



**L-Università
ta' Malta**

**DEPARTMENT OF
CIVIL LAW**

Faculty of Laws

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Annual Departmental Report 2018/2019

During the 2018/19 academic year, departmental staff continued to be heavily engaged in teaching and research; focusing on the core civil law study units which form the backbone of the study of Maltese private law. Furthermore, setting up moot courts and client interview role play exercises for all students of the Masters of Advocacy continued to absorb much of the time and energy of the full-time lecturing staff.

However, our heavy teaching loads did not stop us from launching two intensive projects during this year: firstly, we launched a new Certificate Course on Migration, Law and Society. This Course aims to provide intensive training in Migration, Asylum and Human Trafficking law and to connect this to training in Law and Society Research Methods. Students were given an overview of trends in Global Migration and were encouraged to approach in this light key Policy Issues/Debates in the field. By focusing in this way on mobile populations the Department will hopefully be positioning itself appropriately to participate in the process of rethinking private law from a standpoint which no longer assumes a static population of citizens as the only possible subjects of private law and which makes it possible to explore how key institutes, rules and doctrines could adapt to meet this challenge. In this light it is relevant to point out that the Department started the academic year by hosting an academic conference on tenancy law and that mid-way through the year a special issue of the *Journal of Mediterranean Studies* focusing on Religious Marriages in the Mediterranean was edited by two of the department staff.

Our second intensive project was the result of our decision to mainstream clinical legal education by making participation in the Law Clinic a mandatory part of the instruction in Advocacy Skills given to students following the Masters in Advocacy. This project, which strained our human resources to the limit, is central to our contribution to changing the nature of legal education in Malta by ensuring that students learn to combine theory and practice together in the context of their University studies. In the process they are also encouraged to become reflective practitioners with an understanding of how legal practice can promote social justice. By providing pro bono assistance to some of the most vulnerable and disenfranchised people in Malta, the students are also given the opportunity to hone their advocacy skills and to translate professional ethics into practice. The enthusiastic and valuable commitment shown by most of the students to working in the clinic was reflected in the marks awarded and still more in the high quality of the work they performed and, in the satisfaction expressed by the overwhelming majority of their clients. This in turn reinforced our commitment to continue to invest our human resources as a Department in the Law Clinic.

1. Conferences Attended

Dr Mary Muscat:

- HCNet annual conference, University of Plymouth, April 2019 (Historical Criminology). Presented a paper on The Scottish Model of Policing in Malta;
- Children 360 degrees conference, organized by BetaPsi University, March 2019, Razzett I-Antik, Qormi. Presented a paper on Child Advocacy: issues and challenges.

Judge Lawrence Quintano:

- At Wust in Austria - Corruption in Health Institutions which covered eight major countries and discussed measures being taken and the problem of last-minute orders in hospitals because of emergencies;
- Attended the annual international Tort meeting in Vienna, Austria. We presented one leading case dealing with Tort Law which was decided during 2018. We are also responsible for the publication of the most important judgements decided in Malta during 2018 which appeared in the Yearbook of Tort Law published in Vienna. The article about Malta includes a short article about recent trends, reviews of important theses by university students about tort law, and new laws connected with tort law;
- Attended the OECD meeting held in March about AI and Corruption, Paris;
- Attended a meeting on AI and Corruption at the Central Corruption Authority of Hong Kong in Hong Kong;
- Attended a meeting about The Charter of Fundamental Rights of the EU in November. Later on, I shall give a lecture to students about this topic;
- In March, May, September I attended the meetings of the Fundamental Rights' Agency in the capacity as an Executive Member of this Agency. Another meeting was held in December.

Dr Ibtisam Sadegh:

- *Transnational interfaith marriages in Ceuta*, presentation at Musmar Conference: Politics and/of Muslim Marriages, University of Amsterdam, Netherlands, 2-3 July 2019;
- *"We moved to Ceuta as a compromise": Interfaith matrimonial lives between Europe and Africa*, presentation at Workshop 'Ethnography, Religion and Traveling Critique between Europe and MENA', Nederlands-Vlaams Instituut in Cairo, Egypt, 15-16 March 2019;
- *Interfaith Marriages in Ceuta*, presentation Conference 'Multiculturalism, Integration, and Conflict', Campus Universitario de Ceuta, University of Malta, 20-21 September 2018;
- *The Mestizos of Ceuta: Marriage, Mixing and Blending of Ethnoreligious Boundaries*, European Association of Social Anthropologist (EASA), University of Stockholm, 14-17 August 2018.

Dr Roland Wadge:

- Money Laundering training courses.

Dr Kurt Xerri:

- Workshop on Housing Law and Policy ZERP, Bremen University, 7 June 2019. Presented a paper entitled: "Housing Law and Policy in Mediterranean Countries";

- 2019 European Network on Housing Research (ENHR) Conference, *Housing for the Next European Social Model*, Harakopio University (Athens), 27-30 August. Presented a paper entitled: *Regulating the Maltese Private Rented Sector: Challenges and Achievements*;
- Malta AI & Blockchain Summit, 7-8 November 2019.

Dr David E. Zammit

- Tenlaw Conference in Malta held on the 11th and 12th October 2018 and co-organised by the Universities of Malta, Bremen and Groningen. Delivered a talk on '*Rent Regulation and Legal Hybridity*.'
- Malta AI & Blockchain Summit, 7-8 November 2019.
- Attended the 24th Annual Common Core of European Private Law Conference on: *Nationalisms and Private Law*. November 23-24 2018, Faculty of Political Science in Palermo, Italy.
- On Friday 7th December 2018 I attended the annual Human Rights Conference of the University of Malta's Human Rights Program and entitled: *Marking 70 years of the Universal Declaration of Human Rights: Trends and Perspectives*.
- 25th January 2019 – 10th February 2019: Research visit to the 'Law and Anthropology' Department of the *Max Planck Institute for Social Anthropology*, Halle (Saale), Germany
- 27-28th February 2019: Attended the two-day Workshop organized by the European Asylum Support Office (EASO) and entitled: '*Scenario analysis: The future of international protection in the EU+ by 2030*'.
- 21st March 2019: Attended the Conference organized by the Centre for Small States of Queen Mary University of London on: *Law drafting and law reform in small jurisdictions*. I presented a paper entitled: *Drafting an Incomplete Civil Code in late Nineteenth Century Malta*.
- 2-3rd July 2019: Attended the International ERC MusMar Workshop on '*Politics and/of Muslim Marriages*', organized by the University of Amsterdam, Department of Anthropology. I presented a paper entitled: '*The legal liminality of interfaith marriages in colonial Malta*'.
- 7-12 July 2019: Attended the XXIX IVR World Congress on '*Dignity, Democracy, Diversity*' organized by the University of Lucerne, Switzerland. I presented a paper on '*Human Dignity in Malta*'.
- 10-11th September 2019: Attended the Colloque Anr Liminal entitled: '*L'Urgence dans les Langues: Interactions, Médiations et Inventions Langagières En Migration*' and organized by the Institut National des Langues et Civilisations Orientales (INALCO) in Paris, France. I gave the keynote address on: *Constructing and de-constructing refugee status in Maltese asylum trials*.

2. Public Talks and Lectures

Dr Jeanise Dalli:

- Presentation: "*I don't want to be normal, I don't want to be like you': regulating genital interventions in Malta and the UK*", Anthropological Workshop, 2nd July 2019, Max Planck Institute for Social Anthropology in collaboration with the Department of Social Anthropology, Faculty of Philosophy, Martin Luther University;
- Presentation: '*Regulating Genital Modifications in Malta and the UK: Understanding the Interplay between Law and Culture within Culturally-Diverse Societies*', internal

department meeting within the Department 'Law and Anthropology', 18th March 2019, Max Planck Institute for Social Anthropology, Halle (Saale);

Dr Patrick J Galea:

- Lectured and took part in the events of Salzburg Summer School, July 2019;
- Lecture on the Liability of the Trustee under the Law of Malta, Bangor University, Wales, 20 March 2019.

Dr Stephan Patrick Gauci:

- The Patent Box Regime (Deduction) Rules 2019 and the Income Tax Treatment of IP - 18 September 2019 organised by the Society Education.

Dr Mary Muscat:

- Lectured on Pope Francis's Encyclical *Laudato Si*, Franciscan Spirituality course, Catholic Institute, March 2019.

Judge Lawrence Quintano:

- A talk was given to Local Council Secretaries at the Hotel Victoria in Sliema on the Local Council Secretary and Ethics.

Dr Roland Wadge:

- Gave a joint lecture to Accountants with respect to their CPD relating to tax on Succession, May.

Dr David E. Zammit:

- 13th October 2018: Delivered a talk on Access to Justice in Malta to migrant NGOs.
- 25th October 2018: I took part in a seminar together with the anthropologists Marie-Caroline Saglio & Alessandro Triulzi in Saint James Cavalier (Spazju Kreattiv) on: *Narrating exile: history and memory in displacement*.
- 15th January 2019: I gave a talk to Maltese Parish Priests during their annual retreat: Live-In Kappillani 2019 - Iċ-Ċensiment Tal-Quddies: Analiżi, Riflessjoni U Direzzjoni. My talk focused on: '*Mudelli Ġodda ta' Spiritwalità u Reliġjożità fis-Socjetà Maltija*'.
- Presentation: '*Making International Refugee Law in the Vernacular in European Malta*', internal department meeting within the Department 'Law and Anthropology', 30th January 2019, Max Planck Institute for Social Anthropology, Halle (Saale), Germany.
- 17-18th May 2019: Delivered ten hours of lectures on '*Il Diritto d'Asilo nel Contesto Mediterraneo*' to students following the University of Bologna's *Master in Diritti umani, Migrazioni, Percorsi di Inclusione Culturale* (Ravenna Campus).
- 8th August 2019: I participated in an Isles of the Left Podcast/Discussion with Andrea Dibben and Raisa Galea entitled: "*Discussing Abortion: on the Limits of Choice, Individualism and Protecting the Vulnerable*": <https://www.islesoftheleft.org/listen->

3. Publications

Dr Jeanise Dalli:

- 'The Asylum Seeker', 2019, *Dictionary of Statuses within EU law: The Individual Statuses as Pillar of European Union Integration*. 1. ed. Cham: Springer, pp. 41–47.

Dr Patrick J Galea:

- *Trust laws of Jersey and Malta: a civilian interpretation*, Patrick Joseph Galea, University of Edinburgh, 2016.

