

ABSTRACTS & BIOGRAPHIES

4 May 2023

INTRODUCTION:

Teresa Russo & Emanuela Pistoia, *In search of a holistic view of EU competence in criminal matters*

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

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

democratization of external EU action, as well as of International Law and International Organizations.

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).

CHAIR:

Andrea Castaldo

Biography

ANDREA CASTALDO is Full Professor of Criminal Law at the University of Salerno and Barrister of the Supreme Court in Naples and Munich. Since 2002 he has been President of the *Osservatorio Giuridico sulla Criminalità Economica (O.G.C.E.)* that he himself founded at the University of Salerno, in collaboration with the C.E.R.A.D.I. - Luiss “Guido Carli”. He has carried out and carries out activities of Scientific Promotion and Collaboration with National and International Organizations, as the *Complexo Juridico Damásio de Jesus* (San Paulo – BR), the U.N.I.C.R.I. (*United Nations Interregional Crime and Justice Research Institute*), the Ceradi – Luiss – Rome, the Faculty of Law “*Prof. Damásio de Jesus*” (São Paulo – BR). In 2001, he founded at the *Complexo Juridico Damásio de Jesus*, representing the University of Salerno, the *Centro-Sul Americano de Justiça Penal and Prevenção da Criminalidade*, in collaboration with the U.N.I.C.R.I. Since 2017 he is *Guest Reseacher* at the *Research Center on International Cooperation regarding Persons Sought for Corruption and Asset Recovery in G20 Member States*, based in Beijing.

KEYNOTE SPEAKERS:

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Antonino Sessa, *Harmonization of National Criminal Law Between Positive and Incrimination Obligations*

Abstract

The dialectic between legality and typicality in criminal law, which has always accompanied the (re)defining of boundaries between positive obligations and incrimination obligations in the multi-level criminal justice system is the test case for scientific investigation. This seems to find, once again, an approach decidedly oriented to revive trends characterized by the weakening of guarantees as a common characteristic for the control of a notoriously complex phenomena. The revival of said well-known trends of 'reticular' criminal law 'of the enemy' will, therefore, be the subject to a critical investigation aimed at examining a contrast paraphernalia which, in the language of the so-called 'symbolic' criminal law, has systematically characterized the Italian legislation in various areas where the threat of the most serious sanction ends up to perform widely, and in hindsight, the stabilization function of social consensus as typical of a government of fear of the enemy. The immigrant enemy, the corrupt enemy and the violent enemy, then, represent examples where the known ineffectiveness of the most serious sanction generates the procedural stigma of the "unpunished crime". It also adds the ineffectiveness of a criminal sanction which, even as a result of condemnation, fails to fulfill in the more specifically executive phase to his function of elimination and / or reduction of recurrence. Therefore, in such an orderly scenario, the task of criminal policy, even multilevel, becomes precisely to streamline the existing system in the search for something better than criminal law in order to combine the negative criminal sanction to the systematization of positive sanctions. In this case, we are discussing the wards oriented not limited only to the reduction of the sanctioning load, but also to ease the conditions for the surfacing of undiscovered illicit conducts as well as solidarity encouragement for the affirmation of legality.

Biography

ANTONINO SESSA, (Ph.D.) is Full Professor of Criminal Law and holder of the chair of Criminal Law (Crimes) and Juvenile Criminal Law at the University of Salerno. He taught Criminology and currently teaches Criminal Procedural Law at the Pontifical Lateran University. He is also professor of Criminal Law at the Schools of Specialization for Legal Professions at the University of Salerno and University "Federico II" of Naples. He is Lawyer

