

Day 4 - Thursday, 15th September 2016

Module 6 - Enforcing Economic, Social and Cultural Rights Before International and Regional Courts

- 9:15 Introductory remarks: Paola Puoti, University "G. d'Annunzio" of Chieti-Pescara
- 9:30 Francesco Francioni, European University Institute
- 10:15 Boštjan M. Zupančič, European Court of Human Rights, Strasbourg
- 11:00 Coffee break
- 11:30 Paola Puoti, University "G. d'Annunzio" of Chieti-Pescara
- 12:00 Open discussion
- 13:00 Lunch break
- 14:30 Ferdinando Franceschelli, University "G. d'Annunzio" of Chieti-Pescara
- 15:15 Case study presentation: Marina Febo, European Parliament, Strasbourg
- 15:35 Discussant: Roberto Lato, PhD University "G. d'Annunzio" of Chieti-Pescara
- 16:00 Coffee break
- 16:30 Riccardo Pavoni, University of Siena
- 18:00 Conclusive remarks

Day 5 - Friday, 16th September 2016

Module 7 - The Constraints on Public Finance as a Restriction on Judicial Protection of Rights. The Case of Tax Law

- 9:15 Introductory remarks: Lorenzo del Federico, University "G. d'Annunzio" of Chieti-Pescara
- 9:45 Alexandre Maitriot de La Motte, University of Paris East Créteil (UPEC) - France
- 10:30 Marc Bourgeois, University of Liège - Belgium
- 11:15 Coffee break
- 11:45 Gianluigi Bizioli, University of Bergamo
- 12:30 Discussants: Fabrice Pezet, University of Paris East Créteil (UPEC) – France and Silvia Giorgi, University of Trento
- 12:45 Open discussion
- 13:00 Lunch break

- 14:30 Francesco Montanari, University of Bolzano and Stefano Dorigo, University of Firenze
- 15:15 Discussants: Simone Ariatti and Carla Scaglione, University "G. d'Annunzio" of Chieti-Pescara
- 15:45 Christian Califano, University "Politecnica delle Marche" and Pietro Mastellone, University of Firenze
- 16:30 Coffee break
- 16:45 Discussants: Caterina Verrigni and Serena Galeazzi, University "G. d'Annunzio" of Chieti-Pescara, Isabella Cugusi, University "LUM Jean Monnet" of Bari
- 17:15 Panel discussion: Gianluigi Bizioli, Marc Bourgeois, Lorenzo del Federico and Alexandre Maitriot de La Motte
- 18:00 Concluding remarks

Con il Patrocinio di:



Sponsors:



Executive coordinator:

ANTONELLA DI GIORGIO – Tel. +39 085 4537093

e-mail: dgiorgio@unich.it



University "G. d'Annunzio" Chieti – Pescara
Department of Legal and Social Studies
Scuola Superiore "G. d'Annunzio"

SUMMER SCHOOL 2016

*Enforcing Economic, Social and
Cultural Rights before International
and Domestic Courts*



12th - 16th September 2016

Viale Pindaro, 42
65127 Pescara, Italy



The Department of Legal and Social Studies of the University “G. d’Annunzio” of Chieti-Pescara, with the support of the Scuola Superiore “G. d’Annunzio”, organises a Summer School (S.sc) on the theme: “*Enforcing Economic, Social and Cultural Rights before International and Domestic Courts*”.

Each day and/or half day is devoted to a specific perspective of the common topic. The following disciplines are involved: Philosophy and Theory of Law; Public International Law and EU Law; Constitutional Law; Public Law, Labour Law, EU Labour law, Private and Commercial Law, Tax law.

Distinguished legal scholars and experts from different European countries will offer lectures and talks, while younger scholars will be holding case study presentations. General discussion and question sessions will be encouraged throughout the S.sc.

The S.sc. is suitable for PhD students, young researchers, postgraduate students and legal practitioners.

Course length: 12th-16th September 2016

Venue: University “G. d’Annunzio”, Pescara, V.le Pindaro 42

Teaching Format: 7 specialist modules relating to the general theme on the following topics: Philosophy of Law and General Theory of Law; Public International Law; EU Law; Labour Law; EU Labour Law; Public Law; Constitutional Law; Administrative Law; Private Law; Commercial Law; Tax Law.

Methods of delivery: Lectures (max. 45"); one-to-one discussions (max. 30"); presentation of case study (max. 30"); programmed interventions (max. 20"); panel discussion (max 45"); open discussion/questions and comments with participants (max 30"); introductory and conclusive remarks (max 20").

