



FACULTY OF LAWS
UNIVERSITY OF MALTA
DEPARTMENT OF CIVIL LAW
ANNUAL DEPARTMENTAL REPORT – 2015-2016

A. CONFERENCES ATTENDED BY DEPARTMENT STAFF:

Dr Anthony Cremona

- The 2016 IFSP biennial conference - Shifting Financial Landscapes - Future trends for the financial services industry - 21st Jan 2016 – Attendee

Dr David Zammit

- Fourth Worldwide Congress of the World Society of Mixed Jurisdiction Jurists: “The Scholar, Teacher, Judge, and Jurist in a Mixed Jurisdiction”, Faculty of Law, McGill University Montreal, Canada, June 24-26, 2015. Delivered a paper entitled: “Malta’s English Chief Justices and the Arrested Development of Anglo-Maltese Law”
- 11th September 2015: Visited National University of Ireland (Galway) and attended the Viva Voce PhD Examination of Dr Mathilda Twomey, Chief Justice of the Seychelles (I was her External Examiner).
- 13th November 2015: delivered a paper together with Dr Brian Campbell PhD (University of Kent) entitled “Where Has the Humour Gone? Hospitality, Humanitarianism and Hostility in Receiving Refugees” to the Anthropology Department Senior Research Seminar- University of Malta (Valletta Campus)
- “The Role of Human Rights Bodies in Promoting a Human Rights Culture” – a Conference organised by the Human Rights Programme of the University of Malta on the 10th December 2015. Dr. David. Zammit presented a paper together with Dr. Robert Suban entitled: ‘Combating Discrimination in Employment: The Case of Third Country Nationals in Malta’
- ‘Legal and Social Issues facing Cross-Cultural Couples in Malta’: A roundtable facilitated by the President’s Foundation for the Wellbeing of Society and the Department of Civil Law, University of Malta (February 25th, 2016)

- Senior Research Symposium ‘Mixing and Matching: Trends in Muslim Marriages, 26 February 2016, University of Malta. This event was sponsored by the University of Malta’s Department of Anthropological Sciences in collaboration with the Civil Law Department of the Faculty of Law, organized by Professor Susan Hirsch and Dr. David Zammit
- 4th March 2016: Moderated the moderate the GHSL (Ghaqda Studenti tal-Ligi) panel of Electoral Reform as part of a conference entitled: “Constitutional Reform: A Legal Necessity or A Political Move?” This event was held at San Anton Palace, under the auspices of the Office of the President of the Republic of Malta.
- Launch of id-Dritt Volume XXVI. The launch took place on Thursday 5th May at 6.30 pm at the Aula Magna University of Malta
- Atelier of the Jean Monnet Centre of Excellence “Rights and Science” of the Università degli Studi di Perugia. David Zammit presented two papers- (1) Contractual Good Faith Duties in Cross-border Investments (14 June 2016), (2) Contractual Damages as a Tool for Aligning Maltese law with the ECHR (15 June 2016)

B. LECTURES/PUBLIC TALKS DELIVERED BY DEPARTMENT STAFF

Jean-Paul De Lucca;

- Philosophy of Law Symposium – May 2015
- An event in the series 'Utopian Futures – Utopian Pasts? 500 Years after Thomas More's Utopia (1516)', organised by the Departments of English, German and Philosophy was held on Wednesday 9 November. This event was in collaboration with NOHA (Network of Humanitarian Assistance) and the Faculty of Laws of the University of Malta.
- The talk entitled 'International Law – A Utopian Legal Order?' was held in Lecture Theatre 1 – Erin Serracino Inglott Hall (LT1) from 11:00 to 12:00 noon. The speaker was Professor Hans-Joachim Heintze from Ruhr University Bochum.

Dr Patrick Galea

- Delivered a presentation in Vienna in November 2015 on the European Account Preservation Order.

Dr David Zammit

- 21st February 2015: Participated in Timestalk, a televised debate on Migration and Security wit Dr Katrine Camilleri and Prof. Henry Frendo

- 21st March 2015: spoke on racism at an event organised by Integra Foundation and the Organisation for Friendship in Diversity (OFD) on the occasion of the International Day for the Elimination of Racial Discrimination,
- November 2015, Delivered a lecture with Dr Jeanise Bonnici on the legal and bioethical issues pertaining to Female Genital Mutilation. The lecture was delivered to students reading for a Masters in Bio-ethics and it was part of the study-unit, 'Anthropological and Methodological issues' (MRT 5700).
- 9th November 2015: Addressed the Jeremy Boissevain Memorial Talk organised by Malta Today in the Hotel Phoenicia
- 17th May 2016: Delivered a Guest Lecture to George Mason University Students attending the Masters in Conflict Resolution on Legal Hybridity in Malta
- 19th-20th May 2016: Delivered ten hours of lectures on 'Il Diritto d'Asilo nel Contesto Mediterraneo' to students attending the University of Bologna's Master in Diritti Umani, Migrazione e Sviluppo (Ravenna Campus).