DIPARTIMENTO DI SCIENZE GIURIDICHE

(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy

euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

of the Council of the Salerno Bar Association (Cilento Award), of the National Research Council (CNR) and of the Socrates-Erasmus project, as well as fellow of the "P. Pastore" and research fellow for the scientific needs of the chair of criminal law of the Faculty of Law of the University of the Studies of Salerno. Prof. Sessa obtained his Ph.D. title at the University "Federico II" of Naples, discussing a thesis on "*Il controllo penale dell'infedeltà nella pubblica amministrazione. Uno studio sulla teoria dell'illecito in diritto penale amministrativo*". Student of Prof. Sergio Moccia, he completed his studies at the Institut für die gesamten Strafrechtswissenschaften, University "Ludwig Maximilians" of Munich and took part to the National Research Council and departmental research projects under the direction of experts of criminal law, criminal procedure, criminology and commercial law; he was also a member of the committee for the elaboration of a proposal for the reform of art. 2621 of the Italian Civil Code. He was a member of the Scientific Committee of the two-year masterclass in Criminology, Criminal and Criminal Procedure Sciences, named after Prof. A.A. Dalia and directed by Prof. L. Kalb. He is also a member of the Scientific Committee of the journal "*Diritto e Giustizia minorile*", as well as a member of the reviewing committee of the journal "*Critica del Diritto*". Since December 2008 he has also been a Lecturer of Criminal Law for the permanent training of managers at the Higher School of Local Public Administration and at the Ministry of the Interior - Department of Internal and Territorial Affairs.

Elio Lo Monte, *EU Criminalization Obligations to Tackle Gender-Based Violence*

Abstract

In the last decade (ratification of the Istanbul Convention notwithstanding the Convention on the Elimination of All Forms of Discrimination against Women -CEDAW - adopted in 1979 by the UN General Assembly) gender-based violence has become a sort of passe-partout used for the most disparate purposes, often however confusing the levels of discourse. Gender-based violence, for which draconian measures are incessantly invoked, represents, on the other hand, the tip of an iceberg that criminal law instruments can hardly solve. The syntagm gender-based violence requires, instead, a reflection on violence more generally and on the various forms it takes (physical, psychological, economic, etc.). There is no doubt that criminal law must play its part in combating the phenomenon; the solution, however, cannot be entrusted only to the instruments of criminal repression. From this point of view,

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

supranational bodies can play a fundamental role not only in terms of the provision of criminalisation obligations but by requiring individual states to implement a series of measures to combat the various forms of gender-based violence.

Biography

ELIO LO MONTE is Full Professor of Criminal Law at the Department of Law, University of Salerno. In the same University he was Trustee of the teaching of Administrative Criminal Law from 1996/97 to 2000/01; Teaching assistant of Criminal Law II during the '99/00 period; Substitute Professor of Economic Criminal Law 2001-2002; substitute professor of Criminal Law II, at the Faculty of Law of the University of Salerno from the academic year 2003-04 to the academic year 2008-09. He is winner of an Erasmus Bureau scholarship (13-July/11-August 1992) at the *Institut für die gesamten Strafrechtswissenschaften* of the University of Munich). Similarly, he attended from 1 August to 31 September 1995, study-research stay on economic crime (National Research Council), at the *Institut für die gesamten Strafrechtswissenschaften* of the University of Munich. In the period July-August 1999, he performed research activities on: "*Crime and money laundering*" (National Research Council) at the *Institut für die gesamten Strafrechtswissenschaften*, University of Munich. He was responsible for the bilateral agreement with the Ludwig Maximilians University of Munich, within the framework of the Socrates Programme Higher Education (Erasmus), for the three-year academic period 2001/2003. He held a cycle of lectures (8 hours) on "*Organized crime and criminal protection of the environment*", at the *Institut für die gesamten Strafrechtswissenschaften*, of the Ludwig Maximilian University of Munich - Erasmus project (mobility-teachers for short periods). He was also lecturer at the School for Legal Professions University of Salerno from 2001 to 2013 and lecturer at the School for Legal Professions University of Naples Federico II from 2002 to 2013. He was member/president of the Examination Commission for the award of the title of PhD University of Naples – Federico II, in January 2008 and February 2011.

Ivana Bodrožić, *The Importance of Harmonization of National Criminal Provisions of the Republic of Serbia in the Wider Context of EU Integrations*

Abstract

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Although the Republic of Serbia received a modern, codified, systemic law in the field of substantive criminal law by adopting the Criminal Code in 2006, it was amended and supplemented several times, as many as seven times. Questions of the justification and necessity of these continuous interventionist interventions, their character, as well as questions of determining their dominant nature as legal or political are the subject of this lecture, especially from the point of view of the legislator's constant reference to obligations in the process of European integration. The conclusion is that reforms in the area of substantive criminal law, as an exclusively legal mechanism of crime control, must be in accordance with the scope, dynamics and forms of modern crime, as opposed to all forms of its politicization in order to achieve daily political goals. The most valuable hypothesis is that national system of criminal law provisions has to be and to stand in its traditional way and path and that all the changes that need to be done should respect law and cultural tradition and as the more important to be in a relationship to the expected criminal politics and dogmatic standards.

