



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 78

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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 resolution of 15.1.2020 on the European Green Deal;
- the European Parliament resolution of 15.1.2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement;
- the European Parliament resolution of 15.1.2020 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2018;
- the European Parliament resolution of 15.1.2020 on the European Parliament's position on the Conference on the Future of Europe.

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

of the **Parliamentary Assembly**:

- the Resolution 2315 of 29.11.2019, "Interpol reform and extradition proceedings: building trust by fighting abuse";
- the Resolution 2314 of 29.11.2019 "Media education in the new media environment";
- the Resolution 2313 and the Recommendation 2167 of 29.11.2019, "Role of education in the digital era: from "digital natives" to "digital citizens"";
- the Resolution 2312 of 29.11.2019, "The societal impact of the platform economy";

of the **Committee of Ministers**:

- the Decision CM/Del/Dec(2019)1362/H46-14 of 5.12.2019, *Cestaro group v. Italy* (n. 6884/11), on the supervision of the execution of the European Court of human rights' judgments.

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

- 19.12.2019, C-752/18, *Deutsche Umwelthilfe*, on the coercive detention contemplated in respect of senior political representatives or senior officials of the region, who repeatedly refuse to comply with a judicial decision ordering to adopt measures provided for by Union legislation, on the right to health, the right to an effective remedy and the right to freedom;

- 19.12.2019, C-263/18, *Nederlands Uitgeversverbond and Groep Algemene Uitgevers*, on the sale of second hand e-books on an Internet website and on copyright;
- 19.12.2019, C-290/19, *Home Credit Slovakia*, on consumer credit agreements and consumer protection;
- 19.12.2019, C-465/18, *Comune di Bernareggio*, on national legislation in the matter of right of pre-emption granted to employees of the pharmacy being sold and on the right to establishment;
- 18.12.2019, C-447/18, *Generálny riaditeľ Sociálnej poisťovne Bratislava*, on social security and equal treatment of national workers and migrant workers;
- 19.12.2019, C-168/18, *Pensions-Sicherungs-Verein*, on the protection of employees in the event of the insolvency of their employer, on the protection of entitlement to old-age benefits and on the minimum guaranteed level of protection;
- 12.12.2019, joined cases C-566/19 PPU, C-626/19 PPU, *Parquet général du Grand-Duché de Luxembourg () and Tours*, and C-625/19 PPU, *Openbaar Ministerie (Parquet Suède)*, and case C-627/19 PPU, *Openbaar Ministerie (Procureur du Roi de Bruxelles)*, all on European arrest warrant;
- 12.12.2019, C-450/18, *Instituto Nacional de la Seguridad Social (Complément de pension pour les mères)*, on equal treatment between men and women, on prohibition of discrimination on grounds of sex and on social security;
- 12.12.2019, C-519/18, *Bevándorlási és Menekültügyi Hivatal (Regroupement familial – sœur de réfugié)*, on family reunification of a refugee's relative and prerequisites for exercising the right to family reunification;
- 12.12.2019, joined cases C-381/18 and C-382/18, *G.S. (Menace pour l'ordre public)*, on family reunification of a third-country national, relative of a EU national, who has not exercised his right to freedom to movement, on the prerequisites for such reunification and on the concept of "grounds of public policy";
- 12.12.2019, C-380/18, *E.P. (Menace pour l'ordre public)*, on the return decision issued to an illegally staying third-country national and on the concept of "threat to public policy";
- 11.12.2019, C-708/18, *Asociația de Proprietari bloc M5A-ScaraA*, on the installation of a video surveillance system in the common parts of a residential building and on the protection of individuals with regard to the processing of personal data;
- 5.12.2019, C-671/18, *Centraal Justitiele Incassobureau () and exécution des sanctions pécuniaires*, on the recognition of a decision imposing a financial penalty and on the right to an effective remedy;
- 5.12.2019, joined cases C-398/18 and C-428/18, *Bocero Torrico*, on the difference in treatment in the matter of retirement pension of workers who have exercised their right to freedom of movement;
- 28.11.2019, C-653/19 PPU, *Spetsializirana prokuratura*, on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings;
- 20.11.2019, C-706/18, *Belgische Staat (Régime de décision implicite d'acceptation)*, on the decision concerning the application for family reunification and the consequences of the failure to comply with the time limit for taking a decision;
- 19.11.2019, joined cases C-585/18, C-624/18, C-625/18, *A.K. (Indépendance de la chambre disciplinaire de la Cour suprême)*, on the right to application and to an effective remedy, on the independence of courts and on the primacy of EU law;
- 19.11.2019, joined cases C-609/17 and C-610/17, *TSN*, on the right to paid annual leave;
- 14.11.2019, C-484/18, *Spedidam and others*, on the national scheme exempting a public institution responsible for the conservation and promotion of the national audio-visual heritage from the requirement to obtain the performer's written consent for the exploitation of archives containing fixations of that performer's performances, on copyright and related rights;
- 12.11.2019, C-233/18, *Haqbin*, on applicants for international protection and the applicable sanctions in case of serious breaches of the rules of the accommodation centres as well as seriously violent behaviour;

