

ANNUAL DEPARTMENTAL REPORT – 2016-2017

A. CONFERENCES ATTENDED BY DEPARTMENT STAFF:

DR DAVID ZAMMIT (HoD)

- 30th September 2016: attended a Seminar organized by FRANET at the EU Agency for Fundamental Rights in Vienna in my role as Senior Expert for ADITUS.
- Tuesday 18th October 2016 chaired a seminar organised by the University's Islands and Small States Institute and the Department of Civil Law on: Regulatory Systems in Small States, with special reference to Malta.
- 27th and 28th October 2016: attended the conference on "Clinical Legal Education and Access to Justice for all: from asylum seekers to excluded communities", organized by the European Network for Clinical Legal Education at the University of Valencia in Spain. I presented a paper on: 'Developing clinical legal education within the Maltese mixed jurisdiction'.
- 15th December 2016: Attended the conference on 'Migration, Mobility and Human Rights in the Mediterranean and beyond', organized by the Human Rights Programme of the University of Malta. Presented a paper together with Ms Ruth Chircop, entitled: "Vernacularising Asylum Law in Malta"
- 24-25 April 2017: attended the Conference on Unregistered Muslim Marriages: Regulations and Contestations", organized by the Muslim Marriage Project of the University of Amsterdam, together with Rajnaara Akhtar (De Montfort University, Leicester) and held in De Montfort University Leicester, England. I presented a paper together with Dr Ibtisam Sadegh entitled: "Legitimising Maltese Muslim Marriages."
- 27th- 28th April 2017: attended the 'International Conference on Legal Aspects of Housing' organized by the University of Tarragona, Spain. Presented a paper entitled: "Human rights as property rights in postcolonial Malta". Acted as discussant for the paper presented by Jennifer Duyne Barenstein (ETH Wohnforum – ETH CASE). Title: "The right to adequate housing in post-disaster settings".
- 3rd July 2017: Attended the Conference co-organized with the University of Perugia and hosted by the University of Malta Department of Civil law on *European Dimensions of Individual Economic Status: European Fundamental Rights and Private Law*. I presented a paper on: "Humanitarian Status: Navigating between EU and national law in a Mixed Jurisdiction."

DR MARY MUSCAT

- End September 2016: Laudato Si, organized by the Ethics department within the Faculty of Theology. Presented a paper on 'environmental crime'.
- End September 2016: Cepol annual conference on police training research, Budapest. Moderated two panels as RSC on police Masters offered by Canterbury Christchurch and the Dutch police academy, and another on policing postgraduate degrees in Croatia and Lithuania.
- Cepol working meeting in November 2016, held in Budapest

JUDGE LAWRENCE QUINTANO

- I attended the Annual Conference on European Tort Law held in Vienna.
- I also attended UNO meetings about the application of the United Nations Anti-Corruption Convention
- I attended the meeting held by IACA (the International Anti-Corruption Academy) which is based outside Vienna and which is offering short or two year courses (leading to an M.A.) in anti-corruption methods.

DR PAUL DEBONO

- Annual Banking and Finance Law Seminar organised by Ganado Advocates. This included some interesting presentations on: (i) The Changing Regulatory Environment and its Impact on Bank Lending, (ii) New Environment of Banking Supervision, (iii) Bank Insolvency Law. (iv) Bank's Internal Governance
- Seminar organised by the FIAU on the Implementing Procedures regulating the financial services sectors.
- Full day training seminar organised by the European Notarial Network and the Notarial Council of Malta. Topics covered included cross-border successions under the EU Succession Regulation, public documents, Implementation of the Matrimonial Regimes and Registered Partnerships Regulations.

DR PAUL CACHIA

- Attended the 'Special Commission on the Recognition and Enforcement of Foreign Judgments' of the Hague Conference on Private International Law (16 to 24 February 2017, The Hague). Here I also chaired the EU coordination meetings in relation to the negotiations carried out at the Special Commission, as part of my duties as President of the responsible Council Justice Working Party during the MT Presidency.
<https://www.hcch.net/en/projects/legislative-projects/judgments/special-commission1>
- On 6 to 10 February 2017 I also attended the sixty-sixth session of UNCITRAL Working Group II in New York for negotiations on a new instrument on the enforcement of international commercial settlement agreements resulting from conciliation. Even here I chaired the EU coordination meetings in relation to the international negotiations in relation to this instrument as part of my duties as President of the responsible Council Justice Working Party.
http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html

DR PATRICK J GALEA

- In October 2016, I attended a Bank conference in Vienna and presented a paper on the EU recast insolvency regulation.
- I also attended a conference in Jersey in September 2017 on trust law to include discussions on my forthcoming publication.

NOTARY DR CLINTON BELLIZZI

- European Succession Regulation Seminar - Milan; January 2017
- Practical Issues in application of the European Succession Regulation - European Notarial Network Joint Seminar; Sliema May 2017

B. LECTURES/PUBLIC TALKS DELIVERED BY DEPARTMENT STAFF

DR DAVID ZAMMIT (HOD)

- 10th February 2017: Lectured Loyola University (Chicago) students on Humanitarian Values and Asylum Law in the Management of Asylum Seekers in Malta
- 2nd May 2017: I spoke at the international seminar organized by the Movimento dei Focolari and Comunione e Diritto under the patronage of H.E. Marie-Louise Coleiro Preca, President of Malta on: Law as a Tool for Integration in a Multicultural Society. I gave a talk entitled: "Immigration today: an analysis."
- 3rd May 2017: Chaired and gave a talk at the event co-organised between the Department of Civil law and the President's Foundation to mark the 50th Anniversary of the Right of Individual Petition and in which the Law Clinic at the University of Malta, of which I am Director, was launched. My talk was entitled: 'An Overview of the University of Malta Law Clinic'.
- 11th May 2017: Chaired the Department of Civil Law in-house seminar delivered by Prof. Paolo Becchi who lectures Philosophy of Law at the University of Lucerne on: 'The Concept of Dignity from a philosophical and legal perspective.'

DR MARY MUSCAT

- Training in Criminal Law and in Data Protection – police recruits, Academy for the Disciplined Forces, August to October 2016 (36th training course) and September 2016 (37th training course).
- Training in 'handling transgender issues in a prison setting' given to circa 150 CCF prison officers, different ranks, May to August 2017 as requested by CCF administration following changes in transgender legislation.
- Working with the police in setting up hate crime and hate speech (TAHCLE) 'train the trainer course' together with OSCE. Member of a board that includes representation from the Police, Attorney General and Home Affairs Ministry.
- Gave lectures to first year and second year CIS students at the ICT Faculty on Data Protection and Freedom of Information legislation (with Dr Peter A Xuereb).
- Carried out an academic audit exercise as part of a review panel (academic peer) on a local IT/Business Studies institute with the National Commission for Further and Higher

Education (NCFHE), March to October 2017, after having received specialized training on academic auditing standards with NCFHE in September 2016.

- Continued work commitments carried over from the Dept of Criminology FSW following my transfer to Laws in November 2016 – i.e. lecturing during the first and continued supervision of Criminology dissertations till September 2017.
- Appointed coordinator of LAW 5012 Professional Practice for Advocates (30ECTS, compulsory core module carried out during semesters I, II and III - M.Adv) by the Laws Faculty Board, September 2017.

DR PAUL DEBONO

- Delivered training to employees on a 2-day course focusing on principles and issues concerning the on-boarding of corporate customers.
- One -day in-house Anti Money Laundering training.

C. PUBLICATIONS/RESEARCH ACTIVITY BY DEPARTMENT STAFF

DR DAVID ZAMMIT (HoD)

- “Legal Education and the Profession in Three Mixed/Micro Jurisdictions: Malta, Jersey and Seychelles”, with Sean Patrick Donlan, David Marrani and Mathilda Twomey; in Petra Butler & Caroline Morris (ed.) *Small States in a Legal World*: Springer Publications, 2017.
- “Does the non cumul rule exist in our civil law?” *Dike Kai Nomos. Quaderni di cultura politico-giuridica* (10, IX, 2016)
- Co-authored, together with Judges Giannino Catuana Demajo and Lawrence Quintano, the Malta chapter of the European Yearbook of Tort Law 2015 published by E. Kärner, & B. C. Steininger (2016) Berlin, New York: Walter De Gruyter GmbH & Co. KG.
- Editorial Review of Dan Stigall’s book “The Santillana Codes”, Lexington Books: October 2017.
- An expert report of mine, co-authored with Dr Jeanise Bonnici LLD, for the English Upper Tribunal, Immigration and Asylum Chamber in the case of R (on the application of Hassan and Another) v Secretary of State for the Home Department (Dublin – Malta; Charter Art 18) IJR [2016] UKUT 00452(IAC) was commented upon by the judges as follows: “The joint report of Dr Zammit and Dr Bonnici is a commendable piece of work. It is evidently well researched and comprehensive in its terms. Its structure is clear and comprehensible and the authors have addressed, in coherent terms, each of the questions they were requested to consider. Furthermore, the report is balanced. We detect no hint of partisanship or exaggeration.”
- Work in progress – Dignity project, University of Zurich, with Prof Paolo Becchi. A chapter on Dignity in Maltese Law, co-authored with the Dr Mary Muscat, to be published by Springer-Verlag.
- Work in progress – research on ‘Subsidiary Status in Europe’, a project coordinated by the University of Perugia’s Prof Valentina Colcelli, to publish a Dictionary of Statuses in EU Law with Springer-Verlag.
- Currently compiling a book containing the conference proceedings of the Conference co-organized with the University of Perugia and hosted by the University of Malta on European Dimensions of Individual Economic Status: European Fundamental Rights and Private Law, hosted by the Department of Civil law on the 3rd July 2017

DR MARY MUSCAT

- Work in progress – Dignity project, University of Zurich, with Prof Paolo Becchi. A chapter on Dignity in Maltese Law, co-authored with the HoD, to be published by Springer-Verlag.
- Work in progress – research on ‘police in Europe’, a project coordinated by the University of Perugia’s Prof Valentina Colcelli, to publish a Dictionary of Statutes in EU Law with Springer-Verlag
- Working on a board appointed by the Academy for Disciplined Forces on developing a series of textbooks for police recruits and for correctional officer recruits (since January 2017).
- Successfully won a bid to host in Malta CEPOL course 55/2017 entitled ‘Language Skills - Language Development – Instruments and systems of European police cooperation’ together with colleagues from the Department of English (Dr Odette Vassallo) and the Director of Studies at the Academy of Disciplined Forces/ Dept of Criminology (Mr Paul Caruana). This specialized CEPOL training is also intended to contribute towards an Academy publication on ‘police English’ within the context of International English.
- Finished a two year part-time Matrimonial Canon Law and Jurisprudence postgrad diploma with the Faculty of Theology in order to upgrade my professional warrant of practicing before the Archdiocese of Malta’s Tribunal for Marriage Annulments. The timing of the course coincided with my transfer to the Civil Law Department and my involvement in the practical aspects of Family Law module.
- Have placed first in a competitive interview for the post of part-time Child Advocate with the Family Court in June 2017.
- Withdrew my Phd registration with the University of Sheffield (policing/criminology) and registered for a PhD with the University of Malta (environmental justice). Research carried out for Sheffield PhD to be continued in a comparative exercise on policing systems with the Open University of Nicosia in Cyprus.