Dr Mary Muscat:

- "Human Dignity in Malta", co-authored with Dr David Zammit, in Paolo Becchi and Klaus Mathis (ed.), *Handbook of Human Dignity in Europe*, Springer International Publishing, January 2019;
- "Policemen", in Bartolini, Antonio, Roberto Cippitani and Valentina Colcelli (eds.), *Dictionary of Statuses within EU Law*. Springer, pp. 419-425

Dr Ibtisam Sadegh:

- Sadegh, Ibtisam, 2019, "Third Country National", in Bartolini, Antonio, Roberto Cippitani and Valentina Colcelli (eds.), *Dictionary of Statuses within EU Law*. Springer, pp. 583-590. Pre-final version;
- Hirsch, Susan, Ibtisam Sadegh and David Zammit, 2018, Special Issue "Religious Marriages in the Mediterranean", *Journal of Mediterranean Studies* 27, 2;
- Hirsch, Susan, Ibtisam Sadegh and David Zammit, 2018, Editors' Introduction "Religious Marriages in the Mediterranean", *Journal of Mediterranean Studies* 27, 2: 101-110. Pre-final version;
- Sadegh, Ibtisam, and David E. Zammit, 2018, "Legitimizing a Muslim Marriage in Malta: Navigating Legal and Normative Structures", *The Oxford Journal of Law and Religion* 7,3: 498-518. Pre-final version;
- Sadegh, Ibtisam and Julie McBrien, 2018. "Conference Report: Religious Marriages in the Mediterranean", *ZR&I – Zeitschrift für Recht und Islam/Journal of Law & Islam* 10, pp. S139–S148, available at <http://zri.gair.de/images/ZRI102018.pdf#page=139> ;
- Sadegh, Ibtisam, "Growing up Muslim in Malta. But people still ask where are you really from?" Malta Today 16 March 2019, available at <https://www.maltatoday.com.mt/news/national/93548/growing-up-muslim-in-malta-but-people-still-ask-where-are-you-really-from#.X5wBa1NKhQJ>;
- Sadegh, Ibtisam, 2019, "But where are you really from?" Reflections of a Maltese Muslim on identity and belonging", Isles of the Left; <https://www.islesoftheleft.org/but-where-are-you-really-from-reflections-of-a-maltese-muslim-on-belonging-and-identity/>

Dr Marisa Vella:

- “There is no right to appeal from an order of the court for the liquidation and winding up of a company - Court of Appeal”, Marisa Vella, Francesca Galea Cavallazzi, Stefania de Gabriele, 7 October 2019, Camilleri Preziosi Advocates, available at <http://camilleripreziosi.com/en/news-resources/1/4587/there-is-no-right-to-appeal-from-an-order-of->
- “The Private Residential Lease Reform - Salient Features of the RLB (2019)”, Marisa Vella, Kristina Rapa Manche, Stefan Cutajar, 23 July 2019, Camilleri Preziosi Advocates, available at: <http://camilleripreziosi.com/en/news-resources/1/4578/the-private-residential-lease-reform---salien>

Dr Kurt Xerri:

- *How the Old Rentals Saga Exposed a Paradox of Human Rights in Malta*, Isles of the Left Magazine, 11 July 2019;
- “Malta”, in R. Alterman et (eds), *Regulating Coastal Zones: International Approaches*, Routledge (forthcoming 2020).

Dr David E. Zammit:

- Zammit, David E. & Mary Muscat, “*Human Dignity in Malta*”, I was the lead author for this chapter, published in Paolo Becchi and Klaus Mathis (ed.), *Handbook of Human Dignity in Europe*, Springer International Publishing, January 2019, pp.573-604.
- Zammit, David E. 2019, “*Subsidiary Status*”, in Bartolini, Antonio, Roberto Cippitani and Valentina Colcelli (eds.), *Dictionary of Statutes within EU Law*. Springer, pp. 551-558.
- Zammit, David E. 2018 “*How Human Rights have influenced Maltese Civil Liability Jurisprudence*,” in Raymond Mangion (ed.) *The UN Declaration of Human Rights: 70 Years On*, Fondazzjoni Celebrazzjonijiet Nazzjonali.
- Hirsch, Susan, Ibtisam Sadegh & David Zammit, 2018, Special Issue “*Religious Marriages in the Mediterranean*”, *Journal of Mediterranean Studies* 27, 2;
- Hirsch, Susan, Ibtisam Sadegh & David Zammit, 2018, *Editors’ Introduction “Religious Marriages in the Mediterranean”*, *Journal of Mediterranean Studies* 27, 2: 101-110.
- Co-authored, together with Judges Giannino Caruana Demajo and Lawrence Quintano, the Malta chapter of the *European Yearbook of Tort Law 2017* published by E. Karmer, & B. C. Steininger (2018) Berlin, New York: Walter De Gruyter GmbH & Co. KG.
- Sadegh, Ibtisam & David E. Zammit, 2018, “*Legitimizing a Muslim Marriage in Malta: Navigating Legal and Normative Structures*”, *The Oxford Journal of Law and Religion* 7,3: 498-518.
- Zammit, David E. 2018, “*Defining Maltese Identity under the British Gaze*’ in Virginia Monteforte, *To be [defined]*, artbook published in conjunction with the RIMA Exhibition.
- Zammit, David E. 2019, “*How British Colonial Rule Took Advantage of the Maltese Carnival*,” *Isles of the Left*: <https://www.islesoftheleft.org/how-the-british-colonial-rule-took-advantage-of-maltese-carnival/>
- Zammit, David E. 2019, “*How Growing Up in Malta and England Changed My Understanding of Identity*,” *Isles of the Left*.
- Monique Agius, *Supervised law students offering pro bono legal assistance*, Newsbook: March 3, 2019

4. Research and Knowledge Transfer (projects, being a peer reviewer, consulting/expert appointment)

Dr Jeanise Dalli:

- Contributor to a case law database project on Cultural and Religious Diversity, Department 'Law and Anthropology', Max Planck Institute for Social Anthropology, Halle (Saale), Germany, July 2018- ongoing. My main focus is on court and administrative cases on Female Genital Mutilation, Male Circumcision and other body modifications in the UK;
- Participant at the 'Migration and Human Rights Roundtable Discussion', organised by the University of Malta Human Rights Programme, July 2018, at the Faculty of Laws, University of Malta.

Dr Ruth Farrugia:

- Peer reviews for Springer Journal of International Migration and integration;
- Peer reviews for *Id-Dritt* Law Journal;
- Presented views on Child Participation before two Parliamentary Committees in February 2019 – Family Affairs Committee and Social Affairs Committee;
- Presented feedback on revised Child Protection Law to Ministry for Welfare, Children's Rights and Social Solidarity- March 2019
- Supervised and assisted in an ELSA publication on mental health law, published in January 2019

Dr Patrick J Galea:

- Supervised and assisted in an ELSA publication, *Project Jurisprudence: A Commercial Law Handbook for 2nd Year Law, Book III*, published in March 2019.

Dr Mary Muscat:

- Conducted peer reviews for *Id-Dritt* Law Journal;
- Contributed within the CEPOL Research and Science Forum (ongoing). Trainer in eco-offences with LESA, November 2018 and March 2019;
- Trainer in environmental law enforcement with ERA Enforcement Section, February to June 2019;
- Trainer in Criminal Law (police recruits), Family Law and Human Rights (in-service police training), and Tackling Hate Crime Awareness for Law Enforcement (TAHCLE) organised by OSCE at the Academy for Disciplined Forces throughout the year.
- Presented views on the Human Trafficking and Prostitution consultation paper, on behalf of A4E – Association for Equality, before two Parliamentary Committees on 5 June – Family Affairs Committee and Social Affairs Committee – recording online accessible through the Parliamentary website: <https://www.parlament.mt/en/13th-leg/jm-sac-fac/jm-sac-fac-008-05062019-0445-pm/>

Dr Kurt Xerri:

- Lead drafter of the project proposal submitted by the Department of Civil Law, in conjunction with the Department of Computer Science and the Department of European Law entitled "Systematising Smart Contracts in Traditional Contract Law

Theory”, selected for funding (full budget) in the Research Excellence Track by the Research Fund Committee of the University of Malta;

- National Country Expert of Malta in the project on *Housing Policies in EU Member States* run by the Institut Wohnen und Umwelt GmbH (IWU Institute for Housing and Environment) and the Technische Universität Darmstadt, Institute of Political Science, funded by the German Federal Ministry of the Interior, Building and Community (BMI), and coordinated by the Federal Institute for Research on Building, Urban Affairs and Spatial Development (BBSR) in preparation of the German Council Presidency in the second half of the year 2020;
- Advisor to the Parliamentary Secretary for Social Accommodation on Housing Policy and lead drafter of the Private Residential Leases Act (2019);
- Advisor to the Housing Authority on the implementation of the 2020 Private Rental Market Reform.

Dr David E. Zammit

- In 2018 I submitted a project proposal by the Department of Civil Law as lead partner, in conjunction with the Department of Computer Science and the Department of European Law entitled “Systematising Smart Contracts in Traditional Contract Law Theory”. This was selected for funding (full budget) in the Research Excellence Track by the Research Fund Committee of the University of Malta;
- In December 2018 I won the inaugural Malta Human Rights Award for the best human rights related text relevant to Malta published over the previous five years for an essay entitled ‘*Vernacularizing Asylum Law in Malta*’.
- Throughout this academic year I was an active member of the Faculty Research Ethics Committee and Human Rights Platform. I was also a member of the Platform for Migration sited in the Faculty for Social Wellbeing.

5. Other Community work (including pro-bono work)

Dr Ruth Farrugia:

- Delivered lectures on Marriage Law in mixed marriage on a quarterly basis pro bono for Malta Emigrants Commission;
- All other lectures and publications during this time were obo President’s Foundation for the Wellbeing of Society.

Dr Stephan Patrick Gauci:

- Member of the Board of Governors of the Sacred Heart College Foundation; 3-year term ends in November 2019.

Dr Mary Muscat:

- Child Advocate work with the Family Court;
- Pro-bono legal work in a housing related matter in aid of an Egyptian-Maltese citizen.

Dr David E. Zammit

- Pro-bono legal advocacy carried out on behalf of various asylum seekers in the context of the Law Clinic at the University of Malta.



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Annual Departmental Report 2018 -2019

This annual report for the Department of Criminal Law covers the period September 2018 till August 2019.

Annual General Meeting held on the 19/09/19, Faculty of Laws, University of Malta.