- 12.11.2019, C-363/18, *Organisation juive européenne and Vignoble Psagot*, on the mandatory indication of the country of origin or place of provenance of a foodstuff where failure to indicate this might mislead the consumer;
- 7.11.2019, C-280/18, *Flausch and others*, on the assessment of environmental impact of certain projects, on environment protection, on public participation in decision-making and access to justice.

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

- 17.12.2019, *A.S. v. Norway* (n. 60371/15), and *Abdi Ibrahim v. Norway* (n. 15379/16), on the decision concerning the foster care placement of a child and authorizing the adoption of another child, in contrast with the mother's will, in violation of the right to the respect for private and family life;
- 17.12.2019, *Khizanishvili and Kandelaki v. Georgia* (n. 25601/12), on the violation of the right to property with regard to the insufficient compensation for the demolition of a building in which the applicants had shares;
- 10.12.2019, *Kavala v. Turkey* (n. 28749/18), on the violation of articles 5 and 18 of the Convention: the Court calls for the official and immediate release of the applicant, a business-man and human rights defender, who is detained in prison;
- 5.12.2019, *Hambardzumyan v. Armenia* (n. 43478/11), according to which the court warrant on secret surveillance was too vague and lacked an indication of specific covert measures: the Court found the violation of article 8 of the Convention and the non-violation of article 6;
- 5.12.2019, *Tagiyev and Huseynov v. Azerbaijan* (n. 13274/08), on the violation of freedom of expression following the conviction of an author and a publisher for an article containing remarks on Islam;
- 5.12.2019, *Abil v. Azerbaijan (no 2)* (n. 8513/11), on the violation of the right to free elections, following the disqualification of a candidate from the 2010 parliament ballot (article 3 of Protocol 1), and of the right to individual applications (article 34 of the Convention);
- 5.12.2019, *J.M. v. France* (n. 71670/14), on the inhuman and degrading treatment suffered by a prisoner before and during his transfer to a different prison and on the lack of adequate investigation on the fact;
- 5.12.2019, *Luzi v. Italy* (n. 48322/17), on the violation of the right to access to the applicant's daughter: the national authorities did not carry out the necessary and adequate efforts to guarantee the respect of the applicant's right to private and family life;
- 3.12.2019, *I.L. v. Switzerland* (n. 72939/16), on the violation of the right to freedom and security in the case of the applicant, who suffered a preventive measure although no relevant provision existed in Swiss law;
- 3.12.2019, *Kirdök and others v. Turkey* (n. 14704/12), on the violation of the right to the respect for private and family life for the unjustified seizure of electronic data protected by lawyer-client professional secrecy;
- 3.12.2019, *Petrescu v. Portugal* (n. 23190/17), on the inadequate conditions of prisons in Portugal: the Court deemed that the Convention had been violated and recommended that the State adopt general measures to improve the situation;
- 28.11.2019, *Mustafa v. Bulgaria* (n. 1230/17), concerning the proceeding against a civilian, who was tried by military courts for an ordinary criminal offence and did not have a fair trial;
- 26.11.2019, *Savenko (Limonov) v. Russia* (n. 29088/08), on freedom of expression: the large defamation award against the opposition activist Limonov in favour of the Mayor of Moscow amounts to a violation of the Convention;
- 21.11.2019, Grand Chamber judgment, *Ilias and Ahmed v. Hungary* (n. 47287/15), according to which the Hungarian authorities had failed in their duty to assess the risks of the applicants, asylum seekers, not having proper access to asylum proceedings in a third-country deemed safe, and the connected risk of being repatriated;

