turquia	4		4
Ucrânia	1		1
Total	384	100	484

Anexo 17 | Mobilidade Docentes Erasmus+ - *incoming*

1. Docentes por antiguidade e semestre

Antiguidade	N.º de Docentes	
	1.º Sem	2.º Sem
Senior	3	6
Intermediate	1	8
Junior	1	13
S/ informação		4
Total Geral	5	31

2. Docentes por país

Semestre	N.º de Docentes	
	1.º Sem	2.º Sem
Alemanha		2
Bulgária		3
Eslováquia		1
Espanha	4	9
Hungria		1
Itália		2
Lituânia	1	
Noruega		1
Polónia		12
Total Geral	5	31

Anexo 18 | Mobilidade Docentes Erasmus+ - *Outgoing*

1. Docentes por antiguidade e semestre

Antiguidade	N.º de Docentes	
	1.º Sem	2.º Sem
Senior	1	1
Intermedio	1	
Total Geral	2	1

Anexo 19 | Mobilidade Staff Erasmus + - *Incoming e Outgoing*

1. Staff por antiguidade e por semestre - *incoming*

Antiguidade	N.º de Docentes	
	1.º Sem	2.º Sem
Intermedio		5
Junior	3	
Total Geral	3	5

2. Staff por antiguidade e por semestre - *outgoing*

Antiguidade	N.º de Docentes	
	1.º Sem	2.º Sem
Senior	N/A	1
Intermedio		
Junior		2
Total Geral		3

Anexo 20 | Cursos Intensivos 2019/2020

1. Candidaturas (através do portal Fenix)

Estado das candidaturas	N.º de candidaturas
Candidatura Aceite/Matriculados	832
Candidatura Anulada	678
Candidatura Anulada (sem pagamento)	86
Candidatura Não Aceite	437
Candidatura Pendente	53
Total Geral	2,086

Nota:

Candidatura Anulada – candidatura que não foi corretamente submetida.

Candidatura Anulada (sem pagamento) – candidatura anulada dentro de prazo, após ter sido aceite.

2. Candidaturas Aceites e Não aceites por tipo de inscrito (através do portal Fenix)

Estado da Candidatura	N.º de Candidaturas Aceites	N.º de Candidaturas Não Aceites	Total Geral
Alunos do Ensino Superior	5	2	7
Alunos FDUL	826	424	1250
Alunos de Intercâmbio da FDUL	0	2	2
Outros	1	9	10
Total Geral	832	437	1269

3. Número médio de candidaturas por candidato (através do portal Fénix)

Número total de candidatos ²⁷	N.º médio de Candidaturas Aceites	N.º médio de Candidaturas Não Aceite	N.º médio de candidaturas por candidato
409	2	1,1	3,1

4. Total de Candidaturas por curso intensivo

Curso Intensivo	Número Total de Candidaturas
A Descriptive Analysis of the EU Labour Market Policy (LMP)	121
Behavioral Law and Economics	16
Brexit: Process and Impact on EU and Member State's Law	36
Comparative Criminal Procedure Selected Topics	22
Comparative Environmental Law	10
Constitutional and Administrative Law without Frontiers	28
Constitutional Justice in Europe	17
Construction Contracts in the System of German Civil Law	12

²⁷ Apenas são consideradas as candidaturas aceites e não aceites.

Curso Intensivo	Número Total de Candidaturas
EU Administrative Procedural Law and Europeanization of National Administrative Law	28
European Administrative Law and Administrative Procedure	27
European and International Energy Law	37
European Competition Law: The Law of Market Structure	27
European Integration through Preliminary Ruling Procedures	12
European Union Administrative Law	19
General Theory of the State	15
Globalisation and International Protection of Human Rights	23
História da Teoria do Crime: da Formação da Dogmática ao Direito Constitucional Penal	33
History of European Laws since the 18 th Century	77
Information and Consultation Rights in the European Union	5
International Aviation Law	104
Introduction to European Private Law	12
Introduction to Portuguese Law	45
Introduction to the History of Justice: the modern period	26
Introduction to the Law of the United States	149
Introduction to the North American Constitution	19
Introduction to Tort Law: from an American and an English Perspective	27
La Crisis del Estado de Derecho	8
Litigation in Economic International Law	66
Main Issues of Corporate Governance	18
Modelos Federais e Desafios ao Estado Federal: O Processo de Secesión de Cataluña no Marco da União	23
Philosophy of Law	54
Political Symbols and Constitutional Law	107
Private Enforcement of EU Competition Law – A Preview of the Future of Civil Litigation in the EU?	18
Public Finance and Global Governance	24
Public Procurement and Competition in a Globalized World	17
Redes Sociales, Companhias Tecnológicas y Democracia	113
Regulation of EU/EEA Energy Markets	27
Roman Law and European Legal Roots	7
The American Law of Risk	101
The Area of Freedom, Security and Justice	19
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	23
The Law of Apps	20
United States Constitutional Law: History, Theory and Practice	125
Total Geral	1717

5. Inscritos por curso intensivo

Curso Intensivo	Alunos Matriculados		Total
	Alunos FDUL e outros	Alunos Erasmus	
A Descriptive Analysis of the EU Labour Market Policy (LMP)	29	4	33
Behavioral Law and Economics	26	9	35
Brexit: Process and Impact on EU and Member State's Law	36	20	56
Constitutional and Administrative Law without Frontiers	29	4	33
Constitutional Justice in Europe	15	21	36
EU Administrative Procedural Law and Europeanization of National Administrative Law	25	17	42
European Administrative Law and Administrative Procedure	26	7	33
European and International Energy Law	9	24	33
European Integration through Preliminary Ruling Procedures	11	6	17
European Union Administrative Law	20	1	21
Globalisation and International Protection of Human Rights	20	15	35
History of European Laws since the 18 th Century	7	20	27
International Aviation Law	15	24	39
Introduction to European Private Law	13	21	34
Introduction to Portuguese Law	0	44	44
Introduction to the History of Justice: the modern period	17	7	24
Introduction to the Law of the United States	11	27	38
Introduction to the North American Constitution	15	17	32
Litigation in Economic International Law	12	27	39
Main Issues of Corporate Governance	18	9	27
Philosophy of Law	8	23	31
Political Symbols and Constitutional Law	18	26	44
Private Enforcement of EU Competition Law – A Preview of the Future of Civil Litigation in the EU?	18	14	32
Public Finance and Global Governance	24	11	35
Public Procurement and Competition in a Globalized World	18	2	20
Redes Sociales, Companhias Tecnológicas y Democracia	25	5	30
The American Law of Risk	11	18	29
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	20	14	34
The Law of Apps	20	15	35
United States Constitutional Law: History, Theory and Practice	11	22	33
Total Geral	527	474	1001

6. Avaliações por curso intensivo

Curso Intensivo	N.º de Alunos Avaliados	N.º de Alunos Não Avaliados	N.º de Reprovações	Média
A Descriptive Analysis of the EU Labour Market Policy (LMP)	31	2	0	15,5
Behavioral Law and Economics	21	14	0	15,4
Brexit: Process and Impact on EU and Member State's Law	48	6	2	15,7
Constitutional and Administrative Law without Frontiers	28	4	1	15,4
Constitutional Justice in Europe	28	8	0	14,5
EU Administrative Procedural Law and Europeanization of National Administrative Law	34	8	0	15,1
European Administrative Law and Administrative Procedure	29	4	0	15,3
European and International Energy Law	31	2	0	14,5
European Integration through Preliminary Ruling Procedures	14	4	0	13,3
European Union Administrative Law	16	5	0	14,6
Globalisation and International Protection of Human Rights	28	5	2	13,8
History of European Laws since the 18 th Century	15	11	1	14,5
International Aviation Law	35	3	1	12,8
Introduction to European Private Law	18	16	0	14,6
Introduction to Portuguese Law	37	7	0	14,3
Introduction to the History of Justice: the modern period	12	12	0	14,4
Introduction to the Law of the United States	35	3	0	15,7
Introduction to the North American Constitution	22	8	2	14,9
Litigation in Economic International Law	35	3	0	15,1
Main Issues of Corporate Governance	21	3	3	12,8
Philosophy of Law	20	10	1	15,3
Political Symbols and Constitutional Law	42	2	0	15,1
Private Enforcement of EU Competition Law – A Preview of the Future of Civil Litigation in the EU?	20	12	0	14,0
Public Finance and Global Governance	35	0	0	13,3
Public Procurement and Competition in a Globalized World	17	3	0	15,4
Redes Sociales, Companhias Tecnológicas y Democracia	27	2	1	14,5
The American Law of Risk	28	1	0	14,3
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	19	7	8	11,1
The Law of Apps	27	8	0	14,2
United States Constitutional Law: History, Theory and Practice	31	2	0	14,1
Total	804	175	22	14,4

Anexo 20 | Cursos Intensivos 2019- Docentes e Programas

Curso Intensivo	Edição	Sem.	Docente	Universidade de Origem
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	2. ^a	2. ^o	Alex Kämmerer	Bucerius Law School
Philosophy of Law	4. ^a	1. ^o	Alexandre Viala	Université de Montpellier
European Integration through Preliminary Ruling Procedures	1. ^o	2. ^o	Ana Soares Pinto	Faculdade de Direito da Universidade de Lisboa
Introduction to European Private Law	8. ^a	2. ^o	Andreas Schwartz	University of Innsbruck
European and International Energy Law	2. ^a	1. ^o	Claas Germelmann	Leibniz Universität Hannover
United States Constitutional Law: History, Theory and Practice	2. ^o	1. ^o	Dane S. Ciolino	Loyola University College of Law
European Administrative Law and Administrative Procedure	1. ^a	2. ^o	Diana-Uriana Galetta	Università degli Studi di Milano
Redes Sociales, Companhias Tecnológicas y Democracia	1. ^a	1. ^o	Francisco Balaguer Callejón	Universidad de Granada
A Descriptive Analysis of the EU Labour Market Policy (LMP)	3. ^a	1. ^o	Francisco Roca	Universidad Complutense de Madrid
Public Finance and Global Governance	1. ^o	2. ^o	Guilherme W. d'Oliveira Martins	Faculdade de Direito da Universidade de Lisboa
Introduction to the History of Justice: the modern period	1. ^o	2. ^o	Isabel Graes	Faculdade de Direito da Universidade de Lisboa
Brexit: Process and Impact on EU and Member State's Law	1. ^a	2. ^o	Jacques Ziller	Università degli Studi di Pavia
History of European Laws since the 18 th Century	2. ^a	1. ^o	Jean-Louis Halpérin	École Normale Supérieure de Paris
Introduction to Portuguese Law	3. ^a e 4. ^a	1. ^o e 2. ^o	João Tiago da Silveira	Faculdade de Direito da Universidade de Lisboa
The American Law of Risk	1. ^a	1. ^o	Leo. P Martinez	University of California
European Union Administrative Law	1. ^o	2. ^o	Lourenço Vilhena Freitas	Faculdade de Direito da Universidade de Lisboa
Globalisation and International Protection of Human Rights	6. ^a	2. ^o	Marine Toullier	Université Rouen Normandie
Political Symbols and Constitutional Law	1. ^o	1. ^o	Massimo Luciani	Università degli Studi di Roma "La Sapienza"
Private Enforcement of EU Competition Law – A Preview of the Future of Civil Litigation in the EU?	1. ^o	2. ^o	Miguel Sousa Ferro	Faculdade de Direito da Universidade de Lisboa
Litigation in Economic International Law	6. ^a	1. ^o	Millán Requena Casanova	Universidad de Alicante
Public Procurement and Competition in a Globalized World	1. ^o	2. ^o	Nuno Cunha Rodrigues	Faculdade de Direito da Universidade de Lisboa
Introduction to the Law of the United States	9. ^a	1. ^o	Patrick Ryan Hugg	Loyola University College of Law
The Law of Apps	2. ^o	2. ^o	Pedro Lomba	Faculdade de Direito da Universidade de Lisboa
Constitutional Justice in Europe	3. ^a	2. ^o	Rainer Arnold	Universität Regensburg
International Aviation Law	5. ^a	1. ^o	Regina Valutyte	Mykolas Romeris University
EU Administrative Procedural Law and Europeanization of National Administrative Law	1. ^a	2. ^o	Rui Lanceiro	Faculdade de Direito da Universidade de Lisboa
Introduction to the North American Constitution	7. ^a	2. ^o	Russell Weaver	University of Louisville
Behavioral Law and Economics	1. ^o	2. ^o	Rute Saraiva	Faculdade de Direito da Universidade de Lisboa
Constitutional and Administrative Law Without Frontiers	1. ^o	2. ^o	Vasco Pereira da Silva	Faculdade de Direito da Universidade de Lisboa
Main Issues of Corporate Governance	2. ^a	2. ^o	Virginijus Bitė	Mykolas Romeris University

Alexandre VIALA

Professeur agrégé de droit public à l'université de Montpellier

Professeur associé de l'Université Senghor d'Alexandrie

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Membre du Conseil d'Administration de l'Association Française de Droit Constitutionnel

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Membre de la Société Française de Philosophie Politique et de Théorie Juridique

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PARCOURS :

Juin 1985 : Baccalauréat sciences économiques, Mention Bien, (Académie de Nantes)

Juin 1987 : DEUG de droit, mention Assez Bien, à l'Université de Nantes

Juin 1988 : Licence de droit à l'Université de Nantes

Juin 1989 : Maîtrise de droit public général, mention Assez Bien, à l'Université de Nantes

Septembre 1991 : DEA de Droit public interne, mention Assez Bien, à l'Université Montpellier I

Janvier 1998 : Doctorat en droit public de l'Université Montpellier I, mention très honorable avec les félicitations du jury à l'unanimité, (*prix de thèse du Conseil constitutionnel, septembre 1998*) (*Titre de la thèse : Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel, L.G.D.J., 1999*).

Septembre 1998 : Maître de conférences à l'Université Pierre Mendès-France de Grenoble II

Juin 2000 : Agrégation de droit public, rang : 6ème

Septembre 2000 : Professeur à l'Université de Montpellier

Septembre 2007 : Avancement à la 1^{ère} classe

Septembre 2014 : Avancement à la Classe exceptionnelle (1^{er} échelon)

Septembre 2019 : Avancement à la Classe exceptionnelle (2ème échelon)

SPECIALITE :

Droit constitutionnel, Théorie et Philosophie du droit

PUBLICATIONS :

Ouvrages :

- Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel, *L.G.D.J., 1999, Bibliothèque constitutionnelle et de science politique, tome 92*, (316 pages)
- Droit constitutionnel, *Montchrestien, coll. Pages d'Amphi, 2004*, (manuel co-écrit avec Dominique Rousseau), (480 pages).
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Directions d'ouvrage :

- La Constitution et le temps, *Actes du Vème séminaire franco-japonais de droit public*, *L'Hermès* 2003.
- Les mutations contemporaines de la démocratie, *Actes du VIIème séminaire franco-japonais de droit public*, *Publications de la Faculté de Droit de Montpellier*, 2007.
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- Le pouvoir constituant au XXIème siècle, *Actes du colloque de Montpellier*, 13 mai 2016, (en co-direction avec F. Ballaguer et S. Pinon), *LGDJ-Institut universitaire Varenne*, 2017.

Responsabilités éditoriales :

- Co-responsable avec Mathieu Disant de la rubrique « Autorité des décisions constitutionnelles et dialogue des juges » au sein de la Revue « Constitutions »
- Responsable de la chronique de philosophie du droit (Table ronde) au sein de la Revue du droit public.
- Membre du comité scientifique international de la revue www.ordines.it
- Membre du comité de rédaction des Archives de Politique Criminelle.

Articles dans des revues à comité de lecture :

- Les réserves d'interprétation, un outil de "resserrement" de la contrainte de constitutionnalité, *Revue du Droit Public*, 1997, n° 4, pp. 1047 à 1067 (20 pages).
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Contributions à des ouvrages collectifs :

- Il governo e il primo ministro, *chapitre III du manuel collectif rédigé sous la direction de Dominique Rousseau (L'ordinamento costituzionale della Quinta Repubblica francese)*, G. Giappichelli Editore-Torino, 2000, trad. Andrea Morrone, pp. 197 à 243
- Controverses sur la justice constitutionnelle, *Memoria del VIIème Congreso iberoamericano de Derecho Constitucional, Tribunales y justicia constitucional*, sous la coordination de Juan Vega Gomez et d'Edgar Corzo Sosa, *Instituto de Investigaciones juridicas, Serie Doctrina Juridica*, N° 108, Mexico, 2002, p. 401.
- Les grandes questions constitutionnelles de l'intégration européenne, in *Les institutions constitutionnelles et l'intégration européenne*, sous la direction de Attila Bado et Laszlo Trocsanyi, *Publications de la Faculté de droit de l'Université de Szeged*, 2002, pp. 7-14.
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PHILOSOPHIE DU DROIT

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1 - Problématique :

Le cours a pour finalité d'inviter les étudiants en droit à aborder leur objet familier, le droit, non plus dans une perspective technique et compartimentée comme l'exige la division académique de la discipline en diverses branches qui correspondent chacune à un secteur de la vie sociale, mais sous un angle théorique et global. Il s'adresse donc autant aux privatistes qu'aux publicistes, comme il peut intéresser aussi bien les internistes que les internationalistes. Mais l'une des vertus majeures de la philosophie du droit est d'aider surtout les juristes, très tôt plongés dans l'étude appliquée des mécanismes et du *comment* ? du phénomène juridique, à prendre un peu de hauteur et à s'interroger sur le *pourquoi* ? de leur objet. Pour appréhender celui-ci de la façon la plus globale qui soit comme le commande la démarche philosophique dont se réclame le cours, il conviendra de le saisir sous deux angles différents qui alimenteront chacun les deux parties.

Le premier champ de réflexion renverra au statut ontologique du droit, c'est-à-dire qu'il portera sur la nature et l'essence du droit comme objet livré à l'examen de l'observateur. Le droit est alors conçu comme un ensemble normatif qui accorde des droits et fixe des obligations et se matérialise par un discours, législatif ou juridictionnel, dont la teneur diverge selon les conceptions qu'en livrent les différentes écoles philosophiques. On verra notamment qu'à l'ontologie *réaliste* et *objectiviste* des Anciens qui pensaient que le législateur et le juge n'avaient qu'à restituer passivement, de façon indicative, ce que raconte la nature des choses dont serait issu le droit, s'oppose l'ontologie *idéaliste* et *subjectiviste* des Modernes selon lesquels le droit, fruit de l'esprit, n'est que le produit intellectuel de la volonté humaine et se décline, dès lors, en termes prescriptifs. Ces deux approches antagonistes de l'ontologie juridique feront ainsi l'objet des deux temps forts de la première partie sachant que la première, dite anté ou pré-moderne et née sous l'Antiquité gréco-romaine pour se poursuivre jusqu'au Haut Moyen Age, ne sera abordée que rétrospectivement à l'occasion de l'examen, dès le Titre premier, de sa rivale réputée moderne qui, dès le XIVème siècle, s'est inscrite en rupture par rapport à elle. L'ontologie réaliste occupera à nouveau certains développements du Titre second à travers l'étude d'une post-modernité laquelle, depuis le XXème siècle, œuvre par certains côtés à sa réhabilitation.

La seconde partie du cours sera consacrée au statut épistémologique du droit. Autrement dit, il s'agira cette fois de regarder le droit non comme discours-objet du législateur et du juge mais comme méta-discours portant sur cet objet. Au lieu de saisir directement le droit, la question visera, de façon médiate, la science du droit. Dès lors, le discours qui matérialise le droit selon ce point de vue épistémologique n'est plus celui du législateur et du juge car il est prononcé par d'autres juristes dont le statut, que revêtent les professeurs de droit, relève du monde académique et non pas politique. Puisque ce méta-discours est censé être un discours de connaissance, toute la problématique qui animera cette

seconde partie consistera à s'interroger sur ses conditions de scientificité. Or, on verra qu'elles ne sont pas déterminées pareillement selon la philosophie du droit sous la bannière de laquelle on se place. Selon une épistémologie dite prescriptive ou idéaliste qui correspond en général aux conceptions de type jusnaturaliste, il ne serait pas indu de faire de la science du droit tout en s'autorisant à émettre des jugements de valeur et à dire ce que devrait être le droit. C'est à l'aune du droit naturel, regardé comme idéal et objectivement connaissable aux yeux d'une telle épistémologie, que s'effectuerait cette évaluation dont le caractère prescriptif n'enlèverait rien à sa scientificité. Au contraire, pour une épistémologie dite descriptive ou empiriste qu'ont l'habitude d'adopter les tenants du positivisme juridique, il est absolument nécessaire, sous peine de méconnaître les limites de la neutralité axiologique de la science du droit, de bien faire le départ entre le droit tel qu'il est et le droit tel qu'il devrait être et de se garder de promouvoir celui-ci sous couvert de la science. L'examen de ces deux épistémologies rivales, étudiées l'une après l'autre, rythmera ainsi cette seconde partie. Plus précisément, le Titre premier consistera à mettre dos à dos ces deux méthodologies qui, observées chacune dans leur plus pure radicalité, ne constituent rien d'autre que des obstacles épistémologiques. Le Titre second se présentera, dès lors, comme la promotion d'une voie médiane dont la vertu est d'éviter les deux écueils respectifs de l'idéalisme et de l'empirisme en encourageant, pour expliquer le droit, l'utilisation de modèles abstraits porteurs d'une fonction critique et non idéologique. C'est cette voie médiane qu'on appelle le recours à la théorie du droit.

De manière générale, le but de cette présentation duale est de montrer que l'histoire de la pensée juridique est celle d'une série de courants dont l'identité dépend, pour chacun, tant du parti pris ontologique que de l'option épistémologique retenus ce qui donne une succession de combinaisons qui seront analysées en détail et qui confèrent à la philosophie du droit toute sa richesse (aristotélisme, thomisme, nominalisme, école du droit naturel moderne, légalisme, positivisme juridique, positivisme sociologique, normativisme, réalisme juridique, néo-thomisme, néo-positivisme...)

2 - Plan :

Introduction

Première partie - La question ontologique : qu'est-ce que le droit ?

Titre I – La métaphysique subjectiviste de la modernité : la volonté représentée comme fondement de l'ordre juridique (du XIV^{ème} au XIX^{ème} siècle)

Chapitre I – Un tournant paradigmatique : la révolution nominaliste

Section I – Une approche idéaliste du droit

Section II – Les théories du contrat social

Chapitre II – Une normativité triomphante : le culte de la loi

Section I – Le glissement du droit naturel moderne vers le positivisme juridique

Section II – La confusion du droit et de la loi

Titre II – Le réalisme objectiviste de la post-modernité : la volonté représentée comme simple moteur de l'ordre juridique (du XX^{ème} siècle à nos jours).

Chapitre I – Une réaction ontologique : la contre-révolution objectiviste

Section I – Une approche réaliste du droit

Section II – Une entreprise d'autonomisation du droit

Chapitre II – Une normativité en mutation : le culte du droit
Section I – La dévalorisation de la loi
Section II – L'émergence de la figure du juge

Seconde partie - La question épistémologique : qu'est-ce que la science du droit ?

Titre I - Les deux obstacles épistémologiques : l'idéalisme et l'empirisme
Chapitre I - L'idéalisme : l'épistémologie prescriptive
Section I – Présentation
Section II – La critique positiviste de l'idéalisme épistémologique
Chapitre II – L'empirisme : l'épistémologie descriptive
Section I – Présentation
Section II – Les impasses de l'empirisme

Titre II – La recherche d'une voie médiane : la construction d'une théorie du droit
Chapitre I – Une fonction de dévoilement de la réalité
Chapitre II – Une fonction de prévention contre le dogmatisme

Conclusion

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- Cahiers de philosophie politique et juridique
- Droit et société
- Revue interdisciplinaire d'études juridiques
- Juspoliticum (revue en ligne)
- Droit et philosophie (Annuaire de l'Institut Michel Villey)

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Description	Professorship for Private and Business Law

Date	1999 / 2000
Location	Magdeburg (D)
Company	University of Magdeburg
Position	Guest Professor (with offer of a chair)
Description	Professorship for Private and Business Law

Date	1997 / 1999
Location	Frankfurt (Oder) (D)
Company	European University Viadrina
Position	Guest Professor
Description	Professorship for Civil Law

Date	1984 -1997
Location	Hannover (D)
Company	University of Hannover
Position	Assistant / since 1991 Assistant Professor
Description	Research and teaching in civil, commercial, company and private international law

12. KEY QUALIFICATIONS: Teaching and Research in Law

13. FOREIGN EXPERIENCES:

- Teaching and research visits in

Copenhagen, EUI Florence, Athens / Thessaloniki, Southampton, Cardiff, Dublin, Kiev, Strasbourg, Padua, Rotterdam, Pamplona, Rovaniemi, New York, San Antonio / TX, Santiago de Compostela, Istanbul, Zagreb, Minneapolis / MN, Trieste, Lissabon, Brno, Bratislava, New Orleans / LA, Groningen, Kyoto / Tokyo

Univ.-Prof. Dr. Andreas Schwartze, LL.M. (EUI)
Head of Department / Department of Private Law
Faculty of Law, University of Innsbruck

Erasmus Intensive Course – Law Faculty of Lisbon University

Introduction to European Private Law - From national rules on Contract and Tort to supranational European Union Obligation Law

Course syllabus

Class 1

Introduction: Differences of national private laws in Europe / legal families / Common Law – Civil Law; the problems of diverging legal rules within the EU

Class 2

Approximation of Private Law:

Competences of the EU in general; competences executed; instruments of EU-law

Class 3

Traditional European Contract Law – Harmonization by directives;

Example: Unfair Contract Terms Directive 93/13/EEC / Consumer Sales Directive; Revival:

Two proposals for Directives on Contracts for Online and other Distance Sales of Goods and Contracts for the Supply of Digital Content (COM(2015) 635 of 9.12.2015)

Class 4

A new Strategy: Development, format and functions of the (Draft) Common Frame of Reference/DCFR; Structure and contents of the DCFR; the four Principles and the General Part of the DCFR

Class 5

Unified EU Principles on Contracts and Tort: DCFR Book IV.A “Sales” / Proposal of Common European Sales Law (CESL); Principles of European Tort Law (PETL) vs. DCFR Book VI “Noncontractual liability arising out of damage caused to another”

Reading List

- Antoniolli/Fiorentini* (Eds), A factual assessment of the draft common frame of reference (2011)
- Bussani/Werro* (Eds), European Private Law: A Handbook Vol I (2009) / Vol. II (2014)
- Bogdan / Maunsbach*, EU Private International Law: An ECJ Casebook, 2nd ed. (2012)
- Cafaggi / Muir-Watt* (Eds.), Making European Private Law – Governance Design (2008)
- Hartkamp/Hondius* (Eds), Towards a European civil code, 4th ed. (2011)
- Howells/Schulze* (Eds), Modernising and Harmonising Consumer Contract Law (2009)
- Micklitz*, Understanding EU consumer law, 2nd ed. (2014)
- Micklitz/Cafaggi* (Eds), European Private Law after the Common Frame Of Reference (2010)
- Moccia* (Ed), The making of European private law: why, how, what, who (2013)
- Larouche* (Ed), Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL (2010)
- Sagaert / Storme / Terryn* (Eds), The Draft Common Frame of Reference: national and comparative perspectives (2013)
- Schulze* (Ed.), Common Frame of Reference and Existing EC Contract Law, 2nd ed. (2009)
- Schulze / Schulte-Nölke* (Eds.), European Private Law – Current Status and Perspective (2011)
- Schulte-Nölke/Tichy* (Eds), Perspectives for European Consumer Law - Towards a Directive on Consumer Rights and Beyond (2010)
- Sammut*, Constructing Modern European Private Law: A Hybrid System (2016)
- Twigg-Flesner* (Ed), European Union Private Law (2010)
- Vranken*, Fundamentals of European Civil Law, 2nd ed. (2010)

Prof. Dr. Jörn Axel Kämmerer

Jörn Axel Kämmerer has been a Professor (chair holder) at Bucerius Law School since 2000. He was a Guest Professor at Université Paris I (Panthéon-Sorbonne) from 2005 to 2007 (part-time) and at Seoul National University, Republic of Korea, in 2007 and 2017. He studied law at Tübingen University, Germany, and Université d'Aix-en-Provence/Marseille III, France. Appointed Doctor of law in 1993 with a thesis on the the Antarctic System after the Madrid Protocol, he received his "venia legendi" (*Habilitation*) in Public Law, European Law and Public International Law in 2000 by Tübingen Law Faculty. His research focuses, *inter alia*, on market regulation, privatization as well as law and finance in both German public law and EU law. A Director of the Institute on Company and Capital Markets Law (ICCML/IUKR) at Bucerius, he was appointed member of an advisory committee to the German Ministry of Finance on financial markets regulation in 2011. He is the author of a textbook on Constitutional Law and has made contributions to renowned legal commentaries. With two colleagues he conducted an interdisciplinary research project on colonialism and the evolution of Public International Law (with financial assistance by the *Deutsche Forschungsgemeinschaft*). In 2016 he was elected Secretary-General of the Societas Iuris Publici Europaei (SIPE). Jörn Axel Kämmerer teaches mostly in German and English and has given lectures or lecture series at academic institutions of various countries, including Australia, Brazil, Canada, China, Israel, Japan, New Zealand, Singapore, and South Africa.

Intensive Course 2019/2020
Professor Jörn Axel Kämmerer

The European Economic and Monetary Union (EEMU): Background, Structures, Evolution

Syllabus:

- (1) The Internal Market as a background: Free movement of capital, freedom of payment
- (2) The Treaty of Maastricht and the genesis of the EEMU
- (3) The monetary “wing” of the EEMU, its institutions (ECB, ESCB) and their commitment to price stability
- (4) The economic “wing” of the EEMU: fiscal guidelines for the Member States
- (5) Gaps in, and shortcomings of, the EEMU – Lessons told by the economic and fiscal crisis
- (6) Substantive and institutional reinforcement of the EEMU – Is the rule of law being sacrificed to saving the Union?
 - The Fiscal Compact
 - The Stability Mechanisms (EFSF, EFSM, ESM)
 - The Banking Union (SSM, SRM, EDIS)
 - The “Capital Markets Union” and the European System of Financial Supervision (ESFS)
 - The ECB’s new purchase programmes

Claas Friedrich Germelmann was born in Berlin, Germany. He studied law at the Freie Universität Berlin from 1998 to 2003, specialising in European Union and public international law. After his first state examination, he took part in the LL.M. programme at the University of Cambridge being a member of Queens' College. From 2004 to 2006, he returned to Berlin for his professional training (*Referendariat*) at the Higher Regional Court of the *Land* of Berlin (*Kammergericht*). From 2003 to 2006, he was a research assistant and assistant lecturer at the Freie Universität Berlin. From 2006 to 2008, he did his doctorate at the Freie Universität Berlin under the supervision of Professor Dr. Helmut Lecheler and was awarded the Dr. iur. His PhD thesis deals with the principle of *res judicata* in European Union law based on a comparative study of the corresponding German, English and French principles.

In 2008, Claas Friedrich Germelmann took up the post of a research fellow and assistant professor at the University of Bayreuth with teaching responsibilities in European Union law, public international law and German constitutional law. From 2008 to 2012, he worked on his *Habilitation*, the German qualification for a teaching career in higher education, which was supervised by Professor Dr. Jörg Gundel. In 2012, Claas Friedrich Germelmann was awarded the *venia legendi* (formal authorisation to teach in university education) for German constitutional and administrative law, European law, public international law and comparative law. In his *Habilitation* thesis, he deals with German cultural law from a constitutional and administrative law perspective. From 2012 to 2014, he served as a substitute professor at different German universities.

In 2014, he was appointed full professor of public law and European law at the Leibniz Universität Hannover. Since 2014, he has also been the managing director of the Institute of International Law at the University of Hannover. Since 2017, he has been responsible for the international relations and the external exchange programmes of the Law Faculty, particularly for the LL.M. programme "European Legal Practise (LL.M. Joint Degree)". He is also the representative of Hanover in the international ELPIS network.

Claas Friedrich Germelmann's research interests lie in the fields of German constitutional law with questions of federalism and cultural law, in the area of European Union law with its relationship to the legal orders of the member states, as well as in public international law, specifically international trade and investment law. He furthermore specialises in German, European and international energy law. He is currently teaching European Union law, energy and regulatory law, international trade and investment law, and has published extensively in these fields.

European and International Energy Law

- I. Energy law and the transition of energy supply systems – the political and legal backgrounds
 1. The international law on climate change and its relevance for energy law
 2. Single market and environmental protection in the law of the European Union: Reconciling conflicts in EU energy law

- II. International energy law: The current state of climate change law and its obligations for the international community
 1. The UN Framework Convention on Climate Change
 2. The Paris Agreement

- III. EU energy law: A major single market project
 1. The single market in energy: An EU target for more than 20 years
 - a. Primary law: Market freedoms and state aid law
 - b. Secondary legislation
 2. The Treaty of Lisbon and the introduction of Art. 194 TFEU

3. The current project of a European Energy Union

- a. Political goals
- b. Legislative acts
- c. Major conflicts

IV. EU energy law and national energy supply: The reconstruction of the national energy law systems

1. The challenges: security of supply, environmental protection, single market, affordability

2. Main areas of conflict

- a. The general structures of energy supply in the Member States
- b. The integration of renewable energies and national support schemes
- c. Grid extension and sustainability

d. Flexibility and IT-based solutions

e. The law of energy regulation and national constitutional law

V. Conclusions

Reading

Blumann (dir.), Vers une politique européenne de l'énergie, 2012

Cameron, Heffron, Legal Aspects of EU Energy Regulation: The Consolidation of Energy Law Across Europe, 2016

Johnston, Block, EU Energy Law, 2012

Leal-Arcas, Wouters (eds.), Research Handbook on EU Energy Law and Policy, 2017

Roggenkamp, Redgwell, Renne (eds.), Energy Law in Europe: National, EU and International Regulation, 2016

Talus, Introduction to EU Energy Law, 2016

Talus (ed.), Research Handbook on International Energy Law, 2014

*Bodansky, The Paris Climate Change Agreement: A New Hope?, AJIL 110 (2016), 288

*Rajamani, Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics, ICLQ 65 (2016), 493

1992 United Nations Framework Convention on Climate Change

<http://unfccc.int/resource/docs/convkp/conveng.pdf>

1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change

<http://unfccc.int/resource/docs/convkp/kpeng.pdf>

2009 Copenhagen Accord

Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009

<http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf>

2011 Cancun Agreements

Decision 1/CP.16 - The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention,

<http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

Decision 1/CMP.6 - The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol at its fifteenth session

<http://unfccc.int/resource/docs/2010/cmp6/eng/12a01.pdf>

2012 Durban Decisions

Decision 1/CP.17 - Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action

Decision 2/CP.17 - Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

<http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf>

Decision 1/CMP.7 - Outcome of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol at its sixteenth session

<http://unfccc.int/resource/docs/2011/cmp7/eng/10a01.pdf>

2015 Paris Agreement

https://unfccc.int/sites/default/files/english_paris_agreement.pdf

2016 Entry into force

2018 Katowice Rulebook

UNFCCC

Article 2 - OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Article 3 - PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

[...]

Article 4 - COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

(a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

(b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;

[...]

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

(a) Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances,

as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

[...]

Article 17 - PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Only Parties to the Convention may be Parties to a protocol.
5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

PARIS AGREEMENT

Article 2

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

(a) Holding the increase in the global average temperature to well below 2° C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5° C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

(b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and

(c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 3

As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.

Article 4

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.

2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.

3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.

[...]

9. Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.

10. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall consider common time frames for nationally determined contributions at its first session.

11. A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

12. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.

13. Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Law-making powers of the European Union.

1. Primary and secondary EU law.
2. The conferral of competences.

Article 5 TEU

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States. [...]

3. The relationship between EU competences and competences of the Member States.
4. Instruments for rule-making by the European Union.

Specific features of European Union law.

1. The principle of supremacy.
2. The principle of direct effect.
3. Direct effect of EU directives.
4. State liability for breach of EU Law.

Article 288

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force.

Article 26 TFEU

1. The Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market, in accordance with the relevant provisions of the Treaties.

2. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.

[...]

Article 34 TFEU

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

ECJ, 11/7/1974, Case 8/74 – Dassonville, ECR 1974, p. 837

Article 35 TFEU

Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States.

Article 36 TFEU

The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

ECJ, 20/2/1979, Case 120/78 – Rewe (Cassis de Dijon), ECR 1979, p. 649

*ECJ Case 72/83 – Campus Oil, ECR 1984 p. 2727

*ECJ Case C-379/98 – PreussenElektra, ECR 2001 p. I-2099

*ECJ Case C-573/12 – Ålands vindkraft

*ECJ Case C-492/14 – Essent Belgium

Article 107 TFEU

1. Save as otherwise provided in the Treaties, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market.

2. The following shall be compatible with the internal market: [...]

3. The following may be considered to be compatible with the internal market: [...]

(c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest; [...]

*ECJ Case C-379/98 – PreussenElektra, ECR 2001 p. I-2099

*ECJ Case C-206/06 – Essent Netwerk Noord, ECR 2008 p. I-5497

*ECJ Case C-262/12 – Vent de Colère !

*ECJ Case C-405/16 P – Germany v Commission

Article 108 TFEU

[...]

2. If, after giving notice to the parties concerned to submit their comments, the Commission finds that aid granted by a State or through State resources is not compatible with the internal market having regard to Article 107, or that such aid is being misused, it shall decide that the State concerned shall abolish or alter such aid within a period of time to be determined by the Commission.

If the State concerned does not comply with this decision within the prescribed time, the Commission or any other interested State may, in derogation from the provisions of Articles 258 and 259, refer the matter to the Court of Justice of the European Union direct.

Article 108 TFEU

[...]

3. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to Article 107, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

4. The Commission may adopt regulations relating to the categories of State aid that the Council has, pursuant to Article 109, determined may be exempted from the procedure provided for by paragraph 3 of this Article.

Article 114 TFEU

1. Save where otherwise provided in the Treaties, the following provisions shall apply for the achievement of the objectives set out in Article 26. The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.

[...]

Article 194 TFEU

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to:

- (a) ensure the functioning of the energy market;
- (b) ensure security of energy supply in the Union;
- (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and

(d) promote the interconnection of energy networks.

2. Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions.

Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c).

3. By way of derogation from paragraph 2, the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament, establish the measures referred to therein when they are primarily of a fiscal nature.

The Players on the Energy Market:

- Consumers
- Energy companies (formerly vertically-integrated energy companies)
 - Production/generation
 - Supply
 - Transmission systems operator (transmission grids ~ 220/330 kV)
 - Distribution system operator (distribution networks ~ 110 kV)

- National regulatory authorities
- ACER
- Commission

Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity

- beginning of market liberalisation
- admission of new electricity suppliers to Member States' markets
- (certain) customers can choose their electricity supplier
- third party access to electricity networks

Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC

- market liberalisation for all customers
- regulated third party access
- unbundling of supply, generation and networks (accounting, organisational, legal)

Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC

- consumer protection
- ownership unbundling
- certification of transmission system operators
- independent national regulatory authorities

Article 9 Directive 2009/72/EC - Unbundling of transmission systems and transmission system operators

1. Member States shall ensure that from 3 March 2012:

(a) each undertaking which owns a transmission system acts as a transmission system operator;

(b) the same person or persons are entitled neither:

(i) directly or indirectly to exercise control over an undertaking performing any of the functions of generation or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor

(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of generation or supply;

(c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of generation or supply; and

(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of generation or supply and a transmission system operator or a transmission system.

2. The rights referred to in points (b) and (c) of paragraph 1 shall include, in particular:

(a) the power to exercise voting rights;

(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or

(c) the holding of a majority share. [...]

Article 13 - Independent system operator

1. Where the transmission system belongs to a vertically integrated undertaking on 3 September 2009, Member States may decide not to apply Article 9(1) and designate an independent system operator upon a proposal from the transmission system owner. Such designation shall be subject to approval by the Commission.

2. The Member State may approve and designate an independent system operator only where:

(a) the candidate operator has demonstrated that it complies with the requirements of Article 9(1)(b), (c) and (d);

(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 12;

(c) the candidate operator has undertaken to comply with a ten-year network development plan monitored by the regulatory authority;

(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5. To that end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity; and

(e) the candidate operator has demonstrated its ability to comply with its obligations under Regulation (EC) No 714/2009 including the cooperation of transmission system operators at European and regional level.

[...]

4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges, congestion charges, and payments under the inter-transmission system operator compensation mechanism in compliance with Article 13 of Regulation (EC) No 714/2009, as well as for operating, maintaining and developing the transmission system, and for ensuring the long-term ability of the system to meet reasonable demand through investment planning. When developing the transmission system, the independent system operator shall be responsible for planning (including authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.

Article 14 - Unbundling of transmission system owners

1. A transmission system owner, where an independent system operator has been appointed, which is part of a vertically integrated undertaking shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to transmission.

[...]

Chapter V – Independent Transmission Operator

- Independence of the TSO
- Independence of the Staff
- Supervisory Body
- Compliance Programme
- Ten-Year Network Development Plan
- Scrutiny by the National Regulatory Authority

Article 35 - Designation and independence of regulatory authorities

1. Each Member State shall designate a single national regulatory authority at national level. [...]

4. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member State shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority:

(a) is legally distinct and functionally independent from any other public or private entity;

(b) ensures that its staff and the persons responsible for its management:

(i) act independently from any market interest; and

(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. This requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government not related to the regulatory powers and duties under Article 37.

5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:

(a) the regulatory authority can take autonomous decisions, independently from any political body, and has separate annual budget allocations, with autonomy in the implementation of the allocated budget, and adequate human and financial resources to carry out its duties; and

(b) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.

In regard to point (b) of the first subparagraph, Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.

Article 36 - General objectives of the regulatory authority

In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 37, in close consultation with other relevant national authorities including competition authorities, as appropriate, and without prejudice to their competencies:

(a) promoting, in close cooperation with the Agency, regulatory authorities of other Member States and the Commission, a competitive, secure and environmentally sustainable internal market in electricity within the Community, and effective market opening for all customers and suppliers in the Community and ensuring appropriate conditions for the effective and reliable operation of electricity networks, taking into account long-term objectives;

(b) developing competitive and properly functioning regional markets within the Community in view of the achievement of the objectives referred to in point (a);

(c) eliminating restrictions on trade in electricity between Member States, including developing appropriate cross-border transmission capacities to meet demand and enhancing the integration of national markets which may facilitate electricity flows across the Community;

(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in line with general energy policy objectives, energy efficiency as well as the integration of large and small-scale production of electricity from renewable energy sources and distributed generation in both transmission and distribution networks;

(e) facilitating access to the network for new generation capacity, in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources;

(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies in system performance and foster market integration;

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection;

(h) helping to achieve high standards of universal and public service in electricity supply, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.

Article 37 - Duties and powers of the regulatory authority

1. The regulatory authority shall have the following duties:

(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies;

(b) ensuring compliance of transmission and distribution system operators and, where relevant, system owners, as well as of any electricity undertakings, with their obligations under this Directive and other relevant Community legislation, including as regards cross-border issues;

(c) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the Agency; [...]

6. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:

(a) connection and access to national networks, including transmission and distribution tariffs or their methodologies. Those tariffs or methodologies shall allow the necessary investments in the networks to be carried out in a manner allowing those investments to ensure the viability of the networks;

(b) [...]; and

(c) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.

7. The methodologies or the terms and conditions referred to in paragraph 6 shall be published.

8. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators are granted appropriate incentive, over both the short and long term, to increase efficiencies, foster market integration and security of supply and support the related research activities.

[...]

Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

Article 3 Directive 2009/28/EC - Mandatory national overall targets and measures for the use of energy from renewable sources

1. Each Member State shall ensure that the share of energy from renewable sources, calculated in accordance with Articles 5 to 11, in gross final consumption of energy in 2020 is at least its national overall target for the share of energy from renewable sources in that year, as set out in the third column of the table in part A of Annex I. Such mandatory national overall targets are consistent with a target of at least a 20 % share of energy from renewable sources in the Community's gross final consumption of energy in 2020. In order to achieve the targets laid down in this Article more easily, each Member State shall promote and encourage energy efficiency and energy saving.

2. Member States shall introduce measures effectively designed to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in part B of Annex I.

3. In order to reach the targets set in paragraphs 1 and 2 of this Article Member States may, inter alia, apply the following measures:

(a) support schemes;

(b) measures of cooperation between different Member States and with third countries for achieving their national overall targets in accordance with Articles 5 to 11.

Without prejudice to Articles 87 and 88 of the Treaty, Member States shall have the right to decide, in accordance with Articles 5 to 11 of this Directive, to which extent they support energy from renewable sources which is produced in a different Member State.

4. Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2020 is at least 10 % of the final consumption of energy in transport in that Member State. [...]

COM(2015) 80 final: A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy, p. 4:

"The Energy Union strategy has five mutually-reinforcing and closely interrelated dimensions designed to bring greater energy security, sustainability and competitiveness:

- Energy security, solidarity and trust;
- A fully integrated European energy market;
- Energy efficiency contributing to moderation of demand;
- Decarbonising the economy, and
- Research, Innovation and Competitiveness".

"Clean Energy for All Europeans"

EU collective goal:

- Emissions reduction of greenhouse gases by 40 % (- 45 %) compared to 1990 in 2030
- increase energy efficiency by 32,5 %
- reach a share of renewable energy of at least 32 % in overall final energy consumption

Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action [...]

Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency

Article 191 TFEU

1. Union policy on the environment shall contribute to pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment,
- protecting human health,
- prudent and rational utilisation of natural resources,
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

Article 192 TFEU

1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.

2. By way of derogation from the decision-making procedure provided for in paragraph 1 and without prejudice to Article 114, the Council acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt: [...]

(c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply. [...]

Directive on the promotion of the use of energy from renewable sources

Article 2 - Definitions

For the purposes of this Directive, the relevant definitions in Directive 2009/72/EC of the European Parliament and of the Council apply.

The following definitions also apply:

(1) 'energy from renewable sources' or 'renewable energy' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;; [...]

Article 3 - Binding overall Union target for 2030

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least 32 %. The Commission shall assess that target with a view to submitting a legislative proposal by 2023 to increase it where there are further substantial costs reductions in the production of renewable energy, where needed to meet the Union's international commitments for decarbonisation, or where a significant decrease in energy consumption in the Union justifies such an increase.

2. Member States shall set national contributions to meet, collectively, the binding overall Union target set in paragraph 1 of this Article as part of their integrated national energy and climate plans in accordance with Articles 3 to 5 and 9 to 14 of Regulation (EU) 2018/1999. In preparing their draft integrated national energy and climate plans, Member States may consider the formula referred to in Annex II to that Regulation.

If, on the basis of the assessment of the draft integrated national energy and climate plans submitted pursuant to Article 9 of Regulation (EU) 2018/1999, the Commission concludes that the national contributions of the Member States are insufficient for the collective achievement of the binding overall Union target, it shall follow the procedure laid down in Articles 9 and 31 of that Regulation.

3. Member States shall ensure that their national policies, including the obligations deriving from Articles 25 to 28 of this Directive, and their support schemes, are designed with due regard to the waste hierarchy as set out in Article 4 of Directive 2008/98/EC to aim to avoid undue distortive effects on the raw material markets. Member States shall grant no support for renewable energy produced from the incineration of waste if the separate collection obligations laid down in that Directive have not been complied with.

4. From 1 January 2021, the share of energy from renewable sources in each Member State's gross final consumption of energy shall not be lower than the baseline share shown in the third column of the table in Part A of Annex I to this Directive. Member States shall take the necessary measures to ensure compliance with that baseline share. If a Member State does not maintain its baseline share as measured over any one-year period, the first and second subparagraphs of Article 32(4) of Regulation (EU) 2018/1999 shall apply.

5. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, including additional funds to facilitate a just transition of carbon intensive regions towards increased shares of renewable energy, in particular financial instruments, especially for the following purposes:

(a) reducing the cost of capital for renewable energy projects;

(b) developing projects and programmes for integrating renewable sources into the energy system, for increasing flexibility of the energy system, for maintaining grid stability and for managing grid congestions;

(c) developing transmission and distribution grid infrastructure, intelligent networks, storage facilities and interconnections, with the objective of arriving at a 15 % electricity interconnection target by 2030, in order to increase the technically feasible and economically affordable level of renewable energy in the electricity system;

(d) enhancing regional cooperation between Member States and between Member States and third countries, through joint projects, joint support schemes and the opening of support schemes for renewable electricity to producers located in other Member States.

6. The Commission shall establish a facilitative platform in order to support Member States that use cooperation mechanisms to contribute to the binding overall Union target set in paragraph 1.

Article 4 - Support schemes for energy from renewable sources

1. In order to reach or exceed the Union target set in Article 3(1), and each Member State's contribution to that target set at a national level for the deployment of renewable energy, Member States may apply support schemes.

2. Support schemes for electricity from renewable sources shall provide incentives for the integration of electricity from renewable sources in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability.

3. Support schemes for electricity from renewable sources shall be designed so as to maximise the integration of electricity from renewable sources in the electricity market and to ensure that renewable energy producers are responding to market price signals and maximise their market revenues.

To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed.

Member States may exempt small-scale installations and demonstration projects from this paragraph, without prejudice to the applicable Union law on the internal market for electricity.

4. Member States shall ensure that support for electricity from renewable sources is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner.

Member States may exempt small-scale installations and demonstration projects from tendering procedures.

Member States may also consider establishing mechanisms to ensure the regional diversification in the deployment of renewable electricity, in particular to ensure cost-efficient system integration.

5. Member States may limit tendering procedures to specific technologies where opening support schemes to all producers of electricity from renewable sources would lead to a suboptimal result, in view of:

- (a) the long-term potential of a particular technology;
- (b) the need to achieve diversification;
- (c) grid integration costs;
- (d) network constraints and grid stability;

(e) for biomass, the need to avoid distortions of raw materials markets.

6. Where support for electricity from renewable sources is granted by means of a tendering procedure, Member States shall, in order to ensure a high project realisation rate:

- (a) establish and publish non-discriminatory and transparent criteria to qualify for the tendering procedure and set clear dates and rules for delivery of the project;
- (b) publish information about previous tendering procedures, including project realisation rates.

7. In order to increase the generation of energy from renewable sources in the outermost regions and small islands, Member States may adapt financial support schemes for projects located in those regions in order to take into account the production costs associated with their specific conditions of isolation and external dependence.

8. By 31 December 2021 and every three years thereafter, the Commission shall report to the European Parliament and to the Council on the performance of support for electricity from renewable sources granted by means of tendering procedures in the Union, analysing in particular the ability of tendering procedures to:

- (a) achieve cost-reduction;
- (b) achieve technological improvement;

(c) achieve high realisation rates;

(d) provide non-discriminatory participation of small actors and, where applicable, local authorities;

(e) limit environmental impact;

(f) ensure local acceptability;

(g) ensure security of supply and grid integration.

9. This Article shall apply without prejudice to Articles 107 and 108 TFEU.

Article 6 - Stability of financial support

1. Without prejudice to adaptations necessary to comply with Articles 107 and 108 TFEU, Member States shall ensure that the level of, and the conditions attached to, the support granted to renewable energy projects are not revised in a way that negatively affects the rights conferred thereunder and undermines the economic viability of projects that already benefit from support.

2. Member States may adjust the level of support in accordance with objective criteria, provided that such criteria are established in the original design of the support scheme.

[...]

Cf. Communication from the Commission - Guidelines on State aid for environmental protection and energy 2014-2020, OJ C 200, 28.6.2014, p. 1.

Article 5 - Opening of support schemes for electricity from renewable sources

1. Member States shall have the right, in accordance with Articles 7 to 13 of this Directive, to decide to which extent they support electricity from renewable sources which is produced in another Member State. However, Member States may open participation in support schemes for electricity from renewable sources to producers located in other Member States, subject to the conditions laid down in this Article.

When opening participation in support schemes for electricity from renewable sources, Member States may provide that support for an indicative share of the newly-supported capacity, or of the budget allocated thereto, in each year is open to producers located in other Member States.

Such indicative shares may, in each year, amount to at least 5 % from 2023 to 2026 and at least 10 % from 2027 to 2030, or, where lower, to the level of interconnectivity of the Member State concerned in any given year. [...]

Regulation on the Governance of the Energy Union and Climate Action

- Integrated National Energy and Climate Plans
- Commission monitoring system: non-binding recommendations for an increase in the level of ambition
- 'gap-filling' mechanism
- regional cooperation

Article 3 - Integrated national energy and climate plans

1. By 31 December 2019, and subsequently by 1 January 2029 and every ten years thereafter, each Member State shall notify to the Commission an integrated national energy and climate plan. The plans shall contain the elements set out in paragraph 2 of this Article and in Annex I. The first plan shall cover the period from 2021 to 2030, taking into account the longer term perspective. The subsequent plans shall cover the ten-year period immediately following the end of the period covered by the previous plan.

2. The integrated national energy and climate plans shall consist of the following main sections:

(a) an overview of the process followed for establishing the integrated national energy and climate plan consisting of an executive summary, a description of the public consultation and involvement of stakeholders and their results, and of regional cooperation with other Member States in preparing the plan, as established in Articles 10, 11 and 12 and in point 1 of Section A of Part I of Annex I;

(b) a description of national objectives, targets and contributions relating to the dimensions of the Energy Union, as set out in Article 4 and Annex I;

(c) a description of the planned policies and measures in relation to the corresponding objectives, targets and contributions set out under point (b) as well as a general overview of the investment needed to meet the corresponding objectives, targets and contributions;

(d) a description of the current situation of the five dimensions of the Energy Union, including with regard to the energy system and greenhouse gas emissions and removals as well as projections with regard to the objectives referred to in point (b) with already existing policies and measures;

(e) where applicable, a description of the regulatory and non-regulatory barriers and hurdles to delivering the objectives, targets or contributions related to renewable energy and energy efficiency; [...]

Article 31 - Response to insufficient ambition of integrated national energy and climate plans

[...]

3. Where, on the basis of its assessment of the integrated national energy and climate plans and their updates pursuant to Article 14, the Commission concludes that the objectives, targets and contributions of the integrated national energy and climate plans or their updates are insufficient for the collective achievement of the Energy Union objectives and, in particular, for the first ten-year period, for the Union's 2030 targets for renewable energy and energy efficiency, it shall propose measures and exercise its powers at Union level in order to ensure the collective achievement of those objectives and targets. With regard to renewable energy, such measures shall take into consideration the level of ambition of contributions to the Union's 2030 target by Member States set out in the integrated national energy and climate plans and their updates.