JUDGE LAWRENCE QUINTANO

- I was part of a team of contributors who choose the most important cases involving tort law for the Yearbook of European Tort Law.
- As a member of the governing group of the Fundamental Rights Agency I attended several meetings about the further development of Human Rights and the preparation of new handbooks both for academics and the general public. In fact, I have also managed to bring a number of books for the Faculty Library, the main Library, lecturers in the Faculty and even students.

DR PAUL DEBONO

Publications/Research activity

- My role as the Chief Officer in charge of Legal and Compliance at Lombard Bank personally involves me in quite a multidisciplinary role. I head a team where research, legal and consultancy services are ongoing, both internally and for subsidiary and related companies. In my advisory role I prepare and submit legal opinions on legal issues as they arise, papers for in-house training to members of staff on a number of compliance aspects and various legal matters.

- In my capacity as the Bank's Compliance Officer, I identify and assess the compliance risks through on-going monitoring of all Regulatory requirements. Amongst others, these concern corporate governance, MFSA Regulatory and licensing requirements, Listing Rules, the Financial Markets Act, Banking Directives, Prevention of Money Laundering, Professional Secrecy, Company Legislation and company secretariat and a number of other legal matters and issues which face the Financial Services industry. This includes on-going maintenance and revision of Banking manuals, policies, and procedures concerning legal and compliance issues most recent being the Capital Requirements Regulation and Directive with the introduction of the single supervisory mechanism.
- I act as the Bank's main point of contact with (a) Public Notaries concerning title to properties and the law of guarantees due to deeds of loans and conveyancing, (b) Regulators on regulatory and compliance issues and (c) Bank's outside lawyers and other professionals on most court matters.
- I am also a member of the MBA Legal sub-committee concerning all legal matters particularly when it comes to the transposition into Maltese Law of regulations concerning the industry.

DR PAUL CACHIA

- I have written the chapter concerning Malta of the Encyclopedia of Private International Law which has just been published September 2017: <http://www.e-elgar.com/shop/encyclopedia-of-private-international-law>

NOTARY DR CLINTON BELLIZZI

- Tuesday 18th October 2016 chaired a seminar organised by the University's Islands and Small States Institute and the Department of Civil Law on: Regulatory Systems in Small States, with special reference to Malta.
- Continuation of the RODA AIS Study Project- This is ultimately envisaged as an **enabler for standardisation of practice among service providers, and legal practitioners (including Notaries, at the forefront)** who would thus be offering added value to their European customer base and allowing for a truly holistic approach to estate planning to include all digital assets and services. The aim is to ultimately produce a Policy Paper relating to the **regulation of Digital Assets** aimed at promoting a harmonised European approach. In September 2017 this was also adopted at the joint ELI/ULC committee meeting of the European Law Institute.
- A joint presentation was made on behalf of the Maltese Notarial Council and the Malta IT Law Association for the Council of the European Notariats during the 4th Notarial Congress held in Santiago de Compostela 5-7 October 2017.

Submitted by: Dr David Zammit - Head of Department



**L-Università
ta' Malta**

**DEPARTMENT OF
CRIMINAL LAW**

Faculty of Laws

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ANNUAL DEPARTMENTAL REPORT – 2016-2017

This annual report for the Department of Criminal Law covers the period September 2016 till August 2017.

Annual General Meeting held on the 31/7/17, Faculty of Laws, University of Malta.

Members Present:

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

Excused:

Mag Aaron Bugeja
Dr Chris Soler
Mr Justice V DeGaetano.
Hon CJ Dr Silvio Camilleri

Minutes of previous meeting were read and approved.

Matters discussed:

1. Reassignment of Duties

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

2. Tutorials & Practicals

Tutorials and more importantly practicals were reviewed.

3. Additional Units

It was felt that additional optional credits could be offered by the Criminal Law Department. Possible credit descriptions with reading lists would be prepared. Computer misuse and organized crime could be possible topics.

4. Cooperation of Projects

The Department is also working on the possibility of cooperating with the EU law Department on certain academic programmes/projects spearheaded by the EU Law department requiring Criminal law specialisation. The members of the department further agreed to assist in student run moot-court trials organized within the faculty.

Submitted by: Dr Stefano Filletti - Head of Department



**L-Università
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**DEPARTMENT OF
ENVIRONMENTAL
& RESOURCES LAW**

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ANNUAL DEPARTMENTAL REPORT – 2016-2017

1. PURPOSE:

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

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

1.2. Affiliations and Achievements:

- Acts as the representative of the Academy of Environmental law and the Environmental law Commission of the International Union for the Conservation of Nature in Malta of which the Unit is already a member.

- Co-Chairs the Pan European Academic Forum of Legal Experts on Climate Change Adaptation
- Coordinates the International Master Programme in Ocean Governance launched in September 2013
- Coordinates the International Master in Laws in Energy Law, Environmental Law and Climate Change Law
- Benefits from an ERASMUS mobility 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.

The Environment and Resources law Department was set up just before the beginning of the academic year 2010/2011. The decision to set up this new Department within the Faculty of Laws has been prompted by the vast developments on a national, European and International level in the legal framework addressing the topics mentioned above. The regulation of these sectors is horizontal in nature and impinges upon all of the major legal streams and human activities. The entire mass of norms that fall under Environment and Development Planning law has introduced specialized legal regimes that complement and at times supersede the *lex generalis* under which, they originated. This enables the Faculty of Laws to keep abreast with the demand for legal learning and research in these legal fields, as they evolve from statutory sources as well as case law. This would consequently benefit and contribute to the development of the other existing Departments. There is a strong and steady demand for academic learning in the legal fields mentioned in 1.1. not only within the Faculty of Laws, where the subject has been offered since 1994, but also from other faculties and institutes at University as the subject is

essentially horizontal. A list of the said University of Malta institutions that request such services is included below.

The proliferation of national legislation on environment and planning law reflects the changes the country is undergoing as a Member of the European Union. The environmental *acquis communautaire* is the second largest chapter constituting 22% of the whole *acquis* not including related legal instruments addressing for example energy issues. Apart from the bulk of laws involved, most of these laws are subject to specialized legal regimes that have no link with other legal fields.

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

2. LECTURING

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

- ERL2000 - Principles of Environmental Law (4 ECTS)
- ERL2001 - Development Planning Legislation (4 ECTS)
- ERL3000 - Principles of International Environmental Law (4 ECTS)
- ERL5000 - Climate Change and International Law (5 ECTS)
- ERL3004 - Occupational Health and Safety Law (2 ECTS)
- INL 3001- Principles of International Law (10 ECTS)
- ECL 5010 - Environmental Policy of the European Union (2 ECTS)
- SERM - Joint Masters in Sustainable Resource Management (Shared)
- EST 3130 - European Environmental law and Policy (EDRC) (4 ECTS)
- OHSA – CLS1309 Environmental Health Management Policy: Legislation and Supervisory Skills (4 ECTS)

- MSC 5202 – Sustainable development, Law and Policy (Shared)
- ISS 5004 - International Environmental law and Environmental Diplomacy (ECTS 8)
- ISS 5012 – Environmental law and Environmental Diplomacy (ECTS 6)
- IEN 5019- The Science and Management of Climate Change (shared)
- EMP 2002 The Law of the Sea and the Regulation of Oceans (shared)
- EMP 2003 Environmental Law and Policy (shared)
- EMP 2007 Waste Management: Key Concepts (shared)
- EMP 2008 Waste Management: Key Concepts and Challenges in the Maltese Context (shared)
- EER 5203 Sustainable Development Law and Policy (CEER)

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

Faculty of Laws

ERL 2000 Principles of Environmental Law – 4 ECTS	42 hrs
ERL 2001 Development Planning Legislation – 4 ECTS	28 hrs
ERL 3000 Principles of International Environmental Law - 4 ECTS	42 hrs
ERL 5000 Climate Change and International Law – 5 ECTS	35 hrs
ERL 3004 Occupational Health and Safety Law – 2 ECTS	14 hrs
INL 3010 Principles of International Law	16 hrs
ECL 5010 Environmental Policy of the European Union	14 hrs

Other Faculties and Institutes

UM/JM: Joint Masters SERM – International Environmental Law (Shared Credit)	8hrs
EDRC: EST 3130 European Environmental law and Policy (4 ECTS)	28 hrs
OHSA: CLS1309 Environmental Health Management Policy - (shared)	10 hrs
CEER: MSC 5202 Sustainable development, Law and Policy – (Shared)	10 hrs

ISSI: ISS 5004 Int. Env. law and Env. Diplomacy (ECTS 8)	56 hrs
ISSI: ISS 5012 – Environmental law and Environmental Diplomacy	42 hrs
IES: IEN 5019 The Science and Management of Climate Change	8 hrs
EMP 2002 The Law of the Sea and the Regulation of Oceans	2 hrs
EMP 2003 Environmental Law and Policy (shared)	7 hrs
EMP 2007 Waste Management: Key Concepts (shared)	4 hrs
EMP 2008 Waste Management: Key Concepts and Challenges in the Maltese Context (shared)	4 hrs
EER 5203 Sustainable Development Law and Policy (CEER)	12 hrs

3. RESEARCH

3.1. List of Research Projects

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

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

A Legal Assessment on the Ownership of Waste for WASTESERV.