- 21.11.2019, Grand Chamber judgment, *Z.A. and other v. Russia* (n. 61411/15), on asylum seekers detained for long periods in an airport transit zone;
- 21.11.2019, *Papargyriou v. Greece* (n. 55846/15), on the lack of a compensatory remedy, in Greek legislation, for the excessive length of pre-trial criminal proceedings;
- 19.11.2019, *Razvozhayev v. Russia and Ukraine and Udaltsov v. Russia* (n. 75734/12 and other two), on the failure by the State to carry out an effective investigation on aggressions and inhuman treatments by the police and in particular on the conduct of its officers committed in another State; on the conviction pronounced without having sufficiently examined the behaviour and the intentions of the authors of the alleged offence; on the detention of the applicant inside a glass cabin for months during the trial and on his participation to the proceeding, deemed ineffective for the intense schedule of the hearings and for the several transfers from the prison; on having admitted the co-defendant as witness against the applicants after having been convicted in a separate proceeding following a "criminal settlement", without an effective scrutiny in an adversarial manner;
- 12.11.2019, *A v. Russia* (n. 37735/09), on the violations of the Conventions deriving from the fact that the nine years old daughter of the applicant witnessed his arrest, carried out with violence in the absence of any resistance, and from the lack of an effective investigation;
- 12.11.2019, *Adamčo v. Slovakia* (n. 45084/14), on the conviction based to a decisive extent on the testimony of an accomplice within a "criminal settlement" without an adequate judicial assessment;

and the communication:

- 11.11.2019, *Johansen v. Denmark* (n. 27801/19), on the deprivation of citizenship and on the expulsion of a dual national convicted of having joined Islamic State's ranks with terrorist objectives.

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

- the decision of the *United States Court of Appeals for the Second Circuit* of 18.12.2019, according to which the incidental collection, also in the absence of a warrant, of communications of individuals in the United States, acquired in the course of the surveillance of individuals without tied with to the State or located abroad, is admissible pursuant to the Fourth Amendment;
- the decision of the Appeals Chamber of the *International Criminal Court* of 27.11.2019, case *Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, which confirmed the decision of the Trial Chamber VII of 17 September 2018 against the accused persons, charged of offence against the administration of justice, following the referral decision of the Appeals Chamber; and the decision of the Trial Chamber VI of 7.9.2019, case *The Prosecutor v. Bosco Ntaganda*, establishing the sentence following the conviction of 8 July 2019 against the accused person, charged of war crimes and crimes against humanity committed in the province of Ituri (Democratic Republic of Congo) in 2002-2003: the Court condemned the accused person to 30 years' imprisonment;
- the decision of the *Inter-American Court of Human Rights* of 26.11.2019, case *Jenkins vs. Argentina*, on the violation of the right to freedom and to an effective remedy with regard to the conditions of detention on remand applied to the claimant, who was subsequently acquitted from all charges; the decision of 25.11.2019, case *López y otros vs. Argentina*, which, also recalling the jurisprudence of the Court of Strasbourg and the European Prison Rules of the Council of Europe, established that the State does not have adequate norms in the matter of transfer of prisoners between prisons at a federal level, running the risk of arbitrary transfers of persons deprived of their freedom; the decision of 22.11.2019, case *Hernández vs. Argentina*, which found the responsibility of the State for the violation of the right to integrity and health of a

