



**L-Università
ta' Malta**

**DEPARTMENT OF
COMMERCIAL LAW**

Faculty of Laws

University of Malta
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ANNUAL COMMERCIAL LAW DEPARTMENTAL REPORT 2020-2021

The 2020/2021 academic year has been another busy and challenging year for the Department. The challenges brought as a consequence of the COVID-19 pandemic were embraced by the Department and as it does every year, the Department delivered various lecturing study-units both at undergraduate and at Masters Levels. This meant a complete shift in mind set towards remote lecturing. Lecturers and administrative staff attended numerous courses on VLE, Turnitin, Zoom, Panopto and Wiseflow in order to adapt to the new mode of teaching that was necessitated by the pandemic. It was hugely rewarding to see that the full set of scheduled lectures, tutorials and examination sessions were nonetheless delivered by the Department of Commercial Law through a collaborative effort and support.

1. Objectives

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 today 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.

2. 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.

3. Teaching staff resources and commitments

The undersigned was appointed Head of Department since October 2020. Dr Ilona Schembri joined the commercial law department in October 2021.

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 were receptive to the changes that were imposed due to COVID-19 including familiarisation with VLE, Zoom, Panopto and Wiseflow. Lecturers having a Council appointment are Prof Andrew Muscat, Dr David Fabri, Dr Neville Gatt, Dr Mario Demarco, Dr Ann Fenech, Dr Tonio Fenech and Dr Kris Borg. The current Departmental secretary is Ms Brenda Borg.

4. COVID – 19 Measures:

As a consequence of the onset of the pandemic the mode of teaching as well as the mode of assessment needed to be amended in order to ensure due observance of public health regulations. Certain issues that were always important such as plagiarism gained additional importance in light of online open book examinations.

- **Remote Lecturing (VLE/ Zoom):**

Lectures were held remotely. Most lectures were held via Zoom as even though held remotely the possibility of lecturer-student interaction was still possible.

- **Wiseflow Examinations:**

This required a shift in the mode of examination. One that both lecturers and students had to adapt to. By and large the examination sessions ran smoothly and although some issues arose as to the wrong submissions of scripts most students managed well.

- **Plagiarism:**

This was a problem as the online open books examinations meant that not all students stuck to the Faculty Guidelines and had to be referred to the Faculty Disciplinary Boards. The students were given clear instructions prior to the examinations and also clear written instruction on the exam paper itself and still some were found to have a high incidence of material which was not duly referenced etc. It is truly hoped that students moving forward

stop this unacceptable practice and are more vigilant when quoting from sources etc. The processing of these issues necessarily increased the workload of the Department.

5. Study-Units Offered by the Commercial Law Department

Numerous study-units are offered by the commercial law department. The range of commercial law issues lectured is varied and extensive. It includes corporate law, corporate insolvency, maritime law, intellectual property, financial services, trusts law, competition law – as the list below clearly illustrates:

L1000 Law of Commercial Procedure: Company, Shipping, Aviation and Intellectual Property Procedure

CML1001 Basic Notions of Commercial Law

CML2010 Duties of Traders and Commercial Intermediaries

CML2011 Company Law

CML3006 Competition Law

CML3009 Commercial Obligations, Commercial Sale and Credit Instruments

CML3010 Advanced Company Law

CML4007 Introduction to Financial Services Legislation

CML4012 International Sale, Documentary Credits and Carriage of Goods

CML4014 Intellectual Property

CML4015 International Trade and Investment Law

CML4016 Admiralty Jurisdiction and Salvage, Towage, Pilotage and Collision

CML5000 Asset Finance Law (Ships and Aircraft)

CML5029 International Fiscal Principles

CML5030 The Legal Framework of Financial Services and Investor Protection

CML5032 The Legal Framework for Insurance Business

CML5033 Securities Regulation

CML5034 Legal Aspects of Winding up and Corporate Recovery

CML5036 Corporate Re-Organisation and Liquidation

L5042 Drafting and Negotiating Commercial Contracts with Special Focus on Securities and Financing Related Contracts

CML5044 Core Issues and Developments in Company Law

6. Departmental Meetings

A number of meetings were held by the Department with the numerous lecturers in order to discuss progress in the various study-units, mode of teaching, mode of assessment, Wiseflow examinations, plagiarism reports and other related issues.

7. The Masters Programme in Financial Services

The Commercial Law Department offers and coordinates this evening Masters programme in financial services which has proved a success. It was originally launched in 1996 and has continued to be offered annually without fail. A number of initiatives were taken by the department including a number of meetings were convened in order to obtain some funding to further promote the course on a number of digital platforms in order to create a greater awareness on what this course offers. Considering it is one of the few fee-paying Master programmes it is still going strong despite fierce competition and little financial support to better market it.

8. Board of Studies - M.A. Financial Services

During this academic year two meetings were held - namely on the 8 April 2021 and 6 September 2021. The members of the Board of Studies for the M.A. Financial Services are Dr Tiziana Filletti, Professor P Baldacchino and Dr David Fabri as assisted by Ms Brenda Borg. During these meetings the performance of students during examination was discussed, any student requests attended to and any matters relating to study units were discussed.

9. The Student:

- **Lectures:**

Despite the pandemic lectures continued seamlessly online. Although the situation was not ideal it allowed the lecturing to continue uninterrupted. The Departmental staff was always amenable to respond to the students' request online. All in all physical lectures are always more interactive however remote lecturing worked and students performed well on the whole.

- **Tutorials:**

Although the students were offered the option to attend the tutorials physically in order to enhance the experience most opted to do so remotely. It is to be noted that unfortunately the full potential of these tutorial sessions is not always optimised by the students since they are reluctant to properly prepare for said sessions. The tutorial questions are given to the students weeks in advance and a suggested reading list is also provided. Nonetheless it is still felt that the students – or at least the majority thereof – do not conduct their own independent research so the debate during the tutorial is not always of the desirous standard.

- **Dissertation Projects (LL.B. (Hons)):**

It has been noted that there has been a sharp increase in the number of students opting to conduct their dissertation on a commercial law subject. This is encouraging as it highlights the relevance and importance of this area of law. It has also meant a significant increase in the work load on the Department as each student will require at least an endorser for their proposal, a supervisor and possibly a co-supervisor, a Board of Examiners composed of three experts in the field as well as an Additional Examiner. It is not always a simple task to accommodate all the students but so far the Department has managed well through additional effort by all involved.

10. Publications/ Projects/ Conference Participation/ Attendance

The below is just a sample of the projects, conferences and publications embarked upon by lecturers in the commercial law department:

- Dr Tiziana Filletti: The undersigned attended a number of webinars relating to VLE, Wiseflow, Zoom, Panopto. She also attended a number of webinars held by the Chamber of Advocates. In addition, she is currently working on two publications both relating to commercial law in particular on corporate insolvency legislation in Malta since there are not much published matter on this area of law and are related to her Ph.D. research study.
- Dr Nicholas Curmi:
 - “Equity capital markets in Malta: regulatory overview” by Nicholas Curmi and Beppe Degiorgio, Ganado Advocates.
 - “Debt capital markets in Malta: regulatory overview” by Nicholas Curmi and Beppe Degiorgio, Ganado Advocates.
 - “New proposals to amend the Securitisation Regulation”, by Nicholas Curmi, Ganado Advocates.
 - Chapter 8 (Why Malta? Malta’s Innovative Securitisation Framework).
- Mr Christopher Cardona delivered a webinar entitled “IFRS 17: Getting To Grips With a Revolutionary Change To Insurance Accounting”.
- Dr Chris Buttigieg:
 - A Critical Analysis of the Rationale for Financial Regulation Part I: Theories of Regulation (2020). European Company and Financial Law Review, ECFR 2020, 419–436. - A Critical Analysis of the Rationale for Financial Regulation Part II: Objectives of Financial Regulation (2020). European Company and Financial.
 - The Rationale for a Depositary Passport (2020). C P Buttigieg, 'The Rationale for a Depositary Passport', D Zetzsche (ed), 'The Alternative Investment Fund Managers Directive' Wolters Kluwer, International Banking and Finance Law Series (2020). - Establishing an EU Internal Market for Depositaries (2020). Journal of Financial Regulation and Compliance 2020.

11. Other commitments

During 2020/2021, Dr Tiziana Filletti and Dr Ilona Schembri attended all meetings of the Faculty Board and served as necessary in meetings and on Faculty sub-committees. The undersigned, also attended all Heads of Department and Dissertations Committee meetings.

12. External examiners

External Examiners were appointed for a selection 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, Dr Katharina Moser and Dr Andrea Miglionico have accepted to serve as non-visiting external examiner for the Masters course.

TIZIANA FILLETTI

HEAD, DEPARTMENT OF COMMERCIAL LAW
30 October 2021

ANNUAL REPORT OF THE DEPARTMENT OF CRIMINAL LAW (2020-2021)

This annual report for the Department of Criminal Law covers the period September 2020 till September 2021.

Annual General Meeting held virtually on the 1/10/2021

Members Present:

Dr Stefano Filletti (Acting Head)

Dr Lucio Sciriha

Dr Chris Soler

Mr Justice A Bugeja

Dr James Debono

Dr Jason Azzopardi

Dr Anne Marie Cutajar

Excused:

Magistrate Elaine Mercieca

Magistrate Leonard Caruana

Dr Martin Fenech

Minutes of previous meeting were read and approved.

Matters discussed:

1. Reassignment of Duties

Lecturing duties were reassigned following members of the Department being elevated to the judiciary bench and one member of staff applied for a sabbatical.

Duties were reassigned in the light of the new challenges posed by virtual teaching

2. Commendations

Magistrate Leonard Caruana, Dr Chris Soler and Magistrate Elaine Mercieca were

congratulated on their recent appointments.

3. Tutorials & Practicals

Tutorials and more importantly practicals were reviewed to meet the demands of online lectures.

