



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 64

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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 third Recommendation of the European Commission of 26.7.2017 regarding the rule of law in Poland, complementary to Commission Recommendations (EU) 2016/1374 and (EU) 2017/146;
- the European Parliament study of 5.7.2017 "*The future cooperation between OLAF and the European Public Prosecutor's Office (EPPO)*";
- the European Parliament study of 22.6.2017 "*The Brexit negotiations: Issues for the first phase*".

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

of the **Committee of Ministers**:

- the Recommendation CM/AS(2017)Rec2097-final of 7.9.2017: reply of the Committee of Ministers to the Parliamentary Assembly Recommendation 2097 (2017), "Attacks against journalists and media freedom in Europe";
- the Resolution CM/ResChS(2017)9 of 5.7.2017 on the complaint n. 111/2014 by the Greek General Confederation of Labour (GSEE) v. Greece;
- the Recommendation CM/Rec(2017)6 of 5.7.2017 of the Committee of Ministers to member States on "special investigation techniques" in relation to serious crimes including acts of terrorism;
- the Resolution CM/ResCMN(2017)5 of 5.7.2017 on the implementation of the Framework Convention for the Protection of National Minorities by Hungary;
- the Resolution CM/ResCMN(2017)4 of 5.7.2017 on the implementation of the Framework Convention for the Protection of National Minorities by Italy.

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

- 6.09.2017, C-643/15 and C-647/15, *Slovakia and Hungary v. Council*, on the provisional mechanism for the mandatory relocation of asylum seekers;
- 10.08.2017, C-271/17 PPU, *Zdziaszek*, and C-270/17 PPU, *Tupikas*, both concerning European arrest warrants issued for the purpose of executing a custodial sentence or a detention order, the notion of a "trial resulting in the decision", and on the rights of the defence;

- 26.07.2017, C-670/16, *Mengesteab*, on the determination of the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national;
- 26.07.2017, C-670/15, *Šalplachta*, on State legal aid in cross-border disputes;
- 26.07.2017, C-646/16, *Jafari*, and C-490/16, *A.S.*, both regarding the determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national, the irregular crossing of an external border, and appeals against a transfer decision;
- 26.07.2017, C-348/16, *Sacko*, on an appeal against a decision refusing an application for international protection and on the possibility for the court to adjudicate without hearing the applicant and on the applicant's rights of the defence;
- 26.07.2017, C-225/16, *Ouhrami*, on the time from which the entry ban for illegally-staying third-country nationals starts to run;
- 26.07.2017, joint cases C-196/16 and C-197/16, *Comune di Corridonia*, on environmental protection and on the possibility of carrying out, a posteriori, an environmental impact assessment of an operational plant for the production of energy from biogas with a view to obtaining a new consent;
- 26.07.2017, C-175/16, *Hälvä and others*, on the applicability of Directive 2003/88/EC, concerning certain aspects of the organization of working time for workers employed as 'relief' parents in the temporary absence of foster parents;
- 26.07.2017, C-79/15 P, *Council v. Hamas*, on the retention of restrictive measures against certain persons and entities;
- 26.07.2017, C-599/14 P, *Council v. LTTE*, on the removal of the Liberation Tigers of Tamil Eelam from the list of persons, groups, and entities involved in terrorist acts and on restrictive measures to freeze funds;
- 20.07.2017, C-416/16, *Piscarreta Ricardo*, on the concepts of "employees" and "transfer of a business" and on the safeguarding of employees' rights;
- 19.07.2017, C-143/16, *Abercrombie & Fitch Italia*, on the compatibility of on-call employment contracts concluded with persons under 25 years of age with the principle of non-discrimination on the basis of age;
- 18.07.2017, C-566/15, *Erzberger*, on the compatibility with EU law of national legislation restricting the right to vote and to stand as a candidate to employees of establishments located in the national territory and on the free movement of workers;
- 18.07.2017, C-213/15 P, *Commission v. Breyer*, on access to Member State documents during court proceedings;

and the opinion:

- 26.07.2017, opinion 1/15, on the agreement between Canada and the European Union on the transfer of passenger name record data (PNR), and its incompatibility with the fundamental rights of the EU;

and for the **General Court** the judgment:

- 20.07.2017, T-619/15, *Badica and Kardiam v. Council*, on the freezing of funds for persons and entities of the Central African Republic.

