



Università degli Studi di Cagliari

*Avviso per la presentazione di progetti di ricerca biennali nell'Università di Cagliari
(Convenzione triennale tra la Fondazione di Sardegna e gli Atenei Sardi)*

Annualità 2020

Research project submission form

PART A – Summary

Principal Investigator (first name, last name, date of birth, position, Department)	Dr Luca Ancis (PhD in Maritime Law & transportation), Cagliari, January 9 th of 1973, Associate Professor of Maritime law at the Department of Law of the University of Cagliari
Project title (max 500 characters including spaces)	Beyond Emergency: Re-codifying the Normative framework of migratory phenomena (BERN)
Principal ERC sector (eg: SH1; The ERC sector should be strictly connected to the area to which the Principal Investigator belongs)	SH2 Institutions, Values, Environment and Space Political science, law, sustainability science, geography, regional studies and planning
Secondary ERC sector (eg: SH3)	
Sub-sector of the principal ERC sector (eg: SH1_2)	SH2_4 Constitutions, human rights, comparative law, humanitarian law, anti-discrimination law
Sub-sector of the secondary ERC sector (eg: SH3_1)	
Key words (5)	Migration – Salvage at Sea – Non Refoulement - International Protection – Human Rights
Abstract (max 3.000 characters including spaces)	The unavailability of active recruitment policies, the ingrained lack of a forward-looking vision and, above all, a byzantine approach to the regulation of inflows have long shaped the choices of our legislature on the issue of migration. This resulted fragmented and inorganic legal framework, which makes it very difficult and costly to grant regular immigration and in fact stirs a culture of illegality. This situation has been compounded by the global economic crisis of 2007, which forced hundreds of thousands of people to cross national borders for reasons of basic

survival, and the Arab Spring, which fuelled the proliferation of migrant smuggling from Africa to European coasts.

Legal responses to the «migrant» crisis by the Italian State have generally been short-sighted and improvised. The emergency was mostly managed without a long-term plan and exclusively on the basis of a questionable «No Entry» policy, which led to the criminalization of search and rescue activities by NGOs, the curtailment of international protection, and a series of cooperation agreements with African States, which are deeply problematic from a human rights perspective.

Against this backdrop, the proposed research aims at exploring the practicability of a different course for the regulation and management of migration in Italy, having regard to both economic migrants and those looking for international protection. Its main goal is to outline linear and effective solutions that simplify the existing discipline, by purifying it of the recurring ideological contaminations that have pushed every political majority to apply different, when not antithetical, solutions to migration issues. Far from being a merely academic endeavour, the present research is geared towards providing the policy-makers with feasible and enduring solutions. This will be done in keeping with not only constitutional and international law, but also with fundamental principles governing the main areas of law at stake, namely administrative law, maritime law, as well as criminal and civil procedural law.

The project will focus on three inter-linked thematic areas, with a view to addressing the most critical elements, also at a concrete and operational level, namely: 1) Management of the entry of migrant workers; 2) Salvage at sea; 3) International protection.

The proposed research aspires to adopt an innovative approach.

The research group will organize workshops on the three thematic areas, which will be open to the general public. In this way, it will be possible to listen to and interact directly with relevant stakeholders that are sometimes neglected in purely academic research. Moreover, in order to provide a comprehensive understanding of the phenomenon under analysis, an interdisciplinary approach will be adopted, which is reflected in the composition of the group, by striving to ensure that researchers with different specialization do not work in clinical insulation from each other.

PART B – Analytical description of the project

1. State of the art (max 5.000 characters including spaces)

«An army of faceless ghosts deprived of dignity». This is how Italian Minister of the Interior described the effects of national immigration policies over the last few years in an interview released in the October of 2020. The unavailability of active recruitment policies, the ingrained lack of a forward-looking vision and, above all, a byzantine approach to the regulation of inflows have long shaped the choices of our legislature. The preponderance of solutions bound not to outlive the political majorities under which they were enacted makes it very difficult to outline the state of the art in this field.

Administrative procedures for the entry of migrant workers. In a world of hyper-fast and endless interconnections, the Consolidated Act on Migration (D.Lgs. 286/1998), still follows a somewhat XIX century approach in governing the matching of supply and demand for non-EU workforce. Under Article 22, such matching must take place abroad upon the initiative of the prospective employer, by means of an application to be submitted to an administrative office, the local *Sportello Unico per l'Immigrazione* (SUI). These mechanisms – which involves different Authorities (national government, diplomatic offices, local Police Headquarters) – have ended up making it very difficult and costly to grant regular immigration, thus encouraging undeclared work, with huge losses also for the overall taxation system (see Ministero del Lavoro 2020).

The «migrant» crisis. Such a fragmented and inorganic legal framework was compounded by the global economic crisis of 2007, which forced hundreds of thousands of people to cross national borders for reasons of basic survival. Only a few years later, the Arab Spring fuelled the proliferation of migrant smuggling from Africa to European coasts (Papanicolopulu and Baj 2020).

In order to address this crisis, the Italian government launched, in 2013, the operation Mare Nostrum, with the dual objective of safeguarding human life at sea and countering migrant smuggling. Since 2015, the operation has been replaced by a series of variously named EU missions, all managed by Frontex, with a more limited humanitarian object, being primarily aimed at the surveillance of EU borders and the fight against human trafficking. The humanitarian gap left by EU securitization policies was partially filled by NGOs, which started patrolling the Mediterranean Sea with the sole objective to carry out search and rescue (SAR) operations. All of this contributed to a progressive increase in landings, which ignited political controversy (Ghezelsash et al. 2018).

The inadequacy of Italian legal responses. Italy, as a first-entry Member State under the Dublin system, it had to process a huge number of applications for international protection.

Once again, however, legal responses have generally been short-sighted and improvised. The emergency was mostly managed without a long-term plan and exclusively on the basis of a questionable "No Entry" policy, which justified a series of cooperation agreements with African States, among which the 2017 Italy-Libya MoU stands out for its problematic implications for human rights protection (Mancini 2018).