4. Anti-Money Laundering Module & Course

The Criminal law Department successfully launched a credit on Money Laundering to law students.

A separate evening course was also launched. Great interest and participation was registered in both the credit and the course.

5. Lecturing Duties & Examinations

Lecturers prepared to offer in person or hybrid lecturing as per University protocols. It was decided that the exam format should be retained to open book Wiseflow Assign exams.

Dr Stefano Filletti
Head
Department of Criminal Law

ANNUAL DEPARTMENT REPORT 2020 – 2021

During the 2020/21 academic year and despite the heavy impact of the Covid 19 epidemic, 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 fulltime lecturing staff.

During 2020/21, the Law Clinic became mainstreamed as part of the core learning experience of students following the Masters in Advocacy and the core clinic staff, particularly Dr Sadegh, Dr Kurt Xerri and Dr Zammit invested significant proportions of their time in administering the Clinic, with the welcome support of the Cottonera Resources Centre staff, the Chamber of Advocates (who took on a more active support role in identifying practical supervisors mid-way through the academic year).

Dr Jeanise Dalli gave a substantial and important contribution in re-organising the MNOT course and her study units on Notarial Skills 1 and Refugee Law proved their worth in training students to research Notarial Law and work with asylum seekers respectively.

Dr Kurt Xerri gave a very important input in administering and structuring the Smarts Contract in Contract Law project, where various meetings were held with Maltese and foreign partners and with the important input of Dr Jessica Borg and Dr Pauline Debono.

1. CONFERENCES ATTENDED

DR DAVID E ZAMMIT (HOD)

- 8-9 April 2021: attended the 20th Annual Conference on European Tort Law (ACET) Vienna, organised online by the European Centre of Tort and Insurance Law
- 11 June 2021: Juris Diversitas 7th General Conference (Catania), organised online and entitled the “Dark Side of the Law”, workshop on Clarifications of Colonial Obscurities. Presented a paper: *Kong Tom’s Plague Police: Extra-legal governance in British Malta*. Official Conference programme:
<http://jurisdiversitas.blogspot.com/p/blog-page.html> & on:
https://drive.google.com/file/d/1lbO_GkELMR_J80Ro8ShutmEKOHNA-H84/view

DR DANIELA AZZOPARDI BONANNO

- 12 and 16 July 2021: attended online for the “8th Family Law & Children's Rights Conference”;
- 23 March 2021: followed the webinar “A Safe Place, A Positive Choice”.

DR JEANISE DALLI

- 15 October – 10 December 2020: E-symposia organised by the Arts and Humanities Research Institute, King’s College London Patriarchal Inscriptions on the theme *Female bodies contested, invaded defended & owned*. Presentation title: “Female Genital Mutilation, Male Circumcision & other Genital Interventions as Markers of Collective &/or Individual Identity: Exploring Legal & Medical Approaches in the UK”.

DR RUTH FARRUGIA

- 10– 14 May 2021: Oxford Migration Conference 2021 - Borders & Justice (Online participant)

DR MARY MUSCAT

- 6 May 2021: CEPOL (delivered in the EU Agency for Law Enforcement) Police Research and Science Conference entitled “Pandemic Effects on Law Enforcement. Training & Practice: taking early stock from a research perspective” (online).
<http://conference.cepola.europa.eu/cepola-online-conference-2021/schedule/>;
- 11 June 2021: Juris Diversitas 7th General Conference (online) entitled the “Dark Side of the Law”, workshop on Clarifications of Colonial Obscurities. Paper presented entitled, “Monumental trees and British colonial environmentalism in Malta”. Official Conference programme: http://jurisdiversitas.blogspot.com/p/blog_page.html and https://drive.google.com/file/d/1lbO_GkELMR_J80Ro8ShutmEKOHNA-H84/view;
- 14 July 2021: Nordic Police Conference held in Helsinki (online). Paper presented, entitled “Corruption by inertia: the Malta Police’s public scrutiny of the Panama Papers investigations”, 8th delivered during the Ethics, Police Integrity and Corruption workshop. Conference programme: <https://seminaarit.polamk.fi/nordic-police-research-seminar/working-groups/>

JUDGE LAWRENCE QUINTANO

- Followed the annual Tort three-day law conference normally held in Vienna which this year (2021) was held online.

DR IBTISAM SADEGH

- 10 – 11 January 2020: Research Symposium: 1st International Symposium on Muslim Non-Muslim families, KU Leuven University, Belgium Presentation title: “But then, love rules” Navigating Ceutan Interreligious Intimacies, Identities and Politics”;
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- 12– 30 July 2021: International Visitor Leadership Program (IVLP), an exchange program sponsored and organized by the United States Government. The programme: “The Problem We All Live With: Dismantling Racial and Social Injustice”. This project provided an opportunity to explore U.S. history from the institution of slavery, through Civil Rights gains in the 1960s, to current social justice movements across the United States and the disproportionate impact of the COVID-19 pandemic on communities of colour.

DR KURT XERRI

- 21 May, 2021: “Housing as a ‘Double Irritant’ in EU Law: Towards an SGEI between Markets and Local Needs”, Dr Irina Domurath, ERC EVICT-project team (www.eviction.eu);
- 21 June 2021: “The potential impact of fundamental and human rights in eviction proceedings and the right to property: what are the limits?” Dr Héctor Simón Moreno, ERC EVICT-project team (www.eviction.eu)

2. LECTURES/PUBLIC TALKS/OTHER RESEARCH ACTIVITIES

DR DAVID E ZAMMIT (HOD)

- 22-23 September 2020: Delivered, together with Dr Jeanise Dalli and Dr Ibtisam Sadegh, 6 hours of lectures to staff of the Foundation for Social Work Services on “*Legal Status and Social Aspects of Migration in Malta*”.
- 10 December 2020 (10am-1pm): Organised an online webinar for the University of Malta’s Human Rights Platform on “*Racism and Human Rights in Contemporary Malta*” and delivered the keynote speech on “*Racism and Human Rights in Maltese Migrant Management*”.
- 19-20 February 2021: Delivered ten hours of lectures on “*Il Diritto d’Asilo nel Contesto Mediterraneo*” to students attending the Masters Course organised by the University of Bologna (Ravenna Campus) and entitled: Master Diritti Umani, Migrazioni, Percorsi di Inclusione Interculturale 20-21.
- 16 July 2021: delivered a Lectio Magistralis on “*Compensating Moral Damage for Civil Liability: the impact of Human Rights on Private Law*” to the International Post Doctoral Programme in New Technologies and Law (2020-2021) organised by the Mediterranean International Center for Human Rights Research (Reggio Calabria, Italy).

DR JEANISE DALLI

- 17 November 2020: Human Rights Lecture 2020, Title of Lecture, “Advocating against Female Genital Mutilation”, organised by the Human Rights Platform of the University of Malta (online) which hosted the winners of the 2019 Human Rights Award;
 - July 2018-ongoing: 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. Focus is on court and administrative cases on Female Genital Mutilation, Male Circumcision, and other body modifications in the UK;
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- October 2020 – June 2021: Helped compile metadata for the Ethnic and Migrant Minorities (EMM) Survey Registry which is one of the main outputs generated by COST Action 16111 Ethmigsurveydata jointly with the Sciences Po team of the SSHOC (Social Sciences and Humanities Open Cloud) project, available at <https://ethmigsurveydatahub.eu/emmregistry/>. Contribution consisted in analysing existing quantitative surveys conducted in Malta on Ethnic and Migrant minorities;
- October 2020 – to date: Member of the Human Rights Platform of the University of Malta.

DR RUTH FARRUGIA

- 11 November 2020: Speaker at the Junior Chamber of Advocates Domestic Violence Seminar;
- 17 November 2020: Human Rights Award Lecture with Dr Anne Marie Callus: Title of Presentation, “Participation Rights of the Disabled Child”;
- 14 January 2021, 15 April 2021: Emigrants Commission lecture, Recurring lecture series for Non-Maltese persons marrying in Malta on Principles of Family Law; • 16 June 2021: House of Representatives, Parliamentary Committee for Social Affairs, Presentation of report and discussion on Solitary confinement with Prof Andrew Azzopardi et al;
- 25 June 2021: Jesuit Refugee Service public lecture on The Impact of Chapter 602 on Unaccompanied Minor Asylum Seekers, Mount St Joseph;
- Reviewed two submissions for the International Journal of Migration and Integration (IJMI)

DR PATRICK J GALEA

- Research on areas of civil law of property and civil procedure was developed in 2021 with the view to a publication on civil law and a journal article on civil procedure.

DR MARY MUSCAT

- Participation in training Community Officer recruits at LESA in eco-offences;
- Participation on the media re-police issues: 103 FM (Profs Andrew Azzopardi);
- Training of Officers at Child Protection Services, FSWS, in Child Law – February to August 2021;
- COST-Action CA18121, ‘Cultures of Victimology: understanding processes of victimization across Europe’; member of Working Group 3 on-Cultural Victimisation, started January 2020 (ongoing). Weblink: <https://www.cost.eu/actions/CA18121/#tabs|Name:overview>;
- MASE/ESF/01/2021: Job training for vulnerable persons, with the Malta Association for Supported Employment (MASE), since September 2021 (ongoing).

DR IBTISAM SADEGH

- September 2020 – Present: Researcher in the ERC-funded project, EURO-EXPERT, hosted at the Centre of History of Law and Anthropology at the University of Paris Nanterre, <https://culturalexpertise.net/>. The EURO-EXPERT project is developing and scrutinising the
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new socio-legal concept of cultural expertise. I am conducting research on its use and impact in Malta by collecting both quantitative and qualitative data for answering the following question: Cultural Expertise in Europe: What is it useful for?;

- January 2021 – Present: Member of the Migrant Commission Committee, “New director for Church’s migrant commission”, 30 January 2021, <https://timesofmalta.com/articles/view/new-director-for-churchs-migrant-commission.848292>. The commission, which was previously known as the Emigrants Commission, was established in 1950 to help Maltese migrants and their families as they settled abroad. Today it provides free counselling, advice and protection services to all those affected by migration as it seeks to help migrants live dignified lives and integrate into Maltese society. The committee meets regularly to discuss the management of the migrant Commission and other issues that may arise;
- 19 March 2021: Mediterranean Institute Seminar at the Mediterranean Institute, University of Malta, Presentation title “Interreligious Marriages at the Spanish Moroccan Border”;
- 12 August 2021: Video on International Youth Day for U.S. Embassy, Malta. Title of talk: “The importance of Youth Activism: Why is the Rule of Law important to me?”

