



Università  
degli Studi di  
Messina

DIPARTIMENTO DI GIURISPRUDENZA  
"SALVATORE PUGLIATTI"



# Book of Abstracts

## PROGETTO DI.SEA.GUAL.

DEVELOPING AN INTERNATIONAL STRATEGY IN THE EUROMEDITERRANEAN  
AREA ON THE GOODS FOR AN UPDATED ANTHROPIC LOOP

*Accessing legal goods against disequalities:  
a euromediterranean perspective*

22<sup>nd</sup> - 23<sup>rd</sup> February, 2024

Piazza Pugliatti 1, Messina



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**1. Tunisie: un environnement en péril, Prof. Khadija Ben Hassine, Université de Tunis.**



Khadija Ben Hassine Est Docteure en philosophie spécialiste de la philosophie Moderne et Contemporaine qu'elle a enseigné à l'Université de Tunis I. Ses recherches sont orientées vers : la question de l'homme, la philosophie de la culture (pensée religieuse, langage et science), les droits de l'homme et la philosophie de l'éducation Militante féministe et experte genre, elle a effectué plusieurs études sur la femme en Tunisie.

**Publications:**

Question de l'homme et théorie de la culture chez E. Cassirer, l'Harmattan.

La Laïcité, que peut nous en apprendre l'histoire? L'Harmattan.

Au commencement fut le mythe, Samed.

Une patrie en péril, Samed.

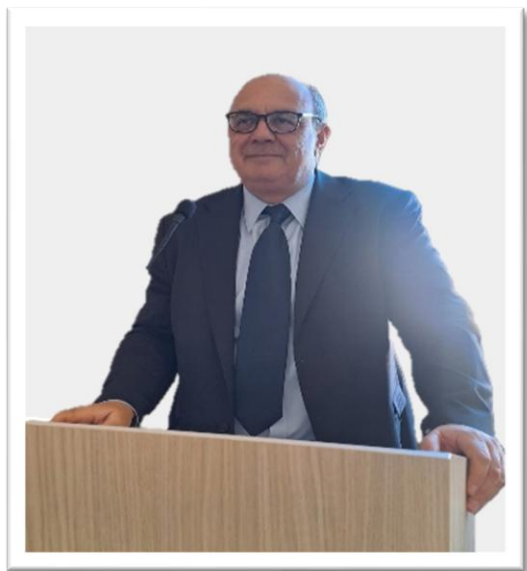
**ABSTRACT**

Est-il possible de concilier développement économique, progrès social et souci de l'environnement? Cette question nous appelle à revoir, d'un œil critique, l'anthropocentrisme qui nourrit notre arrogance destructrice au nom de la valeur instrumentale de tout ce qui n'est pas l'homme. La forte dégradation de l'environnement que connaît la Tunisie depuis 2011 est le résultat de cette arrogance qui ne présage de rien de bon pour les générations à venir.

Agir doit commencer par s'interroger sur les moyens disponibles et sur leurs limites. Suffit-il de ratifier une déclaration universelle, promulguer une loi, pour garantir à chacun le droit à un environnement sain? Le droit à l'environnement est, par essence, un droit de solidarité, il ne peut être réalisé que par la conjonction des efforts de tous les acteurs sociaux: les individus, l'Etat, les entreprises, la société civile, les hommes de science et la communauté internationale.



**2. *The techniques to promote and valorize cultural and intangible heritage in the euromediterranean area*, Prof. Francesco Astone, Università degli Studi di Messina.**



Francesco Astone is Full Professor of Administrative Law at Department of Law of the University of Messina, where he teaches Administrative Procedural Law.

Lawyer operating at Messina Court since 1989, he is authorised to practice before Higher Courts since 1984.

In the years 2018/2023 he also acted as Dean of Department of Law; during his second term, the Department of Law has been awarded the status of "Department of Excellence 2023-2027" by the Ministry of University and Research, with the "Disegual" project.

In the years 2016-2018 he was Director of "Enzo Silvestri" SSPL (Specialization School for Legal Professions) at University of Messina.