Article 32 - Response to insufficient progress towards the Union's energy and climate objectives and targets

1. Where, on the basis of its assessment pursuant to point (b) of Article 29(1), the Commission concludes that insufficient progress is made by a Member State towards meeting its objectives, targets and contributions, its reference points for renewable energy, or in implementing the policies and measures set out in its integrated national climate and energy plan, it shall issue recommendations to the Member State concerned pursuant to Article 34.

In its recommendations in the area of renewable energy, the Commission shall take into consideration the relevant circumstances indicated by the Member State in accordance with the second subparagraph of Article 5(1). The Commission shall also take into consideration renewable energy projects for which a final investment decision has been taken, provided that those projects become operational in the period 2021 to 2030 and have a significant impact on a Member State's national contribution.

In its recommendations in the area of energy efficiency, the Commission shall take due account of the objective criteria listed in points (a) and (b) of Article 6(1) and the relevant national circumstances indicated by the Member State in accordance with Article 6(2).

2. Where, on the basis of its aggregate assessment of Member States' integrated national energy and climate progress reports pursuant to point (a) of Article 29(1), and supported by other information sources, as appropriate, the Commission concludes that the Union is at risk of not meeting the objectives of the Energy Union and, in particular, for the first ten-year period, the targets of the Union's 2030 Framework for Climate and Energy, it may issue recommendations to all Member States pursuant to Article 34 to mitigate such a risk.

In the area of renewable energy, the Commission shall assess if the national measures provided for in paragraph 3 are sufficient to achieve the Union's renewable energy targets. In the case of insufficient national measures, the Commission shall, as appropriate, propose measures and exercise its power at Union level in addition to those recommendations in order to ensure, in particular, the achievement of the Union's 2030 target for renewable energy.

In the area of energy efficiency, the Commission shall as appropriate, propose measures and exercise its powers at Union level in addition to those recommendations in order to ensure, in particular, the achievement of the Union's 2030 target for energy efficiency.

In the area of energy efficiency, such additional measures may in particular improve the energy efficiency of:

(a) products, pursuant to Directive 2009/125/EC of the European Parliament and of the Council (34) and Regulation (EU) 2017/1369 of the European Parliament and of the Council (35);

(b) buildings, pursuant to Directives 2010/31/EU and 2012/27/EU; and

(c) transport.

3. Where, in the area of renewable energy the Commission concludes, based on its assessment pursuant to Article 29(1) and (2), that one or more of the reference points of the indicative Union trajectory in 2022, 2025 and 2027 referred to in Article 29(2) were not met, Member States that have fallen below one or more of their national reference points in 2022, 2025 and 2027 as referred to in point (a)(2) of Article 4 shall ensure that additional measures are implemented within one year following the date of reception of the Commission's assessment in order to cover the gap compared to their national reference point, such as:

- (a) national measures to increase deployment of renewable energy;
- (b) adjusting the share of renewable energy in the heating and cooling sector set out in Article 23(1) of Directive (EU) 2018/2001;
- (c) adjusting the share of renewable energy in the transport sector set out in Article 25(1) of Directive (EU) 2018/2001;
- (d) making a voluntary financial payment to the Union renewable energy financing mechanism set up at Union level, contributing to renewable energy projects and managed directly or indirectly by the Commission as set out in Article 33;
- (e) using cooperation mechanisms set out in Directive (EU) 2018/2001.

Such measures shall take into account the Commission's considerations as set out in the second subparagraph of paragraph 1 of this Article. The Member States concerned shall include those measures as part of their integrated national energy and climate progress report.

4. From 1 January 2021 onwards, the share of energy from renewable sources in each Member State's gross final consumption of energy shall not be lower than a baseline share that is equal to its mandatory national overall target for the share of energy from renewable sources in 2020 set out in Article 3(4) of Directive (EU) 2018/2001. If a Member State does not maintain its baseline share as measured over a one-year period, the Member State concerned shall take, within one year, additional measures such as those as set out in points (a) to (e) of the first subparagraph of paragraph 3 of this Article sufficient to cover the gap within one year.

Member States fulfilling the obligation to cover the gap to the baseline shall be deemed to be in compliance with the obligations set out in the first sentence of the first subparagraph of this paragraph and in Article 3(4) of Directive (EU) 2018/2001 throughout the period where the gap occurred.

For the purposes of point (d) of the first subparagraph of paragraph 3 of this Article, Member States may use their revenues from annual emission allowances under Directive 2003/87/EC.

5. Where a Member State's share of energy from renewable sources falls below one or more of its national reference points in 2022, 2025 and 2027 as referred to in point (a)(2) of Article 4, it shall include in the next integrated report submitted to the Commission pursuant to Article 17 an explanation of how it will cover the gap compared to its national reference points.

6. Where, in the area of energy efficiency, without prejudice to other measures at Union level pursuant to the third subparagraph of paragraph 2 of this Article, the Commission concludes, based on its assessment pursuant to Article 29(1) and (3), carried out by the years 2022, 2025 and 2027 that progress towards collectively achieving the Union's energy efficiency targets referred to in the first subparagraph of Article 29(3) is insufficient, it shall propose measures and exercise its power at Union level in addition to those set out in Directive 2010/31/EU and Directive 2012/27/EU to ensure that the Union's 2030 energy efficiency targets are met.

7. Each Member State concerned referred to in paragraph 3 of this Article shall detail the additional implemented, adopted and planned measures as part of its following progress report referred to in Article 17.

8. Where, in the area of interconnections, the Commission concludes, based on its assessment pursuant to Article 29(1) and (4), in the year 2025 that progress is insufficient, the Commission shall cooperate with the Member States concerned by the year 2026 with the aim of addressing the circumstances encountered.

Article 33 - Union renewable energy financing mechanism

1. By 1 January 2021, the Commission shall establish the Union renewable energy financing mechanism referred to in point (d) of Article 32(3) to tender support for new renewable energy projects in the Union with the aim of covering a gap in the indicative Union trajectory. Support may be provided, inter alia, in the form of a premium additional to market prices, and shall be allocated to projects bidding at the lowest cost or premium.

[...]

Article 36 - Monitoring of the governance mechanism

In the context of the State of the Energy Union as referred to in Article 35, the Commission shall inform the European Parliament and the Council on the implementation of the integrated national energy and climate plans. The European Parliament and the Council shall, on an annual basis, address the progress achieved by the Energy Union on all dimensions of Energy and Climate policies.

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PUBLICATIONS

DANE S. CIOLINO, LOUISIANA LEGAL ETHICS: STANDARDS AND COMMENTARY (2019)

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Law School: Principal Courses

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Law School: Other Courses

Business Organizations I & II; Contracts I & II; Common Law Contracts for Civil Law Students; Comparative Law; Computer Law; Copyright Law; Criminal Law Clinic; Criminal Law Seminar; Constitutional Criminal Procedure; Civil Law of Persons; Civil Law of Community Property; Civil Law of Property; Introduction to Law and Legal Methods; Legal Ethics Seminar; International Copyright Law; Law & Poverty; Professional Seminar in Practical Lawyering; Professional Seminar in Storytelling; and, Introduction to United States Constitutional Law.

Bar Review

Instructor, BAR/BRI Bar Review Course (legal ethics and professional responsibility law), 2006-present

Instructor, BAR/BRI Louisiana Bar Review Course (criminal law, evidence and criminal procedure), 2005-present

Instructor, BAR/BRI Louisiana Bar Review Course (Louisiana property law, family law, community-property law), 1995-2005

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Subject Matter Expert, National Conference of Bar Examiners, Multi-State Professional Responsibility Examination, 2018-present

Legal Analyst, Various National, State and Local Media, 1998-present

Instructor, Louisiana State Bar Association Diversionary Ethics School, 1999-present

Member, Louisiana State Bar Association Codes of Conduct Committee, 1998-present

Member, Federal Criminal Justice Act Panel, United States District Court for the Eastern District of Louisiana (panel of attorneys accepting appointments to represent indigent defendants in federal prosecutions), 1991-present

Reporter, United States District Court for the Eastern District of Louisiana Committee on Revising Attorney Disciplinary Procedures, 2009-2011

Lawyer Disciplinary Committee, United States District Court for the Eastern District of Louisiana

Chair, 2011-2016

Member, 2016-2017

Board Member, Louisiana Organization for Judicial Excellence, 2004-2008

Member, Ochsner Clinic Foundation, Bioethics Committee, 2009-2012

Member, Louisiana State Bar Association Professionalism Committee, 1997-2008

Member, Louisiana State Bar Association Board of Governors, 2007-2009

Board Member, Orleans Parish Indigent Defender Program, 2006-2007

Reporter, Louisiana State Bar Association Ethics 2000 Committee, 1999-2004

Reporter, Louisiana State Law Institute Emancipation Committee, 2004-2008

Reporter, Louisiana State Law Institute Tutorship Procedure Committee, 2000-2009

Reporter, Louisiana State Law Institute Interdiction Committee, 1996-2002

Member, Louisiana Supreme Court Committee on the Prevention of Lawyer Misconduct, 1999-2003

Member, Louisiana State Law Institute Criminal Law Committee, 2006-2011

Interim Host, *It's the Law*, Cox Cable Television New Orleans and Jefferson, December 1999-2000

Louisiana State Bar Association, Ethics Advisory Committee
Member, 2000-2003
Reporter, 1997-2000

Council Member, Louisiana State Law Institute, 1997-2000

Louisiana Attorney Disciplinary Board
Hearing Committee Member, 1998-1999
Hearing Committee Chairperson, 1999-2003

Louisiana Supreme Court Bar Admissions Advisory Committee
Member, 1997-1999
Chairperson, 1999-2001

Director, Pro Bono Criminal Law for Civil Lawyers (two-day CLE seminar training civil lawyers to undertake pro bono criminal cases), 1995-2002

Advisory Editor, *Tulane Law Review*, 1993-2009

Member, Board of Directors, Louisiana Capital Assistance Center (public-interest organization defending capital cases for indigent clients), 1996-2006

Appointed Counsel, Orleans Parish Criminal District Court (pro bono representation of indigent defendants in first- and second-degree murder prosecutions), 1991-2008

Evaluator, American Bar Association, Central European Law Initiative, March 1999 (evaluated code of legal ethics for the Republic of Armenia)

LOYOLA UNIVERSITY SERVICE

Faculty Advisor, *Loyola Law School Honor Board*, 2002-present

Chairperson, Petitions and Readmissions Committee, 2015-present

Clinic, Skills, and CLE Committee

Chairperson, 2016-2017

Member, 2017-present

Endowed Professorships Committee

Chairperson, 2014-2017

Member, 2002-present

Director, University of Vienna International Program, 2013-2017

Chairperson, Library and Technology Committee, 2013-2015

Director, International Programs, 2011-2012

Chairperson, International Programs Committee, 2011-2012

Member, Curriculum and Bar Examination Committee, 2011-2015

Faculty Advisor, *Loyola Law Review*, 1997-2003, 2006

Faculty Advisor, *Order of the Barristers*, 1998-2003

Faculty Advisor, *Loyola Intellectual Property Law Quarterly*, 1996-2002

Faculty Advisor, *Loyola ATLA Chapter*, 1997-2002

Law School Representative, Loyola University Senate, 1997-1999

Loyola Law School Dean Search Committee

Chairperson, 2001-2002

Member, 2000-2001

Chairperson, Loyola Law School Law Clinic Committee, 2005-2007

Chairperson, Loyola Law School Faculty Unification Committee, 2004

Chairperson, Loyola Law School Library Director Search Committee, 2000-2001

Member, Loyola University Distance Learning Committee, 2010-present

Member, Loyola Law School Technology Committee, 2010-2011

Member, Loyola Law School By-Laws Committee, 2000-2001

Member, Loyola Law School Pre-Admissions Committee, 1998-1999

Member, Loyola Law School Tenure Guidelines Committee, 1998-1999

Member, Loyola Law School Library Committee, 1997-1998

Member, Loyola Law School Skills Committee, 1997-1998

Member, Loyola Law School Curriculum Committee, 1996-1997

Member, Loyola Law School Admissions Committee, 1996-1997

Member, Loyola Law School Student Recruitment and Career Services Committee, 1995-1996

COMMUNITY HONORS

New Orleans Magazine Top Lawyers, 2012-present

Recipient, Camille Gravelle Pro Bono Award, Federal Bar Association, New Orleans Chapter, 2007

Lawdragon 3000 (list of top American lawyers), 2006

Recipient, *Gambit Magazine*, Forty-Under-Forty Award, 2002

Recipient, Louisiana State Bar Association, President's Award, 2001

Recipient, *City Business Magazine*, Power Generation Award, 2000

Recipient, Gillis Long Poverty Law Center Public Service Award, 1997

EXPERT WITNESS TESTIMONY ¹

1. *Active Solutions, L.L.C. v. Dell, Inc.*, No. 2007-3665, Civil District Court for the Parish of Orleans, State of Louisiana
2. *Adler v. Doyle (In re Woven Treasures, L.L.C.)*, 69 180 M 01493 07, American Arbitration Association
3. *AmCareco, Inc. v. Lucksinger*, No. 499,737, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

¹All matters in which Dane S. Ciolino has provided a public expert report, affidavit, deposition testimony or trial testimony. Does not include private ethics advisory opinions.

4. *Adamson v. Bailey*, No. 493,309, First Judicial District Court, Parish of Caddo, State of Louisiana
5. *American Income Life Ins. Co. v. Nicholas Matthew Nitkowski et al.*, Civ. No. 05-2228(I-3), United States District Court Eastern District of Louisiana
6. *Antoine v. Anding*, No. 125,803-H, Sixteenth Judicial District Court, Parish of Iberia, State of Louisiana
7. *Asset Funding Group, L.L.C. v. Adams and Reese, L.L.P.*, Civ. No. 07-2965, United States District Court for the Eastern District of Louisiana
8. *Baricuatro v. Industrial Personnel and Mgmt. Servs., Inc.*, Civ. No. 2:11-cv-02777-KDE-JCW, United States District Court for the Eastern District of Louisiana
9. *Barton v. Butler*, No. 515,473, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana
10. *BCM, LLC and Nawlins Cajun Foods, LLC v. Cheatwood*, No. 2009-2807, Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana
11. *Bd. of Supervisors of La. State Univ. Agricultural & Mechanical Coll. v. Gerson*, No. 2011-2614(I), Civil District Court for the Parish of Orleans, State of Louisiana
12. *Bd. of Supervisors of La. State Univ. Agricultural & Mechanical Coll. v. Southern Electronics Supply Co., Inc.*, No. 2011-1631(L), Civil District Court for the Parish of Orleans, State of Louisiana
13. *Bedford v. Magee*, No. 2000-14123, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
14. *Belle Terre Lakes Home Owners Assoc. v. Patricia McGovern*, No. 41922, Fortieth Judicial District Court for the Parish of St. John the Baptist, State of Louisiana
15. *Bertucci v. Lafayette Ins. Co.*, No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana
16. *Beevers and Beevers, LLP v. Sirgo*, No. 624-259 “B,” Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
17. *Billeaudeau v. Opelousas Gen’l Hosp.*, No. 13-C-0097-C, Twenty-Seventh Judicial District Court for the Parish of St. Landry, State of Louisiana
18. *Bilyeu v. Johanson Berenson, LLP*, Civil Action No. 1:08CV2006, United States District Court for the Western District of Louisiana, Alexandria Division

19. *Boudoin v. St. John the Baptist Parish School Bd.*, No. 2004-08242, Office of Workers' Compensation, State of Louisiana
20. *Bowes v. Clean Scene Servs., L.L.C.*, No. 661-147, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
21. *Bruszewski v. Motley Rice, LLC*, Civ. Action No. 5:12-cv-00046-JMH, United States District Court for the Eastern District of Kentucky, Lexington Division
22. *Cameron Int'l Corp. v. Liberty Ins. Underwriters, Inc.*, 2:12-cv-00211 (E.D. La. filed Jan. 30, 2012)
23. *Campbell v. City of New Orleans*, No. 98-18633, Civil District Court for the Parish of Orleans, State of Louisiana
24. *Caro Properties A., L.L.C. v. Person*, No. 09-13059 (J-5), Civil District Court for the Parish of Orleans, State of Louisiana
25. *CEF Funding, L.L.C. v. Sher Garner Cahill Richter Klein & Hilbert, L.L.C.*, No. 09-6623 (D-4), United States District Court for the Eastern District of Louisiana
26. *Chalmette Payment Processing, L.L.C. v. Munson*, Civ. No. 03-1060, United States District Court for the Eastern District of Louisiana
27. *Chan's, Inc., d/b/a Mikimoto v. Henderson*, No. 2015-6555 (I-14), Civil District Court for the Parish of Orleans, State of Louisiana
28. *Chevron U.S.A., Inc. v. State of Louisiana, Louisiana State Mineral Bd. and Louisiana Dept. of Natural Resources*, No. 93,658, Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana
29. *Childress v. Childress*, No. 488-388, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
30. *Conwill v. Greenberg Traurig, L.L.P.*, Civ. Action No. 11-938 (KDE), United States District Court for the Eastern District of Louisiana
31. *Crinel v. Roby*, No. 2015-5698 (F-7), Civil District Court for the Parish of Orleans, State of Louisiana
32. *Croft v. Liberty Mut. Ins. Co.*, Docket No. 581732, 19th Judicial District Court for the Parish of East Baton Rouge
33. *Crooks v. State of Louisiana, Through the Louisiana Department of Natural Resources*, No. 224,262, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

34. *Dan S. Collins, CPL & Associates v. Godchaux*, No. 84618, Fifteenth Judicial District Court for the Parish of Vermillion, State of Louisiana
35. *Dean v. St. Mary Emergency Group, LLC*, No. C-2015-5856-F, Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana
36. *Dejean v. Koch*, No. C20093931, Superior Court of the State of Arizona, County of Pima, State of Arizona
37. *Deltide Fishing and Rental Tools, Inc. v. Keaty*, No. 680,838, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
38. *Denison Supply Group, LLC v. Michel*, No. 16-1971, Civil District Court for the Parish of Orleans, State of Louisiana
39. *Domingue v. Salomon Smith Barney, Inc. & Coughlin*, No. 01-03076, NASD Dispute Resolution Arbitration, New Orleans, Louisiana
40. *Donnell v. Henderson, Reilly, Boudreaux & Schoonenberg, APLC*, No. 178902, Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana
41. *Donovan Marine, Inc. v. Travelers Indemnity Co. of Illinois*, Civ. Action No. 09-4374 (S-3), United States District Court for the Eastern District of Louisiana, New Orleans, Louisiana
42. *Dougherty v. Haag*, No. 05-06993, Superior Court for the County of Orange, State of California
43. *Doyle v. ICNA*, Civil District Court for the Parish of Orleans, State of Louisiana
44. *Dunahoe v. Rogers*, No. 85704(A), Tenth Judicial District Court for the Parish of Natchitoches, State of Louisiana
45. *Dysart & Tabary LLP v. Finckbeiner*, No. 15-0597 “A,” Thirty-Fourth Judicial District Court for the Parish of St. Bernard, State of Louisiana
46. *East Jefferson General Hospital v. Stein*, No. A-081709-773, AHLA Arbitration Service, Parish of Jefferson, State of Louisiana
47. *Edmonds v. Williamson*, No. 2002-CV-42-R, Circuit Court of Kemper County, State of Mississippi
48. *Felham Enterprises (Cayman) Ltd. v. Certain Underwriters at Lloyd’s, London Companies, Zurich American Ins. Co., Marine Office of Am. Corp. & Trinity Yachts, Inc.*, No. 02-3588, United States District Court for the Eastern District of Louisiana

49. *Foley & Lardner, LLP v. Kenneth G. Daniels, LLC*, Adv. No. 05-01003, United States Bankruptcy Court for the Middle District of Louisiana
50. *Forbes v. St. Martin*, Civ. Action No. C2401 01 1745(2), Chancery Court, First Judicial District Court, Harrison County, Mississippi
51. *Forbis v. Int’l Health Care Properties, X, Ltd.*, 97-CI-03198, Jefferson Circuit Court, State of Kentucky
52. *Franklin v. Regions Bank*, Civ. Action No. 5:16-CV-01152, United States District Court for the Western District of Louisiana
53. *Furie Petroleum Co., L.L.C. v. Tower Hill Energy Co., L.L.C.*, No. 09-927, United States District Court for the Western District of Louisiana, Shreveport Division
54. *Gaspard v. Provensal*, No. 2012-11939, Civil District Court for the Parish of Orleans, State of Louisiana
55. *Gauthier, Houghtaling & Williams L.L.P. v. Safeguard Storage Properties LLC*, Civ. Action No. 08-0627 (H), Civil District Court for the Parish of Orleans, State of Louisiana
56. *GE Oil & Gas, Inc. v. Turbine Generation Servs., LLC*, No. 652296/2015, Supreme Court of the State of New York, County of New York, State of New York
57. *Gill v. Becnel*, No. G2001-1199 R/1, Chancery Court for the First Judicial District, Hinds County, State of Mississippi
58. *Glynn v. Sylvester*, No. 228080, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana
59. *Greenspoon Marder, P.A. v. Andry Law Firm, LLC*, Civ. Action No. 2:13-cv-05509-MLCF-JCW, Section F, United States District Court for the Eastern District of Louisiana
60. *Gulf Production Co., Inc. v. Hoover Oil Field Supply, Inc.*, No. 08-5016, United States District Court for the Eastern District of Louisiana
61. *Gulfport Ob-Gyn, P.A. vs. Dukes, Dukes, Keating & Faneca, P.A.*, Civ. Action No. A2401-16-193, Circuit Court of Harrison County, First Judicial District, State of Mississippi
62. *Harry Bourg Corp. vs. Exxon Mobil Corp.*, No. 140,749 (“E”), Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana
63. *Haynes v. Williamson*, No. 3:05cv186-HTW-JCS, United States District Court for the Southern District of Mississippi, Jackson Division

64. *Hazlett v. Wilson*, No. 2010-17707, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
65. *Hebert v. Avery*, No. 2001-16561, Civil District Court for the Parish of Orleans, State of Louisiana
66. *Hodges v. Reasonover*, No. 2011-3391(N), Civil District Court for the Parish of Orleans, State of Louisiana
67. *Hotel Investors, LLC v. State of Louisiana, Department of Transportation and Development*, No. 704-195 “M”, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana
68. *Humphrey v. L.C. Hearne*, No. 600,108 (C), First Judicial District Court for the Parish of Caddo, State of Louisiana
69. *Hunter & Blazier v. Logan*, No. 2007-1873, Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana
70. *Hydroflame Production, L.L.C. v. Hydroflame Technologies, L.L.C.*, No. 2011-3095(K), Civil District Court, Parish of Orleans, State of Louisiana
71. *In re American International Refinery, Inc.*, No. 04-21331, United States Bankruptcy Court, Western District of Louisiana, Lake Charles Division
72. *In re E.H. Mitchell & Co., LLC*, Civ. Action No. 14-959 (H-5), United States District Court for the Eastern District of Louisiana
73. *In re LMCHH PCP, LLC*, No. 17-10353-JAB (“B”), United States Bankruptcy Court for the Eastern District of Louisiana
74. *In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico on April 20, 2010*, MDL No. 2179, United States District Court for the Eastern District of Louisiana
75. *In re The Matter of Taira Lynn Limited No. 7, LLC, as Owner of the M/V Ricky J. Leboeuf*, Civ. Action No. 2:16-cv-0367, United States District Court for the Eastern District of Louisiana
76. *In re Thomas J. Hogan, Jr.*, No. 16-DB-055, Louisiana Attorney Disciplinary Board, State of Louisiana
77. *In re Impeachment of United States District Judge G. Thomas Porteous, Jr.*, The Senate of the United States (no docket number)
78. *In re Oestreicher*, No. 12-DB-083, Louisiana Attorney Disciplinary Board, State of Louisiana

79. *In re Petition to Accord Immigrant Classification to Timothy Gray Cameron, Esq., as an Alien of Extraordinary Ability*, United States Department of Homeland Security, United States Citizenship and Immigration Services
80. *In re Confidential Respondents*, 04-DB-005, Louisiana Attorney Disciplinary Board
81. *In re Succession of Marion Roberts*, No. 96-2904(F), Civil District Court for the Parish of Orleans, State of Louisiana
82. *In re Zyprexa Products Liability Litigation*, MDL No. 1596, United States District Court for the Eastern District of New York
83. *Jones v. Lagarde*, No. 2016-11075, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
84. *La Casa Castro, S.A. de C.V. v. Greenberg Traurig, P.A., Roberto Martinez and Pedro J. Martinez-Fraga*, Civ. Action No. 09-6663(F-2), United States District Court for the Eastern District of Louisiana
85. *Landry v. Pediatric Services of America, Inc.*, No. 2016-2251 “G”, Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana
86. *Lentz v. Schulze*, No. 2:16-CV-07299, United District Court for the Eastern District of Louisiana
87. *Leon v. Wilson*, No. 96-14608(F), Civil District Court for the Parish of Orleans, State of Louisiana
88. *Liberty Mutual Ins. Co. v. Jotun Paints, Inc. & Jotun, Inc.*, Civ. Action No. 07-3114, United States District Court for the Eastern District of Louisiana
89. *Logan v. Hit or Miss, L.L.C.*, Civil Action No. 6:07-CV-1116 LO, United District Court for the Western District of Louisiana
90. *Louisiana Crisis Assistance Ctr. v. Marzano-Lesnevich*, Civ. Action No. 11-2102-SSV-SS, United States District Court for the Eastern District of Louisiana
91. *Louisiana State Bar Association v. Carr and Associates, Inc.*, No. 2006-14440, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
92. *Magnificent Eight, LLC v. First NBC Bank, Inc.*, Civ. Action No. 13-5713 c/w 13-5714, United States District Court for the Eastern District of Louisiana
93. *Marshall v. Marshall (In re Peroxisome Trust)*, No. 2015-4582, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

94. *Mascorro v. Schulz*, No. 2014-12140, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
95. *Maxim v. Progressive Security Ins. Co.*, No. 229-677-G, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana
96. *Mire v. American Multi-Cinema, Inc.*, Civ. Action No. 14-cv-02582-MVL-DEK, United States District Court for the Eastern District of Louisiana
97. *Molaison v. Lukinovich*, No. 623-026 (C), Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana
98. *Montgomery v. St. Tammany Parish Gov't*, No. 2016-11530(J), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
99. *NASDI, LLC v. Bertucci Contracting Co., LLC*, No. 719944(A), Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
100. *Nolaluna, LLC v. Crosby*, No. 2017-04216(E), Civil District Court for the Parish of Orleans, State of Louisiana
101. *O'Connell v. Wyatt, Tarrant & Combs, LLP*, No. 12-CI-000863, Jefferson Circuit Court, State of Kentucky
102. *Ohmer v. Farm Bureau Ins. Co.*, No. 113555 "D", Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana
103. *Oliver v. Orleans Parish School Board*, No. 2005-12244 (N), Civil District Court, Parish of Orleans, State of Louisiana
104. *Oreck Direct, LLC v. Dyson, Inc.*, Civ. Action No. 07-2744, United District Court for the Eastern District of Louisiana
105. *Ortiz v. MeadWestvaco Corp.*, No. 2009-0278, Thirty-Sixth Judicial District Court for the Parish of Beauregard, State of Louisiana
106. *PAI Engineering Piping Analysis, Inc. v deGravelles, Palmintier, Holthaus & Fruge, LLP*, No. 655,173(D), Nineteenth Judicial District Court, Parish of East Baton Rouge, State of Louisiana.
107. *Perrone v. Rogers*, No. 2014-10589-C, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
108. *Pitre v. Continental Casualty Co.*, No. 615-979(J), Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

109. *Pittle v. McGlynn*, No. 09-620-JJB-SCR, United States District Court for the Middle District of Louisiana
110. *Planet Beach Franchising Corp. v. Fisher & Zucker, L.L.C.*, Nos. 11-CV-915 & 11-CV-02146 (MLCF), United States District Court for the Eastern District of Louisiana
111. *Powko Industries, L.L.C. v. Folse*, No. 3:15-cv-0038-BAJ-SCR, United States District Court for the Middle District of Louisiana
112. *Provosty v. ARC Construction, LLC*, No. 08-3671 “J”, Civil District Court for the Parish of Orleans, State of Louisiana
113. *Read v. Read*, No. 2000-15283(E), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
114. *Reuther v. Smith*, No. 2001-18124, Civil District Court for the Parish of Orleans, State of Louisiana
115. *Reynolds v. Voelkel*, Civ. Action No. :16-CV-06984-JCZ-KWR, United States District Court for the Eastern District of Louisiana
116. *Robichaux v. Dow Chemical Co.*, No. 96-8461, Eighteenth Judicial District Court for the Parish of Iberville, State of Louisiana
117. *Schiff v. Pugh*, No. 2014-03864, Civil District Court for the Parish of Orleans, State of Louisiana
118. *Scott v. The American Tobacco Co., Inc.*, No. 96-8461, Civil District Court for the Parish of Orleans, State of Louisiana
119. *Sessions, Fishman, Nathan & Israel, L.L.P. v. Halpern*, No. 2010-533, Civil District Court for the Parish of Orleans, State of Louisiana
120. *Sewell v. Sewerage & Water Bd. of New Orleans*, No. 2015-04501, Civil District Court for the Parish of Orleans, State of Louisiana
121. *Shane v. Frost Brown Todd, LLC*, No. 08-CI-10428, Jefferson Circuit Court, Division Eight, State of Kentucky
122. *Shinn Enterprises, Inc. & GIS Sports of Nevada, Inc. v. Capella*, No. 2005-12352, Civil District Court for the Parish of Orleans, State of Louisiana
123. *Sigma Delta, L.L.C. v. Eric R. George, M.D.*, Civ. No. 07-5427, United States District Court for the Eastern District of Louisiana
124. *Smith v. Kaplan & Lukowski, LLP & Jay D. Lukowski* (pre-suit affidavit).

125. *Somerset Pacific, LLC v. Tudor Ins. Co.*, No. 17-7099 “H-3”, United States District Court for the Eastern District of Louisiana.
126. *Spahr v. Dallam*, No. 98-5840, Civil District Court for the Parish of Orleans, State of Louisiana
127. *Southern Scrap Material Co., L.L.C. v. Fleming*, Civ. No. 01-2544, United States District Court for the Eastern District of Louisiana
128. *St. Bernard Port, Harbor & Terminal Dist. v. Violet Dock Port, Inc., L.L.C.*, No. 116-860(E), Thirty-Fourth Judicial District Court for the Parish of St. Bernard, State of Louisiana
129. *St. Tammany Parish School Bd. v. Hartford Cas. Ins. Co.*, No. 2012-12891(C), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
130. *Standfield v. St. Ann Lodging, LLC*, Civ. Action No. 18-CV-01555-SSV-MBN, United States District Court for the Eastern District of Louisiana
131. *Stanley v. Trinchard*, Civ. No. 02-1235, United States District Court for the Eastern District of Louisiana
132. *State of Louisiana v. Taryn Blume*, No. 522905, Criminal District Court for the Parish of Orleans, State of Louisiana
133. *State of Louisiana v. Miqueghele Brown*, No. 533046, Criminal District Court for the Parish of Orleans, State of Louisiana
134. *State of Louisiana ex rel. Dorsey v. Vannoy*, No. 251-406, First Judicial District Court for the Parish of Caddo, State of Louisiana
135. *State of Louisiana v. Danny Galindo*, No. 455-170 (F/L), Criminal District Court for the Parish of Orleans
136. *State of Louisiana v. Warren Harris*, No. 288-271 (C), Criminal District Court for the Parish of Orleans, State of Louisiana
137. *State of Louisiana v. Khristopher Kyzar*, No. 11-05-0461, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana
138. *State of Louisiana v. Ricky Langley*, No. 10258-02, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana
139. *State of Louisiana v. Scott Lingle*, No. 288-356 (I), Criminal District Court for the Parish of Orleans, State of Louisiana

140. *State of Louisiana v. Robert “Bob” Odom*, No. 08-02-547, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana
141. *State of Louisiana v. David Peralta*, No. 553759 “G”, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
142. *State of Louisiana v. Terryance Russel*, No. 375-503, Criminal District Court for the Parish of Orleans, State of Louisiana
143. *State of Louisiana v. Robert Wilkins*, No. 04-19337, 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana
144. *St. Blanc v. Stabile*, No. 67,871, Twenty-Ninth Judicial District Court for the Parish of St. Charles, Div. E, State of Louisiana
145. *Sturlese v. J.B. Jones, Jr.*, No. 10-16390, Thirty-Eighth Judicial District Court, Parish of Cameron, State of Louisiana
146. *Succession of Marguerite Nell Riggs Griffin*, No. 646-584, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana
147. *Tapp v. Leonard L. Levenson & Associates*, No. 2009-01787, Division D, Civil District Court for the Parish of Orleans, State of Louisiana
148. *Temple v. Crescent City Gates Fund, L.P.*, No. 09-9508 (H-12), Civil District Court for the Parish of Orleans, State of Louisiana
149. *Territa v. Oliver*, No. 2:11-cv-01830, United States District Court for the Eastern District of Louisiana
150. *Tessier v. Moffatt*, No. 98-CV-00116, United States District Court for the Eastern District of Louisiana
151. *Tierney v. Butler*, No. 69-1777(E), Twenty-Ninth Judicial District Court for the Parish of St. Charles, State of Louisiana
152. *Travelers Prop. Casualty Co. of Am. v. Bossier*, Civ. Action No. 14:cv-02176, United States District Court for the Eastern District of Louisiana
153. *United States v. Edwin Edwards*, Crim. No. 98-165-B-M2, United States District Court for the Middle District of Louisiana
154. *United States v. Jesse H. Roberts*, Cirm. Action No. 15-cr-0020-JWD-SCR, United States District Court for the Middle District of Louisiana
155. *United States ex rel. William St. John LaCorte v. Merck & Co., Inc.*, No. 99-03807, United States District Court for the Eastern District of Louisiana

156. *United States ex rel. William St. John LaCorte v. Wyeth Pharmaceuticals, Inc.*, No. 06-CV-11724-DPW, United States District Court for the District of Massachusetts
157. *Usner v. Bagert*, No. 10-5479 (K-5), Civil District Court for the Parish of Orleans, State of Louisiana
158. *Usner v. Carol A. Newman, APLC*, No. 09-08223, Civil District Court for the Parish of Orleans, State of Louisiana
159. *Verret v. State Farm Fire and Casualty Co.*, Civ. Action No. 2:13-cv-5596-LMAJCW, United States District Court for the Eastern District of Louisiana
160. *Waggoner v. Williamson*, No. 03-KV-0151-J, Circuit Court of Adams County, State of Mississippi
161. *Walker v. AMID/Metro Partnership, LLC*, No. 2007-14794, Civil District Court for the Parish of Orleans, State of Louisiana
162. *Walker v. Harris*, No. 53694, Div. 22, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana
163. *Washington v. Williamson*, No. 251-05-112 CIV, Circuit Court of Hinds County, State of Mississippi
164. *Waste Management of Louisiana, L.L.C. v. Penn-America Insurance Co.*, No. 2006-2452, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana
165. *Wicker v. Heinrich*, No. 2010-3647, Civil District Court for the Parish of Orleans, State of Louisiana
166. *Williams v. The Administrators of the Tulane Educational Fund*, Civil Action No. 99-20650 c/w 06-1915, Civil District Court for the Parish of Orleans, State of Louisiana
167. *Williams v. Williamson*, No. 4:03-CV-88LN, United States District Court for the Southern District of Mississippi
168. *Wiener, Weiss & Madison, APLC v. Kantrow, Spaht, Weaver & Blitzer, APLC v. Fox*, No. 5:16-cv-850-SMH-KLH, United District Court for the Western District of Louisiana
169. *Wylie Corp. v. Baby Oil, Inc.*, No. 0169735 C, Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana
170. *XL Specialty Insurance Co. v. Bollinger Shipyards, Inc.*, Civ. Action No. 12-2071, R-2, United States District Court for the Eastern District of Louisiana
171. *Zaunbrecher v. Garrity*, No. C-20130168 C, Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana

OTHER

Personal

Age 55

Married to Wendy Dehan Ciolino

Children: Hale, Price & Camille

Bar Admissions

Supreme Court of the United States

State of Louisiana

State of New York

United States Court of Appeals for the Fifth Circuit Court

United States District Court for the Eastern District of Louisiana (New Orleans)

United States District Court for Western District of Louisiana (Shreveport)

United States District Court for the Southern District of New York (New York City)

Dated: Friday, June 7, 2019

UNITED STATES CONSTITUTIONAL LAW: HISTORY, THEORY, AND PRACTICE

LISBON, PORTUGAL
OCTOBER 7-11, 2019

Prof. Dane S. Ciolino
Loyola University New Orleans

Email: dciolino@loyno.edu
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I. General.

A. *Course Description.* This course is an introduction to United States constitutional law history, theory, and practice. The course will address the history of the United States Constitution, the governmental structure that the Constitution creates, and the individual rights that it protects. In addition, the course will address the major approaches to interpreting the Constitution. Finally, the course will consider the history, theory and practice of litigating and adjudicating selected substantive Due Process rights, Equal Protection rights, and the Second Amendment right to bear arms.

B. *Required Materials.*

1. *United States Constitution.* The instructor will distribute hard copies and PDF copies of the United States Constitution.
2. *Decisions of the United States Supreme Court.* The instructor will distribute PDF copies of approximately ten reported decisions from the United States Supreme Court.
3. *Excerpts from Books and Law Review Articles.* The instructor will distribute PDF copies of selected books and law review articles on constitutional history, theory, and interpretation.

C. *Evaluation.* Each student's final grade will be based on a paper to be submitted via email approximately one month after the conclusion of all lectures.

II. *Lectures.* Each class is described in the following table. The class is comprised of two, one-hour lectures each day from Monday, October 7, 2019, through Friday, October 11, 2019. Students are encouraged to participate in class discussions and will be required to make brief presentations on assigned topics and cases on Thursday and Friday.

Lecture	Description
1.	INTRODUCTION. An introduction to the course. Constitutionalism in perspective. An overview of the history of the United States and the adoption of the United States Constitution.
2.	GOVERNMENTAL STRUCTURE. An overview of the governmental structure of the United States. States and federalism, the branches of the federal government, separation of powers, and checks and balances.
3.	INDIVIDUAL RIGHTS. An overview of the history and theory of individual rights. The Constitution's Bill of Rights. The First Amendment (establishment of religion; free exercise of religion; freedom of speech and assembly). The Second Amendment (the right to keep and bear arms). The Fifth Amendment (takings).
4.	INDIVIDUAL RIGHTS. Constitutional criminal procedure. The Fourth Amendment (searches and seizures). The Fifth Amendment (grand jury indictment; double jeopardy; self-incrimination; due process). The Sixth Amendment (speedy and public trial; trial by jury; confrontation; compulsory process; assistance of counsel). The Eighth Amendment (excessive fines; cruel and unusual punishment). The Ninth and Tenth Amendments.
5.	ENFORCING THE CONSTITUTION. Judicial review. Motions to suppress and the exclusionary rule. Civil-rights litigation.
6.	INTERPRETING THE CONSTITUTION. The problem of interpretation. The "Living Constitution." Textualism. Originalism. Other approaches to constitutional interpretation.
7.	THE CONSTITUTION IN ACTION. Racial discrimination (<i>Plessy v. Ferguson</i> ; <i>Brown v. Board of Education</i>). The right to keep and bear arms (<i>District of Columbia v. Heller</i>).
8.	THE CONSTITUTION IN ACTION. Privacy and abortion (<i>Griswold v. Connecticut</i> ; <i>Roe v. Wade</i> ; <i>Planned Parenthood v. Casey</i>).
9.	THE CONSTITUTION IN ACTION. Same-sex marriage (<i>Obergefell v. Hodges</i>).
10.	THE CONSTITUTION IN ACTION. Litigating and adjudicating the constitutionality of a hypothetical municipal ordinance.

PERSONAL INFORMATION



Diana Urania GALETTA

Dipartimento di diritto pubblico italiano e sovranazionale - Università degli studi di Milano
Department of Italian and supranational public law - University of Milan

📍 Via Festa del perdono 7, Milano – 20122, Italia

☎ +39 02 503 12856 - Fax +39 02 503 12546

✉ diana.galetta@unimi.it

Born 1967, 24th December

Married to Jacques Philippe Emmanuel ZILLER.

One daughter (born in 2001)

POSITION

Full professor of Administrative Law at the Law Faculty of the “Università degli Studi di Milano” (since April 2012)

Courses: Administrative Law; European Administrative Law; The Role of Public Administration in Enhancing Sustainable Development (in the LL.M. in Sustainable Development); Administrative Law in the Age of Digitization (in the Phd)

WORK EXPERIENCE

2006-2012

Full Professor of Administrative Law at the Faculty of Political Science, University of Milan, Legal and Political Department

2001-2006

Associate Professor of Administrative Law at the Faculty of Political Science, University of Milan

2000-2001

Temporary Tenured Professor of Administrative Law, advanced course, at the Faculty of Political Science of the University of Milan.

1996-2001

Full time Researcher in Administrative Law at the Legal-Political Department of the Faculty of Political Science, University of Milan

VISITING PROFESSORSHIPS

JULY-SEPTEMBER 2019

Visiting Researcher at the Law School of the University of Sydney (Australia)

JUNE 2017

Visiting Professor at the Law School of the University of Konstanz (Germany)

AUGUST 2014

Visiting Professor at the Law School of the University of Konstanz (Germany)

APRIL 2014

Visiting Professor at the Law School of the University of Huelva (Spain)

AUGUST 2013

Visiting Professor at the Law School of the University of Konstanz (Germany)

INSTITUTIONAL POSITIONS

FROM 1 OCTOBER 2015 TO TODAY

Director of the Ph.D. in Public, International and European Law of the University of Milan

FROM 1 OCTOBER 2015 TO TODAY

Deputy Director of the Italian and Supranational Department of Public Law at the University of Milan

FROM 1 OCTOBER 2015 TO TODAY

President of the Joint Professors-Students Committee of the LL.M. in Sustainable Development, (LM-81)

AS FROM 2013 TO TODAY

Member of the Board of Directors of the "Walter Tobagi School of Journalism", organized by the Council of the National Order of Journalists in agreement with the University of Milan

AS FROM 2011 TO TODAY

Scientific Coordinator of the Cooperation Agreement signed in June 2011 between the University of Milan and the "Universidade Federal Fluminense" University of Niteroi (Brazil)

FROM 01.09.2015 TO 31.03.2017

Member of the Group of Assessment Experts (GEV) for legal disciplines appointed by the National Agency for the Evaluation of University and Research (ANVUR) in relationship to the Quality

A.Y. 2014-2015

Member of the Research Group on Assessment in the Area of Legal Studies (GRAVAG), established within the National Agency for the Evaluation of University and Research (ANVUR)

A.Y. 2013-2016

Member of the Disciplinary Board for Full Professors appointed by the Rector of the University of Milan, upon deliberation of the Academic Senate

A.Y. 2009-2011

President of the Master's Degree in Public Administration and Public Policies (APP) of the University of Milan, Faculty of Political Sciences

MOST RELEVANT COOPERATIONS

1991-2008

Member of the Editorial Committee of the "Rivista Italiana di Diritto Pubblico Comunitario" (RIDPC)

1991-1992

Teaching and student support activities at the Public Law Department of "Luigi Bocconi" University in Milan

1992-1993

Teaching assignment (Lehrauftrag) at the University of Osnabrück (RFT).

- 1993-1994 Scientific coordination manager for training and refresher courses for town clerks at the “Centro di ricerca e formazione sulla Pubblica Amministrazione” (Research and training center on Public Administration) of “Libero Istituto Universitario Carlo Cattaneo”, Castellanza (Varese).
- 1997-1998 Professor of “Basic concepts of Italian administrative law” in the postgraduate course on “specialized legal translators” organized by Istituto Universitario di Lingue Moderne (IULM).
- 1997-1999 Professor of “Urban-planning law” at “Scuola di Notariato della Lombardia Federico Guasti” (Lombardy school for Notaries)
- 2000-2002 Law consultant for the Council for Cultures, Identities, and Autonomies of the Lombardy Region.
- 2002-2004 Member of the Scientific Committee of the Italian Institute for Studies on Public Administration (Istituto per la Scienza dell’Amministrazione Pubblica - ISAP)
- 2004-2007 Coordinator (together with Prof. Gianfranco Cartei) of the second edition of “Trattato di Diritto Amministrativo Europeo” edited by M.P. Chiti and G. Greco, Giuffrè, Milan, 2007 (six volumes)
- 2004-2009 Professor in the Master Course on Administrative Law and Administrative Procedure (MDPA) organized by Just Legal Service (JSL) in Milan
- 2002-2013 Member of the Board of Professors of the joint research doctorate school of “Administrative Law” (a section of the Juridical Science research doctorate school of “Università degli Studi di Milano”)
- 2007-2012 Member of the Faculty Board of the Ph.D. of Interdisciplinary Research in “Administrative Institutions and Regional Policies” (IAPR) - <http://www-2.unipv.it/iapr/>
- 2013-2015 Member of the Academic Board of the PhD in Legal Studies at the University of Milan (“Collegio dei 16”) and responsible for the curriculum in “Constitutional Law and Administrative Law” (together with L. Violini)
- 2015-2016 **Consultant to the Legal Affairs Committee of the European Parliament (JURI)**, to support the work of the Working Group on European Administrative Law, in charge of drafting the document “Proposal for a Regulation of the European Parliament and of the Council on the administrative procedures of the Institutions, Bodies and bodies of the European Union ” (s. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0279+0+DOC+PDF+V0//EN>)
- 2017 **Member of the Expert Group** appointed by the EU Commission, DG for Research and Innovation, to advise on the future design and implementation of Art 185 TFUE initiatives
- 2009-2017 Member of the Scientific Coordination Committee of the “Rivista italiana di Diritto pubblico comunitario” (Italian Journal of Public EC Law - RIDPC) - <http://www.giuffre.it>.
- AS FROM 2013 Member of the Board of Professors in the Master Degree Program “Administrative Justice / PPGJA”, organized by the “Universidad Federal Fluminense” (UFF), Niteroi (Brazil), Nucleus of Sciences of the judiciary (Nupej), in collaboration with the Brazilian Federal Council of Justice

SCIENTIFIC COUNCILS/ STEERING COMMITTEES

- AS FROM 2014 Member of the **Scientific Council** of ICONA (Interdepartmental Center of the University of Milan for Innovation and Organizational Change in Public Administration) - <http://www.icona.unimi.it/>
- AS FROM 2014 Member of the **Scientific Committee** of the “Metropolitan City Observatory” for the on-line Law Review: Federalismi.it (<http://www.federalismi.it>)
- AS FROM 2014 Member of the **Steering committee** of the “Collège doctoral franco-allemand en droit public comparé européen” (Paris - Speyer - Strasbourg - Freiburg - Milan), funded by the Franco-German University of Saarbrücken
- AS FROM 2017 **Director** (together with G. della Cananea and G. Ziller) of the “Procedimenti Europei - European Procedures” Series, published by G. Giappichelli Editore (Torino)
- AS FROM 2017 Member of the **Steering Committee** of the Law Review “Federalismi.it”
- AS FROM 2018 Member of the **Steering Committee** of the Law Review “Rivista Italiana di Diritto Pubblico Comunitario ”
- AS FROM 2018 Member of the **Scientific Committee** of the on-line Law Review “AmbienteDiritto.it” <https://www.ambientediritto.it/>
- AS FROM 2018 Member of the **Scientific Committee** of the Law Review “Ciberspazio e diritto” - <https://www.mucchieditore.it/images/IndiciRiviste/Indice122018CD.pdf>
- AS FROM 2018 Member of the **Scientific Committee** of the Law Review “European Public Law”

SCIENTIFIC ASSOCIATIONS AND RESEARCH GROUPS - MEMBERSHIP

- AS FROM 2004 Member of the “Societas Juris Publici Europei” (SIPE) - <http://www.uni-potsdam.de/sipe-office/>
- AS FROM 2006 Member of “Associazione Italiana dei Professori di Diritto Amministrativo” (AIPDA - Italian Association of Administrative Law professors) <http://www.diritto-amministrativo.org/>
- AS FROM 2007 Member of the international research group “Dornburg Research Group” - <http://www.rewi.uni-jena.de/English-skin-txt.html>
- AS FROM 2008 Member of the international research group “Projeto euro-americano - Código modelo de jurisdição administrativa”

- AS FROM 2009 **Member of the Steering Committee and Team Leader of WG 4** of the international research group “Network on European Administrative Procedural Law” (ReNEUAL) - <http://www.reneual.eu>
- AS FROM 2011 Member of the German Association of Public Law Professors (Vereinigung der Deutschen Staatsrechtslehrer“ (VDStRL) - www.staatsrechtslehrer.de
- AS FROM 2018 Member of the “Associazione Italiana Studiosi del Diritto dell’Unione Europea (AISDUE - Italian Association of European Union Law Scholars) - <https://www.aisdue.eu/>
- AS FROM 2018 Member of the international research group “Smart cities & Digital administration - Law and Governance”- <http://smart-cities.website/en/19-2/>

REFeree ACTIVITIES

- Member of the MIUR Board of Reviewers. Reviews of several COFIN and FIRB projects
- ANVUR evaluator for “Assessment of Research Quality” (VQR)
- Evaluator of research projects for the Austrian Science Fund (FWF) Elise-Richter-Program (<http://www.fwf.ac.at/en/projects/richter.html>)
- Evaluator of post-doc research projects for the Research Foundation Flanders (Fonds Wetenschappelijk Onderzoek Vlaanderen, FWO <http://www.fwo.be/>)
- Evaluator of research projects for the Region Puglia, concerning the research program “FutureInResearch” 2013.
- **Referee activities for the following Law Reviews:**
 - Diritto Amministrativo - classe A
 - Diritto e Società - classe A
 - Diritto, immigrazione e cittadinanza
 - European Public Law (edita da Kluwer) - classe A
 - Federalismi.it - classe A
 - Foro amministrativo/Consiglio di Stato
 - Foro amministrativo/TAR
 - Il Diritto dell’Economia - classe A
 - IUS PUBLICUM Network Review (<http://www.ius-publicum.com/>)
 - Maastricht Journal of European and Comparative Law - classe A
 - Review of European Administrative Law
 - Revista Digital de Derecho Administrativo, dell’Universidad Externado de Colombia

PARTECIPATION TO INTERNATIONAL JURIES

- 2015** Member of the Jury appointed in March 2015 by the Spanish Association for the study of European law, for the evaluation of nominations for the **first edition of the “Prize for European Legal Studies Eduardo Garcia de Enterría”** (<http://www.aedeur.es/index.php/actividades/67-premio-estudios-juridicos-europeos-eduardo-garcia-de-enterria>)
- 2018** Member of the Jury for the selection of one “Cattedratico” of Administrative Law at the Universidad Pompeu Fabra, Barcelona (Rector’s Decree of 18 July 2018) - only foreign member of the jury

EDUCATION AND TRAINING

SCHOLARSHIPS, AWARDS AND RESEARCH GRANTS

- Degree cum laude in Political Science obtained from “Università degli Studi di Milano” (1990)
- LL.M. (“Magistra Legum” degree) cum laude obtained from Osnabrück University (RFT) (1993)
- Law degree cum laude obtained from “Università degli Studi di Milano” (1998)
- 1995-1996: Grant awarded as first in the ranking for postgraduate studies abroad by “Università degli Studi di Milano” during the calendar years 1995-96 - Sector: Law.
- 1999-2000: Annual Research Scholarship granted by the German Foundation “Von Humboldt-Stiftung”
- 2012: Research scholarship granted by the German Foundation “Von Humboldt-Stiftung” - Program: “Humboldt Wiederaufnahme”
- **2018: first prize in the “Altiero Spinelli Prize** for outreach: spreading knowledge about Europe” 2017, for the work concerning the codification of administrative procedures published by ReNEUAL.

RESEARCH STAYS:

- June-July 1991: Research Stay at the University of Osnabrück - Faculty of Law - Chair of Prof. Dr. Albrecht Weber - Public Law.
- May 1992: Research Stay at the University of Freiburg - Faculty of Law - Chair of Prof. Dr. Jürgen Schwarze - Public and European Community Law.
- November 1997: Research Stay at the University of Osnabrück in the context of the Socrates exchange

project as representative for the Faculty of Political Science of the University of Milan.

- October 1998: Research Stay at the Legal Center for European and International Collaboration in Cologne - Section for public and constitutional law in Europe headed by Prof. Dr. Klaus Stern.
- 01.05.1999-31.04.2000: Research Stay at the Legal Center for European and International Collaboration in Cologne, financed with an annual scholarship of the German Foundation "Von Humboldt-Stiftung".
- May 2001: Research Stay at the Ludwig Maximilian University of Monaco - Faculty of Law.
- July 2007: Visiting Fellow at the European University Institute (IUE) of Fiesole (<http://www.eui.eu/Documents/Research/EUIPublications/EUIPresidentReport/AR2007.pdf>, p.35)
- 01.07.2012-30.09.2012: Research Stay at the Universities of Konstanz and Köln, financed by research grant from the German "Von Humboldt-Stiftung" Foundation, "Humboldt Wiederaufnahme" program

Mother tongue
Other language(s)

ITALIAN

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
ENGLISH	C2	C2	C1	C1	C1
GERMAN	C2	C2	C1	C1	C1
Kleines Deutsches Sprachdiplom					
FRENCH	C2	C2	C1	C1	C1
Test de connaissance du français (TCF) issued by Alliance française » ; Diplômes d'Etudes Françaises - Niveau supérieur					
SPANISH	C1	C1	B2	B2	B2
PORTUGUESE	A2	B1	A1	A1	A1

Levels: A1/A2: Basic user - B1/B2: Independent user - C1/C2 Proficient user
[Common European Framework of Reference for Languages](#)

Driving Licence

B

ADDITIONAL INFORMATION

See Annexes

ANNEXES

[Annex 1](#)

[Annex 2](#)

[Annex 3](#)

COMPLETE LIST OF PUBLICATIONS

List of funded research programs

List of conference papers, Seminars, round tables

Personal information

I authorize the handling of personal information in this curriculum, according to D.Lgs n. 196/03 and following modifications and Regulations EU 679/2016 (General Regulations concerning Data Protection or GRDP) and art. 7 of University Regulations concerning protection of personal information.

I authorize, according to D.lgs 14/03/2013 n. 33 concerning transparency, in case of conferment of the position and of the fellowship, the publication of this curriculum in the web site of Università degli Studi di Milano in the section "Amministrazione trasparente", "Consulenti e collaboratori".