DR MARISA VELLA

- Participated with Spark Legal Network after being selected to carry out the “Study to identify and assess possible options for updating Council Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace and Council Directive 90/270/EEC on the minimum safety and health requirements for work with display screen equipment” under the responsibility of the European Commission (DG EMPL).

DR KURT XERRI

- 2 July 2021: “Equality of opportunity in the Housing Market: The Financialisation of Housing”, Adequate Housing as a Human Right, Corinthia St George, St Julian’s, Malta;
- 1 September 2021: “The First Year of the Private Residential Leases Act: An Assessment Going Forward”, presented to the Property Market Working Group at the Building Industry Consultative Committee, Valletta;
- Advisor to the Housing Authority on the implementation of the 2020 Private Rental Market Reform, member on the Residential Rent Observatory;
- Co-ordinator of the project led 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;
- Advisor to the Minister for Social Accommodation on Housing Policy and lead drafter of the Controlled Leases Reform Bill (2021).

3. PUBLICATIONS

DR DAVID E ZAMMIT (HOD)

- “The Legal Consciousness of African Asylum Seekers in the Maltese Labour Market” in M. Debono & G. Baldacchino (ed.) *Working Life and the Transformation of Malta 1960-2020*, Malta University Press, pp.179-198.
- Co-authored, together with Judges Giannino Caruana Demajo and Lawrence Quintano, the Malta chapter of the *European Yearbook of Tort Law 2019* published by E. Karner, & B. C. Steininger (2019) Berlin, New York: Walter De Gruyter GmbH & Co. KG.

DR JEANISE DALLI

- J. Dalli, “In Defence of Life”, Favur il-Hajja Fil-Guf, Knisja Elfejn, 2021, issue no. 135, P. Raymond Gatt O.P (ed);
- J. Dalli, “Public Interest” in GDPR Requirements for Biobanking Activities Across the Europe Handbook, Valentina Colcelli et al. (eds) (2022, forthcoming)

DR RUTH FARRUGIA

- May 2021: Consultancy report commissioned by Council of Europe: “Improving the Effectiveness of Family Courts: Better Protection of the Rights of Family Members” in Turkey, September - November 2020, with Prof Andrew Azzopardi and Jamie Bonnici, “Solitary Confinement in Malta: A Call for Reform”.

DR MARY MUSCAT

- February – May 2021: Was approached by the EU Commission to write the country report for Malta for the DG JUST on ‘the application of Regulation (EU) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations’, January to June 2021(forthcoming);
- Cepol paper – to be submitted in the Cepol Research Bulletin;
- Juris Diversitas paper – to be submitted as part of the conference proceedings;
- Publication of an article in the Malta Police’s in-house magazine Il-Pulizija – four times a year (forthcoming).

JUDGE EMERITUS SILVIO MELI

- 30 October 2020: “The Philosophy of Law: A Brief Introduction”. This book comprises the major philosophy of law issues that are studied during the Law Course.

JUDGE EMERITUS LAWRENCE QUINTANO

- Took part in a publication published in Vienna Austria entitled “Annual Tort Yearbook”. The co authored article covered the most important tort cases during 2020 and a review of the most important legal contributions about Maltese tort law.

DR MARISA VELLA

- M. Vella, K. Rapa Manche & T. Camilleri, “The extension of temporary emphyteusis of commercial premises. Government issues new law”, available at
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<http://camilleripreziosi.com/en/news-resources/1/4674/the-extension-of-temporary-emphyteusis-of-com>

DR KURT XERRI

- K. Xerri & Sue Vella, “Housing” in S. Vella (ed.), An Introduction to Social Policy, (forthcoming 2022);
- K. Xerri, “The First Year of the Private Residential Leases Act: An Assessment Going Forward” in: Housing Authority, The Annual Malta Residential Rental Study, 31st May 2021, p. 94-107;
- K. Xerri, Rent Controls and the European Convention on Human Rights: A Focus on the Maltese Experience, Forthcoming 2022.

Dr David Zammit

Head, Civil Law Department

DEPARTMENT OF EUROPEAN AND COMPARATIVE LAW – FACULTY OF LAWS

The Department has continued to consolidate and move forward despite the major crises in Human Resources the previous year, and 2020/2021. In fact Dr Joe Bugeja joined in October 2020, Dr Ioanna Kyritsaki joined in November 2020 while Dr Giovanni Zaccaroni joined in January 2021. We have also consolidated the new MA in European Legal Studies intended for postgraduate students who do not have an undergraduate law degree. This attracted over ten 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 M Adv 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.

As this was the second Covid year the department adapted well to the Covid crises. Lectures in Sem started in hybrid fashion and eventually moved online through Zoom following the second national partial lock down.

The most significant research achievement of the year was the publication of the edited volume by Palgrave Macmillan entitled 'The enforcement and Implementation of EU law in Small States - A case study of Malta'.

There were **a lot** of staff changes during the past year.

Admin Staff

In September 2020 Ms Brenda Prato was replaced by Ms Michela Brincat as Department secretary.

Academic staff

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

An 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 EU Legislation – IALS London (October 2020)

Juris Diversitas Confernce – June 2021;

Publications, Reports

Co-Editor of 'The enforcement and Implementation of EU law in Small States - A case study of Malta'. Palgrave Macmillan

Other activities/Funding

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

Teaching

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

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

Supervised PhD thesis – Dr Katrin Algroff, Dr Natalino Caruan De Brincat, Dr Simon Busuttil

DR JELENA AGRANOVSKA

Teaching

During her fifth 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 has acted as an examiner, assessing the final grades following 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 assessed students' assignments (Erasmus essays, LLM dissertations, LLB dissertations and LLD theses), generated examiners' reports and participated in the examination of theses and dissertations. She assisted 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 Hercule III Programme. For this project, she is both an editor and a contributor for Latvia. She has engaged in the recruitment of the national contributors and conducted interviews/briefing via Skype, as well as meetings with specialists from the Latvian Ministry of Justice. For her report on Latvia, she had to conduct 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 the enlistment of the contributors, drafting of a book proposal, soliciting with prospective editors. For this volume, she is also a contributor to two academic articles.

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

Dr Agranovska participated in the day-to-day academic administration of the Department: specifically, she has 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 the 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 the organisation of Lecture

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

DR JOE BUGEJA

Dr Bugeja taught (tutorials and lectures at both LLB and LLM level. He has supervised a number of dissertations and acted as examiner in various examine boards.

He is in the latter half of his PhD and is working on the 5th and 6th chapters.

He has also published "*Malta: The Assimilation of the EU's Economic, Fiscal and Monetary Governance Acquis in the Maltese Legal Framework*" has been published in "EMU Integration and Member States' Constitutions" (Eds. Stefan Griller and Elisabeth Lentsch).

DR IOANNA KYRITSAKI

Dr Kyritsaki has taught (tutorials and lectures at both LLB and LLM level. He has supervised a number of dissertations and acted as examiner in various examining boards.

Her research included:

- "La Directive (UE) 2019/770 est - elle adaptée a l'objectif poursuivi?", *Evriyenis Yearbook of International and European Law*, 2020, p. 143-148.
- "Mandat d'arrêt européen: la CJUE dans la recherche d'un équilibre entre la garantie de la sécurité et la protection des droits des accusés", *Evriyenis Yearbook of International and European Law*, 2021, article in press.
- "The principle of supremacy: foundation, challenges and future perspectives", *Hellenic Review of European Law*, 2021, article in press.
- "Workplace age discrimination: recent case law of the CJEU", *Hellenic Justice*, 2021, article in press.

DR GIOVANNI ZACCARONI

Dr Zaccaroni taught (tutorials and lectures at both LLB and LLM level. He has supervised a number of dissertations and acted as examiner in various examining boards. He participated into several conferences and delivered guest lectures. He also acted as reviewer for the *Modern Law Review* and participated to the Annual Meeting of the Jean Monnet Foundation in the capacity of member of the Council. During the current year he also participated to the delivery of lectures within a range of LLM and LLB courses of the Faculty of Law (ECL2000, ECL5050, ECL5069, ECL5073), and he substantially contributed into the delivery of tutorials in ECL2000, ECL2001 and ECL5069. I acted as chairman or member of the Board of Examiners for more than 10 dissertations, both at LLM and LLB level. He also contributing to the organization of a conference on migration and borders to be

organised in Malta in March 2022, both from an academic and organizational perspective. Below an outline of the activities as of October 2021.

Book:

- G. Zaccaroni, “Equality and non-discrimination in the EU: the Foundations of the EU Legal Order”, Edward Elgar Publishing, 2021.

Articles and Book Chapters

- The Future EU-UK Relationship: The EU Ambitions for a Comprehensive Partnership, (with F. Fabbrini) *European Public Law*, fasc. 2, 2021
- G. Zaccaroni, The EMU, International Law, and the Vienna Convention on the Law of the Treaties, in S. Tonolo, G. Pascale (a cura di) *The 1969 Vienna Convention on the Law of Treaties in Contemporary International Law: Trends and Challenges*, Atti del XVI Incontro dei giovani cultori delle materie internazionalistiche (SIDI), 2021 [in publication]
- G. Zaccaroni, La Giurisprudenza della Crisi Economica davanti alla Corte di Giustizia dell’Unione Europea, in M. Cecili, A. Chiappetta, G. Vosa (a cura di) *L’Unione Europea nella Crisi Pandemica*, Editoriale Scientifica, 2021.

