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The Italian Influence on European Law



EU LAW IN THE MEMBER STATES

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GALLO, MASTROIANNI, NICOLA AND CECCHETTI

The Italian Influence on European Law

Judges and Advocates General (1952–2000)

EDITED BY DANIELE GALLO, ROBERTO MASTROIANNI, FERNANDA G NICOLA AND LORENZO CECCHETTI

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Free Movement of Persons in the Nordic States

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Located at the cross-section between EU law, comparative law and socio-legal studies, *EU Law in the Member States* explores the interaction of EU law and national legal systems by analysing comparative evidence of the impact landmark EU measures – from CJEU decisions and secondary legislation to soft-law – have had across different Member States. The nature and operation of EU law has traditionally been analysed in a highly ‘centralised’ way, through the lenses of Brussels and Luxembourg, and in terms of the Treaty and its interpretation by the Court of Justice. Beneath this orthodoxy, however, lies the complex world of the genuine life of EU law in the Member States. Judicial and administrative practices across the Union’s 28 Member States considerably qualify and sometimes even challenge the long-standing assumption that doctrines such as the direct effect and supremacy of EU law ensure a uniform and effective application of its provisions.

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Acknowledgements

OUR INITIAL IDEA to shed light on the personalities of the Italian judges and advocates general at the Court of Justice of the European Union (CJEU) began with a conference entitled ‘Italian Judges and Advocates General Shaping European Law (1952–1990s)’ jointly organised by Luiss Guido Carli University (Luiss), American University Washington College of Law (AU WCL) and University of Naples Federico II, and held at Luiss University on the 24 and 25 of June 2022. The conference was organised with the support of the *Erasmus+* Programme, in the framework of the Jean Monnet Chair on ‘Understanding EU Law in Practice: EU Rights in Action before Courts’, held by Professor Daniele Gallo at Luiss University.¹ We would like to express our acknowledgements to the European Commission (Education, Audiovisual and Culture Executive Agency) for its support and co-funding, as this edited volume is one of the resulting publications of the Jean Monnet Chair.

The conference brought all the authors involved in this volume to Rome, where they presented a preliminary version of their research on the biographies of the Italian judges and advocates general at the CJEU, which resulted in Part I of our book. On that occasion, each of these presentations was followed by a comment by a ‘discussant’ who aimed at complementing and contextualising the biography of the judge or advocate general presented at the conference. Each author was asked to undertake their biographical research on a judge or advocate general according to the sets of research questions that we outlined to clarify our research agenda. A concluding roundtable provided leading experts in EU studies, as well as former and current judges and advocates general, with the opportunity to engage in discussions concerning legal traditions, comparative law methodologies, and their impact on European law. Most of these presentations are now included in Part II of our book.

We are grateful to all the participants in the Luiss conference who contributed with their support and their ideas to the shaping of this volume, especially to Mr Vincenzo Amendola – at the time, Undersecretary for European Affairs at the Italian Government’s Presidency of the Council of Ministers – who offered his opening remarks at the conference. We are also indebted to the panelists of the first roundtable, Professors Sergio Maria Carbone, Lucia Serena Rossi, Silvana Sciarra, Gaetano Silvestri, Francesco Viganò and Antonio Tizzano, who discussed the evolving relationship between the CJEU and the Italian Constitutional Court. The purpose of this roundtable was to honour the memory of Professor Giuseppe Tesauro, one of the most influential Italian jurists of recent decades, who passed away on July 6th, 2021. The conference was dedicated to his legacy.

¹Project Number 620360-EPP-1-2020-1-IT-EPPJMO-CHAIR.

In the same spirit, we wish to dedicate this edited volume to the memory of Professor Giuseppe Tesaurò, who was advocate general from 1988 to 1998, President of the Italian Competition Authority from 1998 to 2005, and finally judge of the Italian Constitutional Court from 2005 to 2014, serving as its President in 2014.

We extend our heartfelt gratitude to all the speakers, commentators and moderators who presided over the various sessions of the conference, and to all the participants who contributed to the lively debates during the conference. Most notably, we are grateful to the following participants: Luiss Rector Professor Andrea Prencipe for his opening speech, Professor Enzo Moavero Milanesi for his introductory remarks, and Professors Robert Schütze and Nicola Lupo, who kindly agreed to chair the panels of the conference along with the editors of this volume.

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Daniele Gallo, Roberto Mastroianni, Fernanda G. Nicola
and Lorenzo Cecchetti
Rome, Naples, Washington – August 2024

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