



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 71

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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 European Parliament study of 11.10.2018 "The right to respect for private life: digital challenges, a comparative-law perspective — Italy";
- the European Parliament study of 4.10.2018 "The right to respect for private life: digital challenges, a comparative-law perspective — European Union".

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

of the **Parliamentary Assembly**:

- the Resolution 2245 and the Recommendation 2142 of 12.10.2018 "Deal-making in criminal proceedings: the need for minimum standards for trial waiver systems";
- the Resolution 2244 of 11.10.2018 "Migration from a gender perspective: empowering women as key actors for integration";
- the Resolution 2243 and the Recommendation 2141 of 11.10.2018 "Family reunification of refugees and migrants in the Council of Europe member States";
- the Resolution 2242 of 11.10.2018 "The role of national parliaments in successful decentralisation processes";
- the Resolution 2241 of 11.10.2018 "Nuclear safety and security in Europe";
- the Resolution 2240 of 10.10.2018 "Unlimited access to member States, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies";
- the Resolution 2239 of 10.10.2018 "Private and family life: achieving equality regardless of sexual orientation";

of the **Committee of Ministers**:

- the Recommendation CM/Rec(2018)8 of 3.10.2018 "Recommendation of the Committee of Ministers to member States concerning restorative justice in criminal matters".

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

6.11.2018, C-619/16, Kreuziger, and C-684/16, Max-Planck-Gesellschaft zur Förderung der Wissenschaften, both on the right to paid annual leave;

- 6.11.2018, joined cases C-569/16 and C-570/16, *Bauer e Broßonn*, on the right to an allowance in lieu of leave which is not taken passed on by inheritance to deceased worker's heirs;
- 25.10.2018, C-331/17, *Sciotto*, on measures to prevent the misuse of successive fixed-term employment contracts or relationships in the sector of activity of operatic and orchestral foundations;
 - 24.10.2018, C-602/17, *Sauvage and Lejeune*, on freedom of movement for workers and on income received in a Member State other than the Member State of residence;
 - 24.10.2018, C-234/17, *XC and others*, on national legislation laying down a remedy allowing criminal proceedings to be reheard in the event of infringement of the European Convention for the Protection of Human Rights and Fundamental Freedoms, while there is no obligation to extend that procedure to cases of alleged infringement of EU law;
 - 18.10.2018, C-149/17, *Bastei Lübbe*, on internet connections and the violation of copyright;
 - 4.10.2018, C-12/17, *Dicu*, on parental leave and the calculation of the amount of time of paid annual leave;
 - 2.10.2018, C-207/16, *Ministerio Fiscal*, on the access of national authorities to data processed in connection with the provision of electronic communications services in the event of not particularly serious crimes;
 - 26.09.2018, C-175/17, *X*, and C-180/17, *X and Y*, both on the decision of rejecting an application for international protection and on the suspensory effect of the decision of repatriation in the event of serious risk of violation of the principle of non-refoulement;
 - 20.09.2018, C-51/17, *OTP Bank and OTP Faktoring*, on consumer protection in the event of a not fully intelligible clause, which leaves the exchange rate risk with consumers;
 - 20.09.2018, C-448/17, *EOS KSI Slovensko*, on the obligation to draft terms in plain intelligible language, on the possibility for a consumer protection association to intervene in the proceedings for consumers' protection, on consumers' protection;
 - 20.09.2018, C-466/17, *Chiara Motter*, on the account taken only in part of periods of service completed under fixed-term contracts of secondary school teachers and on social policy;
 - 19.09.2018, C-41/17, *González Castro*, on the protection of the safety and health of pregnant workers and workers who have recently given birth or who are breastfeeding, who work shifts performed in part at night;
 - 19.09.2018, joined cases C-325/18 PPU and C-375/18 PPU, *C.E. and N.E.*, on the enforcement of decision in matters of parental responsibility and on the parents' right to an effective remedy;
 - 19.09.2018, C-310/18 PPU, *Emil Milev*, on pre-trial detention based on suspicions or references to guilt and on the presumption of innocence;
 - 19.09.2018, C-312/17, *Surjit Singh Bedi*, on the collective agreement on social security and the prohibition of any kind of discrimination on grounds of disability;
 - 19.09.2018, C-327/18 PPU, *RO*, on the consequences of United Kingdom's withdrawal from the EU in the event of a European arrest warrant;
 - 13.09.2018, C-369/17, *Shajin Ahmed*, on the exclusion from subsidiary protection status in the event of conviction for a serious crime;
 - 11.09.2018, C-68/17, *IR*, on the dismissal of a doctor by a catholic hospital and discrimination on grounds of religion.