Blogs:

- G. Zaccaroni, The Conference on the Future of Europe and Economic Governance: is there Hope for Reform? EUBlog, 23 June 2021, <https://www.eublog.eu/articolo/34781/The-Conference-on-the-Future-of-Europe-and-Economic-Governance:-is-there-Hope-for-Reform/Zaccaroni>

Working Papers and Articles Submitted for Review:

- G. Zaccaroni, The Reform of the ESM within a Hybrid EMU law, Paper submitted for review to a primary law journal, 2021.
- Regulation of Crypto Assets in the EU and in the rest of the World: a Pluri-Focal Approach (with E. Siracusa), Paper submitted for review to a primary law journal, 2021.
- G. Zaccaroni, Pandemic Response as Stasis or Catalyst of (Treaty) Change, Paper Presented at ICONS Mundo Conference, 2021.

Participation to conferences:

- Attended the Annual Conference of the Italian Society of International Law, Lecce, 24- 25 September 2021
 - “Pandemic Response as Stasis or Catalyst of (Treaty) Change”, invited to deliver a paper in the Panel “The EU in Times of Post Pandemic Recovery: Reconciling Distrust and Solidarity?”, 8
-

July 2021, Online Conference of the International Society of Public Law. [Co-Chair of the Panel]

- “Irregular Migration in the Central Mediterranean Sea”, invited to deliver a paper at the Conference of the MAPS Network, 22 October 2021, La Coruna [physical] [UM partner network]
- “Blockchain technology and inequalities”, invited to deliver a presentation at the Conference of the Italian Association of Scholars in EU law, Bologna, 4-5 November 2021.

Guest Lecturer:

- “Reasonable accommodation of religious beliefs and gender equality”, CEELI Institute’s Program “Supporting Human Rights Defenders in Eurasia” 10 September 2021 (2h) [online]
 - “(Post) Brexit: Implications and Future Directions”, ELGS Summer Course on “Global Administrative Law”, EPLO, Athens, 27 July 2021 (4h). [online]

Other activities:

- Reviewer – The Modern Law Review
- Member of the Council – Jean Monnet Foundation for Europe

Signed Dr Ivan Sammut

Date: 20th October 2021



**L-Università
ta' Malta**

**DEPARTMENT OF
ENVIRONMENTAL
& RESOURCES LAW**

Faculty of Laws

University of Malta
Msida MSD 2080, Malta

Tel: +356 2340 2780

www.um.edu.mt/laws

REPORT FOR THE DEPARTMENT FOR ENVIRONMENT AND RESOURCES LAW FOR ACADEMIC YEAR 2020/2021.

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 Welfare 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 Programme in Ocean Governance launched in September 2013
 - Coordinates the International Master in Laws in Energy Law, Environmental Law and Climate Change Law, currently suspended
 - Benefits from an ERASMUS mobility programme with the Catholic University of Leuven, Belgium in lecturing and research on Environmental and Energy Law.
 - Regularly publishes legal works in Malta and abroad on legal research carried out.
 - Seeks internship programmes 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.
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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.

National Education and Skills Policies have 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.

- ERL 1001- Principles of Planning Law (4 ECTS)
 - ERL2000 - Principles of Environmental Law (4 ECTS)
 - ERL2001 - Development Planning Legislation (4 ECTS)
 - ERL3000 - Principles of International Environmental Law (4 ECTS)
 - ERL4000 - Climate Change and International Law (5 ECTS)
 - ERL3004 - Occupational Health and Safety Law (2 ECTS)
 - INL 3001- Principles of International Law (10 ECTS)
 - ERL 5004- Conservation of Marine Living Resources (5ECTS)
 - ERL 5005- Sustainable Use of the Ocean (5 ECTS)
 - ECL 5010 - Environmental Policy of the European Union (2 ECTS)
 - ERL 5003 – The Contemporary Definition of Ocean Governance (5 ECTS)
 - ERL 5006 – Ocean Policy Making (5 ECTS)
 - INL 5014 –International Law of the Sea (5 ECTS)
 - ERL 5002 Occupational Safety Law for Project Management
-

- ERL 5003 Planning and Environmental Law for Project Management

The ERL department also prepared all the groundwork to launch in academic year 2021/2022 a compulsory study unit ERL 1002 Environmental Justice.

As can be seen from the list the ERL department services other departments at the Faculty of Laws, mainly International Law Dept, European and Comparative Law Dept and Commercial Law dept as well as other Faculties and Institutes where

ERL lecturers also service other Faculties and Institutes

- ENR 3001 Sustainable Engineering
- EST 3130 - European Environmental law and Policy
- EER 5203 Sustainable Development Law and Policy
- OMS 5006 Ocean Governance
- CLS1309 Environmental Health Management Policy
- ECL 5010 Environmental Policy of the European Union
- MSC 5202 Sustainable development, Law and Policy
- SPI 1711 Landscape and Human

3. RESEARCH

3.1. Undergraduate Level

Name and Surname	Dissertation
Ellul Rachel	The Role of the Superintendent of Cultural Heritage in Sustainable Development Planning. Time to Question it?
Micallef Mariah	Implementing ECHR Judgements on the Right to a Healthy Environment at a National Level
Muscat Zoe	Enforceability of Companion Animal Welfare Law: A Comparative Analysis

3.2. List of Research Projects

Prof Borg is currently supervising two PhD students:

Ms Jyothi Thomas who is carrying out a PhD on Plastic Pollution at Sea using Malta as a Case Study for Regulation

Ms Angelique Louise Marie Pouponneau who is carrying out PhD research on the lue Economy and the need for a Regulatory Framework

3.3. Other Long Term Research

Prof Borg is currently carrying out:

Research on Climate Change and Ocean nexus

Research on Climate Change and Security

Research within the Platform for Climate Change of the University of Malta

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.

Prof Borg and Dr Grima carried out also research on Land Reclamation and Environmental Impacts

Dr Louise Spiteri carried out research on Market Based Mechanisms for Environmental Regulation Purposes

Dr Chris Attard carried out research on the Continental Shelf uses under the Law of the Sea

Dr Grima carried out research on Sea Level Rise Legal Impacts

3.4. Continuous Research

Participation in COST Programme on Ocean Governance

Research on Ship Source Pollution in Malta

Research on Eco Crime Directive in Malta

Research on Access to Justice and Citizens Rights in Malta

4. ACTIVITY AND PUBLICATIONS.

A Chapter in the book The Transformation of Environmental Law and Governance, Risk Innovation and Resilience by Prof Simone Borg in the IUCN Academy of Environmental law series following the Colloquium of IUCN Environmental Law Academy. The Publication selects the best 10 submissions from hundreds of papers submitted for the colloquium.

A Paper where Prof Simone Borg was co author on Contributions of Marine Area-Based Management Tools to the UN Sustainable Development Goals

A Paper where Prof Borg was co author entitled Data about Marine Area-Based Management tools to Assess their contribution to the UN Sustainable Development Goals.

Works in Progress

Prof Simone Borg is Editing a Research Handbook on Ocean Governance to be published in 2022

Dr Antoine Grima is working on the publication of his PhD.

The second edition of the book Environmental Law in Malta is under publication and is being prepared by Prof Simone Borg, Dr Louise Spiteri, Dt Chris Attard, and David Chetcuti Dimech a post grad law student. It is to be published in 2022.

Prof Simone Borg was invited as keynote speaker, speaker, panelist at a number of Seminars and Webinars held in Malta and abroad including four organized by United Nations organizations/agencies.

5. The Team

Prof Simone Borg is a resident full professor and Head of Department of the Environmental Law and Resources Law. She is an expert in International Law especially in the field of International Environmental Law and International Maritime Law. Her main expertise in these fields is in Climate law and Living Marine Resources law. She works as adviser to the government of Malta and at times also the Commission of the European Union, various United Nations bodies as well as the Commonwealth. She serves as Malta's Ambassador for Climate Action and has been appointed to chair various national commissions and act as chief negotiator for Malta in various International and EU fora. She is a visiting professor in other Universities and Institutes and has published widely on her topics of expertise.

Dr. Louise Spiteri is a resident assistant lecturer at the University of Malta. She is currently working on her PhD thesis on climate change law and the insurance market, at Imperial College London. She was also a Board member of the Environment and Resource Authority set up in 2016, and later acted as CEO of the same Authority for various years. Dr Spiteri has acted as adviser to government and the EU Commission in various research projects. She has also worked with government at the Ministry for Foreign Affairs, the Attorney General and the Environment Ministry. She has publications in various areas of environmental law.

Dr. Chris Attard is a resident assistant lecturer within the Department of Environmental and Resources Law at the Faculty of Laws since 2011. With a background specialisation in international maritime law, Dr. Attard has researched topics such as international maritime criminal jurisdiction, the action in rem under Maltese law and continental shelf resources – particularly maritime delimitation and joint development of offshore oil and gas. Dr. Attard is currently reading for a Ph.D. on the law of submarine cables and pipelines at the International Maritime Law Institute.

Dr Antoine Grima is an assistant lecturer who completed successfully his PhD in International Maritime Law from the IMO International Maritime Law Institute in 2021. He works and researches to what extent national environmental legislation serves its purpose with particular interest to vulnerable groups of the community. This interest stems from his previous experience at the public service and his direct involvement in a number of regulatory bodies. His doctoral thesis focuses upon the impact of sea level rise. Dr Grima worked for several years with the public service especially at the EU Directorate before EU accession and then as Director for Consumer Affairs.

Drs, Attard and Dr Spiteri are pursuing their PhD studies.
Dr Perit Robert Musumeci, is a visiting lecturer.