Dr Anthony Cremona:

- TRUSTS COURSE FOR THE JUDICIARY – 22nd Jan 2016 - Lecturer
- TRUST FOCUS SEMINAR - SOCIETY EDUCATION - 21st April 2016 - Lecturer
- Kunsill Nutarili ta' Malta & ILS: The Cross-Border Succession Regulation - A Practitioner's Overview, February 2016 – Lecturer
- Dealing with The Prevention of Money Laundering & Financing of Terrorism - 17th May 2016
- EU Succession Regulation seminar -21st July 2016 - Lecturer
- ILS Company Law Course - Holding of Shares by Trustees or Fiduciaries – 9th May 2016 - Lecturer
- Foundation Certificate in Trusts Law and Management - Lectures and tutorials
- NEW EU REGULATION NO 650-2012 ON INTERNATIONAL SUCCESSIONS – 19th Nov 2015 – Attendee
- Tim Bellis Seminar - 10th March 2016 - Attendee
- CVL5021 - Professional Ethics Lecture – 7th March 2016
- CVL4027 - Introduction to the Law of Trusts, Foundations and Fiduciary Obligations – 8th Jan 2016 - Lecturer

C. PUBLICATIONS/RESEARCH ACTIVITY BY DEPARTMENT STAFF

Notary Clinton Bellizzi:

- During 2016, was involved in co-ordinating a project with the Malta IT Law Association on Digital Inheritance: In collaboration with the Malta IT Law Association (MITLA), the Kunsill Nutarili ta' Malta is presently drafting a proposal for a European wide study relating to the Regulation of Digital Assets Administration, Inheritance and Succession Scenarios (RODAAIS). This is aimed at investigating the

current state of play relating to the predominant legal positions relating to digital assets, associated property, succession and inheritance law theories and an identification of legal and technical lacunae in the current landscapes with an aim to propose a harmonized European approach. This project has been presented to the CNUE New Technologies Working Group on the 30th April, 2016 in Brussels and endorsed by the CNUE General Assembly in Zagreb in June 2016.

The RODAAIS Study Project 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.

Dr Anthony Cremona:

- Recent amendments to the Civil Code:
<http://www.ganoadvocates.com/resources/publications/recent-amendments-to-the-civil-code/> *Published on The Malta Independent - 27-28 Sep 2016*
- Small Island, Big Appeal (co-authored with Adrian Gabarretta):
<http://www.ganoadvocates.com/resources/publications/small-island-big-appeal/> *Published on FCBusiness - May 2016*
- MFSA Publishes PTC Rules: <http://www.ganoadvocates.com/resources/news/mfsa-publishes-ptc-rules/> *Published on www.ganoadvocates.com - April 2016*
- Still fresh out of the oven, but amendments already proposed to the EU Fourth Anti-Money Laundering Directive (4th AMLD) (co-authored with Abigail Schembri):
<http://www.ganoadvocates.com/resources/publications/still-fresh-out-of-the-oven-but-amendments-already-proposed-to-the-eu-fourth-anti-money-laundering-directive-4th-amld/> *Published on www.ganoadvocates.com - March 2016*
- Outcome of Thematic Review Carried Out by MFSA in Respect of Trustees and Other Fiduciaries: *Published on www.ganoadvocates.com - February 2016*
- Amendments to the PMLA – Act III of 2015 and Act VIII of 2015:
<http://www.ganoadvocates.com/resources/publications/amendments-to-the-pmla-act-iii-of-2015-and-act-viii-of-2015/> *Published on www.ganoadvocates.com - December 2015*
- Regulated Industry alert! MFSA publishes new Personal Questionnaire Form with effect from 01 December, 2015:
<http://www.ganoadvocates.com/resources/publications/regulated-industry-alert-mfsa-publishes-new-personal-questionnaire-form-with-effect-from-01-december-2015/> *Published on www.ganoadvocates.com - December 2015*

- MFSA AML/CFT Supervisory Role:
<http://www.ganoadvocates.com/resources/news/mfsa-amlcft-supervisory-role/>
Published on www.ganoadvocates.com - December 2015
- The EU Succession Regulation is Now Applicable:
<http://www.ganoadvocates.com/resources/publications/the-eu-succession-regulation-is-now-applicable-2/> *Published on www.ganoadvocates.com - September 2015*

Dr David Zammit:

- Giannino Caruana Demajo, Lawrence Quintano & David E. Zammit, Malta chapter in Tort Law Yearbook of European Centre for Tort and Insurance Law Vol 4. No,1, November 2015, Springer Pub.
- Tom Selwyn & David Zammit, “Obituary JEREMY BOISSEVAIN 1928–2015”, in *Anthropology Today*, Volume 32, Issue 1, Wiley Pub. February 2016
- D Zammit and K. Xerri “Lease, Locazioni and Kera’: Merging Legal Concepts in Postcolonial Malta” in Sue Farran, James Gallen, Christa Rautenbach (ed) *The Diffusion of Law: The Movement of Laws and Norms Around the World*, Ashgate: 2015.
- Zammit, David E. 2016 “Vernacularising Asylum Law in Malta” in Valentina Colcelli, Rainer Arnold (ed.) *Europeanization through Private Law Instruments*, published by Schnell & Steiner in the Series: *Entwicklung Im Europaischen Recht* (Book 6).
- Zammit David E. & Shaun Borg Cardona 2016, “Liability for Football Injuries in Maltese Tort Law” in Franco E Rubino, Paola B Helzel & Leszek Bulinski (ed.) *La ‘Metamorfosi dello Sport: Un Approccio Multidisciplinare*, Universita della Calabria, Franco Angeli, pp.249-272
- Zammit David E., Foreword to Caroline Savvidis, *Court Delays and Human Rights Remedies* Routledge 2016
- Zammit David E, “They also serve who only stand and wait: Exploring the economy of legal time in Malta” in id-Dritt Volume XXVI

Submitted by: Dr David Zammit - Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF COMMERCIAL LAW

ANNUAL DEPARTMENTAL REPORT – 2015-2016

Introduction and preliminary matters

The Department of Commercial Law forms an old but significant part of the Faculty of Law. 2016 has been another busy and challenging year. The Department's academic programmes examine how 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. Luckily, the Department has in its ranks expert lecturers who possess wide relevant professional, practical, teaching expertise and experience in the respective fields.

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. Certain lecturing staff need to engage and to participate more intensively in Departmental and Faculty affairs. 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.

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 and relevance

The Department seeks to be relevant to students, to society and to the University generally. Wherever possible, it collaborates 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. Not enough has been done and the initiatives need to be improved in quantity and amplified in scope. More staff participation in this area is called for. It is not enough that academics assist and 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. All course offered by the Department are open to the public.

