



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

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Below are the main updates concerning case-law and acts relevant to the protection of fundamental rights, as published in the web site www.europeanrights.eu

For the acts of the **European Union** we have included:

- the conclusions of the European Council meetings of 28 and 29 June 2016;
- the European Parliament Resolution of 28 June 2016 on the decision to leave the EU resulting from the UK referendum;
- the Presidency non-paper for the Council of 13.05.2016 on the Rule of law dialogue;
- the European Parliament study of 14.06.2016, "TTIP and Labour Standards";
- the European Parliament study of 07.06.2016 "Follow-Up to the European Parliament's Resolution of 8 September 2015 on 'The Situation of Fundamental Rights in the European Union (2013-2014)'" ;
- the Handbook by the EU Agency for Fundamental Rights of 1.06.2016 on European law relating to access to justice;
- the European Parliament study of 25.05.2016 "Cross-border placement of the children in the European Union";
- the European Parliament study of 16.05.2016 "The implementation of the Common European Asylum System";
- Regulation (UE) 2016/679 of 27.04.2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

For the **Council of Europe** we would like to highlight the following resolutions and recommendations:

of the **Parliamentary Assembly**:

- the Resolution 2129 of 24.6.2016, "Road safety in Europe as a public health priority";
- the Resolution 2128 of 24.6.2016, "Violence against migrants";
- the Resolution 2127 and the Recommendation 2095 of 23.6.2016, "Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly";
- the Resolution 2125 and the Recommendation 2094 of 23.6.2016, "Transparency and openness in European institutions";
- the Resolution 2124 of 23.6.2016, "Educational and cultural networks of migrant and diaspora communities";
- the Resolution 2123 and the Recommendation 2093 of 23.6.2016, "Culture and democracy";
- the Resolution 2122 of 22.6.2016, "Administrative detention";

- the Resolution 2120 of 21.6.2016, "Women in the armed forces: promoting equality, putting an end to gender-based violence"
- the Resolution 2119 and the Recommendation 2092 of 21.6.2016, "Fighting the over-sexualisation of children";
- the Resolution 2118 of 21.6.2016, "Refugees in Greece: challenges and risks – A European responsibility";
- the Resolution 2117 of 27.5.2016, "Promoting city-to-city co-operation in the field of culture";
- the Resolution 2116 of 27.5.2016, "Urgent need to prevent human rights violations during peaceful protests".

For the **Court of Justice**, we added the decisions:

- 5.07.2016, C-614/14, *Ognyanov*, on the infringement of article 267 by a national rule which obliges a panel of judges to be disqualified because it expressed, in the request for a preliminary ruling addressed to the Court, a provisional opinion, in that it set out the factual and legal context of the case at issue in the main proceedings;
- 30.06.2016, C-200/14, *Câmpean*, on the principles of sincere cooperation, equivalence and effectiveness in the matter of a tax which has been held to be contrary to EU law by a judgment of the Court;
- 30.06.2016, C-178/15, *Sobczyszyn*, on the right to annual paid leave in the event of convalescence leave;
- 30.06.2016, C-205/15, *Toma*, on the right of access to a court and principle of equality of arms;
- 30.06.2016, C-464/15, *Admiral Casinos & Entertainment*, on games of chance and freedom to provide services;
- 30.06.2016, C-115/15, *NA*, on the right to residence of a third-country national having custody of the minor children, who are nationals of another Member State;
- 29.06.2016, C-486/14, *Kossowski*, on the admissibility of fresh proceedings against an accused in a Member State, after criminal proceedings brought against him in another Member State have been terminated by the public prosecutor's office without a detailed investigation, and on the lack of application of the *ne bis in idem* principle;
- 16.06.2016, C-159/15, *Franz Lesar*, on the failure to take into account periods of apprenticeship and work completed by civil servants before the age of 18 in the determination of pension rights, and on the prohibition of age discrimination;
- 16.06.2016, C-351/14, *Rodríguez Sánchez*, on the scope of the framework agreement on parental leave, which does not include the event of the return of a worker member from maternity leave;
- 16.06.2016, C-511/14, *Pebros Servizi*, on the concept of "uncontested claim" and on the rights of the defence in the event of judgment in default of appearance certified as European Enforcement Order;
- 14.06.2016, C-263/14, *European Parliament v. EU Council*, on the correctness of the legal basis of the agreement between the European Union and the United Republic of Tanzania on the conditions of transfer of suspected pirates and associated seized property, and on the obligation to inform the European Parliament immediately and fully at all stages of the procedure of negotiation and conclusion of international agreements;
- 14.06.2016, C-308/14, *European Commission v. United Kingdom*, on the national legislation under which child benefits and child tax credits are not granted to nationals of other Member States, who do not have a right of lawful residence, and on the reason of such indirect discrimination, due to the necessity to protect the finances of the host Member State;
- 14.06.2016, C-566/14 P, *Marchiani / Parliament*, on the respect for the rights of the defence, the principle of impartiality of the court and the principle of legitimate expectations;
- 09.06.2016, C-25/15, *István Balogh*, on the scope of the directive on the right to interpretation and translation in criminal proceedings;