Prof. Simone Borg, LL.D., M.Jur (Int law), Ph.D. (IMLI), Head of Department

ANNUAL REPORT OF THE DEPARTMENT OF INTERNATIONAL LAW (2020-2021)**PROFESSOR PATRICIA VELLA DE FREMEAUX****Selected Publications:**

- “The Contemporary International Legal Regime regulating the Prevention and Suppression of the Smuggling of Migrants and Trafficking in Persons by Sea”, contribution to Part V of Research Handbook on Ocean Governance
- Current: Textbook on International Law and the Law of the Sea, with Professor David Attard.
- “Vaughan Lowe, The Problems of Extraterritorial Jurisdiction: Economic Sovereignty and the Search for a Solution, 1985” in Jill Barrett and Jean-Pierre Gauci (eds.), British Contributions to International Law 1915-2015, BRILL 2020, p 1247
- Opinio Juris, Rescue at Sea and the Establishment of Jurisdiction: New Direction from the Human Rights Committee? Part I
<http://opiniojuris.org/2021/03/03/rescue-at-sea-and-the-establishment-of-jurisdiction-new-direction-from-the-human-rights-committee-part-i/>
- Opinio Juris, Rescue at Sea and the Establishment of Jurisdiction: New Direction from the Human Rights Committee? Part II
<http://opiniojuris.org/2021/03/03/rescue-at-sea-and-the-establishment-of-jurisdiction-new-direction-from-the-human-rights-part-ii-committee/>
- International Legal Materials (ASIL), Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning A.S., D.I., O.I., and G.D. V. Italy, Communication No. 3042/2017 (U.N. Hum. Rts. COMM.). 3042/2017 (U.N. Hum. Rts. COMM.)
<https://doi.org/10.1017/ilm.2021.29>

- The Maltese Legal System, Constitutional and Human Rights Law (Malta University Press) Vol II Part B, 2021

Editorship:

- Member of Board of Editors of the Comparative Maritime Law Journal
- Member of Board of Editors of the Journal of Law and Conflict Resolution
- Member of Board of Editors of Research Handbook on Ocean Governance (Edward Elgar Publishing, forthcoming)

Appointments and Memberships:

- SEA-EU Observatory for Migration and Human Rights led by the University de Bretagne and University of Western Brittany and University of Cadiz
 - Member of Scientific Committee for SEA-EU Seminar organised by the Human Rights Observatory, 25th May 2021
 - SEA-EU, member of Education Sub-Committee
 - SEA-EU, LOCs UM Coordinator
 - SEA-EU MOOCs UM Coordinator
 - University Maritime Platform, University of Malta, Law Faculty Representative on Committee
 - Centre for the Study and Practice of Conflict Resolution, Board Member • Visiting Fellow, IMO International Maritime Law Institute
 - Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza
 - Board Member, Centre for the Study and Practice of Conflict Resolution • Board Member, University Assessment Disciplinary Board
 - Board Member, Faculty Doctoral Committee
 - Board Member, Award Classification Board, Master of Arts in Ocean Governance (2021 -)
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- Member of Expert Group for BIICL Report 'When Private Vessels Rescue Migrants and Refugees' November 2020
- Member of Organising Committee, BIICL's Teaching IL Webinar Series (held Jan 2021)

Courses and Conferences:

- Oxford Public International Law Discussion Group, International Law and the Protection of People at Sea (Dr Irini Papanicopolu, University of Milano Bicocca) 19 November 2020.
- Speaker at SEA-EU Seminar organised by the Human Rights Observatory, 'A Distress call for the protection of human rights of migrants at sea', 25th May 2021
- IMLI Course on International Treaty Law, November 2021
- ICS, Piracy and Maritime Security, April 2021
- ESIL, Current Issues in the Law of the Sea May 2021

Guest Lectureships:

- University of Maine, 'Maritime Migration and Search and Rescue', March 2021 • IMO

International Maritime Law Institute, 'Maritime Migration', April 2021 **Projects:**

- 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 University of Milano-Bicocca:

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-Bicocca.

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.

- Final phases of discussions regarding creation of tripartite Academy with Queen Mary University, London and IMO International Maritime Law Institute
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- SEA-EU, participant in exercise on Virtual Mobility
- SEA-EU Organisation and lecturing in Intensive Course on Irregular Migration by Sea and the Human Element of Maritime Security (19-23rd April 2021)

Collaboration with Third Parties:

IMO, International Maritime Law Institute, Guest Lecturer

IMO, International Maritime Law Institute, PhD Examiner

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) Queen

Mary, University of London

SEA-EU Universities of Cádiz (Spain), Bretagne Occidentale in Brest (France), Kiel (Germany), Gdańsk (Poland), Split (Croatia).

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

Foreword to Marko Pavliha's book on Transport Law and Passenger Rights

Outline of Collaboration with Third Parties

International Foundation for the Law of the Sea (IFLOS), Hamburg; Ministry of Foreign Affairs, Malta;

Continental Shelf Department, Ministry for Energy and Water Management, Malta; Office of the Prime Minister, Malta;

Director, IMO International Maritime Law Institute, Malta;

International Maritime Organization (IMO) Technical Cooperation Division, UK; Re-Elected (unanimously by over 160 States) Judge (ITLOS);

Elected President, Chamber for Marine Environment Disputes (ITLOS); Member, Seabed Disputes Chamber (ITLOS);

Member, Chamber for Fisheries Disputes (ITLOS);

Member, Committee on Library, Archives and Publications (ITLOS); Member, Committee on Buildings and Electronic Systems (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;

Queen Mary University, Migration Studies Programme.

Projects Involving Members of the Department

Research: Co-authoring a Handbook of International Maritime Law with colleagues in the Department of International Law. It will be the first on the subject as it will deal with the subject from a Maltese perspective and be useful to University students and Government officials;

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

Conference Papers and Participation

On 28 May 2020, Judge David Attard addressed the Seminars for Diplomats from Latin American & Caribbean, Africa, Asia-Pacific, and Eastern Europe Regions on “Opportunities in Capacity Building in the Law of the Sea” organized in New York.

On 19 June 2020, Judge David Attard delivered a lecture entitled “Towards a More Effective Ocean Governance Regime: Problems of Enforceability”, organized by the Ambassadorial Group of Friends of Oceans and Seas, New York.

On 9 September 2020, Judge David Attard addressed the Pacific Islands Forum Conference on “Securing the Limits of the Blue Pacific - Legal Options and Institutional Responses to the Impact of Sea Level Rise on Baselines in the Context of International Law”.

On 29 October 2020, Judge David Attard delivered a lecture entitled “The Role of Women in Decarbonisation”, organized by the Maritime Technology Cooperation Centre MTCC-Africa Webinar.

On 9 December 2020, Judge David Attard addressed the 70th Session of the IMO Technical Cooperation Committee where he expressed his appreciation to the Secretary-General, Mr. Kitack Lim, for his continuous support to the Institute and the time he has dedicated to the current IMLI Class. He reflected on the impact that the pandemic has had on IMLI’s work and also discussed the future plans of the Institute.

On 16 December 2020 Judge David Attard delivered an Address to the 2020 IMSO Assembly: IMSO Satellite Regulatory System entitled “IMSO: Protecting Life at Sea”.

DR FELICITY ATTARD

Lecturer

Selected Recent Publications

- Patricia Vella de Fremeaux (Mallia) and Felicity G. Attard, ‘Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning A.S., D.I., O.I., and G.D. V. Italy, Communication No. 3042/2017 (U.N. Hum. Rts. COMM.)’ International Legal Materials Volume 60, Issue 4 (Cambridge University Press 2021) available at <<https://doi.org/10.1017/ilm.2021.29>>.
- Felicity Attard and Malgosia Fitzmaurice, ‘Treaty Interpretation’ in Nowark, Hofbauer, Janig (eds), The Elgar Encyclopedia of Human Rights (Edward Elgar Publishing 2021).
- Felicity Attard and Malgosia Fitzmaurice, ‘International Environmental Law and Human Rights’ in Nowark, Hofbauer, Janig (eds), The Elgar Encyclopedia of Human Rights (Edward Elgar Publishing 2021).
- Patricia Vella de Fremeaux and Felicity G. Attard, ‘Rescue at Sea and the Establishment of Jurisdiction: New Direction from the Human Rights Committee? Part I and II’, *Opinio Juris* (March 2021).
- Felicity G. Attard and Richard L. Kilpatrick, ‘Reflections on the Maersk Etienne Standoff and its Ramifications for the Duty to Render Assistance at Sea’, *European Journal of International Law: Talk!* (October 2020).

Editorship

- Co-Editor, Research Handbook on Ocean Governance Law (Edward Elgar Publishing, forthcoming).

Speaking Engagements at Conferences and Seminars

- Guest Speaker, 'Commercial shipping and Search & Rescue in the Mediterranean', Webinar organized by Ms Sophie in't Veld, Member of the European Parliament (June 2021).
- Guest Speaker, 'A Distress Call for the Protection of Human Rights at Sea', SEA-EU Observatory for Migration and Human Rights Conference (May 2021).
- Key Note Speaker, 'Contemporary Challenges facing the Duty to Render Assistance at Sea', IV Brazilian Congress of the Law of the Sea, CEDMAR-USP (November 2020).
- Guest Speaker, 'When Merchant Vessels Rescue Migrants and Refugees: A Shipmaster's Perspective', Webinar 'When Private Vessels Rescue Migrants: Legal Implications', British Institute of International Law and Comparative Law (November 2020).

Academic Appointments

- Guest Lecturer, 'The Role of the United Nations International Maritime Organization in the Implementation of the Duty to Render Assistance under the United Nations Convention on the Law of the Sea' Lecture Series Re-Imagining International Organisations organised by the Centre for Study of the United Nations (CSUN) and the Jindal Society of International Law (August 2021).
- Guest Lecturer, 'The Duty to Render Assistance at Sea: Contemporary Legal Response Strategies', IMO International Maritime Law Institute, IMLI Course on Maritime Security Law (May 2021).
- Guest Lecturer, 'The Efficacy of Current International Legal Response Strategies to the Rendering of Assistance in Cases of Irregular Migration at Sea: The Maersk Etienne Test', Harvard Law School, International Law of the Sea Course 2958 (March 2021).