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

- 5.09.2017, Grand Chamber Judgment, *Bărbulescu v. Romania* (n. 61496/08), on the monitoring of the employee's electronic communications, in violation of the right to the respect for private life and correspondence;
- 5.09.2017, Grand Chamber Judgment, *Fábián v. Hungary* (n. 78117/13), according to which the interruption of the pension of a state official, who continued to work, was not in breach of the Convention;
- 25.07.2017, *Carvalho Pinto de Sousa Morais v. Portugal* (n. 17484/15), on the decision to reduce the compensation awarded to an old person for a medical error: the Court

held that there had been the violation of article 14 (non-discrimination) read together with article 8 (right to the respect for private life) of the Convention;

- 25.07.2017, *M v. the Netherlands* (n. 2156/10), according to which the restriction on the communication between the counsel and the accused on grounds of State secret is in breach of the Convention (article 6 §3 c), whilst the restrictions on the access to the documents by the counsel, for the same reasons, do not amount to violation of the Convention (article 6 §3 b);
- 25.07.2017, *Rostovtsev v. Ukraine* (n. 2728/16), according to which the refusal to authorize the appeal against a sentence, following an unpredictable application of criminal procedural norms, is in breach of the Convention;
- 18.07.2017, *Rooman v. Belgium* (n. 18052/11), on the lack of adequate health treatments in the applicant's mother tongue, who was hospitalized because suffering from psychiatric problems: the Court stated the violation of the Convention;
- 13.07.2017, *Jugheli and others v. Georgia* (n. 38342/05), according to which the activities of a thermal power plant, which was very near to the apartment of some applicants, were potentially dangerous and the State did not protect their family life and their home (article 8 of the Convention);
- 11.07.2017, Grand Chamber Judgment, *Moreira Ferreira v. Portugal* (n. 19867/12), on the refusal by a national jurisdiction to reopen a criminal proceeding following a judgment of the European Court finding the violation of article 6 of the Convention: the Court deemed admissible the application, but held that the Convention was not violated by the rejection of the request of review, because the national authority was competent for the assessment of the facts;
- 11.07.2017, *Oravec v. Croatia* (n. 51249/11), on the decision to extend the order of detention of a suspect, adopted following the prosecutor's appeal, which had not been communicated to him, in violation of article 5§4 of the Convention;
- 11.07.2017, *Dakir v. Belgium* (n. 4619/12) and *Belcacemi and others v. Belgium* (n. 37798/13), on the prohibition to wear in public clothes covering the face, which was not considered in breach of the Convention;
- 20.06.2017, *Terrazzoni v. France* (n. 33242/12), according to which the use, for disciplinary purposes, of a phone conversation is not in breach of the Convention;

and the decisions:

- 7.09.2017, *Dimitras and others v. Greece* (n. 59573/09 and 65211/09), on the prohibition to publish opinion polls on voting intentions for 15 days prior to elections: the application was declared inadmissible;
- 27.06.2017, *Atanasov and Apostolov v. Bulgaria* (n. 65540/16 and 22368/17), on the inadmissibility of complaints concerning the conditions of detention, as a consequence of the introduction of a new national application following the pilot judgment *Neshkov and others*;
- 20.06.2017, *Zaluska, Rogalska and others v. Poland* (n. 53491/10), published on 6.7.2017, on the strike out following the general and individual measures adopted after the pilot judgment *Rutkowski and others* on the length of the proceeding;
- 13.06.2017, *Boudelal v. France* (n. 14894/14), published on 6.7.2017, on the refusal to grant the French nationality to a foreigner, assessing in a discretionary way his loyalty to the State: the Court deemed not applicable to the case article 10 of the Convention on freedom of expression;
- 13.06.2017, *Moohan and Gillon v. the United Kingdom* (n. 22962/15 and 23345/15), published on 6.7.2017, according to which article 3 of the Protocol 1 on the right to free elections is not applicable to the referendum on the independence of Scotland.