- 09.06.2016, C-470/14, *EGEDA and others*, on copyright and fair compensation in the event of private copying;
- 07.06.2016, C-47/15, *Sélina Affum*, on the illegally stay of a third-country national, which was punished with police custody, and on the right to freedom;
- 07.06.2016, C-63/15, *Mehrdad Ghezlbash*, and C-155/15, *George Karim*, both on the determination of the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
- 02.06.2016, C-233/14, *European Commission v. the Netherlands*, on the students' right to move and reside freely and on the prohibition of discrimination on grounds of nationality;
- 02.06.2016, C-438/14, *Bogendorff von Wolffersdorff*, according to which a Member State can refuse, for public order reasons, in order to guarantee juridical equality between all the citizens, to enter the name comprising tokens of nobility, which was chosen by the citizen in another Member State, of which that person also holds the nationality;
- 02.06.2016, C-122/15, *C*, on national legislation providing, in certain situations, for higher taxation of pension income than earned income and on the scope of the directive which establishes a general framework for equal treatment in the matter of occupation and working conditions;
- 01.06.2016, C-241/15, *Niculaie Aurel Bob-Dogi*, on the prohibition to carry out a European arrest warrant with no national arrest warrant issued prior to and separately from the European arrest warrant;
- 31.05.2016, C-117/15, *Reha Training*, on copyright and related rights in the event of installation of television sets by the operator of a rehabilitation centre, making it possible for patients to watch television programmes;
- 26.05.2016, C-300/15, *Kohll and Kohll-Schlessler*, on the taxation of pensions acquired in another Member State and on freedom of movement and residence;
- 25.05.2016, C-559/14, *Meroni*, on the right to an effective remedy under article 47 of the Charter of Fundamental Rights of the European Union in the context of a request for recognition and enforcement, in a Member State, of a judgment regarding provisional and protective measures given in another Member State;
- 24.05.2016, C-108/16 PPU, *Paweł Dworzecki*, on the autonomous concept in EU law of "summons in person" and "official notification by other means", and the respect for the right of the defence;

and the conclusions of the **Advocate General**:

- 09.06.2016, C-401/15, C-402/15 and C-403/15, *Depesme and Kerrou*, according to which the child of a stepparent (child of the spouse and another biological parent) with the status of migrant worker can claim cross-border social advantages granted to the children of migrant workers: in the matter of Union citizenship, children are defined by Directive 2004/38 as "the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner";
- 31.05.2016, C-157/15, *Achbita*, on the prohibition of discrimination and on religious and ideological neutrality, by reason of the choice of the employer not to allow the use of headscarves in his company;
- 10.05.2016, C-182/15, *Petruhhin*, on the protection of a citizen of a Member State, in the event of extradition to a third-Country;

and for the **General Court** the decision:

- 10.05.2016, T-529/13, *Izsák and Dabis / Commission*, on the proposal of European citizens' initiative to promote the development of geographical areas populated by national minorities.