While calling for the superseding of the "first-entry State" rule at the EU level (until now without success, see the New Pact on Migration and Asylum), Italy has tackled the problem, on the one hand, by trying to put a stop – also by means of criminal law – to NGOs' rescue activities in the Mediterranean Sea and, on the other hand, by opposing the disembarkation of migrants rescued at sea, sometimes even by Italian military vessels themselves (Rossi 2019).

The reforms regarding international protection. In the meantime, the legislative framework on migration had been relentlessly changing. This concerned, specifically, the regime governing the granting of international protection, as regards both substantive and procedural aspects. Decree-Law No. 113/2018 replaced the residence permit for humanitarian reasons with specific residence permits covering only a limited number of humanitarian needs. On the procedural level, the Decree-Law significantly affected the rules governing the judicial protection of asylum-seekers, which is nowadays fragmented and divided between different offices and different jurisdictions which follow procedures that are not always respectful of the right to a fair trial and vary according to the application made leading to complex issues of intertemporal law. Such a system seriously jeopardises the fundamental guarantee of the right to protection before a court of law provided for by EU (EURODAC Regulation; Dublin III Regulation) and international law. Following a change in the political majority, however, the Government intervened again with Decree Law No. 130/2020 (recently converted into Law), which attempted to mitigate the consequences of the previous measure so partially reintroducing the previous regime, but only as regards its substantive aspects.

2. Detailed description of the project: methodology, targets and results that the project aims to achieve and their significance in terms of advancement of knowledge (max 10.000 characters including spaces; max 2 figures/tables). The Research group could list further resources that may contribute to the project

In 1955, Italy and Germany signed a cooperation agreement to facilitate the recruitment and integration of Italian workers in Germany. This marked the beginning of the phase of the so-called "assisted migration", meaning that migration between the two countries was planned and organised at an institutional level to meet shared needs. Almost seventy years later, the perspective has been completely reversed. Our country has become an important destination for migratory flows, so much so that in 2019 the percentage incidence of regular foreign employees on the total workforce exceeded a figure of 10% (Ministero del Lavoro, 2020). The change, however, has been less social and economic, than legal-cultural. As we saw above, not only have active recruitment policies in foreign countries been progressively abandoned, but a long-term vision on the governance of migrations has ended up giving way to non-linear, episodic and even improvised interventions. Such a paradigm shift has been already criticized – and widely so – in scholarly works, and there is no shortage of judicial interventions aimed at correcting single aspects of the existing legal

framework. Yet, the object of these criticisms and corrective actions is – more often than not – narrowly defined.

Research goals. Against this backdrop, the objective pursued in the proposed research is broader and far-reaching. It aims at exploring the practicability of a different course for the regulation and management of migration in Italy, having regard to both economic migrants and those looking for international protection. In a certain sense, it is a return to the past. That is, to linear and effective solutions that simplify the existing discipline, by purifying it of the recurring ideological contaminations that have pushed every political majority to apply different, when not antithetical, solutions to migration issues. This has stirred a situation of confusion and uncertainty, especially in public administrations, which will be hard to recover in the short term. Far from being a trite academic study for the exclusive use of the Academy itself, the present research is geared towards providing the policy-makers with feasible and enduring solutions. This will be done in keeping with not only constitutional and international law, but also with fundamental principles governing the main areas of law at stake, namely administrative law, maritime law, as well as criminal and civil procedural law.

Work packages (WPs). The project will focus on three inter-linked thematic areas, with a view to addressing the most critical elements, also at a concrete and operational level.

Management of the entry of migrant workers (WP1). As seen above, existing legislation on admission to Italy for employment purposes creates considerable impediments to the matching of labour supply and demand, given that the employer would have to recruit individuals of whom (s)he seldom has direct knowledge. Moreover, in the far from remote hypothesis of dismissal, the worker will have to find a new job by a strict deadline, failing which (s)he will be considered irregular and thus subject to expulsion measures. Clearly enough, this rule put the employer in an extremely powerful position and lends itself to abuses.

Research in this field will be led by researchers in *administrative law*, who will explore the viability of less artificial solutions aimed at matching of non-EU labour supply and demand. In this respect, the development and strengthening of new forms of digital administration appears as a promising way forward.

Salvage at sea (WP2). In recent years, the Law of the Sea has been repeatedly and insistently invoked, depending on the case, both in support of no-entry policies and in favour of the idea of guaranteeing everyone the right to enter and stay in a country of his/her choice. This stems from the tendency to place incommensurable quantities on the same level, namely the obligation to rescue any person in distress at sea, on the one hand, and the sovereign right of a State to regulate the entry into its own territory, on the other hand. If one examines more carefully applicable norms, it would appear that they do not lend themselves to be instrumentalised, so much so that for centuries rescue at sea has been governed by uniform and absolutely stable principles, subsequently codified by treaties (1979 Convention on Maritime Search and Rescue, 1982 United Nations Convention on the Law of the Sea), as well as by Arts. 489 et seq. of the Italian Code of Navigation. Equally clear are the rules establishing that the final moment of the provision of rescue services is the landing in a place of safety (Resolution of the IMO Maritime Safety Committee MSC No. 167/78 of 20 May 2004).

Driven by the researchers specialised in *maritime law*, the group will therefore attempt to shed light on the intricate network of rights and obligations arising from the ascertainment of a situation of distress at sea by public or private entities. To this end, it will examine the

legal nature and value of the directives issued by the Italian Maritime Rescue Coordination Centre (IMRC), and those issued by similar structures in other countries. Particular attention will be paid to the case where rescue operations are carried out by NGOs patrolling the sea solely for SAR purposes, and to the long-standing and complex issue of the identification of the port of disembarkation, an issue made even more complex by the ongoing pandemic.

Lastly, prompted by group member with an expertise in criminal procedural law, an investigation will be conducted into the scope of the justification of the fulfilment of duty and self-defence in relation to the crimes that have so far been charged against captains and crews of rescuing vessels that have refused to comply with the Italian no-entry policy. *International protection (WP3)*. Closely linked with the previous thematic area is that relating to the constraints that international and EU law, as well as the Italian Constitution place on aforementioned right of the Italian State to regulate migratory inflows (Geneva Convention on the Status of Refugees; Qualification Directive; Article 10(3) Const.). Precisely with reference to these constraints, strong doubts have been raised about the legitimacy of the measures introduced by Decree-Law No. 113/2018, which eventually led to its partial repealing by Decree-Law 130/2020. Additionally, case law has been broadening the scope of international protection, by including therein new hypotheses, as it is the case of climate refugees (Court of Cassation, No. 25143/2020). The latter judicial trends, coupled with the huge increase in migratory flows, put under stress competent administrative and judicial offices, so considerably prolongs the time for obtaining a decision.