Over the past few years, Department has gradually been asserting itself and has assumed a higher profile within University life and outside the University campus; in the past, the Department had a very low public profile generally. 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. The subjects covered were principally current topics and issues in financial services, consumer protection and business regulation in general. Members of the Department have been regularly invited to address other seminars and conferences organized by various professional entities and associations on various commercial law subjects and developments. Joint collaborative efforts with FEMA and the Chamber of Advocates ensure a constant source of useful high level academic and practical initiatives.

Conferences

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

The first conference was held in March to commemorate the Annual World Consumers Day. The subjects included consumer protection and competition law subjects. The speakers were the Head of Department, Annalies Azzopardi, Mireille Caruana, Antoine Grima and Lorna Mifsud Cachia. The attendees were regrettably less than in previous years.

The second conference was the Annual Company Law Conference held on 2 November. The speakers were the undersigned, Dr Kris Borg, Prof Andrew Muscat, Ivan Vella, Conrad Portanier, Neville Gatt, who are all experts in their respective subjects and provide their services to the Department.

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.

Teaching staff resources and Commitments

During 2015, two formerly part-time members of the academic staff raised their level of commitment with the University and are now engaged on a full-time basis. These are the undersigned and Dr Joseph Borg, who was appointed the Department's representative on the Faculty Board similarly. During 2016, Department enjoys the services of two full-time academic staff. This helps to better serve the needs and objectives of the Department and of the Faculty more generally.

Previously and for many years, the Department was composed exclusively of part-timers and had no full-time academics within its ranks. This had a negative side certainly by way of physical presence on the campus. Luckily most of the part-time academic staff and visiting lecturers are experts on their areas of interest. Most lecturers are committed and conscientious professionals who provide an ongoing excellent service to students, through lecturing.

A number of lecturers who operate under a formal Council appointment are expected to play a stronger role in the Department's affairs. 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 considerable increase of students may, as already reported in previous years, be having negative impacts on the quality of the relationship between lecturers and students. Students are still largely passive and lack confidence to participate more actively in the lecture-room. Valid lecturers have started refusing to continue to teach or examine as they are put off by the collateral obligation to correct hundreds of scripts. Examining is largely seen as a tedious and thankless and often overwhelming task. There seems to be evidence that students generally do little if any independent reading and research and few show interest in analysing current legal and political issues. Student participation in the lecture-rooms is uneven and often unsatisfactory. Students need to read more and more and they cannot restrict themselves to attending lectures and concentrating on class notes. Some seem unable to switch off from their distracting mobiles and their laptops

Money Matters

Once again the Department is pleased that it manages to undertake initiatives practically without spending a single euro, in line with the aim not to be a financial burden on University finances. Various Faculty needs were paid for out of Departmental funds even this year.

Teaching activities

During 2014, the Department's lecturing commitments were fulfilled in line with the respective University course descriptions. A small number of cancellations of lectures were recorded and action was taken to reduce the possible inconvenience to students. Substantial work load exists at under-graduate level where the greatest number of students are engaged notably in the examination phase. Problems have sometimes been encountered in securing examiners willing to undertake such a commitment. This point has already been made above.

Various revisions of the law course at LLB and LLD levels continued to be further refined during the year under review and the newly designated and refreshed study-units have gradually slowly come on stream.

During the year Dr Federica Innocenti from the University of Perugia participated in various interesting lecturing initiatives as an Erasmus lecturer. She lectured primarily mainly on Italian company law, winding up and financial mishaps including an examination of the Parmalat and Cirio cases, taking into account the comparative law dimension..

The Masters in Financial Services programme

The Head of Department continues to coordinate the Masters programme which is offered annually on a part time or full time basis. The Head of Department has coordinated this Programme for the past nine years and with the assistance of several Departmental colleagues tries to ensure it maintains a high standard.

The evening Masters programme in financial services was originally launched in 1996 and has continued to be offered annually without fail. The undersigned acts as the lead course coordinator assisted by a co-ordinator from the FEMA faculty which also contribute to the programme and with which the Department enjoys excellent relations. Mr Peter J Baldacchino who also heads the Department of Accountancy continues to be a very valid, reliable and supportive FEMA programme co-coordinator on the Board of Studies.

As was the case last year, it is regretted the number of applications has fallen considerably possibly due mainly to the high fees and new competition by Masters programmes offered both the University itself as well as by other foreign institutions. This new challenge needs to be carefully addressed. Nine candidates were accepted for this year's course. The matter is

being kept under review and it has been suggested that if this trend is not reversed, the course may be commenced not annually but once every two years.

The programme benefits from the services of Mrs Elisa Attard who acts as the point of reference for both students and lecturers. The Board of Studies meets regularly and minutes are kept by Mrs Attard.

Disciplinary and plagiarism cases

Fortunately, no significant disciplinary issues or plagiarism within the Department's remit were reported during the year.

Commitments

During the year under review, the Head continued to form part on the Senate-appointed University Research Ethics Committee where he has already served for nine years.

He is the coordinator and chief lecturer of the study unit on Regulatory issues arising from the Regulation of Business offered by the Faculty of Theology in its Masters in Business Ethics Programme.

He is the coordinator and a lecturer in a study unit on Introduction to financial services law and winding up of companies for FEMA as part of the MA Accountancy programme.

Various colleagues teach in this and other course offered by University and serve as supervisors and examiners. My colleagues and I also participated in various seminars and other activities by the Law Faculty and other Faculties as necessary.

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.

Dr Borg, the only other full time member in the Department, continues to offer his valuable service and experience not only in teaching duties but also in all other areas and issues in which the Department is involved. In December 2016, Dr Borg was awarded the honoris causa by University in recognition of his successful efforts in bringing Malta ever closer to Europe.