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

- the decision of the *Tribunal Regional Federal da Primeira Região* (Brazil) of 29.8.2017, which has ordered the immediate suspension of all administrative acts aimed at extin-

- guishing the *Reserva Nacional do Cobre e Associados* (RENCA), located in the Amazon forest, having particular regard to Decree n° 9.142/2017 whose object was that of allowing the direct exploitation of the national reserve's mineral resources;
- the decision of the *Tribunal Constitucional de Chile* of 28.8.2017, upholding the constitutionality of the draft law that regulates the depenalization of voluntary termination of pregnancy in three cases (*proyecto de ley que "regula la despenalización de la interrupción voluntaria del embarazo en tres causales"*), which recalls the jurisprudence of the Court of Strasbourg;
 - the decision of the *Supreme Court of India* of 24.8.2016, which, making a comparative analysis of international jurisprudence, including that of the Courts of Strasbourg and Luxembourg, has established that the right to privacy is constitutionally protected as an integral part of the right to life and personal freedom under article 21 of the Constitution, and of the liberties guaranteed under Part III of the same;
 - the reparations order of the *International Criminal Court* of 17.8.2017, issued in the case *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, which found the defendant, who was sentenced on 26 September 2016 to nine years' imprisonment as the co-author of war crimes pursuant to article 8(2)(e)(iv) of the Statute of the Court, liable for € 2.7 million in individual and collective reparations to the Timbuktu community;
 - the decision of the *United States Court of Appeals for the Third Circuit* of 4.8.2017, which ruled that the "Contraceptive Mandate" of the *Patient Protection and Affordable Care Act* does not extend to non-religious groups, and that the religious beliefs of an employee are not substantially burdened by a legal requirement that the employer's insurance plan also cover contraceptives;
 - the decision of the *Massachusetts Supreme Judicial Court* of 24.7.2017, which rules that state law does not allow state officials to arrest and detain an individual at the request of federal immigration authorities if based solely on a federal civil immigration detainer (a document indicating the intention on the part of federal authorities to proceed with the civil removal of the person in question);
 - the order of the *United States District Court for the District of Hawai'i* of 13.7.2017, which, interpreting the Supreme Court decision of 26.6.2016 and broadening the scope of the Government's guidelines, excluded from the application of Executive Order n. 13,780 "Protecting the Nation from Foreign Terrorist Entry into the United States" the grandparents, grandchildren, brothers-in-law, sisters-in-law, uncles, aunts, nieces, nephews and cousins of persons in the United States and refugees who have a formal assurance from an agency in the United States or who are in the United States through the Lautenberg Program; with its order of 19.7.2017, the *United States Supreme Court* stayed the order of the District Court of Hawaii, pending resolution of the Government's appeal to the Court of Appeals, exclusively as pertains to refugees with formal assurance;
 - the decision of the *Supreme Court of Pennsylvania* of 20.6.2017, according to which article I, section 27, of the State Constitution ("Environmental Rights Amendment") requires that funds generated from the leasing of state forest and park lands for oil and gas exploration and extraction must be used to conserve and maintain public natural resources;
 - The decision of the Appeals Chamber of the *United Nations Mechanism for International Criminal Tribunals* of 19.6.2017, in the case *Prosecutor v. Augustin Ngirabatware*, which after the liberation of judge Aydin Sefa Akay – who had been arrested and detained in Turkey after the failed coup d'état of July 2016 – granted the defendant's motion for review of the appeal's judgment.

