

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