At the request of the Faculty of Engineering, the Department has managed to draw up a new study unit on Maritime Law for Maritime Engineers at Masters level. The work was mainly directed by Dr Ann Fenech who will be coordinating the unit.

In some instances, the Dean's intervention unfortunately became necessary to adequately resolve the deficiencies created by misunderstandings between lecturers due to lack of communication between them, leading to needless detriment to students. Matters should in future improve in the future in the best interest of students.

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.

Some final remarks which merit being highlighted

- 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 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 level of students seem to be going down and it is greatly disheartening to hear 4th year law students admitted to not knowing what the Magna Carta is or who King John or Richard I were. This is not a phenomenon limited to law students and it is very disturbing. Students should be encouraged to read more history.
- Students seem largely uninterested in knowing let alone understanding and analysing what is currently going on around them and the global issues and crises. Most seem not to read any newspapers. There are always a few very welcome exceptions and these perhaps will represent the best hope for the future.
- A small number of examiners have this year let the Department down either by taking much too long to forward exam question or to correct the scripts, or both. In two instances, The Dean has rightly directed that they should not be re-engaged.

Submitted by: Dr David Fabri - Head of Department



FACULTY OF LAWS
UNIVERSITY OF MALTA
DEPARTMENT OF CRIMINAL LAW
ANNUAL DEPARTMENTAL REPORT – 2015-2016

This annual report for the Department of Criminal Law covers the period September 2015 till September 2016.

Annual General Meeting held on the 30/9/16, Faculty of Laws, University of Malta.

Members Present:

Dr Stefano Filletti (Acting Head)

Dr Stephen Tonna Lowell

Dr Aaron Bugeja

Dr Leonard Caruana

Excused:

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 increased.

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. Special Seminars & Moot Courts

The Department is also working on the possibility of re-engaging in special seminars aimed for students to be able to discuss the core content being taught in the credits offered by the Criminal Law Department. 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



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF EUROPEAN AND COMPARATIVE LAW

ANNUAL DEPARTMENTAL REPORT – 2015-2016

The Department has continued to consolidate and move forward. In 2015 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 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 appointed as judge in the European Court of Justice after Prof Eugene Buttigieg who continues 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 a resident lecturer in European law within the Department. She officially started her duties in October 2016.

Professor Peter G Xuereb

Research:

1. Professor Xuereb worked on three forthcoming publications:

Xuereb, P.G., 'Malta', forthcoming in Albi, A. (ed) *The Role of National Constitutions in European and Global Governance* (T.M.C. Asser Press 2016)

Peter.G.Xuereb (with Dr Mireille Caruana), in Stefan Griller (ed), *Member States' Constitutions and EU Integration* (to be published in 2016).

Peter G Xuereb, Commentary on Articles 49 – 52 of the Treaty on the Functioning of the European Union, to appear in Blanke and Mangiameli (eds): Commentary on the Treaty on the Functioning of the European Union, (in progress).

Of these, the first two publications are scheduled to be published in 2016. The third will be published later in 2016 or in 2017.

2. He also contributed four thematic reports as Malta Expert to the Gender Equality Law Network of the European Commission.
3. He is also Senior Expert for Malta, for the Fundamental Rights Agency project coordinated by Aditus Malta, which has produced six reports this last year.

Teaching and Examining: Professor Xuereb taught at undergraduate and postgraduate level, the following subjects: EU Law, EU Company Law, EU and Comparative Company Law, EU Constitutional law, The EU Constitution and National Constitutions, EU Financial Services Law. Supervised LLD, MA, LL.M, theses, examiner and chairman of several boards of examiners.

Administration: He served as Chairman, Institute for European Studies. Also, Head of Department of European and Comparative Law, and on the Editorial Board of Malta University Press. He is a member of the Board of the Human Rights Programme of the University of Malta. He continues to be a member of the Academy of Law of the Malta Chamber of Advocates. President of Assoċjazzjoni Maltija Għall-Istudji tad-Dritt Ewropew (AMSDE).

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, ECL4001-SEM1-A: EU Labour Law and Policy.

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

Currently in fourth year (part-time). In 2015/6 she focused on refining chapters one and two of her thesis and researched chapter three on the principle of proportionality as interpreted and applied by the Maltese Constitutional Court. So far she has written three chapters and have undergone two reviews. At the moment she is researching her fourth chapter on proportionality as interpreted by the European Court of Human Rights. Currently considering publishing this. Successfully obtained 20 credits as part of Ph.D. training at Strathclyde.

3. Papers written/being worked on:

- Dr Buontempo was invited to publish an adaptation of my MA thesis on judicial review in French administrative law and EU administrative law. I am currently working on the adaptation.
- Submitted a paper to GHSL publications entitled ‘Stages in the Principle of Proportionality’.

4. Seminar/Conference Attendance:

- Attended ERA Conference entitled ‘The Charter of Fundamental Rights of the EU in Practice’ with special reference to Employment Law, in Barcelona, Spain, on 22-23 October 2015.
- Attended a two day seminar organised by the Academy of EU law (Trier) on EU anti-discrimination.

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

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 FIDE Congress on EU law in Budapest in May 2016

Attended Jean Monnet Conference on EU Integration in Malmo in June 2016

Research at the CJEU February 2016

Publications, Reports

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

Other activities

Award of Jean Monnet Module – EU Legal Drafting & Translation

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

Teaching

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

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

Supervised Ph.D thesis – Dr Stefano Filetti

Dr Mireille Martine Caruana

Teaching:

Over the course of the past year Dr. Caruana developed and is currently running new courses on the law of e-Commerce at both undergraduate (LLB) and masters (LLM) level.

She is sole lecturer on the following undergraduate courses: EU Consumer Law and E-Commerce Law in the EU. She also delivers tutorials to undergraduate students in general EU Law. She runs the seminars on the Master level course: E-Commerce Law and Policy in the EU.