Date, 01.06.2019

Signature



ANNEX 1 - COMPLETE LIST OF PUBLICATIONS

1990

1. Diana-Urania Galetta, *L'efficacia vincolante della zonizzazione contenuta negli strumenti urbanistici e l'atteggiamento giurisprudenziale emergente: problemi e contraddizioni* (nota a Consiglio di Stato, sez. VI, sentenza 16.10.1989, n. 642), in *Rivista giuridica di urbanistica*, 1990/3-4, pp. 437-444

1992

2. Diana-Urania Galetta, *La valutazione d'impatto ambientale alla luce dell'esperienza tedesca: confronti e proposte*, in *Rivista italiana di diritto pubblico comunitario*, 1992/3, pp. 827-851

1993

3. Diana-Urania Galetta, *Il principio di proporzionalità nella giurisprudenza comunitaria* (nota a Corte di giustizia delle Comunità europee, Corte plenaria, sentenza 18.05.1993, in causa C-126/91), in *Rivista italiana di diritto pubblico comunitario*, 1993/4 pp. 837-851

1994

4. Diana-Urania Galetta, *Discrezionalità amministrativa e principio di proporzionalità* (nota a Consiglio di Stato, sez. V, sentenza 18.02.1992, n. 132), in *Rivista italiana di diritto pubblico comunitario*, 1994/1, pp. 142-155

1995

5. Diana-Urania Galetta, *La revoca delle prestazioni previdenziali*, in *L'Amministrazione italiana*, 1995/2, pp. 277-301

1997

6. Diana-Urania Galetta, *Dall'obbligo di trasposizione delle direttive all'obbligo di rispetto del principio di proporzionalità* (nota a Corte di giustizia delle Comunità europee, Prima sezione, sentenza 12.09.1996, in cause riun. C-58/95, C-85/95, C-112/95 e.a.), in *Rivista italiana di diritto pubblico comunitario*, 1997/1, pp. 89-100
7. Diana-Urania Galetta, *Infermità per causa di servizio e fumo passivo sul luogo di lavoro: novità in tema di riconoscimento del nesso eziologico ed onere della prova?* (nota a T.A.R. Lazio, sez. III-bis, sentenza 28.03.1997, n. 723), in *Giustizia civile*, 1997/9, pp. 2329-2336

1998

8. Guido Greco, Diana-Urania Galetta, *Trasporti terrestri e relativo servizio pubblico*, in AA.VV. (a cura di M.P. Chiti e G. Greco), *Trattato di diritto amministrativo europeo*, Giuffrè, Milano, 1998, p.te speciale, tomo II, pp. 1243-1272; 1279-1281 (Greco = 1272-1279)
9. Diana-Urania Galetta, Detlev Kröger, *Giustiziabilità del principio di sussidiarietà nell'ordinamento costituzionale tedesco e concetto di "necessarietà" ai sensi del principio di proporzionalità tedesco e comunitario*, in *Rivista italiana di diritto pubblico comunitario*, 1998/5, pp. 921-930 (Kröger = 905-921)
10. Diana-Urania Galetta, *Principio di proporzionalità e sindacato del giudice amministrativo*, in AA.VV. (a cura di V. Parisio), *Potere discrezionale e controllo giudiziario*, Giuffrè, Milano, 1998, pp. 219-229

11. Diana-Urania Galetta, *Principio di proporzionalità e sindacato giurisdizionale nel diritto amministrativo*, Giuffrè, Milano, 1998, pp. XVII-273

12. Diana-Urania Galetta, *El principio de proporcionalidad en el Derecho comunitario*, in *Cuadernos de Derecho Publico*, 1998/5, pp. 75-118

13. Diana-Urania Galetta, *El principio de proporcionalidad en el Derecho Público italiano*, in *Cuadernos de Derecho Publico*, 1998/5, pp. 299-329

14. Diana-Urania Galetta, Arjen Westerdijk, *L'amministrazione provinciale nei Paesi Bassi: quadro generale*, in AA.VV., *Autonomie Locali in Germania e in Italia*, Facoltà di Scienze Politiche - Dipartimento giuridico-politico - Incontri di studio, Giuffrè, Milano, 1998, pp. 131-144

1999

15. Diana-Urania Galetta, *Il principio di proporzionalità nella Convenzione europea dei diritti dell'uomo, fra principio di necessità e dottrina del margine di apprezzamento statale: riflessioni generali su contenuti e rilevanza effettiva del principio*, in *Rivista italiana di diritto pubblico comunitario*, 1999/3-4, pp. 743-771
16. Diana-Urania Galetta, *Giustizia amministrativa italiana e diritto comunitario: problemi e prospettive di sviluppo nell'ottica di una giustizia amministrativa europea*, in *Rivista italiana di diritto pubblico comunitario*, 1999/5, pp. 1003-1030

2000

17. Diana-Urania Galetta, *Il procedimento amministrativo in Germania fra previsioni in tema di partecipazione dei soggetti coinvolti e misure di accelerazione della sequenza procedimentale*, in AA.VV. (a cura di M.A. Sandulli), *Il procedimento amministrativo fra semplificazione e partecipazione: modelli europei a confronto*, Giuffrè, Milano, 2000, pp. 39-127
18. Diana-Urania Galetta, *La riforma del commercio (il D.lgs. 114/1998)*, in AA.VV. (a cura di V. Italia, E. De Marco, P. Bilancia), *Riforme e regolamenti degli enti locali*, Giuffrè, Milano, 2000, pp. 221-235
19. Diana-Urania Galetta, *Una sentenza storica sul principio di proporzionalità con talune ombre in ordine al rinvio pregiudiziale alla Corte di giustizia* (nota a Consiglio di Stato, sez. VI, sentenza 01.04.2000, n. 1885), in *Rivista italiana di diritto pubblico comunitario*, 2000/2, pp. 396-414

2001

20. Diana-Urania Galetta, *Norme italiane sulla ripartizione del traffico aereo nel sistema aeroportuale di Milano, principio di proporzionalità e ripartizione di competenze fra organi (brevi riflessioni in margine alla sentenza della Corte di giustizia 18 gennaio 2001, in causa C-361/98)*, in *Rivista italiana di diritto pubblico comunitario*, 2001/1, pp. 152-159
21. Diana-Urania Galetta, *Wechselwirkungen zwischen nationalem Verwaltungsrecht und europäischem Gemeinschaftsrecht - aus italienischer Perspektive*, in AA.VV. (a cura di S. Magiera e K.P. Sommermann), *Verwaltung in der Europäischen Union*, Europa-Forum Speyer (10-12.04.2000), Duncker & Humblot, Berlin, 2001, pp. 63-93 (*Reciproche influenze fra diritto amministrativo nazionale e diritto comunitario - nella prospettiva italiana*)
22. Diana-Urania Galetta, *La cooperazione fra polizie e il sistema informativo schengen per una sicurezza e una giustizia europee*, in AA.VV. (a cura di M.G. Losano), *La legge italiana sulla privacy. un bilancio dei primi cinque anni*, Laterza, Bari, 2001, pp. 177-253
(tradotto in rumeno a cura di Alina Lazăr e Mihail-Constantin Eremia, casa ed. All Beck, Bucarest, 2004, pp. 211-297)
23. Diana-Urania Galetta, *La previsione di cui all'articolo 3, comma 1, cpv. 1, della legge di revisione del titolo V della costituzione come definitivo superamento della teoria dualista degli ordinamenti*, in AA.VV. *Problemi del federalismo*, Facoltà di Scienze Politiche - Dipartimento giuridico-politico - Incontri di studio, Giuffrè, Milano, 2001, pp. 293-310.

2002

24. Diana-Urania Galetta, *La politica comunitaria dei trasporti*, in *Quaderni della Rivista giuridica della circolazione e dei trasporti*, Quaderno n. 2002/1, pp. 1-163
25. Diana-Urania Galetta, *The system of scientific research and the university system in Italy*, in PAVIĆ (a cura di), *Science and Higher Education Regulations in Central and South-Eastern European Countries*, Alexander von Humboldt Foundation - Croatian Humboldt-Club, Zagreb, 2002, p. 56-65; 112-115; 123; 143-145
26. Diana-Urania Galetta, *Stern und das Europäische Verfassungs- und Verwaltungsrecht. Laudatio zum 70. Geburtstag Professors Klaus Stern*, pubblicato nel volume di AA.VV. edito a cura della "Verein zur Förderung der Rechtswissenschaft", Köln, 2002, pp. 15-24
(*Stern e il diritto costituzionale e amministrativo europeo. Laudatio per il 70 compleanno del Professor Klaus Stern*)
27. Diana-Urania Galetta, *Recenti novità in tema di illegittimità del provvedimento amministrativo affetto da c.d. vizi formali (riflessioni in margine alla sentenza del TAR Lazio, n. 398/2002)*, in *Il Foro amministrativo - TAR*, 2002/2, pp. 512-524

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| 28. Diana-Urania Galetta, <i>La legge tedesca sul procedimento amministrativo. Traduzione con testo a fronte e commento introduttivo</i> , Giuffrè, Milano, 2002, pp. XX-119 |
|--|

2003

29. Diana-Urania Galetta, *Le norme di disciplina dei c.d. "vizi formali" del provvedimento contenute nel d.d.l. n. AS-1281, di modifica della legge 241/90: spunti critici*, in *Il Foro amministrativo - TAR*, 2003/5, pp. 1813-1824

30. Diana-Urania Galetta, *Violazione di norme sul procedimento amministrativo e annullabilità del provvedimento*, Giuffrè, Milano, 2003, pp. XVIII-301

2004

31. Diana-Urania Galetta, *Vizi procedurali e vizi sostanziali al vaglio della Corte di giustizia (che non si pronuncia sulla questione)*, in *Rivista italiana di diritto pubblico comunitario*, 2004/1, pp. 317-324
32. Diana-Urania Galetta, Daniel Segre, *Verso la nuova normativa tedesca*, in *Fondazione ISMU, Nono rapporto italiano sulle migrazioni - 2003*, Franco Angeli, Milano, 2004, pp. 241-243; 249-251 (Segre = pp. 244-249)
33. Diana-Urania Galetta, *Giudice amministrativo e vizi formali*, in AA.VV. (a cura di V. Parisio), *Vizi formali, procedimento e processo amministrativo*, Giuffrè, Milano, 2004, pp. 77-99
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- Introduzione: pp. 1-5;
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 108. Diana-Urania Galetta, *European Court of Justice and preliminary reference procedure today: national judges, please behave!*, in U. Becker, A. Hatje, M. Potacs, N. Wunderlich (a cura di), *Verfassung und Verwaltung in Europa. Festschrift für Jürgen Schwarze zum 70. Geburtstag*, Nomos Verlag, Baden-Baden, 2014, pp. 674-691 (Available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2500746)
 109. Diana-Urania Galetta, *La influencia del Derecho de la Unión europea sobre el sistema nacional de fuentes del Derecho y el problema de la relación entre el Tribunal de Justicia de la UE y el Tribunal constitucional italiano*, in A. Montaña Plata, A.F. Ospina Garzón (a cura di), *La constitucionalización del Derecho Administrativo*, Editorial Universidad Externado de Colombia, Bogotá, 2014, pp. 595-611
 110. P. Aberastury, H.-J. Blanke, G. Bottino, D. Capitant, J.-M. Casal Hernández, **D.U. Galetta**, R. García Macho, L. Greco, L. Ossio Bustillos, G. Pellissier, R. Perlingeiro, C. Sarria Olcos, K.-P. Sommermann *Euro-American Model Code of Administrative Jurisdiction* (a cura di R. Perlingeiro e K.-P. Sommermann), Editora da Universidade Federal Fluminense, Niteroi (Brasil), 2014, vol. 1 (English, French, German, Italian, Portuguese and Spanish Versions) pp. 1-138 (Available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441582)
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117. Diana-Urania Galetta, *Transparency and access to public sector administrative information in Italian administrative law and in relationship to EU law*, G. Szpor, A. Gryszczyńska (Eds.), *Access to spatial data and its limitations. Legal aspects*, Zagreb, 2015, Croatia (Published by: Croatian Information Technology Society - GIS Forum, Naukowe Centrum Prawno-Informatyczne - ISBN: 9789536129522), pp. 18 - 39

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118. Diana-Urania Galetta, *General Principles of EU Law as Evidence of the Development of a Common European Legal Thinking: the Example of the Proportionality Principle (from the Italian Perspective)*, in H-J. Blanke, P. Cruz Villalón, T. Klein, J. Ziller (a cura di), *Common European Legal Thinking. Essays in Honour of Albrecht Weber*, Springer, Heidelberg-Dordrecht-London-New York, 2016, ISBN 978-3-319-19300-7 (e-book), ISBN 978-3-319-19299-4 (paperback) - pp. 221-242 (Available at SSRN: <https://ssrn.com/abstract=3014607>)
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120. Giacinto della Cananea, Diana-Urania Galetta e. a. (a cura di), <i>Codice ReNEUAL del procedimento amministrativo dell’Unione Europea</i> , Editoriale Scientifica, Napoli, 2016, ISBN 9788863428445, pp. IX-L; LXIII-255 - pubblicazione PRIN 2012 (2012SAM3KM) sulla codificazione dei procedimenti dell’Unione europea

V. anche le pubblicazioni relative al Codice ReNEUAL di cui sono co-autrice in: francese, inglese, polacco, rumeno, spagnolo, tedesco, al seguente link: http://renewal.eu/index.php/projects-and-publications/renewal-1-0

121. Diana-Urania Galetta, *Accesso civico e trasparenza della Pubblica Amministrazione alla luce delle (previste) modifiche alle disposizioni del D. Lgs. n. 33/2013*, in *Federalismi.it* (<http://www.federalismi.it>), Numero 5/2016 - 2 Marzo 2016, pp. 1-19
122. Diana-Urania Galetta, *Le traitement contentieux des irrégularités procédurales en droit comparé*, in J-B. Auby (a cura di), *Droit comparé de la procédure administrative - Comparative Law of Administrative Procedure*, Bruylant, Bruxelles, 2016, ISBN 9782802744085, pp. 845-869
123. Diana-Urania Galetta, *Decision-Making and Information Management*, in M. Ruffert (Ed.), *The Model Rules on EU Administrative Procedures: Adjudication*, Europa Law Publishing, Groningen, 2016, ISBN 9789089521859 (paperback), ISBN 9789089521866 (e-book), pp. 185-193
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125. Diana-Urania Galetta, Bernd Grzeszick, *Kommentar zu Art. 41 Grundrechtecharta*, in K. Stern/M. Sachs (a cura di), *Europäische Grundrechtecharta*, Kölner Gemeinschafts-Kommentar, C.H.BECK ISBN 978-3-406-68036-6, Köln, 2016, 2^a edizione, pp. 618-645 (*Commento all’art. 41 della Carta dei Diritti dell’UE*)
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127. Diana-Urania Galetta, Gherardo Carullo, *Gestione dei servizi pubblici locali e in house providing: novità, auspici e scenari futuri in una prospettiva di de-frammentazione del sistema*, in M. Cafagno, F. Manganaro (a cura di), *Ricerche sui Centocinquanta anni delle Leggi di unificazione amministrativa - L’intervento pubblico nell’economia*, Firenze University Press, Firenze, 2016, pp. 349-372 (http://www.fupress.com/archivio/pdf/3252_11928.pdf)
e in Rivista italiana di diritto pubblico comunitario, 2016/1, pp. 371-393
128. Diana-Urania Galetta, *The Italian Freedom of Information Act 2016 (why transparency-on-request is a better solution)*, in *Italian Journal of Public Law*, vol. 8, 2/2016, pp. 268-290 (http://www.ijpl.eu/assets/files/pdf/2016_volume_2/IJPL_volume2_2016.pdf) - Available at SSRN: <https://ssrn.com/abstract=3014629>

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131. Diana-Urania Galetta, *Internazionalizzazione degli Atenei e tutela dei principi costituzionali del primato della lingua italiana, della parità nell'accesso all'istruzione universitaria e della libertà d'insegnamento: alla ricerca del punto di equilibrio (commento a Corte Cost., sentenza 2017/42)*, in *GiustAmm* (<http://www.giustamm.it>), Marzo 2017, pp. 1-13
132. Diana-Urania Galetta, *La trasparenza, per un nuovo rapporto tra cittadino e Pubblica Amministrazione: un'analisi storico-evolutiva in una prospettiva di diritto comparato ed europeo*, in Atti del 62° convegno di Studi Amministrativi di Varenna (22-24 settembre 2016, Villa Monastero, Varenna), Milano, Giuffrè, 2017, pp. 465-518
e in *Rivista italiana di diritto pubblico comunitario*, 2016/5, pp. 1019-1065 - pubblicazione PRIN 2012 (2012SAM3KM) sulla codificazione dei procedimenti dell'Unione europea
133. Diana-Urania Galetta, *Il principio di proporzionalità*, in M.A. Sandulli (a cura di), *Codice dell'azione amministrativa*, Collana "Le Fonti del Diritto Italiano", Giuffrè, Milano, 2017 (2ª edizione), pp. 149-173.
134. Diana-Urania Galetta, *Attività e procedimento nel diritto amministrativo europeo, anche alla luce della Risoluzione del Parlamento europeo sulla disciplina del procedimento per istituzioni, organi e organismi dell'Unione europea (il contributo in materia della Rivista Italiana di Diritto Pubblico Comunitario, nei suoi primi 25 anni di attività)*, in *Rivista Italiana di Diritto Pubblico Comunitario*, 2017/2, pp. 391-413 - pubblicazione PRIN 2012 (2012SAM3KM) sulla codificazione dei procedimenti dell'Unione europea

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136. Diana-Urania Galetta, *Esigenze di internazionalizzazione e principi costituzionali del primato della lingua italiana, della parità nell'accesso all'istruzione universitaria e della libertà d'insegnamento: la Corte costituzionale indica la via per un corretto bilanciamento da parte degli Atenei*, in *Giurisprudenza Costituzionale*, 2017/1, pp. 401-414
137. Diana-Urania Galetta, *Trasparenza e contrasto della corruzione nella pubblica amministrazione: verso un moderno panottico di Bentham?* in Associazione Italiana dei Professori di Diritto Amministrativo (AIPDA), *Annuario 2016 - Antidoti alla cattiva amministrazione: una sfida per le riforme*. Atti del Convegno annuale, Roma, 7-8 ottobre 2016, Editoriale Scientifica, Napoli, 2017, pp. 57-83
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140. Diana-Urania Galetta, *Nicola Bassi e il Diritto Globale*, in *Rivista della Regolazione dei Mercati*, 2017/2, pp. 257-262

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141. Diana-Urania Galetta, *Internazionalizzazione degli Atenei e corsi di studio in lingua straniera: fra conseguenze "a sistema" del contenzioso sui corsi "solo in inglese" al Politecnico di Milano e possibili scenari futuri*, in *Federalismi.it* (<http://www.federalismi.it>), Numero 4/2018 - 14 febbraio 2018, pp. 1-16
142. Diana-Urania Galetta, *Accesso (civico) generalizzato ed esigenze di tutela dei dati personali ad un anno dall'entrata in vigore del Decreto FOIA: la trasparenza de "le vite degli altri"?*, in *Federalismi.it* (<http://www.federalismi.it>), Numero 10/2018, 9 maggio 2018, pp. 1-27

143. S. Battini, E. Chiti, **D.U. Galetta**, B.G. Mattarella, C. Franchini, G. della Cananea, M. P. Chiti (a cura di M.P. Chiti), *Diritto amministrativo europeo*, Giuffrè, Milano, 2^a edizione, 2018, pp. XII-587

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144. Diana-Urania Galetta, *Transparencia y buen gobierno. Evaluación y propuestas a partir de la experiencia en la Unión europea e Italia*, in *Dilemata - Revista Internacional de Éticas Aplicadas*, N° 27, Maggio 2018, pp. 131-148

145. Diana-Urania Galetta, *Access to administrative documents and to public sector information in Italy*, in R. Perlingeiro, H.-J. Blanke (a cura di), *The Right of Access to Public Information. An International Comparative Legal Survey*, Springer, Heidelberg-Dordrecht-London-New York, 2018, ISBN 978-3-662-55552-1, pp. 343-367

146. Diana-Urania Galetta, *Le Model Rules di ReNEUAL e gli aspetti più innovativi della collaborazione fra amministrazioni nell'UE: procedimento amministrativo, scambio dei dati e gestione delle banche dati*, in *Rivista Italiana di Diritto Pubblico Comunitario*, 2018/2, pp. 347-366

147. Diana-Urania Galetta, *La vicenda dei corsi "solo in inglese" al Politecnico di Milano, fra problematiche giuridiche e problematiche socio-economiche*, in *notizie di Politeia*, XXXIV, 131, 2018. ISSN 1128-2401, pp. 6-18 (in *Forum internazionalizzazione degli atenei e politica linguistica: riflessioni sulle implicazioni dell'uso dell'inglese nella didattica universitaria*, a cura di Diana-Urania Galetta con *Presentazione*, pp. 3-5)

148. **Diana-Urania Galetta**, Jacques Ziller (Eds.), *Information and Communication Technologies Challenging Public Law, beyond Data Protection*, Atti del 12° congresso annuale della Societas Iuris Publici Europaei (SIPE), Nomos Verlagsgesellschaft, 2018, pp. 5-212

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149. Diana-Urania Galetta, *Digitalización y transparencia: ¿un "responsable de la transparencia" y su "asistente digital" como herramientas del buen gobierno del futuro?*, in *Revista Jurídica de Buenos Aires*, nr. 96/2018 I, pp. 159-180

150. Diana-Urania Galetta, *La Pubblica Amministrazione nell'era delle ICT: sportello digitale unico e Intelligenza Artificiale al servizio della trasparenza e dei cittadini?*, in *Cyberspazio e Diritto*, 2018/3, pp. 319-336

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151. Cristina Fraenkel-Haeberle, Diana-Urania Galetta, *Verwaltungsgerichtsbarkeit in Italien*, in A. von Bogdandy, J. Pauzaite-Kulvinskiene, P.M. Huber (a cura di), *Ius Publicum Europaeum*, vol. VIII, *Rechtsschutz gegen die Verwaltung*, C.F. Müller, Heidelberg, 2019, pp. 269-343 (par. IV e V D.U. Galetta)

152. Diana-Urania Galetta, Juan Gustavo Corvalán, *Intelligenza Artificiale per una Pubblica Amministrazione 4.0? Potenzialità, rischi e sfide della rivoluzione tecnologica in atto*, in *Federalismi.it* (<http://www.federalismi.it>), Numero 3/2019, 6 febbraio 2019, pp. 1-23

153. Diana-Urania Galetta, *Public Administration in the Era of Database and Information Exchange Networks: Empowering Administrative Power or Just Better Serving the Citizens?*, in *European Public Law*, Vol 25(2), 2019, pp. 171-182

154. Diana-Urania Galetta, *Open-Government, open-data e Azione Amministrativa*, in *Istituzioni del Federalismo*, 2019, forthcoming

155. Diana-Urania Galetta, *Il diritto ad una buona amministrazione nei procedimenti amministrativi oggi (anche alla luce delle discussioni sull'ambito di applicazione dell'art. 41 della Carta dei diritti UE)*, in *Rivista Italiana di Diritto Pubblico Comunitario*, 2019/1, forthcoming

Annex 2 - Research programs

- 1991-1992: Participation in a research project on Public Administration funded by CNR (Italian National Research Center) with a contribution on "General principles of administrative procedure"
- 1992-1993: Participation in a research project on social security funded by CNR with a contribution on "Revocation of social security services "
- Master Degree dissertation on "Proportionality principle in the German, European and Italian legislations", included in the library of the Law School of the Osnabrück University (as from July 1993).
- 1997-1999: Participation in the comparative research program on "The administrative procedure discipline in Europe between participation and simplification", organized by Prof. M.A. Sandulli within the framework of the research activities of the Administrative Law section of the Faculty of Political Science of "Università degli Studi di Milano"
- 1999-2001: Participation in a research program financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and directed by Prof. Mario G. Losano, with a contribution on "Privacy legislation, immigration legislation and the Schengen agreements: integration and contrast points "
- 2000: Scientific coordinator of a research project financed with 60% of MURST funds on "The administrative procedure as influenced by the European Community law in the German and Italian legislations"
- 2001: Scientific coordinator of a research project financed with FIRST funds on "Faults of the administrative procedure as a ground for annulment of the administrative action: The emerging trends".
- 2002: Scientific coordinator of a research project financed with FIRST funds on "Subject of the administrative ruling and the new role of the administrative judge after the introduction of law 205/2000"
- 2002-2004: Head of the Research Unit of the University of Milan for a national research project financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and coordinated at national level by Prof. Giampaolo Rossi. Topic of the research unit: "Limited Public Companies and Public law".
- 2003: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "Public Administration between the new trend of privatisation and the need to preserve the public interests"
- 2004: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "Administrative 'self-remedy' between national and community law"
- 2005: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "The reform of the Italian law on administrative procedure"
- 2005-2007: Head of the Research Unit of the University of Milan for a national research project financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and coordinated at national level by Prof. Fabio Roversi Monaco. Topic of the research unit: "EU regulatory and administrative integration in the field of credit and savings protection - From "indirect administration" to "co-administration" through to the recent trends aimed at creating new subjects and joint ownership of performed functions".
- 2006: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "Administrative activity and jurisdictional control: control processes and instruments, between national legislations and EU law".
- 2007: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "EU administrative integration and procedural autonomy of the Member States".
- 2008: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milano" on "Protection of legitimate expectations, between national legislation and EU law".
- 2009: Scientific coordinator of a research project financed with PUR funds of "Università degli Studi di Milano" on "Immigration and asylum, between rights and legislation".
- 2014-2017: Head of the Research Unit of the University of Milan for a research project PRIN (Projects of Scientific Research of Relevant National Interest) funded by the Ministry of University and of scientific research, directed at the national level, Prof. Jacques Ziller. Topic of the research unit: Reinforced administrative cooperation and general rules of administrative Procedure of the European Union
- 2015-2017: Participation in the research project funded by the Spanish "Ministerio de Economía y Competitividad" on: "personas y responsabilidad criminal Jurídicas: imputacion (atribucion, limitación, exclusion) y coautoria with personas físicas" - REFERENCIA: DER2014-58217-R, coordinated by Prof. Dr. Joan J. Queralt University of Barcelona (Spain)

Annex 3 - List of conference papers, Seminars, round tables

1997-2001

Paper presented at the Conference organized by the Association of Germans, Italians and French Administrative Judges (AGATIF) and by the University of Brescia on the topic “Potere discrezionale e controllo giudiziario”, Brescia, 24 e 25 October 1997.

Title of the paper: *Principio di proporzionalità e sindacato del giudice amministrativo.*

Paper presented at the Conference organized by the Association of Germans, Italians and French Administrative Judges (AGATIF) at the Academy of German administrative judges of Wustrau (Germany) , on the topic “Le strutture della tutela amministrativa in Europa”, Wustrau, 5- 9 July 1999.

Title of the paper: *Giustizia amministrativa italiana e diritto comunitario.*

Paper presented at the Conference organized by Deutsche Hochschule für Verwaltungswissenschaften - Speyer on the occasion of the first “Europa-Forum Speyer - Verwaltung in der Europäischen Union”, Speyer, 10-12 April 2000.

Title of the paper: *Wechselwirkungen zwischen nationalem Verwaltungsrecht und europäischem Gemeinschaftsrecht - aus italienischer Perspektive.*

2002

Paper presented at the Conference organized by University of Zagreb on the topic “Science and Higher Education Regulations in Central and South-Eastern European Countries”, Zagreb, 24 e 25 May 2002.

Title of the paper: *The System of Scientific Research and the University System in Italy.*

Paper presented at the Conference organized by University of Cologne “Laudatio anlässlich des 70. Geburtstags von Klaus Stern”, Cologne, 14 June 2002.

Title of the paper: *Stern und das Europäische Verfassungs- und Verwaltungsrecht.*

2003

Paper presented at the Conference organized by the University of Cassino on the topic “La riforma dell’azione amministrativa”, Cassino, 19 June 2003.

Title of the paper: *Vizi formali e vizi sostanziali.*

Paper presented at the Conference organized by the Association of Germans, Italians and French Administrative Judges (AGATIF) e by the University of Brescia on the topic “Vizi formali, procedimento e processo amministrativo”, Brescia, 23 October 2003.

Title of the paper: *Giudice amministrativo e vizi formali.*

2004

Paper presented at the Conference organized by Deutsche Hochschule für Verwaltungswissenschaften - Speyer), 5th “Europa-Forum Speyer - Verwaltung in der Europäischen Union”, Speyer, 30 March - 1° April 2004.

Title of the paper: *Der Vertrag über eine Verfassung für die Europäische Union aus italienischer Sicht.*

Paper presented at the Conference organized by the University of Trento on the topic “Il Diritto Amministrativo dei Paesi europei fra omogeneizzazione e diversità culturali”, Trento, 24-25 June 2004.

Title of the paper: *Autotutela decisoria e diritto comunitario.*

Paper presented at the Conference organized by the University of Cologne at the Italian headquarters of “Konrad Adenauer Stiftung” (Cadenabbia - Como) on the topic “Individualgrundrechtsschutz in Europa”, Cadenabbia, 27- 30 June 2004.

Title of the paper: *Das Recht auf gute Verwaltung.*

Paper presented at the Round Table organized by Prof. Jacques Ziller at European University Institute (EUI) of Fiesole on the topic: “What’s New in European Administrative Law? - Quoi de Neuf en Droit Administratif européen?”, Fiesole, 10 December 2004

Title of the paper: *The Obligation for National Administrative Bodies to Review their Final Administrative Decisions*

2005

Paper presented at the Conference organized by Università degli Studi G. D’Annunzio di Chieti e Pescara on the topic “Statuto dell’azione amministrativa e regimi di invalidità: linee evolutive generali e tradizioni settoriali”, Pescara, 24 June 2005

Title of the paper: *Vizi formali e procedimento*

Paper presented at the Conference organized by Local Police of Cinisello Balsamo on the topic "La riforma della L. 241/90 sul procedimento amministrativo e le recenti modifiche alle norme sulla circolazione stradale", Cinisello Balsamo (Milan), 30 September 2005

Title of the paper: *La riforma della L. 241/90 sul procedimento amministrativo: principali novità e problematiche emergenti*

Paper to summarize the work of the *panel* "Forme di partecipazione degli enti locali substatali all'integrazione sopranazionale", University of Milan, on the topic "*Federalismi e integrazioni sopranazionali. Unione europea e Mercosur a confronto*", Milan, 15 December 2005

2006

Paper presented at the Conference organized by Università degli Studi Federico II di Napoli on the topic "I principi generali dell'azione amministrativa", Napoli, 3 febbraio 2006

Title of the paper: *Trasparenza e governance amministrativa nel diritto europeo*

Paper presented at the Conference organized by the University of Freiburg, Institut für Öffentliches Recht, Abt. Europa- und Völkerrecht with 'Europa-Institut di Freiburg', on the topic "Das Recht auf eine gute Verwaltung", Freiburg (Germania), 3 May 2006

Title of the paper: *„Inhalt und Bedeutung des Rechtes auf eine gute Verwaltung“*

Paper presented at the Conference organized by University of Regensburg, Lehrstuhl für Öffentliches Recht e Jean-Monnet-Lehrstuhl für Europarecht, on the topic "*Verfassungsrechtliche Aspekte von Pfeiler III der Europäischen Union*", Regensburg, 23-24 June 2006

Title of the paper: *Polizeiliche Zusammenarbeit in Europa: die Suche nach einer schwierigen Balance zwischen Erfordernissen eines effizienten Datenaustausches und wirksamer Schutz der Rechte der Einzelnen am Beispiel von Enfpopol*

Paper presented at the Conference organized by Prof. Thomas Von Danwitz, University of Köln at "Konrad Adenauer Stiftung" (Cadenabbia - Como) on the topic "*Perspektive der Europäischen Integration: Erweiterung, soziale und wirtschaftliche Ausrichtung, rechtliche Vertiefung*". Cadenabbia, Villa la Collina, 28 September - 1 October 2006.

Title of the paper: *La Constitution européenne, entre nécessités à satisfaire et incapacité politique à la faire sortir de l'impasse*

2007

Paper presented at the Conference organized by SPISA and IISA on the topic "La disciplina dei servizi pubblici locali: novità recenti ed ulteriori prospettive di riforma", Bologna, 27 January 2007

Title of the paper: *L'evoluzione della giurisprudenza comunitaria e nazionale*

Organization, scientific coordination and Paper presented at the Conference organized by University of Milan, Corso di laurea in Scienze dell'Amministrazione on the topic "*Pubblico impiego e strumenti di controllo*", Milan, 17 May 2007

Title of the paper: *Accountability e trasparenza fra diritto interno e diritto comunitario*

Paper presented at the Conference organized by University of Freiburg, Europa-Institut e Lehrstuhl für Öffentliches Recht, Abt. Europa- und Völkerrecht, on the topic "*Bestand und Entwicklung des europäischen Verwaltungsrechts*", Freiburg im. Br., 4-5 July 2007

Title of the paper: *Der Vertrauensschutz aus der Perspektive des italienischen Verwaltungsrechts (im Vergleich mit der deutschen und der gemeinschaftsrechtlichen Perspektive)*

Paper presented at the Conference organized by la Scuola Eugubina di Pubblica Amministrazione (SEPA) con University of Perugia on the topic "*La buona amministrazione tra affermazioni di principio e diritti fondamentali*", Gubbio, 19-20 October 2007

Title of the paper: *Buona amministrazione e procedimento amministrativo, fra diritto interno e diritto comunitario*

Paper presented at the Conference organized by Université Panthéon-Assas (Paris II), Centre de Droit européen, on the topic “*L’exécution du droit de l’Union, entre mécanismes communautaires et droits nationaux*”, Paris 30 November - 1 December 2007

Title of the paper: *L’influence du droit communautaire sur le droit administratif italien: un cadre général*

2008

Organization, scientific coordination and Paper presented at the Conference organized by University of Milan, Dipartimento giuridico-politico on the topic “*Tutela del risparmio e diritto comunitario*”, Milan, 18 January 2008

Title of the paper: *Autorità di vigilanza, disciplina procedimentale e ruolo del giudice, fra diritto interno e diritto comunitario*

Paper presented at the Conference organized by the National Bar Council, Complesso monumentale di Santo Spirito in Sassia, Rome, 3-5 April 2008

Title of the paper: *Contratti ad evidenza pubblica, annullamento dell’aggiudicazione e sorte del contratto*

Paper presented at the Conference organized by “Deutsche Hochschule für Verwaltungswissenschaften - Speyer” in “8 Europa-Forum Speyer - Verwaltung in der Europäischen Union”, Speyer, 16-18 April 2008.

Title of the paper: *Gute Verwaltung in der Europäischen Union*

Paper presented at the Conference organized by Societas Iuris Publici Europaei (SIPE) - 5th Annual Congress - on the topic “*Los nuevos europeos. Migración e integración en Europa*”, Sevilla, 5-8 June 2008

Title of the paper: *The common European Asylum policy: towards a common European Asylum System?*

Paper presented at the Conference: “*Annual Congress of the Italian Association of Administrative Law Professors (AIPDA)*”, at University of Lecce, on the topic “*Il diritto amministrativo alla prova delle leggi finanziarie*”, Lecce, 25-26 September 2008

Title of the paper: *Legittimo affidamento e leggi finanziarie, alla luce dell’esperienza comparata e comunitaria*

2009

Paper presented at the Conference organized by University of Palermo on the topic “*Interesse pubblico e disegno organizzativo delle pubbliche amministrazioni*”, Palermo, 20-21 February 2009

Title of the paper: *La coamministrazione*

Coordinator of the First Session of the Conference: “*3. Europa-Gespräche Cadenabbia : Aktuelle Herausforderungen der europäischen Integration: die Zukunft des Lissabonner Vertrages, das Entstehen einer europäischen Gesellschaftspolitik und die Perspektiven des Grundrechtsschutzes in der EU*” organized by Prof. Thomas Von Danwitz (ECJ judge) at “Konrad Adenauer Stiftung” (Cadenabbia - Como). Cadenabbia, Villa la Collina, 15-17 May 2009

Paper presented at the Conference organized by University of Hull (GB), Institute of European Public Law, on the topic “*The End of the Post 1992 European Order?*”, Hull 25-26 June 2009

Title of the paper: *The European Asylum Policy between myth and reality*

2010

Paper presented at the Conference organized by University of Napoli on the topic “*Twenty years after: the Italian law of administrative procedures*”, Napoli, 23 April 2010

Title of the paper: *Administrative procedure in Germany: the “Verwaltungsverfahrensgesetz” of the Bund and the “Verwaltungsverfahrensgesetze” of the Länder. A comparison with the situation in Italy*

Paper presented at the Conference organized by “Università degli Studi G. D’Annunzio Chieti-Pescara” and Italian Association of European lawyers (AGE) on the topic “*Diritti fondamentali e politiche dell’UE dopo Lisbona*”, Pescara, 6-7 May 2010

Title of the paper: *L’art. 41 della Carta europea dei diritti e il diritto ad una buona amministrazione dopo l’entrata in vigore del Trattato di Lisbona*

Paper presented at the Conference organized by Università di Osnabrück (Germany), European Legal Study Institute (ELSI), on the topic “*The limits of transfer of sovereignty from the National and the European perspective*”, Osnabrück 25-26 June 2010

Title of the paper: *“Le rapport entre constitution italienne et normes externes et la question des soi-disant « contre-limites »*

Paper presented at the Conference: *Laudatio* in honour of Prof. Dr. Albrecht Weber, organized by University of Osnabrück (Germany), European Legal Study Institute (ELSI), Osnabrück, 25 June 2010.

Title of the paper: *Albrecht Weber: der Mensch und der Wissenschaftler*

Paper presented at the Conference organized by PhD School of Università di Catania, Catanzaro, Messina, Napoli Due, Palermo, Reggio Calabria, Malta, Saragoza, on the topic *“I diritti dopo il Trattato di Lisbona”*, Hotel Villaggio Guglielmo - Copanello (CZ), 2-3 July 2010

Title of the paper: *Il diritto di asilo*

Paper presented at the Conference organized by Dipartimento di Studi Sociali e Politici of University of Milan and Association Antigone on the topic *“Proteggere i diritti e prevenire la tortura: l'Europa delle migrazioni tra privazione della libertà e respingimenti”*, Milan, 28 October 2010

Title of the paper: *Diritto d'asilo e pratica dei respingimenti, fra diritto nazionale e diritto dell'Unione europea*

2011

Paper presented at the Conference organized by Deutsche Hochschule für Verwaltungswissenschaften - Speyer on the topic *“35 Jahre Verwaltungsverfahrensgesetz - Bilanz und Perspektiven”*, Speyer, 9-11 February 2011

Title of the paper: *Das Verwaltungsverfahrensgesetz im europäischen Kontext: der Fall Italiens*

Paper presented at the Conference organized by University of Rome III on the topic *“La Direttiva Servizi e il d.lgs. 59/2010: effetti sul diritto amministrativo nazionale “Interesse pubblico e disegno organizzativo delle pubbliche amministrazioni”*, Rome, 7 March 2011

Title of the paper: *Direttiva servizi e cooperazione amministrativa*

Paper presented at the Conference organized by University of Freiburg, Europa-Institut and Lehrstuhl für Öffentliches Recht, Abt. Europa- und Völkerrecht, on the topic *„Das Verhältnis vom nationalem Recht und Europarecht im Wandel der Zeit”*, Freiburg im. Br., 12-14 May 2011

Title of the paper: *Die “Nebeneffekte“ von unionsrechtlichen Vorschriften in Bereichen wo es keine normative Kompetenz der EU besteht: Eine der aktuellsten Fragen bezüglich des Verhältnis vom nationalem Recht und Europarecht*

Series of Lectures on the Administrative Process presented in the context of the training Program for federal judges organized at the State University “Universidade Federal Fluminense” of Niteroi (Brasil) in the context of the Cooperation Agreement between the University of Milan and the Universidade Federal Fluminense in Niteroi (Brazil), Nucleus of Sciences of the judiciary (Nupej) - Niteroi, 11-15 July 2011

Paper presented at the Conference organized by Università di Trier, „Gesellschaft für Rechtsvergleichung“, on the topic *„Rechtliche Grenzen der Freiheit und Rechtsschutz“*. Trier, 15-17 September 2011

Title of the paper: *die Verfahrensautonomie der Mitgliedstaaten*

Paper presented at the Conference: *“IV^e Rencontres franco-italiennes de Droit administratif”* organized by University of Toulouse I. Toulouse, 2-3 December 2011

Title of the paper: *Il procedimento amministrativo nella scienza del diritto amministrativo in Italia*

2012

Paper presented at the Conference organized by European Ombudsman and “Research Network on EU Administrative Law” (ReNEUAL) on the topic *“Towards an EU administrative procedure law?”*. EU Parliament, Bruxelles, 15-16 March 2012

Title of the paper: *Information Management in “informal” EU Networks of Co-operation*

Paper presented at the Conference organized by the Regional Administrative Court of Lecce on the topic *“L'Europa del diritto: i giudici e gli ordinamenti”*. Lecce, 27-28 April 2012

Title of the paper: *Il rapporto fra giudici: il rinvio pregiudiziale*

Conclusive report presented at the Conference: *“4. Europa-Gespräche Cadenabbia: Von der Krise zum Neuaufbruch - Welche Zukunft gibt es für Europa?”* organized by Prof. Thomas Von Danwitz, at “Konrad Adenauer Stiftung” (Cadenabbia -

Como). Cadenabbia, Villa la Collina, 18-20 May 2012

Coordinator and introductory paper presented at the Conference organized by University of Milan on “*Atti amministrativi e tutela della concorrenza. Il potere di legittimazione a ricorrere dell’AGCM nell’art. 21 bis legge n. 287/90*”. Milan, Sala Napoleonica di Palazzo Greppi, 27 September 2012

2013

Paper to present the book of Stefano Rodotà (Emeritus Professor of Civil Law, University of Rome, La Sapienza) on the topic “*Il diritto di avere diritti*”, organized at University of Milan on the topic “*diritti fondamentali di cittadinanza nella network society*”. Milan, Sala lauree della Facoltà di Scienze Politiche, Via Conservatorio, 5 February 2013

Paper presented at the Conference: “*La lingua della scienza e dell’arte* organized by “Comitato Lingua Madre” at Società Umanitaria di Milan, su “*Lingua Cultura Libertà*”. Milan, Società Umanitaria, Salone degli affreschi, Via San Barnaba 48, 20 February 2013

Organization, scientific coordination and Paper presented at the Conference: “*Giudizio amministrativo e ruolo del giudice in una prospettiva comparata*”, at University of Milan. Milan, Sala Napoleonica di Palazzo Greppi, Via Sant’Antonio 10, 25 March 2013

Coordinator and introductory paper presented at the Conference: “*Les législations de police sanitaire harmonisées au niveau européen. Cas de l’ESB e de la fièvre aphteuse*” within the Conference organized by “Association des Conseils d’Etat e des Juridictions administratives suprêmes de l’Union européenne”, in cooperation with ReNEUAL, EFSA e DG SANCO of EU Commission on “*Sécurité alimentaire: articulation des compétences européennes et nationales, et contrôle juridictionnel des décisions prises en cette matière*”. Parma, EFSA, 22 April 2013

Paper presented at the Conference: “*La Unión Europea en el marco constitucional de los Estados Miembros*” organized by Jean Monnet chair of Dpto. de Derecho Administrativo de la Facultad de Derecho de la Universidad Complutense di Madrid (Prof. Ricardo Alonso García). Madrid, 24 April 2013

Title of the paper: *La Unión Europea en el marco constitucional de los Estados Miembros: el caso de Italia*

Coordinator and introductory paper presented at the Conference (organized together with Prof. David Capitant, Université Paris 1-Panthéon-Sorbonne): “*8ème Rencontres franco-allemandes de jeunes chercheurs en droit public comparé - 8. Deutsch-Französisches DoktorandenSeminar zur Rechtsvergleichung im öffentlichen Recht*”. Villa Vigoni, Lovenio di Menaggio, 13-15 June 2013

Paper to present the work of “Working Group 4 on Information Management” at the Conference organized at University of Luxemburg, Faculté de droit, d’économie e de finance and “Research Network on European Administrative Law” (ReNEUAL), on “*Administrative Procedural Law in the EU*”. Lussemburgo, 27-28 June 2013

2014

Paper presented at the Conference: “*Integrazione europea, servizi pubblici e diritti fondamentali*”. Catania, Dipartimento di Giurisprudenza (Villa Cerami), 31 January 2014

Title of the paper: *La tutela dei diritti fondamentali nel diritto dell’Unione europea dopo l’entrata in vigore della Carta dei diritti*

Paper presented at the Conference organized by European Ombudsman and “Research Network on EU Administrative Law” (ReNEUAL) on the topic “*EU Administrative procedures. Presenting and discussing the ReNEUAL draft model rules*”. EU Parliament, Bruxelles, 19-20 May 2014

Title of the paper: *Shared information and mutual assistance (ReNEUAL Books V and VI)* - together with J-P. Schneider, Università di Freiburg in Br.

Paper presented at the Conference: “*5ème Rencontres franco-italiennes de Droit administratif*” organized by University of Brescia. Brescia, 23-24 May 2014

Title of the paper: *Les actualités dans le droit administratif italien*

Paper presented as Discussant at the Conference organized by University of Trento on the topic “*Verso nuovi rimedi*

amministrativi? Modelli giustiziali a confronto", Trento, 6 June 2014.
Title of the paper: *Il ripensamento del ricorso amministrativo in Germania*

Series of Lectures on "Princípios Fundamentais e Regras Gerais da Jurisdição Administrativa", presented in the context of the training Program for federal judges organized at the State University "Universidade Federal Fluminense" of Niterói (Brazil) in the context of the Cooperation Agreement between the University of Milan and the Universidade Federal Fluminense in Niterói (Brazil), Nucleus of Sciences of the judiciary (Nupej) - Niterói, 28-31 July 2014

Paper presented at the Conference organized by "Escola da Magistratura Regional Federal da 2ª Região - EMARF" (Brazil) on the topic "*Princípios Gerais do Procedimento Administrativo*", Rio De Janeiro, 1 August 2014.
Title of the paper: *O princípio da proporcionalidade*

Paper presented at the Conference organized by Universidad Externado de Colombia, Bogotá (Colombia), Facultad de Derecho, Departamento de Derecho Administrativo, on the topic "*La constitucionalización del derecho administrativo*", Bogotá, 3-5 September 2014.
Title of the paper: *La convencionalización del Derecho administrativo*

Paper presented at the Conference organized by Uniwersytet Kardynała Stefana Wyszyńskiego w Warszawie on "*Transparency and its Limitations in a Democratic Country*", Warsaw, 20 October 2014
Title of the paper: *Draft Model Rules on EU Administrative Procedures: Book VI of ReNEUAL, its background and its Model Rules on Information Management.*

Paper presented at the Seminars organized by the European School of Advanced Fiscal Studies on "*Il diritto a una buona amministrazione profili amministrativi e tributari*", Bologna, 28 October 2014
Title of the paper: *Le garanzie previste dall'art. 41 della Carta dei diritti UE: profili generali*

Coordinator and Paper presented at the Conference: "*Verso la codificazione del procedimento amministrativo dell'unione europea: problemi e prospettive*", at "Università degli Studi di Milano". Crociera Alta (of the Law School), via Festa del Perdono, 7. Milan, 7 November 2014.
Title of the paper: *The "Research Network on EU Administrative Law" e il codice ReNEUAL sul Procedimento Amministrativo dell'Unione europea*

Paper presented at the Conference: Wissenschaftliche Gesellschaft für Europarecht, XXIII. Wissenschaftliches Kolloquium, on the topic "*Europäisches Unionsrecht in der Rechtsprechung nationaler Obergerichte*". Berlin, 27-28 November 2014.
Title of the paper: *European Union Law in the Jurisprudence of Italian High Courts*

Paper presented at the Conference organized by National School of Administration on the topic "*Verso una codificazione dei procedimenti amministrativi dell'Unione europea?*". Rome, 1st December 2014
Title of the paper: *Presentazione dei Libri V e VI delle Model Rules*

2015

Paper presented at the Conference: Round Table on "*El Código ReNEUAL de procedimiento administrativo de la Unión Europea*", in Jornada "*El Código ReNEUAL de procedimiento administrativo de la Unión Europea*". Universitat de Barcelona. Barcelona, 30 January 2015.

Coordinator and Paper presented at the Conference: "*La 'Informationsverwaltung', fra diritto tedesco, diritto italiano e diritto dell'Unione Europea*", at "Università degli Studi di Milano". Crociera Alta (of the Law School), Milan, 19 February 2015.
Title of the paper: *Tutela della riservatezza e principio di trasparenza dell'attività della pubblica amministrazione nel sistema italiano*

Paper presented at the Conference: "*The Model Rules on EU Administrative Procedures: Adjudication*", organised by "Dornburg Research Group of New Administrative Law - Groupe de recherche de Dornburg pour le nouveau droit administratif - Fifth Workshop 2015, at Università degli Studi di Roma, Tor Vergata. Rome, 22-23 April 2015.
Title of the paper: *ReNEUAL Book VI on Administrative Information Management*

Paper presented at the Conference: "*Ricerche sui Centocinquanta anni delle Leggi di unificazione amministrativa -*

L'intervento pubblico nell'economia", at Università degli Studi di Rome III. Rome, 11 June 2015.

Title of the paper: *Gestione dei servizi pubblici locali e in house providing*

Coordinator and Paper presented at the Conference: "*Administrative Procedure in the European Union: a Comparative Analysis*" at "Università degli Studi di Milano", Facoltà di giurisprudenza, biblioteca della sezione di Diritto amministrativo - via Festa del Perdono 7, Milan, 9 July 2015

Paper presented at the Conference: "*Der ReNEUAL-Musterentwurf für ein Europäisches Verwaltungsverfahren in der Diskussion*" organized at the German „Bundesverwaltungsgericht“ in Leipzig. Leipzig, 5-6 November 2015

Coordinator and Paper presented at the Conference: "*L'amministrazione digitale nell'Unione Europea: prospettive di sviluppo e problematiche connesse*" at "Università degli Studi di Milano". Crociera Alta (of the Law School), Milan, 18 December 2015

2016

Coordinator and Paper presented at the Conference: "*Il diritto italiano in Europa*" at "Università degli Studi di Milano". Crociera Alta (of the Law School), Milan, 15 January 2016

Title of the paper: *Il Diritto UE, fra comparazione giuridica, multilinguismo e ruolo dei giuristi nazionali*

Coordinator and Paper presented at the Conference: "*Il giudice e l'economia*" at "Università degli Studi di Milano". Crociera Alta (of the Law School), Milan, 20 January 2016

Paper presented at the Conference: "*La valutazione della ricerca nelle scienze sociali, economiche e giuridiche*", at "Università degli Studi di Milano", Sala lauree della Facoltà di Scienze Politiche, Economiche e Sociali, Via Conservatorio 7, 4 febbraio 2016

Title of the paper: *Il dibattito sulla valutazione nell'area giuridica*

Paper presented at the Conference: "*La riforma della pubblica amministrazione e i decreti di attuazione della legge 124/2015 (legge madia)*", at "Università degli Studi di Milano". Sala Napoleonica di Palazzo Greppi, 26 February 2016

Title of the paper: *La trasparenza della Pubblica Amministrazione oggi, alla luce delle previste modifiche alle disposizioni del Decreto Legislativo 33/2013*

Paper presented at the Conference: "*Europeanisation of Administrative Law And Codification Of Administrative Procedure - ReNEUAL Conference 2016*" at Babes-Bolyai University, Center for Good Governance Studies, Cluj Napoca (Romania), 13-14 May 2016

Title of the paper: *Decision making and Information Management in an intertwined EU administration*

Paper presented at the Conference "*I dialoghi tra le Corti*", at Università degli Studi di Siena, 19 May 2016

Title of the paper: *Dialogo tra le Corti e processo amministrativo*

Paper presented at the Conference "*Codice ReNEUAL del procedimento amministrativo dell'Unione Europea*" at Università degli Studi di Torino, Biblioteca Europea Gianni Merlini, 4 July 2016

Title of the paper: *I Libri V e VI delle Model Rules nel contesto generale della codificazione ReNEUAL*

Paper presented at the Conference "*2016 Annual Conference of Southeastern Association of Law Schools*, within the Panel "*Administrative Law Discussion Forum*", Amelia Island, 3-9 August 2016

Title of the paper: *The Italian Freedom of Information Act 2016 (why transparency-on-request is a better solution)*

Paper presented at the Conference "*62° Convegno di Studi Amministrativi di Varenna - L'Italia che cambia: dalla riforma dei contratti pubblici alla riforma della Pubblica Amministrazione*", at Villa Monastero, Varenna, 22-24 September 2016

Title of the paper: *La trasparenza, per un nuovo rapporto tra cittadino e Pubblica Amministrazione*

Paper presented at the Conference: "*Annual Congress of the Italian Association of Administrative Law Professors (AIPDA)*", at University of Rome III, on the topic "*Il diritto amministrativo alla prova delle leggi finanziarie*", Lecce, 25-26 September 2008

Title of the paper: *La trasparenza, per un nuovo rapporto tra cittadino e Pubblica Amministrazione*

Coordinator (together with the “Deutsches Institut für öffentliche Verwaltung Speyer”) and **Paper** presented at the Conference: “*Deutsch-Italienisches Kolloquium - Denationalisierung der öffentlichen Verwaltung: Europäisierung und Internationalisierung der öffentlichen Verwaltung im Vergleich*“, Villa Vigoni, Lovenjo di Menaggio, 26-28 September 2016

Title of the paper: *Die Rolle der Verwaltungskultur für eine effektive Implementierung des Unionsrechts*

Paper presented at the Conference: “*Convegno nazionale dell’Associazione Italiana dei Professori di Diritto Amministrativo (AIPDA)*” at University of Rome III, on the topic “*Antidoti alla cattiva amministrazione: una sfida per le riforme*”, Rome, 7-8 October 2016 -

Title of the paper: *Trasparenza e contrasto della corruzione nella pubblica amministrazione, fra realtà e falsi miti*

Paper presented at the Conference: “*Diritto europeo e diritto nazionale 25 anni dopo*”, on the occasion of the 25th anniversary of the “*Rivista italiana di diritto pubblico comunitario*”, at “*Università degli Studi di Milano*”, Crociera Alta (of the Law School), Milan, 11 November 2016

Title of the paper: *L’attività e il procedimento*

Paper presented at the Conference: “*DIGITEC 2016: Digital Future*”, Panel on “*Open data and digitalisation for public administrations*”, organised by EU Parliament DG ITEC, in cooperation with the EU Commission. Square, Brussels, 29 November 2016

Title of the paper: *The role of ICT in the public sector. Digitisation of single Public Administrations or digitisation of single procedures?*

Chair and Introduction to the Conference: “*Legal BIM. Modellazione Informativa e Nuovi Modelli Contrattuali*”, at “*Università degli Studi di Milano*”, Milan, Sala Napoleonica di Palazzo Greppi, 5 December 2016

2017

Organization, scientific coordination and Paper presented at the Seminar: “*Shared Administration and Digitalization of National and EU Public Administration: Potential, Risks and Challenges of The “Digital Revolution”*” at “*Università degli Studi di Milano*”, Milan, 13 January 2017

Discussant at ANVUR Workshop: “*Il dibattito recente sulla valutazione della ricerca nelle scienze sociali, economiche e giuridiche alla luce del lavoro dei GEV 12, 13 e 14 nella recente VQR*”. A discussion of the semi-monographic edition of Politeia (2016, n. 123). Rome, headquarters ANVUR, 24 January, 2017

Chair and Introduction to the Seminar “*Giudici europei: Giudici costituzionali? Riflessioni sui nuovi volti della giustizia costituzionale*”, at “*Università degli Studi di Milano*”, Biblioteca di Politeia, via Festa del Perdono 7. Milan, 3 May 2017.