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

- 30.10.2018, *Kaboğlu and Oran v. Turkey* (n. 1759/08, 50766/10 and 50782/10), on the violation of the right to the respect for the private life of two professors, victims of articles expressing threats and hatred;
- 30.10.2018, *Kurşun v. Turkey* (n. 22677/10), on the violation of the right to a fair trial for not having examined the applicant's claims for compensation following an oil explosion which damaged his property;

- 30.10.2018, *Gestur Jónsson and Ragnar Halldór Hall v. Iceland* (n. 68273/14), on the conviction of lawyers for having offended the judicial authorities, deemed not in breach of the Convention;
- 25.10.2018, *E.S. v. Austria* (n. 38450/12), on the conviction of a person who, during a conference on Islam, accused Mohammed of paedophilia, which was not deemed a violation of the right to expression;
- 25.10.2018, *Provenzano v. Italy* (n. 55080/13), according to which keeping a prisoner in a special detention regime (such as the one provided for by article 41 *bis* of the Italian penitentiary code), characterized by severe limitations, even though the person is in serious health conditions which compromise his cognitive functions, is in contrast with article 3 of the Convention: the Court found that in this specific case there had not been an assessment of the deterioration of the health conditions of the prisoner;
- 23.10.2018, *Assem Hassan Ali v. Denmark* (n. 25593/14), on the non-violation of the right to private and family life in the case of the applicant, expelled following a serious conviction for the violation of the law on drugs;
- 23.10.2018, *Arrozpide Sarasola and others v. Spain* (n. 65101/16, 73789/16 and 73902/16), according to which the Spanish authorities did not violate the Convention, refusing the aggregation of sentences served in France by some members of ETA;
- 23.10.2018, *Guerni v. Belgium* (n. 19291/07), on equity of the criminal proceeding against the applicant following the investigations carried out with an undercover police agent;
- 18.10.2018, Grand Chamber judgment, *S., V. and A. v. Denmark* (n. 35553/12, 36678/12 and 36711/12), on the legitimacy of a brief precautionary detention of hooligans during a football match: according to the Court, the National judges decided for a correct balance between the applicants' rights and the protection of public order;
- 18.10.2018, *Levakovic v. Denmark* (n. 7841/14), on the legitimacy of the expulsion of the applicant;
- 16.10.2018, *Dainelienė v. Lithuania* (n. 23532/14), according to which the Supreme Court's impartiality had been compromised, because the son of the judge presiding over the panel which had decided not to examine the applicant's appeal on points of law had been the prosecutor in earlier embezzlement proceedings against her, with consequent violation of the right to a fair trial;
- 16.10.2018, *Lingurar and others v. Romania* (n. 5886/15), on the excessive and unjustified use of force during a police operation in a Roma community and on the inadequacy of the investigations: the Court held the violation of articles 2 and 14 of the Convention;
- 16.10.2018, *Zhidov and others v. Russia* (n. 54490/10, 1153/14, 2680/14 and 31636/14), on the violation of the right to property following the negligence of the authorities, according to which the applicants' houses near the gas viaduct were "illegal buildings";
- 16.10.2018, *Könyv-Tár Kft and others v. Hungary* (n. 21623/13), on the violation of the right to property of the applicant companies, because of the State monopoly in the schoolbook distribution market;
- 11.10.2018, *Osmanyán and Amiraghyan v. Armenia* (n. 71306/11), on the expropriation of the applicants' property, decided without considering that the land was their main source of income: the Court held the violation of the right to property;
- 11.10.2018, *S.V. v. Italy* (n. 55216/08), on the violation of the right to the private life of a transsexual with feminine traits, who had not been allowed to change his name before undergoing surgery;
- 11.10.2018, *Mazziotti v. France* (n. 65089/13), on the disciplinary measure on a prisoner, which did not amount to an inhuman and degrading treatment;
- 9.10.2018, *Fondation Batkivska Turbota v. Ukraine* (n. 5876/15), on the right to property of a charity foundation with regard to goods purchased in good faith;
- 4.10.2018, *Leotsakos v. Greece* (n. 30958/13), on the violation of the right to the respect for the domicile with regard to searches carried out in the lawyer's office;
- 4.10.2018, *Pojatina v. Croatia* (n. 18568/12), on the lack of an adequate medical assistance for the applicant, when she was giving birth at home: the Court excluded the violation of article 8 of the Convention;