He carries out legal counselling activity for public authorities and individual.

He has authored several publications on cultural goods, public procurement, State-owned enterprises, European administrative law and Administrative Procedural Law.

***ABSTRACT***

The circulation of knowledge raises the debate on the role of cultural heritage in the dialogue between culture and civilization, in the dynamics of socio-cultural development, and the qualification of the territorial and social context.

For many times, there has been a competition between models of governance and management of cultural heritage in Sicily and, more generally, in the Euro-Mediterranean area from a historical-artistic, literary, economic, political and sociological perspective.

Within the framework of transnational cooperation policies and interventions involving the countries of the Euro-Mediterranean area, important experiences relating to integrated actions are being consolidated gradually, which are linked also to the areas of knowledge, protection, conservation of valorization and use.

To this aim, it is important to identify further legal instruments of 'sharing', 'concertation' and 'negotiated planning', to ensure effective regulation and, at the same time, strengthen the cultural identity by enhancing the territorial context which represents a unicum considered its Euro-Mediterranean dimension.

***3. Cultural heritage and politics of memory: disputes over the authoritarian past in South America, Prof. Cristiano Otavio Paixão Araujo Pinto - Universidade de Brasília, Brazil.***

Professor of legal history and constitutional law at the University of Brasília Law School.

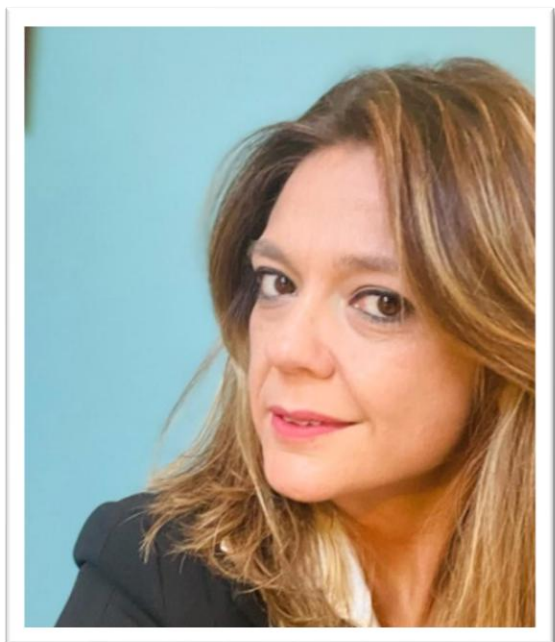
He received his Doctor in Law degree from Federal University of Minas Gerais, with postdoctoral studies in historiography at École des Hautes Études en Sciences Sociales de Paris and modern history at Scuola Normale Superiore di Pisa. He was a Visiting Professor at Macerata University School of Law and at the Master's Program in Constitutional Law at Seville University, and has published extensively about constitutional history. He is a member of the Brazilian Amnesty Committee (Ministry of Human Rights and Citizenship), was one of the coordinators of the Anísio Teixeira Memory and Truth Commission (University of Brasília). His main research interests are constitutional history, law and literature, and interdisciplinary studies in law.



***ABSTRACT***

The aim of the paper is to analyze the politics of memory that have developed in some South American countries after the dictatorships established in the second half of the 20th century. Using the concept of urban palimpsest, we will look at the building of memory sites and monuments connected to the authoritarian past and their relationship with contemporary constitutionalism, with an emphasis on Brazil, Argentina, Chile and Uruguay.

**4. The environment as a legal asset of constitutional rank: forms and limits of criminal intervention, Prof. Simona Raffaele - Università degli Studi di Messina.**



Simona Raffaele is Associate Professor of Criminal Law at Department of Law at University of Messina. In the Academic Year 2022/2023, she is the holder of the following courses: *Criminal law advanced level* (Jurisprudence – seat of Priolo); *Criminology* (Jurisprudence – seat of Priolo; Consultant of Labour and Science of Legal Services); *Criminal business law* (Jurisprudence – seat of Priolo); *Comparative Criminal Law* (Jurisprudence – seat of Priolo). She is the author of numerous scientific publications on criminal law, including the monographic volume *Essenza e confini del dolo*, Milan, 2018.