prisoner affected by acute meningitis; the decision of 21.11.2019, case *Asociación Nacional de Cesantes y Jubilados de la Superintendencia Nacional de Administración Tributaria (ANCEJUB-SUNAT) vs. Perú*, on the violation of the right to a dignified life, to an effective remedy, to property and social security following the lack of execution, by the State, of a decision issued by the *Corte Suprema de Justicia de la República* on 25 October 1993 in the matter of pension entitlements; another decision of 21.11.2019, case *Gómez Virula y otros vs. Guatemala*, in the matter of due diligence during the investigations into the disappearance of a trade unionist, which recognizes the violation of the right to an effective remedy, though excluding the liability of the State with regard to the right to life, to personal integrity and to freedom; the decision of 19.11.2019, case *Díaz Loreto y otros vs. Venezuela*, on the establishment of the liability of the State for the death of three individuals, caused by State police officers; the decision of 15.10.2019, case *Romero Feris vs. Argentina*, on the unlawful extension of detention on remand of the claimant and the arbitrariness of the reasons of such prolongation, which also recalls the jurisprudence of the Court of Strasbourg; another decision of 15.10.2019, case *Girón y otro vs. Guatemala*, on the violation of the right to life, to personal integrity and to an effective remedy following the conviction to die by shooting, also broadcasted on television, issued against two individuals, pursuant to article 175 of the Criminal Code in force at the time of facts; the decision of 14.10.2019, case *Rosadio Villavicencio vs. Perú*, which found the violation of the principle of *ne bis in idem*, since the claimant was judged and convicted for the same facts both in an ordinary criminal proceeding and in a military proceeding; another decision of 14.10.2019, case *Rodríguez Revolorio y otros vs. Guatemala*, which judges in the matter of right to life with regard to the application of death penalty based on the concept of "future dangerousness", pursuant to article 132 of the Criminal Code (in force at the time of facts), and in the matter of right to physical and psychic integrity, in the light of the detention conditions of the claimants, including the so-called "death row phenomenon" ("*fenómeno del corredor de la muerte*"); the decisions of 11.10.2019, case *Valenzuela Ávila vs. Guatemala*, and of 10.10.2019, case *Ruiz Fuentes y otra vs. Guatemala*, which condemned the State for the violation of the right to life, to personal integrity and to an effective remedy, with regard to the death penalties pronounced on the basis of the norms in force at the time of facts, to tortures and violence committed during the detention and to the lack of adequate investigations in consideration of the subsequent extrajudicial executions; the decision of 8.10.2019, case *Perrone y Preckel vs. Argentina*, on the violation of the right to a reasonable length of the proceeding; and the decision of 2.9.2019, case *Rico vs. Argentina*, which excluded the liability of the State, according to the Convention with regard to the removal of a judge of the Labour Tribunal;

- the decision of the *United States District Court Southern District of New York* of 6.11.2019, which quashed the regulation "Protecting Statutory Conscience Rights in Health Care; Delegations of Authority", issued by the United States Department of Health and Human Services ("HHS"), aiming at interpreting and applying more than 30 norms concerning the recognition of the rights of conscientious objectors in the health sector;
- the decision of the *District Court of the United States for the Middle District of Alabama, Northern Division* of 29.10.2019, which suspended the execution of the law of Alabama – *Ala. Act No. 2019-189* – aiming at punishing every individual who deliberately carries out abortion or tries to do so, except from the limited cases connected to serious risks for the life of the mother.