Members Present:

Dr Stefano Filletti (Acting Head) Dr Stephen Tonna Lowell Dr Leonard Caruana Dr Lucio Sciriha

Excused: Dr Leonard Caruana Dr Chris Soler Mr Justice A. Bugeja

Minutes of previous meeting were read and approved.

Matters discussed:

1. Reassignment of Duties

Lecturing duties were reassigned following student feedback to maximise on lecturing successes. The overall reviews were positive.

Duties were reassigned also in the light of the elevation of Mr Justice Aaron Bugeja. CRL 5008 and CRL 5009 were redesigned to use Departmental Resources efficiently.

2. Tutorials & Practicals

Tutorials and more importantly practicals were reviewed.

3. Additional Units

It was decided that a new elective will be offered to cater for specialized criminal laws including drugs laws, traffic offences and other special procedures. It was also agreed that greater emphasis would be placed on European Arrest Warrant (rather than extradition

Dr Stefano Filletti

Head

Department of Criminal Law Faculty of Laws



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Annual Departmental Report 2018-2019

Introduction

The Department of Commercial Law seeks to preserve and to merit the good reputation built over so many by illustrious predecessors in office and to maintain high standards of teaching and academic performance. The Departmental academic staff includes the leading professionals and recognized experts in their respective fields, be it shipping, competition law or company law. Students receive the best possible academic preparation backed by practical experience at the highest level. The Department relies on the able University administrative staff led by the Faculty Office for its day to day management.

Today commercial law examines more than ever before how business activities can be carried out and by whom, and how these activities and operators are regulated. Regulation of commercial activities is expanding and is playing an ever more important role in conditioning how business is carried out and by whom and under what conditions and restrictions. Study units examines how specific business activities are carried out and regulated in Malta: from basic notions of commercial law such as traders and acts of trade, to company law, financial services, aircraft and shipping law and financing, as well as consumer protection and fair competition. Some subjects are fairly traditional and well-established while others are new and only recently introduced. Study units are periodically revised and refreshed to reflect changes in law and international developments. The Department updates its programmes as commercial law evolves and changes and as new laws are passed by Parliament.

2019 has been another busy and challenging year for the Department. As it does every year, the Department delivered various lecturing study-units both at under-graduate and at Masters Levels. It was also involved in a number of seminars and conferences on commercial law subjects.

Objectives, relevance and the future

The Department strives to retain a visible presence at University through its participation in various academic activities. It tries to play a relevant role within the Faculty of Law and offers services that are relevant and useful to students, to society and to the University generally. It collaborates with other Departments and Faculties through lecturing and participation at seminars, etc. The Department strives to provide high standard lecturers. It allows the participation of the general public in its programmes in terms of University rules. Indeed, it seeks to achieve what is best for the public and the general community's well-being. All Commercial Law courses, without distinction, which are offered by the Department are open to the public. Regrettably few members of the public have this participated.

During these past years, high-level talks, seminars and conferences involving participation by Department members and other experts in the field, have regularly been organized with significant success and publicity. Members of the Department are regularly invited to address seminars and conferences organized by various professional entities and associations on various commercial law subjects and developments. Joint collaborative efforts take place regularly with FEMA, the Chamber of Advocates, the Malta Institute of Accountants and the University Consulting Services Limited. This participation has positively affected the Department's profile, relevance and credibility.

The Department's academic programmes reach far beyond the Commercial Code as used to be the case many years ago. Laws and society have changed in recent years and commercial law today is much more extensive with much more state intervention than ever before. Today commercial law includes sophisticated new rules, largely derived from the European Union, on competition and consumer protection, on financial services regulation, shipping and aviation. The teaching carried out by the Department has had to adjust and evolve accordingly. New study units are introduced to cover important new subjects and legal reforms. Where appropriate, study units were updated and refreshed.

Public conferences and seminars

The first conference of 2019 was held in April 2020 to commemorate the Annual World Consumers Rights Day. About 50 attendees heard local speakers, mostly University lecturers, discuss various topics and challenges of consumer interest. The keynote speaker was Prof Guido Alpa, the leading consumer lawyer and academic in Italy, who attended and addressed the conference.

The second conference was the Annual Company Law Conference held on 30th October 2019, which once again proved highly successful and was fully booked with about 130 participants at the Valletta Campus. In all these events, Departmental lecturers participated fully.

The Head of the Department jointly with Dr Tonio Borg from the Department of Public Law have started organising and coordinating quarterly noon legal seminars at the Chamber of Advocates. Three seminars were organized during the current year and all were very well attended. The topics discussed vary from public law to private law and involve different leading speakers. This initiative was launched during 2019.

Other departmental lecturers were active in their respective academic and professions areas of expertise. Some occupy important posts in fora and structures involved in their specialisations.

Teaching staff resources and commitments

The undersigned has been a full-time member of staff since November 2015 after having served on a part-time basis since 1994.

Dr Tiziana Filletti is the second full time member of staff, since October 2017.

The Department relies heavily on part-timers who are fortunately true experts and leading professionals in the subjects which they teach and we are grateful to them. Most lecturers are committed and provide an excellent service to students and the University. A number of lecturers are expected to contribute more to the Department's responsibilities and amplify their presence and participation in University life and activities, and not limit themselves to lecturing duties. Lecturers having a Council appointment are Prof Andrew Muscat, Dr Richard Camilleri, Dr Mario Demarco, Dr Ann Fenech, Dr Tonio Fenech, Dr Arthur Galea Salomone, and Dr Kris Borg.

No new permanent staff was recruited under a Council appointment during this last year and none are planned for the coming year.

The current Departmental secretary is Ms Shirley Mifsud who replaced Ms Claire Gouder in October 2019.

The Students

One cannot here but repeat the truism that the number of laws students has lowered the quality of the relationship between lecturers and students and affects negatively student participation during lectures. It also exercises a negative impact on examiners and examining. Students still remain largely passive and lack confidence to participate more actively in the lecture-room and few carry out independent reading or study, especially when large numbers of students are present. Smaller classes seem to guarantee better participation. Generally, most students are unduly concerned with exams, past papers and notes. Generally, they do little independent reading or research and most seem to have little interest in following and analysing relevant news and developments.

The quality level of students is not improving; most students seem not to even read newspapers and admit it freely. The general ignorance of history, even recent history, is deeply disturbing. With a few exceptions, students seem largely uninterested in knowing let alone understanding and analysing the past, what is currently going on around them and the global issues.

Money Matters

The annual budget allocated to the Department is meagre and barely covers the cost of a few good books, as well as of exam scripts, toners, paper and sundry stationery for use by the Department.

Teaching activities

The Department fulfilled its lecturing responsibilities in line with the University course descriptions and study unit commitments. Very few lectures were cancelled or postponed and action was immediate action was taken to reduce any inconvenience to students. Problems are often encountered in securing examiners willing to undertake the role of examiners to correct exam scripts. This point has already been made in earlier Reports and is repeated here. It is not good that the role of examiners be under-estimated and under-rewarded while new rules increase their duties and administrative obligations. Generally, the correction function is viewed as tedious, thankless and unrewarding.

Happyli, the consumer protection study unit, which for two years running was not offered due to lack of appreciable applications, will this year be held as sufficient applications have been received.

The Masters Programme in Financial Services

The Department offers and coordinates this Masters programme - organised jointly with FEMA - which is available annually both on a full-time and on a part time basis. With the able assistance of fellow co-coordinator, Prof Peter J Baldacchino, the Department strives to ensure it maintains a high standard. Mr Baldacchino heads the Department of Accountancy and continues to be a very supportive FEMA programme co-coordinator on the Board of Studies.

The evening Masters programme in financial services has proved a success. It was originally launched in 1996 and has continued to be offered annually without fail. In order to meet new challenges and new competition from other institutions – both local and foreign - and in pursuance of the University's internationalisation objective, a wider range of related and relevant disciplines like criminology, business studies and diplomatic studies are being accepted as a qualification. This year the programme started with 22 students including five foreign students – a remarkable figure seeing that not one

advert was issued for this course by University, as opposed to other highly advertised Masters programmes.

All important decisions affecting or arising out of the course are taken by the Board of Studies. This Board meets regularly and minutes are duly kept. Despite repeated reminders, students have not nominated their representatives to sit on the Board of Studies. The Board revised the banking regulation unit and introduced new lecturers to ensure the continuity of studies. Other necessary changes were agreed upon during the year, in consultation with the Registrar's Office.

As from this year, and for the first time, the study-units dealing with the three pillars of financial services, namely banking, insurance and securities have become all non-elective units.

Disciplinary and plagiarism cases

No big disciplinary issues or plagiarism were identified during the year.

Other commitments

The undersigned coordinates and lectures in the study unit on Regulatory Issues arising from the Regulation of Business offered every three years by the Faculty of Theology in its Masters in Business Ethics Programme.

He also coordinates and lectures, with other colleagues, in a study unit (ACC 5962) which provides accountancy students with an extensive introduction to financial services law and regulation and to dissolution and winding up of companies. The study unit is run by FEMA as part of its MA Accountancy programme.

During 2014, the Head of Department and Dr A. Galea Salomone attended practically all meetings of the Faculty Board and served as necessary in meetings and on Faculty sub-committees. The undersigned, also attended most Heads of Department and Dissertations Committee meetings.

The study unit on Maritime Law for Engineers offered at MSc level (CML 5043) was not offered this year as the course did not run due to lack of sufficient applications.

External examiners

External Examiners were appointed for a selection of LLD and Masters in Financial Services theses in accordance with the relevant University rules. The external non-visiting examiners were ably assisted by Faculty staff in the examination of the theses allocated following their choice of preferred topics. This year, Prof Luca di Donna was appointed for the under-graduate law course while Prof Ian Fraser has accepted to serve as external examiner for the Masters course.

Judicial Studies Committee

This year the Head of Department organized two separate seminars to the members of the judiciary as part of their continued professional training. The two sessions addressed consumer protection and financial services respectively.