This calls for a rethinking of the procedures aimed at ensuring protection to the right to the recognition of international protection. To this end, new rules of competence and procedure have been recently enacted at the national level (establishment of specialized migration sections within ordinary courts; fast-track procedures in relation to certain claims), which present many critical issues in terms of the safeguarding of human rights. Based on the joint work of the group members specialized in *international law* and *civil procedural law*, the research team will examine the viability of “integrated” solutions at judicial, administrative and financial levels with a view to shortening response times while respecting fair trial principles, as well as the multilevel normative framework concerning international protection.

Proposals for policy-makers (WP4). The culmination of the research detailed above will be the elaboration of concrete legal solutions, as well as of articulated proposals for legislative reform, to the avail of local and national decision-makers. To this end, the research group will benefit from the inputs and stimuli obtained from the public meetings organized throughout the implementation of the project.

Interest in the results achieved will therefore be twofold. In addition to traditional dissemination by means of the publication of articles and essays on international and national legal journals, the advancement of knowledge will consist in working out normative solutions, whose value should lie in the fact that it originates from a virtuous dialogue between academic institutions and stakeholders – a perspective that is not dissimilar to the South-American experience of the *Códigos*, periodically elaborated by universities and made available to national policy-makers.

Methodology. The research aspires to adopt an innovative approach. The research group will organize workshops and dissemination initiatives on the relevant thematic areas, which will be open to the general public. In this way, it will be possible to listen to and interact directly with a number of stakeholders that are sometimes neglected in purely academic

research. Moreover, the entangled array of interests, issues and legal principles involved in the governance of migratory phenomena militates against the adoption of a sectorial approach, which investigates issues that are relevant only to a specific branch of law. Not only, therefore, will the approach be multidisciplinary, which is reflected in the composition of the group, but it will be ensured that researchers with different specialization will not work in clinical insulation from each other. Given the several interconnections between the issues at stake, only by working in team it will be possible to grasp all their normative implications.

Further resources. Giovanni Arnone, judge at the Court of Cassation and expert in migration issues, has declared himself available to take part to the project. Other experts to be involved, based on the network of the research team, include: Lucia Aleni (UNHCR), Giovanni Carlo Bruno (IRISS/CNR) and Andreea Rosu (EASO).

3. **Project development and timetable and identification of research groups (where present) organization and modalities of integration and collaboration among the participants (max 4000 characters including spaces; max 2 figures/tables).**

The project will be carried out in such a way as to obviate a typical risk in multidisciplinary legal research: that of allowing the various research units to accomplish their tasks in clinical insulation from each other, by proceeding along independent and parallel tracks. The intricate bundle of rights, interests and issues, involved in the migration phenomenon would make indeed such an approach absolutely fruitless.

For this reason, and taking advantage of the limited number of its components, the research group will always work together in an integrated and participatory manner, and there will be no internal groupings of participants based on their respective specializations and sensitivities. What will be done, rather, is to entrust individual members, based on their expertise, with the role of leading the group in the fulfilment of the various work packages (WPs) envisaged in the project (see the details in Part B.2).

This approach will not only avoid the need for cumbersome coordination work, but it will additionally make it possible to dissect in a comprehensive manner the issues at stake and to elaborate workable operational solutions in relation to each of the areas to be addressed.

The project will mainly focus on three clusters of legal problems and operational difficulties, around the first three WPs are built, namely:

1. *Management of the entry of migrant workers (WP1);*
2. *Salvage at sea (WP2);*
3. *International protection (WP3).*

The research will be implemented in three phases.

Phase I (Preliminary research and identification of key issues). After a preliminary and synthetic survey on existing regulatory frameworks, a collective and participatory method will be used to identify, within each thematic area, the issues on which it would be useful to open a phase of public consultation and interlocution (*estimated duration: 3 months*);

Phase II (Analysis of key issues in the interaction with stakeholders). In the following year, the group will organize at the University of Cagliari not less than three workshops open to

the public (one for each thematic WP). These will not be conventional scientific conferences, but opportunities for exchange between academics and the multitude of subjects who operate, are involved or interested in the complex dynamics of migrations. Workshops will be chaired by the P.I. or by members of the research group and will be featured by an opening part, which will be assigned to one or two experts or operators in the field, not necessarily of academic background, and by a debate aimed at highlighting normative failures and institutional malfunctioning, as well as at sharing and discussing best practices and possible solutions. To support these activities, an additional unit will be recruited (*estimated duration: one year*);

Phase III (Elaboration of operational proposals and dissemination). The last phase of the project will be devoted to WP4 (*Proposals for policy-makers*) and dissemination. Based on the knowledge and expertise acquired in the previous stages of the research, the group will draw up operational proposals, to be submitted to the political decision-maker. The presentation of the results and the proposals themselves will be particularly important and at the same time very delicate. To this end, the group will attempt to bring together, through an institutional meeting with the greatest coverage in the media, academic authorities and national and local politicians, for the delivery of a document condensing the results of two years of research. Needless to say, the in-depth studies carried out by the research group will also provide the basis for the drafting of papers to be published, in open-source mode, in the most relevant legal journals, with a view to achieving the widest dissemination (*estimated duration: nine months*).