For the **European Court of Human Rights** we would like to highlight the judgments:

- 30.06.2016, *Duceau v. France* (n. 29151/11), according to which the inadmissibility of the appeal, on the ground that the applicant failed the formalities for appointing his new lawyer, violated the applicant's right of defence;
- 30.06.2016, *Taddeucci and McCall v. Italy* (n. 51362/09), according to which the impossibility for a homosexual couple to obtain a residence permit for family reasons amounted to an unjustified discrimination and violation of the right to private and family life;
- 28.06.2016, *Halime Kiliç v. Turkey* (n. 63034/11), according to which the Turkish authorities failed to protect the life of a woman from her husband's death threats;
- 23.06.2016, *Baka v. Hungary* (n. 20261/12), on the premature termination of the Supreme Court President's mandate as a result of views expressed publicly in his professional capacity, which was deemed in breach of the Convention;
- 21.06.2016, Grand Chamber judgment, *Al-Dulimi and Montana Management Inc. v. Switzerland* (n. 5809/08), according to which the Swiss authorities should have ascertained that the inclusion of a person's name on the list drawn up by the UN under a sanctions regime (pursuant to Resolution 1483 of 2003 of the UN Security Council on sanctions against the old Iraqi regime) was not arbitrary;
- 21.06.2016, *Ramos Nunes de Carvalho and Sá v. Portugal* (n. 55391/13, 57728/13 and 74041/13) and *Tato Marinho Dos Santos Costa Alves Dos Santos and Figueiredo v. Portugal* (n. 9023/13 and 78077/13), on the inadequate review by the Supreme Court of Justice of disciplinary decisions of the High Council of the Judicial, concerning the respect for the right to fair trial;
- 21.06.2016, *Tchankotadze v. Georgia* (n. 15256/05), on the criminal conviction of Georgia's aviation agency's former chairman, deemed not to be founded on sufficient reasons;
- 21.06.2016, *Oleynik v. Russia* (n. 23559/07), on the violation of the right to freedom, the prohibition of inhuman and degrading treatments and the violation of the respect for private life, in relation to the unacknowledged detention and ill-treatment of a police officer, who was suspected of soliciting a bribe from an individual, following the unlawful registration of their conversation;
- 16.06.2016, *Versini-Campinchi and Crasnianski v. France* (n. 49176/11), according to which the transcription of telephone conversations between a lawyer and her client, giving rise to the presumption that the lawyer had participated in an offence, did not violate the Convention;
- 14.06.2016, *Merabishvili v. Georgia* (n. 72508/13), on the pre-trial detention of a former Prime Minister of Georgia, deemed lawful and based on reasonable grounds, but which was also used as a means to exert pressure on him;
- 14.06.2016, *Biržietis v. Lithuania* (n. 49304/09), on the unjustified absolute prohibition to grow a beard during detention;
- 9.06.2016, *Chapin and Charpentier v. France* (n. 40183/07), according to which the prohibition of same-sex marriages, according to French law before the law of 17 May 2013, was not in breach of the Convention;
- 9.06.2016, *Popovi v. Bulgaria* (n. 39651/11), on the arrest, which received an extensive media coverage, of the Bulgarian former secretary general of the Ministry of Finance, which resulted in multiple violations of the rights provided for by the Convention (articles 3, 6§2, 8 and 13);
- 9.06.2016, *Sismanidis and Sitaridis v. Greece* (n. 66602/09 and 71879/12), on the violation of the right not to be tried twice for the same offence and the breach of the right to the presumption of innocence;
- 9.06.2016, *Pilav v. Bosnia-Herzegovina* (n. 41939/07), on the exclusion of a Bosnian politician, living in the Serb Republic of Bosnia and Herzegovina, from the election to the presidency of Bosnia and Herzegovina, which was deemed discriminatory;
- 9.06.2016, *Madaus v. Germany* (n. 44164/14), on the unfairness of the procedure, following the cancellation, by the German court, of the hearing of a trial concerning expropriation measures;
- 7.06.2016, *Karabeyoğlu v. Turkey* (n. 30083/10), on the unlawful use of information obtained in a telephone surveillance operation during a disciplinary investigation on the public prosecutor;