DAVID FABRI**HEAD, DEPARTMENT OF COMMERCIAL LAW****1st November 2019**



**L-Università
ta' Malta**

**DEPARTMENT OF
EUROPEAN &
COMPARATIVE LAW**

Faculty of Laws

University of Malta
Msida MSD 2080, Malta

Tel: +356 2340 2786

www.um.edu.mt/laws

Annual Departmental Report 2018-2019

The Department has continued to consolidate and move forward despite a major crisis in Human Resources and 2019 saw the consolidation and the introduction of a new additional LLM programme in European Business Law, which commenced in September 2015. The first cohort is due for graduation in November 2019. In October we had reached the highest number of applicants for the LL.M stream, over 15 students. We have also launched the new MA in European Legal Studies intended for post graduate students who do not have an undergraduate degree in law. This attracted over 10 applicants. Members were active in research and participation in conferences and network meetings in Malta and abroad. The Department continues to run two LLM programmes, and a significant range of electives at LLB and LLD level in addition to the compulsory courses in European Union Law. It also services other Faculty of Laws programmes as well as other Faculties and Institutes. There were no changes in staff during the past year.

During the academic year 2018/19, the Department also updated its website and consolidated an official Facebook page. Various meetings with the administration were held to market the Department's postgraduate programmes. The Department concluded the EU funding project dealing with EU Criminal Law (Hercules value EUR 80k which were awarded as well as is currently working on a publication of the implementation of EU law in Malta to be published in the UK). The Department in partnership with the Civil law department was also successful in the local award for a research project dealing with smart contracts.

Dr. Natasha Buontempo, Assistant Lecturer

Teaching duties 2018/2019

A. Lectures

ECL5035-SEM1-A: Labour Law in the EU, EST1020-YR-A: The Legal Order of the European Union, EST1022-SEM1-A: Law of the Institutions: General Principles of European Union Law, EST1023-SEM2-A: Enforcement of European Union Law, ECL 2000 Introduction to EU law and ECL 2001 EU Law

B. Tutorials: EU Law

C. Dissertations

She supervised and examined a number of dissertations at LL.M and LL.D level

2. Ph.D. Progress

She is in her sixth year (part-time). So far, she had written five chapters and have undergone four interim reviews at the University of Strathclyde with positive reports from my supervisors and three annual reviews also with positive feedback.

The plan is that she will submit her final draft around end of 2019.

In July 2019 she was granted unpaid study-leave to finish her PhD Program.

3. Papers written/being worked on:

- National Expert researching Operational Restrictions in the Retail Sector in a study submitted to the European Commission (EU).
- She has written two papers based on her Ph.D. studies and these were published in Id-Dritt, a publication of GHSL (UOM): 'Stages in the Principle of Proportionality' and The 'Principle of Subsidiarity in the doctrine of the ECtHR'.

Dr Ivan Sammut

Participation in Networks and Projects

Active member in SECOLA

Fellow of European Law Institute

- a) Member of EU Administrative Law Committee – European Law Institute 2013

b) Member of the Committee dealing with Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law - European Law Institute 2013
Member of the American Society of Comparative Law
Active member of the American Society of Comparative Law
Associate research fellow at the IALS of the University of London

Participation in conferences

Conference on Mixed jurisdiction Potchefstroom South Africa (April 2019);
Visiting Lecturer university of London IALS, May 19
Research visit at the IALS London December 18 and March 19
Participated in the FIDE 2018 Congress in Portugal in May 2018
Icon Conference on EU public Law Santiago Chile – July 2019

On behalf of the I-Force Hercules Project I organised a workshop for contributors to the project on 5 October 2018 as well as a oneday national conference on the same subject on 24 June 2019 with 10 leading speakers from Europe.

Publications, Reports

Sammut I 'The effect of Multilingualism in the EU on European Legal Translation', *The International Journal for the Rule of Law, Courtroom procedures, Judicial linguistics and Legal English* Vol. 2 Issue 1, April 2018, p.30-52

Sammut I 'The Context for European Private Law – Comparative Law, Legal Transplants & Mixed Legal systems, *The European Legal Forum* Munich, 1-2018 p.1-12

Forthcoming publications

Article in European Review of Private Law

Book chapter on Maltese legislation

Book chapter on EU Migration,

3 book chapters and editing of the volume Implementation of EU Criminal Law to be published by Eleven the Hague

Other activities/Funding

Committee Member of the Assoċjazzjoni Maltija Għall-Istudji tad-Dritt Ewropew (AMSDE).

Teaching

Taught a range of subjects at undergraduate, LLD, and Masters' level.

Supervised LLD, MA, LL.M, theses, examiner and chairman of several boards of examiners.

Supervised Ph.D. thesis – Dr Katrin Allegren-Benndorf, Dr Natalino Caruana De Brincat, Dr Simon Busuttil

Dr Mireille Martine Caruana

Teaching:

Over the course of the past 5 years Mireille designed, developed and ran new courses on Information Technology law and the law of e-Commerce in the EU, at both undergraduate (LLB) and masters (LLM) level. In the past academic year (2018-9), she was sole or co-lecturer on the following undergraduate courses:

ECL4013 'EU Technology Law';

ECL4014 'E-Commerce Law in the EU';

ECL 4006 'EU Consumer Law'.

She also acted as study-unit coordinator and ran the bi-weekly seminars on the following Master level courses: ECL5068 'E-Commerce Law and Policy in the EU' (including 2 seminars led by guest visiting lecturer Dr David Gonzi); and ECL5043 'EU Information Technology law'. Last academic year, in the context of her coordinating duties within the newly developed MSc in Blockchain and DLTs, she designed and developed the following new study-units, on which she acts as coordinator and co-lecturer:

ECL5074 'Cryptocurrencies, Distributed Ledger Technologies and the Law' (LLM, MSc);

DLT5120 'Regulating blockchain and DLTs: An introduction to the law and policy aspects' (MSc).

She also delivered a one-off lecture on data protection in the medical research context, on the study-unit MDS3104 'Ethical, Legal and Social Implications (ELSI) in Medical Research'. She has also been co-responsible for developing and acted as coordinator and co-lecturer on a new master level study-unit ECL5072 'Gambling Law and Policy in the EU', which ran for the first time during the academic year

2018-9. This new study-unit is primarily delivered by specialised practicing lawyers in the area, Dr David Gonzi and Dr Vincienne Pace. She delivered lectures on the freedom to provide and receive services in the EU within the ECL3004 'EU Internal Market Law' study-unit.

Supervision:

During 2018-9 Mireille was supervisor on 2 LLM dissertations and 6 LLB term papers.

Examining duties:

She acted as examiner or additional examiner on all the mandatory courses on EU law, as well as on all the undergraduate and postgraduate study-units on which she acts as coordinator and/or lecturer. She acted as examiner on a significant number of LLD theses, LLB term papers and LLM dissertations submitted for 2018-9.

Research:

She submitted a report as national rapporteur for Malta on the subject of 'The New EU Data Protection Regime' to the International Federation for European Law (FIDE). This research will contribute to the proceedings of the FIDE XXIX Congress, to be held in The Hague in 2020. She also wrote and has recently submitted for review a short article entitled 'Humans, Machines, Law and Ethics', which is due to be published in the local publication 'Knisja 2000'.

On 5 April 2019 she delivered a presentation on 'Blockchain, smart contracts and consumer protection' during the annual Consumer Law Conference 2019, organised by the Department of Commercial Law at the Faculty of Laws in collaboration with the Malta Chamber of Advocates.

She co-authored a paper on 'The Threats posed by Cybercrime to the EU's Financial Interests' (with Dr Shaun J. Borg) (forthcoming) as a contribution to the Hercules project coordinated by the head of the Department of European and Comparative Law Dr Ivan Sammut.

During the academic year 2018-9, collaboration was also commenced with the Centre for Molecular Medicine and Biobanking, on certain data protection aspects of the project 'Dwarna': Biobank Portal.

Administration:

Mireille was the co-ordinator of the LLM in European and Comparative Law, the specialised LLM in European Business law stream, as well as the new MA in European Legal Studies. She was also a member representing the Department of European and Comparative Law on Faculty Board. At its meeting of 26 October 2017 Senate appointed Mireille as a member on the new **University Research**

Ethics Committee (UREC), for the period 1 December 2017 to 31 December 2019. During the academic year 2018-9 she regularly attended and contributed to the meetings and activities of UREC and its sub-committee on data protection (UREC-DP).

She was also appointed as a member on the Board of the new **Centre for Distributed Ledger Technologies** (CDLT), in the context of which she is responsible for the Faculty of Laws' contribution to a new masters (MSc) programme in blockchain and DLTs and was responsible for designing and developing the following new study-units, which are running for the first time this academic year (2019-2020):

ECL5074 Cryptocurrencies, Distributed Ledger Technologies and the Law (LLM, MSc);

DLT5120 Regulating blockchain and DLTs: An introduction to the law and policy aspects (MSc).

Other:

Mireille successfully organised a visit by Dr Mark Leiser, Assistant Professor at the Centre for Law and Digital Technologies at Leiden University, as visiting lecturer to the University of Malta. Dr Leiser delivered some very informative and thought-provoking lectures to our undergraduate and master level students, as well as a public talk entitled 'A principle-based response to the #Fake News crisis' at the Valletta Campus on 21 February 2019.

Mireille attended and successfully completed a Professional Development Programme ('Professional Development of Academic Staff') between September 2017 and June 2018.

Dr Jelena Agranovska

Teaching

During her third year with the Department of EU and Comparative Law, she has taken on teaching at both undergraduate and postgraduate levels and have delivered lectures on the following study-units (co-taught in collaboration with my colleagues from the department):

ECL5069 Advanced EU, EST2060, ECL3004 European Union Internal Market Law in Semester 2, ECL2001 European Union Law, EST1020 the Legal Order of the European Union, and ECL 5063

During both Semesters she has delivered tutorials for study-unit ECL 2001 EU law: 3 tutorial sessions of 2 hours each in Semester and Semester 2.

Supervision/examination of student research

For the following study- units she has assisted in setting up of exam papers and have acted as an examiner, assessing the final grades in accordance with an established procedure - EST1020; ECL2001; ECL5069; ECL3004; EST2060

Additionally, she has acted as an examiner for the following LLM study units - ECL5034 European and Comparative Business Enterprise Law; ECL5049 The Law of the EU Institutions; ECL5037 EU Financial Services Law.

She has accessed students' assignments (Erasmus essays, LLM dissertations, LLB dissertations and LLD theses), generated examiners' reports and participated in examination of theses and dissertations. She provided assistance to students when they had questions as regards to term papers and dissertations.

Academic Research academic work

Dr Agranovska of a core team on the EU funded project under the Hercules III Programme. For this project she is both an editor and a contributor for Latvia. She has engaged in recruitment of the national contributors and conducted interviews/briefing via the Skype, as well as meetings with specialists from Latvian Ministry of Justice. For her report on Latvia she had to conduct an extensive research, since Criminal Law is not her field of expertise. She has managed to successfully present a case-study on Latvia during the international Workshop held on the 5th of October 2018 at Valletta campus (which she has co-organised).