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

- **Belgium:** the judgments of the *Cour constitutionnelle* n. 101/2017 of 26.7.2017, which annulled certain parts of article 114/1 of the Law of 23 July 1926, on the SNCB (National Railway Company of Belgium) and on Belgian railways personnel, as introduced by the Law of 3 August 2016, as concerned its exclusion of "approved",

("agrée") labour unions from participating in the advance notice and consultation procedure in case of social conflict and to participate in social elections, in light of among others, the provisions of the ECHR, the European Social Charter, and the EU Charter of Fundamental Rights, and applying the jurisprudence of the Courts of Strasbourg and Luxembourg and of the European Committee of Social Rights; n. 95/2017 of 13.7.2017, which, recalling the provisions of the ECHR, stated the constitutional illegitimacy of certain articles of the civil code which did not allow adoption for the domestic partner of the legal parent of the minor in case of a relationship between the two that constitutes an absolute and non-dispensable impediment to marriage; and n. 82/2017 of 22.6.2017, which requested a preliminary ruling from the Court of Justice regarding the interpretation of the Espoo and Århus Conventions and of Directives 2011/92/EU and 92/43/EEC, concerning the appeal against article 2 of the Law of 28 June 2015, modifying the law of 31 January 2003 "*sur la sortie progressive de l'énergie nucléaire à des fins de production industrielle d'électricité afin de garantir la sécurité d'approvisionnement sur le plan énergétique*", as concerns the 10-year extension on the de-activation and termination of industrial electricity production for the "Doel 1" and "Doel 2" nuclear power plants;

- **Bosnia and Herzegovina:** the judgment of the *Ustavni sud* (Constitutional Court) of 6.7.2017, which stated the constitutional illegitimacy of article 114(3) of the *Law on Police Officials of Bosnia and Herzegovina*, on the duration of internal and disciplinary procedures against police officers and its incompatibility with article 6 ECHR, recalling the jurisprudence of the Court of Strasbourg; another judgment of 6.7.2017, which established that the draft law of 28 April 2017 modifying the electoral law does not violate the vital interests of the Bosnian people, also applying the relevant precedents of the Court of Strasbourg; yet another judgment of 6.7.2017, according to which articles 1, 2 and 3 of the Law Declaring November 25 as Statehood Day are compatible with the Constitution's provisions in terms of non-discrimination, with the International Convention on the Elimination of All Forms of Racial Discrimination, and with article 1 of Protocol n. 12 of the ECHR; and the judgment of 1.6.2017 on the constitutional legitimacy of several articles of the penal code in light of articles 6, 8, and 13 of the ECHR and on the jurisprudence of the Court of Strasbourg;
- **Estonia:** the judgment of the *Vabariigi Riigikohus* (Supreme Court) of 27.6.2017, on the protection of the right to family life in favour of a homosexual couple married abroad with regards to the granting of provisional legal protection – in this case, granting a temporary residency permit to one of the appellants – for the duration of the administrative procedure regarding the application for a residency permit in the State, which recalls the jurisprudence of the Court of Strasbourg;
- **France:** the preliminary referral order of the *Cour de cassation* of 12.7.2017, regarding certain provisions of the "Returns Directive" and the legitimacy of arresting illegal migrants; the judgments of the *Conseil d'État* of 31.7.2017, which, also recalling the ECHR, rejected the appeal of the Municipality of Calais and the Ministry of the Interior against the order of the Administrative Tribunal of Lille of 26 June 2017 which prescribed the adoption of specific measures in favour of the migrants present in Calais; and of 19.7.2017, which examined the case of a request to suspend treatment (artificial feeding and hydration) that had not been decided upon due to a dispute between family member: the case is currently pending before the Court of Strasbourg;
- **Germany:** the judgment of the *Oberlandesgericht Karlsruhe* (Court of Appeals of Karlsruhe) of 29.6.2017, which denied the arrest and extradition of a presumed PKK member to Turkey on the basis of article 3 ECHR; the judgments of the *Verwaltungsgerichtshof Baden-Württemberg* (Administrative Tribunal of Baden-Württemberg) of 29.5.2017, which examines a rejected appeal against the expulsion of an asylum seeker, recalling article 3 ECHR and the decision *Paposhvili v. Belgium* of the Court of Strasbourg; of 22.5.2017, which examines the case of an unaccompanied migrant minor, recalling the principles under articles 6.1 and 8 of the ECHR; and of 17.5.2017, which deals with the case of a residency permit that was obtained fraudulently and recalls article 8 ECHR;
- **Great Britain:** the rulings of the *United Kingdom Supreme Court* of 26.7.2017, in which the Court ruled that fees to lodge claims with the employment tribunal are