International Appointments

- Observatory for Migration and Human Rights led by the University de Bretagne and University of Western Brittany and University of Cadiz (September 2020).
- Fellow, Centre for European Legal Studies on Macro-Crime, Universita degli Studi di Ferrara, Dipartimento di Giurisprudenza.

Collaboration with Third Parties

International Ocean Institute

- Guest Lecturer, The International Ocean Institute Training Programme on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas (March 2021).

European Law Students Association

- Guest Lecturer, 'Irregular Migration by Sea and its Impact on International Shipping' ELSA Malta Webinar Academy (July 2021).
- Speaker, ELSA Malta, 'Let's Talk: One-to-One Brainstorming Session' (November 2020).
- Workshop Leader, 'How to Sessions on Assignment Writing and Research' (October 2020).

Malta Model United Nations Society

- Guest Speaker, Rebalancing the Scales: A MaltMUN debate on Migration' (March 2021).

Projects

University of Milano-Bicocca:

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 programme on the prevention and suppression of international crime at sea (2015-present).

Queen Mary University of London and the IMO International Maritime Law Institute:

- Cooperation with Queen Mary, University of London and the IMO International Maritime Law Institute to develop academies on Public International Law and Private Law.

Academies, Conferences, Courses, Lectures and Webinars Attended

- University of Essex, 'Modern Challenges in International Law', Essex Public International Law Series (June 2021).
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- University of Groningen, 'Interpretation in International Law: Rules, Content, and Evolution Confirmation (June 2021).
 - Japan Institute of International Affairs, 'Conference on Oceans Law & Policy 2021' (May 2021).
 - IMLI Course on Maritime Security Law, 'Interdiction of 'Boat Migrants' in the Central Mediterranean and Australia', delivered by Professor Nathalie Klein (May 2021).
 - Global Counter Terrorism 'Virtual Consultation on Global Implications of Terrorist Travel in the Maritime Domain, Regional Webinar on the Mediterranean' (April 2021).
 - University of London, 'The Implementation Committee of the Water Convention' (April 2021).
 - International Law Association and Queen Mary University School of Law, 'Synergy between the Law of Treaties and the Law of International Responsibility So Far Apart but Still So Close' International Law Association Annual Conference (April 2021).
 - International Chamber of Shipping, 'Maritime Piracy and Maritime Security' (April 2021).
 - IMLI Course on Maritime Security Law, 'The Right of Hot Pursuit', delivered by Professor Raul Pedrozo (April 2021).
 - IMLI Lecture, 'State Responsibility', delivered by Professor Rudiger Wolfrum (April 2021).
 - University of Oxford, 'The Recognition of a Right to be Rescued at Sea', Public International Law Discussion Group (February 2021).
 - The Hague Academy of International Law Winter Course, the Hague Academy of International Law (January 2021).
 - IBA Digital Conferencing, 'The Right to a Fair Trial in International Law' (December 2020).
 - US Naval War College, Disruptive Technologies and International Law Stockton Center for International Law Conference (December 2020).
 - University of Cambridge, Lauterpacht Centre for International Law, 'Evening Lecture: 'From Investigating to Litigating Border Violence at Sea' (November 2020).
 - University of Strathclyde Glasgow, 'Environmental Rights in Marine Spaces' (November 2020).
 - University of Oxford, 'International Law and the Protection of People at Sea', Public International Law Discussion Group (November 2020).
 - IMO International Maritime Law Institute, Law of Treaties Programme Part A (November-December 2020).
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- Webinar, 'Stranded: The Plight of Seafarers During the Pandemic', US Naval War College, The Stockton Center for International Law (October 2020).

OMAR GRECH LL.D., PH.D.

Director, Centre for the Study and Practice of Conflict Resolution Senior Lecturer, Department of International Law

Publications 2020/21

Crimes Against Humanity: towards a more comprehensive approach?, Omar Grech (editor), Centre for the Study and Practice of Conflict Resolution, August 2021 An Overview of the Role of the United Nations in International Dispute Settlement in Championing Diplomacy in the Mediterranean. Eastern Mediterranean and Libya: The Way Forward?, Monika Wohlfeld (editor), Med Agenda series, Mediterranean Academy of Diplomatic Studies, May 2021

Global migration after the pandemic in Conflict Resolution after the Pandemic: Building Peace, Pursuing Justice, Richard E. Rubenstein, Solon Simmons (editors), Abingdon, Routledge, March 2021

The Libyan conflict and migration across the central Mediterranean route: is there a role for Ireland? in Defence Forces Review 2020 'The Global Island: Strategic Implications for Irish Defence Planning in the Evolving Geopolitical Landscape', Irish Defence Forces, December 2020

University Appointments

Director, Centre for the Study and Practice of Conflict Resolution (appointed by Council) Member, University of Malta Platform for Migration (appointed by Senate) Member, Board of the Institute for European Studies (appointed by Senate) Member, Governing Board, Mediterranean Academy of Diplomatic Studies (appointed by Council)

Member, Oversight Committee on the Implementation of the UN WPS Agenda, Ministry of European and Foreign Affairs (appointed by Rector)

Conferences and Projects

Erasmus Plus, IEUME Project (Integration of Migrants through Education) coordinated by Factor Social, Portugal

Conflict and Digital Mapping with Centre for Digital Humanities, University of Gothenburg

Crimes Against Humanity, Towards a more comprehensive approach, Department of International Law, Centre for the Study and Practice of Conflict Resolution, Mediterranean Academy of Diplomatic Studies

Visiting Lecturing

IMO International Maritime Law Institute: International Human Rights Law at Sea, April 2021

Universidad Catolica de San Antonio, Murcia: International Human Rights Law and Conflict,
February 2021

Collaborations

George Mason University, USA

University of Nicosia, Cyprus

Dublin City University, Ireland

Universidad Catolica San Antonio Murcia, Spain

Professor Patricia Vella De Fremeaux

Head, Department of International Law



**L-Università
ta' Malta**

**DEPARTMENT OF
LEGAL HISTORY &
METHODOLOGY**

Faculty of Laws

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ANNUAL DEPARTMENT REPORT 2020 – 2021

1. CONTINUED PROFESSIONAL DEVELOPMENT

Awarded (*magna cum laude*) the Higher Diploma of Legal Procurator, Faculty of Laws, University of Malta (Nov 2020)

2. RESEARCH

Publications

Camilleri-Cassar, F. *Academic Research Methods for the Law Student: a practical guide*, (2nd edition), Faculty of Laws, University of Malta (work-in-progress).

Camilleri-Cassar, F. (2021) Ir-twel tal-mara fil-qasam Politiku mill-Kostituzzjoni tal-1921 sal-gurnata tal-lum: X'inbidel? Konferenza 100 Sena mill-Kostituzzjoni tal-1921, *L-Ufficcju tal-President*, Malta, 22 – 28.

Camilleri-Cassar, F. (2021) 'Atti Kawtelatorji: To what extent are precautionary warrants adequate in safeguarding a person's rights to secure a claim before the Civil Court?' *Id-Dritt XXXI*, Faculty of Laws, University of Malta, Malta, 139 – 153.

Camilleri-Cassar, F. (2021) 'What is an understanding of the concept of 'jurisdiction' in public international law? Analyses of two jurisdictional bases', *Id-Dritt XXXI*, Faculty of Laws, University of Malta, Malta, 277 - 288,

Camilleri-Cassar, F. (2021) 'Procedural obstacles: (A) in a Human Rights action under Article 46 of the Constitution of Malta' and (B) a Judicial Review under Article 469A of the Code of Organisation and Civil Procedure?' *Id-Dritt XXXI*, Faculty of Laws, University of Malta, Malta, 139 – 167.

Camilleri-Cassar, F. (2021) 'Country Report: Malta' in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Related Research 2021*. DOI:

10.18445/20210817-144100-0. Available at: www.leavenetwork.org/annual-review-reports/review-2021/

Paper presentations

Invited Panel Speaker to deliver an address at the *Domestic Violence Seminar* (with Honourable Judge Rosemarie Aquilina, Ingham County, Michigan and Dr Ruth Farrugia, Faculty of Laws), organised by the *Junior Chamber of Advocates*, 11 November 2020.

Invited to deliver *An Overview of Qualitative Analysis and Critical Appraisal*, to Postgraduate Psychiatry Trainees, *Mount Carmel Hospital*, Malta, 27 February 2021.

Invited Speaker to deliver a paper titled: *Gendered forces Behind Women's Lives, and their reflection in Maltese Politics*, Webinar organised by the *Human Rights Law Platform*, University of Malta, 23 March 2021.

Invited Panel Speaker to deliver an address titled *Ir-rwol tal-mara fil-qasam Politiku mill Kostituzzjoni tal-1921 sal-gurnata tal-lum: X'inbidel?* at the National Conference marking the *100 Sena Mill-Kostitutzzjoni tal-1921*, organised by the *Office of the President of Malta* at San Anton Palace, 17 April 2021.

Full Network Member and Participant at the 18th Annual Seminar of Leave Policies and Research, Helsinki, Finland 16–17th September 2021.

3. LECTURING PORFOLIO

Study-units

CRL1008 Family Violence Law (study-unit coordinator) (LLBHons).

LHM1019 Legal Research Methodology (study-unit coordinator) (HDip LP).

MCT1000 Research Methods and Legal Writing (study-unit coordinator) (Dip Laws of Procedure).

PBL1015 Constitutional Law (*et al.*) (LLBHons).

CRL2008 Child Trafficking Law (study-unit coordinator) (LLBHons).

CRL3000 Gender and Deviancy Law (study-unit coordinator) (LLBHons).