She is a member of an editorial team on a project (an edited volume on implementation of EU law in Malta) which is an initiative by our Department. She has engaged in enlistment of the contributors, drafting of a book proposal, soliciting with prospective editors. For this volume she is also a contributor of two academic articles.

She has acted as a reviewer of academic contributions for It-Dritt and for the Institute for European Studies.

Dr Agranovska participated in the day-to-day academic administration of the department: specifically, she have researched into the area of potential stand-alone study unit to be delivered by an external academic (Blockchain and DLT regulation), maintained our social media presence on Facebook, engaged in marketing of events and LLM programmes, distributed our LLM flyers in foreign Universities, updated and improved the website for our department and the Faculty of Laws through the use of University Web Content Management System (CMS), prepared, uploaded and managed course material on the VLE. She has been the initiator for organisation of Lecture Capture recording

for lectures delivered by our Department (proved to be an effective tool for lecture delivery and teaching improvement).

She has organised and assisted in creation of marketing material (booklets and posters) for our Masters programmes and well as promotion and distribution of the said materials. She has engaged with the Newspoint and created three adverts to disseminate research undertaken at our Department. She has also approached THINK magazine to discuss an article to be published in the Spring issue 2019. She has initiated a conclusion of an institutional agreement with two foreign Universities: Latvia – Turība Law School and Hungary - Faculty of Law and Social Sciences of Pázmány Péter Catholic University.

Conferences and further self-development activities

In order to broaden and deepen my expertise in marketing she have taken a of course organised by the University on the Social Media Marketing.

A number of conferences, which she has attended during the academic year 2017/18, broadened her knowledge on a wide variety of subjects, which has aided to further her research interests. For example: a conference in Innsbruck, Austria organised as a final part of Unalex project (November 2017); FIDE Congress in Estoril, Portugal in May 2018 (for which she has also contributed a report), seminar on Insolvency Law delivered at the Chamber of Advocates (which she had initiated and also helped to organise).

She also become a partner for the COST network (organised by academics from Berlin School of Economics and Law and from Maastricht). COST is an EU-funded networking activity which allows the networking of research on a European level.

She has organised academic visits to our Faculty for Prof Michael Schillig, King's College London and Prof Tihamér Tóth, Pázmány Péter Catholic University in Budapest, Hungary as well as have also organised a seminar on Insolvency at the Chamber of Advocates delivered by Prof Michael Schillig. Currently she is organising Prof Schillig's forthcoming visit to the University - he will be our visiting academic. Likewise, she has secured Prof Schillig's delivery of a day-long seminar on Cryptocurrency regulation in EU. This event is currently being organised in conjunction with the MUHC.

As a Walking ambassador at the UoM she had also attended a number of meetings, participating in discussions on how to promote and improve walking routes to and from the University.

Signed: Dr Ivan Sammut Date: 30th September 2019



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**DEPARTMENT OF
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& RESOURCES LAW**

Faculty of Laws

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Annual Departmental Report 2018-2019

1. PURPOSE:

1.1. The department focuses on the lecturing, tutoring and research in:

- Environmental law,
- Law relating to the sustainable development and sustainable resource management
- Development Planning law
- Climate change law,
- Occupational Health and Safety Law
- Food Safety Law
- Heritage law
- Animal Rights law
- Aspects of policy making related thereto.

1.2. Affiliations and Achievements:

- Acts as the representative of the Academy of Environmental law and the Environmental law Commission of the International Union for the Conservation of Nature in Malta of which the Unit is already a member.
- Co -Chairs the Pan European Academic Forum of Legal Experts on Climate Change Adaptation
- Coordinates the International Master Program in Ocean Governance launched in September 2013

- Coordinates the International Master in Laws in Energy Law, Environmental Law and Climate Change Law
- Benefits from an ERASMUS mobility program with the Catholic University of Leuven, Belgium in lecturing and research on Environmental and Energy Law, Aalborg University Denmark, Utrecht, Netherlands and Insubria Milan.
- Regularly publishes legal works in Malta and abroad on legal research carried out.
- Seeks internship programs as practical legal training for students specializing in the legal fields above mentioned at both public and private entities that have an interest in the topics. A list of potential candidates is referred to below. The Department strives to academically address and in so doing promote legal research that may be commissioned by the same.

The Environment and Resources law Department was set up just before the beginning of the academic year 2010/2011. The decision to set up this new Department within the Faculty of Laws has been prompted by the vast developments on a national, European and International level in the legal framework addressing the topics mentioned above. The regulation of these sectors is horizontal in nature and impinges upon all of the major legal streams and human activities. The entire mass of norms that fall under Environment and Development Planning law has introduced specialized legal regimes that complement and at times supersede the *lex generalis* under which, they originated.

This enables the Faculty of Laws to keep abreast with the demand for legal learning and research in these legal fields, as they evolve from statutory sources as well as case law. This would consequently benefit and contribute to the development of the other existing Departments. There is a strong and steady demand for academic learning in the legal fields mentioned in 1.1. not only within the Faculty of Laws, where the subject has been offered since 1994, but also from other faculties and institutes at University as the subject is essentially horizontal. A list of the said University of Malta institutions that request such services is included below.

The proliferation of national legislation on environment and planning law reflects the changes the country is undergoing as a Member of the European Union. The environmental *acquis communautaire* is the second largest chapter constituting 22% of the whole *acquis* not including related legal

instruments addressing for example energy issues. Apart from the bulk of laws involved, most of these laws are subject to specialized legal regimes that have no link with other legal fields.

The Strategic Educational Pathway Scholarships (STEPS) Program, has identified environmental studies as one of its priority areas. Indeed, environmental studies particularly *in the field of renewable energy resources*, the earth sciences and planning *development* are on the increase in Malta as everywhere else in the world. The Department is gearing itself up to support this influx of interested applicants by offering study units that train students in understanding the legal framework that supports innovation and developments in this field of academic study.

2. LECTURING

2.1. Study- Units the ERL Department is Responsible for either in Full or in Part.

- ERL2000 - Principles of Environmental Law (4 ECTS)
- ERL2001 - Development Planning Legislation (4 ECTS)
- ERL3000 - Principles of International Environmental Law (4 ECTS)
- ERL5000 - Climate Change and International Law (5 ECTS)
- ERL3004 - Occupational Health and Safety Law (2 ECTS)
- INL 3001- Principles of International Law (10 ECTS)
- ECL 5010 - Environmental Policy of the European Union (2 ECTS)
- SERM - Joint Masters in Sustainable Resource Management (Shared)
- EST 3130 - European Environmental law and Policy (EDRC) (4 ECTS)
- OHSA – CLS1309 Environmental Health Management Policy: Legislation and Supervisory Skills (4 ECTS)
- MSC 5202 – Sustainable development, Law and Policy (Shared)
- ISS 5004 - International Environmental law and Environmental Diplomacy (ECTS 8)
- ISS 5012 – Environmental law and Environmental Diplomacy (ECTS 6)
- IEN 5019- The Science and Management of Climate Change (shared)
- EMP 2002 The Law of the Sea and the Regulation of Oceans (shared)
- EMP 2003 Environmental Law and Policy (shared)
- EMP 2007 Waste Management: Key Concepts (shared)
- EMP 2008 Waste Management: Key Concepts and Challenges in the Maltese Context (shared)
- EER 5203 Sustainable Development Law and Policy (CEER)

2.2. Lecturing Load for members of the ERL Department in the different Study units.

Faculty of Laws

ERL 2000 Principles of Environmental Law – 4 ECTS	42 hrs
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ERL 2001 Development Planning Legislation – 4 ECTS	28 hrs
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ERL 3000 Principles of International Environmental Law - 4 ECTS	42 hrs
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ERL 5000 Climate Change and International Law – 5 ECTS	35 hrs
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ERL 3004 Occupational Health and Safety Law – 2 ECTS	14 hrs
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INL 3010 Principles of International Law	16 hrs
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ECL 5010 Environmental Policy of the European Union	14 hrs
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ERL 3004 was not delivered due to lack of sufficient number of students registering for the subject.

Other Faculties and Institutes

EDRC: EST 3130 European Environmental law and Policy (4 ECTS)	28 hrs
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OHSa: CLS1309 Environmental Health Management Policy - (shared)	10 hrs
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CEER: MSC 5202 Sustainable development, Law and Policy – (Shared)	10 hrs
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ISSI: ISS 5004 Int. Env. law and Env. Diplomacy (ECTS 8) **56 hrs**

ISSI: ISS 5012 – Environmental law and Environmental Diplomacy **42 hrs**

IES: IEN 5019 The Science and Management of Climate Change **8 hrs**

3. RESEARCH

3.1. List of Research Projects

Research within the Forum of European Legal Experts on Adaptation to Climate Change supported by the University of Leuven Belgium and the European Commission DG CLIMATE ACTION. Role of the Forum is to provide a think tank amongst leading academics in European Universities to build a legal framework on climate change adaptation.

Research within the Climate Change Platform at the University of Malta. The role of the platform is to identify any research and studies being carried out by the Universities Faculties, Institutes and Centres to promote collaboration and coherence.

A Legal Assessment on the Ownership of Waste for WASTESERV.

A Policy Paper on Noise Pollution for the Ministry for the Environment Sustainable Development and Climate Change

A Programme for Estate Management and its Legal Implications, Institute for Sustainable Development

A Programme for a Masters on Ocean Governance in Collaboration with Institute for Earth Systems and International Oceanographic Institute

A Study on the Regulation of Re protoxins under Malta's Occupational Health and Safety Law (EU Commission)

A Study on Ship Source Pollution in Malta for DG ENV of the EU

A study on Eco Crime Directive in Malta for DG ENV of the EU

A study on Access to Justice and Citizens Rights in Malta for DG ENV of the EU

A study on Sulphur Emissions for DG ENV of the EU

A Study on Energy efficienc: the verification of compliance of national legislative measures for DG ENV of the EU

A Study on Development of a multilingual campaign toolkit for raising awareness and motivation to manage psychosocial risks in Europe's micro and small enterprises for DG ENV of the EU

A Study on Radioactive Waste Legislation and Implementation in Malta for DG ENV of the EU

A Study on Greenhouse Gas Emissions Legislation in Malta for DGENV of the EU.

A Study on Noise Pollution for MESDC.

