


Paolo Mengozzi

# **The Court of Justice, the Conclusion of a Cycle of Clarifications on the Content and Determination of the Rights of the Citizens of the Union, the *JY* Judgment and Its Cooperation in this Respect with the Courts of the Member States**



The present contribution focuses on the evolution of the case-law of the European Court of Justice dedicated to European citizenship. The author examines the ongoing dialogue between the Court of Justice and national judges. The work pays particular attention to the recent *JY* judgment of 18 January 2022 as an expression of a significant synthesis of the entire jurisprudence on the subject.

Teresa Russo


## **Solidarity in EU Enlargement beyond the Western Balkans**



This article investigates the principle of solidarity in the EU enlargement processes with specific reference to the Western Balkans' accession, also in light of the new requests for EU membership from Ukraine, Moldova, and Georgia. After a brief reconstruction of the previous enlargement processes, the article will show that the approach toward the Western Balkans is specifically aimed at securing the region and EU borders, giving top priority to the respect for the rule of law. This suggests some critical conclusions concerning the EU's potential rapid enlargement enthusiastically supported by EU institutions and by some Member States, as well as some differentiations with regard to Member status and pre-accession status.

Cristina Schepisi

# Human Rights, Democracy and the Rule of Law: The Role and Responsibility of States in Dealing with the Regulation of Artificial Intelligence



This paper deals with the role of the State (and the public authorities) in the context of Artificial Intelligence (AI). Systems of AI represent significant challenges for democracy, human rights and the rule of law. The EU proposal of a Regulation on AI provides for new technical requirements and procedural obligations to be respected by any developer or user of systems of AI, depending on the level (low, high, unacceptable) of risk for human rights that such systems may entail. Since human rights, democracy, and the rule of law are closely linked, States are bound to respect and protect them, both in the individual and the public dimension. The Regulation is not merely addressed to private operators, as it also includes public authorities, and the States are directly involved in the compliance of the new legal framework and in the 'governance system'. Furthermore, unlike private operators, States have a general duty to protect human rights, democracy and the rule of law, even beyond the context of the Regulation.

# EU Environmental Policy and the Role of Public Authorities in the Perspective of Administrative Law




While it is becoming increasingly evident that environmental issues, such as climate change and global warming, constitute existential threats to human societies, the legal systems still seem unable to find a proper balance between economic growth and environmental protection.

Looking at the topic from an administrative law slant, this article reflects on the role of public authorities that even though, by vocation, have traditionally played a key role in the governance of environmental issues, since the 1990s have been partially downsized by the faith in market-based measures. The last trend in EU Environmental policy testifies that, despite still being characterized by a mixture of regulatory and economic instruments, traditional “command and control” measures have been strengthened. The article discusses the new approach to the ecological challenge, underlying the persistent need for a stronger role of public powers to secure compliance with environmental policy.

Silvia Marino


# EU Citizenship and National Citizenships: A Mutual (and Fruitful) Interconnection



The present article analyses the issue of the acquisition and the loss of the European citizenship in connection with the nationality of a Member State. The opportunity thereof is offered by a recent judgment of the Court of Justice of the European Union on the loss of the EU citizenship due to a risk of statelessness. A brief examination of the key points of the well-known previous case-law of the Court of Justice is followed by an in-depth exam of the principle of proportionality, which is detailed in the latest case *JY*. Furthermore, the article investigates the impact of the loss of citizenship and of the principle of proportionality in the Brexit process, taking also into account some recent EU Member States' legislations on national citizenship as well as the nature of EU citizenship with respect to the EU Member States' nationalities.

Rudi Papa


# The European Union Enlargement Process Roadmap



The prospect of joining the European Union and enjoying the relative advantages and adapting to the European *acquis communautaire* paved the way for an intense reform season in all the countries of the Balkan area. The purpose of this paper is to examine the role played by the European Union as a promoter of the process of democratization, highlighting the consequences of the process of European integration in the Balkans area.

Angela Correra


# The Omission of a Binding Reference for a Preliminary Ruling between Infringement of the Law and Excess of Jurisdictional Power: The Court of Justice's Ruling on the *Randstad Italia* Case



The paper examines, from the perspective of EU law, the recent ruling of the Court of Justice of the European Union in the *Randstad Italia* case, concerning a dispute on public procurement. The decision to refer the case to the Court of Justice by the United Sections of the Italian Supreme Court of Cassation lies in the doubts held by the Italian supreme court on the criteria for interpreting the ‘grounds of jurisdiction’ provided for by Article 111, paragraph 8, of the Constitution (the only grounds allowing an appeal to the Court of Cassation against the decisions of the Council of State and the Court of Auditors) and on the compatibility with EU law (in particular, with Article 19 TEU and with Article 47 of the Charter of Fundamental Rights of the European Union) of that provision, as interpreted by the Italian Constitutional Court, which excludes from appeal on grounds of jurisdiction cases in which the court (in this case, the Council of State) has ruled in breach of EU law.

Camilla Della Giustina

# **Unmanned Aerial Vehicles (UAV) and Privacy Safeguards in the New Techno-Society. Is there 'Such a Thing' as a Right to Privacy in Public Places Too?**



The privacy subject has always been closely connected with the development of technology. Essentially, the evolutionary trajectory of the latter enjoins one to both re-think and analyze more in depth the legal contours of privacy to be bestowed upon individuals against potential technological “invasions”.

This paper looks also at the “frontline of the war”, more specifically at the use of remotely piloted aircraft capable of both capturing images and, potentially, carrying out a continuous surveillance on the lives of people. Thus, the nitty-gritty of this contribution is to both define and affirm a prospective right to privacy in public places, too.