- 2.10.2018, *Bivolaru v. Romania (No. 2)* (n. 66580/12), on the excessive length of a criminal proceeding concerning a case of abuses on minors;
- 2.10.2018, *Mutu and Pechstein v. Switzerland* (n. 40575/10 and 67474/10), on the procedures followed by the Court of Arbitration for sport, which would not have respected the principles of the fair trial with regard to public hearings;
- 27.09.2018, *Brazzi v. Italy* (n. 57278/11), on the lack of an effective legal oversight during the search of the applicant's house: the Court found the violation of the right to the respect for private life and the right to an effective remedy;
- 25.09.2018, *Denisov v. Ukraine* (n. 76639/11), on the removal of a judge from the post of president of the court of appeal owing to managerial inefficiency: the Court found the violation of the right to a fair trial because the High Council of Justice had not been sufficiently independent and impartial and the Higher Administrative Court had not been able to remedy the defects of the first set of proceedings;
- 20.09.2018, *Mushegh Saghatelyan v. Armenia* (n. 23086/08), on the detention and conviction of an opposition activist and the dispersal of a pacific protest, which lead to several violations of the Convention (violation of the right to personal freedom and freedom of assembly, inhuman and degrading treatments, lack of a prompt and fair judicial review);
- 20.09.2018, *Solska and Rybicka v. Poland* (n. 30491/17 and 31083/17), on the exhumation, in a criminal proceeding, of the remains of a person killed in a plane crash, without the relatives' consent: the Court found the violation of the right to the respect for family life and that public interest should have been weighed against the applicants' private interest;
- 20.09.2018, *Aliyev v. Azerbaijan* (n. 68762/14 and 71200/14), on the detention of a human rights activist and the search of his home and office in order to punish him and silence him: the Court found several violations of the Convention (right to personal freedom, lack of a proper judicial review of his detention, etc.) and it called on the Government to stop such arrests, detentions and persecutions against persons who criticize the Government, of activists human rights defenders;
- 13.09.2018, *Big Brother Watch and others v. the United Kingdom* (n. 58170/13 and others), according to which, the bulk interception regime which intercepts communications without adequate safeguards on the criteria for the selection of pertinent data and the insufficient protection of journalistic information processed by surveillance regimes, amount to several violations of the Convention;
- 6.09.2018, *Dimitar Yordanov v. Bulgaria* (n. 3401/09), on the illegitimate exposure of the applicant's house to daily detonations in the nearby mine, in violation of the right to property;
- 6.09.2018, *Jansen v. Norway* (n. 2822/16), on the denial of the applicant's right to visit her daughter, who was in a foster family, because of an alleged risk of abduction: the Court found the violation of the right to the respect for private and family life;
- 6.09.2018, *Kantalexis v. Greece (No. 2)* (n. 9321/13), on the legitimacy of the refusal to re-open a criminal proceeding after the decision of the Court of Strasbourg, according to which the Convention does not guarantee the right to the re-opening of the trial;
- 4.09.2018, *Cristian Cătălin Ungureanu v. Romania* (n. 6221/14), on the long-term separation of the father from the child due to the lack of the possibility to obtain the right to visit the son during the divorce proceeding, in violation of the right to the respect for private and family life;
- 4.09.2018, *Yirdem and others v. Turkey* (n. 72781/12), on the death for heart attack following poisoning: the Court deemed there was no violation of the right to life as far the doctors' negligence was concerned, instead there was such violation with regard to the lack of effectiveness of the investigation;

and the decision:

- 27.09.2018, decision of inadmissibility, *Mendy v. France* (n. 71428/12), on the request concerning the death of a man killed by the police, while he was assaulting another

person: according to the Court, the decision of acquittal explained very well why the man had to have recourse to violence in order to prevent an imminent threat.