A Policy Paper on Noise Pollution for the Ministry for Tourism, Culture and the Environment

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

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

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

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

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

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

A study on Sulphur Emissions for DG ENV of the EU

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

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

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

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

3.2. List of Thesis Supervised By the Department for 2016/2017

The LLD theses under ERL department were the following:

1.	Aquilina Ariane Environmental	Regulating the Keeping of Animals in Zoos: De Facto and De Jure
2.	Bezzina Noel Environmental/Commercial	Environmental Law and Companies: An Analysis, with Particular Reference to Corporate Liability
3.	Cassar Damian Paul Environmental/Public	Incorporating Human Rights into Climate Action
4.	Castillo Clara Environmental	Climate Change Liability in International Law
5.	De Gaetano Nicholas Environmental	Retaining and Releasing Cultural Property: The Legal Position of Malta in the International Community
6.	Gauci Mary Criminal/Environmental	The Notion of Culpa in Health and Safety
7.	Miruzzi Alexander Paul Environmental	Organised Crime in Relation to Wildlife. A Local and International Perspective
8.	Pace Ryan Christopher Environmental	The Significance of Maritime Spatial Planning for the Management of Marine Space
9.	Sammut Louise Ann Environmental	The Animal Welfare Act 2001 Revisited After the 2014 Amendments: Recent and Possible Future Developments in Maltese Animal Welfare Legislation

The Thesis for Master of Arts in Ocean Governance under ERL Department:

	Student	Topic
1	Fabienne Dahinden	How can volunteering contribute to ocean literacy? Exploring the motivational factors to engage people in ocean related topics.
2	Zhao Miamiao	Research on Legal Framework of Marine Protected Areas: A Comparative Analysis of EU and China
3	Jin Xiunan	Fishery Issues and Cooperation in the South China Sea: a Semi-enclosed Sea Perspective
4	Thomas Bajada	Effectively Combatting Illegal, Unreported and Unregulated (IUU) Fishing as a Transnational Organised Crime
5	Ye Wei	The potential role of Industry Associations in the Reform towards more environmentally sustainable aquaculture in China.
6	Dong Ya	A preliminary evaluation system for the efficacy of current Ballast Water Treatment Systems

Master in Law theses in Energy Law Environmental law and Climate Change Law were the following:

Student	Topic
Vladimír BENÍČEK	Foreign Direct Investment and Renewable Energy Sources
Philippe Junior GEYSENS	Finding the Right Balance between Access to Information and Confidential Business Information (CBI) in the Chemical Industry
Joanna Lanna JEBAILI	Renewable Energy Promotion and Investment
Francisco Xavier PONCE DIAZ	The Use of Hemp (Cannabis Sativa L.) as a Raw Material for Biofuels - A Legal Analysis
Brecht GEEBELEN	Higher Standard of Environmental Integrity for Carbon Offsets in the Perspective of Equal Treatment for Airline Operators on the Same Route
Amélie Marie-Charlotte GIRARD	Sustainable Approach to the Decommissioning of Offshore Oil and Gas Rigs - A Legal Analysis
Helene Marie DECOTTIGNY	Fundamental Rights - An Opportunity for Enhancing Non-Governmental-Organisations' Access to Environmental Justice?
Chloe GAMBIN	The Role of the Aarhus Convention Compliance Committee in Shaping the Notion of Access to Justice

4. PUBLICATIONS.

Calleja Mikiel and Simone Borg, Piercing the Corporate Veil: Greening Companies' Governance and Shareholder Activism, IUCN Academy of Environmental Law eJournal, 2016

5. STAFF

Dr Chris Attard

Dr Antoine Grima.

Dr Louise Spiteri

Drs Grima, Attard and Dr Spiteri are pursuing their PhD studies.

The staff of the ERL dept is now composed of:

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

Dr Louise Farrugia, Asst Lecturer Full Time

Dr Chris Attard, Asst Lecturer Full Time

Dr Martin Fenech, Part Time

Dr Jotham Scerri Diacono Part Time

Submitted by: Professor Simone Borg - Head of Department

ANNUAL DEPARTMENTAL REPORT – 2016-2017

The Department has continued to consolidate and move forward. In 2016 it worked to consolidate the introduction of a new additional LLM programme in European Business Law, which commenced in September 2015. Members were active in research and participation in conferences and network meetings in Malta and abroad. The Department continues to run two LLM programmes and a significant range of electives at LLB and LLD level in addition to the compulsory courses in European Union Law. It is also planning to introduce a MA in European Legal studies for non-law graduates from 2018. It also services other Faculty of Laws programmes as well as other Faculties and Institutes. 2016 also saw some changes in staff. Professor Peter G Xuereb who was the Head of Department till 6th June 2016 was appointed Judge of the General Court of the EU in Luxembourg. The Department is proud that he is the second member of the Department to be appoint as judge in the European Court of Justice after Prof Eugene Buttigieg who continue to serve as judge was appointed to the same post in 2012. Prof Xuereb was replaced as head by Dr Ivan Sammut from the 15th July 2016. In September 2016 Dr Jelena Agranovska, a Ph.D. graduate from Kings College London was appointed as resident lecturer in European law within the Department. She officially started her duties in October 2016.

During the academic year 2016/17, the Department also updated its website and set up an official Facebook page. Various meetings with the administration were held to market the Department's postgraduate programmes. The Department through Dr Sammut also organised a Jena Monnet Conference on EU Legal Translation and applied for EU funding on a Project dealing with EU Criminal Law (Hercules value EUR 80k).

Dr. Natasha Buontempo, Assistant Lecturer

Teaching duties 2015/2016

A. Lectures

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

B. Tutorials: EU Law

C. Dissertations

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

2. Ph.D. Progress

She is in her fourth year (part-time). So far she have written three chapters and have undergone three interim reviews at the University of Strathclyde with positive reports from my supervisors and three annual reviews also with positive feedback. This year she produced the fourth (Proportionality as interpreted and applied by the ECtHR) and the fifth chapter (Proportionality in EU law).

At the moment she is reviewing both chapters for the next interim review which will take place in February 2018.

She have also successfully obtained 20 credits as part of my Ph.D. training at Strathclyde. The minimum number of credits required is 15.

3. Papers written/being worked on:

- National Expert researching Operational Restrictions in the Retail Sector in a study submitted to the European Commission (EU).
- She has written two papers based on her Ph.D. studies and these were published in Id-Dritt, a publication of GHSL (UOM): 'Stages in the Principle of Proportionality' and The 'Principle of Subsidiarity in the doctrine of the ECtHR'.
- She is currently refining chapters 4 and 5 of her Ph.D. thesis.
- She have submitted a paper to GHSL publications entitled 'Stages in the Principle of Proportionality'.

4. Seminar/Conference Attendance:

- She attended FIDE steering committee for the upcoming annual conference in which our department will be presenting their findings on their allocated studies.

5. Other work

She was appointed deputy chair for the Maltese presidency duration in the Council Working Party on fundamental rights with particular participation in the adoption of the Istanbul Convention. She attended the working party approximately once monthly for the duration of the Maltese Presidency.

She has been appointed a Member on the Human Rights Programme as a substitute for Professor Xuereb and has attended regular meetings and planning activities for the Programme.

Dr Ivan Sammut

Participation in Networks and Projects

Active member in SECOLA

Fellow of European Law Institute

- a) Member of EU Administrative Law Committee – European Law Institute 2013
- b) Member of the Committee dealing with Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law - European Law Institute 2013

Member of the American Society of Comparative Law

Active member of the American Society of Comparative Law

JUST/2012/EVAL/CT/0123/A4 conducting comparative law analysis of national consumer protection measures of 14 Members States with the corresponding provisions in the proposal for the Regulation on Common European Sales Law (COM(2011) 635) - Ecole de droit de la Sorbonne (Université Paris 1, Panthéon-Sorbonne) -2015

Participation in conferences

Attended Jean Monnet conference - Brussels 18-19 October 2016

Attended conference by American Society of Comparative Law in Seattle WA 27-30 October 2017.

Attended ATC Conference in San Francisco CA 1-5 November.

Visited law libraries at the University of Washington, Seattle and at the University of California Berkley,

Visit at the IALS Library University of London 8-16 February 2017

Attended Jean Monnet Conference on Anniversary of the Rome Treaty in Rome on 24 March 2017

Presentation of paper at a Conference on European Rent laws at the University of Tarragona Spain, 26-28 April 2017

Presentation of Paper at the Conference of Forensic Linguists (IALF) at the University of Porto, Portugal, 10-14 July 2017

External Examiner PhD thesis at the University of Tarragona Spain on 25 April 2017

Publications, Reports

Monograph on EU Private law entitled 'Constructing Modern Private EU Law' – Cambridge Scholars Publishing 2016

Forthcoming publications

Article at the Loyal University Law Review

Book chapter on EU Migration,

4 other journal articles under review

Other activities/Funding

Award of Jean Monnet Module – EU Legal Drafting & Translation

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

Organisation of a conference on Legal Drafting on 15 March 2017 at the Valletta Campus

Applied for EU funding on a Project dealing with EU Criminal Law (Hercules value EUR 80k).

Teaching

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

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

Supervised Ph.D. thesis – Dr Katrin Algroff

Dr Mireille Martine Caruana

Teaching:

Over the course of the past 3 years Dr Caruana developed and ran new courses on Information Technology law and the law of e-Commerce in the EU, at both undergraduate (LLB) and masters (LLM) level.

In the past academic year (2016-7), she was sole lecturer on the following undergraduate courses:

ECL4013 EU Technology Law;

ECL4014 E-Commerce Law in the EU.

She also delivered some lectures on the ECL2001 European Union Law course.

She also acted as study-unit coordinator and ran the bi-weekly seminars on the following Master level courses: ECL5068 E-Commerce Law and Policy in the EU and ECL5043 EU Information Technology law.

Supervision:

During 2016-7 Dr Caruana was supervisor on 2 LLM dissertations and 5 LLD theses, and was co-supervisor on another LLD thesis.

Examining duties:

She acted as examiner on all the mandatory courses on EU law (ECL2000, ECL2001, ECL3004 and ECL5069).

