

ABSTRACTS & BIOGRAPHIES

20 April 2023

CHAIR:

Angela Di Stasi

Biography

ANGELA DI STASI is Full Professor of EU Law and International Law at the Department of Legal Sciences (School of Law), University of Salerno. Since 2012, she has been Founder and Director of the Observatory on the “*European Area of Freedom, Security and Justice*” while she is also Founder and Editor since 2017 of the ANVUR A-rated Class journal “*Freedom, Security & Justice: European Legal Studies*”. She is Delegate of the Rector for Equal Opportunities and also Secretary General of the Società Italiana di Diritto Internazionale e dell’Unione europea (SIDI). Di Stasi is Member of the Scientific and Editorial Boards of Scientific Journals (such as “*Studi sull’integrazione europea*”; “*Rivista della cooperazione giuridica internazionale*”; “*Ordine internazionale e diritti umani/International Legal Order and Human Rights*”; “*Papers di Diritto europeo*”; “*Iura & Legal Systems*”) and a Member of the Referees Committee of Scientific Journals (e.g. “*Il Foro italiano*”).

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INTRODUCTION:

Teresa Russo & Rossana Palladino, *Integration v. cooperation in the EU: Trends and Limits*

Abstract

This speech aims to reflect on cooperation and integration as methods of functioning of the Union that find their composition in the mechanism of enhanced cooperation with specific reference to the European area of freedom, security and justice.

Biographies

TERESA RUSSO is Ph. D., Associate Professor of European Union Law, Lecturer of European Union Law, International Law, International Organizations, EU Migration Law, International Law and Cyber Security (University of Salerno); 2022-2025 Jean Monnet Chair “Promoting Public Awareness on Enlargement Policy, EU Values and Western Balkans’ Accession” (EUVALWEB); Scientific Coordinator of the 2019-2022 Jean Monnet Module “EU-Western Balkans Cooperation on Justice and Home Affairs” (EUWEB), University of Salerno; Director-in-Chief of the online Journal EUWEB Legal Essays. Global & International Perspectives; Delegate to Communication, Department of Legal Sciences (School of Law), University of Salerno; Lawyer. Her research activities and publications (books, book chapters, articles, etc.) focus on current issues of EU law with specific reference to the constitutional evolution of the EU integration process and the democratization of external EU action, as well as of International Law and International Organizations.

ROSSANA PALLADINO is Rossana Palladino is Associate Professor of European Union Law at the Department of Legal Sciences of the University of Salerno. JM Module Coordinator ‘Democracy and the Rule of Law: A New Push for European Values (EU-DRAW)’; member of the Research projects of relevant national interest (PRIN) “International Migrations, State, Sovereignty and Human Rights: open legal issues”. She is author of 3 peer-reviewed books and more than 60 articles and studies in EU law. The main topics of her research include EU Law; the EU Area of freedom, security and justice; fundamental

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rights; migration law; social rights. Editorial Board-Coordinator of the online Journal “Freedom, Security & Justice: European Legal Studies”

KEYNOTE SPEAKERS:

Agnieszka Frąckowiak-Adamska, *Mutual Recognition of Judgements and Limitations of Judicial Independence in the Member States*

Abstract

European judicial area is built on at least 25 legal acts providing that judgments adopted in one Member State in civil or criminal matters should be recognized and enforceable in all other Member States. All these acts contain recognition clauses which are based on mutual trust in the administration of justice. But what if the independence of the judiciary in one Member State is curtailed? Should courts in other States continue to trust rulings from this country? The presentation will analyse case of Poland which between 2015 and 2020 adopted 30 laws on the organization of the judiciary which have increased the influence of the executive and legislative powers over the justice system and therefore weakened judicial independence. It will also present an answer to this challenge adopted by the ECJ in LM and L&P cases.

Biography

AGNIESZKA FRĄCKOWIAK-ADAMSKA is a University professor at the Department of International and European Law at the University of Wrocław. Author of publications in leading Polish and European legal journals on European Judicial Area (civil and criminal), EU Citizenship, Internal Market and the role of national judges in the application of EU law. Founding member and since 2022 vice-president of European Association of Private International Law. Leader of Polish scientific teams in three research projects co-financed by the European Commission (DG Justice): EUPILLAR, TRANSFER OF PRISONERS and IC2BE and a national expert in AMICABLE and FACILEX projects.

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Emanuela Pistoia, *Which Perspectives for the Development of Immigration and Asylum Policies through Differentiated Integration?*

Abstract

Against the background of the long-standing political stalemate on a substantial reform of the current legislation on migration and asylum, the legal feasibility of developing a differentiated integration on new pieces of legislation on the matter should be considered. Such a scenario is unprecedented: unlike in previous cases, differentiated integration would be developed in matters that are already the subject of EU secondary law. Hence, the following question should be answered: do the EU treaties allow differentiated integration on rules that, in the relations amongst participating states, waive existing rules applicable to all of the Member States? The presentation will try to provide an answer by first exploring this possibility in connection with enhanced cooperation. The above question will be rephrased as follows: could enhanced cooperation be developed in an area where a substantial body of EU rules is already in force, in such a way as to establish important exceptions to those rules, which would obviously apply only to states participating in the enhanced cooperation? The answer will be sought by making general comments on the methodology applicable to the matter, i.e. by considering neither a specific area of shared competence, nor a specific piece of legislation to be adopted following authorization under Article 20 TEU. The main interpretative issues will be explored and arguments to sort them out will be put forward. In principle, if not laid down in the EU treaties, beyond enhanced cooperation differentiated integration can be achieved through a parallel treaty among the Member States that share an interest in developing rules in a certain subject-matter. The same approach of considering legal issues regardless of the specific area of competence will then be applied to inter se treaties. It will be shown that, in the field of international protection and migration, the possibility of concluding a parallel treaty to achieve differentiated integration raises the same question as enhanced cooperation. However, in this case it will be argued that the question should be answered in the negative. This conclusion is not applicable to La Valletta Declaration (applied yet never entered into force).