incompatible with the right to proper access to justice; of 19.7.2017, on the balance between the right to privacy and freedom of information; and of 12.7.2017, in which the Court declares incompatible with EU norms on equal treatment the different pension rights (pursuant to paragraph 18, *Schedule 9, Equality Act 2010*) given to homosexual citizens in light of the fact that until 2013 they were only eligible for civil partnerships and not marriage; the judgment of the *Court of Appeal in Northern Ireland* of 29.6.2017, concerning the rigid Irish legislation on the termination of pregnancy and its compatibility with ECHR norms, in light of the recent rulings of the European Court; the judgment of the *England and Wales High Court* of 27.7.2017, concerning the compatibility of the guidelines adopted by the government to prevent the radicalization of university students on the part of extremists (*Prevent Duty Guidance*) and the right to privacy of suspects; and of 10.7.2017, in which the Court deemed that there is not sufficient evidence to prove that the sale of arm to Saudi Arabia contrasts with the obligation that U.K. authorities have to deny the license to sell arms whenever there is "a clear risk that arms may be used to break international humanitarian laws"; and the judgment of the *England and Wales Family Court* of 30.1.2017, which upheld a transgender father's right to appeal a decision by the Court of First Instance, which had rejected the father's appeal to have direct contact with his children, who live with their mother in an Ultra-Orthodox Jewish community;

- **Ireland:** the judgments of the *Supreme Court* of 27.7.2017, regarding the request to lift a deportation order against an Algerian citizen convicted of terrorism in his home country, in light of the risk of him being subjected to treatments contrary to article 3 ECHR, applying the relevant jurisprudence of the Court of Strasbourg; of 19.7.2017, on the interpretation of article 15 of Council Regulation (EC) n. 2201/2003 ("Brussels II Regulation") concerning the "transfer of jurisdiction to a court better placed to hear the case" in light of the Court of Justice's ruling in the *Child and Family Agency v. J. D.* case, as a result of a preliminary ruling by the Supreme Court itself in the case at hand; of 13.7.2017, concerning a Member State's liability arising from its erroneous application of EU law pursuant to the "*Francovich doctrine*" in the case of *Ogieriakhi v. Minister for Justice and Equality*; of 3.7.2017, which rejected an appellant's request to review the decision issued by the Supreme Court itself concerning his being turned over to United Kingdom authorities in light of the United Kingdom's expected withdrawal from the European arrest warrant mechanism following *Brexit*; and of 22.5.2017, concerning the European arrest warrant, which makes a reference for a preliminary ruling to the Court of Justice; the judgments of the *Court of Appeal* of 19.7.2017, which makes a reference for a preliminary ruling to the Court of Justice regarding the interpretation of article 7(3)(c) of Directive 2004/38/EC concerning access to social security benefits on the part of a citizen of the EU in duly recorded involuntary employment after completing a two-week employment contract; and of 14.6.2017, which rejects an appeal based on the presumed violation of the dispositions of Council Regulation (EU) n. 604/2013 ("Dublin III Regulation") in determining the Member State responsible for examining the request for international protection filed by the appellants, applying the jurisprudence of the Court of Justice; the judgments of the *High Court* of 17.7.2017, which rejected an appeal based on the presumed incompatibility between the dispositions of Council Regulation (EU) n. 604/2013 ("Dublin III Regulation") and those of the 1951 Geneva Convention on the status of refugees; of 15.6.2017, which rejected the defendant's appeal against the execution of two arrest warrants issued by the Polish authorities, also recalling the jurisprudence of the Court of Justice; and of the 3.4.2017, on the non-violation of articles 3 and 8 ECHR in the execution of a European arrest warrant, which recalls the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Italy:** the judgment of the *Corte costituzionale* (Constitutional Court) n. 166/2017 of 12.7.2017, which examines the case of the so-called "Swiss pensions" in light of the ruling *Maggio and Stefanetti* of the Court of Strasbourg: while excluding the unconstitutionality of Italian laws regarding pensions for Italian workers in Switzerland, it encouraged a revision of existing legislation for the purposes of social equity; the judgments of the *Corte di cassazione* n. 16601/2017 of 5.7.2017, which deemed that the institution of so-called "punitive damages" is compatible with the Italian legal