4. References (max 20)

- 1) ANTONUCCI A., CAIAZZA P. e FANTINATO M., L'evoluzione delle norme di diritto internazionale in tema di interventi di polizia in alto mare, con particolare riguardo alle operazioni aeronavali della Guardia di Finanza nel contrasto ai trafficanti di migranti nel Mediterraneo, in *Immigrazione irregolare via mare etc.* (edited by A. Antonucci et al.), Torino, 2016; 110 ss.;
- 2) ARMONE G., L'audizione giudiziale del richiedente asilo: verso una stabilizzazione della giurisprudenza di legittimità?, in *Il Foro Italiano*, 2020;
- 3) CHILLAUD M., Frontex as the Institutional Reification of the Link between Security, Migration and Border Management, in *Contemporary European Studies*, 2012, p. 45 ss.;
- 4) COTTONE M., Alcune notazioni in materia di reati connessi all'immigrazione clandestina via mare, in *Immigrazione irregolare via mare etc.* (edited by A. Antonucci et al.), Torino, 2016; 85 ss.;
- 5) DALFINO D., TRISORIO LIUZZI G. (a cura di), *Diritto processuale dell'immigrazione*, Torino, 2019;
- 6) DI PASCALE A., *Migration Control at Sea: The Italian Case*, in B. Ryan, V. Mitsilegas, *Extraterritorial Immigration Control*, 2010, pp. 281 ss.;
- 7) GHEZELSASH D., MORENO LAX V., KLEIN N., OPENSKIN B., *Securitization of Search and Rescue at Sea: The Response to Boat Migration in the Mediterranean and Offshore Australia*, in *International and Comparative Law Quarterly*, 2018;
- 8) HORSTI K., *Humanitarian Discourse Legitimizing Migration Control: FRONTEX Public Communication*, in *Migrations: Interdisciplinary Perspectives*, Vienna, 2012, p. 297 ss.;

- 9) LEANZA U., GRAZIANI F., Poteri di enforcement e di jurisdiction in materia di traffico di migranti via mare: aspetti operativi nell'attività di contrasto, in *Comunità int.*, 2/2014, 163, p. 197 ss.;
- 10) MANCINI M., Italy's New Migration Control Policy: Stemming the Flow of Migrants from Libya Without Regard for Their Human Rights, in *Italian Yearbook of International Law* 2017, 2018, p. 259 ss.;
- 11) MENTASTI M., L'ennesimo 'decreto immigrazione-sicurezza' (d.l. 21 ottobre 2020, n. 130): modifiche al codice penale e altre novità, in *Sistema Penale*, 2020;
- 12) Ministero del Lavoro e delle Politiche sociali, *Gli Stranieri e il mercato del lavoro*, Rapporto 2020;
- 13) MORI P., Profili problematici dell'accoglienza dei richiedenti protezione internazionale in Italia, in *Dir. UE*, 2014, p. 127 ss.;
- 14) NOCELLI M., Il diritto dell'immigrazione davanti al giudice amministrativo, in *Federalismi*, VI, 2018;
- 15) PAPANICOLOPULU I.-BAJ G., Controllo delle frontiere statali e respingimenti nel diritto internazionale e nel diritto del mare, in *Diritto, immigrazione e cittadinanza*, 1, 2020, pag. 24 e ss.;
- 16) PAPASTAVRIDIS E., The Right of Visit on the High Seas in a Theoretical Perspective: Mare Liberum versus Mare Clausum Revisited, in *Leiden Journal of International Law* (2011) 24, pp. 45 ss.;
- 17) ROSSI P., Politica dei porti chiusi e diritto internazionale. Il caso della Sea Watch 3, in *Osservatorio costituzionale*, 6, 2019, p. 48 e ss.;
- 18) SCOVAZZI T., Il respingimento in alto mare di migranti diretti verso l'Italia, in *Scritti in memoria di Maria Rita Saulle*, vol. II, Napoli, 2014, p. 1445 ss.;
- 19) SCUTO F., I diritti fondamentali della persona quale limite al contrasto dell'immigrazione irregolare, Giuffrè, 2012;
- 20) TREVISANUT S., *Immigrazione irregolare via mare. Diritto internazionale e diritto dell'Unione europea*, Napoli, 2012, p. 289.

5 – Budget (allocated funds: € 48.131)

Macro item spending	Spending item	Research Unit (if any)	Amount €	Subtotals €
Human resources	Researcher to be recruited			22.000
Consumables	Stationery			1.000
Durable goods and library material	IT equipments and books			4.000
Services, Publications and congress organization expenses, registration fees	Workshops and Final conference			18.000
Missions (max 15% of the total project cost)	Research periods abroad			3.131
TOTAL				48.131

PART C

Components of the research group

Last name	First name	Position	Research unit
Ancis	Luca	Associate Professor	PI
Amoroso	Daniele	Associate Professor	
Izzo	Silvia	Associate Professor	
Cortesi	Maria Francesca	Associate Professor	
Puddu	Stefania	Associate Professor	
Corona	Valentina	Researcher	
Tatti	Stefano	Researcher	

CV of Principal Investigator (max 4.000 characters including spaces)

Dr **Luca Ancis** (PhD in Maritime Law & Transportation) is Associate Professor of Maritime Law at the Department of Law of the University of Cagliari.

He is editor in chief of *Diritto dei Trasporti*, as well as of *Rivista Italiana del Diritto del Turismo*.

He is currently member of the Associazione Nazionale di Diritto della NAVigazione e dei Trasporti (AIDINAT), of the Latin American Association of Aviation Law (ALADA) and of the Board of the PhD in "Scienze giuridiche" at the University of Cagliari.

He has worked for several years as a volunteer in the field of legal advice to regular and non-regular migrants with the association COmitato SARdo di Solidarietà.

He has been carrying out scientific research on maritime law and aviation law for about twenty years. In September 2008 he gave a lecture on "Space tourism" at the 17th Summer Course on Space Law and Policy, organised in Genoa by the European Centre for Space Law (ECSL), European Space Agency. In October 2008 he held the teaching module on "Il governo multilivello del demanio marittimo" (The multilevel governance of the maritime domain), in the Master on "Multilevel Governance", coordinate by prof. Gian Mario Demuro.

In 2008 he took part in the PRIN Project (2008) on "The regulation of the maritime domain".

Between 2010-2012 he is part of the international research funded by the European Union "MAPMED - MAnagement of Port Aereas in the MEDiterranean sea basin, to improve the environmental sustainability of tourist coastal areas in the Countries of the Mediterranean Sea Basin through the optimization, validation and transfer of tools to guide institutional authorities in the sustainable management of tourist ports with regard to monitoring and reduction of marine pollution".