Research: Dr Caruana has contributed to a co-authored (together with Prof Xuereb) research paper as a contribution to the Member States' Constitutions and EU Integration Project coordinated by Professor Stefan Griller of the University of Salzburg (publication forthcoming in 2016).

Submitted by: Dr Ivan Sammut - Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF ENVIRONMENT AND RESOURCES LAW

ANNUAL DEPARTMENTAL REPORT – 2015-2016

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)	8 hrs
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 hours
EMP 2003 Environmental Law and Policy (shared)	7 hours
EMP 2007 Waste Management: Key Concepts (shared)	4 hours
EMP 2008 Waste Management: Key Concepts and Challenges in the Maltese Context (shared)	4 hours
EER 5203 Sustainable Development Law and Policy (CEER)	12 hours

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 2015/2016

The LLD theses under ERL department were the following:

Briffa Maria:

The Implementation of the Packaging and Packaging Waste Directive in Maltese Legislation

Colabufo Grazia:

Assessing the Implementation Mechanisms of Legally-Binding Renewable Energy Targets in European Union Member States through Primary Legislation and Ancillary Frameworks

Colombo Raisa:

Equine Welfare in the Use of Animal and Animal-Drawn Vehicles on the Road Regulations

Cuschieri Edmond:

A Study in the Evolvement of the Birds' Directive, its Implementation and Enforcement in Relation to Sustainable Hunting and Habitats Protection in Malta

Gambin Chloe:

The EU Regulation on Monitoring, Reporting and Verification of Carbon Dioxide Emissions from Ships

Gauci Kimberley:

The Regulation of Neighbourhood Noise as a Nuisance and Source of Pollution

Genovese Rachel:

Environmental Regulation of Ship-to-Ship Bunkering Operations

Musumeci Robert:

The 2015 Development Planning Act – A Critical Appraisal

Portelli Stanley Joe:

Safeguarding the Cultural Heritage from a Legal Perspective: Are we Doing Enough?

Saliba Daniel:

Regulating Noise and Exhaust Emissions from Motor Vehicles

The LLB (Hons.) research projects under ERL department were the following:

Sciberras Glorianne:

Appraisal of the case law of European Court of Justice on Derogations relating to Application of the Birds Directive: ECJ Case Law on the Birds Directive: A critical assessment

Vella William:

A Regional Treaty to Implement the Mediterranean Strategy for Sustainable Development

Zammit Maria:

Exploiting EEZ Rights: Examining the Value Added of Establishing an exclusive Economic Zone (EEZ) for Malta

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

Haoxin Yan:

Regional Perspective of China's Blue Economy in Blue Economic Zone with emphasis of Renewable energy

Nooring Waraporn:

The relationship of Port State Control on Marine pollution from ships between Tokyo memorandum of understanding (Tokyo MoU) as regional framework, Port State Control regulations and Private shipping sector, in Thai perspective. t

Shen Chenchen:

Prevention and Control the Marine Pollution from Ships and Ports in China from a Legal Perspective

Veldeki Georgia:

Underwater Noise as a New Threat to the Marine Environment, with special reference to Marine Mammals mark pending

Zhang Xuan:

An Examination of the Current International Framework Regulating Port Security: A Chinese Perspective

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

Accorsi Matteo:

Genetically Modified Organisms: A New Frontier of Development or Another Threat to the Environment?

Devlies Bram:

Reform of renewable energy support schemes and investment protection under European and international law

Gellynck Joachim:

Nature Conservation and Agriculture: Mutually Exclusive or Complementary?

Shepherd Angie Marie:

A legal analysis of hazardous waste's management (with a focus on e-waste)

Truesdale-Witek Elizabeth Ann:

Your Money and Your Planet: Trade and Solar Goods Post-Paris Agreement

Vô Cécile Kim:

Are nature conservation laws adapted to Climate Change? Towards integrated spatial planning and land use instruments to implement biodiversity conservation objectives

4. PUBLICATIONS.

Simone Borg, *Energy Law in Malta, for Series, Delivering Energy Law and Policy in the EU and the US*, Heffron and Little, 2015.

Simone Borg, Malta Legal Update: Issue 6: *IUCN Academy of Environmental Law eJournal*, 2014.

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

David Fabri and Antoine Grima on Sunday Times:

More pro-business trickery? (November 2016)

Arbiter: solution or problem? (May, 2016)

White Paper (on Estate Agents) not good enough. (April, 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



FACULTY OF LAWS
UNIVERSITY OF MALTA
DEPARTMENT OF INTERNATIONAL LAW
ANNUAL DEPARTMENTAL REPORT – 2015-2016

PROFESSOR PATRICIA VELLA DE FREMEAUX

Selected Recent Publications:

‘The Migrant Smuggling Protocol and the Need for a Multi-faceted Approach,’ (in publication with Brill publishers).

Maltese National Report on Migration, Law and Migration Panel, International Academy of Comparative Law (IACL), Springer Verlag (in publication for 2017).

‘The Legal Regime Surrounding Irregular Migration and Europe’s Response: A Crisis in Solidarity’ 13 *Benedict’s Maritime Bulletin* 4, (Fourth Quarter 2015)

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, Volume II, Part A (Malta University Press)

IMLI Manual on International Maritime Law Vol II and Vol III (Oxford University Press)

OUTLINE OF COLLABORATION WITH THIRD PARTIES

Lectured at the International Foundation for the Law of the Sea (IFLOS) in Hamburg, and at the Mediterranean Academy of Diplomatic Studies, Malta

Ministry of Foreign Affairs

Office of the Prime Minister

Director, IMO International Maritime Law Institute

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)

PROJECTS INVOLVING MEMBERS OF THE DEPARTMENT

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

In preparation, 3 volume study on Ocean Governance

CONFERENCES ATTENDED ABROAD

Deliberations in the M/V North Star (Panama vs. Italy)

