



THURSDAY

2nd

NOVEMBER

H. 10:00

Workshop

The “Facilitators Package” at the Bar: the Kinshasa case before the EU Court of Justice

Università degli Studi di Milano
Via Festa del Perdono 7
AULA MALLIANI

On 17 July 2023, the Criminal Court of Bologna has raised to the Court of Justice of the EU, pursuant to Article 267 TFEU, the issue of the compatibility of the EU legislation on facilitating illegal immigration (“Facilitators package”), and the related Italian implementing provisions, with the Charter of Fundamental Rights of the EU. The main underlying question is whether the criminalization of facilitating the unauthorised entry foreign nationals is compatible with the principle of proportionality referred to in art. 52(1) of the Charter, insofar as it does not provide that the purpose of humanitarian assistance can be regarded as a justificatory ground for excluding criminal liability. The workshop aims to frame the question referred to the European Court in the relevant rules of European union law, criminal law, refugee and migration law, human rights law, as well as to assess the possible outcomes of the procedure and their foreseeable impact on Member States’ domestic criminal law.

h. 10:00

Introductory Greetings

Gian Luigi Gatta

University of Milan

h. 10:15

The Kinshasa case before the Court of Justice: a turning point for EU border control policies?

Stefano Zirulia

University of Milan

h. 10:30 – 13:00

Session I: The European Union Perspective

Silvia Allegrezza

University of Luxembourg

Cathryn Costello

University College Dublin (online)

Gian Marco Galletti

Référéndaire, Cabinet de M l’avocat général Pikamäe

Valsamis Mitsilegas

University of Liverpool

Nicola Recchia

University of Trieste, Law clerk at the Italian Constitutional Court

Jorrit Rijpma

University of Leiden

Mario Savino

University of Tuscia, ADiM

Discussion

Light lunch

13:15-14:30

h. 14:30 – 17:30

Session II: The Member States’ Perspective

Lorenzo Bernardini

University of Luxembourg

Margaux Coquet

University of Luxembourg

Valentina Faggiani

University of Granada

Carsten Gericke

European Center for Constitutional and Human Rights - Berlin

Giulia Mentasti

University of Milan

Kimmo Nuotio

University of Helsinki

Alessandro Spena

University of Palermo (online)

Niovi Vavuola

Queen Mary University of London (online)

Discussion

Free participation. Registration before Oct. 27th by sending an email to: stefano.zirulia@unimi.it

Participation via Zoom available

Scientific coordinator
Stefano Zirulia
University of Milan