Paper presented at the Conference: “*Codice dei contratti: correttivo o consolidamento?*”, at “*Università degli studi di Roma Tor Vergata*”, Aula Magna della Facoltà di Economia. Rome, 11 May 2017.

Title of the paper: *Il soccorso istruttorio prima e dopo il correttivo*

Coordinator and Paper presented at the Conference: 12. Tagung/12th Congress/12ème Congrès of *Societas Iuris Publici Europaei*, on the topic: “*Das öffentliche Recht vor den Herausforderungen der Informations- und Kommunikationstechnologien jenseits des Datenschutzes - Information and Communication Technologies Challenging Public Law, Beyond Data Protection - Le droit public au défi des technologies de l’information et de la communication, au-delà de la protection des données*”, organized Under the High Patronage of the European Parliament at “*Università degli Studi di Milano*” Crociera Alta di Giurisprudenza, Via Festa del Perdono 7. Milan, 25-27 May 2017.

Title of the paper: *Information and Communication Technology and Public Administration: Through the Looking Glass*

Presentation of the book by Giacinto della Cananea “*Due Process of Law beyond the State (Oxford University Press, 2016)*”, at “*Università degli Studi di Firenze*”, Dipartimento di scienze giuridiche, Via delle Pandette, 33. Florence, 29 May 2017.

Organization, scientific coordination and Paper presented at the Seminar organized with Juan Gustavo Corvalan (Fiscal adjunto en lo contencioso administrativo y tributario of the City of Buenos Aires) on: *"Internet e il governo elettronico; Intelligenza artificiale e algoritmi di controllo intelligenti"*, at "Università degli Studi di Milano", Facoltà di giurisprudenza, biblioteca della sezione di Diritto amministrativo - via Festa del Perdono 7. Milan, 9 June 2017.

Chair of the Panel on *"Courts, the rule of law and Europe's changing administration"*, at ICON-S Annual Meeting on *"Courts, Power, Public Law"*, University of Copenhagen, Copenhagen, 5-7 July, 2017.

Paper presented at the Conference: *"IV Congreso Internacional del avance del Gobierno Abierto - II Congreso de Buen gobierno y transparencia de la Comunitat Valenciana"*, organized by Universidad de Valencia with Red Derecho TICs at Departamento de Derecho constitucional y Ciencia política y de la Administración of Universidad de Valencia, 6-7 September 2017.

Title of the paper: *Transparencia y buen gobierno. Evaluación y propuestas a partir de la experiencia en la Unión europea e Italia*

Paper presented at the Conference: *"Summer Colloquium - Conflicts, Comparative Reasoning and Legal Transplants: Towards a Common Constitutional Law?"*, at: Law Faculty, University of Coimbra, Coimbra, 28 August - 2 September 2017

Title of the paper: *The counter-limits doctrine or the limits of the global constitutional polity*

Paper presented at the Conference: *"Radici storiche e innovazione nel diritto amministrativo degli ultimi venti anni. Riflessioni sul pensiero scientifico di Nicola Bassi"*, at Dipartimento di Giurisprudenza dell'Università di Milan-Bicocca, Milan, 6 November 2017

Title of the paper: *Il diritto globale*

Paper (Conferencia Magistral) presented at the Conference: *"Gobernanza Inteligente e Innovación Inclusiva"*, panel on *"Gobernanza y tecnologías de la información y de la comunicación (TIC)"*, organized by Ministerio Público Fiscal de la Ciudad Autónoma de Buenos Aires at Facultad de Derecho, Universidad de Buenos Aires, Buenos Aires, 22-24 November 2017

Title of the paper: *Digitalización y transparencia*

2018

Chair and Introduction to the Round Table in the context of the conference organized at the University of Milan, Faculty of Political, Economic and Social Sciences " *E-Democracy e trasformazione digitale: sfide prospettive e competenze*. Milano, Sala Lauree SPES, Via Conservatorio, 7 Via Conservatorio, 7 - 12 February 2018

Chair and Introduction to the Conference *"La Brexit: andamento dei negoziati e impatto potenziale sulle pubbliche amministrazioni e professioni legali nell'Europa 27 e in Italia"*, organized in collaboration with the Information Office of the EU Parliament in Milan and with the Jean Monnet module "Understanding the European Public Administration: New Challenges" of Università degli Studi di Pavia at the Information Office of the EU Parliament in Milan, Palazzo delle Stelline, Corso Magenta n. 59. Milan, 27 March 2018.

Organization, scientific coordination and Paper presented at Conference *"L'italiano alla prova dell'internazionalizzazione"*, organized at the University of Milan. Milan, Sala Napoleonica di Palazzo Greppi, 4 April 2018.

Title of the paper: *La vicenda dei corsi "solo in inglese" al Politecnico di Milan, fra problematiche giuridiche e problematiche socio-economiche*

Paper presented at the Seminar: *"Trasparenza amministrativa e accesso alle informazioni"*, in the context of the "Sassari Seminars on Administrative Law. Second cycle", organized at the Department of Law of the University of Sassari. Sassari, 20 April 2018

Title of the paper: *L'accesso civico generalizzato: luci ed ombre dell'istituto ad un anno dall'entrata in vigore del decreto FOIA*

Paper presented at the Conference: *"Verso la codificazione del procedimento amministrativo dell'unione europea? Le "Model Rules" di ReNEUAL"*, organized by the Italian Council of State at Palazzo Spada - Pompey's Hall, P.zza Capo di Ferro 13, Roma. Roma, 7 May 2018

Title of the paper: *Le "Model Rules" e gli aspetti più innovativi della collaborazione fra amministrazioni: scambio dei dati*

e gestione delle banche dati

Papers presented in the context of the Judicial Training on Administrative Law and Procedure, organized by *European Judicial Training Network - Réseau Européen de Formation Judiciaire* at National Institute of Magistracy (NIM), Bd. Regina Elisabeta, nr. 53, Bucharest, Romania. Bucharest, 14 May 2018.

Title of paper no. 1: *Basic Principles of Administrative Procedural Law as developed by the Jurisdiction of ECJ in comparison to the planned European Administrative Procedural Law*

Title of paper no. 2: *The principle of Autonomy of MS in National Judicial Procedure and the Principle of Effectiveness of Judicial Protection in ECJ case law*

Paper presented at the Conference: “*Information Sharing and European Agencies: Novel Frontiers*” organized by *European University Institute - Robert Schuman Centre for Advanced Studies*, Villa Schifanoia, Florence/Fiesole, 24 maggio 2018

Title of the paper: *Information Sharing and the Internal Market Information System (IMI): Empowering Administrative Cooperation at What Price?*

Introduction to the Seminar: “*Digitalizzazione della pubblica amministrazione: presentazione del progetto Prometea*” organized at the Regional Administrative Court of Lombardy, Via Filippo Corridoni 39. Milan, 30 May 2018

Organization, scientific coordination and Paper presented at the Conference: “*Digitalizzazione della pubblica amministrazione: problemi attuali e prospettive future - Digitalization of Public Administration: Current Problems and Future Prospects - Digitalización de la administración pública: problemas actuales y perspectivas*”, organized at the University of Milan, Crociera Alta di Giurisprudenza, Via Festa del Perdono 7. Milan, 31 May 2018.

Title of the paper: *Digitalizzazione, Procedimento e Processo: potenzialità e rischi nel cammino verso la Pubblica Amministrazione 4.0*

Paper presented at the conference: “*Privacy and Governmental Forum on Transparency*”, organized at the Université Paris-Dauphine, Paris, 25-26 June 2018

Title of the paper: *Public Administration in the Age of Database and Information Exchange Networks: Empowering Administrative Power or Just Better Serving the Citizens?*

Paper presented at the conference: “*Lingua, Diritto e Cultura*” organized by the *Italian Zentrum of the Freie Universität Berlin*, at the Freie Universität Berlin, Berlin, 10 July 2018

Title of the paper: *Esigenze di internazionalizzazione versus esigenze di protezione della lingua nazionale?*

Paper presented at the PhD-School Seminar: “*L’informatizzazione dell’amministrazione per l’economia digitale: tra massimizzazione informativa, tutela dei diritti e problemi di efficienza*”, Bologna, 21 September 2018

Title of the paper: *L’impatto della digitalizzazione dell’attività amministrativa e i nuovi modelli di rapporto PA-cittadino-Utente*

Introductory Paper to the Workshop «Nuove prospettive dell’amministrazione digitale: open data e algoritmi / Nouvelles perspectives de l’administration numérique: open data et algorithmes/ New Perspectives of Digital Administration: OpenData and Algorithms », presso l’aula Baratto, Università Cà Foscari, Venice, 12 October 2018

Title of the paper: “*Open-Data*” e *Azione Amministrativa - Relazione Introduttiva*

Organization and scientific coordination of the “*1st Edition of the Seminars of the PhD School in Public, International and European Union law. Big data and Public Law: New Challenges beyond Data Protection*”, 15-17 October 2018, Palazzo Feltrinelli, piazza Vittorio Veneto, Gargnano sul Garda

Short Lecture at the „8. Bonner Humboldt-Preisträger-Forum „Zwischen Handwerk und Bekenntnis, Empirie und Normativität: Selbstbestimmung der internationalen Rechtswissenschaft“. Hotel Bristol, Bonn, 17-21 ottobre 2018

Title of the paper: *Mehrsprachigkeit oder Einsprachigkeit in der Europäischen Union der Zukunft? Ein Plädoyer für die Aufrechterhaltung und Schutz der Mehrsprachigkeit in der Europäischen Union*

Paper presented at the at the PhD-School Seminar: “*New Tendencies of Administrative Law*”, Università degli Studi di Torino. Torino, Campus Luigi Einaudi, 5 November 2018

Title of the paper: *Digitalising Public Administration: problems and prospects*

Paper presented at the Seminar of the “Grupo de Investigación del Observatorio de la Evolución de las Instituciones”

(OBSEI) at Universitat Pompeu Fabra of Barcelona. Barcelona, 28 November 2018

Title of the paper: *Digitalización y transparencia*

2019

Paper presented at the “*Workshop E-Democracy*”, at the European University Institute (IUE) in Fiesole. Fiesole, 25 January 2019

Title of the paper: *Transparency, Openness and Citizens’ Participation*

Paper presented at the Seminar: “*Administrative transparency and protection of the lives of others*” at Università degli Studi Roma Tre - Dipartimento di Giurisprudenza. Rome, 2 April 2019

Title of the paper: *La trasparenza amministrativa in Italia: luci e ombre*

Paper presented at the conference: “*Verfassungsentwicklungen im Vergleich. Italien 1947 - Deutschland 1949 - Spanien 1978*” at Akademie der Konrad-Adenauer-Stiftung. Berlin, 4-5 April 2019

Title of the paper: *Die Einwirkungen vom Europarecht auf die Italienische Verfassung*

Introduction to the „*EJTN Administrative Law Training: Administrative Law Procedures in Europe*“, organized by European Judicial Training Network - Réseau Européen de Formation Judiciaire at Institute de Formation Judiciaire (IFJ) de Bruxelles. Brussels 9-10 April 2019

Title of the paper: *Error of law and flawed administrative acts: the case of administrative procedural law (a comparative and EU law perspective)*

Chair and Introduction to the Conference: “*State and Administration faced with the ICT revolution: participation, rights and new actors*”, at Università degli Studi di Milano, Crociera Alta (of the Law School), Via Festa del Perdono 7. Milan, 7 May 2019.

Chair of the third session on “*Interoperability of databases and administrative function*” of the Conference: “*Public administration with Big Data*” organized at Università degli Studi di Torino, together with AIPDA. Turin, 20-21 May 2019.

Chair and Introduction to the Conference: “*Le trasformazioni del diritto europeo: un concetto ripensato e «alla ricerca del diritto comparato»*”, organized at Sala Crociera Alta (of the Law Faculty), Via Festa del Perdono 7. Milan, 4 June 2019.

Paper presented at the conference: “*ReNEUAL 2.0 - Presenting and Discussing new ReNEUAL projects*”, Freiburg University, Haus zur lieben Hand, Löwenstraße 16. Freiburg im. Br., 6-7 June 2019

Title of the paper: *Digitalized Public Administration in the EU (ReNEUAL working group 2.2)*

Relazione presented at the conference: “*La codification de la procédure administrative non contentieuse de l’Union européenne*”, at University of Toulouse 1, Capitole. Toulouse, 20-21 June 2019

Title of the paper: *Le projet ReNEUAL*

Administrative Law and Administrative Procedure

Prof. Diana-Urania Galetta
Università degli Studi di Milano

The course will consist in **five sessions (each of 2 hours)**, in which we will explore the following topics.

Students should download the materials indicated in the syllabus,
which will be read and discussed together in class.

The course will be taught in **English language**. The professor speaks fluently also Italian, French, German and Spanish.

1. General Introduction to the topic. The birth of European administrative law and the jurisprudence of the European Court of Justice

Two fundamental ECJ decisions will be studied and commented, which are still today the basis of European administrative law :

- a. The Judgment of the Court of 12 July 1957, *Dinecke Algera, Giacomo Cicconardi, Simone Couturaud, Ignazio Genuardi, Félicie Steichen v Common Assembly of the European Coal and Steel Community*, Joined Cases C-7/56 and C-3/57 to C-7/57 ECLI:EU:C:1957:7 and the opinion of Advocate general Lagange of 14 June 1957
The texts are available in all EU languages at :
<http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=fr&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=7%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=1103251>
- b. The Judgment of the Court of 13 June 1958, *Meroni & Co., Industrie Metallurgiche, società in accomandita semplice v High Authority of the European Coal and Steel Community*, Case 10-56., ECLI:ECLI:EU:C:1958:8 and the opinion of Advocate general Roemer of 19 mars 1958
The texts are available in all EU languages at :
<http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=10%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=807784>

2. EU centralised administration and EU shared administration.

The law of executive action of the EU institutions, bodies, offices and agencies and the law of implementation of EU policies by Member State's authorities.

- The *Oleificio Borelli* case will be examined in class as an example of the difficulties due to a lack of coordination of the legal frameworks for shared administration.
Judgment of the Court (Fifth Chamber) of 3 December 1992. *Oleificio Borelli SpA v Commission of the European Communities*. Action for the annulment of the Commission's decision refusing to grant aid from the EAGGF under Council Regulation (EEC) N° 355/77 - Withdrawal of approval by the Member State concerned - Claim for damages. Case C-97/91. , available at:
<http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-97%252F91&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=5903874>
- The recent *Berlusconi* case will also be examined in class, as it deals with the division of jurisdiction between EU Courts and courts of the Member States that results from the involvement of national authorities in the course of a procedure, such as that at issue in the main proceedings, which leads to the adoption of an EU act.

Judgment of the Court (Grand Chamber) of 19 December 2018, Silvio Berlusconi and Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia and Istituto per la Vigilanza Sulle Assicurazioni (IVASS), available at:

<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-219/17>

3. The principle of conferral and the limits to organisational and procedural autonomy of Member States.

According to Art. 5.1. TEU “*The limits of Union competences are governed by the principle of conferral*”. In the Treaties there is no legal basis for the adoption of EU Law on procedural and organisational matters. The problem of what “procedural and organisational autonomy” concretely is and why and in how far it really exists will be dealt with by analysing also the most relevant case law of the Court of Justice on the topic and especially:

- The *Rewe* case. Judgment of the Court of 16 December 1976. - Rewe-Zentralfinanz eG et Rewe-Zentral AG v Landwirtschaftskammer für das Saarland. Reference for a preliminary ruling: Bundesverwaltungsgericht, Germany. Case 33-76, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61976CJ0033&from=EN>
- The *Lucchini* case. Judgment of the Court (Grand Chamber) of 18 July 2007. Ministero dell'Industria, del Commercio e dell'Artigianato v Lucchini SpA. Reference for a preliminary ruling: Consiglio di Stato - Italy. Case C-119/05, available at: <http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-119%252F05&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805>
- The *Pizzarotti* case. Judgment of the Court (Second Chamber), 10 July 2014. Impresa Pizzarotti & C. SpA v Comune di Bari and Others. Request for a preliminary ruling from the Consiglio di Stato. Case C-213/13, available at: <http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-213%252F13&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805>

4. The Right to good administration.

Article 41 of the Charter of fundamental rights and correlated fundamental rights: contents, sources and developments.

Students are advised to read Articles 41 and 51 of the Charter as well as the relevant official explanations (available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A303%3ATOC> in all EU). As supplementary reading the following is recommended: The General Principles of EU Administrative Procedural Law – In - depth Analysis for the European Parliament’s Committee on legal affairs (available at http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519224/IPOL_IDA%282015%29519224_EN.pdf)

5. Towards a codification of EU administrative procedure?

The initiatives of the European Parliament and the ReNEUAL Model Rules on EU Administrative Procedure will be examined.

Students can find the texts of the EU Parliament’s European Parliament resolution of 9 June 2016 for an open, efficient and independent European Union administration <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0279+0+DOC+XML+V0//EN> in all EU languages,

As well as of the ReNEUAL Model rules in English and Spanish at <http://www.reneual.eu/>. Other language versions exist, but only published in printed version.

Professor Diana-Urania Galetta’s cv and publications list is to be found at:

http://www.unimi.it/chiedove/cv/ENG/diana_galetta.pdf



Francisco Balaguer Callejón

Curriculum Vitae Abreviado

Catedrático de Derecho Constitucional

-Catedrático de Derecho Constitucional de la Universidad de Granada.

-Catedrático Jean Monnet de Derecho Constitucional Europeo.

-Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización

-Director de la *Revista de Derecho Constitucional Europeo*.

-Presidente de la *Fundación Peter Häberle*.

Coordinador del Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global

FORMACIÓN Y POSICIONES ACADÉMICAS

-Licenciado en Derecho (Universidad de Granada, 1981).

-Doctor en Derecho (Universidad de Granada, 1984).

-Profesor de Derecho constitucional (Universidad de Málaga, 1981-1986).

-*Visiting Professor*, Indiana University-Purdue University at Indianapolis Law School, Spring Semester, EEUU, 1985.

-Profesor Titular de Derecho constitucional (Universidad de Málaga 1986, Universidad de Granada, 1989).

-Catedrático de Derecho Constitucional (Universidad de Granada, 1991).

-*Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 1999.

-Catedrático Jean Monnet de Derecho Constitucional Europeo (2004).

-*Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 2006.

-*Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Marzo de 2009.

-Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización (2010).

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2010.

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2011.

-Doctor "Honoris Causa" (Universidade Federal de Maranhão, São Luis, Brasil, 2011)

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2012.

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2013.

-Director del Centre of Excellence on European Integration and Globalization (Ei&G).

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2014.

- Professeur Invité*, Université de Montpellier, Montpellier, Francia, Marzo-Abril de 2015.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2015.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2016.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2017.
- Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Febrero-Marzo de 2018.

ORGANIZACIÓN DE CONGRESOS

Ha dirigido más de 40 Congresos, Seminarios y Jornadas Internacionales de Derecho constitucional.

Entre ellos los congresos internacionales *Federalismo y regionalismo en el umbral del Siglo XXI* (1997); *Derecho constitucional y cultura* (1999, 2000); *Constitución y Democracia* (2003) y *La Constitución Europea* (2004). Igualmente, las *Jornadas Internacionales sobre la Constitución Europea* (I a X) durante los años 2004 a 2012. También los congresos internacionales *La Construcción del Derecho Constitucional Europeo* (2009); *La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo* (2010); *La respuesta europea a la crisis en el marco de la Globalización* (2010); *Integración supranacional y descentralización política en el contexto de la Globalización* (2011); *Linee tematiche di sviluppo del Diritto Costituzionale Europeo* (Catania, Italia, 2011); *Primavera Árabe, Unión Europea y contexto global* (2012); *Constitucionalismo crítico* (2012); *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe* (Montpellier, Francia, 2013); *La dimensión de la Administración Pública en el contexto de la globalización* (2014); *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global* (Lisboa, 2014); *El Impacto de la crisis económica en las instituciones de la Unión Europea y de los Estados miembros* (2015); *La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política* (2015); *Le pouvoir constituant au XXIe siècle* (Montpellier, Francia, 2016); *Los nuevos desafíos del constitucionalismo contemporáneo* (Universidad de Granada, 2017).

CONFERENCIAS, CURSOS Y SEMINARIOS IMPARTIDOS

Ha impartido más de 500 conferencias, ponencias en congresos, cursos y seminarios en 12 países.

Por ejemplo, en España:

A Coruña (Universidad de La Coruña, 2005); **Ávila** (UNED, 1996 y 1998); **Alicante** (Universidad de Alicante, 1995, 2001, 2005, 2006, 2007, 2008, 2009, 2012 y 2014); **Almería** (Universidad de Almería, 1993, 1994, 1996, 1997, 1998, 1999, 2000 y 2003); Cursos de Verano de la Universidad Complutense de Madrid, 1998); **Almuñécar** (Centro Mediterráneo de la Universidad de Granada, 2003); **Baeza** (Universidad Internacional de Andalucía (1996, 1997 y 2001); **Baza** (UNED, 1997 y 2000); **Barcelona** (Universidad Pompeu Fabra, 1994; Universidad Central de Barcelona, 1994, 1996 y 2002; Universidad Autónoma de Barcelona, 2002, 2004 y 2005; Asociación Española de Letrados de Parlamentarios, 2007); **Bilbao** (Universidad del País Vasco, 2002, 2003, 2004, 2005, 2011 y 2015); **Cáceres** (Universidad de Extremadura, 2002, 2007 y 2008); **Castro Urdiales** (Universidad de Cantabria, 2003 y 2005); **Cádiz** (Universidad de Cádiz, 1999); **Castellón** (Universidad Jaime I de Castellón, 1998); **Ceuta** (Universidad de Granada, Ciudad Autónoma de Ceuta, 1999); **Córdoba** (Universidad de Córdoba, 1993, 2005 y 2006); Elche (Universidad Miguel Hernández de Elche, 2015); **Jaén** (Universidad de Jaén, 1994, 1997, Diputación Provincial/Universidad, 1997); **La Rioja** (UNED, 1992 y Universidad de La Rioja, 2008); **Las Palmas de Gran Canaria** (Universidad de Las Palmas de Gran Canaria, 1997); **Madrid** (UNED, 2004, 2007, 2009, 2014 y 2015; Universidad Complutense, 2004, 2005, 2006, 2007, 2008, 2009 y 2013; Universidad Autónoma, 2005, 2015, 2016 y 2017; Centro de Estudios Políticos y Constitucionales, 2005, 2006, 2008, 2012 y 2013; Universidad Carlos III, 2007; Instituto de Derecho Público de la Universidad Rey Juan Carlos, 2010 y 2016; Fundación José Ortega y Gasset, 2013; Universidad CEU San Pablo, 2013); **Málaga** (Universidad de Málaga, 1994, 1996, 1997, 2003 y 2006); **Melilla** (Universidad de Granada, Ciudad Autónoma de Melilla, 1997, 1998, 1999 y 2004); **Mérida** (Escuela de Administración Pública de Extremadura, 2005, Asamblea de Extremadura, 2006); **Motril** (Centro Mediterráneo de la Universidad de Granada, 1998; Centro Asociado de la UNED, 2001, 2003 y 2004); **Oñati** (Universidad del País Vasco, 1996; Instituto Internacional de Sociología Jurídica, 1999); Osuna (Universidad de Sevilla, 2007); **Pamplona** (Universidad Pública de Navarra, 1998); **Salamanca** (Universidad de Salamanca, 2009); **Santiago de Compostela** (EGAP, 1992 y 2005); **San Roque** (Universidad de Cádiz, 2001); **San Sebastián** (Universidad del País Vasco, 2005); **Segovia** (Universidad de Valladolid, 2008); **Sevilla** (Universidad Internacional de Andalucía, 1998 y 1999; Universidad Pablo de Olavide, 2003; Parlamento de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2005; Gabinete Jurídico de la Junta de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2006; Centro de Estudios Andaluces, 2008); **Tarragona** (Universidad Rovira i Virgili, 1998, 1999 y 2001); **Tenerife** (Instituto Canario de Administración Pública, Universidad de La Laguna, 1997); **Toledo** (Universidad de Castilla-La Mancha, 1998; Facultad de Ciencias Jurídicas y Sociales de Toledo, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017 y 2018); **Torrevecija** (Universidad Miguel Hernández de Elche, 2006); **Valladolid** (Universidad de Valladolid, 2006, 2008, 2012, 2016 y 2018); **Vitoria** (Parlamento Vasco, 1998); **Yuste** (Universidad de Extremadura, 2003 y 2017); **Zaragoza** (Gobierno de Aragón, 2008, Fundación Manuel Giménez Abad, 2012, 2015, 2017 y 2018).

Fuera de España ha impartido conferencias y cursos en alemán, inglés, italiano, francés, portugués y español en Alemania, Bélgica, Brasil, Francia, Italia, México, Perú, Portugal, Hungría, Reino Unido y Suiza:

Arequipa (Perú, Academia de la Magistratura de Perú, 2015); **Baden-Baden** (Alemania, FernUniversität Hagen, 1999); **Bari** (Italia, Università degli Studi di Bari, 2012 y 2016); **Bayreuth** (Alemania, Universität Bayreuth, 1997, 2001 y 2002); **Bonn** (Alemania, Institut für Öffentliches Recht der Universität Bonn, 2006); **Brasília** (Brasil, Instituto Brasileiro de Direito

Público, 2007, 2010, 2011, abril y octubre de 2012, 2013 y 2017); **Bruselas** (Bélgica, Istituto Italiano di Cultura, 2009; Centro Asociado de la UNED de Bruselas, 2015 y 2016); **Budapest** (Hungría, The National University of Public Service, The institute for legal studies of the Hungarian Academy of Sciences, and The Embassy of France in Budapest, 2015); **Cagliari** (Italia, Facoltà di Scienze Politiche, Università degli Studi di Cagliari, 2008); **Cambridge** (Reino Unido, Universidad de Cambridge, 2012); **Campina Grande** (Brasil, Universidade Estadual da Paraíba, 2010 y 2012); **Cancún** (México, Universidad de Quintana Roo/Universidad Nacional Autónoma de México, 1998); **Catania** (Italia, Facoltà di Scienze Politiche, Università degli Studi di Catania, 2010, 2011, 2015, 2016 y 2017); **Coimbra** (Portugal, Universidade de Coimbra, 2005); **Cosenza** (Italia, Facoltà di Scienze Politiche, Università della Calabria, 2007, 2011, 2012 y 2016); **Enna** (Italia, Università Kore di Enna, 2011, 2013 y 2017); **Erfurt** (Alemania, Universität Erfurt, 2008); **Erlangen** (Alemania, Universität Erlangen-Nürnberg, 2001); **Ferrara** (Italia, Dipartimento di Giurisprudenza dell'Università di Ferrara, 2016); **Génova** (Italia, Università degli Studi di Genova, 2013); **Hannover** (Alemania, Deutsche Institut für Föderalismusforschung, 1993); **João Pessoa** (Brasil, Escola Superior da Magistratura da Paraíba, 2010; Centro de Ciências Jurídicas da Universidade Federal da Paraíba, 2012); **La Rochelle** (Francia, Université de La Rochelle, 2016); **Lima** (Perú, Academia de la Magistratura de Perú, 2015; Escuela del Ministerio Público, Fiscalía de la Nación, 2016); **Lisboa** (Portugal, Universidade de Lisboa, 2010, 2011, 2012, 2013, mayo y septiembre de 2014, 2015, 2016 y 2017/Associação Portuguesa de Direito Constitucional, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa, Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra y Fundação Calouste Gulbenkian, con el Alto Patrocinio del Presidente de la República Portuguesa, 2016); **Londres** (Reino Unido, Istituto Italiano di Cultura, 2010); **Ciudad de México** (Instituto de Investigaciones Jurisprudenciales de la Suprema Corte de Justicia de la Nación, 2012/XIII Congreso Iberoamericano de Derecho Constitucional, 2017); **Milán** (Italia, Facoltà di Scienze Politiche, Dipartimento Giuridico-Politico, Università degli Studi di Milano, 2009, 2013, 2015, 2016, marzo y noviembre de 2017, 2018; Università degli Studi di Milano Bicocca, 2013); **Montpellier** (Francia, Faculté de Droit et Science politique, Université Montpellier I, 2009, 2013, 2015 y 2016); **Nápoles** (Italia, Facoltà di Giurisprudenza - Seconda Università degli Studi di Napoli, 2009, 2010, 2014 y 2015; Seconda Università degli Studi di Napoli/Università degli Studi di Napoli Federico II, 2012); **Natal** (Brasil, Escola Brasileira de Estudos Constitucionais, 2010 y 2012); **Palermo** (Italy, Università degli Studi di Palermo, Facoltà di Giurisprudenza, 2011, 2013 y 2014; Assembleia Regionale Siciliana, 2016); **Perugia** (Italia, Università degli Studi di Perugia, Facoltà di Giurisprudenza, 2008); **Pisa** (Italia, Dipartimento di Diritto Pubblico, Facoltà di Giurisprudenza de la Università di Pisa, 2006 y 2010); **Porto Alegre** (Brasil, Pontificia Universidade Católica do Rio Grande do Sul, 2010 y 2013; Escola Superior de Direito Municipal 2010); **Regensburg** (Alemania, Universität Regensburg, 1997); **Rio de Janeiro** (Brasil, Procuradoria Geral do Município do Rio de Janeiro, 2007); **Roma** (Italia, Dipartimento di Teoria dello Stato y Facoltà di Scienze Politiche de la Universidad "La Sapienza" diciembre de 1998; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 1999; Centro de excelencia europea Jean Monnet-Luigi Einaudi de la Universidad "La Sapienza", junio y noviembre de 2004; Associazione Italiana dei Costituzionalisti, Universidad "La Sapienza", octubre de 2006; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 2006; Facoltà di Economia de la Universidad "La Sapienza", junio de 2007; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, junio de 2007; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini"- Università degli Studi di Roma "Tor Vergata", junio de 2007 y diciembre de 2011; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2008; Istituto di Studi sui Sistemi Regionali Federali e sulle Autonomie "Massimo Severo Giannini", mayo de 2008; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, mayo de 2010; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2010; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", marzo de 2011; Facoltà di Economia, Università "La Sapienza", diciembre de 2011; Università degli Studi di Roma "Tor Vergata", junio y diciembre de 2011; Facoltà di Giurisprudenza, Università "La Sapienza", diciembre de 2011, mayo de 2013, junio de 2013, abril 2014; Facoltà di Scienze Politiche, Sociologia, Comunicazione, Università La Sapienza, abril 2014 y enero de 2015; Camera dei Deputati, marzo, mayo y diciembre de 2015, con el Patrocinio del Presidente de la República Italiana; Dipartimento di Scienze politiche dell'Università degli Studi di Roma "La Sapienza", enero de 2016; Centre of Excellence Altiero Spinelli, Università "Roma Tre", junio 2016; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", junio 2016; Camera dei Deputati/Università La Sapienza, Mayo 2018); **Sainte-Eulalie-de-Cernon** (Francia, 2016); **Sankt-Gallen** (Suiza, Universität St. Gallen, 2008); **São Luis** (Brasil, Universidade Federal do Maranhão, 2011 y 2012, CONPEDI y Universidade Federal do Maranhão, 2017); **São Paulo** (Brasil, Escola de Direito do Brasil – EDB/Federação das Indústrias do Estado de São Paulo – FIESP, noviembre de 2011; Faculdade de Direito da Universidade de São Paulo, noviembre de 2011; Escola de Magistrados da Justiça Federal da 3ª Região – Emag, abril de 2012, Conselho Nacional de Pesquisa e Pós-graduação em Direito, 2013); **Siena** (Italia, Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato, Universidad de Siena, 2000, 2003); **Tuxtla** (México, Universidad Autónoma de Chiapas/Universidad Nacional Autónoma de México, México, 1998); **Urbino** (Italia, Università degli Studi di Urbino, 2010, 2013 y 2014).

DOCTORADO

-Ha dirigido 24 Tesis Doctorales de doctorandos de España, Italia, Portugal y Brasil.

Todas ellas han obtenido la máxima calificación y la Mención "Cum Laude" por unanimidad. Cinco de ellas han obtenido el Premio Extraordinario de Doctorado en Derecho de la Universidad de Granada. Una de ellas tiene el Título de Doctorado Europeo, otra la Mención de Doctorado Internacional, nueve han sido dirigidas en cotutela con la Universidad de Lisboa y con diferentes universidades italianas. Ocho de ellas fueron defendidas en Italia: en la Universidad "La Sapienza" de Roma 2008, 2011 y 2015; en la Universidad de La Calabria, 2011; en la Segunda Universidad de Nápoles, 2009, 2010 y 2014 y en la Universidad de Bari, 2012.

-Ha participado en 68 Tribunales de Tesis Doctorales en España y en otros países.

En Málaga (1986), Granada (1987), Madrid (Universidad Complutense, 1990), Granada (2, 1992), Florencia (European University Institute, 1994), Málaga (1995), Granada (1996), Barcelona (1996, Universidad Central); Málaga, 1997; Valencia, 1997; La Coruña, 1997; Barcelona, 1997 (Universidad Central); Madrid (Universidad Complutense, 1998); Almería, 1998; Las Palmas de Gran Canaria, 1998; Granada (2), 1998; Alicante, 1998; Almería, 1999; Oviedo, 1999; Barcelona (1999, Universidad Central); Granada, 1999; Alicante (2), 2000; Granada, 2000; Málaga, 2000; Barcelona (2000, Universidad de Barcelona); Almería (2), 2001; Málaga, 2002 (como Presidente); Almería, 2003; Siena, 2003 (Universidad de Siena, como Presidente); Granada, 2003 (como Presidente); Bilbao, 2004; Alcalá de Henares, 2005 (2); Bilbao, 2005; Granada, 2005; Sevilla

(Universidad de Sevilla), 2006; Roma (Universidad "La Sapienza"), 2008; Granada, 2008 (como Presidente); Nápoles, 2009 (Segunda Universidad de Nápoles); Salamanca, 2009, Nápoles 2010 (Segunda Universidad de Nápoles, 3 como Presidente); Salamanca, 2010 (Universidad de Salamanca, como Presidente), Málaga, 2010 (como Presidente), Bilbao, 2011; Cosenza, 2011 (Universidad de La Calabria, 3 como Presidente), Roma (Universidad "La Sapienza"), 2011; Granada 2011 (como Presidente), Bari, 2012 (Universidad de Bari, 3); Bilbao, 2012; Salamanca, 2012; Roma (Universidad "Tor Vergata"), 2012; Granada, 2014; Nápoles, 2014; Granada, 2015 (2, como Presidente); Roma (Universidad La Sapienza, como Presidente) 2015, Salamanca, 2016, Granada 2017 (como Presidente) y Barcelona 2017 (como Presidente).

-Ha impartido Cursos de Doctorado en más de 80 Programas de Doctorado de más de 20 Universidades en España y en otros países.

En España en: Universidad de Alicante, Universidad de Almería, Universidad de Granada, Universidad de Málaga, Universidad de La Rioja, Universidad Pablo de Olavide de Sevilla, Universidad de las Palmas de Gran Canaria, Universidad del País Vasco, Universidad Autónoma de Barcelona, UNED y Universidad Internacional Menéndez Pelayo/Centro de Estudios Políticos y Constitucionales, en Madrid. Fuera de España en: Universidad "La Sapienza" de Roma (Italia), Universidad Tor Vergata de Roma (Italia), Universidad de Siena (Italia), Universidad de Pisa (Italia), Universidad de Perugia (Italia), Universidad de Montpellier I (Francia), Universidad de Milán (Italia), Universidad de Catania (Italia), Universidad de Palermo (Italia), Universidad Kore di Enna (Italia), Universidad de La Calabria (Italia), Segunda Universidad de Nápoles (Italia), Universidad de São Paulo (Brasil), Universidad Federal de Maranhão (Brasil), Pontificia Universidade Católica do Rio Grande do Sul (Porto Alegre, Brasil) y Universidad de Bari (Italia).

-Ha coordinado 7 Programas de Doctorado bianuales. Ha sido Coordinador del Programa de Doctorado "Derecho constitucional jurisprudencial" del Departamento de Derecho constitucional de la Universidad de Granada (bienios 1993-1995, 1995-1997, 1997-1999, 1999-2001 y 2001-2003) y del Programa de Doctorado "Derecho Constitucional Común Europeo: Jurisprudencia y Doctrina" del Departamento de Derecho constitucional de la Universidad de Granada (bienio 2003-2005). Igualmente, del Programa de Doctorado "Derecho Constitucional Europeo" (2005-2007), del Departamento de Derecho constitucional de la Universidad de Granada y la Cátedra Jean Monnet de Derecho Constitucional Europeo. Este Programa obtuvo la Mención de Calidad del Ministerio de Educación y Ciencia (MCD-2005 00139, Resolución de 29 de junio de 2005).

-Ha sido Coordinador del Máster Oficial y Postgrado de la Facultad de Derecho de la Universidad de Granada: "Derecho Constitucional Europeo". Postgrado Oficial en Derecho, organizado en colaboración con la Cátedra Jean Monnet de Derecho Constitucional Europeo y adaptado al EEES. Máster con Mención de Calidad del Ministerio de Educación y Ciencia. Cursos Académicos 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2103, 2013-2014, 2014-2015 y 2015-2016.

-Actualmente es Coordinador del Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global. Cursos Académicos 2016-2017 y 2017-2018.

INVESTIGACIÓN

-Becado en 1991 (Deutscher Akademischer Austauschdienst) y 1993 (Ministerio de Educación y Ciencia) en la Universidad de Regensburg, Alemania.

-Investigador principal en dos Acciones Integradas de investigación científica entre España y Alemania (con la Universidad de Regensburg), 1994, 1995.

-Investigador Principal del Grupo de Investigación de la Junta de Andalucía "Andalucía, la Unión Europea y el Estado social", subvencionado con las ayudas para el fomento de la Investigación y el Desarrollo Tecnológico de la Junta de Andalucía (años 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 y 2016).

-Investigador Principal del Proyecto de Investigación PB97-0801: "Relaciones entre ordenamientos en la jurisprudencia del Tribunal Constitucional. Derecho europeo, derecho estatal y derecho autonómico". Proyecto nacional, subvencionado dentro del Programa Sectorial de Promoción General del Conocimiento, por Resolución de 18-9-1998, con una duración de tres años (1998-2001).

-Investigador Principal del Proyecto de Investigación BJU2003-06526: "El proceso de constitucionalización de la Unión Europea". Proyecto nacional, subvencionado por la Secretaría de Estado de Política Científica y Tecnológica del Ministerio de Ciencia y Tecnología, por Resolución de 1 diciembre de 2003, con una duración de tres años (2003-2006).

-Investigador Principal del Proyecto de Investigación de Excelencia SEJ-939: "Las reformas constitucionales y estatutarias en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de tres años (2005-2008).

-Investigador Principal del Proyecto de Investigación SEJ2007-66427/JURI "La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo". Proyecto nacional, subvencionado por la Dirección General de Investigación del Ministerio de Educación y Ciencia, con una duración de tres años (2007-2010).

-Investigador principal en la Acción Integrada de investigación científica entre España y e Italia, con la Universidad de Pisa, 2007. Referencia: HI2007-0028, Proyecto: "Jurisdicción ordinaria y jurisdicción constitucional en el proceso de integración europea".

-Investigador Principal del Proyecto de Investigación de Excelencia SEJ-4931: "Reformas estatutarias y desarrollo estatutario en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de cuatro años (2011-2015).

-Titular de la Cátedra Jean Monnet de Derecho Constitucional Europeo (2004) 2004-2818/001-001 JMO JMO, con una duración de cinco años (2004-2009).

-Titular de la Cátedra Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización (2010) 176234-LLP-2010-1-ES-AJM-CL.

-**Director del Centre of Excellence on European Integration and Globalization (Ei&G) JM Centre of Excellence 542418-LLP-1-2013-1-ES-AJM-PO/ 2013-3027.**

PUBLICACIONES

Autor de más de 350 publicaciones sobre materias de su especialidad en 12 países: Alemania, Bélgica, Holanda, Brasil, España, Francia, Italia, México, Perú, Portugal, Reino Unido y Suiza.

Entre ellas se pueden mencionar:

-Fuentes del Derecho (dos tomos, Tecnos, Madrid, 1991 y 1992), **Premio "Adolfo Posada" del Centro de Estudios Constitucionales, correspondiente al periodo 1991-1992.** "La supletoriedad del derecho estatal sobre el autonómico en el ordenamiento constitucional español", en Kramer, J. (Hrsg.), Die Entwicklung des Staates der Autonomen in Spanien und der bundesstaatlichen Ordnung in der Bundesrepublik Deutschland, Nomos Verlagsgesellschaft, Baden-Baden, 1996. "Constitución normativa y ciencia del Derecho", en AAVV: Estudios de Derecho Público en Homenaje a Juan José Ruiz-Rico, Editorial Tecnos, Vol. I, Madrid, 1997. "La constitucionalización de la Unión Europea y la articulación de los ordenamientos europeo y estatal", en Miguel Ángel García Herrera (dir.): El constitucionalismo en la crisis del Estado social, Universidad del País Vasco, Bilbao, 1997. "Die Autonome Gemeinschaft Andalusien im Bildungsprozeß des Autonomen Spanischen Staates", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 47, 1999. "Las fuentes del Derecho", en La experiencia constitucional (1978-2000), Gumersindo Trujillo, Luis López Guerra y Pedro González-Trevijano (Dirs.), CEPC, Madrid, 2000; "Il finanziamento dei partiti politici in Spagna", en Finanziamento della politica e corruzione, a cura di Fulco Lanchester, Milano, Dott. A. Giuffrè Editore, 2000. "Livelli istituzionali e tecniche di riconoscimento dei diritti in Europa. Una prospettiva costituzionale", en Tecniche di garanzia dei diritti fondamentali, a cura di Giancarlo Rolla, G. Giappichelli Editore, Torino, 2001. "Das System der Rechtsquellen in der spanischen Verfassungsrechtsordnung", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 49, 2001. "Der Verfassungsstaat in iberoamerikanischem Kontext", en Martin Morlok (Hrsg.) Die Welt des Verfassungsstaates, Nomos, Baden-Baden, 2001. "Derecho y Derechos en la Unión Europea" en Javier Corcuera Atienza (Coord.), La protección de los Derechos Fundamentales en la Unión Europea, Dykinson, Madrid, 2002. "El status constitucional de la reforma y la fragmentación del Poder Constituyente", en AAVV, La democracia constitucional. Estudios en homenaje al Profesor Rubio Llorente, Congreso de los Diputados, Tribunal Constitucional, Vol. I, Madrid, 2002. "Fuentes del Derecho, espacios constitucionales y ordenamientos jurídicos", Revista Española de Derecho Constitucional, n. 69, Madrid, 2003. "I diritti degli stranieri in Spagna", Diritto Pubblico Comparato ed Europeo, n° II, G. Giappichelli Editore, Torino, 2003. "Der Beitrag Spaniens zur europäischen Rechtskultur", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 52, 2004. "Der Integrationsprozess in Europa und die Beziehungen zwischen der Europäischen Rechtsordnung und den Rechtsordnungen der Mitgliedsstaaten", en A. Blankenagel, I. Pernice, H. Schulze-Fielitz (Hrsg.) Verfassung im Diskurs der Welt, Liber Amicorum für Peter Häberle, Mohr Siebeck, Tübingen, 2004. "Niveaux et techniques internes et internationales de réalisation des droits en Europe. Une perspective constitutionnelle", Revue Française de Droit Constitutionnel, n° 60, Paris, Octobre 2004. "El sistema de fuentes en la Constitución Europea", en ReDCE, n° 2, Julio-Diciembre de 2004. "La configuración normativa de principios y derechos constitucionales en la Constitución europea", en Boletim da Faculdade de Direito, STVDIA IURIDICA, 84. Coimbra Editora, Coimbra, 2005. "Die europäische Verfassung auf dem Weg zum Europäischen Verfassungsrecht", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 53, 2005. "Las cuestiones competenciales en los actuales procesos de reforma de los Estatutos de Autonomía", en Revista General de Derecho Constitucional, n° 1, Madrid, 2006. "Reformas constitucionales relativas al Título VIII en relación con la recepción constitucional de la denominación oficial de las CCAA" en Francisco Rubio Llorente, José Álvarez Junco (eds.) *El informe del Consejo de Estado sobre la reforma constitucional. Texto del informe y debates académicos*, CEPC, Madrid, 2006. "Lo Stato autonomico spagnolo: la stagione delle riforme", en *I cantieri del federalismo in Europa*, a cura di Antonio D'Atena, Giuffrè, Milano, 2008. "Recht und Sprache in Europa", en AAVV, *Präjudiz und Sprache*, Dike/Nomos, Zurich/St. Gallen, Baden-Baden, 2008. "El Tratado de Lisboa en el Diván. Una reflexión sobre constitucionalidad, estatalidad y Unión Europea", *Revista Española de Derecho Constitucional*, núm. 83, mayo-agosto de 2008. "La Riforma dello Statuto di autonomia dell'Andalusia nel contesto della pluralità di spazi costituzionali di ambito europeo", en *Regionalismi e Statuti. Le riforme in Spagna e Italia*, a cura di Silvio Gambino, Giuffrè Editore, Milano, 2008. "La reforma constitucional en el contexto de la pluralidad de espacios constitucionales de dimensión europea", *Boletín Mexicano de Derecho Comparado*, Sexagésimo aniversario, Número conmemorativo 1948-2008, Año 2008. "El día de reflexión: prohibición de manifestaciones, encuestas electorales y utilización de nuevas tecnologías", en Francisco Rubio Llorente, Paloma Biglino Campos, *El informe del Consejo de Estado sobre la reforma electoral. Texto del informe y debates académicos*, CEPC, Madrid, 2009. "Possibilidades e limites da reforma constitucional na Espanha no contexto do Estado autonómico integrado na União Europeia". *Direitos Fundamentais & Justiça*, n° 6, Porto Alegre (Brasil), 2009. "Die Territorialreformen in Spanien". *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 57, 2009. "A divisão territorial do poder num contexto supranacional. O exemplo da Espanha na União Europeia" en André Ramos Tavares, Ingo Wolfgang Sarlet y George Salomão Leite (eds.) *Estado Constitucional e Organização do Poder*, Editora Saraiva, São Paulo (Brasil), 2010. "Le Corti Costituzionali e il processo di integrazione europea" en AA VV, *Annuario 2006 - La circolazione dei modelli e delle tecniche del giudizio di costituzionalità in Europa*, Jovene Editore, Napoli 2010. "Diritto e giustizia nell'ordinamento costituzionale europeo", en *Giustizia e diritto nella scienza giuridica contemporanea*, a cura di Antonio Cantaro, G. Giappichelli Editore, Torino, 2011. "A configuração normativa dos direitos fundamentais pela justiça constitucional em um contexto de integração supranacional" en George Salomão Leite e Ingo Wolfgang Sarlet (Coord.) *Jurisdição Constitucional, Democracia e Direitos Fundamentais. Estudos em homenagem ao Ministro Gilmar Ferreira Mendes*, Editora JusPODIVM, Salvador Bahia, 2012, *La proiezione della Costituzione sull'ordinamento giuridico*, Cacucci Editore, Bari, 2012, *"European Identity, Citizenship and the Model of Integration"*, en Citizenship and Solidarity in the European Union - from the Charter of Fundamental Rights to the crisis, the state of the art, PIE - Peter Lang SA - Éditions scientifiques internationales, Bruxelles, 2013, "Crise économique et crise constitutionnelle en

Europe", *Constitutions*, avril-juin 2013, *A Projeção da Constituição Sobre o Ordenamento Jurídico*, Saraiva, São Paulo, Brasil, 2014, "Autonomia finanziaria e pluralismo territoriale in Spagna nel contesto della crisi economica" en *Il federalismo fiscale in Europa*, a cura di Silvio Gambino, Milano, Giuffrè, 2014, *La proyección de la Constitución sobre el ordenamiento jurídico*, Suprema Corte de Justicia de la Nación, México D.F. (México), 2015. "La méthodologie du droit constitutionnel européen", en *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2015. "Profili metodologici del Diritto Costituzionale europeo", *La cittadinanza europea*, n° 1/2015. "Il modello europeo di integrazione e la sua incidenza sulle Corti costituzionali e sui Parlamenti nazionali", en *Parlamenti nazionale e Unione Europea nella governance multilivello*, a cura di Fulco Lanchester, Giuffrè, Milano, 2016. "European Integration and Limitation of the Power of Constitutional Reform", en Rainer Arnold (Editor) *Limitations of National Sovereignty through European Integration*, Springer, 2016. "Potere costituente e limiti alla revisione costituzionale visti dalla Spagna", en Fulco Lanchester (a cura di), *Costantino Mortati. Potere costituente e limiti alla revisione costituzionale*, Padova, Cedam, 2017. "Primato del diritto europeo e identità costituzionale nell'esperienza spagnola", en *I Controlimiti - Primato delle norme europee e difesa dei principi costituzionali*, a cura di Alessandro Bernardi, Jovene Editore, Napoli, 2017. "A relação dialética entre identidade constitucional nacional e europeia, no quadro do Direito Constitucional Europeu" en *UNIO - EU Law Journal*. Vol. 3, N.º 1, Janeiro 2017; "Constitutional Courts under Pressure – New Challenges to Constitutional Adjudication. The Case of Spain", en *New Challenges to Constitutional Adjudication in Europe. A Comparative Perspective*. Edited by Zoltán Szente, Fruzsina Gárdos-Orosz, Routledge, London and New York, 2018.

-Ha realizado traducciones de obras de diversos autores alemanes que se han publicado en España y en otros países. Igualmente Prólogos a diversas obras y recopilaciones de textos normativos.

-Como coautor y coordinador, es de destacar: Francisco Balaguer Callejón (Coordinador), Gregorio Cámara Villar, Juan Fernando López Aguilar, María Luisa Balaguer Callejón y José Antonio Montilla Martos, *Manual de Derecho Constitucional*, dos volúmenes, 10ª edición, Tecnos, Madrid, 2015. Francisco Balaguer Callejón (Director), Luis Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y distribución de competencias*, Instituto Andaluz de Administración Pública, Sevilla, 2007. Francisco Balaguer Callejón (Director), Luis Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y Declaraciones de Derechos*, Instituto Andaluz de Administración Pública, Sevilla, 2008. Francisco Balaguer Callejón (Director), Luis Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y organización institucional*, Instituto Andaluz de Administración Pública, Sevilla, 2010. *The impact of the Economic Crisis on the EU Institutions and Member States/El impacto de la crisis económica en las instituciones de la UE y los Estados miembros*. Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015. *The Dimension of the Public Administration in the Context of Globalization/La Dimensión de la Administración Pública en el contexto de la globalización*. Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015. *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2015. *The Reform of the European Union Economic Governance and the Progress of Political Integration/La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política*, Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López, Juan Francisco Sánchez Barrilao, Thomson Reuters Aranzadi, Pamplona, 2017. *Le pouvoir constituant au XXIe siècle*, Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2017.

OTRAS ACTIVIDADES

-Miembro de 42 Consejos Editoriales y Consejos Asesores de Revistas especializadas en Derecho constitucional así como de Colecciones Editoriales en Italia (16), Brasil (11), España (10), México (2), Perú (1), Portugal (1) y Malta (1).

-Codirector de la Revista *La Cittadinanza Europea*, Roma.

-Miembro del Grupo de Expertos Jurídicos de la Agencia de Derechos Fundamentales de la Unión Europea (FRALEX).

-Miembro de la Comissão de Acompanhamento del Centro de Investigação em Direito Público do Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa.

-Miembro del Collegio dei Docenti del Corso di Dottorato di Ricerca in Internazionalizzazione dei sistemi giuridici e diritti fondamentali (Segunda Universidad de Nápoles, Italia).

-Miembro del Comité Científico del Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato (Universidad de Siena, Italia) 2000-2005.

-Miembro del Comité Científico del Centro di Ricerca sui Sistemi Costituzionali Comparati (Universidad de Génova, Italia).

-Socio del Centro Interdipartimentale di Ricerca e di Formazione sul Diritto Pubblico Europeo e comparato (DIPEC).

-Miembro de la Societas Iuris Publici Europaei (SIPE, Georg-August-Universität, Alemania).

-Ha realizado Dictámenes e Informes para diversas instituciones y empresas: Junta de Andalucía, Gobierno de la Nación, Consejo de Estado, Diputación General de Aragón, Universidades de Andalucía, Agencia de Derechos Fundamentales de la Unión Europea, entre otras.

-Director del Departamento de Derecho Constitucional de la Universidad de Granada desde 1996 a 2012 (reelegido en 2000, 2004 y 2008).

-Miembro del Grupo de Trabajo sobre El futuro de la Unión Europea, Real Instituto Elcano de Estudios Internacionales y Estratégicos.

-Miembro del Foro sobre La reforma de la estructura territorial del Estado, Centro de Estudios Políticos y Constitucionales (2004-2007).

-Tramos de Investigación: 6. Tramos de Docencia: 6. Tramos autonómicos: 5. El máximo posible en todos los casos.

-Conocimiento de Idiomas: Inglés, Francés, Italiano, Portugués y Alemán.

-Consejero del Consejo Consultivo de la Comunidad Autónoma de Andalucía y miembro de la Comisión Permanente del Consejo (1994-2005).

-Miembro del Comité de Coordinación Andaluz para la conmemoración de 2005 como Año Europeo de la Ciudadanía a través de la Educación.

-Director del Observatorio de Derecho europeo, autonómico comparado y local.

Redes sociales, compañías tecnológicas y democracia

Francisco Balaguer Callejón. Catedrático de Derecho Constitucional de la Universidad de Granada y Catedrático Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización.