Deliberations in the Enrica Lexie Incident (Italy vs. India)

IFLOS lecture on 'Maritime Zones' (2016), Hamburg

DR FELICITY ATTARD

Assistant Lecturer

Selected Recent Publications:

- Felicity Attard, 'Is the Smuggling Protocol a Viable Solution to the Problem of Human Smuggling on the High Seas?', *Journal of Maritime Law and Commerce*, Volume 47, No.2, April 2016
- Patricia Vella de Fremeaux and Felicity Attard, 'Migrant and Refugee Law as Relates to the Maritime Regime' in *Perspectives in a Changing Mediterranean - Essays in Honour of Dr. Joe Borg* (Mediterranean Academy of Diplomatic Studies (MEDAC) Publications in Mediterranean IR and Diplomacy September 2016)

Editing:

- External Editor, 'Project Jurisprudence: A Criminal Law Handbook for 1st Year Law - Book I', ELSA Malta (Progress Press 2016)

Seminar and Meeting Submissions:

- Guest Speaker, 'The Security Threat of Smuggling of Persons by Sea', Roundtable Smuggling of Migrants Across the Mediterranean, University of Ferrara (2016)
- Guest Speaker, 'Limitations on the Duty to Render Assistance at Sea under International Law', Queen Mary Centre for Commercial Law Studies International Shipping Law Roundtable: Piracy, Refugees, War Risks and Sanctions the Impact of Maritime Trade, the International Maritime Organization, London (2016)

Collaboration with Third Parties:

European Law Students Association:

- External Editor, Project Jurisprudence: A Criminal Law Handbook for 1st Year Law – Book I (2016)
- Guest lecturer, European Law Students Association Summer School on Maritime Law (2016)
- Workshop leader, ELSA Malta, How to Sessions on Assignment Writing and Research (2016)

International Ocean Institute:

- Guest Lecturer, The International Ocean Institute Training Programme on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas (2016)

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:

- Transition from MDGs to Sustainable Development Goals, International Ocean Institute, EU Commission Representation, Dar L-Ewropa, Valletta (2015)
- Roundtable Smuggling of Persons across the Mediterranean, University of Ferrara, Ferrara (2016)
- The Centre for Commercial Law Studies, International Shipping Law Roundtable: Piracy, Refugees, War Risks and Sanctions: The Impact of Maritime Trade', The International Maritime Organization, London (2016)
- Queen Mary University of London Postgraduate Legal Conference, Centre for Commercial Law Studies, London (2016)
- International Symposium, 'The Role of the International Tribunal for the Law of the Sea in Addressing Topical Issues and Future Challenges in the Law of the Sea', International Tribunal for the Law of the Sea, Hamburg (2016)
- The Malta Maritime Summit, 'The Voice of the Industry', Excelsior Hotel, Valletta (2016)
- Short course on *Law of Treaties*, delivered by Professor Malgosia Fitzmaurice, held at the IMO International Maritime Law Institute (2016)
- Lecture on the *Development, Entry into Force and Amendments of IMO Conventions*, delivered by Admiral Frederick Kenney, held at the IMO International Maritime Law Institute (2016)
- Lecture, Maritime Security, delivered by Professor Serena Forlati, held at the IMO International Maritime Law Institute (2016)
- Lecture, Human Smuggling, delivered by Professor Valsamis Mitsilegas, held at the IMO International Maritime Law Institute (2016)

Submitted by: Professor Patricia Vella de Fremeaux - Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF LEGAL HISTORY AND METHODOLOGY LAW ANNUAL

DEPARTMENTAL REPORT – 2015-2016

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. The relevant programmes entailed lecturing, supervising and examining study units and the research and writing of theses.

The Department has run five 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

2. Development of New Study Units

The Department of Legal History and Methodology entered its fourth year with five study units by the increase of another study unit relating to the historico-legal development of the Maltese Commercial Law. 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.

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 for the purpose of utilising it as a text-book on Maltese Constitutions and Maltese legislation, 1914 to 1964 (almost 700 pages). He has published it in England with Russell Square Publishing, an international leader on legal history books. 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.

Professor Mangion has also written the introduction to a book on Maltese Constitutional Texts 1814 to 1964 that is about to be published by the same internationally prestigious Russell Square Publishing House.

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.

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 which is meant to be published in three years' time.

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.

(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.

(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.

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 Forewards to prestigious publications. Among others, he was asked to write a forward to an Encyclopedia on the history of Maltese Football.

7. Monography 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 and Book Launchs

Professor Raymond Mangion was many a time invited as an expert on constitutional, legal and historical 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. He was 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.

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.

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 this year 2015-2016 chosen as the person who was granted the award. Remarkably, Professor Mangion has been said to be the “Official Historian” of the Faculty of Laws by none other than the Pro-Chancellor Professor David Attard.

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 2015-2016 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 Andrew Ellul

Dr Mark Anthony Sammut

Dr Danielle Cordina

Submitted by: Professor Raymond Mangion - Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF MEDIA, COMMUNICATIONS AND TECHNOLOGY LAW

LAW ANNUAL DEPARTMENTAL REPORT – 2015-2016

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 and the Department of Criminology, Faculty of Social Well-Being. 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 – T6)

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:-

(i) '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).

(ii) Foreword to Dr Ivan Mifsud, *The Constitution 50 years of proposals and counter proposals*, Msida, Department of Public Law, Faculty of Laws and Ghaqda Studenti tal-Ligi, 2015, pp. 11-12.

(iii) Foreword to Calvin Calleja, Liza-Marie Cassar and Bernice Sultana, *Project Jurisprudence: Book I – A Criminal Law Handbook For 1st Year Law*, European Law Students Association Malta, Msida, May 2016, pp. vi – vii.