In August 2016 participates as a speaker at the International Conference "XL Jornadas Latino Americanas de derecho aeronautico y espacial", organized by ALADA, and held in Mendoza (Argentina) with a paper on "Situacion juridica internacional sobre los desechos espaciales".

Since 2017, he has been participating in the research activities within the two-year research project "Legal profiles of automation and new technologies - Theory and practice of subjective rights in the new technological scenarios" (P.I. Prof. A. Pintore; FdS 2016).

In June 2017 he participated in the International Conference "XLI Jornadas Latino Americanas de derecho aeronautico y espacial", organized by ALADA in Warsaw - Poland. Title of the presentation "La nueva disciplina europea sobre el contrato de viaje".

In 2017 he was invited to give a lecture on "The concept of hegemony in the thought of Antonio Gramsci and in international space law" at the JFK University in Buenos Aires, Argentina.

In 2017 he gave a lecture on "Public service obligations in community air transport" at the Instituto Nacional de Derecho Aeronautico y Espacial (INDAE) in Buenos Aires, Argentina.

In 2017, he gave a lecture on "Il diritto aeronautico nell'esperienza sudamericana e in quella italiana. La figura di Antonio Ambrosini" at the University of La Plata, Argentina, Buenos Aires Branch.

In October 2018, he participated as a speaker in the International Conference "XLII Jornadas Latino Americanas de derecho aeronautico y espacial", organized by ALADA, held in Santiago, Chile. Title of the paper "Los confines físicos y jurídicos entre el espacio aéreo y el espacio extra-atmosférico - The physical and legal boundaries between airspace and extra-atmospheric space";

Since 2019 he has participated in the activities of the research group within the two-year research project "Big data and fundamental rights" (P.I. prof. Gian Mario Demuro, FdS 2018).

In March 2019, he organized, along with Daniele Amoroso and Maria Francesca Cortesi, a Public meeting for in-depth analysis and legal checking on the "Italian response to migration through the Mediterranean Sea", by additionally delivering the introductory presentation.

Principal publications of the Principal Investigator (max 15)

- 1) I documenti di bordo della nave in AA. Vv., Trattato breve di diritto marittimo (coordinato da A. Antonini), Milano, 2007, ed. Giuffrè, ISBN 88-14-13360-3, pagg. 363 ss.;
- 2) CLAUSOLA FIO (voce). pp.171-174. In DIZIONARI DI DIRITTO PRIVATO ITALIANO, 2011- ISBN:9788814129339;
- 3) Nuove prospettive qualificatorie della spiaggia, delle lagune e dei bacini di acqua salsa o salmastra, in AA. Vv., Demanio marittimo e porti - Spunti di studio per una ricodificazione (a cura di L. tullio-M. Deiana), Cagliari, 2014, ed. AV Edizioni, ISBN 978-88-8374-114-2, pag. 39 ss.;
- 4) La scorporazione del prezzo nel trasporto aereo low cost. pp.177-192. In AA VV, Profili giuridici del trasporto aereo low cost 2013 - ISBN:978888374125;
- 5) Brevi note a margine di una discutibile pronuncia sul soccorso in mare. pp.491-496. In RIVISTA GIURIDICA SARDA , 2016, - ISSN:0394-0942 vol. 31;
- 6) La delicata problematica dei rifiuti abbandonati nello spazio. pp.725-758. In DIRITTO DEI TRASPORTI (Rivista classe A), 2016 ISSN:1123-5802 vol. 29;
- 7) Informazione e assistenza del passeggero nel trasporto aereo. Il mutamento dei connotati dell'obbligo di protezione, Napoli, 2017, ed. Edizioni Scientifiche Italiane, ISBN 978-88-495-3357-6; pag. 1-509;
- 8) Il nuovo sistema di responsabilità civile dei piloti marittimi. pp.823-850. In DIRITTO DEI TRASPORTI (Rivista classe A) – 2017, ISSN:1123-5802 vol. 2017 (3);
- 9) The travel assistance in the new EU directive n. 2302/2015 of the European Parliament and of the Council. In AA VV, La Union Europea Y America Latina frente a los desafíos del derecho aeronautico, 2018,- ISBN:9788364335365;
- 10) La necessità di una vigorosa cura del ferro nel trasporto intracomunitario di merci. In AA VV, El transporte como motor del desarrollo socioeconómico 2018, - ISBN:9788491236047;
- 11) La Corte di Cassazione italiana si pronuncia sulla distribuzione del carico probatorio in relazione alla responsabilità del vettore aereo per ritardo e ai fini della compensazione pecuniaria di cui al Reg. CE n. 261/2004. pp.314-329. In REVISTA DE DERECHO DEL TRANSPORTE, 2018 (Rivista classe A) - ISSN:1889-1810 (21);
- 12) Navi pilotate da remoto e profili di sicurezza della navigazione nel trasporto di passeggeri. pp.427-465. In DIRITTO DEI TRASPORTI (Rivista classe A) 2019. - ISSN:1123-5802 vol. 32;
- 13) I confini fisici e giuridici fra lo spazio aereo e quello extra-atmosferico. pp.67-88. In DIRITTO DEI TRASPORTI (Rivista classe A), 2019, - ISSN:1123-5802 vol. 32 (1);
- 14) Il demanio marittimo a finalità turistico-ricreativa: le misure adottate dall'Italia in materia di balneazione. pp.227-243. In RIVISTA ITALIANA DI DIRITTO DEL TURISMO, 2020,- ISSN:2039-9022 (30);
- 15) I trasporti. pp.481-504. In AA VV, Lineamenti di diritto costituzionale della Regione Sardegna - ISBN:978-88-921-2985-6, 2020.

CV of the other research group components (max 2.000 characters including spaces for each components) and Principal publications of the other research group components (max 10 for each components)

CV of component (Daniele Amoroso) (max 2000 characters)

Dr **Daniele Amoroso** (PhD in Law & Economics, SUM) is Associate Professor of International and EU Law at the Department of Law of the University of Cagliari.