A Study on Ocean Governance and Climate Change for MFTP

3.2. List of Papers and Dissertations Supervised by the Department for 2018/2019

Dissertations (LL.B.)

Brincat Ethan - 453097M - The Second Republic: A Green One

Dingli Jurgen - 435096M - The Regulation of Renewable Energy Incentives and Investments under Maltese Law

Dissertations Masters of Arts in Law on Ocean Governance (MA OG)

Cosmin Chivu: The New Implementation Agreement on BBNJ: Pushing the Boundaries of International Law on the High Seas?

Jim Bowen: Cooperation measures for governance of shipping in the Arctic: China's perspective

4. CONFERENCES AND PUBLICATIONS.

Prof Simone Borg attended the following Conferences where she delivered Papers and Presentations:

As a Chair for the Panel on Climate and the Ocean at the Sustainability College Bruges Meeting on Climate Law

As Academic Invitee of the EU Commission for DG CLIMA The EU Climate Adaptation Strategy, speaker at the Stakeholder Dialogue Meeting in Brussels, November 2018.

As a participant at the Cambridge International Law Forum on the Role of NonState Actors, University of Cambridge April 2018.

As a key speaker at IMLI Conference on Biodiversity Beyond National Jurisdiction, IMLI, Malta

As a Panelist at the IUCN Academy of Environmental Law Annual Colloquium, Presentation and Paper on an Integrated Approach towards Climate and Ocean Governance, October 2018.

As a Key Speaker at Nantes University Colloquium on Ocean Law presentation and Paper on the Ocean Climate Change and Benthic Marine Biodiversity Loss, October 2018

As a Panelist at the Maritime Summit 2018, on the IMP Greenhouse Gas Strategy for Energy Efficient Ships, November 2019

5. STAFF

Prof Simone Borg, Prof, Head of Department, Full Time

Dr Louise Farrugia, Asst Lecturer resident academic temporarily part time Asst Lecturer due to official post as CEO ERA

Dr Chris Attard, Asst Lecturer Full Time

Dr Antoine Grima, Asst Lecturer Full Time

Dr Martin Fenech, Part Time

Dr Jotham Scerri Diacono Part Time.

Drs Grima, Attard are pursuing their PhD studies Dr Spiteri will resume her PhD after she returns to University on a full-time basis.

Prof Simone Borg, Head of Department

LLD, M. Juris (Int Law)

PhD (IMLI)



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Selected Recent Publications:

- Patricia Vella de Fremeaux and Felicity Attard, 'Dehumanising the Human Element of Maritime Migrant Smuggling: A Discussion on the Application of Human Rights in the Maritime Sphere', *Benedict's Maritime Bulletin*, Vol.17, March 2019.
- "Elisabeth Mann Borgese, Gender and the Law of the Sea" for the "Gender and the Law of the Sea" (2019, No 88 in the *Oceans and the Law of the Sea Series*)
- 'V. Lowe, The Role of Extraterritorial Jurisdiction: Economy, Sovereignty and the Search for a Solution', Comment by Prof Patricia Mallia, Cap 47 in *Anthology of British Contributions to International Law, 1915:2015 Vol 2* (British Institute of International and Comparative Law)

Editing:

- Member of Board of Editors of the *Comparative Maritime Law Journal*
- Member of Board of Editors of the *Journal of Law and Conflict Resolution*

International Meeting / Conference Submissions:

- Speaker, International Workshop on Human Rights and the Law of the Sea, Stockton Center for the Study of International Law, U.S Naval War College and the IMO International Maritime Law Institute, IMO International Maritime Law Institute, Msida, 4-5 April 2019.

- Member of International Scientific Committee of the 1st International Shipmasters' Congress (International Federation of Shipmasters' Associations) on "Future Skills Requirements for a Digitized Maritime Industry".

Projects:

- Currently writing textbook on International Law and the Law of the Sea, with Professor David Attard.
- With the University of Ferrara:
Member of organizing committee for the establishment of a joint masters in law programme on the prevention and suppression of international crime at sea (2015-present)
- With the People for Change Foundation:
successful bid re: Fundamental Rights Agency to be the Malta focal point for the FRANET Network (January 2019)
- With the University of Milano-Bilocca:
Collaboration for a joint proposal to be submitted under the MSCA-ITN call of the European Commission to be resubmitted in January 2020; Co-ordinating University: Università degli Studi di Milano-Bilocca.

The project, entitled "Human Oceans Professional Experts" (HOPE) would aim at training early stage (doctoral) researchers to amalgamate an in-depth knowledge of law of the sea, maritime law, and other legal and policy fields that relate to the human element in maritime activities and sea uses.

Collaboration with Third Parties:

IMO, International Maritime Law Institute, Guest Lecturer

People for Change Foundation, Senior Consultant

International Maritime Organization

University of Ferrara

Università degli Studi di Milano-Bicocca

International Ocean Institute

Malta Maritime Law Association

International Academy of Comparative Law

Ministry of Foreign Affairs, Malta

European Migration Network, Malta

International Federation of Shipmasters' Associations (IFSMA)

PROFESSOR DAVID ATTARD

SELECTED RECENT PUBLICATIONS

The Maltese Legal System on Human Rights Jurisprudence in Malta, Volume II, Part C, to be published by Malta University Press

OUTLINE OF COLLABORATION WITH THIRD PARTIES

International Foundation for the Law of the Sea (IFLOS), Hamburg;

Ministry of Foreign Affairs, Malta

Office of the Prime Minister, Malta

Director, IMO International Maritime Law Institute, Malta

International Maritime Organization (IMO) Technical Cooperation Division, UK

Elected Vice-President, International Tribunal for the Law of the Sea (ITLOS), Hamburg

Member, Seabed Disputes Chamber (ITLOS)

Member, Chamber of Summary Procedure (ITLOS)

Member, Chamber of Marine Environment Disputes (ITLOS)

Member, Library Committee (ITLOS)

Mediterranean Academy of Diplomatic Studies (MEDAC), Malta;

International Ocean Institute (IOI), Malta;

IMO Council, UK

IMO Legal Committee, UK

Member, Board of Advisers, International Law Studies, Naval War College, Rhode Island, USA

PROJECTS INVOLVING MEMBERS OF THE DEPARTMENT

Human Rights Research

Planning the publication of other volumes in the Maltese Legal System dealing with civil law, criminal law and international law

CONFERENCES ATTENDED ABROAD

Addressed the IMO Technical Cooperation Committee

‘Challenges of Ocean Governance’, Lecture delivered at the 2018-2019 ITLOS-Nippon Fellows Programme, ITLOS, Hamburg

‘IMLI Capacity Building’, address at the Oceans Ambassadors Meeting, Malta

‘New Directions in International Maritime Shipping’, address delivered at the Closing Ceremony of the ELSA Summer Law School, Malta

Moderator of International Panel on 'Climate Change and the Law of the Sea' at the 2019 International Conference on the Law of the Sea, organized by the Ministry of Foreign Affairs of Korea, ITLOS, and the Korean Society of International Law, Seoul, Korea

Annual Lecture at the Summer Academy of the International Foundation on the Law of the Sea on 'Maritime Zones and Jurisdiction', Hamburg

Key note speech entitled 'The Role of Ports in Maritime Law' delivered at the Seminar 'Do Ports have need International Regulation' organized by IMO, IMLI and Hutchison Ports, held at IMO, London

'Ocean Governance', Lecture delivered at the 2019-2020 ITLOS-Nippon Fellows Programme, ITLOS, Hamburg.

DR FELICITY ATTARD

Assistant Lecturer

Selected Recent Publications:

- Patricia Vella de Fremeaux and Felicity Attard, 'Dehumanising the Human Element of Maritime Migrant Smuggling: A Discussion on the Application of Human Rights in the Maritime Sphere', Benedict's Maritime Bulletin, Vol.17, March 2019.
- Currently one article in the pipeline for publication in the United States dealing with the legal status of the shipmaster and shipowner in international law, and several chapters focusing on international maritime security law for a forthcoming publication on ocean governance.
- Most research undertaken in the past academic year was focused on my Ph.D. which was submitted for examination in August 2019.

Seminar and Meeting Submissions:

- Guest Lecturer, 'Irregular Migration by Sea and its Impact on International Shipping', The International Ocean Institute Training Program on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas, University of Malta, Msida, 8 November 2018.
- Participant, Workshop on The Role of Maritime Law in East Asian Maritime Relations, Embassy of Japan and the IMO International Maritime Law Institute, the IMO International Maritime

Law Institute, IMO International Maritime Law Institute Msida, 5 March 2019.

- Participant, Workshop on Human Rights and the Law of the Sea, Stockton Center for the Study of International Law, U.S Naval War College and the IMO International Maritime Law Institute, IMO International Maritime Law Institute, Msida, 4-5 April 2019.

External Assessment:

- University of Ferrara, External Examiner for the Dissertation entitled 'The Fight against Human Trafficking and Migrant Smuggling by Sea: The Malta Experience' submitted as part of the Corso di Laurea in Giurisprudenza Studies, Università degli Studi di Ferrara.

Collaboration with Third Parties:

International Ocean Institute:

- Guest Lecturer, The International Ocean Institute Training Program on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas, November 2018.
- Assessor, Policy Simulation Exercise, The International Ocean Institute Training Program on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas, 7 December 2018.

Centre for European Legal Studies on Macro-Crime:

- Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza, October 2018.

European Law Students Association:

- Workshop Leader, ELSA Malta, How to Sessions on Assignment Writing and Research, October 2018.
- Guest lecturer, European Law Students Association Summer School on Maritime Law, August 2019.

Maiden Factor Foundation:

- Promotional speaker, recorded a short endorsement for the work of the Maiden Factor Foundation which focuses on female empowerment through education, December 2019.