She acted as examiner on a number of LLD theses, LLB term papers and LLM dissertations submitted for 2016-7.

She acted as Chairperson on the examining board of an MA in law by research.

She also acted as examiner for the IES, for one undergraduate (bachelor) and one postgraduate (masters) dissertation.

Research:

During 2016-7 Mireille attended the 2017 BILETA British and Irish Law Education and Technology Association conference, hosted by the University of Minho, Braga, Portugal

from the 20th-21st of April 2017. She delivered a presentation at the conference entitled: Current issues arising from the reform of the EU data protection framework in the context of the police and criminal justice sector.

Following this presentation, she wrote up an article entitled 'The reform of the EU data protection framework in the context of the police and criminal justice sector: harmonisation, scope, oversight and enforcement' which has been accepted for publication by the *International Review of Law, Computers and Technology* – a limited number of copies are available for download at Taylor & Francis Online:

<http://www.tandfonline.com/eprint/yJwR8n6FmtwyEQxNfUkT/full>

She has also acted as national rapporteur for Malta on the report for the International Federation for European Law (FIDE) on *the Internal market and the digital economy*. She submitted this report to the general rapporteur at the end of September 2017.

During this academic year Mireille also acted as referee for an article that was submitted for publication to *Id-Dritt*.

Administration:

Dr Caruana is the co-ordinator of the LLM in European and Comparative Law, and the specialised LLM in European Business law stream.

She is also currently the representative (together with the head of department) of the Department of European & Comparative Law on Faculty Board.

Dr Jelena Agranovska

Teaching

During her first 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 have assisted in setting up of exam papers and have acted as an examiner, assessing the final grades in accordance with an established procedure - EST1020; ECL2001; ECL5069; ECL3004; EST2060

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

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

Academic Research academic work

She have been appointed as a national reporter for the forthcoming XXVIII FIDE Congress covering the topic on the external dimension of EU policies: An update on the roles of the EU institutions and Member States. For this report, which is an assessment of the current challenges on trade, investment protection and the AFSJ, she have approached the national administrations and the relevant officials with a view to collecting the information needed to answer the questionnaire. She has examined the relevant national legislation in relation to the law of external relations.

She has participated in the day-to-day academic administration of the department: specifically, she have researched into the areas of potential new study units (Moot Court), established and maintained our social media presence on platforms such as Twitter and Facebook, engaged in social marketing of events and LLM programmes, 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 VLE.

She has suggested four academic publications and textbooks to be added to the Law Library, which were approved and acquired.

Conferences and further self-development activities

In order to enhance my personal lecturing, as well as that of my colleagues, she has participated in IT Services session for academics about the University's lecture recording service (22-Jun), subsequently applying and successfully securing Lecture Capture for some of our study-units.

In order to broaden and deepen my expertise she has taken a number of short-courses organised by the University on the courseware development (VLE on 19-Jan and Turnitin).

She had undergone an Emergency First Response course obtaining a qualification, which could be useful at work in emergency situations.

Conferences and seminars

A number of conferences, which she has attended during the academic year 2016/17, broadened her knowledge on a wide variety of subjects, which has aided to further my research interests. For example: Fulbright lecture about the Visiting Fulbright Scholar programme on 18-Nov; seminar on Regulatory Systems in Small States, with special reference to Malta, organised by The Islands and Small States Institute and the Department of Civil Law on 18-Oct; Conference on Legal Translation and Drafting (AMSDE) 17-Mar; Lecture "The EU as a Global trade partner" with EU Commissioner for Trade on Thursday, 2-Mar; "Single Digital market" talk by EC vice president Adrus Asnip 21-Oct; 'Investigative Journalism: Joys and Throes' by Stephen Sackur on 3-Mar; seminar on 'The Concept of Dignity' from a philosophical and legal perspective by Profs Paolo Becchi 11- May; Public Law Conference 3-Jul.

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

Submitted by: Dr Ivan Sammut - Head of Department

ANNUAL DEPARTMENTAL REPORT 2016 – 2017

This year the Public Law Department offered opportunities to a number of highly promising recent graduates, to give tutorials, to be included in examination boards, and even to supervise theses. These recent graduates include Dr Robert Musumeci, Dr Franklin Cachia and Dr Michael Gauci (the last two are tax lawyers) and Dr Natalino Caruana de Brincat who complemented Dr Frank Chetcuti Dimech in Private International Law tutorials. We also experienced a transfer away from our department, of Dr Tiziana Filletti, to the Commercial Law Department, following her decision to return to University after a number of years on unpaid leave.

In the meantime, Dr Tonio Borg's transfer of studies to PhD was approved, while Dr Joseph Bonello presented his PhD for examination. Dr Joseph Bugeja also started reading for a PhD. All three gentlemen are members of the Public Law Department and are reading for a PhD with the same Department. Regrettably, we had to reject an initiative to read for a PhD in Tax, because we lack the necessary expertise to tutor this work and also to examine it in due course: we simply cannot find persons with PhDs in tax law for this purpose, because they do not exist locally, and when we suggested to the Office of the Registrar that we take on external (foreign) experts, the request was not authorised.

Regrettably, notwithstanding Dr Therese Comodini Cachia's hard work, the revised MA Human Rights and Democratisation programme was not concluded on time for marketing purposes and will not be offered in October 2017.

The Department participated in the workings of the Human Rights Programme of the University. The Programme continued to be chaired by Dr Austin Bencini, with Dr Ivan Mifsud joining the Programme as a member. The Department of Public Law even sponsored the December 2016 conference, and is committed to sponsor that for 2017 as well.

Members of the Public Law Department have been quite busy publishing articles and books:

- Dr Robert Attard published four articles for the Malta Institute of Taxation (quarterly tax updates on recent legislative and jurisprudential developments in the tax field) and one article in *European Taxation* (IBFD 2017);
- Dr Tonio Borg published *A Commentary on the Constitution of Malta* (Kite). Dr Tonio Borg even presented a copy of his book to the President of the Italian Constitutional Court Paolo Grossi;
- Dr Paul Cachia contributed a chapter concerning Malta to be published in the *Encyclopaedia on Private International Law* (Edward Elgar Publishing - September 2017);
- Dr Therese Comodini Cachia contributed to the second edition of *Malta at the European Court of Human Rights 1987-2012* (authors Mark A Sammut, Patrick Cuignet, David A Borg);
- Dr Ivan Mifsud completed and published a monograph on *Judicial Review of Administrative Action in Malta* (BDL);
- Dr Michael Tanti-Dougall contributed an article on Maltese Competition Law, published in *European Competition News* (Lexis Nexis) edited by Prof. Frank Fine.

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

- Dr Robert Attard was heavily involved in no less than eleven seminars organised by Society Education, the Malta Institute of Taxation and the Malta Institute of Accountants;
- Dr Tonio Borg participated in a panel regarding the Maltese Electoral System, organised by GhSL and the Electoral Commission;
- Dr Paul Cachia was very active in regard to Malta's EU Presidency, having been appointed President of the responsible Council Justice Working Party. In this capacity he attended the Special Commission on the Recognition and Enforcement of Foreign Judgments of the Hague Conference on Private International Law (February 2017) and the 66th session of UNCITRAL Working Group II in New York for negotiations on a new instrument on the enforcement of international commercial settlement agreements resulting from conciliation (February 2017). This apart from prior preparatory and coordinating meetings;
- Dr Therese Comodini Cachia during the last twelve months attended and contributed to a number of seminars. These include Keynote Speaker at a conference on European Copyright (European University Institute, Florence), at a conference on Copyright in the Digital Single Market (French Permanent Representation, Brussels, Belgium), and again in Press Freedom in a Digital World (European Newspaper Publishers Association, Brussels). She also moderated the 'Countermeasure to Islamist Extremism' (Congress of the European Peoples' Party, Malta, March 2017) and addressed the Lifelong Learning Platform in Brussels, on Migrants' Education;

- Dr Jacqueline Tanti Dougal presented a paper entitled *The Package Travel Insolvency Fund - the Maltese Perspective* at a conference in Portugal held in October 2016, and also attended the International Travel and Tourism Federation meeting in Tel Aviv where she was appointed Director of the Board.

During the period being reported, while Dr Austin Bencini was appointed to the Faculty Board, Dr Ivan Mifsud was appointed as representative of the Faculty of Laws on the University Senate (with effect from September 2017) Dr Ivan Mifsud was also appointed Deputy Dean, Faculty of Laws.

In terms of final exams, this year all members of the Department put in a highly commendable effort, to ensure that exam papers were corrected in a timely manner, thus ensuring that students receive their results within a reasonably acceptable time.

Vivas for LLD theses were also held, and Professor Jim Murdoch was invited again as an external examiner. This being his third term, despite his wishes and undoubtable contribution to the Department and to the Faculty of Laws in general, he is being replaced by Dr Costas Paraskeva from the University of Nikosia (Cyprus). Dr Paraskeva is also appointed external co-supervisor to the PhD studies of Dr Robert Musumeci and the indications are not only that Dr Paraskeva is in a good position to contribute to Dr Musumeci's studies, but also that Dr Paraskeva and Dr Musumeci are set to collaborate well together. Robert Musumeci, as part of his PhD studies, delivered a series of lectures to the LLB 2nd Year Students during Semester 2.

Submitted by Dr Ivan Mifsud – Head of Department

ANNUAL DEPARTMENTAL REPORT – 2016-2017

Introduction and preliminary matters

As already stated in reports for earlier years, the Department of Commercial Law constitutes, and has traditionally constituted, a significant part of the Faculty of Law. 2017 has as always been another busy and challenging year.

The Commercial Law Department is a major player in the teaching of law at the University and seeks to preserve 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. They ensure that students receive the best possible academic preparation backed by practical experience at the highest level. The Department relies on the able University administrative staff led by the Faculty Office for its day to day management.

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

During the year, the Department provided lecturing programmes at both under-graduate and Masters levels as has been the case for the past eleven years.