- 7.06.2016, *Enver Aydemir v. Turkey* (n. 26012/11), on inhuman treatments suffered by a person, who refused to perform compulsory military service, because of religious beliefs;
- 2.06.2016, *Yunusova and Yunusov v. Azerbaijan* (n. 59620/14), on the inadequate medical care for serious health problems provided to Azerbaijani human rights defenders during their detention;
- 31.05.2016, *Mergen and others v. Turkey* (n. 44062/09, 55832/09, 55834/09, 55841/09 and 55844/09) and *Ayşe Yüksel and others v. Turkey* (n. 55835/09, 55836/09 and 55839/09), on the arbitrary detention of the applicants, who were suspected of belonging to a criminal organization;
- 31.05.2016, *A.N. v. Lithuania* (n. 17280/08), on the lack of adequate procedural guarantees in a proceeding for the assessment of the legal capacity of the applicant, who is affected by mental disorders;
- 31.05.2016, *Gankin and others v. Russia* (n. 2430/06), on the fact that the appeal courts failed to verify whether the parties to civil proceedings had been informed in good time about forthcoming appeal hearings;
- 31.05.2016, *Nadtoka v. Russia* (n. 38010/05), according to which the criminal conviction of an editor-in-chief of a newspaper for "insults", amounted to a violation of the right to freedom of expression;
- 31.05.2016, *Beortegui Martinez v. Spain* (n. 36286/14), on the violation of article 3 of the Convention for the lack of an effective investigation on the alleged ill-treatment suffered by the applicant during his arrest and police custody;
- 24.05.2016, Grand Chamber judgment, *Biao v. Denmark* (n. 38590/10), on the requirements for family reunification, which are more favourable to persons who held Danish citizenship for at least 28 years;
- 24.05.2016, *Association for Solidarity with Jehovah's Witnesses and others v. Turkey* (n. 36915/10 and 8606/13), on freedom of religion: according to the Court, the law which prohibited the opening of places of worship on sites not designated for that purpose and imposed certain conditions on the building of places of worship, prevented the small religious community from having a worship place;
- 24.05.2016, *Süleyman Celebi and others v. Turkey* (n. 37273/10), on the disproportionate force used by the police to disperse the demonstration and on the lack of an effective investigation;
- 19.05.2016, *J.N. v. the United Kingdom* (n. 37289/12), on the excessive length of the detention pending expulsion of a foreigner, who refused to sign the disclaimer, which was necessary to obtain the travel documents for his deportation;
- 19.05.2016, *D.L. v. Bulgaria* (n. 7472/14), according to which the placement of the minor in an educational centre, because of her antisocial behaviour and to protect her from the risk of sexual exploitation, did not violate article 5§1 of the Convention; instead, the lack of a regular and automatic judicial review of the lawfulness of her detention and the automatic monitoring of the correspondence and the blanket monitoring of the phone calls violated articles 5§4 and 8 of the Convention;
- 19.05.2016, *Kolonja v. Greece* (n. 49441/12), on the prohibition to return to Greece, where the applicant resided with his family, following the sentence to seven years' imprisonment for purchasing drugs; such measure would definitively separate him from his wife and children, in violation of the right to the respect for private and family life;
- 17.05.2016, Grand Chamber judgment, *Karácsony and others v. Hungary* (n. 42461/13 and 44357/13), on freedom of expression in the event of a deputy fined for showing the billboards during the voting procedure at the Parliament;
- 17.05.2016, *Džinić v. Croatia* (n. 38359/13), on the seizure of the applicant's property in the context of a criminal proceeding, which was not proportionate in the circumstances of the case;
- 10.05.2016, *Topekhin v. Russia* (n. 78774/13), on a paraplegic inmate's detention conditions and the 16-hours transfer to the correctional colony in standard train carriages without any special equipment.