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Last, the presentation will explore the possibility of starting an enhanced cooperation on one of the specific topics dealt with in the New Pact on Migration and Asylum, since the various topics require a case-by-case assessment of potentialities and/or issues regarding enhanced cooperation. I will focus on the criteria for establishing responsibility on asylum applications and granting international protection, relocations, migratory pressure and force majeure, which are dealt with in the Proposal for a regulation on asylum and migration management (“RAMM proposal”) and in the Proposal for a regulation addressing situations of crisis and force majeure (“Crisis and Force majeure proposal”).

Biography

EMANUELA PISTOIA is full Professor of European Union Law at the University of Teramo (Italy). She is currently Dean of the Department of Law and a member of the Academic Senate. She is also member of the Board of Professors in the PhD Programme “*Diritto europeo*”, University of Bologna, and the Coordinator of the Jean Monnet Module “European Criminal Justice”. She is Vice-Chair of the Forum “Immigrazione, frontiere e asilo” of the AISDUE-*Associazione italiana di studiosi di diritto dell’Unione europea*. She published extensively on differentiated integration and immigration and asylum, including a monograph on differentiated integration in 2018 (publisher Cacucci, Bari).

Niuton Mulleti, *The External Dimension of the JHA Cooperation and the Nexus with the Tasks of the CSDP Missions in the Western Balkans*

Abstract

The intertwined nature of internal and external security, as well as the transnational dimension of current threats represent the key features of the security architecture of the European Union (EU). In this context, although the EU’s “area of freedom, security and justice” (AFSJ) is primarily an internal political project aiming to provide citizens with an area without borders, in which the free movement of persons is guaranteed, external action is of paramount importance for its materialisation. Many of the challenges the AFSJ is expected to respond to, such as illegal immigration, organised crime and terrorism, have an increasingly international dimension. On the other hand, civilian crisis management missions deployed by the EU in the context of its Common Security and Defence Policy

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(CSDP) have represented one of its fast-developing policy areas as part of the EU's Common Foreign and Security Policy (CFSP). Despite the difficulties encountered by the EU in emerging as a fully-fledged global foreign and security actor, with regard to the Western Balkans, it has managed to carry out an active and consistent structural foreign policy based on the de-escalation and de-securitisation of tensions through substantial support and pressure as well as the anchoring of these countries into a firm EU accession path. Civilian CSDP missions have been deployed in the Western Balkans in the context of post-conflict stabilisation by also complying with the EU's self-image as a 'civilian' and 'normative' power. The Western Balkans have played a crucial role in the development of this policy area of the EU with the first ever civilian CSDP mission i.e. the European Union Police Mission in Bosnia and Herzegovina (EUPM) and the largest one to date, namely the European Union Rule of Law Mission in Kosovo (EULEX Kosovo) having been deployed in the region. The principle of the rule of law has been central to the mandate and operations of all four civilian CSDP missions deployed in the Western Balkans with three of them (EUPM, Eupol Proxima and EUPAT) having been actively engaged in the modernization of local police forces in Bosnia and North Macedonia (formerly FYROM) through monitoring, mentoring and advising (MMA) activities whereas EULEX Kosovo has been engaged in MMA activities in a wider array of areas (judiciary, police and customs) while also retaining certain executive functions. My lecture will argue that while civilian CSDP missions have had a substantial contribution in the preservation of security and stability in the Western Balkans, their role in the Europeanisation of the national political systems has been rather limited mostly due to the lack of a strong and unambiguous political will by the local political classes in bringing about local rule of law institutions able and committed towards an effective fight against organised crime and corruption. As a consequence, it can be contended that an effective rule of law can only be established by local institutions under strict EU conditionality with a view to fulfilling the Copenhagen political criterion in the framework of the EU accession process of the Western Balkans countries.

Biography

NIUTON MULLETI holds a PhD degree in International Relations and Diplomacy completed in 2016 at the HEIP-Centre d'Études Diplomatiques et Stratégiques (CEDS) in Paris, France. With a Bachelor and Master's degree in International Relations awarded respectively by Gazi University in Ankara, Turkey, and Central European University in Budapest, Hungary, since 2008, Dr. Mulleti has been working at EPOKA University in Tirana, Albania, initially as a Lecturer at the Department of Political Science and International Relations, and since 2017, as Acting Head of the Department of Law. During

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2015-2018, he has been the Institutional Coordinator at the project titled “*Strategic support on strengthening the quality assurance structures at the private higher education institutions in Albania*” (QAINAL) funded by the Erasmus+ programme. Dr. Mulleti has also been the coordinator of the activities of EPOKA University in the “EU-Western Balkans Cooperation on Justice and Home Affairs” (EUWEB) Jean Monnet Module managed by the University of Salerno in Italy during 2020-2022. Dr. Mulleti is the author/co-author of several journal articles and two chapters of edited books. His main research interest areas are Theories of European Integration, EU Foreign and Defence Policy and EU Law.

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