Objectives, relevance and the future

During 2017, the Department continued to play a relevant role which tried to be relevant and useful to students, to society and to the University generally. It has collaborated as necessary with other Departments and Faculties through lecturing and participation at seminars. The

Department strives to provide teaching at very high standards and to analyse and promote initiatives aimed for the country's development and to inform the general public on commercial law issues as they develop

The Department's philosophy is that it is not sufficient for academics to support businesses and business development but it is more important to look at the broader picture of what is best for the public and the general community's well-being. With this aim in mind, all Commercial Law courses offered by the Department are open to the public. Regrettably few members of the public actually avail themselves of this massive opportunity.

Over the past few years, Department has managed to re- assert its presence and has played a relevant role both within and outside the University walls. This contrasts with past years where the Department was absent from public life and kept too low a profile. During these past years, high-level talks, seminars and conferences involving participation by Department members and other experts in the field, have regularly been organized with significant success and publicity. Members of the Department are regularly invited to address seminars and conferences organized by various professional entities and associations on various commercial law subjects and developments. Joint collaborative efforts with FEMA, the Chamber of Advocates, the Malta Institute of Accountants and the Malta Stock Exchange continue with success.

The Department's academic programmes are no longer centred on the Commercial Code as used to be the case in the past. Commercial law today is much more extensive with much more state intervention than ever before. It is much more than acts of trade, keeping of books of accounts, unfair competition and marine insurance. Today, as already remarked earlier, commercial law includes sophisticated new rules, largely derived from the European Union, on competition and consumer protection, on financial services regulation, shipping and aviation. The teaching carried out by the Department has had to adjust and evolve accordingly.

Conferences

Two important and successful conferences were held during the current year in conjunction with the Chamber of Advocates.

The first conference was held on the 15th March 2017 to commemorate the Annual World Consumers Day celebrated on that very day. The attendees were happily more than in the previous year and numbered around fifty. Thanks to the European Commission representation in Malta a member of the EC Directorate participated at the seminar and made a useful and expert contribution.

The second conference was the Annual Company Law Conference held on 25th October 2017. This proved highly successful with about 165 participants and the event was reported in the press.

Dr Anne Fenech who is the main lecturer in shipping and maritime related subjects continued to provide her expertise in various initiatives in that area, including participation in seminars and conferences both in Malta and abroad.

Teaching staff resources and commitments

The undersigned is a full-time member of staff for the past two years after having served on a part-time basis since 1994. Dr Borg, the only other full time member in the Department, ceased to be a full time member of University staff having reached the age of 65. The loss is a considerable one and he shall be missed. During the year under review, the University conferred on Dr Borg the D.Litt (Honoris Causa) primarily for the leading role he played in bringing about Malta's European Union membership.

Dr Tiziana Filletti started her new responsibilities as the new full time member of staff in lieu of Dr Borg in October 2017,

Dr Ann Fenech has recently been appointed to the Comité Maritime International, the body entrusted with the drafting of maritime conventions for the IMO.

The Department relies heavily on part-timers who are fortunately true experts and leading professionals in the subjects which they teach. Most lecturers are committed and provide an excellent service to students and the University.

However, it is to be re-stated that number of lecturers who enjoy a Council appointment should contribute more to the Department's responsibilities and activities and to the University generally. No new permanent staff was recruited under a Council appointment during this last year and none are planned for the coming year.

The Students

The increase in the number of law has impacted negatively on the quality of the relationship between lecturers and students. Students remain largely passive and lack confidence to participate more actively in the lecture-room and seem obsessed with the taking of notes and with past exam questions. Valid lecturers are scared off by the obligation to correct hundreds of scripts. Students generally do little independent reading or research and few show interest in analysing current legal and political issues. Student participation in the lecture-rooms is uneven and often unsatisfactory.

Money Matters

The Department once again manages to undertake initiatives practically without being a financial burden on University finances. Nonetheless the annual budget allocated to the Department is delusory and was largely spent on scripts, toners, paper and sundry stationery.

Teaching activities

In the year under review, the Department carried out its lecturing duties which were fulfilled in line with the respective University course descriptions and study unit commitments. Very few lectures were cancelled or postponed and action was immediate action was taken to reduce any inconvenience to students. Problems are often encountered in securing examiners willing to undertake the role of examiners to correct exam scripts. This point has already been

made in earlier Reports. Especially with large classes, the job is a tedious, thankless and unrewarding task

The Law Faculty Board continued to make various revisions of the law course all its levels. Where appropriate, study units were updated and refreshed.

It is with regret that one notes the lack of interest in the consumer protection study unit which for the second year running was not offered due to lack of appreciable applications.

The Masters Programme in Financial Services

The Department offers only one Masters programme. For more than ten years, the undersigned has continued to coordinate the Masters programme in Financial Services. This is offered annually both on a full-time and on a part time basis. With the able assistance of fellow coordinator, Mr Peter J Baldacchino, relentless efforts are made to ensure it maintains a high standard. Mr Baldacchino heads the Department of Accountancy and continues to be a very supportive FEMA programme co-coordinator on the Board of Studies.

The evening Masters programme in financial services was originally launched in 1996 and has continued to be offered annually without fail. As was the case last year, it is regretted the number of applications has fallen considerably. Possibly this apparent decline may be due to the relatively high fees charged and to new competition by Masters programmes offered both the University itself (especially the Masters in Banking and Finance and in Accountancy) as well as by other foreign institutions. Fewer accountants and law students than before seem to be applying for the course. In order to meet this challenge and in pursuance of the University's stated direction that the law courses should be more internationalized, the course was opened to up to accept students from a wider range of related and relevant disciplines like criminology and diplomatic studies. With this objective, amendments to the course bye laws were drawn and approved at Faculty Board level during this year. As a result the course was able to start with twelve students - a reasonably acceptable number. These reforms should ensure that this Masters programme remains sustainable and relevant. Lecturers were directed to follow a more comparative and internationalized approach than before in order that the course may be attractive and accessible to foreign students.

All important decisions affecting or arising out of the course are taken by the Board of Studies. This Board meets regularly and minutes are duly kept. Despite repeated reminders, students have not nominated their representatives to sit on the Board of Studies.

Disciplinary and plagiarism cases

While no massive disciplinary issues or plagiarism have been identified during the year, the problem of copying and cut and paste practices cannot be under-estimated. A small number of students were identified to have unduly copied in assignments and term papers. Appropriate and proportional action was taken according to University rules and practice.

Commitments

Since 2004, the undersigned continued to actively serve on the Senate-appointed University Research Ethics Committee.

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

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

During 2014, the Head of Department and Dr Borg attended practically all meetings of the Faculty Board and served as necessary in meetings and on Faculty sub-committees, including the Heads of Department and Dissertations Committee.

Following a request received from the Faculty of Engineering, the Department has drawn up and launched a new study unit on Maritime Law for Engineers at MSc level. The initial work was directed by Dr Ann Fenech and Dr Clarie Demarco. The study unit (CML 5043) is offered once every two years.

Currently a new study-unit named “Advanced Company Law” is being drawn up. This new non-elective unit should restore and re-assert the importance of company law studies after a few years in which the study of this important subject suffered from an unfortunate reduction of the lecturing hours as a result of the restructuring of the law courses. It will be offered during the third year of legal studies.

External examiners

During 2013 the External Examiners were appointed for a selection of LL.D and Masters in Financial Services theses in accordance with the relevant University rules. The external non-visiting examiners were ably assisted by Faculty staff in the examination of the theses allocated following their choice of preferred topics. Prof Luca di Donna was appointed for the under-graduate law course while Prof Michael Tayles served as external examiner for the Masters course.

Judicial Studies Committee

Every year the Department organizes a full day seminar on commercial law subjects to the members of the judiciary as part of their continued professional training. In April 2017, the undersigned delivered five hours of lectures and seminars on various aspects of corporate governance, on company wrongdoing and failures including an examination of the Volkswagen saga.

Some final remarks

It appears useful and relevant to re-emphasize some of the points already made in last year’s report:

- Examiners assisting the department are a very useful indeed vital part of the administrative machinery which enables the University to function. Examining is a laborious and unrewarding task under any circumstances but becomes an even greater burden when the number of students is large and the quality of the work is low. Examiners have complained about the lack of appreciation for their efforts and some

have withdrawn indefinitely from accepting further engagements, a great loss for the Department.

- The quality level of students is not improving; students seem not to read newspapers while their ignorance of history, even recent history, is dramatic. With a few exceptions, students seem largely uninterested in knowing let alone understanding and analysing what is currently going on around them and the global issues.
- Some lecturers should strive harder to provide a better qualitative service to University, the Department and its students, and move away from mere lecturing and examinations. A small number of examiners take too long to forward exam questions or to correct the scripts, or both. In two instances, The Dean has rightly directed that certain examiners should not be re-appointed to serve with the Faculty. There is no doubt that with more participation and enthusiasm by its members, the Department's general performance and activities can be significantly improved and updated.

Submitted by Dr David Fabri - Head of Department

ANNUAL DEPARTMENTAL REPORT – 2016-2017

Selected Recent Publications:

- ‘The Human Element: Stowaways, Human Trafficking and Migrant Smuggling’ in the *IMLI Manual on International Maritime Law* (OUP, Oxford, 2016), Vol III.
- ‘The Cooperative Mechanism established by the Migrant Smuggling Protocol to the UN Convention against Transnational Organized Crime’ in *‘Migration in the Mediterranean: Mechanisms of International Cooperation’*. (Cambridge University Press, Cambridge, 2016)
- ‘The Migrant Smuggling Protocol and the Need for a Multi-Faceted Approach: Intersectionality and Multi-Actor Cooperation’ in *‘Boat Refugees’ and Migrants at Sea: A Comprehensive Approach* (Brill / Nijhoff, The Netherlands, 2016)

Meeting Submissions:

Migrant and Refugee Law as Relates to the Maritime Regime’ Presentation and discussion paper presented at a meeting dealing with the current legal framework regulating rescue of mixed migrants at sea, organized by the Italian Government at the International Maritime Organisation (2015)

Projects:

University of Ferrara and Queen Mary, University of London:

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)

Milieu Ltd – Law and Policy Consulting (www.milieu.be); selected recent projects:

- National expert for Malta: Hate Crimes Project
- National expert for Malta: Legal and Constitutional Affairs; Justice and Home Affairs, Women's Rights and Petitions.
- Senior Expert for Malta re: Legal Issues related to the Petitions received by the European Parliament

Collaboration with Third Parties:

IMO, International Maritime Law Institute, Guest Lecturer

MEDAC Board, Administrator

People for Change Foundation, Senior Consultant

ASIL International Legal Materials (a publication of the American Society of International Law, Washington DC, USA), Maltese Corresponding Editor.