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 11.12.2019, which found, among others, the constitutional illegitimacy of article 135 of the Criminal Procedure Code, as modified by the federal law n. 27/2018, where it allowed, in certain circumstances, the installation in the computers of a program of

hidden surveillance of encrypted messages ("*Bundestrojaner*"), considering it in contrast with the right to the respect for private life, pursuant to article 8 of the ECHR;

- **Belgium:** the decision of the *Cour constitutionnelle* n. 203/2019 of 19.12.2019, which pronounces itself on the constitutional legitimacy of some articles of the decree of the Walloon Region of 18 May 2017 "*relatif à la reconnaissance et aux obligations des établissements chargés de la gestion du temporel des cultes reconnus*" with regard to the recognition and the recording of local cultural communities, recalling the norms of the ECHR in the matter of freedom of religion; the decisions n. 189/2019 and n. 185/2019 of 20.11.2019, in the matter of right to access to the judge in the appeal proceedings and in particular on the constitutional legitimacy of articles 204 and 210 of the Criminal Procedure Code, which recall the norms of the ECHR and the jurisprudence of the Court of Strasbourg; the decision n. 159/2019 of 24.10.2019, which finds the constitutional legitimacy of article 9(1) of the law of 5 May 2014 "on the internment", recalling a wide jurisprudence of the Court of Strasbourg; the decision n. 149/2019 of 24.10.2019, in the matter of family reunification with a Belgian citizen, who has not exercised the freedom of movement according to EU legislation, which states the constitutional legitimacy of article 40-ter of the law of 15 December 1980 on the access to the territory, stay, establishment and removal of foreigners, also recalling the norms of Directive 2004/38/EU, as interpreted by the jurisprudence of the Court of Justice; and the decision n. 148/2019 of 24.10.2019, in the matter of redemption of qualifications for pensions aims, which recalls Directive 2000/78/EC and the jurisprudence of the Court of Justice;
- **France:** the decision of the *Cour de cassation* n. 2157/2019 of 19.12.2019, which applies article 157 TFEU in the matter of discrimination based on sex in the social field; the decision n. 2749/2019 of 18.12.2019, which, in the matter of consumer rights, recalls Directive 77/388/EEC; and the decision n. 1021/2019 of 11.12.2019, in the matter of intellectual property, which applies Directive n. 2006/115/EC;
- **Germany:** two orders of the *Bundesverfassungsgericht* (Federal Constitutional Court) n. 1 BvR 16/13 and 1 BvR 276/17 of 6.11.2019, in the matter of right to be forgotten, which recall the EU Charter of Fundamental Rights: in the order n. 1 BvR 276/17 the Court finds that it is its competence to verify, in such matter, the applicability of the Charter;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 27.11.2019, which rejects the appeal lodged by the Secretary of State concerning the amendment of the decision of second instance, which found unlawful the detention of some foreign nationals, asylum seekers, who had entered the United Kingdom without documents, also confirming the conviction in their favour to compensation, in the light of the criteria provided for by article 5 of the ECHR;
- **Ireland:** the decision of the *Supreme Court* of 21.11.2019, which pronounces itself on the possibility, for non-EU nationals, to receive child benefits for dependent children in case the status of the parents has not yet been defined, but the child is an Irish citizens or has acquired the status of refugee, recalling the norms of the EU Charter of Fundamental Rights and of the ECHR, the EU legislation relevant in such matter and the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision of 14.11.2019, which recognizes the violation of the rights of the claimant, according to article 40 of the Constitution, in consideration of the suffered detention conditions, also analysing a wide jurisprudence of the Court of Strasbourg on article 3 of the ECHR; the decision of 1.11.2019, which, in the matter of value added tax and principle of prohibition of unfair practices, analyses the decision of the Court of Justice in the case *Edward Cussens and others v. T. G. Brosman* – pronounced after the reference for a preliminary ruling made by the Irish Supreme Court – and the case law of the European Court relevant in such matter for the decision of the specific case; and the decision of 31.10.2019, which analyses the national legal regime concerning the decisions in the matter of subsidiary protection, in the light of the jurisprudence of the Court of Justice; and the decision of the *High Court* of 19.9.2019, in the matter of climate change and environment protection, which rejects the claim lodged against the "National Mitigation Plan", published by the Government on 17 July 2017, also recalling the ECHR and EU goals in such matter;