He is Associate Editor of the Italian Yearbook of International Law and Member of the Editorial Committee of *Giurisprudenza italiana*, as well as Co-Cordinator of the Italian team of reporters for the Oxford Reports on International Law in Domestic Courts (ILDC). He is member of the Board of the PhD in “Scienze giuridiche” at the University of Cagliari.

He was visiting professor at the Universität der Bundeswehr in Munich (2019, under a DAAD grant) and at the Brunswick European Law School (2018). In 2010 he was visiting fellow at the Leiden Law School. He has also been invited to deliver lectures in foreign institutions, including the University of Vilnius “Mykolas Romeris” (2016), the Asser Institute (2020) and the Federal University of Minas Gerais (2020).

He was among the co-founders of the Interest Group of the Italian Society of International Law on “Municipal Law and International Law”, which he chaired until 2020. Also, he was member of the Organising Committee of the 13th Annual Conference of the European Society of International Law (Naples, 7-9 September 2017).

In 2017, he joined the Böll Foundation’s “Task Force on Disruptive Technologies and 21st Century Warfare”. In the same year, he was admitted as a member of the International Committee for Robot Arms Control (ICRAC). In August 2019, he was part of the ICRAC delegation at the August Meeting Group of Governmental Experts on Lethal Autonomous Weapons Systems.

He translated in Italian the UN Handbook “Basic Facts about the United Nations” (L’ABC delle Nazioni Unite, Napoli, 2013).

Principal publications (max 10)

- 1) (with G.C. Bruno and F.M. Palombino), *Migration and Development. Some Reflections on Current Legal Issues*, CNR Edizioni, 2016;
- 2) (with M. Iovane, F.M. Palombino and G. Zarra), *The Protection of General Interests in Contemporary International Law: A Theoretical and Empirical Inquiry* (European Society of International Law Series), Oxford University Press, 2021 (forthcoming);
- 3) *Autonomous weapons systems and international law. A study on human-machine interactions in ethically and legally sensitive domains*, ESI/Nomos, 2020, pp. XV-288;
- 4) Italy, in F.M. Palombino (ed.), *Duelling for Supremacy: International Law vs. National Fundamental Principles*, Cambridge University Press, 2019, pp. 184-209;
- 5) *Whither the principle of self-determination in the post-colonial era? Building the case for a policy-oriented approach*, in *Palestine Yearbook of international Law* 2017, 2019, pp. 84-116;
- 6) *Armed Opposition Groups’ (And Foreign Fighters’) Abidance by International Human Rights Law: The Issue of Compliance in Syria and Iraq*, in A. de Guttry, C. Paulussen, F. Capone (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press, 2016, pp. 205-226;
- 7) *Judicial Abdication in Foreign Affairs and the Effectiveness of International Law*, in *Chinese Journal of International Law*, 2015, pp. 99-134;
- 8) *Il ruolo del riconoscimento degli insorti nella promozione del principio di autodeterminazione interna: considerazioni alla luce della “Primavera Araba”*, in *Federalismi.it*, 2013, pp. 1-42;
- 9) *Moving towards complicity as a criterion of attribution of private conducts: imputation to states of corporate abuses in the US case-law*, in *Leiden Journal of International Law*, 2011, pp. 989-1007;

10) Società civile, imprese private e diritto internazionale dell'ambiente in una recente decisione della Corte di giustizia dell'ECOWAS, in *Diritti umani e diritto internazionale*, 2011, pp. 313-327.

CV of component (Silvia Izzo) (max 2000 characters)

Dr **Silvia Izzo**, after a degree in Law cum laude and a PhD in Diritto dell'Arbitrato interno e internazionale from Luiss University in Rome, is currently Associate Professor of Diritto processuale civile e Ordinamento giudiziario, University of Cagliari. She teaches, also, at the Post Graduate School for Legal Profession of the same University. She has taught Civil Procedure in many University and Post graduate School (Molise, Campania Vanvitelli, Luiss G. Carli).

She is member of the PhD in "Scienze giuridiche" (University of Cagliari) and of the PhD in "Internazionalizzazione dei sistemi giuridici e diritti fondamentali" (University of Campania Luigi Vanvitelli).

She has been Visiting Scholar at the Faculty of Law Ludwig Maximilian Universität (Munich), and selected participant at the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law (University of Salzburg, 2002).

She is Member of the Italian Association of Civil Procedure Scholars and of the Editorial Committee of the *Judicium*; *Rivista giuridica sarda*; *Il diritto processuale civile* and *Rassegna forense*. She has also been funded many national research Projects.

She is of Counsel of Italian Bar Association.

Principal publications (max 10)

1) Decreto legge 17 febbraio 2017, n. 13 disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale, in www.judicium.it, 24/2/2017;

2) L'ordine pubblico come requisito di legittimazione passiva all'azione di riconoscimento del dictum straniero in materia di status, in www.judicium.it, 2018

3) Lodi parziali e lodi non definitivi: individuazione e regime di impugnazione, in *Foro it.* 2018, I, c. 652 ss

4) La convenzione arbitrale nel processo. Studio sui rapporti tra arbitrato e giurisdizioni statuali, Giappichelli, 2013.

5) L'arbitrato endoprocessuale, in *Giusto processo civile*, 2015, 358 e ss. 8

6) Forma e contenuto dell'atto di appello del rito del lavoro secondo la (primissima) giurisprudenza di legittimità, in *Riv. it. dir. lav.*, 2015, 517 e ss.

7) Le sezioni unite, il c.d. rito Fornero e l'ammissibilità della domanda del datore di lavoro: «si parva non liquet», in *Foro it.*, 2014, I, 2770 e ss.

8) La legittimazione del datore di lavoro e la complessità della fase sommaria del c.d. rito Fornero al vaglio delle Sezioni Unite, in *Foro it.*, 2014, I, 1845 e ss.;

9) La legittimazione del datore di lavoro nel nuovo rito per la impugnativa dei licenziamenti, in *Diritti, lavori, mercati*, 2013, 406 e ss.

10) L'arbitrato nello spazio giuridico europeo alla luce del Regolamento (UE) n. 1215/2012, in *Il giusto processo civile*, 2013, 879 ss

CV of component (Maria Francesca Cortesi) (max 2000 characters)

Graduated in Law with a score of 110/110 *cum laude* at the University of Cagliari, on March 23rd 1994.