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

- the decision of the *Corte Suprema de Justicia de la República* (Peru) of 3.10.2018, which quashed the pardon for humanitarian reasons granted on 24 December 2017 to the former President Alberto Fujimori, convicted in 2009 to 25 years' imprisonment for crimes against humanity;
- the order of the *International Court of Justice* of 3.10.2018, case *Islamic Republic of Iran v. United States of America*, which asked the United States, in virtue of the obligations deriving from the Treaty of Amity, Economic Relations and Consular Rights signed by the parties in 1955 and following the measures announced and adopted by the President of the United States from 8 May 2018 with the withdrawal from the Joint Comprehensive Plan of Action ("Iran nuclear deal"), to remove any obstacle to the free exportation towards Iran of goods requested for humanitarian reasons;
- the decision of the Trial Chamber VII of the *International Criminal Court* of 17.9.2018, case *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, which judges against the said persons, accused of crimes against the administration of justice, following the decision to revert the issue by the Chamber of Appeal of 8 March 2018;
- the decision of the *United States Court of Appeals for the Eighth Circuit* of 10.9.2018, which reversed the decision of the district court, with which the said court had blocked the execution of certain norms of the State of Missouri in the matter of abortion ("*Physical Plant Regulations*" and "*Hospital Relationship Requirement*");
- the decision of the *Supreme Court of India* of 6.9.2018, which found the constitutional illegitimacy of article 377 of the Criminal Code, which provides for the criminalization of sexual acts "against the order of nature", where applied to the relations between consenting adults;
- the decision of the *United States Court of Appeals for the Ninth Circuit* of 4.9.2018, according to which the Eighth Amendment bars the application of norms prohibiting homeless people to sleep outdoor, when there is no possibility to have access to alternative lodging;
- the decision of the *Inter-American Court of Human Rights* of 22.8.2018, case *Coc Max y otros (Masacre de Xamán) vs. Guatemala*, which recognizes the responsibility of the State for the violation of the right to life, to personal integrity and to an effective remedy, with regard to the massacre committed on 3 October 1995, by a military patrol, in the Community "Aurora 8 de Octubre"; and the decision of 20.8.2018, case *Munárriz Escobar y otros vs. Peru*, on the responsibility of the State for the forced disappearance of the student Walter Munárriz Escobar, after the provisional arrest at the police station of Lircay.

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

- **Austria:** the decision of the *Verfassungsgerichtshof* (Constitutional Court) of 15.6.2018, which, applying article 8 of the ECHR, established that intersexual persons have the right to be registered in official documents and in the Civil Register according to their actual gender;
- **Belgium:** the decision of the *Cour constitutionnelle* n. 136/2018 of 11.10.2018, which makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of the concept of judicial proceeding, provided for by article 201(1)(a) of Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II); and the decision n. 126/2018 of 4.10.2018, on the constitutional legitimacy of article 4 of the law of 18 December 2016, which includes, in the law of 15 December on the access to the territory, the residence, establishment and

removal of foreigners, a general condition of residence linked to the assessment of the integration's efforts made by the foreigner, applying the norms of the ECHR and the EU legislation relevant in such matter and the jurisprudence of the Courts of Strasbourg and Luxembourg;