International Maritime Organization

University of Ferrara and Queen Mary, University of London, coordination of establishment of a Joint MA on the Prevention and Suppression of International Crime at Sea

International Ocean Institute

Malta Maritime Law Association

International Academy of Comparative Law

Ministry of Foreign Affairs, Malta

European Migration Network, Malta

PROFESSOR DAVID ATTARD

SELECTED RECENT PUBLICATIONS

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

The IMLI Treatise on Global Ocean Governance. This work, which is to be published by Oxford University Press, is in three volumes - Volume I: UN and Global Ocean Governance; Volume II: UN Specialized Agencies and Global Ocean Governance; and Volume III: IMO and Global Ocean Governance

OUTLINE OF COLLABORATION WITH THIRD PARTIES

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

Mexican Naval Academy, Vera Cruz, Mexico;

Mexican Academy of Postgraduate Studies, Mexico City;

Korean Academy of International Law, Seoul, South Korea;

Ministry of Foreign Affairs, Malta

Office of the Prime Minister, Malta

Director, IMO International Maritime Law Institute, Malta

International Maritime Organization (IMO) Technical Cooperation Division

Judge, International Tribunal for the Law of the Sea

Member, Seabed Disputes Chamber (ITLOS)

Member, Chamber of Summary Procedure (ITLOS)

Member, Chamber of Marine Environment Disputes (ITLOS)

Member, Library Committee (ITLOS)

Mediterranean Academy of Diplomatic Studies (MEDAC), Malta;

International Ocean Institute (IOI), Malta;

Council 118 session (IMO)

Legal Committee (IMO)

PROJECTS INVOLVING MEMBERS OF THE DEPARTMENT

Human Rights Research

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

CONFERENCES ATTENDED ABROAD

ITLOS deliberations in the M/V “Norstar” Case (Panama v. Italy)

IFLOS lecture on ‘Maritime Zones’ (2017), Hamburg

Delivered the Keynote Address at the International Conference on the Law of the Sea, organized by the Ministry of Foreign Affairs of the Republic of Korea and the Korean Society of International Law. Address title - Protecting the Womb of Life: The Role of the Law of the Sea in the 21st Century (South Korea, June 2017)

Delivered two lectures at the Seminar on the Relevance of International Maritime Law organized by the Secretariat of the Navy of Mexico. The first lecture, held at the Mexican Naval Academy in Vera Cruz was entitled: The Importance of International Maritime Law in the Exercise of the Peaceful Uses of the Sea: the Achilles Heel; and the second lecture, held at the Mexican Academy of Postgraduate Studies in Mexico City was entitled: Contemporary Law of the Sea: A Multidimensional Perspective, (Mexico, August, 2017)

DR FELICITY ATTARD - Assistant Lecturer

Selected Recent Publications:

- Felicity Attard, ‘Combatting the Smuggling of Persons by Sea under the UNCLOS High Seas Regime’ ELSA Malta Law Review Edition VI, December 2016
- Felicity Attard, ‘The Contemporary Significance of the Early Efforts to Codify the Duty to Render Assistance at Sea’ Benedict’s Maritime Bulletin, Volume 15, No.2 April 2017

Editing:

- External Editor, 'Project Jurisprudence: A Criminal Law Handbook for 1st Year Law - Book I', ELSA Malta

Seminar and Meeting Submissions:

- Guest Speaker on Panel accompanied by Mr. Frederick Kenney Jr. Director of Legal and External Affairs at the International Maritime Organization and H.E Tamar Beruchashvili Ambassador Extraordinary and Plenipotentiary of Georgia to the United Kingdom of Great Britain and Northern Ireland and Permanent Representative of Georgia to the IMO, 'Irregular Migration By Sea: Enclosed and Semi-enclosed Seas' Perspectives', Day of the Seafarer, Women in Shipping and Trade Association, Georgia Day of the Seafarer, Batumi Georgia

Collaboration with Third Parties:

European Law Students Association:

- External Editor, Project Jurisprudence: A Criminal Law Handbook for 1st Year Law – Book I
- Workshop leader, ELSA Malta, How to Sessions on Assignment Writing and Research
- Judge, ELSA Malta Moot Court 'Litigating at Sea'
- Speaker, ELSA Malta 'Let's Talk – A One-to-One Brain Storming Session'
- Guest lecturer, European Law Students Association Summer School on Maritime Law

International Ocean Institute:

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

Fish4tomorrow:

- Discussion on the work of Local NGOs, held at the University of Malta Valletta Campus

Projects:

University of Ferrara and Queen Mary, University of London:

- 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)

Conferences, Seminars and Lectures attended:

- Special Seminar on Ocean Literacy, International Ocean Institute in collaboration with the European Commission, held at Europa House, Valletta
- Conference, Migration, Mobility and Human Rights in the Mediterranean and Beyond, Human Rights Programme of the University of Malta, held at the University of Malta Valletta Campus
- Seminar, MOAS Change, A Forum Exploring Safe and Legal Alternatives to the Maritime Migration Route, held at St. James Cavalier
- Lecture, Law of the Sea Resource Guide, delivered by Ms. Elzbieta Mizerska-Dyba, Head of Library and Archives at the International Tribunal for the Law of the Sea, held at the IMO International Maritime Law Institute
- Conference, The Reform of the Common European Asylum System – Opportunities and Challenges, European Migration Network, Malta EU Presidency, held at the Intercontinental Malta
- Conference, Day of the Seafarer, Women in Shipping and Trade Association, Georgia Day of the Seafarer, Batumi Georgia

Submitted by: Professor Patricia Vella De Fremeaux – Head of Department



ANNUAL DEPARTMENTAL REPORT – 2016-2017

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

The Department of Legal History and Legal Methodology was set up in April, 2012. It was set to contribute to the Bachelor of Laws (LL.B.) and Doctor of Laws (LL.D.) degree courses, as well as to the course of Masters in Notarial Studies. The relevant programmes entailed lecturing, supervising and examining study units and the research and writing of term-papers and theses.

The Department has run seven study units from 2012 to 2016:

- (A) Introduction to Legal History
- (B) Introduction to Historico-Legal Research: The Notarial Archives
- (C) History of Police Laws: The British Period 1814-1964
- (D) Maltese Legislation in Historical Context
- (E) The Criminal Code and Criminal Laws in a Historical Context
- (F) The historico-legal development of the Maltese Commercial Law
- (G) Research Methods

2. Development of New Study Units

The Department of Legal History and Methodology entered its fifth year with six study units by the increase of another study unit relating to the historico-legal development of the Maltese Commercial Law and the replacement of the course on the Criminal Code and Criminal Laws in a Historical Context by a course on Major Capital Trials and Penal Law in Malta. It is intended that three new courses are introduced on the historico-legal development of civil law, the history of legal language and the history of western legal system. Given that the study unit on the Criminal Code and Criminal Laws in a Historical Context has not attracted interest among students, the Board of the Faculty of Laws has decided to discontinue it. Instead, the Board of the Faculty of Laws has approved a new study unit on

major criminal trials in Malta under British rule. The Department has, thus, run six units so that the list in 2016-2017 was the following:

- (A) Introduction to Legal History
- (B) Introduction to Historico-Legal Research: The Notarial Archives
- (C) History of Police Laws: The British Period 1814-1964
- (D) Major Capital Trials and Penal Law in Malta
- (E) The historico-legal development of the Maltese Commercial Law
- (F) Research Methods

3. Participation in Academic Boards and Committees

The Head of Department is also member of the Faculty Awards for Academic Excellence and Dean's Awards, the Faculty Library Sub-Committee, the Ethics Committee, the LL.D. Dissertations Committee and the Interviewing Board for Master of Arts in Mediation. In addition, the Head of Department is one of the components of the Board of Studies for the Diploma in the Laws of Procedure. Furthermore, Professor Mangion is a lecturer within the Institute of Maltese Studies, a lecturer within the Faculty of Media and Knowledge Sciences, and is lecturer in the new course on Liberal Arts at the University of Malta, and once again from this year he is a lecturer in the course for the Elderly that is held in the Catholic Institute, Floriana.

4. Publications

(1) Books

Professor Raymond Mangion has published a monograph in the form of reference work but for the purpose of utilising it also as a text-book on Maltese Legislatures and Maltese legislation from 1814 to 1964 (almost 500 pages). He has published it in Malta with the leading Midsea Books Publications. He has published a monograph that is the first one of its kind. In the words of the Dean of the Faculty of Laws, it has filled in a veritable lacuna for years on end. Professor Mangion is also finalising the first of a fully-documented two-part monograph on Maltese legislation of the first responsible government. The monograph was published by the Department of Legal History and Methodology and was the fifth in the series of monographs published by the Department. It was sponsored by the Faculty of Laws. It was a huge success among law and UOM students, including U3 students.

Professor Mangion directed and edited one of two books on 'Historical Legal Materials' which his department is published every year. His book transcribes the class notes of Professor Luigi Arnaldo Randon for the period from 1908 to 1939 and about whom he has also written a fully-documented biography that introduces the book. He is preparing the sixth book in the series of monographs published by the department which is the fifth book on

class notes by Professor Carmelo Mifsud Bonnicini of Professor Gustavo Ullo Xuereb. The pre-publication process is well advanced.

Professor Mangion is also the promoter of a Festschrift in honour of Professor Oliver Friggieri who will be turning 70 years in March 2017. Professor Mangion has grouped together over 30 leading intellectuals, including the Prime Minister and the Rector of the University to contribute to such Liber Amicorum.

Professor Mangion is now the co-editor of Maltese's National Biographies (around 6,500 personalities of all times) which is meant to be published in 2018.

Professor Mangion has finished and ready for publication a third volume codifying the Malta Parliament Speakers' rulings in 1924 and 1925. His first two volumes covering 1922-1924 were granted first prize for the best book of its category published in Malta in 2013.