Planned Timetable: Monday to Friday, 9:30/13:00 - 14:30/18:30.

Working Language: English.

Application is required for admission.

How to apply: On-line application to send to: dgiorgio@unich.it.

Application Deadline: 31st August 2016.

Award available: Certificate of Attendance.

Co-ordinator: Paola Puoti

Academic Board: F. Bilancia, F. Briolini, M. Buta, R. Romano, S. Civitarese Matteucci, L. Del Federico, G. di Plinio, M. Gambini, L. Carota, F. Guarriello, P. Puoti, A. Serpe, V. Speziale.

Tutors: Tutors will be appointed for each day.

Accommodation: More information about transport to Pescara and accommodation are provided contacting: dgiorgio@unich.it.

THE ATTENDANCE IS FREE



Programme

DAY 1 - Monday, 12th September 2016

- 14:30 Registration of participants
- 15:30 Welcome speech and general remarks, Paola Puoti, University “G. d’Annunzio” of Chieti-Pescara

Module 1 - Enforcing Economic, Social and Cultural Rights: the Role of the Judge

- 16:00 Introductory remarks: Alessandro Serpe, University “G. d’Annunzio” of Chieti-Pescara
- 16:15 Karin Åhman, University of Uppsala - Sweden
- 17:00 Coffee break
- 17:15 Rui Guerra Da Fonseca, University of Lisbon - Portugal
- 18:00 Open discussion
- 18:30 Conclusive remarks

DAY 2 - Tuesday, 13th September 2016

Module 2 - Brexit Referendum Aftermath: what Lessons for Democracy, Sovereignty and Human Rights

- 9:30 Introductory remarks: Melania D’Angelosante and Marcello Salerno, University “G. d’Annunzio” of Chieti-Pescara
- 9:50 Kathryn Wright, York Law School – UK
- 10:20 Stefano Civitarese, University “G. d’Annunzio” of Chieti-Pescara
- 10:30 Discussant: Gianluca Bellomo, University “G. d’Annunzio” of Chieti-Pescara
- 11:00 First round of questions and comments
- 11:15 Coffee break
- 11:30 Francesco Bilancia, University “G. d’Annunzio” of Chieti-Pescara
- 12:00 Discussant: Giampiero di Plinio, University “G. d’Annunzio” of Chieti-Pescara

- 12:30 Second round of questions and comments
- 12:45 Conclusive remarks
- 13:00 Lunch break

Module 3 - Enforcing Labour Rights in the EU Zone: the Multilevel Cooperation between Courts

- 14:30 Introductory remarks: Fausta Guarriello, University “G. d’Annunzio” of Chieti-Pescara
- 14:50 Stefano Giubboni, University of Perugia
- 15:40 Discussant: Valerio Speziale, University “G. d’Annunzio” of Chieti-Pescara
- 16:00 Coffee break
- 16:15 Planned speeches: Diego Del Biondo, Oscar Genovesi, Milena Impicciatore, Enrico Raimondi, Valeria Zeppilli, PhD University “G. d’Annunzio” of Chieti-Pescara
- 17:00 Round of questions and comments
- 18:30 Conclusive remarks

DAY 3 - Wednesday, 14th September 2016

Module 4 - Bank Crisis: the Rights of Shareholders, Creditors and Clients before Courts and Administrative Authorities

- 9:30 Introductory remarks: Federico Briolini, University “G. d’Annunzio” of Chieti-Pescara
- 10:00 Francesco Delfini, University of Milano
- 10:45 Nicoletta Ciocca, University “Tor Vergata” of Roma
- 11:30 Coffee break
- 11:45 Grazia Monia Buta, University “G. d’Annunzio” of Chieti-Pescara
- 12:30 Open discussion
- 13:00 Lunch break
- 14:30 Rosaria Romano, University “G. d’Annunzio” of Chieti-Pescara
- 15:15 Erika Giorgini, University “Politecnica delle Marche”
- 16:00 Coffee break
- 16:20 Case presentation: Annarita Ricci, University “G. d’Annunzio” of Chieti-Pescara
- 16:40 Discussant: Francesco Delfini, University of Milano
- 17:00 Case presentation: Francesco Accettella, University “G. d’Annunzio” of Chieti-Pescara
- 17:20 Discussant: Nicoletta Ciocca, University “Tor Vergata” of Roma
- 17:40 Open discussion
- 18:00 Conclusive remarks