- **Italy:** the decision of the *Corte costituzionale* n. 284/2019 of 20.12.2019, on the groundlessness of the constitutional legitimacy question of the norms, which punish the offence of outrage, which examines the jurisprudence of the Court of Strasbourg and the EU Charter of Rights on the principle of proportionality of the sanction; the decision n. 271/2019 of 13.12.2019, concerning the burden to appeal against the admissions to competitions, which deems some norms of the code of the administrative proceeding relevant in such matter in violation of the jurisprudence of the Court of Strasbourg; the decision n. 253/2019 of 4.12.2019, on the illegitimacy of the so-called irreducible life sentence with regard to the accordance of certain prison benefits, which recalls the jurisprudence of the European Court of Human Rights; and the decision n. 242/2019 of 22.11.2019, on aid to suicide, deemed not punishable if in the presence of the preconditions provided for by the decision, also in the light of the guideline of the European Court of Human Rights; the decision of the *Corte di cassazione* n. 47079/2019 of 27.11.2019, concerning the offence of torture, which examines the jurisprudence of the Court of Strasbourg; the two orders of the *Corte di appello di Napoli* of 18.9.2019, which, with regard to adequacy of the compensation provided for by the Jobs act in the event of collective dismissal, raises at the same time the question of constitutional legitimacy and orders the preliminary referral also for the contrast of the Italian legislation with articles 30 of the EU Charter of Fundamental Rights and 24 of the European Social Charter; and the order of the *Tribunale di Roma* of 11.12.2019, which pronounces itself on the proceeding between Facebook and Casa Pound, excluding the proof that the association, as such, has incited hatred;
- **Lithuania:** the decision of the *Konstitucinis Teismas* (Constitutional Court) of 18.4.2019, which held the constitutional legitimacy of articles 19(3) of the Law on Criminal Intelligence, 29(2) of the Law on State Service, and 26(1) and 33(1) of the Statute of Internal Service, concerning the use of criminal intelligence information for investigations into corruption offences, recalling the norms of the ECHR, Regulation (EU) 2016/679, Directive (EU) 2016/680 and the jurisprudence of the Court of Strasbourg;
- **Poland:** the opinion of the *Sąd Najwyższy* (Supreme Court) of 16.12.2019, according to which the bill of 12 December 2019 reforming the judicial power ("*projekt ustawy o zmianie ustawy - Prawo o ustroju sądów powszechnych, ustawy o Sądzie Najwyższym oraz niektórych innych ustaw*") would be in contrast with European law, since it could lead the European institutions to start a procedure for the violation of duties deriving from the treaties and, in the long term, it could lead the State exiting the Union;
- **Portugal:** the decision of the *Tribunal Constitucional* n. 776/2019 of 17.12.2019, which revoked its decision n. 445/2018 of 2 October 2018 in the matter of suspensive effect of the impugnation in an administrative proceeding, with which it found the constitutional illegitimacy of article 84(5) of law 19/2012 of the Legal Regime of Competition (*Regime Jurídico da Concorrência*), also recalling EU law; and the decision n. 574/2019 of 17.10.2019, which found the constitutional illegitimacy of the Law Decree n. 19/2011, as modified by the Law Decree n. 38/2012, where it provided for the imposition of a tax onto slaughterhouses in order to finance the system of collection of dead animals killed inside the undertakings (SIRCA), recalling EU legislation relevant in such matter;
- **Spain:** the decision of the *Tribunal Constitucional* of 28.11.2019, which rejected the claim lodged by Oriol Junqueras Vies, former vice-president of the *Generalitat de Catalunya* and president of the political party *Esquerra Republicana de Catalunya* (ERC), against the order of the *Tribunal Supremo* of 5 January 2018, which confirmed the detention on remand, also recalling the jurisprudence of the Court of Strasbourg; the decision of 16.10.2019, which rejected the claim lodged against article 52.d) of the Workers' Statute (*Ley del estatuto de los trabajadores*), as amended by Royal Decree n. 2/2015, where it allows the dismissal following intermittent absences from work (except from cases especially provided for by the norm), which amount to a certain period of time, also recalling the decision of the Court of Justice in the case *Ruiz Conejero*; and the decision of 30.9.2019, which, recalling EU legislation relevant in such matter and the jurisprudence of the Court of Justice, found that there has been sex discrimination in the case of a woman, who won a public competition and whom was denied the job