(2) CHOGM publication

Professor Mangion was asked by First to contribute an article to the official publication on the occasion of the Commonwealth Heads of Government Meeting held in Malta in the year 2015 under the title 'Commonwealth history of Malta' that was published with prominence in the middle two pages of the book. Professor Mangion received a letter of congratulations from the Secretariate of the Commonwealth for his contribution which was said to have been very well received and appreciated.

(3) Specialised articles and reviews

Professor Mangion was asked by none other the Malta College of Scientists to contribute to their bi-annual scientific journal. The article, peer-reviewed by the Pro-Rector and the Dean of the Faculty of Laws, was published in the first edition (out of two) for the year 2017 in "Xjenza On-Line" and was very positively received. Professor Mangion's scientific contribution related to the legislative entrenchment and enforcement of the medical and surgical licence in Malta under the first century of British rule in Malta.

(4) Newspapers and Other Articles

Professor Mangion published a number of articles in local newspapers in English on aspects of constitutional, legislative and historico-legal matters. Professor Mangion had time and again by virtue of his newspapers articles emphasised the need to amend the Constitution so that green rights would be rendered more enforceable constitutionally. He published contributions to commemorate Maltese historical personalities that were well received by the

general public. He makes reference to his updated list of published on the website of the University of Malta.

5. Director of a New Series of Publications

Professor Mangion as Head of the Department of Legal History and Legal Methodology in collaboration with the Dean of the Faculty of Laws has from 2015 embarked on a series of publications entitled “Historic Maltese Legal Materials”. Professor Mangion is the director of the series of publications which the Faculty of Laws is publishing through the Department of Legal History and Legal Methodology that is headed by the same Professor Mangion.

Another two books were directed and edited this year for the purpose of conserving class notes of lecturers and students gone by but whose names have survived to date. He directed and edited the one on Professor Randon and directed the other one on Professor Enrico Vassallo on whom he has also written a fully-documented biography besides that he has written a fully-documented biography on Vincenzo Maria Pellegrini, the transcriber of the class-notes concerned.

6. Encyclopedia on the history of Maltese Football

Meanwhile, Professor Mangion was asked to contribute a number of Forewords to prestigious publications. Among others, he was asked to write a forward to a Index on Maltese Legal Publications which is set to be published by eminent lawyer and Melitensia expert Dr Albert Ganado.

7. Mongraphy on President of Malta’s Palaces

Professor Mangion was engaged by the President of Malta to write a monograph on the three Palaces of Valletta, San Anton and Verdala. The relevant publication is set for the first quarter of this year 2015.

8. Invitations to Address Commemorations, Eulogies and Book Launches

Professor Raymond Mangion was many a time invited as an expert on constitutional, legal, historical and particular cultural matters. He was invited to address an audience on the launch of a book on the history of the Maltese language together with the Minister for Education and the President Emeritus of Malta. In 2016, he was twice invited as a special guest to commemoration events on the late Prime Minister of Malta Dom Mintoff. Remarkably, he was guest speaker with the Prime Minister of Malta and the President of Malta in one of the commemoration events. He was invited to form part of another panel on

the occasion of the launch of a book on judicial maxims that formed part of judgments delivered by the retired judge Dr Philip Sciberras. Professor Mangion was invited by a number of village Local Councils, Mayors and Parish Priests to deliver speeches and make eulogies on varied subjects relating to historical and cultural activities including Il-Hamrun, il-Gzira, iż-Żejtun,, il-Floriana and many other towns and villages. On two occasions, he delivered eulogies as a lone guest speaker together with His Excellency Archbishops Rev.Monsignors Dr Charles Scicluna and Monsignor Paolo Cremona.

9. The House of Representatives

Professor Raymond Mangion was consulted on several occasions Speaker of the House of Representatives Dr Angelo Farrugia on issues of a constitutional character. He was one of the special invitees to the opening of the new Parliament building in Valletta in the middle of the year 2015.

10. Government Appointments

Professor Raymond Mangion was appointed by the Office of the Prime Minister to sit on the Foundation for the Celebration of National Festivities 2014 for a period of three years ending in 2016.

Professor Raymond Mangion was also invited to sit on a Commission for the Recognition of the Constitution of Malta in view of the setting up of the Constitutional Convention that is set to be composed in the current year 2016.

11. Participation in Radio and Television Programmes

Professor Raymond Mangion participated as resident or guest invitee in a host of programmes on the national T.V. station as well as on private T.V. and radio programmes during which he spoke on legislative, historical, social and cultural matters. He was a resident and special invitee to t.v. and radio programmes of national importance transmitted by the State media.

Professor Raymond Mangion participated on Campus FM concerning the themes of law as a concept and as an instrument of obedience on the invitation of the *Għaqda Studenti tal-Ligi*.

12. Foundation Day of the Faculty of Laws

Professor Raymond Mangion was directly involved in the creation of an event to commemorate the Foundation Day of the Faculty of Laws. He identified the exact day when

the present Faculty of Laws was set up, namely 17th December, 1838. On the commemoration of the Day, the Faculty of Laws identifies one of its past lecturers (whether he was a Professor or lecturer) to award him Recognition for his contribution to the Faculty of Laws over the years. This year 2016-2017, the relevant Bye-Laws were changed so that the award could be given to legal personalities in the country who contributed to the spread of legal knowledge and cultural over the years even if they did not necessarily do so through the Faculty of Laws by way of lecturing, but who did so through their publications, public lectures, institutional positions and national as well as international fame.

Prizes are also awarded to students who distinguish themselves during the outgoing course of laws when the commemoration is held at the University of Malta. Professor Giuseppe Mifsud Bonnici was chosen as the person who was granted the award for the year 2015-2016. Remarkably, Professor Mangion has been said to be the “Official Historian” of the Faculty of Laws by the then Pro-Chancellor Professor David Attard. Dr Albert Ganado, who graduated as a lawyer and warranted as an advocate in 1946, considered a leading Melitensia expert and a world-leading cartographer, has been chosen as the person who will be granted the award for the year 2016-2017. It has to be put on record that two of the first receivers of the award, namely Professor Joe Max Ganado and judge Dr Maurice Caruana Curran has recently passed away.

13. Speeches

Apart from other invitations to form part of panels addressing fora and commemorations, Professor Raymond Mangion delivered the speech to commemorate the Foundation Day of the Faculty of Laws on 16 December 2016. He researched and wrote a documented speech on the contribution of Chief Justice Emeritus Professor Giuseppe Mifsud Bonnici to the Faculty of Laws since Professor Giuseppe Mifsud Bonnici had taught Philosophy of Law for almost 50 years within the Faculty of Laws in our Alma Mater. Professor Mangion’s speech was the fifth in the series. He has previously spoken on, now deceased, Professor Joe Max Ganado, Professor John Joseph Cremona, the now defunct judge Dr Maurice Caruana Curran and Dr Joe Micallef Straface. Professor Mangion’s speech on Professor Mifsud Bonnici was given much attention by the local media and it is thoroughly published by the daily ‘Times of Malta’.

14. Social Recognition

Professor Raymond Mangion, who was awarded “*Ġieħ il-Hamrun 2013*” by the Hamrun Local Council for his research and academic achievements and for his contribution to the promotion of historical and cultural activities, was this year the promoter of a person who was awarded “*Ġieħ l-Imnsida 2015*” and also the promoter of another person who was awarded “*Ġieħ ir-Repubblika*”.

15. Academic Staff

The academic staff of the department of Legal History and Methodology in 2016-2017 is the following:

ASSOCIATE PROFESSOR

Professor Raymond Mangion

ASSISTANT LECTURER

Dr Michael Camilleri

VISITING ASSISTANT LECTURER

Dr Joan Abela

Dr Mario Spiteri

TEACHING ASSOCIATES

Dr Danielle Cordina

Submitted by: Professor Raymond Mangion – Head of Department

ANNUAL DEPARTMENTAL REPORT – 2016-2017

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

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

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

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

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

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

Dr Jeanne Pia Mifsud Bonnici (Part-time Resident Academic – Lecturer TR4)

Dr Michael Frendo (Visiting Senior Lecturer – T1)

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

Dr Francis Zammit Dimech (Visiting Senior Lecturer – T2)

Dr Michael Tanti Dougall (Visiting Senior Lecturer T1)

Dr Neville Gatt (Visiting Senior Lecturer – T1)

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

Dr Ian Gauci (Visiting Lecturer – T1)

2. Professor Kevin Aquilina

2.1 Participation in Academic Boards and Committees

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

2.2 Research Output

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

2.2.1 Books (Sole Author)

(i) 'Malta' in International Encyclopaedia of Laws: Constitutional Law, Kluwer Law International, 2016, 590 pp.

2.2.2 Books (Co-Edited)

(ii) *Contemporary Issues in Medical Ethics and Law: Conference Proceedings 2012-2015* (co-authored with Pierre Mallia and Bridget Ellul), Book Distributors Limited, San Gwann, 2017.

2.2.3 Papers in International Edited Books

(iii) 'The Relations between States and Local Authorities in the Context of Development Planning in Malta' in Stéphane Guérard and Algirdas Astrauskas (eds), *Local Autonomy in the 21st Century: Between Tradition and Modernisation*, Institut Universitaire Varenne, Paris, 2016, pp. 205-231 (co-authored with Calleja Ragonesi, Isabelle).

2.2.4 Papers in Maltese Edited Books

(iv) 'Maltese Law and in End of Life' in Kevin Aquilina, Pierre Mallia and Bridget Ellul, *Contemporary Issues in Medical Ethics and Law: Conference Proceedings 2012-2015* (co-authored with Pierre Mallia and Bridget Ellul), Book Distributors Limited, San Gwann, 2017.

2.2.5 Papers Published in International Peer Reviewed Journals

(v) 'Inherent deficiencies in the Constitutional Reforms (Justice Sector) Act, 2016: A Case of No Step Forward, Twenty Steps Backward?', *Italian Journal of Public Law*, Vol. 9, Issue 1, 2017, pp. 24-47.

2.2.6 Papers Published in Maltese Peer Reviewed Journals

(vi) 'The Human Rights Implications of a Non-Literal Transposition in Malta of Article 1 of Council Framework Decision 2008/913/EU', *Id-Dritt*, Vol. XXVII, 2017, pp. 251-276.