UNIVERSITY "G. D'ANNUNZIO" OF CHIETI-PESCARA
DEPARTMENT OF LEGAL AND SOCIAL STUDIES
SCUOLA SUPERIORE "G. D'ANNUNZIO"

SUMMER SCHOOL 2016

"ENFORCING ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEFORE INTERNATIONAL AND DOMESTIC COURTS"

DETAILED PROGRAMME

Day 1 Monday, 12th September 2016

14:30 Registration of participants

15:30 Welcome speech and general remarks, PAOLA PUOTI, University "G. d'Annunzio" of Chieti-Pescara

MODULE 1 - ENFORCING ECONOMIC, SOCIAL AND CULTURAL RIGHTS: THE ROLE OF THE JUDGE

16:00 Introductory remarks: ALESSANDRO SERPE, University "G. d'Annunzio" of Chieti-Pescara

16:15 KARIN ÅHMAN, University of Uppsala - Sweden, *ESC rights from a Nordic perspective. Legal realism and legal culture: an answer to weak human rights development in the past?*

17:00 Coffee break

17:15 RUI GUERRA DA FONSECA, University of Lisbon - Portugal, *Is the enforcement of ESC rights changing the face and nature of the judge and judiciary?*

18:00 Open discussion

18:30 Conclusive remarks

Day 2 Tuesday, 13th September 2016

MODULE 2 - BREXIT REFERENDUM AFTERMATH: WHAT LESSONS FOR DEMOCRACY, SOVEREIGNTY AND HUMAN RIGHTS

9:30 Introductory remarks: MELANIA D'ANGELOSANTE and MARCELLO SALERNO, University "G. d'Annunzio" of Chieti-Pescara

9:50 KATHRYN WRIGHT, York Law School - UK, *Britain Alone?*

10:20 STEFANO CIVITARESE, University "G. d'Annunzio" of Chieti-Pescara, *Will the UK miss the Charter of Fundamental Rights if it goes?*

10:30 Discussant: GIANLUCA BELLOMO, University "G. d'Annunzio" of Chieti-Pescara

11:00 First round of questions and comments

11:15 Coffee break

- 11:30 FRANCESCO BILANCIA, University “G. d’Annunzio” of Chieti-Pescara, *British referendum: free movement of European citizens within the single Market and the cost of social rights.*
- 12:00 Discussant: GIAMPIERO DI PLINIO, University “G. d’Annunzio” of Chieti-Pescara
- 12:30 Second round of questions and comments
- 12:45 Conclusive remarks

13:00 Lunch break

MODULE 3 - ENFORCING LABOUR RIGHTS IN THE EU ZONE: THE MULTILEVEL COOPERATION BETWEEN COURTS

- 14:30 Introductory remarks: FAUSTA GUARRIELLO, University “G. d’Annunzio” of Chieti-Pescara
- 14:50 STEFANO GIUBBONI, University of Perugia, *Social rights before national and European Courts.*
- 15:40 Discussant: VALERIO SPEZIALE, University “G. d’Annunzio” of Chieti-Pescara

16:00 Coffee break

- 16:15 Planned speeches: DIEGO DEL BIONDO, OSCAR GENOVESI, MILENA IMPICCIATORE, ENRICO RAIMONDI, VALERIA ZEPPILLI, PhD University “G. d’Annunzio” of Chieti-Pescara
- 17:00 Round of questions and comments
- 18:30 Conclusive remarks

Day 3 Wednesday, 14th September 2016

MODULE 4: BANK CRISIS: THE RIGHTS OF SHAREHOLDERS, CREDITORS AND CLIENTS BEFORE COURTS AND ADMINISTRATIVE AUTHORITIES

- 9:30 Introductory remarks: FEDERICO BRIOLINI, University “G. d’Annunzio” of Chieti-Pescara
- 10:00 FRANCESCO DELFINI, University of Milano, *A comparison between cause and consideration: Quebec and Louisiana civil codes. The role of cause and the protection of investors in derivatives contracts.*
- 10:45 NICOLETTA CIOCCA, University “Tor Vergata” of Roma, *The EU Bank Recovery and Resolution Directive (BRRD).*

11:30 Coffee break

- 11:45 GRAZIA MONIA BUTA, University “G. d’Annunzio” of Chieti-Pescara, *From Bail-out to Bail-in.*
- 12:30 Open discussion