Duración: 10 horas. Idioma: Español

Objetivos del curso:

En el curso se desarrollarán las cuestiones que se plantean actualmente en la relación entre redes sociales, compañías tecnológicas y democracia, así como las posibles actuaciones que puedan evitar las disfunciones que están provocando. En la relación entre redes sociales y democracia es necesario considerar un mediador fundamental como son las empresas tecnológicas que gestionan las redes. Las redes sociales no son un fenómeno natural que haya aparecido en los procesos sociales y políticos de manera espontánea. Son el resultado de opciones empresariales que han configurado un modelo de negocio que está basado en atraer la atención del público para optimizar los rendimientos publicitarios mediante la utilización continua de las redes. Este modelo de negocio está provocando problemas importantes en los procesos de comunicación política porque fomenta la fragmentación del espacio público y su radicalización con la finalidad de incrementar el uso de las redes y obtener así más beneficios. A esa finalidad económica se une la política de generar inestabilidad para debilitar a las instituciones democráticas y dificultar así el control que deberían realizar esas instituciones sobre las propias compañías tecnológicas.

Son muchos los ámbitos en los que las redes sociales están generando problemas desde el punto de vista constitucional y democrático. Desde los derechos fundamentales a los procesos electorales, pasando por la configuración misma del orden constitucional, en un contexto en el que las condiciones del espacio y el tiempo se han transformado como consecuencia de la globalización y del desarrollo tecnológico. Nuevas pautas culturales y nuevos paradigmas se están generando y su incidencia sobre el constitucionalismo es muy amplia. Algunos de los cambios que han traído las redes sociales pueden ser estructurales y se mantendrán previsiblemente en el futuro. Otros, sin embargo, pueden considerarse directamente vinculados a los intereses de las compañías tecnológicas y deberían ser objeto de revisión para evitar que conduzcan a una involución democrática. La intervención de los poderes públicos, estatales y supranacionales, es cada vez más necesaria para controlar a estas compañías.

Las medidas que se pueden tomar son muy diversas. Desde reforzar la protección de los derechos fundamentales hasta promover la educación digital de la ciudadanía, pasando por actuaciones destinadas a evitar que las compañías tecnológicas consoliden posiciones de monopolio, así como medidas fiscales y sancionadoras. De particular importancia es la regulación de los procesos electorales para evitar que se sigan produciendo interferencias a través de las noticias falsificadas y por medio de la propaganda subliminal personalizada. El horizonte se va moviendo, en todo caso, a medida que avanza el desarrollo tecnológico y que estas compañías diseñan nuevas estrategias. Por tanto, es necesario tener en cuenta que los riesgos no son solamente los que hoy conocemos sino que habrá que tener una actitud vigilante para evitar que se generen nuevos efectos disfuncionales en el futuro.

Temario:

I.-El contexto de la globalización.

- 1.-La globalización en el siglo XXI.
- 2.-La aceleración del tiempo y la ampliación del espacio público.
- 3.-Agentes globales y Estado.
- 4.-La ruptura del paradigma constitucional del Estado nacional.
- 5.-Hacia un nuevo paradigma extraestatal o supraestatal.

II.-Constitución, democracia y redes sociales.

- 1.-Constitución y redes sociales.
- 2.-Procesos democráticos y redes sociales.
- 3.-Los procesos comunicativos y la construcción del espacio público.
- 4.-El sustrato previo, globalización y crisis económica.
- 5.-La fragmentación y la radicalización del espacio público.

III.- Las compañías de internet y redes. Aspectos problemáticos.

- 1.-Incidencia sobre los derechos fundamentales.
- 2.-Tendencia al monopolio y afectación de la competencia.
- 3.-La presión sobre los medios de comunicación tradicionales.
- 4.-Noticias falsificadas y desinformación.
- 5.-Perfiles individuales y propaganda subliminal.

IV.-Posibles niveles de actuación.

- 1.-Compañías globales y poderes estatales.
- 2.-Agentes externos y grupos organizados internos.
- 3.-El nivel internacional o global.
- 4.-El nivel supranacional europeo.
- 5.-El nivel estatal.

V.-Posibles áreas de actuación

- 1.-Derechos fundamentales.
- 2.-Competencia, publicidad y medios de comunicación.
- 3.-Procesos electorales.
- 4.-Medidas fiscales.
- 5.-Sanciones.

Bibliografía Básica

Todas las referencias bibliográficas que se indican a continuación (y las que puedan recomendarse posteriormente porque estén disponibles al comienzo del curso) son de acceso gratuito a través de Internet. Además de las referencias doctrinales que siguen en portugués y español, se recomiendan como referencias específicas en inglés los siguientes documentos, igualmente de acceso libre en Internet: *Disinformation and 'fake news': Final Report*. Published on 18 February 2019 by authority of the House of Commons; *Unlocking digital competition. Report of the Digital Competition Expert Panel*, March 2019, Jason Furman and others y *The Cairncross Review. A sustainable future for journalism*, 12 February 2019.

-Balaguer Callejón, Francisco “As duas grandes crises do constitucionalismo diante da globalização no século XXI”, *Espaço Jurídico Journal of Law [EJLL]*, 19 (3), 2018, pp. 681-702. <https://portalperiodicos.unoesc.edu.br/espacojuridico/article/view/20205>

-Balaguer Callejón, Francisco: “Uma Interpretação Constitucional da Crise Econômica” *Revista Direito Público*, No 54 – Nov-Dez/2013: <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2371/1235>

-Balaguer Callejón, Francisco “Crisis económica y crisis constitucional en Europa”, *Revista Española de Derecho Constitucional*, número 98, Mayo/Agosto 2013: <http://www.cepc.gob.es/gl/publicaciones/revistas/revistas-electronicas?IDR=6&IDN=1306&IDA=36648>

-Balaguer Callejón, Francisco: “Constitución y Estado en el contexto de la integración supranacional y de la globalización” en Miguel Carbonell, Héctor Fix-Fierro Luis Raúl González Pérez y Diego Valadés (Coordinación), *Estado constitucional, Derechos humanos, Justicia y vida universitaria. Estudios en homenaje a Jorge Carpizo*, México, 2015: <https://archivos.juridicas.unam.mx/www/bjv/libros/8/3825/11.pdf>

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-Pereira Da Silva, Vasco, “Para un Derecho Administrativo sin Fronteras”, *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: https://www.ugr.es/~redce/REDCE30/articulos/04_VASCO.htm



CURRICULUM VITAE

Personal information

First name/Surname Francisco GONZALEZ-BLANCH

DNI 02488919C

E-mail francigo@ucm.es

Date of birth 08/12/1950

Gender male

Work experience

Dates 1/1974-9/2019

Occupation Professor of Economics, Department of Economics IV, University Complutense of Madrid-Spain; 2019

Publications. Author or co-author of about 20 publications, mainly in national publishing houses and journals and mainly on private and public services

Expertise: teaching, research and consultancy in the areas of Public Services, Competitiveness, Labour Market, Economics, Economic Policy, Knowledge Economy and Globalisation.

Dates 3/2003- 12/2015

11/1987-10/1989

Occupation I worked as Policy Officer for the European Commission in Brussels (DG Employment and DG Budget).



Dates 12/1974-7/1985

Occupation Leader and coordinator of international research teams and projects, Spanish Administration

International relations with International Organisations ONU, OCDE, UE Ministry of Economy And Ministry of Transport

Dates 9/ 1991- 2/1992

Occupation visiting Scholar at Berkeley University, (California,US)

Dates 9/1999 -9/2000

Occupation distinguished professor in Institute of studies research of Florence (Italy) ,Scientific advisor in the area European economy

Education

Dates 1/ 1968-1/1974

Qualification awarded PH C Economics and Degree in Law

Institution Complutense University of Madrid

Language



Mother tongue

English Listening, Reading ,Spoken interaction, Writing B2

French Listening, Reading, Spoken interaction, Writing B2

A descriptive analysis of the EU Labour Market Policy (LMP)

TABLE OF CONTENTS

Session 1-Introduction

Labour market policies are important to support people move from inactivity and unemployment into employment and find more rewarding and productive jobs.

They aim to bring unemployed and the inactive into employment and help people in low-quality or threatened jobs find better employment opportunities.

Labour market policy and institutions play a central role in stimulating job creation and enhancing job quality, by facilitating the reallocation of resources to their most efficient and regarding uses promoting learning and innovation in the workplace, removing barriers to good quality jobs, and fostering greater inclusiveness.

This session classes will include discussions, questions and answers about how to measure unemployment rate, the labour Force, Participation rate, and the Employment population ratio

Session 2-Labour market policy Statistic defined

Policy lessons from the Great Recession

This Session is import to asses policies and adjust them accordingly The exposition attempts to show the rich pool of information available in the LMP database and which can be used in more complex policy analysis

The experience of the global crisis has yielded a number of lessons regarding the role of macroeconomic and labour market policies for labour market resilience

Questions for discussions

Which structural policies are most effective in strengthening labour market resilience?

Should labour market policies be made contingent on the state of the business cycle?

Session 3- Overview of expenditure data

The role of policies and institutions for good labour market performance

EU data for expenditure and beneficiaries of labor market interventions are collected for the EU Member States and Norway on an annual basis. This lesson presents a broad descriptive analysis of the expenditure data collected

Questions for discussion

How can policies and institutions be designed in a way that raises job quantity, job quality and inclusiveness?

What types of policies and institutions ensure the labour markets are resilient and adaptable in a fast changing world?

Session 4- LMP expenditure in relation to unemployment

Identification of challenges

Labor market policies are varied and include job searching mechanisms, training, start-up incentives and income support (unemployment benefits). A set of these policies are grouped together as “active measures” or activation policies and include training, employment incentives, supported employment, rehabilitation, and direct job creation

Long-term unemployment (LTU) is one of the main indicators from which the adequacy and/or success of ALMPs (and public employment services) can be judged. Since the start of the crisis in 2008, long-term unemployment rates have been increasing in all Member States, except Germany .

Session 5- Key findings and Summary

Looking per country over time, LMP spending (constant prices) and the number of beneficiaries are linked with unemployment evolution, thus suggesting a counter-cyclical behavior of spending notably up to 2010.

In structural terms, income support interventions or “supports” (e.g. unemployment benefits) represent the largest share of expenditure of 25 Member States

REFERENCES

1The OECD defines ALMPs as follows: "Active labour market programmes includes all social expenditure (other than education) which is aimed at the improvement of the beneficiaries' prospect of finding gainful employment or to otherwise increase their earnings capacity. This category includes spending on public employment services and administration, labour market training, special programmes for youth when in transition from school to work, labour market programmes to provide or promote employment for unemployed and other persons (excluding young and disabled persons) and special programmes for the disabled."

2 See for example John P. Martin, "Activation and Active Labour Market Policies in OECD Countries: Stylized Facts and Evidence on Their Effectiveness", IZA Policy Paper No. 84, June 2014.

3 A quite comprehensive evaluation of the effectiveness of ALMPs can be found in European Commission, Employment in Europe Report, 2006. Kluve et al. (2010; "The Effectiveness of European Active Labour Market Programmes", Labour Economics 17, pp. 904-18) and Kluve et al. (2010; "Active Labour Market Policy Evaluations: A Meta Analysis", The Economic Journal 120, pp. 452-77) offer broad (meta-) analyses based on a large number of studies.

4 "Effective Active Labour Market Policies", J. Boone & J. C. van Ours, IZA DP No. 1335, 2004.

5 "Active Labour Market Programs: Employment Gain or Fiscal Drain", A. J.G. Brown & J. Koettl, IZA DP No.6880, 2012.



Dr. Jacques Ziller, PhD

Born 1951, French nationality, **Full Professor of European Union Law** at the [University of Pavia](#), Department of Political and Social Sciences.

Chairman of Societas Iuris Publici Europaei (SIPE)

Coordinator of ReNEUAL, the Research Network European Administrative Law

University of Pavia Strada Nuova 65, 27 100 Pavia -ITALY

Jacques.ziller@unipv.it

Studied at Paris II and Paris IV Universities as well as at the Paris Institute of Political Studies (*Sciences Po*). Doctor's degree in law from Paris II University (*Doctorat d'Etat en droit*), post-graduate diplomas (*Dipômes d'Etudes supérieures*) in public law and political science, graduate diploma of the Paris Institute of Political Studies (*Dipômes de l'IEP de Paris*), as well as a graduate diploma (*Licence ès lettres*) in German language and literature.

Has been teaching French public law and comparative public law, European community law and international law, as well as public administration as an assistant professor at [Paris II University](#) (1980-1985), as an associate professor at [ESSEC Business School](#) (Cergy-Pontoise, 1980-1985) and later as a professor at the [University of French West-Indies and Guyana](#) (Guadeloupe-FWI, 1989-1991) and at [University Paris 1, Panthéon-Sorbonne](#) (1992-2007 – on secondment from 1/09/1998 to 30/09/2007). Professor of Comparative Public Law the [European University Institute](#), Florence from September 1st 1998 until 2008. Head of the Law Department from 1 October 1999 to 31 October 2003.

Specialized in research and training for senior civil servants in the fields of comparative public administration and management and also in the field of European affairs and regional integration when working as a lecturer and later an associate professor at the European Institute of Public Administration ([IEAP/EIPA](#)-Maastricht, The Netherlands, 1986-1989) and Director of research and publications at the International Institute of Public Administration ([IIAP](#), Paris, France, 1992 -1995). Chief Editor of the [Revue française d'Administration publique](#) from January 1992 to September 1995. Visiting Professor at the [College of Europe](#) (Bruges, Belgium) from 1993 to 1998, and at the [Universitat Autònoma](#) (Barcelona, Spain) from 1994 to 1997.

President of Societas Iuris Publici Europaei ([SIPE](#)). Coordinator of [ReNEUAL](#), the Research Network on EU Administrative Law. Member of the *Academic Advisory Board*, [Salzburg Centre of European Union Studies](#); former member of the Scientific Council of the [Deutsches Forschungsinstitut für öffentliche Verwaltung bei der deutschen Hochschule für Verwaltungswissenschaften Speyer](#), of the *Steering Committee of Euro-Latin Study Network on Integration and Trade – ELSNIT*. Former member of the Steering Committee of the *European Group for Public Administration (EGPA-GEAP, Bruxelles)* : 1993-1996 and 2004-2010 and of the Program Committee of the *International Association of Schools and Institutes of Administration (AIEIA/IASIA)*

Consultant to the European Parliament, to the European Commission and to the Committee of the Regions of the European Union. Consultant to OECD ([Puma](#) and [Sigma](#) programs). Member of the working group which produced the reports *A Basic Treaty for the European Union*, (EUI-Robert Schuman Centre), 15 May 2000 and *Reforming the Treaties' Amendment Procedures*, 31 July 2000. Expert for the Committee of Regions for the European Convention on (2002-2003).

Principal Investigator of the Progetto di Ricerca d'Interesse Nazionale 2012SAM3KM on European Administrative Procedures 2014-2017.

Languages :

French (*native speaker*), *Dutch, English, German, Italian, Spanish; Portuguese*

Brexit: Process and Impact on EU and Member States' law

Professor Jacques Ziller
Università degli Studi di Pavia

The course will consist in five sessions (each of 2 hours), in which we will explore the following topics. The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.

1. From the Schuman Declaration of 9 May 1950 to Brexit: *Je t'aime, moi non plus*

The difficult story of the UK's relationship with the European Communities and European Union will be retraced in order to understand the reasons for participation in and for staying apart from European integration. The main steps to be understood are the negotiations between Jean Monnet's team and Clement Attlee's Labour Government in 1950-51, decade of negotiations to join the European Communities and the Referendum of 1975, Roy Jenkins' Presidency of the European Commission and Margaret Thatcher's turn in the 1980s, the negotiations of the Single European Act, the Maastricht Treaty and the Amsterdam treaty, those of the EU Charter of Fundamental Rights, Nice Treaty and Constitutional treaty, and eventually the promises of referendums from 2004 to 2016. The legal focus will be underlined: constraints of treaty negotiation and ratification; unanimity v. majority voting in the Council; participation in the EU judicial system.

2. Why Brexit? The main reasons for the UK's withdrawal will be examined with their legal dimension: "recovering sovereignty" of the UK legislator, recovering autonomy in trade agreements, recovering autonomy in migration law and policy, putting an end to the primacy of EU law. The implications of participation in v. withdrawal from the EU will be assessed especially in their legal dimension.

3. How Brexit? The legal framework of withdrawal will be examined based on art. 50 TEU on withdrawal of a member State. The negotiations between the UK government and the EU institutions will be studied in order to understand to what extent the procedures of art. 50 have constrained both sides, and to what extent there has been a margin of manoeuvre. The differences between a Brexit with withdrawal agreement and without withdrawal agreement will be explored. A central focus will be the issue of Ireland and the risks of a "hard border".

4. When Brexit ? The UK's constitutional law has had a deep impact on the calendar of Brexit, in the framework of art. 50 TEU. The constitutional rules and the role of UK courts, as well as the political situation in the House of Commons will be examined in order to understand the delays in withdrawal.

5. EU-UK Relations after Brexit The implementation of the Withdrawal agreement means that several issues will rise until at least 2028, which will impede a clear cut of UK law and courts from EU law and Courts. The negotiations for in view of the future relationship between the UK and the

EU should start as soon as possible after withdrawal. The political and legal challenges that both sides are facing will be explored and discussed.

The relevant documentation is available on <https://www.consilium.europa.eu/en/policies/eu-uk-after-referendum/> and on <https://www.gov.uk/government/organisations/department-for-exiting-the-european-union>

This is a provisional syllabus of the Course, completed on 1 December 2019. It will be updated in January if needed to consider the evolution of the political situation in the UK

The course will be assessed by a written exam. It will probably consist in a commentary of a legal document relating to Brexit.

Professor Ziller's cv and publications list is to be found at <http://www-3.unipv.it/webdsps/it/docente.php?id=ziller>

Curriculum vitae

HALPÉRIN, Jean-Louis

Born on the 30th of October 1960 in Paris, French Nationality

Married, three children (1993, 1995 and 2002)

Actual position:

Professor (exceptional class) at the École Normale Supérieure (Paris)

Member of the Institut Universitaire de France (2013-2018)

Director of the “Unité mixte de recherche 7074 – Centre for Legal Theory and Analysis” (CNRS-University Paris X-ENS and EHESS)

Formation and degrees:

Baccalauréat, section C, mention “ très bien ”, 1977

Classed first for the competition to the entrance in the École Normale Supérieure (Ulm), 1979

Student in the E.N.S. from 1979 to 1982; Military duty in the French Navy, 1982-1983

Degrees in history: Bachelor of Arts (*Licence ès lettres*), University Paris IV, 1980; Master in history, mention “ très bien ”, University Paris IV, 1981 ; Degree of specialized studies “ *Histoire et civilisation de l’Antiquité* ” (Ancient History), University Paris IV, 1982 ; Degree of the *Ecole Pratique des Hautes Études*, IVth section, 1984

Degrees in Law: Bachelor in Law (*Licence en droit*), University Paris I, 1981; Master in public Law, University Paris II, 1982; Master in legal history, University Paris II, 1982; State Doctorate (Ph. D.), mention “ très honorable ”, University Paris II, 1985, thesis price from University Paris II

Teaching functions :

1983-1986 Assistant at the University Paris II

1986-1988 Lecturer (*Maître de conférences*) at the University Paris II

1986-1989 Lecturer at the Institut d’Études Politiques, Paris

1988 *Agrégé d’histoire du droit*, nominated professor at the University Lyon III 1988-1998, then professor at the University of Burgundy 1998-2003, dean of the Law Faculty 2000-2003

1994 Elected junior member of the *Institut Universitaire de France*

Law professor at the Ecole normale supérieure since september 2003

Elected senior member of the Institut Univesitaire de France (October 2013)

Missions and stays abroad :

1996 German-French Summer Academy in La Rochelle (teaching about European Law) organized by the *Studienstiftung des Deutschen Volkes*

1997-2000 courses in Lausanne about consumer Law

1998 First visit to Japan for a congress in Fukuoka (Hundred Years of the Japanese Code) and conferences in the universities of Tokyo and Nagoya

July 2001 Research stay in Münster thanks to the *Deutscher Akademischer Austauschdienst*

February 2002 Lectures at the University of Lancaster (Erasmus-Socrates program)

2000-2004 Conférences in Münster (about cooperative companies), Berlin (about the German edition of the *Code Napoléon*), Frankfurt (about legal history in the academic life today); in Bologna (about the history of business lawyers in France), Padova (about economic offences in the French penal Code of 1810); in Bonn, Frankfurt, Münster, Lisbon, Porto, Turin about Two Hundred Years of the French Civil Code.

April 2005 Second Visit in Japan: conferences in Tokyo, Nagoya and Niigata, participation in the Congress of Japanese legal historians.

February 2007: Third visit to Japan, courses and conferences at Nagoya and Tokyo

April 2008: First visit to India, lectures at Jawaharlal Nehru University and at the Asiatic Society (Kolkata), comparisons between Indian and French Law, Impact of International Law upon French

Law

June and December 2008 Participations in Congresses in Jerusalem and Birzeit (Palestine)
April 2009 Lecture at Cornell Law School about custom
2010 Fourth visit to Japan, courses and conferences in Nagoya and Tokyo; Visit to Chile (School Michel Foucault with the University of Chile)
2011 Second visit to India, conferences in New Delhi University
2012 Fifth visit to Japan, conferences in Kyoto, Tokyo and Nagoya
2013 Symposium of the Max Planck Institute at Francfort, Conference in Amsterdam for the Paul Scholten Project
2014 Conference in Brussels (Centre Perelman de philosophie du droit), Sixth visit to Japan, conferences in Tokyo and Nagoya
2015 Seventh visit to Japan (conference in Tokyo), research investigations in French New Caledonia, Peter Chiene lecture at Glasgow University, symposium at Trento IV Congressi Nazionale Società Italiana per la Ricerca nel diritto comparato

Administrative functions and research functions:

1998-1991 Director of the two first years program in law in University Lyon III
2000-2001 Member of the official commission (Ministry of Education) about legal education
2000-2003 Dean of the Law Faculty in Dijon
2004 Chairman of the scientific commission for the exhibition celebrating two hundred years of the French Civil Code
2005-2007 Member of the Section 03 of the National Council of Universities
2006-2010 Director of the social sciences department of the ENS (including sociology, economics and political science)
2008-2012 Member of the 36th section of the National Comity of the Centre National for Scientific Research
2010-2014 Member of the Scientific Council of the *Mission de recherche Droit et Justice*

Director of the “Centre of Legal Theory and Analysis” (UMR 7074 CNRS – University Paris Ouest – Ecole Normale Supérieure) since 2015
Member of the Scientific Council of the École normale supérieure since 2011

Director of the redaction board of the electronic review Clio @ Thémis since 2009
Member of the Société de Législation comparée and of the European Society for Comparative Legal History
Expert for evaluation of research projects in Italy and in Belgium

Publications: (www.sciences-sociales.ens.fr)

13 books (12 in French, one in English)
11 directions of collective works
175 articles and contributions to collective volumes (among them 88 articles since 2016, and among these 88 papers, 18 written in English)

One MOOC (on Coursera) with Florian Couveinhes, *Droit comparé et droit international, regards croisés* (2015)

LEO P. MARTINEZ
Dean Emeritus and Albert Abramson Professor of Law Emeritus

University of California, Hastings College of the Law
200 McAllister Street
San Francisco, California 94102
[415] 565-4683
martinez@uchastings.edu

EDUCATION

University of California, Hastings College of the Law, J.D., 1978

Managing Editor, *Hastings Law Journal*

Order of the Coif

Thurston Honor Society

Tutor, Legal Education Opportunity Program

University of Virginia School of Law, The Judge Advocate General's School Basic

Course, 1978

Commandant's List Graduate

University of Southern California, M.S., Systems Management, 1975

University of Kansas, B.S., Physics with Engineering emphasis, 1971

PROFESSIONAL EXPERIENCE

Albert Abramson Professor of Law, University of California, Hastings College of the Law, July 1985 – April 2019.

Holder of the Albert Abramson endowed chair

Teaching includes Financial Basics for Lawyers, Insurance Law, Contracts, Federal Income Taxation, Federal Tax Procedure, and Tax Theory & Policy.

Interim General Counsel, University of California, Hastings College of the Law, December 2018 – April 2019.

Acting Chancellor and Dean, University of California, Hastings College of the Law, June 2009 – July 2010.

Chief executive officer reporting to U.C. Hastings Board of Directors. William B. Lockhart Professor of Law. Successfully persuaded State Senate Finance Committee to restore state funding. Raised, at that time, the second largest annual giving total in UC Hastings' history and concluded with a successful outcome before the U.S. Supreme Court in *Christian Legal Society v. Martinez*.

PROFESSIONAL EXPERIENCE cont'd

Academic Dean, University of California, Hastings College of the Law, January 1994 – July 2005 (Associate Academic Dean, July 1993 - December 1993).

Chief operating officer responsible for all academic programs including curriculum, faculty and library.

Visiting Professor of Law, Leiden University, Netherlands, spring 2018 (taught course on the American Law of Risk).

Visiting Professor, Cornell Law School, fall 2013 semester (taught federal income tax).

Visiting Professor, Nihon University, Tokyo, October 2009 (presented three invited lectures).

Hannover Ruck Gastprofesseur fur Angloamerikanishces Zivilrecht, Georg-August Universtat Goettingen, Germany, summer 2008 (taught insurance law).

Professor of Law, Cornell University Law School Summer Program at the Kenneth Wang School of Law at Suzhou University, Suzhou, China, summer 2005, 2007 and 2008.

Visiting Professor of Law, Leiden University, Netherlands, spring 2006 (taught course on the American Law of Risk).

Tax Attorney, San Francisco Law Firms of Howard, Rice, Nemerovski, Canady, Robertson & Falk and Flynn & Steinberg, July 1981 - June 1985.

Tax/corporate practice. Received highest peer rating “av” by Martindale-Hubbell Law Directory.

U.S. Army Judge Advocate General's Corps Officer, November 1978 - June 1981.

Criminal law practice (prosecution and defense) including Department of Justice assignment as a Special Assistant U.S. Attorney, Western District of Arkansas.

Honors and Awards: Joint Service Commendation Medal, Humanitarian Service Medal, Army Commendation Medal (second award).

Extern Law Clerk to Hon. William P. Clark, Associate Justice, Supreme Court of California, December 1977 - June 1978.

Member, California State Bar (member # 84947 - active)

ADDITIONAL EXPERIENCE

United States Army Signal Corps Officer, November 1971 - November 1978.

Duties: troop command of 200 soldiers, systems analyst for prototype telecommunications center, law student. Honors and awards, one of fifty Army Officers selected in 1975 to attend law school, Army Commendation Medal (first award).

AWARDS, SPECIAL APPOINTMENTS, & HONORS

- Elected Commissioner for the Western Association of Schools and Colleges Senior College and University Commission, the primary accrediting agency in the Western United States, 2019
- Presented with Hastings Visionary Award by the UC Hastings Board of Directors, 2018
- Elected Honorary Fellow of American College of Coverage and Extracontractual Counsel, 2017
- Distinguished Alumnus Award presented by UC Hastings Law Raza Law Students Association, spring 2016
- Elected to membership on the ABA Council on the Section of Legal Education and Admissions to the Bar (member of the Executive Committee), 2015
- Chair, Association of American Law Schools Nominations Committee, 2015 (Committee member in 2002 and 2016)
- President, Association of American Law Schools (AALS), January 2013 – January 2014

Presided over the 2014 AALS Annual Meeting. Chaired successful search for a new Executive Director, acquired a building to secure the financial viability of the AALS, and embarked on a communications initiative to emphasize the AALS role as the voice of legal education.

- Member, AALS Executive Committee, January 2008 – December 2010, January 2012 – January 2015
- Public Advocates Voices of Conscience Award, 2011
- Establishment of the \$100,000 endowed Leo P. Martinez student scholarship at Hastings for service to the college. Approved by the Hastings Board of Directors in June 2010 and endowed with alumni contributions.
- Annual Latino/a Law Professors Award by the Latino/a Law Professors Group in recognition of “outstanding contributions to the Latino/a community in general and Latino/a law professors in particular,” January 2011
- Endowed Chair, Albert Abramson Professor of Law, 2011 - 2019.
- Selected by ABA President Bill Robinson to serve on the ABA Task Force on the Future of Legal Education. The Task Force issued its final report in spring 2014.
- Adviser on the American Law Institute’s (ALI) project on the Principles of the Law of Liability Insurance, selected by the ALI Council, October 2010 – October 2016

AWARDS, SPECIAL APPOINTMENTS, & HONORS, cont’d

- Member, U.S. Magistrate Merit Selection Panel, selected by Chief Judge Vaughn Walker, Northern District of California, October 2010 – December 2010
- Member, Nominations Committee, ABA Section on Legal Education, 2007 – 2010
- Chair, AALS Insurance Law Section, 2001-02; Member, Association of American Law Schools Insurance Section Executive Committee, 1996 – 2003
- Member, Association of American Law Schools Membership Review Committee, January 2003 – December 2005
- Member, American Law Institute, May 1998 – present

ACADEMIC SERVICE

Acting Chancellor and Dean, Academic Dean, Interim General Counsel, service on most internal faculty governance committees including chair of Faculty Appointments Committee and chair of Faculty Executive Committee. Additional service: informal advisor to La Raza Law Students, twice student-selected faculty commencement speaker, faculty softball team starting pitcher.

Lecturer and panelist on insurance, legal education, tax and other subjects in the United States, Europe, Asia, and South America. Representative engagements:

- May 2019 – Presenter, Author Meets Reader session ANTHONY INFANTI, OUR SELFISH TAX LAWS, and Moderator, *Place v. Community: The Use of Investment Tax Incentives to Fight Concentrated Poverty*, Law & Society, Washington, D.C.
- April 2019 – Plenary panelist, *Transatlantic Data Flows, Cyber Security, and Privacy Protection*, European Law Faculty Association Annual Meeting, University of Torino, Italy
- January 2019 - Commenter, *New Voices in Tax Policy and Public Finance*, AALS Annual Meeting, New Orleans
- July 2018 – Presenter, Wolters Kluwer Leading Edge Conference, *Are We Sustainable?*, Chicago
- May 2018 – Speaker, *The Future of US Legal Education*, Bucerius Law School, Hamburg
- April 2018 – Panelist, *Joint Teaching and International Legal Education*, European Law Faculty Association Annual Meeting, Autonomous University of Barcelona
- April 2018 – Panelist, An American Perspective on the New EU Rules on Customer/Policyholder Protection Viewed Against the NAIC Model Acts, VIIth Association Internationale de Droit des Assurances (AIDA) Europe Conference, Warsaw
- March 2018 – Plenary panelist, *Innovating Solutions to Close the Latino Education Gap*, Hispanic National Bar Association Corporate Counsel Conference, San Francisco

ACADEMIC SERVICE, cont'd

Leo P. Martinez, page 5

- March 2018 – Panelist, *Issues That Will Be Filling Your Inbox Over the Next Year*, ABA Tort Trial & Insurance Practice Section's Property Insurance Law Committee Spring Conference, Nashville
- October 2017 – Panelist, *From Rain Checks to Real Disasters: Insurance as the Necessary Grease in the Wheels of Commerce*, ACCEC University of Michigan Law School Symposium, Ann Arbor
- June 2017 – Moderator, *Comparative Perspectives on Taxation*; Speaker, Panel on Critical Tax Theory, *A Critique of Tax Policy Critiques (Or, We've Got to Speak Out Against the Madness)*, Law & Society Annual Meeting, Mexico City
- April 2017 - Speaker, *American Legal Education Through the Looking Glass: Education Standards and Cost*, European Law Faculty Association Annual Meeting, Masaryck University, Brno, Czech Republic
- March 2017 - Speaker – four lectures, Nova University: *Overview of American Contract Law (delivered to undergraduate students)*, *The Duty to Settle in Insurance Law (delivered to torts students)*, *US Law Schools Through the Looking Glass (delivered to students and faculty)*, *Directors and Officers Liability Insurance (delivered to graduate students and insurance lawyers)*, Lisbon
- March 2017 – Speaker, *American Teaching Accreditation Standards*, Universidad Complutense de Madrid
- March 2017 – Speaker, *American Legal Education Through the Looking Glass: Education Standards*, Universidad Carlos III, Madrid
- February 2017 – Introductory remarks, Moderator and Panelist, 2017 American College of Coverage and Extracontractual Counsel Law School Seminar, “*Don't Be Evil: What Google's Former Corporate Motto Means for Policyholders and Insurers*,” Hastings
- January 2017 – Moderator, AALS Annual Meeting, *Current Issues Affecting the Rule of Law and Legal Education in Europe*, San Francisco
- January 2017 – Presenter, AALS Annual Meeting, *Navigating the Path to Tenure and Promotion (Things I Wish I had know When I Started)*, San Francisco
- January 2017 – Presenter, AALS Annual Meeting, *Site Evaluators Workshop: the AALS Reporter*, San Francisco
- July 2016 – Presenter, Wolters Kluwer Leading Edge Conference, *In Defense of Legal Scholarship*, Chicago
- April 2016 – Panelist, European Law Faculty Association Annual Meeting, University of Groningen, *Academic Law and the Needs of the Profession: Qualifications for Law Teachers*, Netherlands
- April 2016 – Speaker, University of Munster, *US Law Schools – the Future: Expenses/Revenue*, Germany
- April 2016 – Introductory remarks and panel moderator, Hastings' Business Journal's symposium on Multijurisdictional Taxation: *Calls for Reform, State Tax Responses to Tax Planning Structures*, Hastings

ACADEMIC SERVICE, cont'd

Leo P. Martinez, page 6

- March 2016 – Multiple lectures at Northeastern University: *American Contract Law* (delivered to students), *Limitations of Contract Law* (delivered to graduate students), the *Future of US Law Schools* (delivered to students and faculty), Shenyang, China
- January 2016 – Moderator, AALS Annual Meeting, *Turmoil in the EU and Implications for Continental Law Schools: What We Can Learn*, New York
- January 2016 – Speaker, Untenured Law Teachers of Color, *The Elephant in the Room*, New York
- October 2015 – Presenter, Rutgers Insurance Law Workshop, *The Unwritten Language of Insurance*
- April 2015 – Plenary Speaker, European Law Faculty Association Annual Meeting, Yeditepe University, *U.S. Law Schools at the Crossroads*, Istanbul
- April 2015 – Moderator, Critical Tax Scholarship Conference Northwestern University School of Law, *The Executive Branch and the Tax Law*, Chicago
- February 2015 – Panelist, Rutgers School of Law – Camden, Insurance Law Symposium, *The Duty to Settle Revisited*, Camden
- November 2014 – Panelist, ClassCrits VII Conference, Poverty, Precarity, & Work: Struggle & Solidarity in an Era of Permanent(?) Crisis, *A More Perfect Union: The Dangers of Conflating Progress and Equality*, U.C. Davis School of Law
- June 2014 – Panelist, LatCrit South-North Exchange on Legal Education, *The Ideal Model of Legal Education: A Global Work-in-Progress*, Bogota
- April 2014 – Keynote speaker, Igniting Legal Education Conference, American University, Washington College of Law, *Legal Education in the 21st Century*, Washington, D.C.
- April 2014 – Keynote speaker, *Legal education Through the Looking Glass*, Northern Illinois University College of Law, Dekalb
- March 2014 – Wm. Matthew Byrne, Jr. Annual Lecture, Pepperdine University School of Law, *Legal education Through the Looking Glass*, Malibu
- February 2014 – Speaker, University of California Davis School of Law workshop series, *Legal Education Through the Looking Glass*, Davis
- January 2014 – Speaker, Dean's Distinguished Speaker series at American University, Washington College of Law, *Legal Education in the 21st Century*, Washington, D.C.
- September 2013 – Presenter, *Variations on a Theme: Deductibles, Self-insured Retentions, Retained limits, and Fronting Policies*, Insurance Law Workshop, Rutgers School of Law-Camden, Center for Risk and Responsibility, Camden
- June 2013 – Speaker, China-European School of Law at the China University of Political Science and Law Conference on Legal Education: 21st Century Developments and Perspectives, *Curriculum Developments in American Law Schools in the 21st Century*, Beijing
- March 2013 – Speaker, European Law Faculty Association Annual Meeting, Universitat Muenster, *The Overlooked Role of Legal Scholarship: The Unity of Research and Teaching*, Muenster, Germany

ACADEMIC SERVICE, cont'd

Leo P. Martinez, page 7

- January 2013 – Speaker, AALS Annual Meeting Address to the AALS House of Delegates, *Looking Forward: Legal Education in the 21st Century*. New Orleans
- October 2012 – Panelist/Presenter, 2012 Defense Research Institute Annual Meeting: *The 21st Century Lawyer, Acceptable Activity? Or Alert Your Malpractice Carrier? Navigating the Tripartite Relationship in the Twenty- First Century*, New Orleans
- October 2012 – Moderator and Panelist, *How Will Online Education Change Law Schools in the New Legal Environment*, Symposium on The Law School in the New Legal Environment, Washington University School of Law, St. Louis
- October 2012 – Presenter, *A Unified Theory of Risk*, Insurance Law Workshop, Rutgers School of Law-Camden, Center for Risk and Responsibility, Camden
- June 2012 – Panel Moderator and Presenter, *The Incoherence of U.S. Tax Policy: the Environment As Case Study*, University of Southern California 2012 Conference of the International Society for New Institutional Economics, Los Angeles
- January 2012 – Presenter, *AALS Site Evaluators Workshop*, Preparing for the Site Visit, 2012 AALS Annual Meeting, Washington D.C.
- December 2011 – Moderator, *Ethical Issues Arising from an Insurer's Reservation of Rights To Deny Coverage*, Bar Association of San Francisco
- October 2011 – Presenter, *The Inscrutability of U.S. Tax Policy and Environmental Tax Reform*, 12th Global Conference on Environmental Taxation, Madrid
- June 2011 – Keynote Speaker, *Diversity in a Post-Modern World*, Second Annual Diversity Conference sponsored by the Sedgwick law firm, San Francisco
- April 2011 – Presenter, *The Maelstrom of a Moribund Legal Employment Market, the Engagement of Law Students, and Global Legal Education*, International Association of Law Schools Annual Conference, Buenos Aires
- January 2011 – Presenter, *Site Evaluator's Workshop*, the Reporter's Obligations in Membership Review visits, 2011 AALS Annual Meeting, San Francisco
- December 2010 – Panelist, *Latino Realities and the Internal Revenue Code: A Critical Perspective*, Western People of Color Conference, University of Hawaii Richardson School of Law, Honolulu
- October 2010 – Keynote Speaker, *The Ideal Model of Legal Education: A Global Work-in-Progress*, The Second 21st Century International Forum of Law School Deans and Jurists, Renmin University, Beijing
- April 2010 – Presenter, *Tax Policy as Urban Myth*, Critical Tax Conference, St. Louis University School of Law
- March 2010 – Panelist, *Intersectionality In Action (or Not) Across Disciplines: Tax, Intellectual Property, and Philosophy*, UCLA School of Law
- March 2009 – Presenter, *Latinos and the Internal Revenue Code: A Critical Perspective*, University of Indiana School of Law
- November 2008 – Panelist, *Preparing for the Site Evaluation/University and Law School Finances*, ABA Site Evaluation Workshop, Chicago

ACADEMIC SERVICE, cont'd

Leo P. Martinez, page 8

- November 2008 – Panelist, *Proposals for the Next Administration*, Stanford Law & Policy Review Symposium, *Closing the Tax Gap*, Palo Alto
- September 2008 – Panelist, *Preparing for the Site Visit –Team’s Perspective*, ABA Site Chairs Workshop, Chicago
- March 2008 – Panelist, *Tax Policy, Rational Actors and Other Myths*, Loyola University Chicago Law Journal Symposium, *Tax Law in a Liberal Democracy: Exploring the Relationship between Tax and Good Governance*, Chicago
- February 2008 – Panelist, *Ethical Tidal Waves and Logistical Swamps in the Tri-Partite Relationship*, 16th Annual ABA Insurance Coverage Litigation Committee Midyear Program *Testing the Waters: Discovering the Latest Currents in Insurance Coverage law*, Marina del Rey
- August 2007 – Panelist, *Coverage Counsel: The Forgotten Lawyer in Cumis*, ABA Annual Meeting Presentation on *Examining the Tripartite Relationship*, San Francisco
- June 2007 – Invited lecture, *Two Torts, One Contract, Eight Courts, and the United States Constitution: A Twenty-Three Year Odyssey*, Georg August University, Goettingen, Germany (sponsored by the German-American Lawyer's Association)
- June 2007 – Invited lecture, *Insurance, The State, and Aging: An American Perspective*, Kompetenzzentrum Versicherungswissenschaften (a European Insurance Institute), Goettingen, Germany
- April 2007 – Presenter, *Latinos and Taxation*, Critical Tax Theory Conference, UCLA School of Law
- September 2006 – Presenter, *Toward a Statistical Profile of Latina/os in the Legal Profession: A Reprise*, Hastings symposium *Affirming Latina/o Realities in California* (Hastings La Raza Law Students and the Hastings Race and Poverty Journal)
- June 2006 – Invited lecture, *Justice Delayed: A 23-year Odyssey of Contracts, Torts, and the U.S. Supreme Court*, Bucerius University, Hamburg, Germany
- July 2005 – Invited lecture. *Contracts and U.S. Income Taxation*, Suzhou University Kenneth Wang School of Law, Suzhou, China
- April 2005 – Presenter, *Tax Policy, Rational Actors, and Other Myths*, Critical Tax Theory Conference, Seattle University School of Law
- April 2004 – Presenter, Symposium: *Guinn v. Legislature of Nevada*, University of Nevada, William S. Boyd School of Law
- February 2004 – Panelist, Practising Law Institute Program on *Visibility in the Profession*, San Francisco
- January 2003 – Keynote luncheon speaker, Mealy's Program on Employment Practices Liability Insurance, San Diego
- April 2002 – Presenter, *Tax Policy and Horizontal Equity*, Tulane Tax Theory Workshop

ACADEMIC SERVICE, cont'd

- October 2001 - Panelist, *Raising the Bar; Latino Presence in the Judiciary*, Boalt Hall
- July 2001 – Facilitator, AALS Conference on New Ideas for Experienced Teachers,

Leo P. Martinez, page 9

Calgary

- April 2001 – Panelist, Lorman Education Services, *California Insurance Law*, San Francisco
- January 2001 – Program Chair and panelist, *Insurance Coverage of Intellectual Property Disputes*, AALS Insurance Law Section Program on Insurance, San Antonio
- August 2000 – Invited speaker, State Assembly Select Committee on the confirmation of Judge Harry Low as State Insurance Commissioner
- May 2000 – Emcee, San Francisco La Raza Lawyers Association Annual Dinner
- February 2000 - Presenter, *Faculty Assessment in Site Evaluations*, ABA Site Evaluation Workshop, Indianapolis
- September 1999 – Panelist, *Chair's Role in Site Evaluations*, ABA Site Evaluation Chairpersons Workshop, Indianapolis
- May 1999 – Presenter, *Theory and Empiricism in Taxation Policy*, Law and Society Association Annual Meeting, Chicago
- April 1999 – Panelist, *Reclaiming Equal Opportunity*, LatCrit IV Conference, Lake Tahoe
- February 1999 – Keynote Speaker, American Society of Anesthesiologists Conference on Practice Management, San Francisco

Service on American Bar Association law school accreditation evaluation teams/Association of American Law Schools (AALS) site visits:

- 2018, Villanova University, Widger School of Law (AALS Reporter)
- 2017, Florida International University, School of Law (ABA team chair)
- 2016, Western Michigan University, Cooley Law School Tampa Bay Campus (special ABA fact-finding visit)
- 2015 University of the Pacific, McGeorge School of Law (sole ABA visitor for Antigua, Guatemala program)
- 2015, William Mitchell School of Law – Hamline University School of Law (special visit regarding potential merger, AALS representative)
- 2012, Inter American University of Puerto Rico, School of Law (special ABA fact-finding visit)
- 2012, University of Texas School of Law (AALS Reporter)
- 2011, Pontifical Catholic University of Chile School of Law (AALS team chair)
- 2011, University of Virginia School of Law (AALS Reporter)
- 2011, North Carolina Central School of Law (AALS two-person team)
- 2009, Tulane University Law School (ABA team chair)
- 2008, Wake Forest University School of Law (AALS Reporter)

ACADEMIC SERVICE, cont'd

- 2007, St. John's University School of Law (sole ABA visitor for Rome program)
- 2007, University of North Dakota School of Law (AALS Reporter)
- 2006, Charleston School of Law (special ABA fact-finding visit)

Leo P. Martinez, page 10

- 2006, Pontifical Catholic University of Puerto Rico School of Law (sole ABA visitor for Toledo, Spain program)
- 2005, Thomas Goode Jones School of Law at Faulkner University, Montgomery, Alabama (ABA team chair for provisional accreditation)
- 2004, Whittier University Law School (sole ABA visitor for China program)
- 2004, Suffolk University School of Law (ABA team chair)
- 2003, Loyola University, New Orleans (sole ABA visitor for Budapest program)
- 2003, Seattle University School of Law (sole ABA visitor for LL.M. acquiescence)
- 2002, Inter American University of Puerto Rico, School of Law (ABA team chair)
- 2002, Inter American University of Puerto Rico, School of Law (sole ABA visitor for Madrid program)
- 2001, Fordham University School of Law (AALS Reporter)
- 2000, Washington University in St. Louis School of Law (sole ABA visitor for LL.M. acquiescence)
- 1999, Pontifical Catholic University of Puerto Rico School of Law (ABA team chair)
- 1999, Pontifical Catholic University of Puerto Rico School of Law (sole ABA visitor for Toledo, Spain program)
- 1999, Arizona State University College of Law (ABA team member)
- 1998, University of Missouri (Columbia) School of Law (ABA team chair)
- 1996, Yale University Law School (ABA team member)
- 1995, University of Puerto Rico School of Law (ABA team member)
- 1994, Washington & Lee University School of Law (ABA team member)

Member, Association of American Law Schools Resource Corps, May 2000 – present (facilitations conducted at the law schools at the University of Washington (twice), Miami (Florida) University, Texas Tech University, Washburn University (twice), City University of New York, Nova Southeastern University, University of Iowa (twice), University of Arizona, University of Kentucky, Western State University, and the University of Florida (twice))

PROFESSIONAL ACTIVITIES, active affiliations

Board Chair and founding board member, Public Media Company (formerly Public Radio Capital), November 2014 – present and November 2007 – December 2010, board member since November 2000

Public Media Company is a non-profit organization initially funded by the Corp. for Public Broadcasting to assist public media (\$320+ million in capital raised for 275+ public media organizations)(includes VUHAUS and Channel X initiatives).

Member, Board of Directors, CollegeTrack, July 2010 – present

CollegeTrack is a non-profit after-school college preparatory program that works to increase high school graduation, college eligibility and enrollment, and college graduation rates in under-resourced communities.

Off-board member KQED Inc. Nominating and Governance Committee, July 2012 – present

Member, San Francisco La Raza Lawyers Association, 1992 – present

Trustee, UC Hastings Foundation, July 2006 – present

Member, University of Kansas Chancellor's Advisory Board, July 2013 - present

PROFESSIONAL ACTIVITIES, past affiliations

Chairman, Board of Directors, Public Advocates, Inc., June 2003 – July 2011; member of the Board, June 1998 – March 2019

Public Advocates is a public interest law firm committed to challenging the causes and effects of poverty and discrimination.

Board Chair, St. Francis Hospital Foundation Board of Directors, December 2007 – December 2009; board member, December 2003 – December 2012

With approximately \$80 million in assets, the mission of the Saint Francis Foundation is to raise funds and make grants that support and enhance the ability of Saint Francis Memorial Hospital to deliver exceptional health care services and compassionate care to its patients and to the communities the hospital serves.

PROFESSIONAL ACTIVITIES, past affiliations cont'd

Chairman of the Board, KQED, Inc., January 1996 - January 1997, Vice Chair, Board of Directors, September 2001 – 2008; 1990 - January 1997

KQED, Inc. owns three public television (KQED, KTEH, KCAH) and two public radio (KQED, KQEI) stations serving the San Francisco Bay Area. As Board Chairman oversaw the hiring of a Chief Operating Officer, the divestiture of a popular city magazine, and the refinancing of building debt.

Member, Board of Directors, The Access Group, January 1998 – December 2012, Vice Chair of the Board and Executive Committee member, January 1999 – January 2005

The Access Group was a major non-profit originator of loans to students enrolled in professional schools (primarily law, medicine and graduate business). It holds in excess of \$400 million in cash and cash equivalents.

Member, Board of Trustees, World Affairs Council, June 1995 – June 1998

The World Affairs Council is a non-profit organization of civic leaders providing Bay Area information on world affairs, the economy and education.

Vice President, Board of Directors, St. Paul's Episcopal School, July 1994 – July 1996; Board member 1990 – 1996

Member and CFO, Board of Directors, Berkeley Law Foundation, July 1987 - July 1993

PERSONAL

Married, two children (daughters: Elizabeth, age 33, 2008 University of Chicago graduate; and Jennifer, age 36, 2004 UCLA graduate and 2008 Stanford Law School graduate), reformed soccer coach (FIFA “F” license), racket sport and softball enthusiast.

PUBLICATIONS

Books

LEO P. MARTINEZ, MARC S. MAYERSON & DOUGLAS R. RICHMOND, NEW APPLEMAN INSURANCE LAW AND PRACTICE GUIDE (LexisNexis 2019) (4-volume work succeeds LexisNexis annual editions since 2007 with the same editors).

LEO P. MARTINEZ & DOUGLAS R. RICHMOND, INSURANCE LAW (8TH ED. WEST PUBLISHING CO. 2018).

LEO P. MARTINEZ & DOUGLAS R. RICHMOND, INSURANCE LAW (7TH ED. WEST PUBLISHING CO. 2013).

LEO P. MARTINEZ, INSURANCE LAW (6th ed. West Publishing Co. 2010).

LEO P. MARTINEZ & JOHN W. WHELAN, INSURANCE LAW (5th ed. West Publishing Co. 2006).

LEO P. MARTINEZ & JOHN W. WHELAN, INSURANCE LAW (4th ed. West Publishing Co. 2001).

KEN H. YORK, JOHN W. WHELAN, & LEO P. MARTINEZ, INSURANCE LAW (3rd ed. West Publishing Co. 1994).

LEO P. MARTINEZ & JAMES A. BARRINGER, ESTATE PLANNING FOR THE OWNERS OF CLOSELY HELD CORPORATIONS (Program Materials California Continuing Education of the Bar 1984).

TAX POLICY AS URBAN MYTH. Work in progress. Most people take their responsibility as citizens lightly and effectively defer their view of tax policy to the practitioners of Madison Avenue's arts. Thus, sound bite pitches actually work – e.g. “tax and spend” is a bad thing. My aim is to explain complicated aspects of tax policy in an accessible way. The inspiration for the book came is my invited presentation at the University of Nevada, William S. Boyd School of Law, which resulted in an article *Tax Legislation and Democratic Discourse: The Rhetoric of Revenue and Politics*, 4 NEVADA L.J. 510 (2004).

Variations on a Theme: Deductibles, Self-Insured Retentions, Retained Limits, and Fronting Policies (work in progress addressing the insurance law implications related to insureds' assumption of responsibility for part of a covered risk).

The Overlooked Role of Legal Scholarship: The Unity of Research and Teaching (work in progress defending the role of legal scholarship).

The New EU Rules on Insurance Customer/Policyholder Protection Viewed Against the NAIC Model Acts (co-authored work on the European Union Insurance Distribution Directive with Professor Pierpaolo Marano of Università Cattolica del Sacro Cuore)(circulating).

Cyber Risks: Three Basic Structural Issues to Resolve (invited and submitted chapter that will be part of an Association Internationale de Droit des Assurances (AIDA) book on InsureTech as part of a European Research Series on Insurance law and Regulation).

A Critique of Critical Tax Policy Critiques (Or, You've Got to Speak Out Against the Madness), 28 BERKELEY LA RAZA L.J. 49 (2018).

Latinos and the Internal Revenue Code: A Tax Policy Primer for the New Administration, 20 HARV. LATINX L. REV. 101 (2017).

Taxation and Latinos, in OXFORD BIBLIOGRAPHIES IN LATINO STUDIES, New York: Oxford University Press (Ed. Ilan Stavans 2017)(also available at www.oxfordbibliographies.com).

The Duty to Settle and the Restatement of the Law of Liability Insurance, 68 RUTGERS UNIVERSITY L. REV. 155 (2015)(invited paper presented March 2015 at Rutgers School of Law – Camden Insurance Law Symposium).

Toward A More Perfect Union?: The Dangers of Conflating Progress and Equality, 44 SOUTHWESTERN L. REV. 727 (2015)(invited symposium piece presented at U.C. Davis ClassCrits VII Conference, Poverty, Precarity, & Work: Struggle & Solidarity in an Era of Permanent(?) Crisis).

Legal Education in a Modern World: Evolution at Work, 9 CHARLESTON L. REV. 267 (2015)(invited paper presented June 2014 at LatCrit South-North Exchange on Legal Education, Universidad de los Andes, Bogota)

Curriculum Developments in American Law Schools in the 21st Century, 3 CHINA EU LAW L.J. 43 (2014)(Digital Object Identifier (DOI) **10.1007/s12689-013-0032-6**)(invited presentation China-European School of Law at the China University of Political Science and Law Conference on Legal Education: 21st Century Developments and Perspectives, *Curriculum Developments in American Law Schools in the 21st Century*, Beijing).

A Unified Theory of Insurance Risk, 74 PITT. L. REV. 713 (2013).

Hillman v. Marett: *The Perils of Insurance Beneficiary Designation*,” *LexisNexis Emerging Issues*, 2013 Emerging Issues 7008 (June 2013).

Structural Impediments to Tax Reform: The Environment as Case Study, 14 FLA. TAX REV. 45 (2013)(peer-reviewed journal).

The Allocation of Costs in Multi-Insurer Cases Spanning Multiple Years: The Deceptively Simple Problem of Defense Costs, NEW APPLEMAN ON INSURANCE: CURRENT CRITICAL ISSUES IN INSURANCE LAW 53 (Fall 2012).

The Inscrutability of U.S. Tax Policy and Environmental Tax Reform, in MARKET INSTRUMENTS AND SUSTAINABLE ECONOMY (Spanish Institute of Fiscal Studies, ed. 2012) (invited paper presented in October at the 12th Global Conference on Environmental Taxation in Madrid).

Latino Realities and the Internal Revenue Code: A Critical Perspective, 22 U. FLA. J.L. & PUB. POL'Y 377 (2011) (with Jennifer Martinez, versions of the paper were presented at Stanford University Law School, University of Hawaii Richardson School of Law, and University of Indiana School of Law).