**ABSTRACT**

In environmental matters, theoretical reflection on the peculiarities of the legal good deserving of criminal protection has long been conditioned by the absence of a constitutional definition: the environment was considered a value of implicit relevance, deriving from the combination of Art. 9 c. 2 with Art. 32 and 2 Const. The turning point toward an ecocentric conception, in which the environment is a final and autonomous good with respect to the intermediate interests linked to it, came with l. c. 1/2022, which included in the body of Art. 9 Const. the protection of the environment, biodiversity and ecosystems, also in the interest of future generations. The primary consequence is the impact of the principle expressed in Article 9 Const. on the full legitimacy of criminal intervention in the subject matter in question. Starting from this premise, the investigation will try to clarify forms and limits of the protection techniques that can be used, enhancing above all the prospects of reform promoted by an international vision of the environment as a fundamental legal good.

**5. *The Paris agreement fairy tale: how serious are we about the 1.5 goal?*,  
Prof. Leonardo Massai - Université Catholique de Lille, France.**

Leonardo Massai has 23 years of experience on International and EU environmental law and climate change.

Since 2009 Leonardo has been advising several countries and groups on the UN climate change negotiations, climate change mitigation, forestry, human rights and carbon markets. He has supported rainforest nations across the globe, western Africa, Indian ocean, least developing countries, Turkey, Thailand and the EU.

Leonardo is Visiting Professor on Climate Change Law and Multilateral Negotiations at the Catholic University of Lille in France.

Since 2014, Leonardo is Alternate Member of the Enforcement Branch to the Compliance Committee of the Kyoto Protocol and he has been recently nominated as UNFCCC and Paris Agreement independent reviewer.

Finally, Leonardo is Associate Editor of the Carbon and Climate Law Review where he contributes regularly on climate change law matters.



***ABSTRACT***

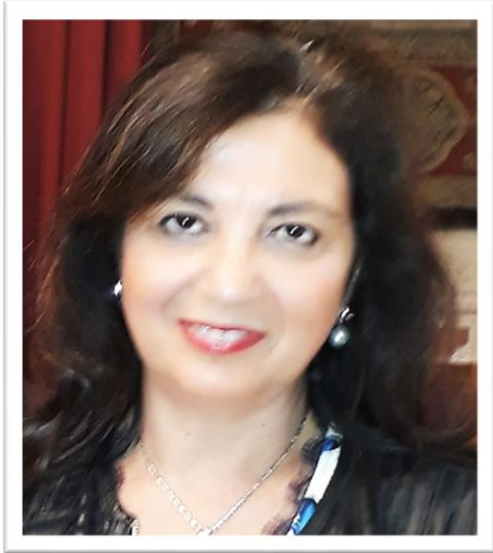
The Paris Agreement undoubtedly forms a milestone in the fight against climate change. It sets the framework for the long-term global common action against climate change by all nations.

Based on the experience from the UNFCCC and Kyoto Protocol, the international community has designed the new rules to address this global common problem. Those rules include NDCs information and accounting, transparency, carbon market, global stocktake, adaptation and loss and damage and compliance.

The coming years will tell whether its goals, structure and rules are sufficient to keep the global temperature rise well below 1,5C as required by the IPCC.