- **Bosnia and Herzegovina:** the decision of the *Ustavni sud* (Constitutional Court) of 22.3.2018, in the matter of legal costs, which finds the violation to the right to property and to a fair trial, also applying the jurisprudence of the Court of Strasbourg;
- **France:** the decision of the *Conseil constitutionnel* of 6.7.2018, on the so called solidarity crime; the decision of the *Cour de cassation* n. 610/2018 of 10.10.2018, on the obligation, for companies producing medicines, of the certification of the products, which recalls EU legislation and the jurisprudence of the Court of Justice; the decision n. 638/2018 of 5.10.2018, which asks the Court of Strasbourg an opinion, according to (for the first time) Protocol n. 16 of the ECHR; the decision n. 637/2018 of 5.10.2018, on the registration of a birth, which took place in another Country, even though it was a case of surrogacy, which recalls article 8 of the ECHR;
- **Germany:** the decision of the *Bundesgerichtshof* (Federal Court of Justice) of 10.10.2018, which excluded the automatic recognition of co-parenting with regard to the wife of the biological mother of the new-born baby, also recalling articles 8 and 14 of the ECHR; and the decision of 13.9.2018, on the potential violation of the right of intellectual property by YouTube, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of articles 3(1) and 8(3) of Directive 2001/29/EC, of article 14(1) of Directive 2000/31/EC and articles 11 and 13 of Directive 2004/48/EC; the decision of the *Verwaltungsgerichtshof Baden-Württemberg* (Administrative Tribunal of Baden-Württemberg) of 20.9.2018, in the matter of family reunification, which recalls Regulation (EC) n. 539/2001; and the decision of the *Verwaltungsgericht Karlsruhe* (Administrative Tribunal of Karlsruhe) of 5.9.2018, in the matter of asylum;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 24.10.2018, in the matter of expulsion and right to family life in a case involving also a minor; the decision of 10.10.2018, which excludes any discrimination in the case of a pastry-chef's refusal to bake a cake with the writing "Support gay marriage", since such refusal is justified by the right to freedom of conscience and expression; and the decision of 30.8.2018, which recognizes the right of a non-married woman, who lived together with her partner for over 23 years and with whom she had four children, to be granted a social benefit reserved by National legislation only for married couples; the decision of the *England and Wales Court of Appeal* of 22.10.2018, in which a company, which runs a chain of supermarkets, is fined for vicarious liability in the case of an employee, who had revealed private information, kept by the company, and concerning the criminal record of another employee; the decision of 3.10.2018, in the matter of right to asylum and non-accompanied foreign minors; and the decision of 14.09.2018, in the matter of medical responsibility and the compatibility of procedural norms aiming at assessing the legitimacy of disciplinary sanctions provided for by articles 6 and 14 of the ECHR; and the decision of the *Scottish Court of Session, Inner House* of 21.9.2018, which makes a reference for a preliminary ruling to the Court of Justice on the possibility, for a Member State, to revoke unilaterally the notification of the withdrawal from the European Union, pursuant to article 50 of the Treaty on the European Union;
- **Ireland:** the decision of the *Supreme Court* of 9.10.2018, which judges in favour of the withdrawal of the request of preliminary referral, which had already been forwarded to the Court of Justice with regard to the execution of the European arrest warrant in the face of the exit of the United Kingdom from the European Union, in the light of an analogous decision of the Court of Luxembourg of 19 September 2018 in the case *RO* (C-327/18 PPU); and the decision of the *High Court* of 21.9.2018, on the return of the minor, according to the Hague Convention on the Civil Aspects of International Child Abduction and of Regulation (EC) n. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, which also recalls the jurisprudence of the Courts of Strasbourg and Luxembourg;

- **Italy:** the decision of the *Corte di cassazione* n. 45829/2018 of 10.10.2018, which, in the matter of *ne bis in idem*, recalls articles 50 and 52 of the EU Charter of Rights and article 4 of Protocol n. 7 to the ECHR and the jurisprudence of the European Courts; the decision n. 43826/2018 of 3.10.2018 on the principle of legal certainty with regard to prevention measures, which recalls the jurisprudence of the Court of Strasbourg; the decision n. 41007/2018 of 24.9.2018, in the matter of *ne bis in idem*, which recalls the jurisprudence of the Court of Strasbourg; the order n. 21931/2018 of 7.9.2018, which raises question of constitutional legitimacy of the law which does not provide for the presence of the lawyer at the hearing for the validation of the measure of the confiscation of the passport and the parole meeting, recalling the jurisprudence of the two European Courts; and the preliminary referral order n. 19443/2018 of 20.7.2018, with regard to the legal standing of an association for the rights of homosexuals and the issue of discrimination at work, after a law firm excluded the possibility to hire persons expressing themselves in favour of homosexuals' rights; the order of the *Corte di appello di Bologna* of 12.9.2018, in the matter of stepchild adoption, which orders the registration of a USA decision and which recalls the jurisprudence of the ECHR and the Hague Protection of Minors Convention; the decision of the *Tribunale di Milan* of 31.8.2018, which applies the jurisprudence of the Court of Justice, deeming illegitimate the exclusion, in a collective agreement, of the varying remuneration from the salary due to paid annual leave; and the order of the *Tribunale di Trieste* of 21.6.2018, on the way to present the application for international protection;
- **Portugal:** the decision of the *Tribunal Constitucional* n. 445/2018 of 2.10.2018, on the suspensive effect of the appeal in the administrative proceeding, which also recalls EU law;
- **Slovenia:** the decision of the *Ustavno Sodišče* (Constitutional Court) of 25.1.2018, which finds the constitutional illegitimacy of the "Referendum and Popular Initiative Act" and of some articles of the "Elections and Referendum Campaign Act", also recalling the jurisprudence of the Court of Strasbourg;
- **Spain:** the decision of the *Tribunal Constitucional* of 6.9.2018, on the right to freedom of expression at work and, in particular, in trade union activities, which recalls the jurisprudence of the Court of Strasbourg; the decision of the *Tribunal Supremo* of 26.9.2018, in the matter of abuses from the use of a sequence of fixed-term contracts, which applies a consolidated jurisprudence of the Court of Justice on the Framework Agreement CES, UNICE and CEEP on fixed-term contracts attached to Directive 1999/70/EC; and the decision of the *Audiencia Nacional* of 18.9.2018, which analyses the content and the exercise of the right to freedom of expression within the claim lodged against the conviction of crimes of apology or justification of terrorism, in the light of the jurisprudence of the Court of Strasbourg and the norms of the ECHR, the Convention of the Council of Europe for the prevention of terrorism and of Directive (EU) 2017/541;
- **The Netherlands:** the decision of the *Hoge Raad* (Supreme Court) of 7.9.2018, which rejected the objections of the claimants regarding cooperation between national and international intelligence agencies (in particular the American NSA and the British GCHQ) in the exchange of information, raised in the light of Snowden's revelations and in virtue of the potential violation of articles 8 and 10 of the ECHR; and the decision of the *Gerechtshof Den Haag* (Court of Appeal of The Hague) of 9.10.2018, which found illegitimate and in violation of its own due of diligence deriving from articles 2 and 8 of the ECHR, the lack of the implementation by the State of a more ambitious plan for the reduction of CO2 emissions, therefore asking to obtain, within the end of 2020, a diminution of at least the 25% in comparison with the levels of 1990.