LHM3000 Research Methods (study-unit coordinator) (with Prof Liberato Camilleri) (LLBHons).

CRL4000 Policy and Crime Prevention (study-unit coordinator) (LLBHons).

MCT4002 Labour Unions, Collective Bargaining and Equality Law (study-unit coordinator) (LLBHons).

LAW 5001 Legal Research, Analysis and Writing (study-unit coordinator) (with Prof Liberato Camilleri) (MA Law).

LAW 5078 Research Methods (MA Mediation).

PBL 5033 Methodology, Research Skills and Legal Analysis (with Dr Therese Commodini Cachia) (Masters in Human Rights Law and Practice).

SCI5034 Qualitative and Quantitative Research Methods (with Prof Liberato Camilleri) (MA Ocean Governance).

INL5017 Research Methodology (MICAS Programme, University of Ferrara).

4. OTHER

Course Co-ordinator (as of 2020): Higher Diploma of Legal Procurator. **Study-unit Co-ordinator:** MA Law (as of 2020); Course Co-ordinator (2014 - 2020). **Chair (as of 2017):** Faculty of Laws Research Ethics Committee.

Member (Senate appointment as of 2019): Human Rights Law Platform, Faculty of Laws.

Boards of Studies/Examiner (various)

5 October 2021

Professor Frances Camilleri-Cassar

ANNUAL REPORT OF THE DEPARTMENT OF MEDIA, COMMUNICATIONS AND TECHNOLOGY LAW, FACULTY OF LAWS, UNIVERSITY OF MALTA

Covering the Period October 2020-September 2021

Contribution in Law Courses offered by the Faculty of Laws

The Department of Media, Communications and Technology Law continued to contribute to the Higher Diploma of Legal Procurator, Bachelor of Laws Hons (LL.B. Hons.), and Master of Advocacy (M. Adv.) 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, the Faculty of Medicine and Surgery, the Faculty of Media and Knowledge Sciences and the Centre for Distributed Ledger Technologies. This entailed lecturing, supervising and examining study-units, including supervising theses, dissertations, term papers and long essays.

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

Dr Mireille M Caruana (Head of Department) (Full-time Resident Academic – Senior Lecturer) Prof Kevin Aquilina (Full-time Resident Academic - Professor)
Dr Daniel Bianchi (Full-time Resident Academic –Lecturer)
Dr Ioannis Revolidis ((Full-time Resident Academic –Lecturer)

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 Neville Gatt (Visiting Senior Lecturer – T1)
Dr Jeanne Pia Mifsud Bonnici (Visiting Lecturer – T2)

Dr Ioannis Revolidis joined the MCT Department on 6 September 2021. He will also serve in the Centre for Distributed Ledger Technologies.

Professor Francis Camilleri Cassar has during the academic year 2020-2021 moved from the Department of Media, Communications and Technology Law to the Department of Legal History and Legal Research Methods.

Updating and expanding the Technology Law Curriculum

Seizing the opportunity to rationalise and strengthen the study-unit offerings of the Department in the field of Technology Law, Drs Caruana and Revolidis lost no time to initiate a process of reviewing current study-units and updating and expanding the current offering. They have collaborated to draft new study-unit approval forms (and are following up with the relative administrative processes) with the intention of offering and running the following new study units as from next academic year (2022-23):

Undergraduate:

MCT2012 - Introduction to Legal Informatics (Co ord Dr I Revolidis)

MCT3005 - Introduction to European Regulation of the Digital Market (Co ord Dr M Caruana)

MCT4008 - Privacy and Data Protection Law (Co ord Dr M Caruana)

MCT4007 - Advanced Introduction to Blockchain and Artificial Intelligence Law (Co ord Dr I Revolidis)

MCT4006 - Introduction to Intellectual Property and the Information Society (Co ord Dr M Caruana)

Postgraduate:

The plan is for these new study-units to be offered on the LLM in European & Comparative Law and the LLM in European Business Law, programmes within the Department of European and Comparative Law. The * study-units will also be offered to those students reading for an MSc in Blockchain and Distributed Ledger Technologies (with a specialisation in law), a programme within the Centre for Distributed Ledger Technologies (CDLT).

MCT.... – Advanced Privacy and Data Protection Law (5 ECTS)* (Coord Dr M Caruana) MCT.... – Digital Platforms and the Law* (5 ECTS)* (Co ord Dr M Caruana) MCT.... – Intellectual Property and the Information Society (5 ECTS)* (Co ord Dr M Caruana) MCT.... – European Regulation of the Digital Market (5 ECTS)* (Co ord Dr M Caruana) MCT.... – PIL and the Internet (5 ECTS) (Co ord Dr I Revolidis)

MCT.... – Blockchain, Distributed Ledger Technologies and the Law (5 ECTS)* (Co ord Dr I Revolidis)

MCT.... – Cryptocurrencies and the Law (5 ECTS)* (Co ord Dr I Revolidis)

PROFESSOR KEVIN AQUILINA

During the academic year October 2020-September 2021, Professor Kevin Aquilina was on sabbatical leave. In this period, he performed the following duties:

Publications

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

International Book Chapter

(i) 'Challenges to Criminalising State Responsibility for Genocide', in Klejda Mulaj (ed.), *Postgenocide Interdisciplinary Reflections on the Effects of Genocide*. Oxford University Press, Oxford, 2021, pp. 33-62.

Peer Reviewed Paper

(ii) 'Technology Law's Link to Constitutional Law: A Public Law Perspective', *Id-Dritt*, Vol. XXXI, 2021, pp. 323-346.

Book Reviews

(iii) 'The Ombudsman revisited', *The Sunday Times of Malta*, 7 February 2021, p. 32.

(iv) 'Obstetric medico-legal monographs published', *The Sunday Times of Malta*, 28 March 2021, p. 33.

Popular Press – On Bill 198 of 2021 (Bill to Amend the Interpretation Act)

(v) 'Undermining the Constitution', *Times of Malta*, 4 March 2021, p. 28 (co-authored with Austin Bencini, Giovanni Bonello and Tonio Borg).

(vi) 'Our rights are at stake', *The Shift News*, 17 March 2021, available at <https://theshiftnews.com/2021/03/17/our-rights-at-stake/>.

(vii) 'We were right after all', *Times of Malta*, 3 June 2021, p. 28 (co-authored with Austin Bencini, Giovanni Bonello and Tonio Borg).

(viii) 'Misreading the Venice Commission', *Times of Malta*, 16 June 2021, p. 11 (co-authored with Austin Bencini, Giovanni Bonello and Tonio Borg).

Popular Press – Standards Commissioner

(ix) 'Upholding Parliamentary standards', *The Malta Independent*, 26 April 2021, p. 8. **2.2**

Examiner

Professor Aquilina acted as a Ph.D. examiner for the theses submitted by (i) Dr Francis Zammit Dimech and (ii) Madam Justice Consuelo Scerri Herrera.

He further served as a member of the Ad Hoc Upgrade Transfer of MPhil to PhD Board of (i) Dr Francis Zammit Dimech and (ii) Madam Justice Consuelo Scerri Herrera.

Principal Supervisor

During this academic year, Professor Aquilina continued to act as Principal Supervisor of Dr Paul Edgar Micallef who was writing a PhD on Utility Law.

He also served as a member of the Ad Hoc Upgrade Transfer of MPhil to PhD Board of Dr Paul Edgar Micallef.

Administration

Professor Aquilina held regular meetings with the Dean and Deputy Dean, and drew up memoranda, in relation to the two laws that amended the provisions related to the legal profession that impacted on the Faculty of Laws' courses leading to the award of the warrant of advocate. These were Act No. XIX of 2021 and Bill No. 217 of 2021.

DR MIREILLE MARTINE CARUANA

Participation in Academic Boards and Committees

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. This appointment has been extended for another term. During the academic year 2020-21 she regularly attended and contributed to the meetings and activities of UREC and its sub-committee on data protection (UREC-DP).

Mireille was also appointed and is currently a member on the Board of the 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 relevant new study-units.

Career progression

At its meeting of 16 July 2020 Council appointed Mireille as Head of the Department of Media, Communications & Technology Law for a period of one year, with effect from 1 October 2020 up to 30 September 2021.

Research Output

During this academic year Dr Mireille Caruana has published the following: **3.3.1**

Publications:

(i) Caruana, M M and M R Leiser (2020) Dark Patters: Light to be found in Europe's Consumer Protection Regime. Journal of European Consumer and Market Law (EuCML) (forthcoming)

(ii) Caruana, M M and J A Cannataci (2021) The Implementation of European Privacy Law in Malta, in Ivan Sammut and Jelena Agranovska, The Implementation and Enforcement of European Union Law in Small Member States: A Case Study of Malta

Other:

BILETA conference presentation entitled “Scientific Research using Health Data: the case for utilising the research exception”, in collaboration with Dr Claude Bajada from the Faculty of Medicine & Surgery.

Ongoing research:

Data protection and scientific research, with a focus on biobanking and the sharing of /open access to MRI data.

A research proposal was submitted for funding to the University Research Excellence Scheme, together with Dr Claude Bajada from the Faculty of Medicine & Surgery, and Prof Andrew Sammut from the Faculty of Engineering, in collaboration with Prof Jeanne Pia Mifsud Bonnici from the University of Groningen, entitled Magnetic Resonance Imaging data in research: **MA**stering **GDPR** Implications and **C**ompliance (MAGIC).

Together with Dr Ioannis Revolidis and Dr David Zammit, head of Department of Civil Law, she will be contributing to a book project and conference on “Harmonizing Digital Contract Law – The Impact of EU Directives 2019/770 and 2019/771”, which aim at assessing the impact of the implementation of the EU “Twin Directives” on Digital Content (DCD) and on Sale of Goods (SGD) in all EU Member States. The target date for the book to be published is

September 2022 while the conference, at which we hope to present our country report, will take place in Ferrara (Italy) on 9 and 10 June 2022.