because of her state of pregnancy; and the decision of the *Supreme Court* of 28.10.2019, which quashed its decision of 8 April 2008, with which it convicted the claimants of the offence of disobedience, in order to enforce the decision of the European Court of Human Rights in the case *Atutxa Mendiola and others v. Spain*;

- **The Netherlands:** the decision of the *Hoge Raad* (Supreme Court) of 20.12.2019, which, in the light of articles 2 and 8 of the ECHR, rejected the claim lodged against the order of 2015 of the district Court of the Hague – confirmed by the court of appeal – which asks the State to reduce greenhouse gas emissions by 25%, from the 1990s level, before the end of 2020, instead of 20%, as per the EU objectives; and the decision of 8.11.2019, in the matter of consumer protection, which recalls Directive 93/13/EEC, on unfair terms in consumer contracts, and the jurisprudence of the Court of Justice; and the decision of the *Gerechtshof Arnhem-Leeuwarden* (Court of appeal of Arnhem-Leeuwarden) of 17.12.2019, on the balance between freedom of expression and the right to the respect for private life, in the light of articles 8 and 10 of the ECHR and the jurisprudence of the Court of Strasbourg.

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

Articles:

[Giuseppe Allegri](#) "For a European Social Union. From the pillar of social rights to a multilevel welfare?"

[Elena Falletti](#) "Automated decisions and Article No. 22 GDPR of the European Union: an analysis of the right to an "explanation""

[Pierpaolo Gori](#) "Between ECHR and Horizontal Effect: the Egenberger Case-Law" (from "The Charter and the Court of Justice of the European Union: Notable Cases from 2016-2018" - Fundamental Rights Protection in Europe Series, Aniel Pahladsingh & Ramona Grimbergen (eds), Wolf legal Publishers)

[Valeria Piccone](#) "Supra-national law and national law: interpretative remedies"

[Stefania Rupe](#) "European Committee of social rights: violation of the trade union freedoms of forest rangers transferred to the *Carabinieri*"

[Lucia Tria](#) "Respect for private and family life in the ECHR experience"

Notes and comments:

[Annapaola Ammirati, Adelaide Massimi](#) "International airport transit areas: grey zones of law"

[Adele Anzon, Luisa Cassetti and Andrea Guazzarotti \(interview by Roberto Conti\)](#) "ECHR and Italian legal culture. 3. Constitutional Charter and ECHR. Everything solved?"

[Michela Chiarlo, Francesca Paruzzo](#) "Dj Fabo and the constitutional legitimacy of aid to suicide"

[Giuseppe De Marzo](#) "Comment to the decision of the Court of Cassation n. 47079/2019 on the offence of torture"

[Franca Mangano](#) "Interpretation of the courts in the matter of permits of stay for humanitarian reasons"

[Guido Raimondi and Vladimiro Zagrebelsky \(Interview by Roberto Conti\)](#) "The ECHR from the point of view of its judges"

[Andrea Venegoni](#) "Comment to the decision in the case Kavala v. Turkey on the right to freedom and security"

[Paolo Veronesi](#) "My word is my bond: the constitutional decision in the case Cappato"

Documents:

[Report by the United Nations Environment Programme \(UNEP\)](#) "Emissions Gap Report 2019", of 26 November 2019