For the **extra-European area** we have included:

- the decision of the Supreme Court of the United States of 27.06.2016, case *Whole Woman's Health v. Hellerstedt*, which, reversing the decision of the Court of Appeal of 9 June 2015 and reaffirming the previous decision of the District Court, stated the constitutional illegitimacy of certain norms of Texan law on abortion (Texas' House Bill 2), since they provided unjustified obstacles to the right to abortion; the decision of 31.05.2016, case *Lamondre Tucker v. Louisiana*, which rejects the claim to pronounce itself on the constitutional legitimacy of the death penalty, according to the Eighth and Fourteenth Amendment to the United States' Constitution; and the decision of 19.05.2016, case *Betterman v. Montana*, which established that the right to a reasonable time of the proceeding, pursuant to the Sixth Amendment's Speedy Trial Clause, does not apply to the phase following the sentence and, therefore, between the decision and the determination of the sanction;
- the decision of the Trial Chamber III of the International Criminal Court of 21.06.2016, which established the sanction in the case *The Prosecutor vs Jean-Pierre Bemba Gombo*, after the sentence had been issued on 21 March 2016: the Court sentenced the accused, former President of the *Mouvement de Libération du Congo* ("MLC") and Commander-in-Chief of the *Armée de Libération du Congo* ("ALC"), to 18 years' imprisonment for crimes against humanity and war crimes committed between 26 October 2002 and 15 March 2003 in the Central African Republic;
- the decision of the United States Court of Appeals for the District of Columbia Circuit of 14.06.2016, which rejected the claim lodged against the order of the Federal Communication Commission of 26 February 2015 ("2015 Open Internet Order"), which introduced new rules in the matter of access to the internet and net-neutrality;
- the decision of the Circuit Court of the State of Oregon for the County of Multnomah of 10.06.2016, which formally recognized a third sexual gender, ordering the amendment of the claimant's gender from female to non-binary;
- the decision of the Tribunal Oral en lo Criminal Federal 1 (Argentina) of 27.05.2016, which sentenced 15 persons, among which the former Argentinean President Reynaldo Benito Antonio Bignone, to sanctions between 8 and 25 years' imprisonment, for the crime of unlawful association within the so-called "*Piano Condor*";
- the decision of the Supreme Court of Iowa of 27.05.2016, which stated the constitutional illegitimacy of the sanction to life imprisonment with no possibility of parole imposed to minors, who have committed homicide;
- the decision of the Constitutional Court of Colombia of 28.04.2016, which approved civil same-sex marriages, extending the effects of the decision from 20 June 2013.

As far as **case law of national courts** is concerned, the following decisions must be highlighted:

- **Belgium:** the decision of the Cour constitutionnelle n. 89/2016 of 09.06.2016, on consumers' protection in the insurance field, which recalls European law; the decision n. 82/2016 of 02.06.2016, which states the constitutional legitimacy of article 51 of the law of 17 July 1963 on *sécurité sociale d'outre-mer*, in the light of the jurisprudence of the Court of Strasbourg; the decision n. 72/2016 of 25.05.2016, which rejects the claim lodged against articles 2 and 3 of the law of 22 May 2014, on the fight against sexism and discrimination between men and women, for the alleged violation of the principle of legality and the right to freedom of expression, applying the norms of the ECHR and the jurisprudence of the Court of Strasbourg; and the decision n. 66/2016 of 11.05.2016, which, in the light of the jurisprudence of the Court of Strasbourg, quashes article 8 of the law of 29 May 1959 on teaching, where it did not allow parents to obtain, with a mere non motivated request, the possibility to exempt their children from religion classes or non confessional moral classes;
- **Bosnia and Herzegovina:** the decision of the Ustavni sud (Constitutional Court) of 06.04.2016, which stated the constitutional legitimacy of article 119(3) of Law on Police Officials of Bosnia and Herzegovina, concerning the contributory seniority of police officers, also recalling the ECHR and the jurisprudence of the Court of Strasbourg;