Lectures and course administration

Sole lecturer on the following undergraduate study-units:

MCT4004 Information Technology and the Law;
MCT4005 Electronic Commerce Law.

Study-unit coordinator and sole or co-lecturer on the following Master level study-units:

ECL5068 E-Commerce Law and Policy in the EU (LLM in European & Comparative Law, LLM in European Business Law, MSc in Blockchain and DLTs);
ECL5043 EU Information Technology law (LLM in European & Comparative Law, LLM in European Business Law, MSc in Blockchain and DLTs);
ECL5074 Cryptocurrencies, Distributed Ledger Technologies and the Law (LLM in European & Comparative Law, LLM in European Business Law, MSc in Blockchain and DLTs); ECL5072 Gambling Law and Policy in the EU (LLM in European & Comparative Law, LLM in European Business Law).

Coordinator and co-lecturer for the legal study-units offered within the MSc in Blockchain and DLTs, and in particular:

ECL 5068, ECL5043 and ECL5074 as listed above;
DLT5120 ‘Regulating blockchain and DLTs: An introduction to the law and policy aspects’ (MSc in Blockchain and DLTs).

Ad hoc lecture on data protection in the medical research context, on the study-unit MDS3104 Ethical, Legal and Social Implications (ELSI) in Medical Research.

Supervision

During 2020-2021 Mireille was supervisor on 2 LLM dissertations and 6 LLB term papers.

Examining duties

Apart from acting as examiner on all the undergraduate and postgraduate study-units on which she acts as coordinator and/or lecturer, Mireille also acted as chairperson/examiner on a significant number of LLB term papers and LLM dissertations submitted for 2020-21.

She also acted as an examiner for the Ph.D. thesis of Mr Halefom Abraha, a thesis submitted in partial fulfilment for the requirements for the Doctor of Philosophy in Information Policy and Governance at the Faculty of Media and Knowledge Sciences (MaKS).

She also acted as an examiner on the MA by Research submitted by Mr Sergio Pisani to the Department of Criminology, Faculty for Social Wellbeing.

DR. DANIEL BIANCHI

Lecturing portfolio

- MCT1004 Mental health law. Study-unit coordinator.
- MCT1005 Introduction to law. Study-unit coordinator.
- MCT1006 Introduction to law (Prolegomena). Study-unit coordinator.

Academic Boards and Committees

- Chairperson and rapporteur of the Working Group set up by the Board of the Faculty of Laws to report on a proposal regarding the study-units LAW4010 Dissertation and LAW2003 Long Essay.
 - Course coordinator of the Master of Arts degree course in law.
 - Chairperson of the Board of Studies of the Master of Arts degree course in law. ● Coordinator of the Medicine and the Law Platform.
 - Member of the Board of the Faculty of Laws, University of Malta.
 - Member of the Faculty Research Ethics Committee at the University of Malta's Faculty of Laws.
 - Member of the Board of Studies of the Master of Advocacy degree course. ● Member of the Board of Studies of the Master of Arts degree course in Bioethics. ● Member of the Board of Studies of the Bachelor of Laws (Honours) degree course.
-

Research Output

Research in the academic year 2020/2021 was dedicated to work leading toward completion of a book that is due to be published in 2022.

Other

- National Contact Point for Malta at the European Association of Health Law.
- Course tutor in European Health Law and Policy at the Law School of the University of Edinburgh.
- Secretary General of the Chevening Alumni Association of Malta.
- Daniel Bianchi et al, Report on the proposal regarding the study-unit LAW4010 Dissertation and LAW2003 Long Essay submitted to the Board of the Faculty of Laws in October 2020 (January 2021). The report was presented to the Board of the Faculty of Laws in January 2021 and changes arising from that report were adopted by the Board of the Faculty of Laws in May 2021.
- Appointed principal supervisor, chairperson of the board of examiners and examiner of a number of undergraduate and postgraduate dissertations.

DR. IOANNIS REVOLIDIS

Dr. Ioannis Revolidis joined the Department on September 6, 2021. He brings with him expertise in EU Internet Law, EU Consumer Protection Law, EU Intellectual Property Law and EU Private International Law. He is also appointed to the Centre for Distributed Ledger Technologies at the University of Malta, where he will undertake legal research and teaching in the intersection between blockchain and the law.

Teaching Portfolio for 2021/22 includes

MCT2003 Legal Futures and Technology (study-unit coordinator and sole lecturer); DLT5120 Regulating Blockchain and DLTs: An Introduction to the Law and Policy Aspects (study-unit coordinator and co-lecturer);
DLT5002 Research Methods (co-lecturer);
DLT5003 Introduction to Blockchain, DLTs and Cryptocurrencies (co-lecturer);
ECL5068 E-Commerce Law and Policy in the EU (co-lecturer);
ECL4007 Area of Freedom, Security and Justice Legislation (co-lecturer).

Research Output

Blockchain and the GDPR (in German), chapter in an edited book about data warehouses edited by Christina Caldarola (C.H. Beck)

Legal Tech and Data Privacy (in German), chapter in a commentary on Legal Tech edited by Prof. Dr. Martin Ebers (Nomos Verlag)

Unexplored flexibilities in EU Copyright Law, Journal Article with Prof. Dr. Peter Mezei to be submitted at International Review of Intellectual Property and Competition Law.

Together with Dr Mireille Caruana and Dr David Zammit, head of Department of Civil Law, he will be contributing to a book project and conference on “Harmonizing Digital Contract Law – The Impact of EU Directives 2019/770 and 2019/771”, which aim at assessing the impact of the implementation of the EU “Twin Directives” on Digital Content (DCD) and on Sale of Goods (SGD) in all EU Member States. The target date for the book to be published is September 2022 while the conference, at which we hope to present our country report, will take place in Ferrara (Italy) on 9 and 10 June 2022.

Other

EAPIL Young Research Network - Country Rapporteur for Malta on a project related to rules of international jurisdiction of EU Member States

EUIPO research project on the Collection of National Key Enforcement Judgments relating to Intellectual Property Rights (lead academic: Prof. Dinusha Mendis, University of Bournemouth) - Country Rapporteur and Expert Reviewer of case law on the Enforcement of Intellectual Property Rights collected from Malta

Examining Duties-Supervisions

Dr. Revolidis is appointed as supervisor of 7 LL.B. dissertations for academic year 2021-22, while he will be acting as an examiner in a significant number of such dissertations. He will also be examining the study units he is assigned to coordinate or teach.

DR PAUL EDGAR MICALLEF

Publications

- Peer reviewed article “The Case for a ‘Super’ Market Authority in Malta” in Id-Dritt Volume XXXI, 115- 136.

Memberships

- Member of the Enforcement Steering Group (BEUC)
- Member of the International Association of Consumer Lawyers
- Member of the Consumer Association (Malta)

Dr Mireille Caruana

Head of Department of Media, Communications and Technology Law Faculty of Laws

18th October, 2021.



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PUBLIC LAW DEPARTMENT – ANNUAL REPORT 2020-2021

This year was characterised by Covid 19. The implications of this were that all lectures were held online, and exams were all held remotely via Wiseflow. Experience has taught us many lessons: we have all become quite good at lecturing online and insofar as Wiseflow is concerned we improved in the sense that we took measures to dissuade students from copying + pasting blindly, namely by taking discipline action where similarities were very high, and word limits were imposed to avoid a repeat of last year's seemingly endless essays. Bluntly put, since we had to continue with online exams, we could not close an eye and allow the blatant abuses on many of the students' parts to continue unchecked, so we (together with the rest of the Faculty of Laws) made a concerted effort to address this as well as the circumstances permit. The annual symposia in PBL1015 and PBL2015 were held online too although, instead of holding them over one day as in the past, a marathon of twenty-four weekly 'mini symposia' were held between January and April 2021, at the rate of two per week. These symposia were preceded by online mentoring and preparation sessions with different academics.

In terms of staffing, interviews were held, aiming to take on two full timers. This led to Dr Therese Comodini Cachia shifting from half-time TR employment, to full time after she ranked first in the interviews. Unfortunately, the candidate who ranked second, had a change of plans and decided not to join us. A new call has yet to be issued.

A particular highlight, indeed a first for the Public Law Department, was its responding to the UM's Internal Research Grants Call and actually submitting a proposal. To date, no reply on the outcome has been received, although the Public Law Department did receive a €2,000 seed fund in order to start some work on the project applied for. In fact meetings were held and a young lawyer has been identified to help out; this lawyer is using the same research to prepare to apply for, and read for a Ph.D. in a related subject.

The Public Law Department also continued to support the Human Rights Platform, inter alia helping in the organisation of, and even participating in, different webinars, most of which were recorded and may still be viewed on the Faculty of Laws' and the Human Rights Platform's respective Facebook pages.

Dr Tonio Borg and Dr Ivan Mifsud attended an ICON-S event held virtually, in February 2021. The ICON S Malta chapter also organised an online seminar dealing with judicial review of administrative action, in June 2021, while Dr Tonio Borg attended the ICON-S annual conference even presenting a paper, on "The Effects of Judgments in Malta declaring laws as constitutionally invalid. " Dr Jacqueline Tanti Dougall also attended a number of tourism law – related conferences including a Zoom webinar organised by the International Travel Law Network dealing with the effects of Covid19 (February 2021) and another on Women from the Middle East and Tourism (September 2021).

Dr Tonio Borg was also extremely busy publishing books, which included *Leading Cases in Maltese Administrative Law*, while Ivan Mifsud took over from Prof Kevin Aquilina, the annual contribution to the *International Encyclopaedia of Constitutional Law* (A. Alen and D. Haljan Eds).

This year Dr Francis Zammit-Dimech also successfully concluded his Ph.D. and will be graduating at the next session.

Ivan Mifsud

Head, Public Law Department

Dean, Faculty of Laws

1st November 2021