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

(v) 'Foreword', Professor Raymond Mangion (ed.), *Leggi Di Procedura Penale. Lezioni del Professore Arnaldo Randon (1875-1942) Trascritte da Vincenzo Maria Pellegrini (1911-1997)*, Department of Legal History and Methodology, Faculty of Laws, University of Malta, Msida, 2016, p. 7.

(vi) 'Foreword', Dr Austin Bencini (ed.), *Diritto Costituzionale. Lezioni del Professore Enrico Vassallo (1875-1945) Trascritte da Vincenzo Maria Pellegrini (1911-1997)*, Department of Legal History and Methodology, Faculty of Laws, University of Malta, Msida, 2016, p. 7.

(vii) 'New tax reduction scheme for local film production', IRIS, June 2016, Issue No. 6, p. 20.

(viii) 'Retain vilification law', *The Times of Malta*, 6 October 2015, p. 14.

(ix) 'Human rights and equality', *The Times of Malta*, 15 October 2015, p. 16.

(x) 'Who should be chair?', *The Times of Malta*, 15 January 2016, p. 14.

(xi) 'Bloggers and their sources', *The Times of Malta*, 25 January 2016, p. 40.

(xii) 'Appointments at the bar', *The Times of Malta*, 5 February 2016, p. 40.

(xiii) 'An appropriate justice system', *The Times of Malta*, 10 February 2016, p. 52.

(xiv) 'A positive step in the right direction', *The Times of Malta*, 13 February 2016, p. 40.

- (xv) ‘Revisit “practice as an advocate”’, *The Times of Malta*, 22 February 2016, p. 40.
- (xvi) ‘Flawed judicial discipline’, *The Times of Malta*, 29 February 2016, p. 40.
- (xvii) ‘A revamped Industrial Tribunal’, *The Times of Malta*, 6 June 2016, p. 40.
- (xviii) ‘An irreconcilability’, *The Times of Malta*, 17 June 2016, p. 14.
- (xix) ‘Positions of trust: a constitutional quagmire’, *Maltatoday*, 19 June 2016, p. 24.
- (xx) ‘The chilling effect of defamatory libel’, *Maltatoday*, 26 June 2016, p. 22.
- (xxi) ‘Financial services arbiter not a public office’, *Maltatoday*, 3 July 2016, p. 19.
- (xxii) ‘Indivisibility of Government’, *Times of Malta*, 5 July 2016, p. 19.
- (xxiii) ‘Not wounded or defeated’, *The Times of Malta*, 15 July 2016, p. 14.
- (xxiv) ‘Industrial action blanket ban’, *The Times of Malta*, 20 July 2016, p. 44.
- (xxv) ‘The Whip: Creature of Convention’, *Maltatoday*, 24 July 2016, p. 22.
- (xxvi) ‘Deficiencies in Lands Bill’, *The Times of Malta*, 2 August, 2016, p. 14.
- (xxvii) ‘General prohibition of discrimination’, *Maltatoday*, 7 August 2016, p. 22.

(xxviii) 'The Il/legality of MAPs', *The Times of Malta*, 9 August 2016, p. 14.

(xxix) 'Strasbourg's death knell to defamatory libel', *Maltatoday*, 14 August 2016, p. 22.

(xxx) 'Religious vilification', *The Times of Malta*, 25 August 2016, p. 16.

(xxxi) 'The religious hatred offence', *The Times of Malta*, 5 September 2016, p. 16.

(xxxii) 'Judicial appointments', *The Times of Malta*, 19 September 2016, p. 16.

(xxxiii) 'Unfair trial for judiciary', *The Times of Malta*, 27 September 2016, p. 16.

(xxxiv) 'Back to the Dark Ages', *The Times of Malta*, 4 October 2016, p. 14.

(xxxv) 'Removal tainted by bias', *The Times of Malta*, 11 October 2016, p. 14.

(xxxvi) 'Justice for the judiciary too', *The Times of Malta*, 24 October 2016, p. 40.

(xxxvii) 'When we were worse', *The Times of Malta*, 1 November 2016, p. 14.

3. Professor Frances Camilleri-Cassar:

Research output

Peer-reviewed journal article

‘About time: gender equality in Malta’s working time regime’, *Social Policy and Society*, DOI: <http://dx.doi.org/10.1017/S1474746416000294>

Peer-reviewed book contribution

‘Malta country note’, in: Blum, S., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research* 2016. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Peer-reviewed reports

(2016) ‘Collection of good practices on non-monetary measures in the area of women and poverty’, European Institute for Gender Equality.

(2016) ‘Collection of good practices on administrative data collection on violence against women’, European Institute for Gender Equality.

(2015) ‘Country fiche on gender equality and policy developments (4th quarter), External report commissioned by and presented to the EU Directorate-General Justice, Unit G1 ‘Equality between women and men’.

(2015) ‘Country fiche on gender equality and policy developments (3rd quarter), External report commissioned by and presented to the EU Directorate-General Justice, Unit G1 ‘Equality between women and men’.

(2) Paper presentation

‘Do leave policies strengthen or change the traditional gender arrangement in Malta?’ Invited paper presentation to the 13th Leave Policies and Research annual seminar, Centro de Estudios Constitucionales y Politicos, Madrid, Spain, 29 - 30 September, 2016.

‘Change in family relations? Malta’s working time regime and the male breadwinner model’. Invited paper presentation to the 8th Congress of the European Society on Family Relations, TU Dortmund University, Germany, 31 August – 3 September, 2016

‘Trapped in the Periphery? Interdisciplinary perspectives on migrant women in Malta’. Invited paper presentation to the Symposium Mercy Towards Immigrants: Theology and Society in Dialogue, Faculty of Theology, University of Malta, Malta, 6 June, 2016.