- **France:** the decision of the *Cour de cassation* n. 539/2016 of 25.5.2016, which examines the jurisprudence and supra-national norms in the matter of measures applicable to clandestine immigrants, according to the Schengen Treaty; the decision n. 712/2016 of 25.05.2016, which, with regard to the execution in France of a divorce decree issued in Great Britain, examines the clause of violation of public order and EU law; and the decision n. 776/2016 of 19.5.2016 which, in the matter of insurance contracts, assesses the compatibility of certain national norms in the light of consumers' rights, as provided for by supra-national directives;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Court) of 21.6.2016, on the legitimacy of OMT (outright monetary transactions) of the ECB, which recalls the decision of the Court of Justice issued after the preliminary referral; the decision of 31.5.2016, in the matter of balance between copyright and artistic freedom, in the light of EU law; the decision of 3.5.2016, on the rights of parliamentary minorities with regard to the European Stability Mechanism (ESM); and the decision of 19.4.2016, in the matter of DNA test, requested by the daughter for her father, and protection of the father's family life, according to article 8 of the ECHR; the referring order of the *Verwaltungsgericht Baden Württemberg* (Administrative Court of Baden Württemberg) of 27.4.2016, on Directive 2004/38/EC on freedom of movement and residence in the European Union; and the decision of 2.3.2016, on the expulsion towards Turkey of an alleged PKK member; and the decision of the *Amtsgericht Kehl* (Court of Kehl) of 22.4.2016, in the matter of cross-border investigations in the Schengen area;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 22.06.2016, in which the Court states the lack of its jurisdiction on the appeal concerning the High Court's refusal to apply a custodial order issued by a Court of Bucharest, since, pursuant to the Brussels Regulation, every Member State of the EU decides which review procedures to adopt and Great Britain's legal system does not provide for an appeal before the Supreme Court; another decision of 22.06.2016, in which the English court refers to the Court of Justice the question of a Sri Lankan asylum seeker, who may commit suicide in the event of repatriation, as highlighted by the medical report and following the tortures suffered in his Country of origin: the Court, not finding guidelines in the ECHR jurisprudence in such matter, asked the Court of Justice to pronounce itself, explaining whether Directive 2004/83/EC provides for a subsidiary protection even in such cases; another decision of 22.06.2016, in which the Court rejects the appeal lodged by a worker, who complained for racial discrimination, since the discrimination he suffered was based on his status of migrant and not his nationality or race and such status was not included among the cases of the Equality Act, nor the jurisprudence on article 14 of the ECHR could give a different answer; the decision of 15.06.2016, on the direct effectiveness of article 8 of the ECHR on private contracts; and the decision of 19.05.2016, with which the Court admits the appeal against the decision of the Court of Appeal, establishing that between private life (article 8 of the ECHR) and freedom of expression of the media does not exist a hierarchic relation of subordination in favour of the second, and the courts must judge case by case; the decision of the *England and Wales Court of Appeal* of 10.05.2016, on the effects, including the possible compensation, of the order (then removed by the Supreme Court) of the Treasury not to work with a bank, which financed the Iranian missile and nuclear production, in the light of the right to property; the decision of the *England and Wales High Court* of 20.05.2016, in the matter of surrogated maternity, right to family life and prohibition of discrimination; and the decision of 27.04.2016, on the compatibility of the refusal to hold a conference for public security reasons with the right to freedom of expression and assembly; the decision of the *England and Wales Court of Protection* of 25.04.2016, in which the Court establishes that the decision of not divulging to the media any information on the identity and the case sheet of a patient, who tried to commit suicide during her hospitalization, may be confirmed also after the death of the patient, if so asked by the relatives; and the decision of the *Outer House of the Court of Session* of 20.05.2016, which finds discriminatory on grounds of age the norm excluding from the access to loans for students those who are over 55:

the Court held that Scottish authorities violated the public sector equality duty, not having assessed the discriminatory effects of such norm;