The Uneasy Relationship Between the CISG and U.S. Contract Law, 2009 NIHON UNIV. COMP. L. 11 (invited lecture at Nihon University, Tokyo).

Tax Policy, Rational Actors, and Other Myths, 40 LOYOLA CHICAGO L.J. 297 (2009) (invited paper presented at Loyola of Chicago School of Law Conference on Tax Law in a Liberal Democracy).

Coverage Advice: The Missing Piece of the Cumis Puzzle, 44 TORT TRIAL & INS. PRAC. L.J. 63 (Summer-Fall 2008) (invited presentation at 2007 ABA Annual Meeting).

Articles & Book Chapters Cont'd

Insurance, The State, and Aging: An American Perspective, 7 DIE VERSICHERUNG DES ALTERNS 13 (Kompetenzzentrum Versicherungswissenschaften 2008) (invited paper presented at the Kompetenzzentrum Versicherungswissenschaften, a European Insurance Institute in Goettingen, Germany).

The Problem with Taxes: Fairness, Tax Policy, and the Constitution, 31 HASTINGS CON. L. QTRLY. 413 (2004).

Tax Legislation and Democratic Discourse: The Rhetoric of Revenue and Politics, 4 NEVADA L.J. 510 (2004) (invited paper presented at University of Nevada, William S. Boyd School of Law).

Classic Insurance Law in a Postmodern World, 2 NEVADA L.J. 403 (2002) (invited paper).

Toward A Statistical Profile of Latinos in the Legal Profession, 13 BERKELEY LA RAZA L.J. 59 (2002) (with Miguel Mendez, invited paper presented at Boalt Hall).

"[T]o Lay and Collect Taxes," The Constitutional Case for Progressive Taxation, 18 YALE L. & POL'Y REV. 111 (1999).

The Summons Power and the Limits of Theory; a Reply to Professor Hyman, 71 TULANE L. REV. 1705 (1997).

Of Fairness and Might: The Limits of Sovereign Power to Tax after Winstar, 28 ARIZ. ST. L.J. 1193 (1996).

Babies, Bathwater and Law Reviews, 47 STANFORD L. REV. 1139 (1995) (invited paper presented at Stanford University Law School).

The Summons Power and Tax Court Discovery: A Different Perspective, 13 VA. TAX REV. 731 (Spring 1994).

Taxes, Morals, and Legitimacy, 1994 B.Y.U. L. REV. 521.

Federal Tax Amnesty: Crime and Punishment Revisited, 10 VA. TAX. REV. 535 (1991).

Articles & Book Chapters Cont'd

Tax Collection and Populist Rhetoric: Shifting the Burden of Proof in Tax Cases, 39 HASTINGS L.J. 239 (1988), reprinted in THE MONTHLY DIGEST OF TAX ARTICLES 12 (December 1988).

Inter Vivos and Testamentary Trusts, Chapter 4 in ESTATE PLANNING PRACTICE (California Continuing Education of the Bar 1987), with James A. Barringer.

Estate Planning for the Owners of Closely Held Businesses: Valuation Considerations, 6 ESTATE PLANNING & CAL. PROBATE REPORTER 121 (1985).

Short Term Shifts of Income: Clifford Trusts and Crown Loans, Chapter 5 in PLANNING AND DRAFTING IRREVOCABLE TRUSTS (California Continuing Education of the Bar 1983).

Short Works, Tributes, and Op-Ed Pieces

Introduction: The Marriage of Intellectual Property and Insurance Law, 8 CONN. INS. L.J. 1 (2001) (invited symposium introduction).

Ray Forrester Memorial, 28 HASTINGS CON. L. QTRLY. xxv (Winter, 2001).

Julian Levi Memorial, 48 HASTINGS L.J. 3 (1996).

In Memoriam: Professor Warren Shattuck, 47 HASTINGS L.J. 1 (1996).

KQED and the Mondavi Controversy, San Francisco Chronicle, p. A15, Dec. 27, 1996.

If No One Reads Law Reviews, Why Are They So Important?, 108 Los Angeles Daily Journal 6, col. 3, Dec. 22, 1995 (abridged version of 47 STANFORD L. REV. 1139 (1995)).

Of Michelangelo and Roscoe Barrow, 16 HASTINGS COMMUNICATIONS AND ENTERTAINMENT L.J. 426 (1994).

Professor Leo P. Martinez
Albert Abramson Professor of Law Emeritus and Dean Emeritus
University of California, Hastings College of the Law

University of Lisbon: The American Law of Risk

This course will begin with a survey of the basic principles of American contract law. With this background, the course will examine the principles of risk allocation by private contract in the form of the comprehensive general liability insurance policy. The course will also address some of the differences and similarities between American and EU legal principles.

Course Syllabus – The American Law of Risk

Dates TBD	Class content
Monday 2 hours	I. American law pedagogy and contract law: This class will feature an explanation of the case method of teaching to highlight both the pedagogy of the Socratic Method and the case method of teaching. The class will also include an overview of American contract law.
Tuesday 2 hours	II. Risk as the subject of contract: the insurance bargain and the parties' obligations: This class will introduce the application of American contract law in a particular and sophisticated context, that is, contracts involving the assumption of a one party's risk by another in exchange for money. This basic nature of the insurance bargain and the parties' roles in the bargain will be outlined. The easy translation of insurance principles across borders is emphasized.
Wednesday 2 hours	III. The duty to defend: One key aspect of an insurer's obligations in a liability insurance contract is the duty to defend. This class will explain the scope of that duty and how it plays out when disputes arise.
Thursday 2 hours	IV. The duty of cooperation: The person or the entity insured has the obligation to pay money, that is premiums in exchange for an insurer's assumption of its risk. This is not the only obligation of the insured. This class will address the insured's duty to cooperate with the insurer.
Friday 2 hours	V. Remedies for breach of the insurance bargain: The one-sided nature of the insurance contract means that the remedies available for breach of the contract by the insurer differ in significant respect from the remedies form breach of a less sophisticated contract. This concluding class explores these differences and serves to review the principles covered earlier in the course.



Marine TOULLIER

French Nationality.

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Tél/Fax : (00 33) 2 32 76 98 20

Professional activity

Management

2013 (5 years) **Director of Master** « International and European Law ».

2007 (11 years) **Director of the International Relations** of the Law Faculty (University of Rouen): Management of the relations with the partners universities in Europe and in the world; establishing exchange strategies (both professors/students); activate partnerships, as co-awarding with French speaking countries (Vietnam, Canada, Africa) ; personal management (pedagogical and logistic) of each student going abroad and coming from abroad; leading the service of the International Relations in coordination with administrative services of the University.

Director of the Master “LL. M European Legal Practice”. Choice of the subjects taught, of the external interveners; coordination with the European Union and the Erasmus Mundus Consortium (Hanover, Lisbon, Vilnius): selection of excellent students from all over the world, together with our embassies and Campus France; personal management of each student coming or going abroad.

Teaching

In France

2005 (13 years) **Senior Lecturer** at Rouen University.

Major subjects taught: International and European Fundamental Rights and Freedoms (Seminar Master 2nd year), European Protection of Human Rights (Master 1st year), European Union Litigation and European Convention on Human Rights litigation (Master 1st year), Legal Methodology (Master 1st year), Fundamental rights and freedoms (Bachelor).

2004-2003 **Capavocat school**: personal coaching to students for entrance examination to the Parisian Bar.

1998-1996 **Paris I Pantheon-Sorbonne University** as Teaching and Research assistant.

(2 years) Teach to students a reasoning structure, a method of comprehension and argumentation from jurisdictional culture and specific knowledge in Constitutional Law.

Lectures abroad

2018 Nov **Leibniz Universität Hannover, Germany**, 2 courses in English "International protection of Human rights"; Practical workshop: European Court of Human Rights case law study.

2018 April **Facoltà di Giurisprudenza dell'Università di Federico II, Naples, Italy**. Practical seminars of resolution of European Cour of Human Rights law cases through role plays: barrister of the parties, European judge).

2018 March **Faculdade de Direito de Lisboa, Lisbon, Portugal**, teaching in English an intensive course on « Globalisation and International protection of Human Rights » (10 hours on a week basis), experience renewed since 2009 + 2010-2015 “Regional Fundamental Rights Protection: American, African and European systems », (10 hours on a week basis).

2017 July **Facoltà di Giurisprudenza dell'Università di Sassari (and in Nuoro Seat), Sardinia, Italy**. Co-organiser of the Summer school on Human rights + Lectures in Italian, English, French.

2017 April **Facoltà di Giurisprudenza dell'Università di Sassari, Sardinia, Italy**, one month contract as “visiting professor”. Lectures in Italian: European convention on Human rights, European Union Law, Human rights Law.

Lectures given in that University and these subjects in the Erasmus framework since 2009.

Nuoro Seat of Sassari University: Conferences on the “violence to women”, given for students and training for lawyers since 2014.

- 2016 July **Leibniz Universität Hannover, Germany**, 3 courses in English: "Effectiveness of the lessons learned from WW2 by the ECtHR: the example of the control over states' derogation in time of emergency" ; "Human rights' place in globalisation" ; "International protection of Human rights". “The paradox of the right to life: the most important right with a relative protection in the ECHR”, Intervention in the congress organised in the occasion of the Erasmus Mundus diploma awarding ceremony 2009-2010.
- 2016 July **Mykolas Romeris University, Vilnius, Lithuania**, teaching in English, managing the French delegation and participation to the organisation of the « International Human Rights law summer study » (2 weeks) ; experience renewed since July 2009.
- 2014 (1 month) Scholar of **Erasmus Mundus' Program Battuta**, teaching EU Law, European Law, international, European and French Human rights law, Research methodology, Globalisation, Fez, Morocco.
- 2012 June **Università Roma 3, Italy**, teaching in Italian to PHD students on “I diritti della CEDU nella dottrina e la giurisprudenza francese”.
- 2010 April **Università La Sapienza, Rome, Italy**, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese ».
Università Roma 3, Italy, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese » and at the Master students on « Protezione dei diritti in Europa » ;
- 2009 July **Universidade Católica Portuguesa Lisbon, Portugal**, teaching in English (one week) Summer Academy on « Trafficking in Humans Beings » and "Legal issues on globalisation". Experience renewed since 2007.
- 2009 June **Università Roma 3, Italy**, teaching in Italian to Master students on “La responsabilità da danno ambientale”.
- 2008 (4 months) Scholar of **Erasmus Mundus' Program**, teaching in English EU Law, European Law and Environmental Law at Symbiosis Law College, Pune, **India**.
- 2007 May **Università Roma 3, Italy**, teaching in Italian to Master students on « Dell'Europa del diritto all'Europa dei diritti ».
- 1999-1995 **Urbino's University and Teramo's University (Italy): Teaching** in Italian on French constitutional's justice and Human Rights Law.

Lawyer

- 2002 (6 months) **Barrister's office** generalist in Paris
Researches, redaction of writ of summons, conclusions, consultations, clients' reception, court proceedings
Court of justice (Tribunal d'Instance) of Antony
Following police audiences (Petty offences), civil audiences and private sitting
- 1999-1995 (4 years) **Jurist/researcher** – Department of Comparative Law of the Italian Constitutional Court, Rome (Italy)
Within the framework of integration of French Law in mechanisms of Italian jurisdictional decisions, analyse the interpretation of legal texts by judges and conditions of their application.
- 1995 (6 months) **Internship – French Constitutional Council's legal department (Paris)**
Work on case law, doctrine and law's analysis to elaborate a Constitutional Council's international position on freedom of thinking.

1995-1994 (1 year) Scholarship from the Italian Ministry of Foreign affairs
Researches in Italian law for the Italian C.N.R. (National centre for researches).

Languages

Italian : Bilingual
English : Speaking: Excellent ; Writing, Reading, Understanding : Good.
French : Mother tongue

Education

- 2003 **European Thesis Prize** by **European public law Centre**, (Athens) (recompense one of the best law thesis in Europe)
- 2002 **French Thesis prize** “*Paul Deschanel*” from French **Chancellery** (rewarding one of the best law thesis in France)
- 2002 “*Certificat d'aptitude à la profession d'avocat*” (C.A.P.A.) to enter the **Parisian bar**.
- 2001 **PHD in Comparative Law - University Paris I Pantheon-Sorbonne**
Theme: "Resolving conflicts between fundamental Rights in Constitutional comparative Franco-Italian Law" grade: **very honourable and congratulations unanimous jury, allowed to be published and nominated for an award of PhD** (best grade).
- 1992 **Master 2** Post graduate diploma (D.E.A.) of **Public Comparative law of the European states- University Paris I Pantheon-Sorbonne** (grade: Good-enough).
- 1991 **Master 2** Post graduate diploma (D.E.A.) **Philosophy of Law - University Paris II Pantheon-Assas** (grade: **Good**)
- 1991 **Master 2** Post graduate diploma (D.E.A.) of **Doctrines and political philosophy Policies - University Paris I Pantheon-Sorbonne** (grade: Good-enough).
- 1990 **Master 1** (“*Maîtrise*”) of **Public Comparative law** within the framework **Erasmus European programme** – University Paris II Pantheon-Assas and **Bologna** (Italy)

Data processing

Good skills applications such as in Word, Excel, PowerPoint, Access, Outlook.

Publications/Congresses

- 2018 May Conference at Facultad de derecho, Universidad de Zaragoza, Spain on « the right of housing as a Human right ».
- 2018 March “Les valeurs par qui le scandale arrive...”, sous-titre: L’Union européenne, une communauté fondée effectivement sur des valeurs communes ?, Anthemis s.a. et Éditions Nemesis a.s.b.l., Brussels, Belgium, 2018, p. 101.
- 2017 “Effectiveness of the lessons learned from WW2 by the European Court of Human Rights: the example of the control over states’ derogation in time of emergency”, *Journal of International Jurisprudence*, 2017, Volume 3, Issue 1, p. 8-24.
- 2016 Jan. Conference in Rouen University: “control over the state of emergency by the European Court of Human rights, sufficient bulwark against abuses?”
- 2016 Dec. Conference in Prague in October 2016 “Should Hungary be sanctioned for violating EU’s values?”.
- 2014 Dec. Conference at Le Havre University: « Globalisation and Fundamental Rights».
- 2004 **Article** in French: « Le juge administratif suprême face à l’équilibre des formes de commerce », à la Revue *A.J.D.A.*, n°15/2004, 19 April 2004, p. 801-810.
- 2003 **Article** in French: « Le refoulement des étrangers à la frontière : quoi de neuf ? », *Les Petites affiches*, 23 August 2005.

- 2001 **Thesis** in French in comparative law – University Paris I Panthéon-Sorbonne.
"La résolution des conflits entre droits fondamentaux en droit constitutionnel comparé franco-italien", 666 p.
- 1999 **Intervention in Italian** at **Falcone's association conference** on "**fair trial in France**", Palermo.
- 1998 **Intervention** in Italian at **Italian Senate** on "Sexual exploiting and minors' work : French experience", published in *Rivista dei diritti dell'uomo*, 1998, p. 28-52
- 1991 Participation to **redaction of French national report** at Xth Conference of the European Constitutional courts on **freedom of thinking** and **freedom of speech**.

Researches

- 1992 **Thesis** for the **Master** Public Comparative law of the European states - University Paris I
Subject : "linguistic minorities' law in Italy" (15,5/20), director F. Moderne
- 1991 **Thesis** for the **Master** Law philosophy - University Paris II
Subject : "Law and history in Giambattista Vico" (17,5/20), director S. Rials
- 1992 **Thesis** for the **Master** Political Sciences - University Paris I
Subject : "Poetic politic of Vico" (16/20), director Ph. Raynaud

Translations

- 1997 Translation of the G. Vassalli's work (president emeritus of the Italian Constitutional court), « State of penal trial in Italy », Librairie de l'Université, 1997, Chêne Bourg, 392p.
- 1991 Translation of the national Italian report - international comparative law association's conference, Athens, 1994 : "Fortune of goods and allowance for board in the divorce by mutual consent", Milano, Giuffrè, p. 73-100

Interests

Lessons and training on brain functioning: to improve it. Travelling : to be in a new environment and understand better the world. Practice sport, especially Breton's dances: to feel well balanced and pleasure. Participate to cultural events: to transcend reality and help me changing it.

Syllabus Intensive Course Prof. Dr. Marine Toullier

Globalisation and international protection of Human rights

1. Monday:

Definition of globalisation: a multidimensional phenomenon. Study of the notion of globalisation from different perspective: sociological, economical, political, industrial and finally from a law perspective. It is revealing of new elements phenomenon: new markets, new actors, new rules, new instruments of faster and cheaper communication. Globalisation as a set of shocks, of challenges and of fears: Human, commercial, Industrial, financial, technological shocks.

Raise of new problems from globalisation: questions raised by globalisation, Relations between economy and Human rights; The Human Right's place in the globalisation phenomenon.

2. Tuesday

Globalisation and the notions of unity and diversity. Does globalisation constraint to standardisation or is there still place for the diversity? Should we aim to have the same rights all over the world ? Or is tolerance to what is different, a value superior than the aim of insuring the "minimum standard" of the ECHR for example to all human beings despite different cultures? Globalisation and the controversial universality of the rights.

3. Wednesday:

Globalisation and international protection of human rights: failure of the institution of an effective international system of protection of human rights; Reasons of failure: universality confronted with pluralism of the cultures; the weakness of the international law: principle: the will of the state, the exception: the *jus cogens*.

4. Thursday:

Embryo of an international protection of human rights; The Charter of the United Nations; the Universal Declaration of Human Rights; The international Covenants (1966): their juridical strength, their content and their mechanism of control.

5. Friday

The embryo of international justice: Permanent Court of International Justice, International Court of justice, Special international criminal courts: criminal courts *ad hoc* (TPIY, TPIR) and internationalised courts: the Special Court for the Sierra Leone; the High Iraqi criminal court ; the extraordinary Chambers in the Cambodian jurisdictions ; the special court for the Lebanon.

Literature:

Doctrine on Globalisation:

- AUDRETSCH (David B.) & SANDERS (Mark), « [Globalization and the Rise of the Entrepreneurial Economy](#) », [Working Papers](#) 08-21, Utrecht School of Economics, 2008.
- LANE (Ph.), MILESI- FERETTI (G.-M.), “Financial globalization and exchange rates”, *Dollars, Debt, and Deficits: Sixty Years after Bretton Woods* International Monetary Fund, 2005.
- LANE (Ph.), MILESI- FERETTI (G.M.), *The external wealth of nations, mark II: revised and extended estimates of foreign assets and liabilities, 1970–2004*, Journal of International Economics 73, 2007, p. 223–250.
- SCHOLTE (Jan Aart), [Globalization: A Critical Introduction](#), Mac Millan Press LTD, 2000.

MASSIMO LUCIANI

CURRICULUM VITAE

Massimo Luciani è professore ordinario di Istituzioni di diritto pubblico nella Facoltà di Giurisprudenza dell'Università degli Studi di Roma, "La Sapienza". È stato Presidente dell'Associazione Italiana dei Costituzionalisti per il triennio 2015-2018. E' avvocato, del Foro di Roma, abilitato al patrocinio innanzi le giurisdizioni superiori (esercita attività professionale, in particolare, ma non esclusivamente, nei settori del diritto costituzionale, del diritto regionale, del diritto amministrativo, del diritto previdenziale delle categorie libero-professionali). È componente del Seminario di formazione permanente della Corte dei conti e coordinatore del relativo Comitato scientifico.

Ha conseguito in data 8 aprile 1975 il diploma di laurea in Giurisprudenza presso l'Università degli Studi di Roma con voti 110/110 e lode, discutendo una tesi di laurea in diritto costituzionale.

Ha iniziato l'attività didattica e di ricerca in data 21 maggio 1975 presso la Facoltà di Giurisprudenza dell'Università degli Studi di Roma, Cattedra di Diritto costituzionale I, in qualità di assistente incaricato supplente.

Ha abbandonato tale incarico in data 20 aprile 1976 per ottemperare agli obblighi di leva, assolti i quali ha proseguito presso l'insegnamento sopra indicato, ma senza la suddetta qualifica, l'attività di ricerca.

Dal 1° aprile 1979 al 15 novembre 1985 è stato assistente ordinario presso l'Istituto universitario navale di Napoli, Facoltà di Economia marittima, Cattedra di Istituzioni di diritto pubblico.

Dal 15 aprile 1985 al 31 ottobre 1985, e dal 1° marzo 1986 al 28 febbraio 1987, ha prestato servizio come assistente di studio presso la Corte costituzionale.

Dal 16 novembre 1985 al 31 ottobre 1987 ha prestato servizio come professore associato di diritto costituzionale italiano e comparato presso la Facoltà di Scienze politiche dell'Università degli Studi di Perugia.

Dal 2 luglio 1987 al 31 ottobre 1990 ha prestato servizio come professore straordinario di diritto costituzionale presso la Facoltà di Giurisprudenza dell'Università degli Studi di Pavia.

Nell'Anno accademico 1987/1988 ha tenuto per supplenza il corso di diritto costituzionale presso la Facoltà di Giurisprudenza dell'Università degli Studi di Perugia.

Dal 1° novembre 1990 ha prestato servizio come professore ordinario di diritto costituzionale presso la Facoltà di Giurisprudenza dell'Università degli Studi di Perugia.

Dal 1° novembre 1994 al 31 ottobre 1996 ha prestato servizio come professore ordinario di diritto parlamentare presso la Facoltà di Scienze politiche dell'Università degli Studi di Roma "La Sapienza".

Dal 1° novembre 1996 presta servizio come professore ordinario di Istituzioni di diritto pubblico (dal 1° novembre 2001 al 31 ottobre 2007 con l'insegnamento di Istituzioni di diritto costituzionale; per l'A.A. 2009-2010 e successivi con l'insegnamento di Diritto costituzionale) presso la Facoltà di Giurisprudenza dell'Università degli Studi di Roma "La Sapienza".

È risultato vincitore di un concorso per tesi di laurea bandito dal Ministero del bilancio e della programmazione economica (comunicazione in data 27 febbraio 1978).

È risultato vincitore di una borsa di studio bandita dal Centro di Studi americani e della relativa borsa di viaggio bandita dalla Commissione per gli scambi culturali tra l'Italia e gli Stati Uniti nel quadro del programma Fulbright-Hays, presentando un programma di ricerca da compiersi presso la Johns Hopkins University di Baltimora sul tema degli

emergency powers del Presidente degli Stati Uniti (comunicazioni in data 16 marzo e 25 luglio 1978; di tali borse non ha peraltro fruito per ragioni personali).

È stato insignito del “Premio Sandulli” 2017.

È stato insignito, il 13 novembre 2018, del titolo di Dottore *honoris causa* dell’Università di Aix-Marseille.

Fa parte:

della direzione della Rivista “Politica del diritto”;

della direzione della Rivista “Diritto e società”;

della direzione della Rivista “Democrazia e diritto”;

del comitato scientifico della Rivista “Giurisprudenza costituzionale”;

del comitato scientifico della “Rivista del Diritto della Sicurezza Sociale”;

del comitato scientifico della Rivista “Nomos. Le attualità nel diritto”;

del comitato scientifico della Rivista “Munus. Rivista giuridica dei servizi pubblici”;

del comitato scientifico della Rivista “Teoria politica”;

del comitato scientifico della Rivista “Libero osservatorio del diritto”;

del comitato scientifico della Rivista “Corti Supreme a Salute”.

È stato editorialista del quotidiano “La Stampa”.

È stato editorialista del quotidiano “l’Unità”.

È stato componente della Commissione per le politiche di integrazione degli immigrati.

È stato componente della Commissione governativa per le riforme costituzionali, insediata nel 2013.

È stato componente della Commissione “incaricata di predisporre uno schema di progetto di riforma dell’ordinamento giudiziario”, istituita con d. Min. giustizia del 12 agosto 2015.

È stato componente dell’Alta Corte di Giustizia Sportiva presso il C.O.N.I.

È stato (per il triennio 2008-2010) Presidente della “Associazione Gruppo di Pisa”, per lo studio della giustizia costituzionale.

È socio fondatore e componente del Comitato di Presidenza di Italiadecide - Associazione di ricerca per la qualità delle politiche pubbliche.

È membro:

della Associazione italiana dei costituzionalisti (della quale è stato Presidente nel triennio 2015-2018 e del cui Direttivo, in precedenza, è stato componente per il triennio 1994-1997);

della Association française des constitutionnalistes;

del Consiglio scientifico del Centro per la riforma dello Stato;

del Centre de Droit et de Politique Comparés Jean-Claude Escarras di Tolone (Membre d’honneur);

del Comitato scientifico di Astrid.

- Nel 2006 è stato nominato Professeur invité presso l’Università di Tolone.

- Nel 2006 è stato nominato, per un breve periodo di insegnamento, Titolare della cattedra delle Corts Valencianes sobre parlamentarismo.

- Nel 2014 è stato nominato Professeur invité presso l’Università di Lille.

Ha organizzato numerosi Seminari di studio e Convegni scientifici. In particolare:

Nell'Anno accademico 1987/1988 ha organizzato presso l'Università di Pavia un Seminario di studio sul tema "Modelli stranieri e riforme istituzionali italiane" con l'intervento dei Proff. J.C. Escarras, C. Mezzanotte e D. Schefold. Le relazioni di J.C. Escarras e D. Schefold sono state pubblicate sulla Rivista "Politica del diritto".

Nell'Anno accademico 1988/1989 ha organizzato presso l'Università di Pavia un Seminario di studio sul tema: "Il sistema delle fonti e la legge n. 400 del 1988", con l'intervento dei Proff. A.A. Cervati e F. Sorrentino.

Nell'Anno accademico 1989/1990 ha organizzato presso l'Università di Pavia un ciclo di Seminari di studio sul tema: "Concezioni dei diritti fondamentali", con l'intervento dei Proff. A. Baldassarre, P. Barile, P. Grossi, A. Pace, G.U. Rescigno, G. Zagrebelsky.

Nell'Anno accademico 1989/1990 ha organizzato, unitamente al Prof. M. Volpi, un Convegno sul tema: "Referendum. Problemi teorici ed esperienze costituzionali", tenutosi presso l'Università degli Studi di Perugia dal 25 al 27 ottobre 1990. Gli atti del Convegno sono stati pubblicati per i tipi della Casa editrice Laterza.

Nell'Anno accademico 1991/1992 ha organizzato, unitamente ai Proff. A. Anzon, B. Caravita e M. Volpi, un Convegno, tenutosi in Perugia, sul tema: "La Corte costituzionale e gli altri poteri dello Stato". Gli Atti del Convegno sono stati pubblicati per i tipi della Casa editrice Giappichelli.

Nell'Anno accademico 1992/1993 ha organizzato un ciclo di conferenze dal titolo "Riflessioni sulla fine del secolo", tenute in Perugia dai Proff. G. Ferrara, G.E. Rusconi, P. Häberle, R. Dahl. Gli Atti sono stati pubblicati per i tipi della Casa editrice Laterza.

Nell'Anno accademico 1993/1994 ha organizzato, unitamente al Prof. M. Volpi, un Convegno, tenutosi in Perugia, sul tema: "I sistemi elettorali". Gli Atti del Convegno sono stati pubblicati per i tipi della Casa editrice Laterza.

Nell'Anno accademico 1994/1995 ha organizzato un Seminario, tenutosi a Roma presso il Goethe Institut, dal titolo "Democrazia e telematica".

Nell'Anno accademico 1995/1996 ha organizzato, unitamente al Prof. M. Volpi, un Convegno, tenutosi in Perugia, sul tema: "Il Presidente della Repubblica".

Nell'Anno accademico 1996/1997 ha organizzato, unitamente al Prof. M. Volpi, un Convegno, tenutosi in Perugia, sul tema: "I diritti sociali".

Nell'Anno accademico 2010/2011 ha organizzato, unitamente ai Proff. Paggi e Pivetti, un Convegno, tenutosi in Roma, sul tema "Sviluppo capitalistico e unità nazionale".

Nell'Anno accademico 2014/2015 ha organizzato un Convegno, tenutosi in Roma, sul tema "La questione dei beni comuni: la prospettiva costituzionale".

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MASSIMO LUCIANI

Symbols and Constitutions Program

- 1.- What is a “symbol”?
- 2.- Symbols and myths.
- 3.- Flags, seals, anthems, names etc.
 - 3.1.- The flag.
 - 3.2.- The national anthem.
 - 3.3.- The seal.
 - 3.4.- The name.
 - 3.5.- The various types of symbols.
- 4.- Symbols and integration processes in constitutional history.
- 5.- Symbols and national identity.
- 7.- Constitutional norms and the symbols regulation.
- 6.- Are constitutional symbols anachronistic?

Dr. Millán Requena Casanova.
CV ABBREVIATED

Updated at 12 JULY, 2019

□ **Position:** Professor in Public International Law and European Union Law at the UNIVERSITY OF ALICANTE (SPAIN). Since 1996 to present.

□ Professor **Jean Monnet of the European Union**. Director of 3 Jean Monnet Modules of the European Commission, granted consecutively, namely: 1. "*Immigration Policies and Third Country Nationals Rights in the European Union*" (2011-2014); 2. "*EQUAL Treatment and Non-Discrimination Law in the European Union*" (2014-2017); 3. "*Migrant's Rights, EU Borders and Internal SECURITY of Citizens: EU VALUES and Global Challenges*" (2017-2020).

□ From 2013 to the present, he is a "guest speaker" at the University of Lisbon, giving an *intensive COURSE* in the field of international commercial arbitration and investor-State arbitration.

□ Specialist in *International Commercial Arbitration and Investor-State Arbitration* by the American University, Washington College of Law-Center of International Commercial Arbitration (Washington D.C.), 2014.

□ He is the author of more than 35 specialized publications in the field of the following topics: Investor-State arbitration, pacific settlement of international disputes, prohibition of racial discrimination in European Union, prohibition of discrimination based on age in the European Union, gender equality issues, immigration, asylum and border control policies of the EU, minorities protection in the EU.

□ He has carried out advisory activities as a *Local Expert* of the World Bank in the preparation of the Report "*Facilitating Business in AGRICULTURE. 2017*"; and in the Report title "*Enabling the Business of AGRICULTURE 2016: Comparing regulatory good practices*".

□ He has researched in prestigious academic institutions, among others: European University Institute (Florence); United Nations Library (Geneva); Dipartimento di Teoria dello Stato - Università La Sapienza (Rome); Institute of Higher International and Development Studies (Geneva); European Parliament (September, 2018).

□ Professor of the LL.M. Program on *International Protection of Human Rights* (University of Alcalá), from 2014 to the present; professor of the LL.M. Program on *Environmental Law and Sustainability* of the University of Alicante, from 2007 to the present; Professor of the *Master's Degree in Advocacy* (UMH de Elche), from 2013 to the present.

□ He has been Academic Secretary of the Faculty of Law at the University of Alicante (2012-2016). Currently, he is Academic Secretary of the Department of Public International Law and Criminal Law of the UA (2016- ...).

- **Recent publications:**

1. **REQUENA CASANOVA, M.**, Investment arbitrations against Spain for cuts to renewable energies: change of trend in the arbitration saga or end of stage after the *Achmea* judgement?, *Revista Aranzadi de Derecho Ambiental*, n° 42 (2019), pp. 1-26.

2. **REQUENA CASANOVA, M.**, "The Complex Relationship between Competition Law and Investment Arbitration after *Achmea*: The *Novenergía v. Spain* Case", *EUROPEAN Yearbook of International Economic Law*, (2019), (forthcoming).

3. **REQUENA CASANOVA, M.**, "Dispute Settlement Clauses in Model Bits: Traditional Clauses and New Trends", in *New Trends in International Economic Law - From Relativism to Cooperation*, C. JIMÉNEZ PIERNAS (ed)/A. M. ARONOVITZ (ass.ed), Publications of the Swiss Institute of Comparative Law, Geneva/Zurich 2018, Schulthess Éditions Romandes, pp. 31-69.

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10. **REQUENA CASANOVA, M.**, "Principio de no discriminación y límites de edad en el acceso al empleo público: del Asunto *Wolf* a la Sentencia TJUE *Vital Pérez c. Ayuntamiento de Oviedo*", *Revista General de Derecho EUROPEO*, núm. 38 (2016), pp. 239-254.

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“Litigation in Economic International Law”

Lisbon. November 2019

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I. Consent in International commercial arbitration: the arbitration agreement

➤ Three **main** types of arbitration:

- ❑ **Inter-State Arbitration:** Public international law (subjects of Intl' Law)
- ❑ **Mixed international arbitration:** between a State and private investor (corporation)
- ❑ **International commercial arbitration:** corporations are involved as parties
- ⦿ **Private** (as opposed to **public**) international arbitration

I. Consent in International commercial arbitration: the arbitration agreement.

❑ **Intern'l Commer. Arb./Investment Arb.**

➤ **Inter. Commer. Arb.:** private dispute resolution mechanism based on the **agreement** of the parties

➤ **Investment Arbitration:**

❑ treaty-based arbitration, rooted in Public Intn'l Law

❑ **CONSENT** to arbitration expressed by treaties, normally:

✓ BITs; MIT's, or IPAs

❑ **Intern'l Commer. Arb./Other Forms of Dispute Resolution**

- Sophisticated; highly qualified arbitrators;
- highly formal procedures;
- complex legal claims involving large sums of money;
- extensive reliance on statutes, judicial precedents, etc...

21/11/2019

I. Consent in International Commercial arbitration: the arbitration agreement.

❑ **Intern'l Commer. Arb./International litigation:**

➤ **Intern'l Commer. Arb. provides:**

- ❑ an effective means of **enforcing** foreign arbitral awards
- ❑ a single forum in which to resolve disputes
- ❑ neutral decision makers (without national or political prejudices)
- ❑ experience in international law and commerce
- ✳ **Arbitrators do not have to be lawyers:** sometimes, are architects and engineers to be chosen as arbitrators
- ❑ **Consent in a written agreement:** a clause in the commercial contract ("**compromis**")

I. Consent in International commercial arbitration: written agreement

ADVANTAGES OF COMMERCIAL ARBITRATION:

- The neutrality of the forum (to stay out of the other party's court)
- Likelihood to obtain an enforcement, by virtue New York Convention
- **1958 CONVENTION on the Recognition and enforcement of Foreign Awards**
- Multilateral regime (**161** parties)
- Courts are required to enforce an award, *unless procedural irregularities*
- **1975 PANAMA CONVENTION:**
- Inter-American Convention (signed by 14 American countries and by the US and Mexico)
- It takes **precedence over N.Y. Convention** from countries that have ratified to the Panama Convention
- **Confidentiality:** many companies do not want information disclosed
- **DISADVANTAGES OF COMMERCIAL ARBITRATION:**
- Arbitrators have not coercive powers to penalize something

II. Scope and extension of Consent to Commercial arbitration: Choice of forum. Choice-of-Law

THE REGULATORY FRAMEWORK:

- "form of an inverted pyramid": **Arbitration Agreement**
- International treaties
- International Arbitration Practice
- National Laws
- Arbitration Rules
- **INSTITUTIONAL ARBITRATION V. AD HOC ARBITRATION:**
- **Institutional arbitration**
- Administrative functions
- An award may have more credibility
- **Ad hoc arbitration**
- Is not administering institution (parties not paying fees and expenses)
- The parties may draft their own rules or choose **UNCITRAL Arbitration Rules (1976, amended in 2010), United Nations Commission on International Trade Law (UNCITRAL)**
- **Set of Rules** not associated with an arbitral institution

II. Scope and extension of Consent to Commercial arbitration: Choice of forum. Choice-of-Law

- Parties are free to adopt **set of rules** associated with an arbitral institution
- The more well-respected Arbitration Rules includes those published by the following institutions:
- ❖ the **International Chamber of Commerce (ICC)**; seat in Paris
- ✓ <http://www.iccwbo.org>
- ❖ the **London Court of International Arbitration (LCIA)**;
- ❖ the **Swiss Chambers of Commerce**
- ❖ the **Stockholm Chamber of Commerce (SCC)**
- ❖ the **China International Economic and Trade Arbitration Centre (CIETAC)**;
- ❖ the **International Centre for Dispute Resolution (ICDR)**, associated with the American Arbitration Association (**AAA**)

II. Scope and extension of Consent to Commercial arbitration: Choice-of-Law Issues

THE PARTIES' CHOICE OF LAW

- Parties choose a national substantive law to govern their contract, and the place of arbitration whose **lex arbitri** will govern the arbitral proceedings
- **The Law Governing the Arbitral Proceedings:**
- **Lex arbitri** is almost always the law of the **place** of arbitration
- Ex.: UNCITRAL Model Law
- Ex.: English Arb. Act (1996), England has not adopted the Model Law
- **The Law Governing the Arbitration Agreement:**
- Validity of an arbitration agreement is a question of consent, governed by ordinary principles of contract law
- Ex.: **Swiss Private International Law Act** applies broad concept to the substantive validity of arbitration agreement (Article 178 (2))
- If the arbitration *takes place in Switzerland*, the arbitration agreement is valid the law chosen to govern it, substantive law govern the contract, ...

II. Scope and extension of Consent to Commercial arbitration: Choice-of-Law Issues

■ THE LAW GOVERNING THE CONTRACT

- **National or Inter'l Law:** substantive law of one of the parties
- **Un-related National Law:** choose a national law of a neutral country
- Party autonomy is limited by **order public** of a State
- Ex.: In US, parties are not free to choose any law; close connection with the contract (*Restatement Second, Conflicts of Laws*)

II. Scope and extension of Consent to Commercial arbitration: Choice-of-Law Issues

■ THE LAW GOVERNING THE CONTRACT

- **Substantive law:** international commercial disputes may be governed by:
 - **Vienna Convention for the International Sale of Goods:** applies to transactions involving the international sale of goods who reside in contracting States (**92** parties)
- **Procedural Law:** can be difficult to determine which authority governs which procedural issue
- Different **types of authority:** international conventions and treaties, national statutes on arbitration, case law; arbitral rules; agreements between the parties;

II. Scope and extension of Consent to Commercial arbitration: Choice-of-Law Issues

■ Conventions and treaties, NY CONVENTION (1958) Panama Convention (1975)

- Recognition and enforcement of foreign arbitral awards
- Both treaties have been incorporated in **domestic courts** (FAA, U.S.)

■ National statutes on arbitration

- National laws on on address a broader range of subjects than international treaties
- **England Arbitration Act, 1996; French Code of Civil Procedure, 2011; FAA; Spanish Arbitration Act, 2013**
- In some jurisdictions, treaty provisions may be supplemented by the national statute on arbitration
- ✓ **UNCITRAL Model Law:** supplements the statutory provisions concerning the relationship between the court and the arbitral tribunal with certain **default rules** addressing arbitral procedure

II. Scope and extension of Consent to Commercial arbitration: Choice-of-Law Issues

■ Special Issues Regarding Parties to Commercial Arb.:

- **Non-signatories:**
 - ✓ disputes involving non-signatories often focus on whether the alleged non-signatory has signed the relevant document
 - ✓ **New York Convention:** "agreement in writing", which includes "an arbitral clause in a contract or contained in an exchange of letters or telegrams"
- **Multiparty Arbitration:** situations in which all the parties have signed the same arbitration agreement
- **Conclusion:**
 - **International commercial arbitration is a complicated area of law requiring detailed knowledge** (domestic legal principles, international law and practice)
 - **International commercial arbitration is the preferred means of resolving cross-border business disputes**

III. Consent in Investment Arbitration: Conditions prior to Consent

- Investments have increased worldwide: an alternative to litigation in local courts is to provide for **INVESTMENT ARBITRATION**
- In 1965, the **WORLD BANK** sponsored a treaty to promote foreign investment by establishing a neutral forum: **ICSID Convention** (Washington Convention)
- **ICSID** is an autonomous International organization with close links to the **WORLD BANK**.
- **ICSID Jurisdictional Requirements:**
 1. Both parties must have **consented** to arbitrate **ICSID RULES**
 2. One party must be a Contracting State, and the other party a national of a different Contracting State
 3. "**LEGAL**" **DISPUTES** arising of a investment

III. Consent in Investment Arbitration: Conditions prior to Consent

- **CONSENT:**
 - an arbitration clause in contract; or in national legislation; or in an investment treaty
 - Complete certain preconditions that are part of the offer; a six-month period
 - Written **letter of acceptance**
 - **Contracting State or National of another Contracting State;**
 - which States are Contracting States? **ICSID WEBSITE**
 - **National of another Contracting State**
 - ✓ citizen or an entity organized/incorporated in the Contracting State
 - ✓ entity incorporated locally but owned by foreign investors
 - **Legal Disputes and Investments**
 - ✓ **Legal:** not "economic" or "political" disputes
 - ✓ **Investments:** project or transaction having "economic value"

III. Consent in Investment Arbitration: Conditions prior to Consent

- **Special Features of ICSID Arbitrations** 
- **Delocalization system**
- **Recognition, Enforcement, and Execution of awards**
 - Article 64 of the ICSID, claim before ICJ (Hague Court)
- **Publication of Awards;**
 - ✓ If both parties consent, ICSID website **can publish** the awards
- **Additional Facility Rules;**
 - ✓ where either the **State is not a Party** to the ICSID Convention, or the **investor is not a national** of a Contracting State

IV. Consent in Investment Arbitration: ways of expression of the Consent

- Investment arbitration is always based on an **AGREEMENT**
- **CONSENT** is given in one of three ways:
 - 1. Direct agreement between the parties
 - 2. National legislation of the host State (**INVESTMENT CODE**)
 - 3. Investment treaty between the host State and the investor's State of nationality (**BIT**) or multilateral treaty (**NAFTA, ECT**)
- **Institutions and Rules** well-established:
 - ICSID Rules;
 - Additional Facility Rules;
 - **ICC** (International Chamber of Commerce); **LCIA**; **SCC**
 - **UNCITRAL** Rules; *ad hoc* arbitration

IV. Consent in Investment Arbitration: ways of expression of the Consent

- Consent by **DIRECT agreement**:
 - Expressed in a "*compromis*"
 - ✓ For instance, a reference in a contract between the parties to a **BIT** incorporated the consent into the contract
- Consent through **host State LEGISLATION**
 - Not every reference to investment arbitration;
 - ✓ explicit reference to investment arbitration
- **Acceptance** by the investor: instituting arbitration or written letter

IV. Consent in Investment Arbitration: ways of expression of the Consent

- Consent through **Bilateral Investment Treaties (BIT)**
 - States parties to the BIT offer consent to arbitration to investor who are nationals of the other Contracting party
 - 2018, almost **3,000** BITs had been concluded for several countries.
- **Several alternative fora** of arbitration:
 - ✓ **ICSID, UNCITRAL Rules (*ad hoc*), ICC,...**

IV. Consent in Investment Arbitration: ways of expression of the Consent

- **BIT's Substantive Rights:**
 - Common features in most BITs
 - ◆ Fair and Equitable Treatment (FET)
 - ◆ Full protection and security
 - ◆ Protection against uncompensated expropriation or nationalization
 - ◆ National treatment
 - ◆ Most favored nation treatment (MFN)
 - ◆ Pre-requisites for activating arbitration: good faith consultations, cooling-of period

IV. Consent in Investment Arbitration: ways of expression of the Consent

- **PRE-REQUISITES for activating arbitration:**
 - **Several conditions have to be fulfilled**: consultations, "cooling-of- period" (six - three months)
 - **Offer by the host State**: unequivocal consent
 - ✓ Mexico and Portugal BIT (1999)
 - Acceptance by the investor: instituting arbitral proceedings

V. Consent and Jurisdiction: Prior Conditions

■ SCOPE OF CONSENT:

- ❑ A) *All Disputes Concerning Investments*:
- ❑ B) *Umbrella Clauses*: “contractual obligations” are put under the treaty’s umbrella
 - Violations of a contract *are* **TREATY VIOLATIONS**
 - Mixed reception in the practice of arbitral tribunals:
 - **SGS v. Pakistan**: Tribunal rejected turning breaches of contract into treaty breaches
 - **Eureko v. Poland**: Tribunal found the breaches by Poland of its obligations under contracts were breaches of the BITs umbrella clause
- ❑ C) *Limited Expression of Consent*

V. Consent and Jurisdiction: Prior Conditions

■ PROCEDURAL pre-requisites:

- ❑ **WAITING PERIODS for Amicable Settlement**:
 - Consultations and negotiations: time-limits ranging from 3 to 12 months
- ❑ **Exhaustion of LOCAL REMEDIES**:
 - One of the purposes of investor/State arbitration is to avoid the local remedies in the host State’s courts
 - Most BITs do not even mention exhaustion of local remedies
 - Its open to host State to make the exhaustion of local remedies a condition of its consent to arbitration
- ❑ **FORK-IN-THE-ROAD PROVISIONS**:
 - Offer the investor a choice between the host State’s domestic courts and international arbitration.
 - **The choice, once made, is final.**
 - Ex. Article VII of the Argentina-US BIT

V. Consent and Jurisdiction: ways of expression of the Consent

- Consent through **MULTILATERAL TREATIES**
- ❑ ICSID Convention **is not** one of these treaties
- It requires **separate consent** by the host State and by the foreign investor
- ❑ **REGIONAL TREATIES** offer consent to arbitration:
- ❑ Examples:
 - **NAFTA; ENERGY CHARTER TREATY (ECT); Dominican Republic-Central America Free Trade Agreement (DR-CAFTA)**

V. Consent and Jurisdiction: ways of expression of the Consent

- **NAFTA**: Article 1112
- **ENERGY CHARTER TREATY (ECT)**: to which EU and its Member States are parties
- **Objective**: to give stability to investment in the energy sector after the end of the Cold War
 - ✓ unconditional consent to international arbitration/conciliation (Article 26 (3)(a))
 - ✓ **3 fora**: ICSID arbitration; *ad hoc* (UNICTRAL); SCC
 - ✓ ECT does **not require local exhaustion** of remedies
 - ✓ Several arbitral proceedings between **investors and Spain** on **renewable energy regime** invoking ECT provisions (*Charanne v. Spain*; *Eiser v. Spain*; *RREEF v. Spain*; *Isolux v. Spain*; *Masdar v. Spain*; *Antin v. Spain*)
- **DR-CAFTA** (Dominican Republic-Central America Free Trade Agreement)

V. Consent and Jurisdiction: ways of expression of the Consent

■ **CONSENT under most favoured clauses (MFN):**

- ❑ **MFN** clause extend the better treatment granted to a third State or its nationals to a beneficiary of the treaty
- ✓ **Maffezini v. Spain**: the Argentina-Spain BIT contain a MFN clause
- ✓ Argentinean Claimant relied in the Chile-Spain BIT which does not contain the requirement to try the **host State's courts for 18 months**

V. Consent and Jurisdiction: The Law Governing the Merits

■ **The Law Governing the Merits:**

- ❑ The choice of the applicable law can be made in **a variety of WAYS**:
- ✓ agreed between the host State and the investor
- ✓ choice of law clause contained in a treaty (**NAFTA, ECT, CAFTA**)
- ✓ **Article 1131 NAFTA**: applicable law – International law and NAFTA itself
- ❑ **COMBINED CHOICE** of law clause: Article 42 of the ICSID Convention
- ✓ In some contracts, **HOST STATE'S DOMESTIC LAW**: commercial law, company law, tax law, labour law, etc
- ❑ For instance, in **Maffezini v. Spain**, applicable law in the Argentina/Spain BIT was domestic law ("Spanish legislation") and International and European Law (primary and secondary EU law)

V. Consent and Jurisdiction: The Law Governing the Merits

■ **ANNULMENT of the AWARD:**

- ❑ ICSID has a procedure for **review** of the award by another tribunal, called an "ad hoc" **Committee**
- ❑ There are only **5 grounds** for annulment:
 - The tribunal was **not properly constituted**.
 - The tribunal **manifestly exceeded its powers** (1)
 - Corruption
 - Serious departure from a **fundamental rule** of the procedure (2)
 - The tribunal **did not provide the reasons** for the award (3)

SOME REMARKS

● **INVESTMENT ARBITRATION: MIXED NATURE ARBITRATION**

1. The parties are a **State and private investor**
2. Arbitral jurisdiction is based on **an offer to arbitrate**, in:
 - A treaty: BIT, Multilateral (NAFTA, ECT, DR-CAFTA)
 - Direct agreement: in a "contract"
 - Host State legislation (specific reference to arbitration)
 - MFN Clause in a treaty (specially, **BITs**)
3. The Claimant argue violations of Intern'l law, a BIT or other regional treaty (NAFTA, ECT, CETA)
4. **APPLICABLE LAW** combines Intern'l law and host State law

EU and US negotiations on TTIP

- **Lisbon Treaty**: introduce foreign investment policy (Art. 207 TFEU)
- Exclusive EU competence
- **Transatlantic Trade and Investment Partnership Agreement (TTIP)**
- Should contain:
 - principles of investment protection &
 - **Investor-to-State-Dispute Settlement (ISDS)**: accessible to companies of all size (including small and middle size -SME's)

EU and US negotiating on TTIP: ISDS

- **Is ISDS necessary in the TTIP?**
- Brazil, Latin America's largest recipient of Foreign Direct Investment (FDI), has no investment agreements which contain ISDS
- Resistance to ISDS is also growing in Europe
- **"toxic mechanism"** or **"Trojan horse"**, enabling foreign companies to challenge public health, environmental and social protection

EU and US negotiating on TTIP: ISDS

- Recent profile **CASES** strength opposition to ISDS:
 - **Philip Morris v. Australia**
 - **Vattenfall** (using provisions of ECT): nuclear energy
 - **Veolia v. Egypt**: increase the minimum wage that it will damage company's profits
 - **Micula v. Romania**: investment before Romania acceded to EU.
 - **Illegal State aid** under EU Law. DG EU Competition order Romania not to pay compensation two Swedish investors
 - But authorise **Micula** to pursue compensation before **USA Courts** (using NY Convention)

EU and US negotiating on TTIP: ISDS

- **NGOs** and **Int'l organisations'** point to a series of issues undermining ISDS system:
- **Lack of transparency**: ISDS procedures are in most cases confidential (except for ICSID awards)
- **Cost**: the high costs of arbitration:
 - investment firms offer to cases in exchange of a share of the potential compensation
- **"Chilling effect"** on State regulatory powers: **legitimacy** to assess the validity of sovereign state law?

EU and US negotiating on TTIP: ISDS

Options for reform;

- Improving transparency.
- Include **transparency obligations**: the Rules on transparency (UNCITRAL, 2013)
- Restricting the access to ISDS; excluding certain types of claims; requirement to exhaust local remedies before arbitration
- Involving other areas of Int'l Law: **human rights** and **environmental** obligations

EU and US negotiating on TTIP: ISDS

EU Institutions:

- **EU COUNCIL**: TTIP should include ISDS mechanism
- **EUROPEAN PARLIAMENT**:
 - measures to improve the transparency
 - Corporate responsibility clause should be included
- **EU COMMISSION**:
 - Improving transparency
 - Obligatory code of conduct for arbitrators
 - Appeal mechanism
 - Relationship between domestic judicial systems and ISDS

ISDS provisions in the EU-Canada free trade agreement (CETA).

- **Comprehensive Economic and Trade Agreement** with **Canada (CETA)**,
- signed 28 October 2016; provisional application (only commercial part; not investment part)
- Requires the consent of the **European Parliament** (and Parliaments of EU Member States: mixed treaty)
- includes provisions on market access for goods, services, investment, as well as on intellectual property rights, trade facilitation and investment **dispute settlement system (ISDS)**

ISDS provisions in the EU-Canada free trade agreement (CETA)

- **CETA** represents a significant break, at two different levels:
 - 1. Explicit reference to the **right** of governments **to regulate** in the **public interest**.
 - 2. It creates of an **independent investment court system**, consisting of a **Permanent Tribunal and an Appeal Tribunal**

ISDS provisions in the EU-Canada free trade agreement (CETA)

Right to regulate and precise investment protection standards

- **CETA** introduces a precise and specific standard of treatment of investors and investment.
- **CETA** makes clear what constitutes "*indirect expropriation*".
- **CETA** does not allow investors to "import" and use in the dispute settlement procedures the substantive provisions from other agreements (e.g. from Treaties of EU Member States).
- Only specific concerns can be brought to ISDS. Only claims relating to *non-discriminatory treatment* (Section C of the CETA) and *investment protection* (Section D).

ISDS provisions in the EU-Canada free trade agreement (CETA)

- ⊙ **CETA** creates a *Permanent Investment Tribunal and an Appellate Tribunal*.
- ⊙ The Tribunal will be composed of **fifteen (15)** members *nominated by the EU and Canada* (not by arbitrators nominated by the investor and the defending state)
- ⊙ The Appellate Tribunal will **review decisions** of the Tribunal.
- ⊙ EU and Canada will join efforts with for the creation of a *Multilateral Investment Court (MIC)*

ISDS provisions in the EU-Canada free trade agreement (CETA)

- ⊙ **CETA** sets new and clearer *rules on the conduct: the code* is based on the ethical rules of the *International Bar Association*.
- ⊙ **full transparency** in proceedings: all documents (submissions by the parties, decisions of the tribunal) will be publicly available on an *United Nations website* which the EU will finance.
- ⊙ The *losing party pays the costs*: under all existing agreements there are no clear rules

EU-Singapore Free Trade Agreement (EUSFTA)

- ⊙ **CETA** provisions have been the reference for the *EU-Singapore Free Trade Agreement* concluded in 2014
- ⊙ (**ISDS**) is only available for breaches of the investment protection provisions: *non-discrimination, expropriation, fair and equitable treatment [FET]*
- ⊙ **CETA** does not protect so-called "*shell*" companies
- ⊙ Documents of the arbitral proceeding will be made available to *the public and interested parties* (e.g. NGOs)
- ⊙ Creation of an **APPEAL MECHANISM**

Other EU bilateral Free Trade and Investment Agreements

- ◉ **EU-Mercosur** Association Agreement (Title XXX, Chapter HH/Dispute Settlement procedures)
- ◉ **EU-Japan** Economic Partnership Agreement
- ◉ **EU-Mexico** Global Agreement (2018)
- ◉ **EU-Vietnam** Trade Agreement and an Investment Protection Agreement (30 June 2019).

1. *Negotiations:*

- ◉ **EU-New Zealand** Trade Agreement
- ◉ **EU-Australia** Trade Agreement
- ◉ <https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/>

Conclusion

□ Thank you for your attention!!!

□ millan.requena@ua.es

RESUME

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EDUCATION

LL.M.	Tulane University School of Law, 1981 <i>With Distinction</i>
J.D.	University of Louisville, 1978
A.B.	Spring Hill College, 1970

ACADEMIC EXPERIENCE

Teaching and Administration

Law Professor, Loyola University School of Law
1986 – 2016 (30 years), currently Emeritus Professor.

Awarded McAulay Distinguished Professorship, 2000-2016.