13:00 Lunch break

- 14:30 ROSARIA ROMANO, University “G. d’Annunzio” of Chieti-Pescara, *Financial crisis and State aid.*
- 15:15 ERIKA GIORGINI, University “Politecnica delle Marche”, *The investment advice contract in the light of MIFID 2 Directive.*

16:00 Coffee break

- 16:20 Case study presentation: *Quality of Information in Banking Relationship: the Courts Perspective*. ANNARITA RICCI, University “G. d’Annunzio” of Chieti-Pescara
- 16:40 Discussant FRANCESCO DELFINI, University of Milano
- 17:00 Case study presentation: *The Crisis of Italian Banking Houses*. FRANCESCO ACCETTELLA, University “G. d’Annunzio” of Chieti-Pescara
- 17:20 Discussant NICOLETTA CIOCCA, University “Tor Vergata” of Roma
- 17:40 Open discussion
- 18:00 Conclusive remarks

Day 4 Thursday, 15th September 2016

MODULE 6. ENFORCING ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEFORE INTERNATIONAL AND REGIONAL COURTS

- 9:15 Introductory remarks: PAOLA PUOTI, University “G. d’Annunzio” of Chieti-Pescara
- 9:30 FRANCESCO FRANCIONI, European University Institute, *Economic, Social and Cultural Rights and Global Justice*.
- 10:15 BOŠTJAN M. ZUPANČIČ, European Court of Human Rights, Strasbourg, *Enforcing ESC Rights before the European Court of Human Rights*.

11:00 Coffee break

- 11:30 PAOLA PUOTI, *Balancing the enforcement of Economic, Social and Cultural Rights with the needs of the internal market: the role of the Court of Justice of the EU*.
- 12:00 Open discussion

13:00 Lunch break

- 14:30 FERDINANDO FRANCESCHELLI, University “G. d’Annunzio” of Chieti-Pescara, *Climate change and human rights: the Courts’ contribution*.
- 15:15 Case study presentation: *The extension of exclusive rights for the commercial exploitation of publicly-owned maritime: the Italian case of maritime concessions*. MARINA FEBO, European Parliament, Strasbourg
- 15:35 Discussant, ROBERTO LATO, PhD University “G. d’Annunzio” of Chieti-Pescara

16:00 Coffee break

- 16:30 RICCARDO PAVONI, University of Siena, *Environmental Rights before Regional Human Rights Courts*.
- 18:00 Conclusive remarks

Day 5 Friday, 16th September 2016

MODULE 7. THE CONSTRAINTS ON PUBLIC FINANCE AS A RESTRICTION ON JUDICIAL PROTECTION OF RIGHTS. THE CASE OF TAX LAW

- 9:15 Introductory remarks: LORENZO DEL FEDERICO, University “G. d’Annunzio” of Chieti-Pescara

9:45 ALEXADRE MAITRIOT DE LA MOTTE, University of Paris East Créteil (UPEC) - France, *The France case law in the European scenario*.

10:30 MARC BOURGEOIS, University of Liège - Belgium, *The Belgium Case Law in the European scenario*.

11:15 Coffee break

11:45 GIANLUIGI BIZIOLI, University of Bergamo, *The Italian Case Law in the European scenario*.

12:30 Discussants: FABRICE PEZET, University of Paris East Créteil (UPEC) – France and SILVIA GIORGI, University of Trento

12:45 Open discussion

13:00 Lunch break

14:30 FRANCESCO MONTANARI, University of Bolzano and STEFANO DORIGO, University of Florence, *Art. 81 of Italian Constitution: the implementation by Italian Supreme Courts*.

15:15 Discussants: SIMONE ARIATTI and CARLA SCAGLIONE, University “G. d’Annunzio” of Chieti-Pescara

15:45 CHRISTIAN CALIFANO, University “Politecnica delle Marche” and PIETRO MASTELLONE, University of Florence, *A comparison between Italian and Brazilian Case Law. The so called Brazilian “Proviso of the Possible” and possible implications in the Italian scenario*.

16:30 Coffee break

16:45 Discussants: CATERINA VERRIGNI and SERENA GALEAZZI, University “G. d’Annunzio” of Chieti-Pescara, ISABELLA CUGUSI, University “LUM Jean Monnet” of Bari

17:15 Panel discussion: GIANLUIGI BIZIOLI, MARC BOURGEOIS, LORENZO DEL FEDERICO, ALEXANDRE MAITRIOT DE LA MOTTE

18:00 Concluding Remarks