- **Ireland:** the decision of the *Supreme Court* of 12.05.2016, on the analysis of the compatibility of the norms on life imprisonment in Great Britain with the Irish legal system, in relation to the execution of a European arrest warrant, which recalls the norms of the ECHR and the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision of 28.04.2016, which, with a reference for a preliminary ruling to the Court of Justice on the interpretation of Directive 95/46/EC, asks if an exam can be included in the concept of personal data, as provided for by the said Directive; another decision of 28.04.2016, which rejects the execution of a European arrest warrant, in the light of an abuse of process, recalling European legislation, including the Charter of Fundamental Rights, the ECHR and the jurisprudence of the Court of Strasbourg; the decision of the *High Court* of 27.04.2016, which states the constitutional legitimacy of section 249(1) of the Social Welfare (Consolidation) Act 2005, where it provides the suspension of pension contributions in the event of detention, applying a rich jurisprudence of the Court of Strasbourg; the decision of 25.04.2016, which rejected the claimant's request to take legal action before the Court of Justice, according to article 267 TFEU, in the event of denial by the High Court of the certificate of appeal, provided for by Section 5(3) of the Illegal Immigrants (Trafficking) Act 2000; the decision of 11.04.2016, in the matter of European arrest warrant, which recalls the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision of 08.04.2016, which applies to the real case the decision of the Court of Justice in the case C-218/14, *Kuldip Singh and others v. Minister for Justice and Equality*, following the reference for a preliminary ruling by the same High Court; and the decision of 18.03.2016, on the request for judicial revision of the decision of the Minister for Social Protection, which denied the claimant, a Rumanian citizen, the unemployment benefit for lack of requirements, in the light of Directive 2004/38/EC and the jurisprudence of the Court of Justice;
- **Italy:** the decision of the *Corte costituzionale* n. 133/2016 of 10.6.2016, which finds legitimate the exclusion of keeping at work university employees beyond the length of service limit and recalls the jurisprudence of the Court of Justice; the decision n. 132/2016 of 10.6.2016, which, in the matter of law of authentic interpretation on penitentiary police overtime pay, finds the law not in breach of article 6 of the ECHR and examines the jurisprudence of the Court of Justice; the decision n. 102/2016 of 12.5.2016, which, in the matter of *ne bis in idem* with regard to sanctions imposed by *Consob*, examines the jurisprudence of the two European Courts and EU law; and the decision n. 95/2016 of 8.5.2016, which, in the matter of right to paid leave, examines EU law and the EU Charter of Rights; the decision of the *Corte di cassazione* n. 12962/2016 of 22.6.2016, on the so-called stepchild adoption, which recalls the jurisprudence of the Court of Strasbourg and the Convention of New York; the decision n. 11508/2016 of 3.6.2016, in the matter of obligation of sufficient reasoning of the decision, in the light of article 6 of the ECHR and article 47 of the EU Charter of Rights; the decision n. 11374/2016 of 31.05.2016, which, in the matter of legitimacy of time contracts with the Italian postal service, deems national law not in contrast with the principles and norms of Directive 1999/70/EC; the order n. 6891/2016 of 8.4.2016, in the matter of limits of *res iudicata* in breach of Union law; and the decision n. 6575/2016 of 5.4.2016, on discriminatory reason as nullity of the dismissal, which recalls the jurisprudence of the Court of Justice; the decision of the *Consiglio di Stato* n. 11/2016 of 09.06.2016, in the matter of limits to national *res iudicata*, in the event of violation of supra-national law, which recalls the jurisprudence of the Court of Justice; the decision of the *Corte di appello di Torino* of 27.5.2016, which finds legitimate the adoption of the partner's children in a homosexual couple; the decision of the *Corte di appello di Milano* of 20.5.2016, which deems discriminatory the exclusion of a woman from a personnel selection to become a hostess on grounds of her refusal to wear a veil, in the light of Directive n. 2000/78/EC; and the order of the *Tribunale di Milano* of 31.03.2016, which grants humanitarian protection to a Gambian national, considering the situation of poverty of the Country of origin, recalling the jurisprudence of the Court of Justice;