- Appointed associate professor in criminal procedure at the faculty of Economics, Law and Politics, Department of Law, University of Cagliari, IUS 16, in 2014.

- Member of the research group PRIN 2005, Cagliari research unit, "Coercive measures *ante iudicatum* in the countries of the European Union" (24 months).
- Member of the research group PRIN 2007, Cagliari research unit, "The interception of communication flows in Europe" (24 months).
- Member since its establishment of the faculty board of the PhD program in Legal Sciences at the Department of Law, established in the academic year 2013-2014

Principal publications (max 10)

- 1) *Arresti domiciliari*, Torino, Giappichelli, 2012.
- 2) *Il Codice delle misure di prevenzione*, Torino, Giappichelli, 2011.
- 3) *Il procedimento di prevenzione della violenza sportiva*, Padova, Cedam, 2008.
- 4) Part "D.A.SPO. urbano (Provvedimento a tutela della sicurezza delle città e del decoro urbano)", in *Digesto delle disc. Penalistiche*, Torino, 2018, pages 108-118.
- 5) Part "Misure cautelari coercitive (controlli esecutivi e trasgressioni)", in *Digesto del processo penale*, coordinato da A. Scafati, Giappichelli, 2012.
- 6) Part "Misure cautelari coercitive (criteri di scelta)", in *Digesto del processo penale*, edited by A. Scafati, Giappichelli, 2012.
- 7) *La necessità di motivazione sulla attualità della pericolosità per gli indiziati di "appartenenza mafiosa" riceve l'avvallo delle Sezioni Unite*, in *Proc. pen. e giust.*, 2018, n. 2, pages 550-560.
- 8) *L'impugnativa delle sentenze di "patteggiamento"*, in *Le impugnazioni straordinarie nel processo penale*, edited by P. Corvi, Torino, 2016, pages 15-31.
- 9) *Esecuzione penale: questioni aperte e dubbi interpretativi*, in *Proc. pen. e giust.*, 2016, n. 3, pages 118-134.
- 10) *Il probation: la sospensione del processo con messa alla prova*, in *Procedura penale. Teoria e pratica del processo*, vol. 3, *Procedimenti speciali*, edited by G. Garuti, Torino, 2015, pages 421-472.

CV of component (Stefania Puddu) (max 2000 characters)

Stefania Puddu is Associate professor of Administrative Law (SSD IUS/10) at the University of Cagliari, she teaches Administrative Law, in the Master's Degree in Law (Department of Law of the University of Cagliari (2015- present)

Education, training and work experiences:

Graduated in Law at the University of Cagliari with a thesis in Administrative law entitled "Public servants and rights of public use" (vote 110/110 and honors).

Qualified as a lawyer at the Court of Appeal of Cagliari, in the 1996 exam session, she worked as a lawyer until she became a full-time researcher (December 2002).

Researcher (SSD IUS/10) at the University of Cagliari (2002-2015).

PhD in Computerized Administrative Law and Public Communication (december 2004).

Lecturer in the School of Specialization of the Legal Professions of the University of Cagliari since October 2003 and Coordinator of Administrative Law since November 2015.

Member of the Selection Committee for the examination of a lawyer, established at the Court of Appeal of Cagliari in the 2015 session.

Since January 2007 she has been part of the editorial staff of the *Rivista Diritto e processo amministrativo* (Edizioni E.S.I. - Napoli) and from April of the same year, that of the *Rivista giuridica sarda* (Edizioni AV - Cagliari).

Principal publications (max 10)

- 1) Contributo ad uno studio sull'anormalità dell'atto amministrativo informatico, Napoli, Jovene, 2006;

- 2) Colpa dell'apparato e rapporto procedimentale, Napoli, Esi, 2011;
- 3) Istruzione e inclusione: profili giuridici e parametri giurisprudenziali, in Rivista Giuridica sarda, 2019;
- 4) Questioni attuali sul tema della motivazione postuma, in Diritto e processo amministrativo, 1, 2018;
- 5) Provvedimento amministrativo e legge incostituzionale, in Rivista Giuridica sarda, 2018;
- 6) Danno ambientale e responsabilità erariale, in Quaderni della Rivista Diritto e processo amministrativo, Napoli, 2017;
- 7) ; Precisazioni in tema di autotutela amministrativa decisoria, in Riv. Giur. sarda, 2017;
- 8) ; Giudice amministrativo e tutela indennitaria, in Riv. Giuridica sarda, 2016;
- 9) Diritti fondamentali e giustizia amministrativa, in Quaderni della Rivista Diritto e processo amministrativo, Napoli, 2016;
- 10) Amministrazione precauzionale e principio di proporzionalità, in Dir. e processo amministrativo, 3, 2015

CV of component (Valentina Corona) (max 2000 characters)

1998 Degree in law with marks 110/110 cum laude in the University of Cagliari – Faculty of Law – with a thesis on «Freight risk in contract of affreightment»

Since 1998 member of the editorial committee of the law journal «Diritto dei trasporti»

In March the 23rd 2004 earned PhD in maritime law

Since January the 2nd 2005 researcher at University of Cagliari Faculty of law in air and maritime law

Since 2008 supply professor in tourist law at University of Cagliari Faculty of law.

Since 2006 teacher in lessons in postgraduate school of the University of Cagliari for legal professions

Since 2006 teacher in lessons for master's degrees in the University of Cagliari

Since 2011 is member of the scientific advisory Board of «Rivista Italiana di Diritto del Turismo»

Since 2017 is corresponding member of the Asociación Latino Americana de Derecho Aeronáutico y Espacial (ALADA)

In August 27th 2019 qualification as Associate Professor of maritime Law

In July 2020 winner of the public tender as Associate Professor of maritime Law in the University of Cagliari Since April 2020 is a member of the Academic Board of the PhD in Legal science the University of Cagliari

RESEARCH

Since 1998 member of study groups for the following research:

Carriage liabilities (1998)

Deregulation in air transport services and charges in public services (1999)

Particular issues in the contract of towage (2000)

Charges in air transport services and territorial continuity for the maritime carriage of passengers and goods (2001)

Transports law and territorial continuity between maritime peripheral areas – PIC - INTERREG III (2002/2003)

New trends on tourist and recreational licenses on public maritime domain (2003)

PRIN 2008 «Regulation of maritime public domain»

International rules on maritime transport (FBS 2008)

Legal aspects of automation and new technologies (FBS 2017-2019)

Big Data and Fundamental Rights (FBS 2019).