2.2.7 Book Forewords

(vii) Foreword to Liza-Marie Cassar and Nicole Sciberras Debono, *Project Jurisprudence Book II, A Property Law Handbook For 2nd Year Law*, ELSA Malta, 2017, pp. 6-7.

(viii) Introduction to Tonio Borg, *A Commentary on the Constitution of Malta*, Kite Group, B'Kara, Malta, 2016, pp. xxv-xxvii.

(ix) 'Foreword' to Dr Stefano Filletti's *Towards A European Criminal Law System*, Kite Group, 2017, pp. xxv-xxvii.

(x) 'Foreword' to Dr Ivan Mifsud's *Judicial Review of Administrative Action in Malta: An Examination of Article 469A COCP and of Judicial Review in General*, Book Distributors Limited, San Gwann, 2017, pp. 7-9.

2.2.8 Council of Europe's Audiovisual Media Observatory's IRIS – Legal Observations of the European Audiovisual Observatory

(xi) 'Malta: Election Broadcasts', Issue 7, 2017.

2.2.9 Popular Press

(xii) 'Where there's no quick fix', *The Times of Malta*, 27 January 2017, p. 40.

(xiii) 'Maltese Legislation Under British Rule', *The Sunday Times of Malta, Escape*, 5 February 2017, p. 24.

(xiv) 'Law course reforms', *The Times of Malta*, 9 February 2017, p. 16.

(xv) 'Public interest in media law', *The Times of Malta*, 14 February 2017, p. 40.

(xvi) 'Garnishees and media gagging', *The Times of Malta*, 20 February 2017, p. 40.

(xvii) 'Move to clinical legal education', *The Times of Malta*, 23 February 2017, p. 16.

(xviii) 'The more lenient criminal law', *The Times of Malta*, 27 February 2017, p. 16.

- (xix) ‘Squaring the circle’, *The Times of Malta*, 4 March 2017, p. 40.
- (xx) ‘Skill acquisition for advocates’, *The Times of Malta*, 6 March 2017, p. 16.
- (xxi) ‘Legal research methods’, *The Times of Malta*, 13 March 2017, p. 16 (co-authored with Professor Frances Camilleri Cassar: however see *errata corrige* in *The Times of Malta*, 14 March 2017, p. 6 as my name was inadvertently left out).
- (xxii) ‘A media law volte-face’, *The Times of Malta*, 21 March 2017, p. 16.
- (xxiii) ‘Rule of law in disrepute’, *The Times of Malta*, 1 April 2017, p. 40.
- (xxiv) ‘Partitocracy, misrule of law’, *The Times of Malta*, 18 April 2017, p. 14.
- (xxv) ‘KSU elections a sham’, *The Times of Malta*, 22 April 2017, p. 15.
- (xxvi) ‘Incomplete law reporting’, *The Times of Malta*, 25 April 2017, p. 16.
- (xxvii) ‘Comprehensive and convincing - Stefano Filletti: Towards a European Criminal System, Kite Group, 2017’, *The Sunday Times of Malta*, 30 April, 2017, p. 39.
- (xxviii) ‘Assault on the Constitution’, *The Times of Malta*, 2 May, 2017, p. 14.
- (xxix) ‘Constitution: popular action’, *The Times of Malta*, 9 May, 2017, p. 16.
- (xxx) ‘Constitutional convention’, *The Times of Malta*, 16 May, 2017, p. 14.
- (xxxi) ‘A prosecutor general’, *The Times of Malta*, 23 May, 2017, p. 16.
- (xxxii) ‘Human rights breach’, *The Times of Malta*, 6 June 2017, p. 14.
- (xxxiii) ‘General election result’, *The Times of Malta*, 13 June 2017, p. 14.
- (xxxiv) ‘Conflict of interest galore’, *The Times of Malta*, 22 June 2017, p. 16.
- (xxxv) ‘Coalitions and democracy’, *The Times of Malta*, 27 June 2017, p. 14.
- (xxxvi) Rule of law, Maltese way, *Times of Malta*, 11 July 2017, p. 16.
- (xxxvii) What type of second republic? *The Malta Independent*, 11 July 2017, p. 28.

3. Professor Frances Camilleri-Cassar:

3.1 Research output

3.1 Book

Research methodologies and methods for legal scholarship, Faculty of Laws, University of Malta (work-in-progress)

3.2 Peer-reviewed journal article

‘About time: gender equality in Malta’s working time regime?’ *Social Policy and Society*, volume 16, issue 4 (2017).

‘Trapped at the periphery? Interdisciplinary perspectives on African migrant women in Malta, *Melita Theologica*, Journal of the Faculty of Theology, University of Malta, 67/1 (2017)

3.3 Peer-reviewed on-line country report

‘Malta country note’, in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at:
http://www.leavenetwork.org/lp_and_r_reports/

3.4 Newspaper article

(with Kevin Aquilina) ‘Teaching of Legal Research Methods’, *The Times of Malta*, 13 March 2017, p. 16

3.6 Lectures and administration

CRL1008 Family Violence Law

CRL2008 Child Trafficking Law

CRL3000 Gender and Deviancy Law

LHM3000 Research Methods

CRL4000 Policy and Crime Prevention Law

MCT4002 Labour Unions, Collective Bargaining, and Equality Law

LAW5001 Legal Research, Analysis, and Writing

LAW5012 Professional Practice for Advocates

SCI5034 Qualitative and Quantitative Research Methods

3.7 Other initiative linked with lectures

Public seminar with social partners under MCT4002: Labour Unions, Collective Bargaining and Equality Law, 14 December 2016

3.8 Membership

Board of studies / board of examiners

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

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

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

International Network on Leave Policies and Research (LP&R)

Social Policy Association, UK

4. Dr Jeanne-Pia Mifsud Bonnici

4.1 Research Output (in part carried out at the University of Groningen, The Netherlands)

4.1.1 Peer-Reviewed article:

Mifsud Bonnici, JP., Tudorica, M., & Cannataci, J. (published in 2017). La regolamentazione delle prove elettroniche nei processi penali in “situazioni transnazionali”: problemi in attesa di soluzioni. *Informatica e Diritto*, XXIV, 201-215.

Mifsud Bonnici, J. P., & Verheij, A. J. (2016). On forgetting, deleting, de-listing and starting afresh! *International Review of Law, Computers & Technology*, 30(1-2), 1-4. DOI: 10.1080/13600869.2016.1173894

Zhao, B., & Mifsud Bonnici, J. (2016). Protecting EU citizens' personal data in China: a reality or a fantasy? . *International Journal of Law and Information Technology*, 24(2), 128-150. DOI: 10.1093/ijlit/eaw001

4.1.2 Book

Cannataci, J. A., Zhao, B., Torres Vives, G., Monteleone, S., Mifsud Bonnici, J., & Moyakine, E. (2016). Privacy, free expression and transparency: Redefining their new boundaries in the digital age. (UNESCO Series on Internet Freedom). Paris: United Nations Educational, Scientific and Cultural Organization.

4.1.3 Book Chapter

Milaj, J., & Mifsud Bonnici, J. P. (2016). Privacy Issues in the Use of Smart Meters—Law Enforcement Use of Smart Meter Data. In A. Beaulieu, J. de Wilde, & J. M. A. Scherpen (Eds.), *Smart Grids from a Global Perspective: Bridging Old and New Energy Systems* (pp. 179-196). (Power Systems). Springer. DOI: 10.1007/978-3-319-28077-6_12

Milaj, J., & Mifsud Bonnici, J. P. (2016). Smart meters as non-purpose built surveillance tools. In S. Schiffner, J. Serna, D. Ikonou, & K. Ranneberg (Eds.), *Privacy Technologies and Policy* (pp. 81-95). (Lecture Notes in Computer Science; Vol. 9857). Cham: Springer Verlag. DOI: 10.1007/978-3-319-44760-5_6

4.2 Editorial Roles

Reviewer: European Journal of Law and Technology

Reviewer: International Review of Law, Computers & Technology

Reviewer: The Computer Law & Security Review

Reviewer: Studies in Ethics, Law and Technology

Reviewer: Digital Evidence and Electronic Signatures Law Review

4.3 Advisory Roles

Advisory Board Member of L3S Research Centre, Leibniz University Hannover

Ethics Advisory Board Member of AMBER - (“enhAnced Mobile BiomEtRics”) Marie Skłodowska-Curie Innovative Training Network

5. Dr. Daniel Bianchi

5.1. Teaching Workload

- MCT1004 Mental Health Law (Study-unit coordinator).
- MCT4001 European Health Care Law (Study-unit coordinator).
- MCT5001 Human Rights and Medical Ethics (Study-unit coordinator).

5.2. Paper Presentations

- “Advance decisions: A matter of liberty *and* autonomy” Postgraduate Research Conference – University of Manchester, October 2016.

5.3. Academic Boards and Committees

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

5.4. Research

- Research during the academic year 2016/17 was primarily dedicated to on-going doctoral (PhD) research under the auspices of the University of Manchester.

5.5. Other

- National Contact Point – European Association of Health Law.

6. Dr Paul Edgar Micallef

6.1 Publications

6.1.1 Peer reviewed articles

“The Establishment of the Office of the Arbiter for Financial Service: A Step in the Right Direction” in *Id-Dritt Volume XXVII*, 225-250.

Case Comments: “(1) Constitutional Court judgment of 3 May 2016 and its impact on the regulation of utility service providers – *Federation of Estate Agents v Director General (Competition)*, the Prime Minister and the Attorney General” in *Utilities Law Review*, Volume 21, Issue 4, 163-164.

Case Comments: “(2) Decision on anti-competitive price-fixing practices in the fuels market- Decision by the Office for Competition – Malta Competition and Consumer Affairs Authority (MCCAA), 4 October 2016 (Case COMP-MCCAA 3/2015)” in *Utilities Law Review*, Volume 21, Issue 4, 165.

Case Comments: “(3) Exclusive distribution agreement of gas cylinders in breach of competition law – *Uffiċċju għall-Kompitizzjoni Ġusta v Enemalta pc et al.* – given by the Competition and Consumer Appeals Tribunal. 4 October 2016”. in *Utilities Law Review*, Volume 21, Issue 4, 165.

6.2 Memberships

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

Member of the International Association of Consumer Lawyers

Member of the European Law Institute

Submitted by: Professor Professor Kevin Aquilina - Head of Department