- **Latvia:** the decision of the *Satversmes Tiesa* (Constitutional Court) of 23.11.2015, which stated the constitutional illegitimacy of Section 7 of the law on Prevention of Conflict of Interest in Activities of Public Officials, where it did not allow a judge to carry out assistance services for his disabled child, also applying the jurisprudence of the Courts of Strasbourg and Luxembourg; and the decision of 12.11.2015, on the constitutional legitimacy of Section 11(1) of the Judicial Disciplinary Liability Law, where it provides for restrictions to the right to information with regard to disciplinary proceedings against a judge, which recalls the norms of the ECHR and the jurisprudence of the Court of Strasbourg;
- **Portugal:** the decision of the *Tribunal constitucional* n. 265/2016 of 04.05.2016, in the matter of *ne bis in idem*, which recalls the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Spain:** the decision of the *Tribunal constitucional* n. 71/2016 of 14.04.2016, on the prohibition of discrimination between workers with contract of indefinite duration and fixed-term workers, which applies Directive 1999/70/EC, as interpreted by the Court of Justice; and the decision n. 65/2016 of 11.04.2016, on the effects and the application of a sentence issued by the European Court of Human Rights; the decision of the *Tribunal Supremo* of 15.06.2016, which, in the light of the jurisprudence of the Court of Strasbourg, established that the right to honour cannot be applied to public institutions; and the decision of 31.05.2016, in the matter of intellectual property, which recalls European law and the jurisprudence of the Court of Justice.

For what concerns **comments**, we have included the following texts:

Articles:

[Daniela Cardamone](#) "Criminal prevention in Italy. From the "Pica Act" to the "Anti-Mafia Code""

Notes and comments:

[Silvia Albano](#) "Surrogacy between parental responsibility and child's interest"

[Maria Rosaria Marella](#) "Urban area and local government right"

[Jennifer Michelotti](#) "Discrimination and decisive illegitimate reason"

[Giovanni Orlandini](#) "Notes on the proposal for a Directive amending Directive 96/71 on transnational posting of workers"

[Ignazio Patrone](#) "Public Hearing on The European Public Prosecutor's Office (EPPO) and the European Union's Judicial cooperation Unit (EUROJUST)"

[Roberta Rugiu Santoni](#) "National *res iudicata* in breach of EU norms: resistance or pliability?"

Reports:

[Lucia Tria](#) "Isn't hunger enough to find help?"

Documents:

[The Report by the Committee of Privy Counsellors](#) "The Report of the Iraq Inquiry" ("Chilcot Report"), of 6 July 2016

[The Paper by the *Fondazione Basso*](#) "New experiences in investigating and prosecuting the migrants' smuggling: from the national dimension to a European approach", presented at the seminar "Europe's crisis: What future for immigration and asylum law and policy?", held at Queen Mary University of London on 27-28 June 2016

[The Opinion by the Commission of Venice](#) on the Polish law of 15 January 2016, which modifies the Police Act and certain other acts, of 13 June 2016

[The study by *Fondazione Bertelsmann Stiftung*](#) "Long-term Unemployment in the EU: Trends and Policies", of 10 June 2016;

[The conference paper by the International Labour Organization \(ILO\)](#) "The End to Poverty Initiative: The ILO and the 2030 Agenda", of 10 May 2016

[The study by the House of Lords](#) "The Government's policy on the use of drones for targeted killing", of 10 May 2016

[The study by the House of Lords](#) "The UK, the EU and a British Bill of Rights", of 9 May 2016

[The study by Eurofond](#) "Regulation of labour market intermediaries and the role of social partners in preventing trafficking of labour", of 27 April 2016

[Magistrats européens pour la démocratie et les libertés \(MEDEL\)](#) "Statement on the project of Establishment of the European Public Prosecutor's Office (EPPO)", of April 2016