Biography

IVANA BODROŽIĆ, PhD, Associate Professor of Criminal and International Criminal Law at the University of Criminal Investigation and Police Studies, in Belgrade, with twenty years of experience. Author of a book "Terrorism as a Category of National and International Criminal Law" and numerous of scientific articles. She has participated in scientific and research projects supported by national and international institutions and funds. Member of editorial boards of three domestic and international journals. Member of the Council of the University of Criminal Investigation and Police Studies and academic Erasmus+ coordinator of the University. Special field of interest: terrorism, radicalization, political offences, criminal politics.

Fjoralba Zeko, Amendments to the Albanian Criminal Environmental Law in the Framework of the Harmonisation of EU Legislation

Abstract

The discussed argument provides an overview of criminal offenses against the environment provided in the Albanian Criminal Code, following the changes that have occurred in the Albanian criminal legislation in the environmental field with the approval of law no. 44/2019

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

dated 18.7.2019 within the framework of harmonization with the legislation of the European Union. Thanks to the contribution of the European Union, today the list of the environmental crimes provided by the Albanian legislation has been enriched with new categories of crimes built according to the model of criminal figures of the European Directive 2008/99/EC. With the approval of the law no. 44/2019 dated 18.7.2019 which aligns Albanian legislation with Directive 2008/99/EC the Albanian legislator list Albania, as a country that aspires to become a member state of the EU, alongside European states that have the obligation to provide effective, proportional and deterrents sanctions against the perpetrators of crimes against the environment. Faced with a European scenario where more and more priority is being given to the fight against environmental crimes, as evidenced by the revision process of directive 2008/99/EC that is currently happening at the European level and where the approval of a new directive is expected soon, which will not only replace the Directive 2008/99/EC, but also expand the scope of implementation through the provisions of new environmental criminal offenses as well as determine levels of sanctions for environmental criminal offenses, the Albanian legislator will also have to proceed with new changes in the Albanian Criminal Code, which will most likely add other criminal offenses against the environment, making possible further alignment with the new directive that will be approved. Considering that EU has opened negotiations with Albania, today more than ever, the Republic of Albania has the obligation not only to align its internal legislation with the *acquis communautaire*, but also to pay increased attention mainly to the implementation of the criminal law for the protection of the environment. It is true that the recent interventions of the Albanian legislator constitute a positive step in the direction of strengthening the fight against environmental crime, but it is equally true that in the absence of an efficient applicability of these amendments, they would be useless. It is of a particular importance that Albania pays more attention to the protection of the environment, by taking measures that not only guarantee the implementation of criminal law in the function of environmental protection, but also prevent environmental crimes, as steps necessary in terms of guaranteeing the universal right to a healthy environment for present and future generations.

Biography

FJORALBA ZEKO is Lecturer in Criminology-Penology at the Faculty of Social Sciences, Department of Legal, Political and Administrative Sciences, Albanian University of Tirana (Albania) since 2017. She has a rich academic and scientific research experience since 2013. PhD Fjoralba Zeko has extensive experience in legal advice and legal services. On April 2017 Phd Fjoralba Zeko obtained the title of PhD discussing a thesis entitled '*Effectiveness and due administrative process: a comparison between Italy and Albania*', as

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

part of the XXVIII cycle of the course PhD in Public Law at the University of Rome 'Tor Vergata', under the supervision of Prof. Eugenio Picozza. PhD Fjoralba Zeko obtained a Master's Degree in Law from the Faculty of Law, University of Rome "La Sapienza" in the academic year 2009-2010.

DIPARTIMENTO DI SCIENZE GIURIDICHE
(Scuola di Giurisprudenza)
Università degli Studi di Salerno
Via Giovanni Paolo II, 132
84084 Fisciano (SA) - Italy
euvalweb@euweb.org
www.euvalweb.euweb.org



Co-funded by
the European Union



UNIVERSITÀ DEGLI STUDI
DI SALERNO



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.