Conferences, Seminars, Symposiums, Workshops and Lectures attended:

- Lecture, Development and Entry into Force of IMO Conventions, delivered by Admiral Frederick Kenney, Director of Legal and External Affairs at the International Maritime Organization, held at the IMO International Maritime Law Institute, Msida, 2nd November 2018.
- Lecture Series on the Law of Treaties, delivered by Professor Malgosia Fitzmaurice, Professor of International Law at Queen Mary University of London, held at the IMO International Maritime Law Institute, Msida, 8-9 November 2018.
- Round Table, 'The Challenges of Ocean Governance', held at the IMO International Maritime Law Institute, Msida, 13 November 2018.
- Lecture, 'Terrorism and the Media', delivered by Dr. Julie R Shedd, Deputy Dean of the School of Conflict Analysis and Resolution organised by the Centre for the Study and Practice of Conflict Resolution, University of Malta, held at Valletta Campus, 20 November 2018.
- Lecture Series on State Responsibility, delivered by Professor Malgosia Fitzmaurice, Professor of International Law at Queen Mary University of London, held at the IMO International Maritime Law Institute, Msida, 22nd-23rd November 2018.
- Lecture, 'The Contribution of the ICJ to Contemporary Law of the Sea', delivered by H.E President Abdulqawi Ahmed Yusuf Lecture, President of the International Court of Justice, held at the IMO International Maritime Law Institute, Msida, 8 January 2019.
- Lecture, 'IMO and the Development of IMO Maritime Security Policy' delivered by Mr. Chris Trelawny, Chief Subdivision for Maritime Development – Technical Cooperation Division IMO, held at the IMO International Maritime Law Institute, Msida, 21 January 2019.
- Lecture, 'Terrorism at Sea', Dr. Aniruddha Rajput, held at the IMO International Maritime Law Institute, Msida, 26 February 2019.
- Lecture, '5 Persons who Unintentionally Transformed Maritime Security', delivered by Captain Brian Wilson, held at the IMO International Maritime Law Institute, Msida, 4 April 2019.
- Seminar, 'International Seminar on Empowering Women in Maritime Affairs', held at the IMO International Maritime Law Institute, Msida, 26 April 2019.
- Conference, 2019 ESIL Annual Conference 'Sovereignty: A Concept in Flux?', European Society of International Law, National and Kapodistrian University of Athens, Athens, 12-14

September 2019.

Projects:

University of Milano-Bicocca (Italy):

Human Oceans Professionals Project:

- Collaboration with the University of Milano-Bicocca (Italy) for a proposal to be submitted to the MSCA-ITN call of the European Commission, which aims at creating a network of universities and non-academic subjects, from Italy and other Countries. Each of the participating entities will contribute to the training activities in different ways, including through seminars, series of meetings, summer schools, conferences, supervision of research activities, internships etc. The project should last for 4 years.

University of Ferrara:

- Member of organising committee for the establishment of a joint masters in law program on the prevention and suppression of international crime at sea (2015-present).

PROFESSOR PATRICIA VELLA DE FREMEAUX

Head, Department of International Law



**L-Università
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**DEPARTMENT OF MEDIA,
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TECHNOLOGY LAW**

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Annual Departmental Report 2018-2019

1. Contribution in Law Courses offered by the Faculty of Laws

The Department of Media, Communications and Technology Law continued to contribute to the Bachelor of Laws Hons (LL.B. Hons.), Master of Advocacy (M. Adv.) and Doctor of Laws (LL.D.) degree courses as well as to other degree programmes offered by the Faculty of Laws, Faculty of Theology, the Department of Criminology, Faculty of Social Well-Being, and the Faculty of Medicine and Surgery. This entailed lecturing, supervising and examining study-units, including supervising theses, dissertations and term papers.

The Department is composed of the following eleven academic members of staff:

Prof Kevin Aquilina (Head of Department) (Full-time Resident Academic - Professor)

Prof Frances Camilleri Cassar (Full-time Resident Academic – Professor)

Dr Daniel Bianchi (Full-time Resident Academic – Assistant Lecturer)

Dr Jeanne Pia Mifsud Bonnici (Visiting Lecturer – T2)

Dr Michael Frendo (Visiting Senior Lecturer – T1)

Dr Anne Louise Ellul Cachia Caruana (Visiting Senior Lecturer – T4)

Dr Francis Zammit Dimech (Visiting Senior Lecturer – T2)

Dr Michael Tanti Dougall (Visiting Senior Lecturer T1)

Dr Paul E. Micallef (Visiting Senior Lecturer – T1)

Dr Ian Gauci (Visiting Lecturer – T1)

2. Professor Kevin Aquilina

2.1 Participation in Academic Boards and Committees

The Head of Department was until 17 May 2019 the Dean of the Faculty of Laws and ex officio member on Senate. He is also a member of Senate's Programme Validation Committee, Senate's Students' Charter Committee and of the Editorial Board of the Malta University Press. He also attended regularly the meetings of the University Ph.D. Committee, the Students Request Committee and the University Assessment Disciplinary Committee. He chaired several Faculty Committee and Heads of Departments meetings and chairs other Faculty Committees. He participated regularly in meetings of the College of Deans.

2.2 Research Output

During this academic year Professor Kevin Aquilina has published the following:

2.2.1 Books (Sole Author)

(i) *Human Rights Law: Selected Writings of Kevin Aquilina*, Department of Media, Communications and Technology Law, Faculty of Laws, University of Malta, October 2018.

2.2.2 Edited Books

(ii) *Legislative Drafting and Statutory Interpretation: Comparative Perspectives from Malta, Canada and Nigeria* (co-authored with Mike Donaldson and Tonje Clinton Jaja), Faculty of Laws, University of Malta, Msida, Malta, 2018, 142 pp.

2.2.3 Book Chapters in Edited Books

(iii) '*Lowell v. Caruana*: A Leading Restatement of Administrative Law', in Simone Mizzi et al. (ed.), *Judge Maurice Caruana Curran: Guardian of Heritage and Culture*, Book Distributors Limited, San Gwann, 2018, pp. 103-106.

(iv) 'Introduction' in Giovanni Bonello, *Misunderstanding the Constitution: How the Maltese Judiciary undermines Human Rights*, Book Distributors Limited, San Gwann, 2018, pp. 19-49.

(v) 'The United Nations General Assembly Universal Declaration on Human Rights and the Constitution of Malta', in Raymond Mangion (ed.), *The United Nations Declaration of Human Rights: 70th Years On – A Collection of Articles*, Malta National Celebrations Foundation, Government Printing Press, 2018, pp. 64-83.

(vi) 'President Marie-Louise Coleiro Preca and the Constitution of Malta' in Sergio Grech (ed.), *Marie-Louise Coleiro Preca, President ta' Malta, Bejn Storja u Miti*, Horizon Publishers, Qormi, 2019, pp. 199-222.

(vii) 'L-Irvellijiet tas-Sette Giugno 1919: Katalizzatur għad-Dħul tas-Sistema Elettorali ta' Rappreżentanza Proporzjonali f'Malta', in Raymond Mangion (ed.), *Is-SetteGiugnoĊentinarju: L-Ewwel Pass Lejn Stat Sovran*, Fondazzjoni Ċelebrazzjonijiet Nazzjonali, Government Printing Press, Valletta, May 2019, pp. 58-73.

(viii) Commemorative Note in Elda Kazara-Belja, *Celebrating 30 Years in the Service of the Rule of International Maritime Law*, International Maritime Law Institute, Msida, June 2019, p. 86.

(ix) 'Report on the Three Equality Bills' submitted to the Ombudsman on 30 April 2018 and handed over and explained to a delegation from the Venice Commission which met the Ombudsman to discuss the three equality bills 3 May 2018.

(x) 'The Independence of the Judiciary in Strasbourg Judicial Disciplinary Case Law: Judges as Applicants and National Judicial Councils as Factotums of Respondent States' in Paulo Pinto de Albuquerque and Krzysztof Wojtyczek (eds.), *Judicial Power in a Globalized World: Liber Amicorum Vincent De Gaetano*. Springer Nature Switzerland AG 2019, Cham, Switzerland, 2019, pp. 1-32.

2.2.4 Papers Published in International Peer Reviewed Journals

(xi) 'Church and State Relations in the Constitution of Malta', *Polonia Sacra*, Vol. 22, No. 2, 2018, pp. 175-199.

(xii) 'The *Suprema Lex* of Malta: A Forgotten Law in Legislative Drafting, Statutory Interpretation and Law Making?', *European Journal of Law Reform*, Vol. 20, No. 4, 2018, pp. 28-47.

2.2.5 Papers Published in Maltese Peer Reviewed Journals

(xiii) 'Select Principles of Maltese Law Applied in Legislative Drafting and Statutory Interpretation', *Id-Dritt*, Vol. XXIX, 2019, pp. 488-521.

(xiv) 'The State Advocate Bill No. 83 of 2019: Acting in Breach of Malta's International Obligations', *Għaqda Studenti tal-Ligi, GhSL Online Law Journal*, 11 June 2019, pp. 1-12, available at: <http://lawjournal.ghsl.org/en/articles/articles/111/the-state-advocate-bill-no-83-of-2019-acting-in-breach-of-maltaandrsquo-international-obligations.htm>.

2.2.5 Book Forewords

(xv) 'Foreword' in Austin Bencini, *Malta's Hybrid Electoral System: A Constitutional Review*, Kite Group, B'Kara, 2018, pp. xiii – xx.

(xvi) 'Foreword', *Id-Dritt*, Vol. XXIX, 2019, pp. xvii-xix.

(xvii) 'Foreword' to Tonye Clinton Jaja and Joy Okungkowa Adesina, *Introduction to Legislative Drafting and the Drafting Process*, Malthouse Press Limited, Lagos, Nigeria, 2019, pp. 6-7.

2.2.6 Council of Europe's Audio-visual Media Observatory's IRIS – Legal Observations of the European Audio-visual Observatory

(xviii) 'New Media and Defamation Act for Malta', *IRIS*, Issue No. 7, July 2018, p. 26.

(xxix) 'Paid advertisements broadcast on nationwide radio stations for the European parliamentary elections', *IRIS*, Issue No. 3, 2019, p. 25.

2.2.7 Popular Press

(xx) 'Leading book on Maltese Trust Law', *The Sunday Times of Malta*, 24 February 2019, p. 36.

(xxi) 'A timely publication analysing the electoral law: Part I'. *The Malta Independent on Sunday*, 21 April 2019, p. 33.

2.3. International Journals' Peer Reviewer

- *Commonwealth Law Bulletin*
- *Journal of Human Rights*

3. Professor Frances Camilleri-Cassar:

3.1 Research output

3.1.1 Book (monograph)

- (i) Camilleri-Cassar, F. (2018) *Academic Research Methods for the Law Student: a practical guide*, Department of Media, Communications and Technology Law, Faculty of Laws, University of Malta, Malta.
- (ii) Book presentation to Professor Alfred Vella, Rector, University of Malta, Malta.
- (iii) Book launch at the Old University, Valletta, Malta. Judge Professor David J. Attard, Chancellor, University of Malta was the invited key note speaker.