(3) Teaching 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 LaLAW5001 – Legal Research, Analysis, and Writing

LAW5001 - Legal Research, Analysis, and Writing

IEN5034 – Qualitative and Quantitative Research Methods

Other initiatives linked with teaching

Public seminar with social partners under MCT4002: Labour Unions, Collective Bargaining and Equality Law, chaired by the Dean of the Faculty of Laws Professor Kevin Aquilina, 16 December 2015

Public presentation with legal scholars and other academics of dissertation proposals by Master of Law students under LAW5001: Legal research, Analysis, and Writing, 14 March 2016

(4) Membership

Board of studies / board of examiners (various)

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

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

European Network of Experts of Gender Equality (ENEGE)

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

ESRC Peer Review College, UK

Social Policy Association, UK

4. Dr. Daniel Bianchi

4.1. Teaching Workload

- MCT1004 Mental Health Law (Study-unit coordinator).
- MCT2001 Medical Jurisprudence (Study-unit coordinator).
- MCT4001 European Health Care Law (Study-unit coordinator).

4.2. Paper Presentations

- “Framing a social contract approach for advance decisions: A rational account of moral authority?”, University of Manchester – November 2015.
- “The Mental Capacity Act’s regulation of advance decisions to refuse treatment: In the best interests of self-determination?”, University of Manchester – June 2016.

4.3. Academic Boards and Committees

- Faculty Board – Faculty of Laws.
- Faculty Research Ethics Committee – Faculty of Laws.

4.4. Research

- Research during the academic year 2015/16 was primarily dedicated to on-going doctoral (PhD) research under the auspices of the University of Manchester.

4.5. Other

- National Contact Point – European Association of Health Law.

5. Dr Paul Edgar Micallef

Publications

Peer reviewed articles:

“Reflections on consumer redress in Malta with reference to recent legislative developments” in Id-Dritt Volume XXVI, 91-117.

‘Case Comment: “The Establishment of a Regulator for Energy and Water Services in Malta” in Utilities Law Review, Volume 20, Issue 6, 292 -293.

Case Comment: “Challenge of an administrative fine for Failure to Undertake an Independent Audit following complaints on incorrect billing: Melita plc vs l-Awtorita ta’ Malta dwar il-Komunikazzjoni” in Utilities Law Review, Volume 20, Issue 6, 294.

Case Comment: “Malta: Court of Appeal (inferior jurisdiction) judgment dated 30 September 2015: Melita plc vs L-Awtorita ta’ Malta dwar il-Komunikazzjoni” in Utilities Law Review, Volume 21, Issue 1, 24.

Case Comment: “An Overview of the Measures introduced under Maltese law to reduce the costof deployment of High-Speed electronic communications” in Utilities Law Review, Volume 21, Issue 2, 75 – 78. .

Memberships:

Member of the Consumer Justice Enforcement Forum II up to May 2016. (chaired by BEUC)

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

Member of the International Association of Consumer Lawyers

Member of the European Law Institute

6. Dr Michael Frendo

The Round Table, The Commonwealth Journal of International Affairs, Routledge, Taylor & Francis Group, London (Britain's oldest international affairs journal) published in February 2016 my article "The Malta Commonwealth Heads of Government Meeting; the Commonwealth's new beginnings?" at pp 15-20. Reference is The Round Table, 2016, Vol. 105, No. 1, 15-20, <http://dx.doi.org/10.1080/00358533.2015.1126961>.

The Magna Charta Libertatis of King Alfonso V of Aragon, in the Malta Historical Society's, Proceedings of History Week 2013 SECOND COLLOQUIUM ON SPANISH-MALTESE HISTORY, pp1-8.

· A Strong Parliament, - a mature democracy, pp94-111, in The President's Forum, Does Malta' Constitution Still cater for the People's needs? First and Second Edition, April 21, 2012, and April 25, 2013, the Palace, Valletta.

· Ambassadors and Public Diplomacy, PP99-102 in University of Westminster, 2009, ISBN-1-873370-02-5, Strategic Public Diplomacy, Shaping the Future of International Relations, Ed. Nabil Ayad & Daryl Copeland.

Submitted by: Professor Kevin Aquilina - Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF PUBLIC

LAW ANNUAL DEPARTMENTAL REPORT – 2015-2016

This year the Public Law Department strengthened its Constitutional and Administrative Law teaching, with Dr Tonio Borg joining as a full time resident academic. Dr Borg is also reading for a Masters within the same Department (with a view to upgrading to PhD in 2017), and is also finding the time to write and publish books, the last one published this year being a commentary on the Maltese Constitution.

Talks with the Malta Institute of Taxation on the possibility of a joined masters in taxation came to a halt, while the Masters in Human Rights and Democratisation course was held in October 2015-June 2016, notwithstanding the low number of applicants. However, the Master in Human Rights and Democratisation programme was suspended for the academic year commencing October 2016, pending conclusion of its revamp and a planned international drive, entrusted to Dr Therese Comodini Cachia. In fact Dr Comodini Cachia remains coordinator of the MA Human Rights and Democratisation programme, and responsibility for the course's revamp is considered and calculated as part of her academic performance. Possible new venues of cooperation with other Faculties of the University such as the Department of Public Policy within FEMA, are not excluded.

The Department participated in the workings of the Human Rights Programme of the University. The Programme continued to be chaired by Dr Austin Bencini, whose four year term as Head, Public Law Department, expired in October 2016. Dr Ivan Mifsud was given a one year appointment as Head of the Public Law Department.

A member of the Public Law Department's staff also used part of his AWRF to finance the printing and publication of an Ghaqda Studenti tal-Ligi (GhSL) report on a conference on constitutional reform, held in March 2016 at the President's Palace of San Anton.

Finally, one MPhil student resigned after serious issues arose concerning progress being made in his studies and strong suspicions of plagiarism, while another student progressed from MPhil to PhD in the Department's PhD programme. Yet another student's PhD studies have reached a very advanced stage.

Submitted by: Dr Ivan Mifsud - Head of Department