Principal publications (max 10)

- 1) *Il contratto di pacchetto turistico*, in *Rivista italiana di diritto del turismo*, Milano 2020, ed. Franco Angeli, pp. 388-423, ISSN 2039-9391;

- 2) *Voucher turistici e rimborso dei titoli di viaggio: nuovi rimedi sinallagmatici e diritto europeo*, in *Emergenze e diritti tra presente e futuro* a cura di V. Corona e F. Cortesi, Napoli, 2020, ed. ESI Edizioni Scientifiche Italiane S.p.a., pp. 9-28, ISBN 978-88-495-4359-9;
- 3) *Il rischio del nolo fra disciplina legale e charterparties*, Napoli, 2019, ed. ESI Edizioni Scientifiche Italiane S.p.a., ISBN 978-88-495-3837-3;
- 4) *Le obbligazioni del vettore nel trasporto di cose con navi autonome o pilotate da remoto*, in *Diritto dei Trasporti*, II, 2019, ed. AV Edizioni, pp. 519-549, ISSN 1123-5802;
- 5) *Le cosiddette concessioni del mare territoriale*, in AA. VV., *Demanio marittimo e porti - Spunti di studio per una ricodificazione* (a cura di L. Tullio-M. Deiana), Cagliari, 2014, ed. AV Edizioni, pp. 15-38, ISBN 978-88-8374-114-2;
- 6) *La responsabilità delle società di classificazione*, in AA. VV., *Trattato breve di diritto marittimo* (coordinato da A. Antonini), *Le obbligazioni e la responsabilità*, vol. III, Milano, 2010, ed. Giuffrè editore S.p.A., pp. 413-445, ISBN 88-14-15189-X;
- 7) *La tipizzazione della «finalità turistica» tra presupposizione e criteri di ripartizione del rischio*, in *Diritto del Turismo*, 4/2008, ed. Wolter Kluwert Italia S.r.l., pp. 349-361, ISSN 1722-5655;
- 8) *Realtà e prospettive per la creazione di uno spazio di trasporto marittimo europeo senza barriere UE*, in *El transporte como motor del desarrollo socioeconómico*, Madrid, 2019, pp. 197-213, ISBN 978-84-9123-604-7;
- 9) *Il contratto di noleggio di nave*, in *Codice dei Trasporti*, Milano 2011, ed. Giuffrè editore S.p.A., pp. 583-643, ISBN:88-14-16014-7
- 10) *Il contratto di trasporto marittimo di cose*, in *Codice dei Trasporti*, Milano 2011, ed. Giuffrè editore S.p.A., pp. 645-839, ISBN:88-14-16014-7

CV of component (Stefano Tatti) (max 2000 characters)

- Researcher of Administrative Law, Department of Law – University of Cagliari.

Education:

- Degree in Law from the University of Cagliari (1999)
- Research contract, University of Cagliari, 2002 (with financial support from Autonomous Region of Sardinia, through regional law no. 2 of 1994, art. 37);
- “Young Researchers” project (University of Cagliari - financial year 2000);
- PhD in Law of digital administration and public communication (University of Cagliari - thesis defended on date 31.3.2007).

Some research:

- Scientific collaboration in the context of research on telematic procedures (Study of a potential Directive to institute a framework for the telematic administrative procedure and the Public Administrations interface with the citizen through electronic means in the application of EU Law - Coordinator: Prof. G. Duni – University of Cagliari - 2009);
- Report on “Administrative simplification”, presented at the meeting of studies “Administrative Law and Innovation” (University of Cagliari - 2015);
- Report presented at the meeting of studies “Not just mimosas: woman and law” (University of Cagliari – 2017);
- Report presented at the meeting of studies “Human Rights and the Elderly” (University of Cagliari - 2017);
- Report presented at the meeting of studies “Gender violence: a contribution to the debate” (University of Cagliari - 2017).

Principali pubblicazioni (max 10)

- 1) L’annullamento d’ufficio fra discrezionalità e doverosità. *Rivista trimestrale degli appalti*, Maggioli, 1-2013;
- 2) Concessione di impianto sportivo: qualificazione e conseguenze. *Rivista di diritto ed economia dello sport*, S.L.P.C., 1-2014;

- 3) Convalida di provvedimento amministrativo annullabile: ambito di applicazione. Rivista amministrativa della Repubblica italiana, I.E.R.I. – Roma, 6-2014;
- 4) Pregiudiziale sportiva e ultimo grado di giustizia sportiva. Rivista amministrativa della Repubblica italiana, I.E.R.I. – Roma, 12-2014;
- 5) Riflessioni sulla semplificazione amministrativa (nei termini di una delle prestazioni per le quali compete allo Stato determinare i livelli essenziali), in D. Marongiu, Isaac Martin Delgado, Diritto amministrativo e innovazione, ESI, 2016;
- 6) Il vizio di incompetenza e il processo amministrativo. Rivista amministrativa della Repubblica italiana, I.E.R.I. – Roma, 9-10/2016;
- 7) L'atto amministrativo invalido fra nullità e annullabilità. Archivio Giuridico Filippo Serafini, Mucchi - Modena, 1-2016;
- 8) Il principio «chi inquina paga» nella disciplina in materia di bonifica di cui agli artt. 240 ss. del codice dell'ambiente. Rivista amministrativa della Repubblica italiana, I.E.R.I. – Roma, 7-8/2017;
- 9) L'amministrazione comunale e la rappresentanza femminile (la parità di genere nelle giunte dei comuni), in M. Masia, M. V. Sanna, Donne e diritto – Un dibattito, AV, 2019;
- 10) L'accesso civico «generalizzato»: «un diritto incerto». Rivista amministrativa della Repubblica italiana, I.E.R.I. – Roma, 5-6/2019