system through the recognition of foreign rulings that apply it, also in light of the approach of the two European courts; and n. 29165/2017 of 12.6.2017, which in case of a reclassification of an alleged offence *contra reum* with a re-evaluation of eyewitness testimony, considers the necessity of renewing the hearings, in light of the Court of Strasbourg's jurisprudence regarding article 6 ECHR; the judgment of the *Tribunale di Bari* of 31.7.2017, which partly accepts the demand for damages caused to the citizens of Bari in light of the municipal administration's tolerance for an Immigration Removal Centre (CIE - *Centro identificazione ed espulsione*) that violated the dignity of its residents; the ordinance of the *Tribunale di Roma* of 26.7.2017, which calls into question the constitutionality of the provisions contained in the so-called "Jobs act" that limit indemnity for damages resulting in termination of employment for economic reasons deemed illegitimate, also referring to article 30 of the EU Charter of Fundamental Rights, article 24 of the European Social Charter, and recalling various rulings on this issue on the part of the European Economic and Social Committee; and the order of the *Tribunale di Genova* of 27.6.2017, which ruled that the practice adopted by municipalities who request health certificates only from individuals coming from Africa is discriminatory, having regard also to article 18 TFEU and article 14 ECHR and recalling the jurisprudence of the Court of Justice;

- **Luxembourg:** the judgment of the *Cour de cassation* of 15.6.2017, in the matter of family benefits pursuant to Regulation (EC) n. 883/2004 and concerning the coordination of social security systems, which recalls the jurisprudence of the Court of Justice;
- **Portugal:** the judgment of the *Tribunal Constitucional* n. 420/2017 of 13.7.2017, which confirms the constitutional legitimacy of article 6 – in combination with article 4 – of law 32/2008 on the retention of data generated or processed in the provision of electronic communications services, and transposing Directive 2006/24/EC (voided by the ruling *Digital Rights Ireland Ltd and Kärntner Landesregierung*), in light of the provisions of the ECHR and of the EU Charter of Fundamental Rights and the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Slovenia:** the judgment of the *Ustavno Sodišče* (Constitutional Court) of 14.12.2016, on the relationship between freedom of expression and the right to have one's honour and reputation protected, which applies extensive jurisprudence from the Court of Strasbourg;
- **Spain:** the judgments of the *Tribunal Constitucional* n. 89/2017 of 4.7.2017, which rejects the challenge against the constitutionality of article 18 of Law 20/2010 of the Parliament of Catalonia, which aims to regulate the distribution of films in the Catalan language, also recalling the EU law and the jurisprudence of the Court of Justice; n. 86/2017 of 4.7.2017 and n. 78/2017 of 22.6.2017, on the constitutional legitimacy of several articles of law 22/2005 on audio-visual communications in Catalonia, which recall the relevant EU legislation; and n. 75/2017 of 19.6.2017, which recognizes a violation of the right to effective legal protection due to the court of first instance's failure to apply European law provisions (particularly directive 93/13/EC) relevant for the settlement of the dispute; the judgments of the *Tribunal Supremo* of 20.7.2017, on the revision of an acquittal, in light of the jurisprudence of the Court of Strasbourg; and of 18.7.2017, which states the applicability of article 7 of Royal Decree 240/2007, transposing Directive 2004/38/EC, also to the reunification of non-EU family members of Spanish citizens residing in Spain;
- **The Netherlands:** the judgment of the *Hoge Raad* (Supreme Court) of 12.5.2017, regarding the free movement of workers and social security, which makes a reference for a preliminary ruling to the Court of Justice concerning the interpretation of article 45 of the Treaty on the Functioning of the European Union.