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

Articles:

[Michele De Luca](#) "Labour in Community law (now Euro-unitary law) and the Italian legal system: (over) thirty years after"

[Michele De Luca](#) "The experts in labour law and technological innovations"

[Vincenzo De Michele](#) "The decision of the Court of Justice in the case *Sciotto* and the conversion in contracts with no time limit in the State short-terms employees' field in the dialogue with the Constitutional Court"

[Gabriella Luccioli](#) "Informed consent and end-of-life decisions between jurisdiction and legislation"

[Lucia Tria](#) "Labour: main means of social integration. Investing in human capital to produce welfare"

Notes and comments:

[Sara Benvenuti](#) "Does the *Conseil constitutionnel* cancel the *délit de solidarité*... or not? The help to irregular foreigners to entry, stay and move in the French territory in a recent decision of the *Conseil constitutionnel*"

[Francesco Buffa](#) "*Gestation pour autrui*: the first request for an opinion to the ECHR"

[Antonello Cosentino](#) "Dialogue between the Courts and the fate (apparently not magnificent, nor progressive) of European integration"

[Giuseppe De Marzo](#) "Comment on the ECHR decision, Section I, 27 September 2018 (n. 52278/2011)"

[Mariarosa Pipponzi](#) "Notes to the order of the Court of Trieste of 22 June 2018"

[Alessio Scarcella](#) "Comment on the ECHR decision, Sez. I, 6 September 2018 (n. 29321/13) case *Kontalexis v. Greece* (n. 2)"

Reports:

[Mario Draghi](#) "Economic and Monetary Union: past and present"

[Speech by the President of the French Republic Emmanuel Macron](#) of 27.8.2018 to the French ambassadors

[Speech by the President of the French Republic Emmanuel Macron](#) of 25.9.2018 to the United Nations General Assembly

[Antonello Soro](#) "Big Data and Freedom in the digital dimension"

[Statements by the Greek Prime Minister Alexis Tsipras](#) of 11.9.2018 at the European Parliament during the debate on the future of Europe

Documents:

[The bulletin n. 2/2018 of the Italian Court of Cassation](#) on the jurisprudence of the Court Justice, of October 2018

[Report by the House of Commons](#) "Brexit questions in national and EU courts", of 10 October 2018

[First bulletin by the permanent working group](#) on the Memorandum of Understanding between the Italian Court of Cassation and the European Court of Human Rights, of 6 September 2018

[Proposals by the European Movement](#) on the future of Europe "A project, a method, an agenda"