Guest Professor, Yeditepe University Law Faculty, Istanbul, Turkey,
January – June, 2017 (full time teaching load – see below)

Associate Dean, 1990 – 1995.

Director of Loyola Law School International Programs, 1999 – 2013.

Director of Loyola's Summer Legal Studies Program at the University
of Vienna, 1994 – 2015.

Chair, International Committee, Southeast Association of Law Schools, 2010 – 2012, 2014 – 2015.

Courses Taught Include: Law of the European Union, International Trade, Common Law Contracts, International Business Transactions, Law of the World Trade Organization, Appellate Advocacy, Introduction to United States Law, Federal Courts, and co-taught Comparative Legal Systems: Austria, Germany, and the U.S (with Prof. H. Hausmaninger).

University Award for Outstanding Research, 2003.

Publications

Book:

A Guide to European Union Commercial Practice, Oceania Publishers (now Oxford University Press), 2003.

Law Review & Journal Articles:

Evolving Constitutional Pluralism in Europe: The Conversation Continues?, Liber Amicorum, A Scott without Borders 97-120, Brussels, September 2015.

The 2014 European Parliament Elections and the Transatlantic Trade and Investment Partnership: Economics and Politics Collide, 24 Journal of Transnational Law & Policy 117 (2015)(with Sheila Wilkinson).

International Experiential Learning with Targeted Field Studies, in 21 Yüzyılda Hukuk Eğitimi (21st Century Legal Education) 239-269 (2014).

Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, in Portugal, Europe and the Gloablization of the Law, 28-44 (2013).

Experiential Teaching -- On Steroids: Unexpected Pedagogical Discoveries, with Kathryn Lorio, 15 Loyola University College of Law Journal of Public Interest Law, 195 (2013).

Redefining the European Union's Position in the Emerging Multipolar World: Strong Global Leadership Potential, Restrained by Asymmetry of Power and Dissonant Voices, 20 Tulane J. Int'l & Comp. Law, 145 (2011).

Accession Aspirations Degenerate: A New Chapter for Turkey and the EU, 9 Washington University Global Studies Law Review, 225 (2010).

Symposium Introduction: Emerging Technology and Law in Europe, Loyola University New Orleans College of Law, Law & Technology Annual, 133 (2010).

The New EU Services Directive: Metaphor for Europe Today, Model for Expanding International Harmonization Tomorrow, International Law and Trade 220 (2007).

Cyprus in Europe; Seizing the Momentum of Nice, 34 Vanderbilt Journal of Transnational Law 1293 (2001).

Turkey in Europe; Reconsidering the Luxembourg Exclusion, 23 Fordham Int'l L. 606 (2000).

Transnational Convergence: European Union and American Federalism, 32 Cornell Int'l L. Rev. 43 (1998).

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 2001, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Slovakia.

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 1999, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Albania.

Comparative Models for Legal Education in the United States: Improved Admissions Standards and Professional Training Centers, 30 Valparaiso University Law Review 51 (1995).

Book Review, The Justice From Beacon Hill: The Life and Times of Oliver Wendell Holmes, 38 Loyola Law Review 557 (1992).

A Hybrid Theory of Education Reform, co-authored by Dr. Lou Miron, 36 Loyola Law Review 937 (1991).

Federalism's Full Circle - Relief from Education Discrimination, 35 Loyola Law Review 13 (1989).

Judicial Style: An Exemplar, 33 Loyola Law Review 865 (1987).

International Courses and Presentations:

Guest Professor, Yeditepe University Law Faculty, Istanbul, Turkey, January – June, 2017, taught Common Law Contracts, International Business Transactions, & Law of the World Trade Organization.

University of Vienna Law Faculty, Director and course instructor for four week intensive course: Comparative Legal Systems, Austria, Germany, and the United States, with Professor Herbert Hausmaninger, 1994 -2015.

University of Vienna Law Faculty, Guest Professor for two seminars, Introduction to United States law; Fall semesters 1995, 2010.

University of Lisbon Law Faculty, Guest Professor, Erasmus intensive course: Introduction to United States Law, 2011- present.

Eötvös Loránd University, Budapest, Hungary, Director and course instructor for the 4 week Moscow-Budapest Summer Program, taught seminar: Current Issues in the European Union.

University of Kirkuk (Iraq) Law Faculty, Invited Speaker, Faculty Colloquium Presentation: Legal Education in the United States, 2010, sponsored by U.S. State Department.

Vytautas Magnus University law faculty, Kaunas, Lithuania, intensive International Trade course, May 2015.

Speaker at the annual meeting of the European Law Faculties Association four times, in Madrid, Spain (2013), Strasbourg, France (2014) Istanbul, Turkey (2015), and Groningen, Netherlands (2016).

Speaker, Program in European Private Law for Postgraduates, Constitutional Pluralism in the European Union, University of Silesia in Katowice, Poland, 2015, and co-founder of that university's post-graduate School of U.S. law at that Polish university.

Speaker at Conference on Legal Education in the 21st Century, in Istanbul and Ankara, Experiential Learning on Steroids, Turkey, 2014.

Speaker, Conference for the Celebration of the Centenary of the Law Faculty of the University of Lisbon, Portugal. Topic: Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, 2103.

Speaker, Eastern Mediterranean University, Famagusta, Northern Cyprus, “The Reconciliation of Cyprus”, 2005; “U.S. Legal Education in Crisis”, 2014.

Pro Bono Work and Bar Association Service

World Trade Center, New Orleans, Government Affairs Committee 2011 – 2016.

Louisiana Supreme Court, Judicial Campaign Oversight Committee, 2009 – present.

Louisiana Supreme Court, Bar Admissions Committee on Equivalency, 2001 – 2011.

Member, Board of Governors, Louisiana Civil Service League, 2000 – 2016.

Chair, Education Committee, Louisiana Bar Foundation, 2001 – 2005.

Chair, Board of Directors (1999 – 2000) and Executive Committee Member, New Orleans Pro Bono Project, 1995 – 2000.

President, Trinity Mediation Services 1995-96 (founding year) (now Community Mediation Services) and Member Board of Directors from 1995 – 1999.

Academic Fellow, Louisiana Bar Foundation, 1997 – 2011.

Seminar Syllabus

Introduction to the Law of the United States

Professor Patrick R. Hugg
Professor of Law Emeritus
Loyola University School of Law

**University of Lisbon
Faculty of Law**

October 14 – October 18, 2019

SYLLABUS

Seminar Objectives: This seminar will introduce students to the basic structure and primary distinguishing features of the law and legal system of the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore the many non-European aspects of U.S. law and especially the common law tradition and the federal nature of governance between the central government in Washington D.C. and the fifty U.S. States. Students will examine the controversial differences in the common law and civil law traditions, as each system attempts to impose order and promote prosperity in its jurisdiction. In particular, students of this seminar will enjoy learning about and discussing the different U.S. methods for finding justice through adversarial trial processes in powerful courts, judicial law-making, the U.S. approach to protecting fundamental rights, and other current topics.

Because the U.S. legal system is often dramatically different from most European legal systems, the seminar will be presented in the lecture–discussion format, in hopes of promoting a lively interchange regarding the rationality and functionalism of the varying institutions, mechanisms, and rules of law. Some aspects of the U.S. legal system make little sense except in the context of their historical development. Some parts of the U.S. legal system work poorly; others work well. To offer the students a thoughtful and provocative learning experience, these very different and very non-European aspects of U.S. law will be explored.

Expected Student Learning Outcomes: First and foremost, students completing this seminar can expect to understand the unique nature of this polity called the United States. This is significant because the U.S. system is complex and in many ways different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in Europe. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18th century, and how that has succeeded, or not, to the present day.

Text and Other Resources: Selected seminar readings have been prepared and will be distributed prior to and during the course. For example, considerable text accompanies this Syllabus, including descriptions of the forms of modern democratic governance, and excerpts from the U.S. Constitution. Also electronically posted for student use is a compilation of landmark U.S. Supreme Court judicial decisions (edited to make them shorter and easier to understand – students are not expected to read all of these decisions; they are made available in the interest of providing the seminar participants full measure of resources with which to understand U.S. law.) Further, we will resort to other available electronic resources for current news illustrating U.S. law.

Seminar Schedule: The seminar will meet for five sessions, starting Monday, October 14 through Friday, October 18, 2019, in two hour seminar meetings from 11am-1pm. An **optional** extra class session to view the hit movie Runaway Jury will be conducted at 6 p.m. on Thursday, October 17, for interested students.

Daily Topical Schedule:

Monday, October 14	Historical Development of U.S. Law – the different national experience: Rugged Individualism; Legal Sources, Common Law, Presidential Democracy; Constitutional Law: Separation of Powers, Judicial Review, Fundamental Rights (esp. radical free speech, the death penalty, and gun rights),
Tuesday, October 15	The U.S. Judicial System – State and Federal Courts, the evolving US Supreme Court, Civil and Criminal Procedure, Trial Process, Plea Bargaining, the Jury
Wednesday, October 16	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, October 17	Private Law, cont'd: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, October 18	The U.S. Law School Experience, Legal Professions: Professors, Lawyers and Judges; Public Service Lawyers

Class Attendance: Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

Course Format, Expectations, and Student Assessment: As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information about U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to prepare and “brief” one U.S. Supreme Court case for the class (often students

will prepare a brief PowerPoint presentation for this purpose). And generally in class, students are encouraged to participate in the class discussions with informed questions and comments. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages (font size 12), or if handwritten, may not exceed 1250 words.

Course Grading: Students' grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 5%, final paper 95%.

Office Hours: Prof. Hugg will maintain office hours each Monday - Friday afternoon from 2 p.m. until 3:30 p.m. in the offices assigned to him in the law faculty, and he will be available at other times by appointment. Prof. Hugg may be contacted most easily via e-mail at hugg@loyno.edu. Students are encouraged to e-mail, call, or visit at any time to discuss the course, the paper, and any related topics of interest.

United States Early History Timeline

<i>1430</i>	<i>Portuguese start voyages down the west coast of Africa</i>
1492	Columbus arrives in Western Hemisphere
1607	First English settlement founded at Jamestown, Virginia
1619	First group of black slaves brought to Virginia First legislative assembly meets in Virginia
1620	Pilgrims establish second English colony in Plymouth, Massachusetts
1622	Indian attacks in Virginia
1629	Great Puritan migration to Massachusetts Bay
1636	Harvard College founded
1700	250,000 settlers in English colonies
1720s	Colonial economic life quickens
1756-1763	French and Indian War (France v. England in America)
1764-1765	Sugar Act and Stamp Act controversies
1770	Boston Massacre
1773	Boston Tea Party
1774	Coercive Acts, First Constitutional Congress convenes
1775	America Revolution begins with fighting at Lexington and Concord, Massachusetts
1776	Declaration Of Independence New (weak) federal government created based on the flawed Articles of Confederation (1st US attempt at a constitution)

1778	French join the U.S. war of independence against the English
1781	Battle of Yorktown, Virginia (last land battle - defeat of English)
1783	Peace Treaty signed in Paris, France
1784-1787	Northwest Ordinance
1787	Constitutional Convention convened to draft a new constitution to create a stronger, more effective federal government
1788	The U.S. Constitution ratified
1789	George Washington inaugurated as first President of the United States French Revolution begins
1790	U. S. Capitol placed on the Potomac River
1798	Kentucky and Virginia resolutions
1800	Thomas Jefferson elected 2nd President of the United States
1803	Louisiana Purchase
1812	War of 1812 with England
1820	Missouri Compromise
1823	Monroe Doctrine
1828	Andrew Jackson elected 7th President of the United States (beginning of radical "Jacksonian Democracy")
1830s	Railroad era begins
1835	Texas Revolution, Republic of Texas established
1840s	Manifest Destiny Telegraph and railroads create a communications revolution
1846	Mexican War begins
1848	U.S. wins and acquires California and territory of present-day Nevada, Utah, Arizona, New Mexico, and part of Colorado
1849	Gold discovered in California
1850	California admitted to union
1853	Gadsden Purchase
1860	Abraham Lincoln elected 16th President of the United States
1861	Confederate States of America formed Civil War begins at Fort Sumter South secedes from the U.S.
1862	Battle of Antietam Emancipation Proclamation issued (effective January 1, 1863)
1864	Sherman takes Atlanta (Sherman's "March to the Sea")
1865	Robert E. Lee surrenders at Appomattox Courthouse in Virginia Thirteenth Amendment to the Constitution abolishes slavery Lincoln assassinated Ku Klux Klan formed
1867	First Reconstruction Act launches radical reconstruction Alaska purchased
1868	Fourteenth Amendment guarantees Civil Rights
1870	Fifteenth Amendment forbids denial of vote on racial grounds
1870s	Terrorism against black people in the South
1876	End of Reconstruction

1879	Standard Oil Trust formed
1880s	Big Business emerges
1890	Sherman Anti-Trust Act
1890-1920	Fifteen million "new" immigrants arrive
1898	War with Spain Hawaii annexed
1899	Peace with Spain U.S. receives Philippines, Samoa, Guam, and Puerto Rico
1901	Theodore Roosevelt elected 26th President of the United States
1903	Wright Brothers first flight
1904-1914	Panama Canal built
1912	Woodrow Wilson elected 28th President of the United States
1914	World War I begins the rise of the U.S. as a global power
1929	Stock market crash precipitates the Great Depression (Oct. 29)
1932	Franklin Roosevelt is inaugurated as the 32nd president. New Deal recovery measures are enacted by Congress.
1941	Japan attacks Pearl Harbor; U.S. enters World War II.
1945	Roosevelt dies and is succeeded by his vice president, Harry Truman. Germany surrenders unconditionally (May 7). U.S. drops atomic bombs on Hiroshima and Nagasaki, Japan (Aug. 6 and 9). Japan agrees to unconditional surrender (Aug. 14).
1950-53	Korean War
1959	Alaska and Hawaii become 49th and 50th U.S. States
1960	Lunch counter sit-ins begin the U.S. Civil Rights Movement
1961	Cold War heats up with construction of the Berlin Wall; U.S. increases involvement in Vietnam; U.S. breaks diplomatic relations with Cuba.
1963	JFK assassinated
1965	Vietnam War escalates; anti-war protests enlarge
1968	MLK assassinated, RFK assassinated, Nixon becomes President
1973	U.S. pulls out of Vietnam (defeated) and Watergate causes Nixon to resign
1981	Reagan becomes President, begins detente with USSR
1989	Berlin Wall opened
1991	Persian Gulf War: U.S. leads international coalition in military operation to drive Iraqis out of Kuwait (Jan. 16–Feb. 28); U.S. and Soviet Union sign START I treaty, agreeing to further reduce strategic nuclear arms.
1992	Following the breakup of the Soviet Union in Dec. 1991, President Bush and Russian president Boris Yeltsin formally declare end to the cold war
1998	House of Representatives votes to impeach President Clinton on charges of perjury and obstruction of justice (Dec. 19).
1999	Senate acquits Clinton of impeachment charges (Feb. 12). NATO wages air campaign against Yugoslavia over killing and deportation of ethnic Albanians in Kosovo (March–June).
2000	More than a month after the presidential election, the U.S. Supreme Court rules against a manual recount of ballots in certain Florida counties, which it contends would violate the Constitution's equal protection and due

	process guarantees. The decision provokes enormous controversy, with critics maintaining that the court has in effect determined the outcome of the election. Bush formally accepts the presidency, having won a slim majority in the electoral college but not a majority of the popular vote.
2001	9/11 attacks kill 3000 people; “war on terror” begins.
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	U.S. (and global) economy collapses, with Lehman Brothers filing for bankruptcy, and mortgage giants Fannie Mae and Freddie Mac placed under government conservatorship. Barack Obama becomes the first African-American to be elected President.
2010	Congress passes and Pres. Obama signs Health Care Reform Act
	Deepwater Horizon Explosion in the Gulf of Mexico
2011	US Navy SEALs take down Osama Bin Laden
2012	Barack Obama re-elected US President
2015	Over 2/3 of people in developed world use smart phones
2016	"Disrupters" Amazon, Uber, Wikipedia, etc. revolutionize markets
	Donald Trump elected US President

Three Basic Types of Democracy

Any form of *democracy* tries in its own way to ascertain the *will of the people* and to bring public affairs into line with it. Theoretically this can be achieved by *direct* participation of all citizens (*Direct Democracy*) or by a body of elected representatives (*Representative Democracy*). Within the group of *Representative Democracies* the focus may be on a strong president (*Presidential Democracy*) as in the United States, or on a strong parliament (*Parliamentary Democracy*), as in Germany, Spain, and the U.K. Some countries have established a hybrid in which some authentic power is given to an elected President, while a Prime Minister accountable to the legislature administers the general operation of the government (*Semi-Presidential Democracy*), as in Portugal and France. Many variations operate today all over the world.

Direct Democracy	Presidential Democracy	Parliamentary Democracy
Example: Switzerland	Examples: USA	Examples: UK, Germany, Spain, Italy
Head of State Any member of government in turn (for one year), no practical importance	The President is head of state <i>and</i> leader of the government	Head of State is a different function than prime minister, it may be a monarch (queen/king) or an elected person
Government: members with	President elected by the	Government elected by the

equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	people nominates the ministers [members of government]	parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
Parliament elected for a fixed legislative period, no dissolution; changing coalitions, sometimes even extreme right and extreme left together against the center (though for different reasons)	Parliament elected for a fixed legislative period clear <i>institutional</i> separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	Parliament elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members <i>need not be</i> members of parliament	Government members <i>need not be</i> members of parliament	Government members <i>must be</i> elected members of parliament
Strong position of the people (frequent referendums on single laws)	Strong position of the president (veto)	Strong position of the political parties
Laws are created in four steps: 1. Draft by the administration 2. Consultation of federal states, political parties, entrepreneurs, unions and other interested groups 3. Parliamentary debate and final version passed 4. Possibility of a referendum If a strong party or lobby threatens to call for a referendum, the parliament might be inclined to a compromise, the formal consultation process gives the public a clear view of the critical aspects and the pros and cons already at an early stage	Laws are debated and passed by the parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; the president may block a law by veto; as the president is elected as a personality (not only as a party leader) by the people (not by the parliament), he may or may not rely on a majority of the parliament (in practice there have been some periods with a president forced to cooperate with a majority of oppositional members of parliament)	Laws are proposed by the government (being the leaders of the coalition of parties) laws are debated and passed by parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; if there is a solid majority, compromises are sought within the coalition (and may sometimes represent tactics rather than conviction), the opposition may be ignored until the next elections but then laws may be revoked or changed by a new majority
The process of making laws is rather slow, which may be a handicap with more technically oriented laws (regulating questions of broad public interest but addressing a small number of professionals). Laws concerning everybody's everyday's actions, however, may get more attention and acceptance by the public and therefore be more effective due to the intense public debate.	A strong president may act immediately - but there is a certain risk that he rushes to conclusions he may hardly be willing to withdraw from even if they prove to be unwise from a later point of view.	If there are many small parties in a country, the close dependence of the government on a parliamentary majority may undermine the stability of the government.

History shows that from time to time the Swiss people does **correct** decisions of parliament and government that give in too much to lobby pressure, so *Direct Democracy* seems to offer effective *checks and balances*. But sometimes it just takes a long time (decades, not years) until a new idea is finally broadly accepted.

The separation of powers - though it might seem very clear in theory - does not automatically provide more effective *checks and balances* between parliament and government than in a *Parliamentary Democracy*.

If there are only two relevant parties and one has a comfortable majority, the parliamentary system offers few effective *checks and balances*.

Conclusion

Though there are remarkable formal and institutional differences between the systems of *Direct*, *Presidential*, *Semi-Presidential*, and *Parliamentary Democracy*, there are more or less successful examples for any of these systems. Therefore the practical results - measurable by different factors such as national wealth (both mean income and distribution of wealth), accessibility and standards of education, life expectancy, infant mortality, corruption and so on - tend to depend less on the choice of one system or another but rather on what might be called an "established culture of democracy", consisting of both *know-how* (experience how the system once chosen works in practice) and *trust* that it works and it pays - for the society as a whole as well as for the individuals.

What is a Presidential Democracy?

A presidential democracy is a system of government in which the executive branch is **separate from** the legislature.

A **presidential system**, also called a **congressional system**, is a system of government where an executive branch exists and *presides* (hence the term) **separately from** the legislature, to which it is not accountable and which cannot in normal circumstances dismiss it.

It owes its origins to the medieval monarchies of France, England and Scotland in which executive authority was vested in the Crown, not in meetings of the estates of the realm (i.e. parliament): the Estates-General of France, the Parliament of England or the Estates of Scotland. **The concept of separate spheres of influence of the executive and legislature was copied in the Constitution of the United States, with the creation of the office of President of the United States.** Perhaps ironically, in England and Scotland (since 1707 as the Kingdom of Great Britain, and since 1801 as the United Kingdom) the power of a separate executive waned to a ceremonial role and a new executive, answerable to parliament, evolved while the power of the USA's separated executive

increased. This has given rise to criticism of the United States presidency as an "**imperial presidency**" though some analysts dispute the existence of an absolute separation, referring to the concept of "separate institutions sharing power". Although not exclusive to republics, and applied in the case of absolute monarchies, the term is often associated with republican systems in the Americas.

The defining characteristic of a presidential government is how the executive is elected, but nearly all presidential systems share the following features:

- The president is both head of state and head of government.
- The president may not have the ability to legislate directly. He is not a voting member, and may not be allowed to introduce bills. However, in systems such as that of the United States, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto.

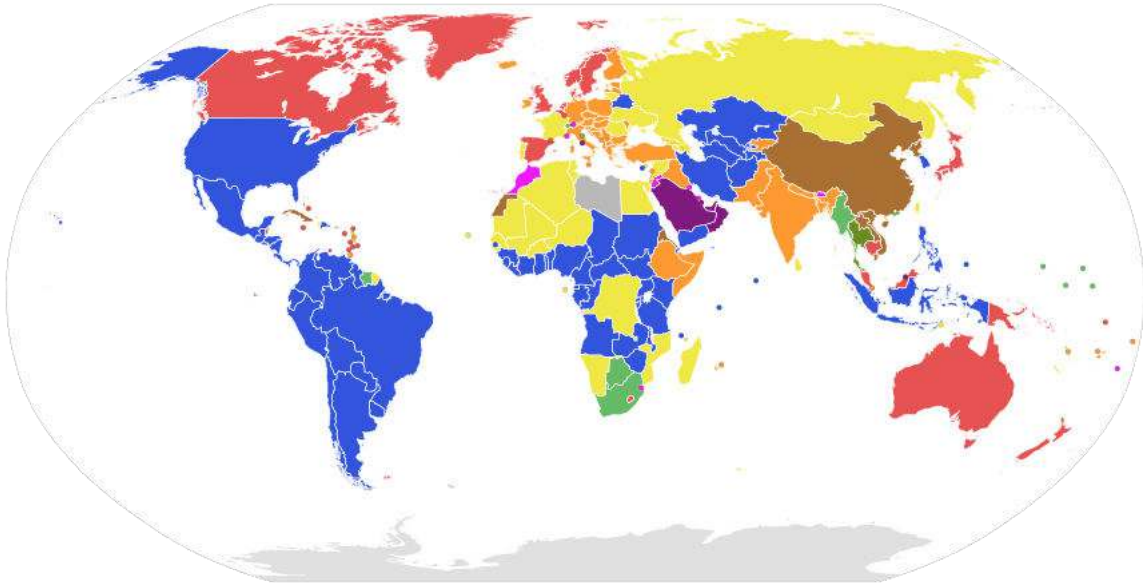
The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature if he or she is found to have committed a crime.

- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet, military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.
- A power to pardon or commute sentences of convicted criminals is often exercised by heads of states in governments with a separation of power between legislative and executive branches of government.
- The term *presidential system* is often used in contrast to cabinet government which is usually a feature of parliamentarism.

A Semi-Presidential System is a system of government in which a president exists along with a prime minister and a cabinet, with the latter two being responsible to the legislature of a state. It differs from a parliamentary republic in that it has a popularly elected head of state, who is more than a purely ceremonial figurehead, and from the presidential system in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

The global map below shows various systems of governance in operation today. Blue = presidential, yellow = semi-presidential, green = parliamentary system with an executive

president chosen by the legislature, orange = parliamentary system with a ceremonial, non-executive president, where a separate head of government leads the executive.



The US system also features Montesquieu's separation of powers and "checks and balances."

The drafters of the U.S. Constitution, the so-called "Founding Fathers," and most especially James Madison, drew upon French philosopher Montesquieu's theory of the separation of powers when drafting the Constitution. Montesquieu argued that the best way to secure liberty and prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other.

For example, Montesquieu warned that "Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers."

Madison and the Founding Fathers took heed of Montesquieu's warning by establishing an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution. Madison masterfully protected the separation of powers by establishing a thorough system of checks and balances as well.

Separation of Powers - As stated previously, the US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws, and interpret the laws.

Checks and Balances - In order to further protect the citizens, the constitution set up a system of checks and balances. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful. For example, the president can veto legislation, the Supreme Court can declare acts of Congress unconstitutional, and the Senate must approve treaties and presidential appointments.

Checks and Balances of the Legislative Branch

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower courts
- May remove judges through impeachment
- Senate approves appointments of judges

Checks and Balances of the Executive Branch

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

Checks and Balances of the Judicial Branch

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch. Courts can judge executive actions to be unconstitutional through the power of [judicial review](#).

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.

[Judicial Review](#) - This is a power that allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with [Marbury v. Madison](#) in 1803.

Federalism – the dual axis of state and national governments sharing power - One of the most complicated foundations of the US is the principle of federalism. This is the idea that the central government does not control all the power in the nation. States also have powers reserved to them. This division of powers does overlap and **sometimes leads to problems such as what happened with the response to Hurricane Katrina between the state and federal governments.**

Constitution of the United States

The following Introduction is taken from the official U.S. Constitution web site:

The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government. All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected—directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.

The following excerpts from the U.S. Constitution
set forth the more relevant design features
of the system of U.S. governance.



(Preamble)

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, . . .

Section 3

1: The Senate of the United States shall be composed of two Senators from each State, . . . , for six Years; and each Senator shall have one Vote.

4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

6: The Senate shall have the sole Power to try all Impeachments.

Section 7

1: All Bills for raising Revenue shall originate in the House of Representatives; . . .

2: Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. . . . If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Section 8

1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2: To borrow Money on the credit of the United States;

- 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7: To establish Post Offices and post Roads;
- 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- 9: To constitute Tribunals inferior to the supreme Court;
- 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13: To provide and maintain a Navy;
- 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

Section 9

- 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
- 3: No Bill of Attainder or ex post facto Law shall be passed.

Section 10

- 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,

or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2: No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; . . .

Article II

Section 1

1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, . . .

Section 2

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, . . . and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, . . .

3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States; . . . -- between Citizens of different States, . . .

3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; . . .

Article IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. . . .

Section 2

1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

Article VI

2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, . . .

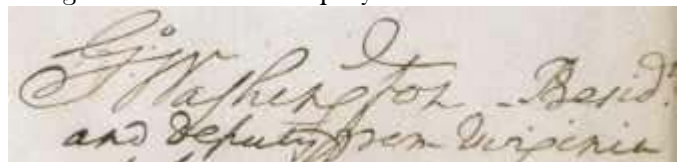
3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . .

done in Convention by
the Unanimous Consent
of the States present
the Seventeenth Day of
September in the Year of
our Lord one thousand
seven hundred and Eighty
seven and of the
Independence of the
United States of America
the Twelfth **In**
witness whereof We have
hereunto subscribed our
Names,

Attest William Jackson Secretary

G^o: Washington -Presid'. and deputy from

Virginia

A handwritten signature in cursive script, reading "Geo Washington Presid' and Deputy from Virginia". The ink is dark and the handwriting is fluid, typical of the late 18th century.

The First Ten Amendments

(The Bill of Rights)

Article [I]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article [II]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article [III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article [V]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article [VII]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article [VIII]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article [IX]

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article [X]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

CV

Prof. Dr. Dr. h. c. mult. Rainer ARNOLD

1. 1976 Professor at University of Konstanz (Wiss. Rat and Professor, C3)
Subjects: Constitutional and Administrative Law, EC Law and International Law
Nomination 1978 Full Professor (C4) at the University of Regensburg, Chair of Public Law, in particular Comparative Law, EC Law, Economic Administrative Law, Public Law of Foreign Countries
2. 1981 -1983 Dean of the Law Faculty of the University of Regensburg
3. 1999 Nomination as a Holder of the Jean Monnet Chair of EC Law
4. 2000 Nomination as a permanent Visiting Professor at the Charles University of Prague
5. 2008 Nomination as the Holder of the Jean Monnet Chair ad personam "Legal Relations of the EU with Central, Eastern and South-Eastern Europe"
6. European Law Institute, Paris
Fellow since 2010
7. 2002 - 2012 Director of the German Law Studies Programme DAAD (DSG) at Moscow Lomonossov State University
8. Nomination of the German Director of the EU Law Center at Istanbul Bahcesehir University
9. Visiting Professor:

Charles University of Prague (permanently since 2000)

University of Paris I (Panthéon-Sorbonne): 1993, 1995, 1998, 1999, 2002, 2006, 2007
University of Paris II (Panthéon-Assas): 2000, 2001, 2003, 2004 - 2008 (each year)
University of Paris XIII 2009, 2010
University of Aix-en-Provence 2008
University of Pau (Faculté Pluridisciplinaire Bayonne-Anglet-Biarritz) 2006, 2007, 2008
University of Strasbourg (Collège doctoral européen): 2010 (March and September)
University of Toulouse 2012

University of Trento 2012

University of Rome (La Sapienza): 1995, 2000

University of Bologna: 2002, 2013

University of Lisbon (State University) 2012, 2013

Universidad de los Andes, Santiago de Chile 2003, 2010, 2012, 2013

10. Conferences or Seminars at the Universities of

Paris I, Paris II, Montpellier, Aix-en-Provence, Toulouse, Strasbourg, Lyon II, Toulouse, Lille, Poitiers, Pau (Bayonne)

Madrid Complutense, Madrid Autónoma, Madrid Carlos III, Madrid Rey Juan Carlos, Alcalá de Henares, Bilbao, Santiago de Compostela, La Coruña, Vigo, Barcelona Central, Barcelona Autónoma, Valencia, Granada, Córdoba, Málaga, Jaén, Girona, Valladolid

Trieste, Roma La Sapienza, Roma Tre, Bologna, Verona, Trento, Cosenza, Palermo, Catania, Salerno, Perugia, Modena, Como, Milano Statale, Milano Cattolica

Warsaw, Wrocław, Cracow, Torun, Łódź, Szczecin

Salzburg, Vienna, Oslo, Örebro, Tampere, Riga, Vilnius, Tartu, Tallinn, St. Petersburg, Moscow, Chisinau, Prishtina

Tiflis State University, Eriwan, Baku, Tunis, Seoul, Xi'an (China)

Santiago de Chile (Universidad de los Andes, Diego Portales, Universidad de Chile), Valparaíso

Oxford Institute of European and Comparative Law, McGill University

Montreal, George Washington University, Georgetown University (2010, World Congress of the International Academy of Comparative Law).

Speeches at the Constitutional Courts of Bulgaria, Poland, Czech Republic, Albania, Roumania, Moldova, Slovenia, Ukraine.

11. European University Institute (Fiesole/ Florence)

Fernand Braudel Fellow 2008 (3 months)

Visiting Fellow: 2003/2004 (2 months), 2006

12. Oxford European and Comparative Law Institute:

Research 2004 (2 months), 2005, 2006, 2008

13. Harvard Law School: Research 2008 (1 month)

14. International Association of Constitutional Law

Individual member

Co-Director of workshops at the World Congresses in Athens (2006) (together with Cesare Pinelli, Rome) and Mexico City (2010) (together with Evgenij Tanchev, then President of the Bulgarian Constitutional Court)

15. Académie internationale de droit comparé

Membre associé (since 2002); General Reporter at the World Congresses in Utrecht (2006) on European Constitutional Law and in Washington (2010) on Human Rights
Elected ordinary Titular Member in 2015

16. Academy of Science of Bologna
Corresponding Member since 2002

17. National Associations of Constitutional Law and European Law

Honorary member of the Slovenian Association of Constitutional Law
Honorary member of the Russian Association of Constitutional Law
Member of the Polish Association of Constitutional Law
Member of the French Association of Constitutionalists
Member of the Czech European Studies Association
Member of the German Staatsrechtslehrervereinigung, the German Association of Comparative Law, the German Association of EU Law, the German Association of International Law

18. Organization of 18 International Congresses on European and Comparative Constitutional Law at Regensburg, with internationally renowned academics and Judges of Constitutional Courts in Central, Eastern and South Eastern Europe
Coorganization of the 2017 Congress in Kishinev, together with the Constitutional Court of Moldova, and 2018 XXth Congress in Gdansk, Poland, together with the University of Gdansk

Creation of an International Research Network in 2008

19. Member of the Board of Editors or Advisory Board/Scientific Council of various international journals/book series

Tulane European & Civil Law Forum, New Orleans,
Revue française de droit constitutionnel, Paris,
Annuaire de Justice Constitutionnelle, Paris
Revista Europeo de Derechos Fundamentales, Madrid,
Revista de Derecho Constitucional Europeo, Granada,
Rivista Diritto Pubblico Comparato ed Europeo, Torino,
Revista Jurídica, Lisbon
Právní Rozhledy (for 10 years until 2011), Prague
European Review of Public Law, Paris, Athens
Studia Prawa Publicznego, Poznan
European Studies. The Review of European Law, Economics and Politics, ECSA
Czech Republic.

Przegląd Konstytucyjny, Kraków, Poland
Ricerche di diritto comparato-Diritto Pubblico, Bologna
Journal Legal and Administrative Studies, Pitesti
University of Warsaw Journal of Comparative Law
Temi comparatistici - I diritti e le istituzioni, Roma (collana)
Diritto pubblico contemporaneo – gli ordinamenti costituzionali, Torino (collana)

20. Distinctions

Honour Medal in memory of the 650 years anniversary of the Charles University
Prague 1998

Election of a corresponding member of the Academy of Sciences of Bologna 2002

Election of a Membre associé de l'Académie internationale de droit comparé 2002

Award ECSA Czech Republic 2011

Premio de Excelencia científica “ Abate Juan Ignacio Molina” 2012 awarded by
CONYCIT (Government of Chile) and Humboldt Foundation/Germany

Award of Doctor Honoris Causa by the Kiev University of Law of the National
Academy of Sciences of Ukraine 2012

Award of Doctor Honoris Causa by the University “1 Decembrie 1918” Alba Iulia,
Romania, 2013

Award of Doctor Honoris Causa by the University of Pitesti, Romania, 2014

Award of Doctor Honoris Causa by the University of the Academy of Sciences of the
Republic of Moldova, Kishinau 2017

Honor Medal of the Law Faculty of the University of Ljubljana, 2014

23. Publications: more than 400 publications (books and articles) in international
publishing houses and journals in the fields of German and Comparative
Law, EC/EU Law, Constitutional and Administrative Law (see list of publications)

Editor

Developments in European Law / Développements en droit
européen/ Entwicklungen im Europäischen Recht,
Vol. 1 – 8 by University Publishing House Regensburg; 36 volumes by Jean Monnet
Chair

24. Languages

English, French, Italian, Spanish, Russian, reading knowledge in Portuguese and
Czech

Rainer Arnold

18.05.2020 Monday :

Constitutional Justice (CJ) in Europe.

Introduction: The notion of Constitutional Justice. The forms of CJ existing in Europe. CJ on a supranational level.

19.05.2020 Tuesday:

The Review of Legislation as the Core Element of CJ.

Historical Developments and Present Day Situation. Rule of Law in a modern perspective. The tension between sovereignty of Parliament and judicial review of legislation. Margin of appreciation of the legislator and constitutional review. The different approaches of UK, France and Germany. The developments of CJ in Central and Eastern Europe.

20.05.2020 Wednesday:

The Judicial Protection of Fundamental Rights – Further Competences of Constitutional Courts

The anthropocentric approach of modern Constitutions. The judicial means to protect Fundamental Rights. The characteristics of individual recourses to the Constitutional Courts for the protection of Fundamental Rights. The diverging systems of judicial protection in Europe. - Controversies of State institutions - federal and regional disputes

21.05.2020 Thursday:

Constitutional Courts, Court of Justice of the EU and European Court of Human Rights: Cooperation and Conflicts

22.05.2020 Friday:

Conclusion and Repetition

General Description of the Intensive Course

Constitutional justice is of main importance for the new constitutionalism in Europe. Constitutional courts interpret constitutions as “living instruments” often in a dynamic way and contribute essentially to the development of constitutional law concepts destined to moderate the political process and to protect the individual by fundamental rights. This active role of constitutional courts corresponds to the new understanding of Rule of Law.

The intensive course analyses the different models of constitutional justice in Europe, gives an insight into the various forms of actions and procedures and includes the international law impact on national constitutional jurisprudence.

Literature:

Constitutional Courts and Ordinary Courts: Cooperation or Conflict? Rainer Arnold, Herbert Roth (Eds.), XVIIth International Congress on European and Comparative Law, Universitätsverlag Regensburg, 2017, 380 p.

Wojciech Sadurski, Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective, 2002

The Finalities of Constitutional Interpretation: Some Reflections, in: European Union's History, Culture and Citizenship, 10th edition, International Conference, Bucharest, C.H. Beck, 2017, p.39 – 48.

The Convergence of the Fundamental Rights Protection in Europe, R. Arnold (ed.), 2016, 235 p.

Rule of Law, Human Rights and Judicial Control of Power. Some Reflections from National and International Law, Rainer Arnold/José Ignacio Martínez-Estay (Editors), Springer, 2017, 446 p.

PERSONAL INFORMATION Regina Valutyte



📍 Ateities 20, LT-08303, Vilnius, Lithuania

✉ r.valutyte@mruni.eu

WORK EXPERIENCE (RECENT)

- 06/2015 – until now **Head of Security Research Laboratory**
Mykolas Romeris University, Vilnius, Lithuania
- 02/2016 – until now **Professor (full-time)**
Mykolas Romeris University, Vilnius, Lithuania
- 03/2013-until now **Coordinator of Nordplus Law Network (22 Nordic universities)**
- 09/2010 – 02/2016 **Vice - dean for international relations and programs at the Faculty of law, Erasmus coordinator**
Mykolas Romeris University, Vilnius, Lithuania

ADDITIONAL INFORMATION

Membership in networks
Representation

- FRA Management Board (alternate Member) (from 2015)
- Member of International Tolerance Network

Lectures and seminars
(Guest lectures over
the last 5 years)

- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2018.
- Course on “*International aviation law*”. Lisbon University, Portugal, November/December 2017.
- Course on “*International aviation law*”. Lisbon University, Portugal, November/December 2016.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2016.
- Course on “*International aviation law*”. Lisbon University, Portugal, October 2015.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2015.
- Cycle of lectures on “*International law as a source of EU law*”, “*State liability for the acts of judicial power*” and “*In crisis for respect to privacy*”. Hannover University, Germany, June 2015.
- Cycle of lectures on “*International law as a source of EU law*”, “*State liability for the acts of judicial power*” and “*In crisis for respect to privacy*”. Bordeaux University, France, 13-17 October 2014.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, 8-12 September 2014

- Cycle of lectures on “*State liability for the acts of judicial power*”. University of Sofia, Bulgaria, April 2013
- Cycle of lectures on “*State liability for the acts of judicial power*”. University of Warmia and Mazury in Olsztyn, Poland, 14-18 January 2013.

Publications (latest)

- Jakulevičienė, Lyra; Valutytė, Regina; Daukšienė, Inga. Institutional models under Directive 2014/54: advantages and disadvantages for free movement of workers and their family members // *European journal of migration and law*. [Leiden] : Brill Nijhoff. ISSN 1388-364X. eISSN 1571-8166. 2018, vol. 20, iss. 3, p. 223-250. DOI: 10.1163/15718166-12340031.
- Valutytė, Regina; Daukšienė, Inga. Studentų procedūrinių teisių užtikrinimo tiriant akademinės etikos pažeidimą teisinės prielaidos = Legal preconditions for ensuring the procedural guarantees to students facing charges of academic misconduct // *Jurisprudencija : mokslo darbai*. Vilnius : Mykolas Romeris universitetas. ISSN 1392-6195. eISSN 2029-2058. 2018, t. 25, Nr. 1, p. 154-171. DOI: 10.13165/JUR-18-25-1-07.
- Jakulevičienė, Lyra; Valutytė, Regina. Corporate forms facilitating non-profit networking: formalizing the informal // *Baltic journal of law & politics*. Kaunas ; Berlin : Vytautas Magnus university ; Walter De Gruyter. ISSN 2029-0454. 2017, vol. 10, no. 2, p. 192-224. DOI: 10.1515/bjlp-2017-0017.
- Valutytė, Regina. Insolvable issues of ineffective individual redress for torture in Syria: unavoidable or inevitable? // *International comparative jurisprudence*. Vilnius ; Amsterdam: Mykolas Romeris University ; Elsevier B.V. eISSN: 2351-6674. 2017, vol. 3, iss. 1, p. 55-66. [ScienceDirect] [M.kr.: 01S]
- Valutytė, Regina ; Mickevičiūtė, Neringa. Remedying torturous effects of the use of chemical weapons under international law. In : *Prosecuting international crimes : a multidisciplinary approach* / Edited by Bartłomiej Krzan. Leiden ; Boston : Brill Nijhoff, 2016.
- Valutyte, Regina. Is the European Union in crisis of respect to privacy? Draft PNR Directive in light of Digital Rights Ireland Judgment. In *International Legal Studies III*. Universitätsverlag Halle-Wittenberg, 2016.
- Bonichot, Jean-Claude; Christianos, Vassili; Valutytė, Regina ; and others. *L'obligation de renvoi préjudiciel à la Cour de justice: Une obligation sanctionnée? /* Sous la direction de: Laurent Coutron. Bruxelles: Bruylant, 2014. 520 p. ISBN 9782802740926.
- Valutytė, Regina. Drakšas, Romualdas. *Valstybės atsakomybės pagal privataus asmens ieškinį principo samprata ir įgyvendinimo sąlygos* // *Justitia : teisės mokslo ir praktikos žurnalas*. Vilnius : Leidykla "Justitia". ISSN 1392-5709. 2007, Nr. 2 (64), p. 67-76.

Conferences (latest)

- Presentation on “*The Constitutional Right to Information in Lithuania. Current and future issues and challenges*” at international conference “*Eastern Europe – Latin America Dialogue on Constitutional Evolution*” in Vilnius, Lithuania. 12-13 September 2018.
- Presentation on “*Rethinking value(s) of EU restrictive measures (sanctions)*” at the International conference “*Reimagining the EU: The Contemporary Value(s) of the EU*” in Prague, the Czech Republic. 13-14 October 2016.
- Presentation on “*Development of PNR Systems in Selected Countries: Comparative Analysis*” at the International conference “*EU law enforcement information exchange: development of PNR system*” in Vilnius, Lithuania. 16-17 June 2016.
- Presentation on “*Implementation of PNR in Lithuania, the Strategic Guidelines for*

System's Support and Development" at the closing conference of the Lithuanian ISEC Project "Development of the Passenger Name Record System in Lithuania" in Trakai, Lithuania. 19-20 May 2016.

- Presentation on *"Is the Prohibition of Torture and Inhuman treatment still/not already Absolute? Secret Detentions Site Cases before ECtHR"* at the international conference *"Past and future issues and challenges of prevention of international crimes and rise of intolerance"* in Vilnius, Lithuania. 10-11 December 2015.
- Presentation on *"Increasing the Effectiveness of EU Restrictive Measures: does the European Judiciary contributes to this?"* at the international conference *"The European Union and Political Changes"* in Wroclaw, Poland. 5-6 November 2015.
- Presentation on *"State liability for Neglecting EU law: Legal, Political and Economic Shortcomings to New Member States"* at the international conference *"The Consequences of Membership in the EU for New Member states"* in Wroclaw, Poland. 27 November 2014.
- Presentation on *"Is Europe in Crisis for Respect to Privacy"* at the International Conference *"Erasmus International Conference"* in Recife, Brazil. 26 September 2014.
- Presentation on *"Legal Implications of ECJ's Invalidation of EU Data Retention Directive on the EU PNR System: Death before being born?"* at the International Conference *"Transnational business and human rights in the context of the United States, European Union and International law"* in Vilnius, Lithuania. 22 May 2014.
- Presentation on *"New horizons in the concept of torture"* at the international seminar *"Prosecuting international crimes: a multidisciplinary approach"* in Wroclaw, Poland. 4 April 2014.
- Presentation on *"Creation of National PNR system: Problematic Aspects"* at the opening International Academic-practical Conference of the Project *"Development of PNR system in Lithuania"* in Trakai, Lithuania. 27 January 2014.

PROGRAMME OF THE COURSE

INTERNATIONAL AVIATION LAW

Lecturer: Prof. dr. Regina Valutyte,

Institution: Mykolas Romeris University, Vilnius, Lithuania

Duration of the course: 10 contact hours

Start and end of the lectures: November 11, 2019 – November 15, 2019

Place: Lisbon University

Assessment: Exam (multiple choice test) in December 2019 or written paper (upon student's choice) by the set date in December 2019

Contact details: e-mail r.valutyte@mruni.eu

Purpose of the course unit

The general aim of the course is to provide an insight into the fundamentals of international aviation law. The course covers the main legal and regulatory issues that are being faced by the airline industry, emphasizing aviation security and liability issues.

Methodology: Principle-based, practice-oriented knowledge transfer through lectures

Main topics to be discussed:

1. Chicago system: main characteristics
2. The international air law-making institutions and processes
3. The legal regime of the national and international air space
4. Airlines & passengers (carriage operations)
5. Airlines & passengers (liability issues)
6. Aviation security

Literature

- + [1944 Convention on International Civil Aviation](http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf) (Chicago), its protocols and summary of the Annexes: http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf
- + Annex 2: http://www.icao.int/Meetings/anconf12/Document%20Archive/an02_cons%5B1%5D.pdf
- + Annex 7: <http://www.pilot18.com/icao-annex-7-ac-reg/>
- + 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo), in force since 1969: <https://www.icao.int/Meetings/LC35/References/Tokyo%20Convention.EN.FR.SP.pdf>
- + 2014 Protocol to amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal): http://www.icao.int/Meetings/AirLaw/Documents/Protocole_mu.pdf

- + 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal), in force since 1973: <http://hrlibrary.umn.edu/instree/civilaviation.html>
- + 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal), in force since 1989: <https://www.un.org/ruleoflaw/blog/document/protocol-on-the-suppression-of-unlawful-acts-of-violence-at-airports-serving-international-civil-aviation-supplementary-to-the-convention-for-the-suppression-of-unlawful-acts-against-the-safety-of-civ/>
- + 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague): <https://treaties.un.org/doc/Publication/UNTS/Volume%20860/volume-860-I-12325-English.pdf>
- + 2010 Protocol supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing): https://www.icao.int/secretariat/legal/Docs/beijing_protocol_multi.pdf
- + Beijing Convention - Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation: https://www.icao.int/secretariat/legal/Docs/beijing_convention_multi.pdf
- + 1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (Montreal): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22001A0718\(01\):en:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22001A0718(01):en:HTML)
- + revisions of limits of liability: http://www.icao.int/secretariat/legal/Administrative%20Packages/mtl99_en.pdf
- + Regulation 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0261>
- + Diana M. Stancu. AVSEC: beyond Chicago until Beijing. <http://www.3skies.eu/AVSEC%20Conventions%20PUBLISHED%20article.pdf>
- + P. Dempsey, Public International Air Law (2008):
 - + <https://drive.google.com/file/d/1MRUxDSDASIJdq2aZPcEHWrarloPR2z9N/view?usp=sharing>
 - + <https://drive.google.com/file/d/1MRUxDSDASIJdq2aZPcEHWrarloPR2z9N/view?usp=sharing>
 - + <https://drive.google.com/file/d/1si7xDNRRPM9HraMIR2eq8YgWhsvNIZrZ/view?usp=sharing>

Essay requirements

An essay is a three-part paper that develops certain position in response to the essay question. The essay should be more than a narrative description of events or a statement of opinion, it should demonstrate deep knowledge about critical issues raised in the essay question supported by scholarly arguments¹.

Introduction: Introduce the essay question and state the goal of your essay. Body: identify the problems and develop your arguments and assertions using research and analysis. The analysis may include comparing and contrasting, differentiating among several ideas or events, critiquing a variety of perspectives, interpreting results, or drawing inferences.

¹ Read more about academic writing:

http://www.une.edu.au/_data/assets/pdf_file/0010/12313/WE_Paragraphs_Academic-writing.pdf;
http://www.une.edu.au/_data/assets/pdf_file/0003/11397/WE_Paragraphs_Connecting-your-ideas.pdf; http://www.une.edu.au/_data/assets/pdf_file/0003/13458/WE_Paraphrasing-and-summarising.pdf

Conclusion: summarize the research and analysis presented in the essay and set forth your main inferences and recommendations.

Important: **identify the sources of your information or ideas, otherwise the work may be considered as plagiarized²**. For identification of the sources use a Chicago citation style³. Use footnotes to give credit to the sources of your information or ideas. Also include a bibliography for the works that you have cited in your essay. All footnotes made in the body or the introduction of your essay must appear in the bibliography. **If plagiarism is detected the paper is not evaluated.**

Use a variety of sources - academic journals (e.g. Air and Space law), books, government documents, publications from organizations, legal acts, etc. General encyclopedias (e.g. Wikipedia) are not acceptable as sources unless you refer to certain facts (e.g. historical event). General Websites (e.g. the website of icao.int) cannot be the only source of information for your essay. When citing Internet sources, include the following information: author(s), title of work, Internet address, and date information was accessed.

The essay must:

- 1) have a title page with a title, name of the author, year of studies and page numbers in the whole document;
- 2) have not less than 2500 and no more than 4000 words. The word count limit includes all words in the text but does not include the bibliography;
- 3) follow accepted citation standards;
- 4) must have the margins of 2.5 all around;
- 5) use Times New Roman font and size 12 for the text and 14 for headings.

Evaluation criteria

Requirements
Proper Style and Format
• The paper includes a title page and page numbers; • The paper is produced in an academic language; • The author properly follows font requirements; • Essay is of adequate length; • Citations are correct and follow the style.
Structure and Organization
• Statement of the problem and the goal is clear; • Logical development of the discussion from one idea to the other in the whole text; • Conclusion summarizes the arguments presented in the body, and negotiates the perspectives in the essay so that the reader is left with a clear impression of what is accomplished in the essay.
Proper Use and Relevance of Research
• The essay relies on contemporary and insightful research; • All arguments have appropriate literature to support them; • Enough sources are used in each paragraph or section to support the arguments.
Level of Analysis and Substantive Adequacy
• The student displays a strong grasp of the topic;

² <https://en.wikipedia.org/wiki/Plagiarism>

³ http://www.chicagomanualofstyle.org/tools_citationguide.html

- The essay draws out major issues and arguments;
- Arguments are relevant to the essay problem and the goal;
- The arguments present adequate depth;
- The essay reflects careful analysis.

Questions for essays (more than one students can choose the same topic)

1. The Annexes to the Chicago Convention: soft or hard law?
2. Civil or state aircraft: how to distinguish?
3. The rights and obligations of the state of operator in contrast to or comparison with the state of registration of the aircraft.
4. The rights and obligations of the state over which the aircraft is flying
5. Is it a right or an obligation to restrict or close the airspace from flying in time of war?
6. Extraordinary circumstances. When the obligation to pay compensation under Regulation 261/2004 does not arise?
7. Flight delay compensation under Regulation No 261/2004 and MC99. To what extent the damage can be compensated?
8. To what extent Chicago Convention represents international customary law?
9. Investigating aircraft. Who is responsible and to which extent?
10. Shutting down a high-jacked civilian aircraft – is it in line with law?
11. Can moral (non-material) damage be compensated under MC99?
12. Problematic aspects that remain unsolved by Tokyo-Montreal-Hague conventions.
13. Proving damage to baggage: problematic aspects
14. Civil liability in tort for criminal offences aboard the aircraft
15. Ignoring SARPs: any consequences to the states?
16. What is accident under MC99?
17. Personal injury and death claims: problematic aspects.
18. Punishing for smoking aboard the aircraft: issues of jurisdiction.

Russell L. Weaver
3014 Shallcross Way
Louisville, KY 40222
(502) 852-6559 (W)

TEACHING EXPERIENCE

Current Position: Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law, University of Louisville (1999-present) (at the University of Louisville since 1982). Associate Dean for Faculty Research & Development (2012-2013).

Courses: Administrative Law; Advanced Constitutional Law; Constitutional Law I & II; Comparative Constitutional Law; Criminal Law; Criminal Procedure I & II; First Amendment; Negotiations; Remedies; & Trial Practice.

Visitorships: Judge Spurgeon Bell Distinguished Visiting Professor, S. Texas College of Law (1998-99); Herbert Herff Chair of Excellence, Cecil C. Humphreys School of Law, University of Memphis (1992).

Awards: Distinguished University Scholar (University of Louisville) (1999-present); President's Award (University of Louisville) for Outstanding Research, Scholarship and Creative Activity in the Career Achievement category (2002); President's Award for Distinguished Service (1998); President's Award for Outstanding Research, Scholarship and Creative Activity in the Social Sciences (1993); Louis D. Brandeis School of Law awards for scholarship (1992, 1993, 2001 & 2002), teaching (1995), & service (1998); Brown, Todd & Heyburn Fellow (1995-97 & 1998-99); Honorary Associate, Macquarie University School of Law (Sydney, Australia. 1998).

EDUCATION

Legal

Degree: J.D., *cum laude*, University of Missouri, 1978.

Honors and Activities: Order of the Coif; Missouri Law Review; Judge Roy Harper Prize; Omar E. Robinson & Edward Jayne scholarships; & various American Jurisprudence prizes.

Undergraduate

Degree: B.A., University of Missouri, 1974.

Honors and Activities: University of Missouri Speech and Debate Team; speech and forensics scholarships.

PUBLICATIONS (*selected*)

2015: R. Weaver, “*Advice and Consent*” in *Historical Context*,____DUKE L.J.____(2015) (forthcoming as part of Duke’s annual Administrative Law Symposium).

R. Weaver, *Governmental Cyber-Surveillance in a Democratic Society*,____W &L L. REV.____(2015) (forthcoming as part of the Washington & Lee L. Rev’s cybersurveillance symposium).

R. Weaver, *Defamation and Democracy*, published in A. KENYON, DEFAMATION AND PRIVACY: COMPARATIVE LAW, MEDIA AND PUBLIC SPEECH____(Oxford U. Press 2015) (this paper will be published as part of the University of Melbourne’s symposium on defamation and privacy).