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

Articles:

[Michele De Luca](#) *"Condizionalità eurounitaria per il divieto di conversione, nel pubblico impiego, previsto dall'ordinamento italiano: la parola alla Corte di giustizia"*

[Elena Falletti](#) *"Could wearable technology transform the traditional concept of habeas corpus?"*

[Steffen Lehndorff, Heiner Dribbusch e Thorsten Schulten](#) *"Rough waters European trade unions in a time of crises"*

[Lucia Tria](#) *"Brevi osservazioni sui c.d. "danni punitivi" e sulla loro compatibilità con l'ordine pubblico italiano"*

Notes and comments:

[Francesco Buffa](#) *"La Cedu e la Diaz 2.0"*

[Francesco Buffa](#) *"La partecipazione degli stranieri extracomunitari regolari al concorso pubblico per assistente giudiziario"*

[Fabio Cassibba](#) *"Il "trattenimento" del migrante irregolare nei "punti di crisi" ex art. 10-ter d.lgs. n. 286 del 1998 nel prisma della convenzione europea"*

[Elena Falletti](#) *"Dopo la Corte di Strasburgo, seconda decisione del Conseil d'État sulla sospensione ai trattamenti vitali di Vincent Lambert"*

[Sergio Galleano](#) *"Cassazione 11166/2017: la Corte fa il punto (euro unitario) sulle azioni discriminatorie nei confronti dello straniero"*

Reports:

Proceedings of the Conference "The Implementation of EU Law in Member States". Libera Università di Bolzano/Bozen, 27-28 April 2017 (We thank the Osservatorio sulle Fonti for providing this document):

[Paolo Caretti](#) *"Introduzione"*

[Giovanna De Minico](#) *"La risposta europea al terrorismo del tempo ordinario: il lawmaker e il giudice"*

[Monica Rosini](#) *"L'attuazione del diritto dell'Unione europea nel più recente periodo: legge di delegazione europea e legge europea alla luce della prassi applicativa"*

[Marta Tomasi](#) *"Potere sostitutivo e diritto di rivalsa: interazioni, modulazioni e limiti. Alla ricerca dell'effettività"*

[Franck Laffaille](#) *"L'ordre constitutionnel français et l'ordre constitutionnel UE. Guerre des constitutions, guerre des juges ?"*

[Patricia Popelier](#) *"The implementation of EU law in Belgium"*

[Marta Bertel](#) *"The Implementation of EU Law in the Austrian Legal System"*

Documents:

[The Annual Report of the SPRAR](#) (*Sistema di Protezione per Richiedenti Asilo e Rifugiati* – Protection System for Asylum Seekers and Refugees) for 2016, of 27 June 2017

[The Report of the European Foundation for the Improvement of Living and Working Conditions \(Eurofond\)](#) "Occupational change and wage inequality: European Jobs Monitor 2017", of 26 June 2017