3.2 Back-cover synopsis of *Id-Dritt*

3.2.1 Synopsis for the back cover of the twenty-eighth volume of *Id-Dritt*, Ghaqda Studenti tal-Ligi, University of Malta, Malta

3.3 Refereed articles

3.3.1 Camilleri-Cassar, F. (2019) 'The right to time? Unequal working hours, and the failure of gender equality policies and legislation' *Id-Dritt XXIX*, Ghaqda Studenti tal-Ligi, Faculty of Laws, University of Malta, Malta, pp 411-426.

3.3.2 Camilleri-Cassar, F. (2019) 'Malta country note' in Koslowski, A., Blum, S., Dobrotic, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: http://www.leavenetwork.org/lp_and_reports/

3.4 Paper presentation

3.4.1 'The right to time? Unequal working hours and the failure of gender equality policies', *International Network of Leave Policies and Research*, Toronto, Canada.

3.4.2 Participation at the 16th Annual Seminar of the International Network on Leave Policies and Research 'Who gets what, how much and why? Inclusion and exclusion in access to paid leave for parents and their children within and between countries', University of Hamburg, Germany.

3.4.3 'Research methodology and skills in qualitative and quantitative studies' to Postgraduate Psychiatry Specialists, Mount Carmel Training Centre, Malta.

3.5 Lectures and course administration

- (i) CRL1008 Family Violence Law
- (ii) CRL2008 Child Trafficking Law
- (iii) CRL3000 Gender and Deviancy Law
- (iv) LHM3000 Research Methods
- (v) CRL4000 Policy and Crime Prevention Law
- (vi) MCT4002 Labour Unions, Collective Bargaining, and Equality Law
- (vii) LAW5001 Legal Research, Analysis, and Writing
- (viii) LAW5012 Professional Practice for Advocates
- (ix) SCI5034 Qualitative and Quantitative Research Methods

3.6 Other initiatives linked with course administration

3.6.1 Student seminar in collaboration with the Police Vice Squad, in connection with the module CRL2008 Child Trafficking and the Law, University of Malta.

3.7 Membership

Human Rights Law Platform, University of Malta.

Chair, Research Ethics Committee, Faculty of Laws, University of Malta, Malta.

Board of studies / Board of examiners, Faculty of Laws, University of Malta, Malta.

World Bank Group, Women, Business and the Law Geneva.

International Network of Leave Policies and Research.

International Editorial Board, Studi di Sociologia, Università Cattolica del Sacro Cuore, Italy.

Editorial Board, Families, Relationships and Societies, Policy Press, University of Bristol, UK.

3.8 Continued professional development

Higher Diploma of Legal Procurator, Faculty of Laws, University of Malta (2018-2020).

4. Dr. Daniel Bianchi

4.1. Academic Boards and Committees

- Faculty Board – Faculty of Laws, University of Malta.
- Faculty Research Ethics Committee – Faculty of Laws, University of Malta.

4.2. Research

- Research was primarily dedicated to on-going doctoral (PhD) research under the auspices of the University of Manchester, which in the academic year 2018/19 was in the submission pending period.

4.3. Other

- National Contact Point – European Association of Health Law.

5. Dr Paul Edgar Micallef

5.1 Publications

5.1.1 Peer reviewed articles

‘Reflections on the independence of utility regulators in Malta’ - *Id-Dritt*, Volume XXIX, pp. 566 to 593.

Case Comments: ‘The provision of publicly available directory information services in Malta – Melita Limited v l-Awtorita ta’ Malta dwar il-Komunikazzjoni – judgment of the 20 July 2017 given by the Administrative Review Tribunal’ – *Utilities Law Review*, Volume 21 Issue 5, pp. 222-223.

Case Comments: ‘Unfair Competition in the LPG Market in Malta – Liqui gas Malta Limited v William Mifsud u Jason Mifsud u Easy gas Malta Limited – judgment of the 31 May 2017 given by the First Hall of the Civil Court’ – *Utilities Law Review*, Volume 21, Issue 5, p. 223.

Case Comments: ‘Developments in the Maltese Telecommunications Sector – Access to infrastructure for the provision of cable television services and compliance with the principles of natural justice. Midi plc v Malta Transport Authority and Melita Cable Plc decided by the First Hall of the Civil Court on the 16 November 2017’ - *Utilities Law Review*, Volume 22, Issue 1, pp. 24-25.

Case Comments: ‘Vodafone Malta Limited v Malta Communications Authority (mobile termination rates) – judgment by the Administrative Review Tribunal of 11 January 2018’ - *Utilities Law Review*, Volume 22, Issue 1, pp. 25-27.

Case Comments: ‘Setting up of the Malta Digital Innovation Authority’ - *Utilities Law Review*, Volume 22, Issue 2, p. 74.

Case Comments: “Alleged breach of copyright in relation to the broadcast of English Premier League football in Malta – Court of Appeal judgment of 30 September 2016 in Avukat Henri Mizzi noe et v Telestarr Limited’ - *Utilities Law Review*, Volume 22, Issue 2, pp. 75-76.

Case Comments: ‘Alleged anti-competitive behaviour – Falzon Group Holdings Limited et v Direttur Generali (Kompetizzjoni) et’ - *Utilities Law Review*, Volume 22, Issue 3, p. 114.

5.2 Memberships

Member of the Enforcement Steering Group (BEUC) since September 2016

Member of the International Association of Consumer Lawyers

Professor Kevin Aquilina

Head Department of Media, Communications and Technology Law



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Annual Departmental Report 2018 – 2019

This year the Public Law Department suffered the retirement of one of its longest serving members: Dr Austin Bencini. Dr Bencini has been key to the lecturing and examining of Constitutional and Administrative Law, since the late 1980s. Thankfully we were able to retain his services on a 'T' basis although thinking longer term, with other retirements relatively soon, it is already time to recruit full timers and train them to eventually take over from the Old Guard. The Head of Department is corresponding with the competent UM authorities on this matter.

On a more positive note, thanks to Dr Therese Commodini Cachia's hard work, the revised MA Human Rights and Democratisation programme was concluded in time to open in October 2019.

The Department participated in the workings of the Human Rights Platform of the University. The Programme continued to be chaired by Dr Austin Bencini, with Dr Ivan Mifsud serving as a member. The Department of Public Law even sponsored a number of round table initiatives and even offered assistance in the Human Rights Platform's annual December event.

Other highlights in these twelve months included:

- The holding of two symposia, one in Constitutional Law, the other in Administrative Law, as part of the final examination in the same subjects (PBL 1015 and PBL 2015). These are worth a maximum of 10% of the final mark. Students were prepared for these symposia, via the monthly tutorials. This year the panel of examiners/ judges included Dr John Stanton from London City UK, apart from Dr Austin Bencini, Dr Tonio Borg, Dr Ivan Mifsud, Dr Natalino Caruana de Brincat, Dr Robert Musumeci, Dr Peter Grech and Dr Sylvann Aquilina Zahra (the last four only attended part of the day). Despite the cost and effort involved in organising the event, it was felt to be worth it not only because it served the students as practice in public speaking and as an opportunity to research, but also served as revision of the

subject (especially thanks to the questions asked by the panel and their comments – five minutes per presentation were reserved for such questions);

- The visit of Prof Andrea Pierini from the University of Perugia in March 2019 as part of an Erasmus exchange for academics. The latter attended lectures and even joined a seminar organised by the GhSL, sitting on the panel with Dr Tonio Borg, Judge Anthony Borg Barthet and Dr Ivan Sammut (amongst others);

- The visit to Rome of Drs Tonio Borg and Ivan Mifsud, in January 2019 to visit Dr Lorenzo Casini and discuss the possibility of opening an ICON-S Malta Chapter. The meeting went well and Prof Casini was receptive;

The big challenges faced in the June examination session, correcting PBL 1015 and PBL 2015 exam scripts (circa 197 scripts, with three essays in each). The fact that we made it a point to academic standards, led to weigh more than the usual numbers of revisions of papers, resits and revisions of (resit) exam papers. This put a big strain on the Public Law Department and its resources, but was inevitable in order to send the message that we mean business, and in order to be taken seriously by students. A similar effort was made in PBL 3010 (Introduction to Private International Law). To this one must refer to the vivas held for scores of LLB IV students who wrote a dissertation in the Public Law sphere and were invited to defend it at what was probably their first viva;

- A first in Administrative Law was the creation of a full-blown 'Marking Scheme'. This added immensely to the work, but it is believed to have proven useful as a guide to examiners especially the revising examiners in summer as students hotly contested their lower-than expected results and for the first-time pools of revising examiners had to be created in order to cope with the higher than in the past numbers of requests for revisions of papers;

- Attendance of the annual ICON-S summer seminar by Dr Tonio Borg, this year held in Santiago;

- The appointment of the Public Law Department's Head of Department, as Dean, Faculty of Laws.

Members of the Public Law Department have also been quite busy with their research and publishing:

- Dr Robert Attard published the Principles of Income Tax Law (Malta Institute of Management);

- Dr Austin Bencini published Malta's Hybrid Electoral System, a Constitutional Review (Kite);
- Dr Tonio Borg published Gustizzja bi Tbissima (Kite);
- Dr Joseph Bugeja made good progress in his PhD studies (his dissertations entitled "Enhanced Harmonisation of Review Procedures in EU Public Procurement Law")
- Dr Ivan Mifsud contributed a chapter to a book La remuneration du travail politique en Europe (Berger Levrault).

Members of the Public Law Department also attended and actively participated in a number of seminars, conferences and other international events:

- Dr Robert Attard spoke about Human Rights in Taxation at a seminar held at the European Court

Dr Robert Attard spoke about Human Rights in Taxation at a seminar held at the European Court of Human Rights;

- Dr Sarah Cassar Torregiani participated in meetings of the EU Commission's VAT Expert Group, having represented Malta on the same since 2014;
- Dr Paul Cachia represented Malta and participated in the negotiations at the Diplomatic Session held in the Hague on a new convention on the recognition and enforcement of judgments in civil and commercial Matters (Judgments Convention);
- Dr Paul Cachia also represent Malta at the Civil Justice Working Parties of the Council in Brussels (General Questions, Contract Law, Assignment of Claims).
- Dr Charlotte Camilleri participated in the Annual Conference on European Labour Law (ERA, Trier, April 2019), The annual conference entitled The Charter of Fundamental Rights from an EU Labour Law Perspective (ECE, Brussels), MEUSAC conference on The Right to Disconnect and Society Education's conference on Employment Issues

Ivan Mifsud

Head, Department of Public Law