R. Weaver, *Free Speech and Democracy in an Internet Era*, in A. SARA-LIND, I. OSTERDAHL & J. REICHEL, FREEDOM OF SPEECH, THE INTERNET, PRIVACY AND DEMOCRACY (Liber 2015) (forthcoming).

I. BOUDAHANA, W. GILLES & R. WEAVER, GOVERNMENTAL TRANSPARENCY IN THE OPEN GOVERNMENT ERA 1-____(IMODEV 2015) (forthcoming).

R. Weaver, *Governmental Transparency, Privacy and the Snowden Affair*, I. BOUDAHANA, W. GILLES & R. WEAVER, GOVERNMENTAL TRANSPARENCY IN THE OPEN GOVERNMENT ERA 239-259 (IMODEV 2015) (forthcoming).

R. Weaver, G. Gil & F. Lichere, *Remedies in the Eminent Domain Context: French & American Perspectives*, in F. LICHÈRE, ED., PAPERS FROM THE PROPERTY REMEDIES DISCUSSION FORUM (Presses Université Aix-Marseille 2015) (forthcoming).

R. Weaver, *Renovating Administrative Procedure: Administrative Searches and the Need for Reform*, in CHENGYI, PAPERS FROM THE ADMINISTRATIVE DISCUSSION FORUM (2015) (forthcoming).

R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW (Carolina Academic Press 2015) (forthcoming).

R. Weaver & S. Friedland, *Introduction*, in R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW 4 (Carolina Academic Press 2015) (forthcoming).

R Weaver, *Free Speech and “True Threats” in a Digital Era*, in R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW 127-137 (Carolina

Academic Press 2015) (forthcoming).

R. Weaver, *Striking the Balance: Free Speech, Defamation & Reputation*, in R. WEAVER & S. FRIEDLAND, ED., *FREE SPEECH, DEFAMATION & CRIMINAL LAW* 158 168 (Carolina Academic Press 2015) (forthcoming).

R. Weaver, *Congress and Transparency*, in IRÈNE BOUHADANA, WILLIAM GILLES & IRIS NGUYEN-DUY, *PARLIAMENTS IN THE OPEN GOVERNMENT ERA* ____ (2015) (forthcoming).

R. Weaver, *Introduction: Parliaments in the Open Government Era*, in IRÈNE BOUHADANA, WILLIAM GILLES & IRIS NGUYEN-DUY, *PARLIAMENTS IN THE OPEN GOVERNMENT ERA* (2015) (forthcoming).

R. WEAVER & S. FRIEDLAND, ED., *RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION: THE GLOBAL PAPERS SERIES, Vol. I* (Carolina Academic Press 2015) (forthcoming).

R. Weaver & S. Friedland, *Introduction*, in R. WEAVER & S. FRIEDLAND, ED., *RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION: THE GLOBAL PAPERS SERIES, Vol. I* ____ (Carolina Academic Press 2015) (forthcoming).

R. Weaver & S. Friedland, *Governmental Transparency and the War on Terror*, in R. WEAVER & S. FRIEDLAND, ED., *RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION: THE GLOBAL PAPERS SERIES, Vol. I* (Carolina Academic Press 2015) (forthcoming).

R. WEAVER, J. BURKOFF, C. HANCOCK, S. FRIEDLAND, J. HOEFFEL & S. SINGER, *CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH* (West, 2015) (forthcoming).

2014: R. Weaver, *The Press and Freedom of Expression*, Andra Koltay, Ed., *Media Freedom and Regulation in the New Media World* 29-44 (2014).

C. Walker & R. Weaver, *Libelocracy*, 41 J. Malaysian & Comparative Law 69-79 (2014).

R. Weaver, *Driving While "Intoxicated": Texting, Driving & Punishment*, 47 TEX. TECH L. REV. 101-111 (2014) (published as part of Texas Tech University's annual criminal law/criminal procedure symposium) (in press).

Russell L. Weaver & Steven I. Friedland, *Privacy and the Fourth Amendment*, in DIETER DORR & RUSSELL L. WEAVER, ED., *PERSPECTIVES ON PRIVACY: INCREASING*

REGULATION IN THE USA, CANADA, AUSTRALIA & EUROPEAN COUNTRIES ____
(DeGruyter Press 2014).

DIETER DORR & RUSSELL L. WEAVER, ED., PERSPECTIVES ON PRIVACY: INCREASING
REGULATION IN THE USA, CANADA, AUSTRALIA & EUROPEAN COUNTRIES
(DeGruyter Press 2014).

Russell L. Weaver, *Structural Decrees & Unintended Consequences: The Louisville
Desegregation Decree*, 38 U.W. AUSTRALIA L. REV. 156-166 (2014).

W. FUNK, S. SHAPIRO, & R. WEAVER, ADMINISTRATIVE LAW AND PRACTICE:
PROBLEMS AND CASES (5th ed. 2014).

R. WEAVER, C. HANCOCK, D. LIVELY & J. KNECHTLE, THE FIRST AMENDMENT:
CASES, MATERIALS & PROBLEMS (4th ed. 2014).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN
CARDI, REMEDIES: CASES, PRACTICAL PROBLEMS & EXERCISES (West, 3rd ed.,
2014).

R. WEAVER, UNDERSTANDING THE FIRST AMENDMENT (5th ed. 2014).

R. WEAVER, J. BURKOFF, & C. HANCOCK, CRIMINAL LAW: A CONTEMPORARY
APPROACH (2nd ed. 2014).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, & R. ROSEN, INSIDE CONSTITUTIONAL
LAW: WHAT MATTERS & WHY (Aspen, 2d ed., 2014).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, B. FAIR, J. KNECHTLE & R. ROSEN, 2014
SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (3rd ed.,
Aspen 2014).

R. WEAVER, C. HANCOCK, D. LIVELY & J. KNECHTLE, 2014 SUPPLEMENT TO THE
FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (4th ed. 2014).

R. WEAVER, J. BURKOFF, D. LIVELY, C. HANCOCK, J. HOEFFEL, S. FRIEDLAND & S.
SINGER, 2014 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS &
EXERCISES (5th ed., Thomson/West 2014).

2013: R. WEAVER, FROM GUTENBERG TO THE INTERNET: FREE SPEECH, ADVANCING
TECHNOLOGY & THE IMPLICATIONS FOR DEMOCRACY (Carolina Academic Press
2013).

R. Weaver, *Administrative Searches, Technology & Personal Privacy*, 22 W_{M.} & M_{ARY} B_{ILL} R_{T.} J. 571 (2013).

R. Weaver, Duncan Fairgrieve & F. Lichere, *The Creation of Transnational Structures Governing Internet Communication*, 78 Mo. L. Rev. 527 (2013).

R. Weaver, *Privacy in an Age of Advancing Technology*, 82 Miss. L.J. 975-996 (2013).

R. Weaver & F. Lichere, *The Remedy of Certiorari: French and U.S. Perspectives*, 42 S_{TETSON} L. R_{EV.} 615 (2013).

R. Weaver, *Enforcement of British Libel Judgments: An American Perspective*, in D. C_{APPER} (ED.), MODERN DEFAMATION LAW: BALANCING REPUTATION AND FREE E_{XPRESSION} 93-114 (Queen's U. Press 2013).

R. Weaver & D. Partlett, *Teaching Remedies as a Capstone Course*, 57 S_{T.} LOUIS U. L. R_{EV.} 609-630 (2013) (this article was published as part of an invited symposium on teaching remedies).

R. Weaver, *NSA Revelations Worth Risk: Debate on Freedoms is One We Must Have*, *The Courier-Journal*, Forum Section (July 4, 2013).

R. W_EAVER & F. L_ICHERE (EDS), R_{EMEDIES} AND P_{ROPERTY}, U. Aix-Marseille Press 1-142 (2013).

R. Weaver & F. Lichere, *Introduction: Seventh Remedies Discussion Forum*, in R. W_EAVER & F. L_ICHERE (EDS), R_{EMEDIES} AND P_{ROPERTY}, U. Aix-Marseille Press 7-8 (2013).

R. Weaver, *Is U.S. Law Definable? The Great Divide Between the U.S. and Europe*, published in P. M_{BONGO}, CONTEMPORARY AMERICAN LAW: IDENTITY, MUTATIONS & D_{EBATES} (U. Poitiers Press 2013) (published as part of the papers from the University of Poitiers's symposium on Contemporary American Law: Identity, Mutations & Debates) (in press).

C. W_{ALKER} & R. W_EAVER, ED., FREE SPEECH AND MEDIA IN AN INTERNET ERA: PAPERS FROM THE FREE SPEECH DISCUSSION FORUM (Carolina Press 2013).

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2015: *Snowden, Transparency, and the U.S. Cybersurveillance Program*, University of Paris I's (Sorbonne) symposium on "Freedom of Information, and Governmental Transparency, in the Open Government Era" symposium (March 11, 2015, Paris, France)

"Advice and Consent" in Historical Perspective, Duke L.J.'s Administrative Law "Is the Appointments Process Broken? Insights From Practice, Process & Theory" Symposium (Feb. , Durham, N.C.)

Governmental Cybersurveillance in a Free Society, Washington & Lee University Law Review's "Cybersurveillance in the Post-Snowden Age" symposium (Jan. 24, 2015, Lexington, VA).

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2014: *From Gutenberg to the Internet*, Université Paris Dauphine Faculty of Law (Paris, France, Dec. 3, 2014).

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2006: *Negotiations in the United States* presented at the University of Montpellier III (Montpellier, France, Nov. 13, 2006).

The Religion Clauses of the United States Constitution presented to a visiting delegation from Tajekistan (Louisville, Kentucky, Oct. 13, 2006).

The Danish Cartoons, University of Louisville Federalist Society symposium (Louisville, Kentucky, Sept. 12, 2006).

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Problem Based Teaching, Kentucky Council on Postsecondary Education, Innovations in Teaching and Learning conference entitled "Meeting 21st Century Challenges" (Louisville, Kentucky, May 21, 2002).

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1997: *Administrative Regulation of Business in the U.S.*, delivered to a visiting delegation of Moldovan judges (Louisville International Cultural Center, Louisville, Kentucky, May 12, 1997).

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1992: *Affirmative Action in the United States*, Université de Paris - Sud (Paris, France, May 12, 1992).

Current Trends in Legal Education, Memphis State University Law Alumni Association (Memphis, Tennessee, Feb. 27, 1992).

1991: *Should Private Clubs Be Allowed to Discriminate?*, Louisville Forum (Louisville, Kentucky, Oct. 9, 1991).

The University of Louisville School of Law's Pro Bono Service Requirement, Southeastern Conference of the Association of American Law Schools' Annual Meeting (The Homestead, Virginia, Aug. 16, 1991).

Censorship and the Gulf War, Université Paul Valéry's symposium on the Gulf War (Montpellier, France, May 14, 1991).

The Northern Ireland Broadcasting Ban, Université Paul Valéry (Montpellier, France, May, 15, 1991).

Fetal Rights, University of Louisville symposium on privacy and fetal rights (Louisville, Kentucky, Mar. 13, 1991).

1990: *The Case Method*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (Nashville, Tennessee, Aug. 18, 1990).

The Case Method, Ohio Northern University College of Law (Ada, Ohio, Sept. 25, 1990).

ORGANIZATION OF DISCUSSION FORA

2014: Property Remedies Discussion Forum (University of Aix-Marseille Faculty of Law, Aix, France, June 18-19, 2014).

Administrative Law Discussion Forum (Institutum Jurisprudentiae, Academia Sinica, Taipei, Taiwan, June 10-11, 2014).

Defamation Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 21, 2014).

Free Speech Discussion Forum (Notre Dame London Law Centre, London, England, May 19-20, 2014).

2013: Remedies Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 6, 2013)

Administrative Law Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 5, 2013)

Privacy Discussion Forum (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 17-18, 2013)

Remedies Discussion Forum (Monash University Faculty of Law (Prato Center), Prato, Italy, June 10-11, 2013)

Free Speech Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 22-23, 2013)

2012: *Property Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 20-21, 2012).

First Amendment Discussion Forum (London, England (Notre Dame London Law Centre), June 12-13, 2012).

Administrative Law Discussion Forum (Luxembourg (Luxembourg University Faculty of Law), June 5-6, 2012).

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2011: *Privacy Discussion Forum* (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 23-24, 2011).

Remedies Discussion Forum (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 8-9, 2011).

2010: *Constitutional Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Dec. 15-16, 2010).

Global Administrative Law Forum (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 23-24, 2010).

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Administrative Law Discussion Forum (Montpellier, France (University of Montpellier I Faculty of Law), May 25-26, 2008).

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2005: *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 18-19, 2005).

Defamation and Privacy Discussion Forum (Mainz, Germany (Johannes Gutenberg University Faculty of Law), June 8-9, 2005).

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2004: *Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 12-13, 2004).

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2003: *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 7-8, 2003).

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Remedies Discussion Forum (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr. 26-27, 2002).

2001: *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 2001).

2000: *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr., 2000).

1999: *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 1999).

CALI

Served as a “Remedies Fellow” for the Center for Computer Assisted Legal Education (CALI), and have authored various lessons for CALI (as part of the fellowship and afterwards).

SERVICE

Law School:

- Associate Dean for Faculty Research & Development (2012-2013)
- Personnel Committee (1990-present)

- Curriculum Committee (Chair, 2003, Member 2003-09, & 2012-2015)
- Distance Learning Committee (Chair, 2003-06)
- International Committee (1989-98 & 2006-07, Chair, 1990-95 & 1996-98 & 2013 2015)
- Faculty Recruitment Committee (1983-87 & 1991-93 & 2007-present, & Chair, 1986-87 & 1992-93)
- Dean Search Committee (2015)
- Decanal Review Committee (1987)
- Faculty Development Committee (1990-94)
- Faculty Representative to the AALS House of Delegates (1991-92)
- Advocacy Committee (1990-93, & Chair, 1991-92)
- Distinguished Teaching Committee (1989-90 & 1991-92, & Chair, 1989-90)
- Distinguished Service Committee (1991-92)
- Computer Committee (1989-90)
- Library Committee (1982-84 & 1989-90, Chair, 1983-84)
- Continuing Legal Education Committee (1984-85)
- Financial Aid Committee (1989-90)
- Order of the Coif Committee (1983-86 & 1993-94)
- Student Grievance Committee (1989-90)
- Advocacy Committee (1990-91, & Chair, 1989-90)

University:

- Vice President for Research's Advisory Council (2002-2013)
- Provost's Advisory Committee for the International Center (1994-2005)
- Faculty Grievance Committee (1990-2002 & 2004-06)
- Distinguished Teaching Committee (1989-90 & 2004)
- Distinguished Research Committee (1993-95)
- Southern Association of Colleges and Schools Accreditation Review Committee (1987-88)

Community and Professional:

- Scholar-in-Residence, Washington & Lee University (Jan. 22-23, 2015).
- Expert Witness, United Nations Office on Drugs & Crime (Vienna, Austria, April, 2013).
- Executive Director & Board of Directors, Southeastern Association of Law Schools (SEALS) (2004-present)
- Chair, Scholarship Award Committee, ABA Administrative Law Section (2008 present)
- Editorial Board, Journal of Education and the Law (a British journal)(1993-present)
- Executive Committee, AALS Remedies Section (2002-06)
- Chair, AALS Remedies Section (2005)
- Legal Panel, American Civil Liberties Union of Kentucky (ACLU of Ky.) (1984 2002)
- President, Southeastern Conference of the Association of American Law Schools

(SEAALS) (1998-99)
 -Treasurer, SEAALS (1994-2004)
 -Program Chair; SEAALS (1993-2004)
 -Secretary, SEAALS (1994-95)
 -Board of Directors, Coalition Against Rape and Sexual Assault (1986-2001)
 -Consultant, Central and East European Law Initiative (CEELI) (1991-1993)
 -Co-Chair, Montpellier Committee, Sister Cities of Louisville (1997-present)
 -Executive Committee, Association of American Law School's (AALS) Criminal Justice Section (1983-1990, & 1992-1999)
 -Vice Chair, International Trade Regulation, ABA's Section of Administrative Law and Regulatory Practice (1994-98)
 -Comments submitted on the Republic of Georgia's draft anti-terrorism law (1999).
 -Comments submitted to the Russian Constitutional Commission (with Dr. Paul Weber) (1993)
 -Consultant, Administrative Conference of the United States (1992-94)
 -Consultant, Belarus Constitutional Commission (legal specialist for CEELI, Minsk, Belarus, 4/3/93-4/19/93)
 -Consultant, Kyrgyzstan Constitutional Commission (acting as a legal specialist for CEELI, Bishkek, Kyrgyzstan, 10/16/92-11/2/92)
 -Consultant, Cheechi & Co. (law reform in the former Soviet Union)(1993-98);
 -Chair, AALS Criminal Justice Section (1988)
 -AALS' Planning Committee for the New Law Teacher's Workshop (1991-1993);
 -Board of Directors, ACLU of Ky. (1988 & 1990-96)
 -Chair, Louisville Bar Association's (LBA) International Law Committee (1991);
 -LBA Professional Responsibility Committee (1984-85)
 -LBA Dispute Resolution Committee (1984-85)

FOREIGN VISITORSHIPS

2014: Visiting Professor, U. Paris I Faculty of Law (Sorbonne) (Paris, France, Dec. 2014).

Invited Professor, U. Aix-Marseille Faculty of Law (Aix, France, Nov. 2014).

Visiting Professor University of Lisbon (Lisbon, Portugal, Apr., 2014).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, May, 2014).

2013: Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, July, 2013).

Visiting Professor University of Lisbon (Lisbon, Portugal, Apr. 2013).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr. 2013).

2012: U. Aix-Marseille Faculty of Law (Aix, France, Oct., 2012).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2012).

2011: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2011).

Parsons Fellow, Sydney University (Sydney, Australia, Mar., 2011).

Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Feb., 2011).

2010: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, July, 2010).

Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, Mar., 2010).

Invited Professor, University Paul Cezanne - Aix-Marseille III (Aix, France, Feb., 2010).

2009: Visiting Professor, University of Osnabruck Faculty of Law (Osnabruck, Germany, Dec., 2009).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2008).

2008: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).

2007: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).

2006: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2006).

2005: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2005).

2004: Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2004).

2003: Visiting Professor, Johannes Gutenberg University's Mainz Media Law Institute (Mainz, Germany, Apr., 2003).

Visiting Fellow, Centre for Media Law & Communication, Melbourne University Law School (Melbourne, Australia, Mar., 24-29, 2003).

Parsons Fellow, Sydney University School of Law (Sydney, Australia, Mar., 2003).

Visiting Professor, Macquarie University Division of Law (Sydney, Australia, Mar., 2003).

Visiting Professor, University of Western Sydney School of Law (Sydney, Australia, Mar. 13-20, 2003).

Invited Professor, University of Montpellier, Faculty of Law (Montpellier, France, Jan.-Feb., 2003).

2000: Visiting Professor, University of Leeds, Leeds, England (Apr., 2000).

1999: Visiting Professor, University of Turku, Faculty of Law, Turku Finland (May, 1999).

Visiting Professor, Cadi Ayyad University (Marrakesh, Morocco (Mar. 11-22, 1999).

1996: Visiting Professor, Daito Bunka University, Tokyo, Japan (Nov. 25-Dec. 10, 1996).

Visiting Professor, Johannes Gutenberg-Universität, Mainz, Germany (June, 1996).

Invited Professor, University of Montpellier, Montpellier, France (Apr., 1996).

Parsons Fellow, University of Sydney, Sydney, Australia (Mar. 11-15, 1996).

Visiting Fellow, Australian National University, Canberra, Australia (Mar. 5-9, 1996).

1995: Visiting Professor, Université de Paris - Sud, Paris, France (May 1995).

1994: Visiting Professor, Macquarie University Faculty of Law, Sydney, Australia (Feb. Mar., 1994).

1993: Visiting Professor, Daito Bunka University, Tokyo, Japan (May 1993).

1992: Visiting Professor, City University, London, England (June 1992).

Visiting Professor, Université de Paris-Sud, Paris, France (May 1992).

1991: Visiting Professor, Université Paul Valéry, Montpellier, France (May 1991).

1988: Visiting Lecturer, University of Leeds, Leeds, England (1988-89).

PRACTICE EXPERIENCE

U.S. Department of Energy, Washington, D.C. (4/80-7/82)

Regulatory Litigation Section of the Office of General Counsel. Litigation practice before the U.S. District Courts and Courts of Appeal, as well as before the Federal Energy Regulatory Commission.

Watson, Ess, Marshall & Enggas, Kansas City, MO (5/78-4/80)

Responsibilities generally litigation oriented, but included some work for the real estate, labor, corporate, and tax sections of the firm.

BAR MEMBERSHIPS

Missouri Bar (1978-present)

REFERENCES

Available on request.

INTRODUCTION TO THE AMERICAN CONSTITUTION
PROFESSOR WEAVER
MAY, 2014

Course Goals and Objectives: This course is designed to give students a comprehensive introduction to the U.S. constitutional system, as well as to the U.S. approach to “rights,” in particular the right to freedom of expression.

Topics to be Covered.

- I. The U.S. Declaration of Independence in historical perspective.
- II. The Events That Led to the Creation of the U.S. Constitution.
- III. The Structure of the Federal Government (separation of powers, checks and balances, judicial review, and the role of the courts).
- IV. The Relationship between the Federal Government and the States (the system of dual competencies, and the Supremacy Clause).
- V. The American Concept of Rights (the Bill of Rights) and Due Process (both procedural and substantive).
- VI. The American Approach to Freedom of Expression.
 1. Justifications and Philosophical Approach.
 2. Categorical Approach and Balancing (child pornography, obscenity & fighting words).
 3. American Exceptionalism (defamation, privacy, advocacy of illegal action, intentional infliction of emotional distress, content neutrality).
 4. Prohibition Against Prior Restraints.
 5. Public Forum Doctrine
 6. Evolving Standards Regarding Media and New Technologies (the press, radio, television, satellite and cable television).
 7. The Implications of the Internet for Democracy.
- VII. The Religion Clauses (the Establishment Clause and the Free Exercise Clause).

PERSONAL INFORMATION

Virginijus Bitė



 Ateities st. 20, LT-08303 Vilnius, Lithuania

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 virginijus.bite@mruni.eu
virginijus.bite@adjuto.lt

 www.adjuto.lt

Sex male | Date of birth 26/05/1981 | Nationality Lithuanian

WORK EXPERIENCE

Since January 2016

Professor, Mykolas Romeris Law School, Institute of Private Law

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu

- Since January 2016 – Director of the Institute of Private Law;
- Since January 2018 – member of the Law Sciences Doctoral Studies Committee (a chairman since May 2019);
- Since February 2016 – member of the Council of the Mykolas Romeris Law School;
- Since November 2015 – Head of the Study Programme Committee of the Private Law master programs;
- since April 2015 - member of editorial board of research journal “*Jurispudencija*”, Mykolas Romeris University;
- Since June 2013 – Director of the joint master study programme ‘European and International Business Law’ and member of the group on preparation;
- From March 2015 to December 2016 – Head of the Justice Research Laboratory
- Corporate Law (subjects: Legal Forms of Business Organization (LT), Company Law (LT), and European and International Company Law (EN)), Contract Law, Lawyer’s career;
- Supervision for master theses and PhD theses;
- Participation in PhD defence boards.

Business or sector: High school(university)

Since May 2018

Attorney-at-Law, Managing Partner

Law office Bite, Caikovski and partners ADJUTO, Z. Sierausko st. 15, LT-03105 Vilnius, Lithuania, www.adjuto.lt

- Corporate Law, Contract Law, Civil Law, Financial Services Law

Business or sector: Law office (legal services)

From August 2014 to May 2018

Attorney-at-Law, Managing Partner

Law office Bite and Caikovski ADJUTO, A. Gostauto st. 8-0117, LT-01108 Vilnius, Lithuania, www.adjuto.lt

- Corporate Law, Contract Law, Civil Law, Financial Services Law

Business or sector: Law office (legal services)

From September 2011 to
December 2015

Associate Professor, Faculty of Law, Department of Business Law

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu

- From May 2013 to December 2015 – head of the Department;
- Corporate Law (subjects: Legal Forms of Business Organization (LT) and European and International Corporate Law (EN)), Contract Law;
- Supervision for master theses and PhD theses;
- Participation in PhD defence boards;
- Member of the Committee of Business Law, European Business Law master study programs.

Business or sector: High school(university)

From November 2012 to August 2014	Attorney-at-Law, Managing Partner Virginijus Bite Law office ADJUTO, A. Goštauto st. 8-0117, LT 01108 Vilnius, www.adjuto.lt ▪ Corporate Law, Contract Law, Civil Law, Financial Services Law Business or sector: Law office (legal services)
From February 2012 to April 2012	Junior researcher Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu ▪ Implementation of project "Preparation of feasibility study of joint study program", participant of the project. Business or sector: High school (university)
From September 2010 to June 2011	Lecturer, Faculty of Law, Department of Business Law Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu ▪ Corporate Law (subject: Legal Forms of Business Organization (LT)), Contract Law; ▪ Supervision for master theses. Business or sector: High school (university)
From September 2008 to November 2012	Attorney-at-Law Law office Marcinkevicius, Caikovski and partners JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania ▪ Corporate Law, Contract Law, Civil Law Business or sector: Law office (legal services)
From September 2006 to June 2010	Assistant, Faculty of Law, Department of Business Law Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu ▪ Corporate Law (subject: Legal Forms of Business Organization (LT)), Contract Law; ▪ Supervision for master theses. Business or sector: High school (university)
From January 2006 to September 2008	Assistant of Attorney-at-Law Law office Marcinkevicius, Caikovski and partners JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania ▪ Corporate Law, Contract Law, Civil Law Business or sector: Law office (legal services)
From September 2005 to June 2006	Assistant, Faculty of Law, Department of Civil and Commercial Law Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, www.mruni.eu ▪ Civil Law (LT). Business or sector: High school (university)
From May 2004 to January 2006	Lawyer Private limited company JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania ▪ Corporate Law, Contract Law, Civil Law Business or sector: Legal services

EDUCATION AND TRAINING

2005 - 2009	Doctor (PhD) in social sciences (Law) Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania ▪ PhD thesis: 'Sale of Shares of Close Company as a Mean of Business Transfer' (2009). ▪ Corporate Law, Contract Law.	8 EQF level
2003 - 2005	Master in Law, LL. M. (with specialization in Civil Law)	7 EQF level

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania

- Master thesis: 'Suspension, termination and renewal of the limitation period: issues in case law' (evaluation – 10 (excellent));
- Civil Law.

1999 - 2003

Bachelor in Law, LL. B. (Law)

6 EQF level

Lithuanian Law University (now: Mykolas Romeris University), Ateities st. 20, Vilnius, Lithuania

- Law and police activities

PERSONAL SKILLS

Mother tongue(s) Lithuanian

Other language(s)

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
English	C1	C1	C1	B2	C1
Russian	C1	B2	B2	B2	B1

Levels: A1/2: Basic user - B1/2: Independent user - C1/2 Proficient user
Common European Framework of Reference for Languages

Communication skills

- Team spirit sensation
- Excellent communication skills
- Easy adaptability in a multicultural environment

Organisational / managerial skills

- Good experience in project management
- Subunit management experience.

Computer skills

- Working with databases;
- Collection and processing of statistical data;
- Good command of Microsoft Office tools (Word, Excel, PowerPoint);
- Work with Internet Explorer.

Other skills

- Photography;
- Sport (volleyball).

Driving licence

- Category B, from 1999

ADDITIONAL INFORMATION

- Publications**
1. Bitė, V. Conflicts of interest between majority and minority shareholders in private companies: Lithuanian approach. Scientific study "Conflicts of interest between majorities and minorities in private companies" / edited by Jorge Viera González [et al.]. ISBN: 978-84-9197-519-9. Cizur Menor: Thomson Reuters Aranzadi, 2019, pp 261-297.
 2. Bitė, V. Juridinių asmenų teisinio reglamentavimo raida 1918–2018 m. [Development of Legal Regulation on Legal Entities in 1918-2018]. In *Lietuvos teisė 1918-2018 m.: šimtmečio patirtis ir perspektyvos [Lithuanian Law: the Centennial Experience and Prospects]*: scientific study / scientific editors: Vytautas Sinkevičius, Lyra Jakulevičienė. Vilnius: Mykolas Romeris University, 2018. 888 p. ISBN: 9789955198871; ISBN: 9789955198864, pp 311-338.
 3. Bitė, V. Impact of EU Membership to regulation of Lithuanian close companies: enrichment or legal irritants? In "The Consequences of Membership in the EU for new Member States – structural, political and economic changes": peer-reviewed conference proceedings / edited by Barbara Mielnik. ISBN 978-83-65431-86-8 (print); ISBN 978-83-65431-87-5 (online). Wrocław: E Publishing. Legal and Economic Digital Library. Faculty of Law, Administration and Economics of the University of Wrocław, 2017, pp 101-119.
 4. Bitė, V. Adaptation of Lithuanian Close Company Law to EU Law: Problems and Lessons Learned. [conference report]. *Journal of the National Academy of Legal Sciences of Ukraine*, No. 3(86) 2016, pp 84-91.
 5. Bitė V., Gumuliauskienė G. The Proposal for a Directive on Single-Member Private Limited Liability Company (SUP) from the Lithuanian Perspective. Scientific study "Private Companies in Europe: the Societas Unius Personae (SUP) and the Recent Developments in the EU Member States" /

edited by Jorge Viera González, Christoph Teichmann [et al.]. ISBN: 978-84-9098-369-0. Cizur Menor: Thomson Reuters Aranzadi, 2016, pp 121-157.

6. Bitė, V.; Gumuliauskienė, G. The Business Judgment Rule in Lithuania // *European Business Organization Law Review*. [Dordrecht]: Springer International Publishing. ISSN 1566-7529. December 2016, Volume 17, Issue 4, pp 555-576. [Social Sciences Citation Index (Web of Science); SpringerLINK; Academic Search Premier]. [IF: 0,222 (2015)] [M.kr. 01S] [SNIP(2015): 0,496; IPP(2015): 0,230; SJR(2015): 0,202]. doi:10.1007/s40804-016-0052-0.
7. Bitė, V.; Narkevičius, Ž. Pre-emption right of shareholders to purchase shares for sale in private limited liability companies: the problematic legal remedies // *Verslas: teorija ir praktika = Business: theory and practice*. Vilnius: Technika. ISSN 1648-0627. 2016, t. 17, Nr. 2, p. 150-158. [Scopus; ICONDA; DOAJ] [M.kr. 01S] [SNIP(2015): 0,478; IPP(2015): 0,351; SJR(2015): 0,218].
8. Bitė V., Lavišius T. Searching for legal preconditions of social business. International academic conference on law, politics & management (IACLPM 2015), May 28-29, 2015 Vilnius, Lithuania: peer-reviewed conference proceedings / editor Malkhaz Nakashidze. Batumi, The International Institute for Academic Development, 2015. ISBN 9789941077135.
9. Bitė V., Gumuliauskienė G. The legislative developments on Lithuanian close corporation and the proposals of reform in EU law. Scientific study "*Private Company Law Reform in Europe: the Race for Flexibility*" / edited by Christoph Teichmann, Jorge Viera González; Deirdre Ahern ... [et al.]. ISBN: 978-84-9059-941-9. Cizur Menor: Thomson Reuters Aranzadi, 2015, pp 325-386
10. Bitė V., Jakuntavičiūtė G. Types Of Companies' Management Bodies Under Lithuanian Law. ISSN: 1857-7881 (Print), ISSN: 1857-7431 (Online). *European Scientific Journal (ESJ)*. June 2014 edition, vol. 10, No. 16: 43-64.
11. Bitė V., Jakuntavičiūtė G. Is The Limited Liability Doctrine Applicable To Company Directors? ISSN: 1857-7881 (Print), ISSN: 1857-7431 (Online). *European Scientific Journal (ESJ)*. June 2014 edition, vol. 10, No. 16: 109-128.
12. Bitė V. Uždarosios akcinės bendrovės teisinis reglamentavimas: sukūrimas, raida ir šių dienų tendencijos [Legal Regulation of Private Limited Company: Creation, Development and Trends]. *Collection of scientific articles "Privatinės teisės doktrina ir praktika: Liber amicorum Vytautui Pakalniškiui" ["Private Law Doctrine and Practice: Liber amicorum Vytautas Pakalniskis"]*. Vilnius: Mykolas Romeris University, 2014. ISBN 978-9955-19-651-8 (Printed), ISBN 978-9955-19-650-1 (Online), pp 150-180.
13. Banytė M., Bitė V. Bendrovės visuotinio akcininkų susirinkimo sprendimų prieštaravimas imperatyvioms įstatymų normoms ir steigimo dokumentams [Non-Compliance of the Decisions of the Shareholders' General Meeting of the Company with the Imperative Provisions of the Law and Incorporation Documents]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2013, 20(2): 663-681.
14. Banytė M., Bitė V. Bendrovės visuotinio akcininkų susirinkimo sprendimų negaliojimo pagrindai: bendra apžvalga [Basis for Invalidity of the Decisions of the Shareholders' General Meeting of the Company: General Overview]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2013, 20(1): 181-196.
15. Bitė V. Agreement on Sale of Close Company Shares: Requirements of Form and Significance of Registration. *Jurisprudencija*. 2012, 19 (2): 543-560.
16. Moisejevas R., Novosad A., Bitė V. Costs Benchmarks as Criterion for Evaluation of Predatory Pricing. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2012, 19 (2): 585-603.
17. Bitė V. Non-Competition Covenants in Case of a Business Transfer. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2011, 18 (1): 177-198.
18. Bitė V. Uždarosios bendrovės samprata ir požymiai [Conception and Features of Close Company]. ISSN 2029-2236 (print), ISSN 2029-2044 (online). *Societal Studies*. 2011, 3 (1): 213-229.
19. Bitė V. Akcijų pirkimo-pardavimo pripažinimas verslo perleidimu: diagnostavimo kriterijai ir reikšmė akcijų pardavėjo atsakomybei [Classification of Sale or Acquisition of Company Shares as a Business Transfer: Diagnostic Criteria and the Liability of the Seller]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2010, 2 (120): 357-378.
20. Bitė V. Sutartinių garantijų verslo pardavimo sutartyje prigimtis ir teisinis vertinimas [Nature and Legal Assessment of the Contractual Warranties in the Business Sale Agreement]. ISSN 2029-2236 (print), ISSN 2029-2044 (online). *Societal Studies*. 2009, 1 (1): 129-146.
21. Bitė V., Kiršienė J. Akcininkų išankstinio atsisakymo pirmumo teisės įsigyti parduodamas akcijas teisinis vertinimas [The Juridical Assessment of the Shareholders' Preconceived Refusal from the Pre-emption Right to Acquire the Shares Offered for Sale]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2008, 5 (107): 61-70.

- Projects**
1. Participant in international research project under the EU program "Rights, Equality and Citizenship 2014-2020" -SolPriPa – „Solving privacy paradox: promoting high standards of data protection as a fundamental right and central factor of consumer trust in digital economy“ (project No. 814754-SolPriPa) (2018-2020).
 2. Participant in international research project "El tratamiento de las sociedades de capital cerradas en la evolución legislativa de la Unión Europea y de las legislaciones nacionales de los Estados miembros" (No.: DER2010-21436, 2014-2016, coordinator: prof. dr. Jorge Viera González (King Juan Carlos University, Spain)).
 3. Working group member and executor of the project "Preparation and implementation of joint study programme". Application number: VP1-2.2-ŠMM-07-K-02-084.
 4. Working group member and executor of the project "Preparation of feasibility study of joint study programme". 14/02/2011. No. VP1-2.2-ŠMM-07-K-02-026.

- Conferences**
1. Report "The Principle of Equal Treatment in Company Law. Lithuania" at the 37th Convention for Comparative Law, organized by the German Society of Comparative Law, Greifswald, Germany, 20 September 2019.
 2. Report "Конфликты интересов между акционерами в закрытых обществах. Литовский подход" ["Conflicts of interest between shareholders in close companies: Lithuanian approach"] in II Kharkiv International Legal Forum, the Yaroslav Mudryi National Law University (Kharkiv, Ukraine), 26 September 2018.
 3. Report „Conflicts of interest between majority and minority shareholders in close companies: Lithuanian approach“ in international scientific workshop "Conflicts of interest between majorities and minorities in private companies", Madrid, Rey Juan Carlos University, 15 June 2018.
 4. Report „Nauji įstatymo pakeitimai ir naujos galimybės darbuotojų dalyvavimui įmonėse: akcijų suteikimas“ ["New changes to the law and new opportunities for employee participation in companies: the provision of shares"] in international conference "Employee participation in the governance of companies", Parliament of the Republic of Lithuania, Vilnius, 16 May 2018.
 5. Report "Adaptation of Lithuanian Company Law to EU Law: Problems and Lessons Learned" in international scientific conference "Constitution of Ukraine's 20 Years: European Legal Tradition and Ukrainian Context – Dimensions of Legal Reform", Kharkiv (Ukraine), National Academy of Legal Sciences of Ukraine, OSCE, 19-20 May 2016.
 6. Report „EMCA: bendrovės organai“ ["EMCA: company bodies"] in conference „Naujų bendrovių teisė: Europos modelinis bendrovių aktas (EMCA) Lietuvos kontekste“ ["Innovations in Company Law: European Model Company Act (EMCA) in the Lithuanian context"], Vilnius, Vilnius University, 26 November 2015.
 7. Report "Searching for legal preconditions of social business" (together with T. Lavišius) in international scientific conference "International academic conference on law, politics & management (IACLPM 2015)", Vilnius (Lithuania), Mykolas Romeris University, 28-29 May 2015.
 8. Report "Impact of EU membership to regulation of Lithuanian close companies: enrichment or legal irritants?" in international scientific conference "The Consequences of Membership in the EU for new Member States – structural, political and economic changes", Wrocław (Poland), University of Wrocław, 27-28 November 2014.
 9. Report „Uždarosios akcinės bendrovės teisinis reglamentavimas: sukūrimas, raida ir šių dienų tendencijos“ ["Legal Regulation of Private Limited Liability Company: Creation, Development and Trends"] in conference „Privatinės teisės doktrina ir praktika“ ["Private Law Doctrine and Practice"], Vilnius, Mykolas Romeris University, 27 May 2014.

- Seminars**
- Organization and report in international seminar (round-table discussion) "Legal aspects of civil liability of company directors and shareholders", 27 September 2013 (Mykolas Romeris University).

- Expert activity**
- Scientific opinion for a law firm on the issues of company director's civil liability (18 July 2019).
 - Scientific opinion for the Human Rights Committee of the Parliament of the Republic of Lithuania on Article 347 (3) of the Code of Civil Procedure of the Republic of Lithuania (12 April 2019).
 - Scientific opinion for the Lithuanian Chamber of Notaries on draft legislation as regards mandatory notarial form requirement for pledge transactions (28 November 2018).
 - Scientific opinion for the Constitutional Court of the Republic of Lithuania on Article 306 (3) of the Code of Civil Procedure of the Republic of Lithuania (9 July 2018).
 - Scientific opinion for a law firm on interpretation and application of simple majority rule as regards decisions of the General Meeting of Shareholders (29 December 2017).
 - Scientific opinion for the Supreme Court of Lithuania on the legislation of financial assistance for the acquisition of company's own shares (26 June 2017).
 - Scientific opinion for a law firm on the qualification of contractual legal relations (26 September 2016).

- Scientific opinion for a law firm on interpretation and application of the provisions of the Rules on mandatory civil liability insurance for administrator (6 March 2015).

- Trainings**
1. Trainings for notaries, topic 'Topical issues of increasing the authorized capital of the company' (4 ac. hours), 29 March 2019, the Chamber of Notaries of Lithuania, Vilnius.
 2. Trainings for notaries, topic 'Legal grounds for invalidity of decisions of legal entity bodies and their application in case law relevant to notaries' (4 ac. hours), 23 November 2018, the Chamber of Notaries of Lithuania, Vilnius.
 3. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies' (4 ac. hours), 18 May 2018, Mykolas Romeris University, Vilnius.
 4. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies' (5 ac. hours), 10 May 2018, the Lithuanian Bar Association, Klaipėda.
 5. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies' (5 ac. hours), 19 March 2018, the Lithuanian Bar Association, Šiauliai.
 6. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies' (5 ac. hours), 15 February 2018, the Lithuanian Bar Association, Kaunas.
 7. Trainings for advocates, topic 'Shareholder rights protection remedies and their peculiarities' (4 ac. hours), 19 May 2017, Mykolas Romeris University, Vilnius.
 8. Trainings for notaries, topic 'Incorporation documents of legal entities: ratio between imperative provisions of the law and self-regulatory right of the members of legal entities' (4 ac. hours), 4 May 2017, the Chamber of Notaries of Lithuania, Vilnius.
 9. Trainings for notaries, topic 'Provisions of the share purchase-sale agreement and ancillary covenants of the parties' (4 ac. hours), 24 February 2017, the Chamber of Notaries of Lithuania, Vilnius.
 10. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies' (5 ac. hours), 30 January 2017, the Lithuanian Bar Association, Kaunas.
 11. Trainings for advocates, topic 'Peculiarities of civil liability of members of the company's bodies and shareholders' (5 ac. hours), 14 December 2016, the Lithuanian Bar Association, Vilnius.
 12. Trainings for management board members of AB 'Lietuvos geležinkeliai' corporate group, topic 'Management board of a company and its members: a role, rights, duties and liability' (8 ac. hours), 30 June 2016, AB 'Lietuvos geležinkeliai', Vilnius.
 13. Lectures for the elderly people without legal education, topic 'Contract Law briefly', under the initiative 'Petras Leonas academy' (4 ac. hours), 31 January 2015, Mykolas Romeris University, Vilnius.
 14. Trainings for notaries, topic 'Bills of exchange, share transfer and loan agreements' (4 ac. hours), 5 December 2014, the Chamber of Notaries of Lithuania, Vilnius.

- Internships**
1. Teaching visit at the University Savoie Mont Blanc (Chambery, France). 23-24 October 2019.
 2. Teaching visit at the University of Indonesia (Depok, Indonesia). 15-19 July 2019.
 3. Scientific internship at the University of Cambridge (Cambridge, United Kingdom). 14-27 May 2019.
 4. Teaching visit at the University of Lisbon (Lisbon, Portugal). 1-4 October 2018.
 5. Internship at the Tel Aviv University (Tel Aviv, Israel). 22-24 July 2018.
 6. Teaching visit at the University of Warsaw (Warsaw, Poland). 16-17 April 2018.
 7. Teaching visit at the University Savoie Mont Blanc (Chambery, France). 9-10 November 2017.
 8. Teaching visit at the American University of Central Asia (Bishkek, Kyrgyzstan). 2-8 April 2017.
 9. Scientific internship at the University of Tartu (Tartu, Estonia). 28-30 September 2016.
 10. Internship at the University of Warsaw (Warsaw, Poland). 8-11 June 2016.
 11. Internship at the Yaroslav Mudryi National Law University (Kharkiv, Ukraine). 19-22 November 2015.
 12. Internship at the University Savoie Mont Blanc (Chambery, France). 21-24 October 2015.
 13. Scientific internship at the University of Reykjavik (Reykjavik, Iceland). 11-18 June 2015.
 14. Internship at the Communication University of China (Beijing, China). 20-24 May 2015.
 15. Scientific internship at the University of Oslo (Oslo, Norway). 11-18 May 2015.

16. Internship at the University Savoie Mont Blanc (Chambery, France). 5-9 January 2015.
17. Scientific internship at the Max Planck Institute for Comparative and International Private Law (Hamburg, Germany). 3-13 February 2013.
18. Scientific internship at the Taras Shevchenko National University of Kyiv (Kyiv, Ukraine). 6-16 February 2012.
19. Scientific internship at the Swiss Institute of Comparative Law (Lausanne, Switzerland). March-April 2008.

Memberships

- Member and Chairman of the Committee on Civil Law at the Lithuanian Bar Association (since September 2018)
- Member and the Business Environment Committee at the Lithuanian Confederation of Industrialists (since February 2016)
- Member and Chairman of the Committee on Civil Law and Civil Procedure at the Lithuanian Bar Association (from May 2015 to August 2018)
- Recommended arbitrator at Lithuanian Court of Arbitration (since April 2013)

Prof. Dr. Virginijus Bitė



Main Issues of Corporate Governance

Prof. Dr. Virginijus Bitė

Lisbon, 14th–17th of April 2020

Tuesday (14th of April)

Topic 1: Corporate governance: various interests and allocation of powers

- Bodies (organs) of a company and allocation of power.
- Types of corporate structure (dualistic, monistic and mixed systems).
- Definition of corporate governance.
- Agency problems in corporate law.
- Mitigation of corporate governance conflicts.

Wednesday (15th of April)

Topic 2: Shareholders' rights and responsibilities

- The interests of shareholders as a class.
- Classifications of shareholder rights.
- Conflicts between majority and minority shareholders.
- Minority protection measures.

Thursday (16th of April)

Topic 3: Duties and liability of company director

- Rationale for director's duties.
- The categories of duties. General and specific duties of directors.
- Duty of loyalty.
- Duty of care.
- Liability of directors. The business judgment rule.
- Relief from director's liability.

Friday (17th of April)

Workshops: Case studies: Breach of shareholder rights and liability of directors

Agreement for the elaboration of a PhD thesis in international co-tutelle regarding Ricardo Sergio Schmitz Filho

The **University of Lisbon (Universidade de Lisboa)**, located in the Alameda da Universidade, 1649-004 Lisboa, represented in this act by its Vice-Rector, Prof. Doutor Eduardo Pereira, in the use of delegated competences according to item f) of no. 1.6 of Order (Despacho) no. 10877/2017, published in the Diário da República, 2nd series, nr. 237, of December 12th, in accordance with the Legal Regime of Degrees and Diplomas of Higher Education, published by the Decree-Law (Decreto-Lei) no. 65/2018, of August 16th, and by the Regulation of Postgraduate Studies of the University of Lisbon (Regulamento de Estudos de Pós-Graduação da Universidade de Lisboa), published in the Diário da República, 2nd series, no. 155, of August 11th, by the Order (Despacho) no. 7024/2017, as well as by the Regulation on the Doctoral Thesis Elaboration in International Cotutelle Regime of the University of Lisbon (Regulamento de Elaboração de Tese de Doutoramento em Regime de Cotutela Internacional da ULisboa), published in the Diário da República, 2nd series, no. 45, of March 5th, by the Order (Despacho) no. 2305/2015;

through the

Faculty of Law, located in the Alameda da Universidade, 1649-014 Lisboa, represented in this act by its Director, Professor Paula Vaz Freire;

and

Mykolas Romeris University, located in Ateities st. 20, LT-08303, Vilnius, Lithuania, represented in this act by its Rector, Prof. Dr. Inga Žalėnienė, acting according to University' Statute and in accordance with the Law on Higher Education and Research of the Republic of Lithuania; the Order of the Minister of Education, Science and Sport of the Republic of Lithuania "Regarding granting the right of doctoral studies", dated 22 February 2019, No. V-160; Provisions of the Doctoral Studies of Science approved by the Order of the Minister of Education, Science and Sport of the Republic of Lithuania, dated 18 May 2020, No. V-739; as well as the Regulations of the Doctoral Studies in the Field of Law Science approved by resolution No 1SN-73, adopted by the Senate of Mykolas Romeris University on 30 September 2020;

through the

Law School, located in the Ateities st. 20, LT-08303, Vilnius, Lithuania, represented in this act by its Dean, Professor Lyra Jakulevičienė;

DECLARE

to be their common interest to strengthen and further developing scientific cooperation, namely encouraging the mobility of PhD students. Based on this common interest, the parties conclude this agreement for elaboration in co-tutelle and examination (defense) of a PhD thesis for effects of attribution of a Doctor degree, under the joint responsibility of the partner institutions and according to the following norms:

Article 1

Scope

This agreement contains norms for the elaboration of a Doctoral thesis on a theme in the field of International Tax Law by Ricardo Sergio Schmitz Filho, enrolled in the Faculty of Law of the University of Lisbon and who enrolled in the Law School of the Mykolas Romeris University.

Article 2

Main Scientific Domain and Specialty

The Doctor degree is conferred in the scientific domain of Law, and in the specialty of doctorate in “Ciências Jurídico-Económicas” (Law and Economics Sciences”), of the Faculty of Law of the University of Lisbon, and in the specialty of doctorate in Law, of the Law School of Mykolas Romeris University.

Article 3

Supervision

1-The designated supervisors are Professor Ana Paula Dourado of the Faculty of Law of the University of Lisbon (designated by the Scientific Council with the condition that the student will be admitted by the same Council, after being approved in all the courses with the required mark) and Professor Solveiga Palevičienė, of the Law School of the Mykolas Romeris University, committing themselves to fully exercise their functions.

2- The partner universities recognize, through the conclusion of this agreement, the supervision carried out in the involved institutions.

Article 4

Duration and Periods of Permanence

1. This agreement is valid by a maximum period of five years, during which the PhD student should submit his doctoral thesis to a PhD examination.
2. The period of permanence for the preparation of the PhD thesis in each one of the institutions should be distributed by alternating periods, as indicated below:

- 2.1. academic year 2020/2021 at the Faculty of Law of the University of Lisbon;
- 2.2. academic year 2021/2022 at the Law School of the Mykolas Romeris University.

3- Each Faculty accepts and fully recognises the study plan indicated by the other Faculty, according to the respective rules, during the period of stay at each University.

Article 5

Registration and Tuition Fees

1. The PhD student must be enrolled in each of the partner School/Universities, in the PhD and/or in the doctoral program referring to the scientific domain and specialty indicated in Article 2.
2. The PhD student must pay the tuition fees according to the norms in force in each country and institution, and according to the distribution of time mentioned in the previous article.

Article 6

PhD Thesis

1. The PhD thesis presented in co-supervision should be written in English and should be accompanied by a summary in Portuguese (of, at least, 1200 words), Lithuanian (not less than 2 author sheets) and in English.
2. The cover of the PhD thesis should include the names of the University of Lisbon, of the Faculty of Law of the University of Lisbon, of the Mykolas Romeris University, the title of the thesis, the name of the candidate, the names of the supervisors, the scientific domain and the specialty, and the year of completion of the thesis.
3. The first sheet and the following pages must respect the Regulation of Postgraduate Studies of the University of Lisbon (Regulamento de Estudos de Pós-Graduação da Universidade de Lisboa) and the Regulations of the Doctoral Studies in the Field of Law Science of Mykolas Romeris University.

Article 7

Nomination and Constitution of the Jury

1. The jury is nominated by mutual agreement, after previous arrangements between the parties.
2. The jury should be formed, respecting the legislation and regulation in force in both countries and Universities, as well as in this article.
3. Exceptionally, if it is not possible to respect the jury composition enforced by the legislation and regulation in both countries and Universities, those in force in the University in which the examination takes place shall be respected, but not without giving notice or having the agreement of the partner University.
4. The procedures regarding the nomination of the members of the jury, as well as those regarding the examination should be those in force in the Faculty of Law of the University of Lisbon with respect to the rules of the Mykolas Romeris University which are not contradictory.
5. The nomination of the jury must be communicated to the Law School of the Mykolas Romeris University.

Article 8

Place of PhD Examination

1. A single oral examination of the thesis will be required, to be held at the Faculty of Law of the University of Lisbon, being recognized by the partner institutions.
2. The public act of the PhD examination is performed in English.
3. The Faculty of Law of the University of Lisbon is committed to making the best efforts to provide the necessary means to pay the travel and accommodation expenses for the foreign members of the jury, for the participation in the public act of the PhD examination, namely with Erasmus + funds by the engagement of the Presidents or Coordinators of the International

Relations and Erasmus+ of both institutions.

4. When the grading scales in use in the partner Universities are different, the jury must give a grade in each scale. The grades must be mentioned in the report(s) or minute(s) of the examination.

Article 9

Degree and Diploma

1. After the examination, the Faculty of Law of the University of Lisbon, formally communicates the final result to the Mykolas Romeris University.
2. The PhD degree is granted separately, and a different document should be issued by each institution. Both documents should indicate that the thesis was made in co-tutelle.
3. In what concerns the University of Lisbon, a diploma is issued – in the form of a certidão de registo – and a Carta Doutoral may also be issued, if required.
4. Each partner University may also issue a European Doctor (Doctor Europaeus) certificate to the PhD student if he fulfils the required conditions.

Article 10

Publication, Exploitation and Protection of the Theme of the PhD Thesis

The publication, exploitation and protection of the theme of the PhD thesis and of the research results are assured by the two doctoral programs involved, according to the specific procedures of each university and of each country.

Article 11

Social Protection and Insurance

1. During the period of stay at the University of Lisbon, the student must be insured by the general school insurance.
2. The student may subscribe for himself a personal insurance.
3. The partner Universities cannot be held responsible for any damage caused to the student or to a third party.

Article 12

Visa application, travel expenses and student housing

1. The student is in charge of the visa application, as well as of any other travel authorizations that might be necessary.
2. The student is also in charge of finding the funds to cover the expenditures of his housing and/or his travelling.

By the University of Lisbon,

Lisboa, _____ (date)

Vice-Rector of the University of
Lisbon, by delegation

_____ (sig)

Prof. Doutor Eduardo Pereira

Director of the Faculty of Law of the
University of Lisbon, Professor Paula Vaz
Freire

_____ (date)

_____ (sig)

President of the International Relations and
the Erasmus Office, Prof. Vasco
Pereira da Silva

_____ (date)

_____ (sig)

Supervisor at the Faculty of Law of the
University of Lisbon, Professor Ana Paula
Dourado

_____ (date)

_____ (sig)

By the Mykolas Romeris University,

Vilnius, _____ (date)

Rector of the Mykolas Romeris University

_____ (sig)

Prof. Dr. Inga Žalėnienė

Dean of the Law School of the Mykolas
Romeris University, Professor Lyra
Jakulevičienė

_____ (date)

_____ (sig)

Head of International Office, Institutional
Erasmus coordinator, Audra Dargytė
Burokienė

_____ (date)

_____ (sig)

Supervisor at the Law School of the Mykolas
Romeris University, Professor Solveiga
Palevičienė

_____ (date)

_____ (sig)

The PhD student, Ricardo Schmitz Filho

_____ (date)

_____ (sig)



**CALENDÁRIO DE REUNIÕES PLENÁRIAS DO CONSELHO
CIENTÍFICO EM 2021 (JAN.-JUL.):**

1. 20/1.
2. 24/2.
3. 24/3.
4. 28/4.
5. 19/5.
6. 23/6.
7. 21/7.

Faculdade de Direito de Lisboa, 9 de dezembro de 2020

O Presidente do Conselho Científico

(Prof. Doutor Dário Moura Vicente)