**6. Sale of goods with digital elements and consumer protection, Prof. Maria Annunziata Astone - Università degli Studi di Messina.**



Full Professor of Private Law at the Department of Law of the University of Messina, where she also teaches Consumer Law and European Private Law. Scientific Director of the II level Master's Degree in Digital Media Consumers and Protection. Lawyer, Member of the Scientific Committee of the Italian Academy of Internet Code. Member and member of the Institutional Relations Commission of the Association of Italian Civil Lawyers. Member of the teaching board of the PhD in Legal Sciences. Author of several monographs and essays on consumer protection. Former President of Co.re.com

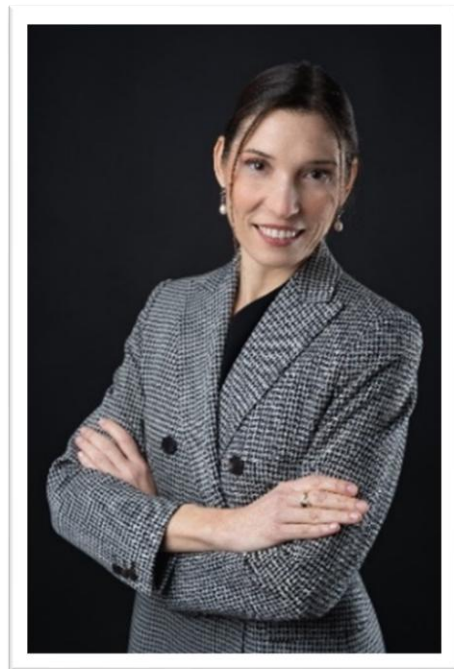
Sicilia, member of the Media and Minors Committee, Scientific Responsible for the "JustSmart" project. Member of the ABF college of Palermo.

***ABSTRACT***

The technological and IT revolution has produced a real transformation of society and of knowledge tools, and has raised the problem of the resistance of traditional private legal categories. The category of goods has been strongly affected and on a regulatory level there has been intense legislative activity both in the European and national legal systems in order to introduce legal rules suited to the new categories of goods emerging today in the legal reality. This context includes the interest in digital goods, the importance of which is determined not only by the centrality they assume in the digital market, but also by the relationships they present with the protection of personal data.

## ***7. Digitalization as Key Tool to Enhance Access to Culture for Persons with Disabilities, Prof. Delia Ferri - Maynooth University, Ireland.***

Delia Ferri is a Professor of Law at Maynooth University (MU) School of Law and Criminology, where she also acts as Director of the Postgraduate Research (PhD) Programmes in Law. She is the co-Director of the MU Assisting Living & Learning (ALL) Institute. Prof. Ferri is also affiliated researcher at the DIRPOLIS Institute of Scuola Superiore Sant'Anna (Italy) within the research cluster on social rights, social inclusion and disability, and a fellow at the Burton Blatt Institute of Syracuse University (USA). Prof. Ferri has authored several academic publications on the rights of people with disabilities, participatory processes, and cultural diversity.



### ***ABSTRACT***

People with disabilities have, for long, faced structural inequalities and marginalization in all ambits of life. While digitalization presents major challenges, it also has a great potential to foster participation of persons with disabilities in society, including cultural life. On foot of a socio-legal research conducted within the remit of the project DANCING, funded by the European Research Council, this paper highlights the extent to which digitization has deeply changed, sometimes challenged and other times enhanced cultural experiences of people with disabilities. Then, the paper examines the extent to which the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) in the European Union (EU) can leverage on digitization as gateway to arts and culture. In doing so, it focuses on accessibility legislation, particularly the European Accessibility Act and the Web Accessibility Directive. At a critical political juncture for the EU, with the looming elections in May 2024, the paper concludes by highlighting how new EU policy developments can further leverage on the potential of digitisation.

## **8. *Climate change and directors' liability*, Prof. Dario Latella -Università degli Studi di Messina.**



Since 2007, Dario Latella became Professor of Commercial Law at the University of Naples and soon after moved to the University of Messina, where he always taught Commercial Law and European Company Law. He has been (and is) Visiting Professor at many top universities around the world, such as Oxford, Cambridge, Durham, East Washington, Madrid, Cadiz, Warsaw, "L. Bocconi," and is a member of the editorial board of many national and international journals in the field of Corporate and Business law. He is a

speaker at national and international conferences and has written three books, that have also been reviewed abroad, and numerous essays and articles about Corporate, Insolvency and Business Law, also translated in English and Spanish high-end journals. He is a member of the European Corporate Governance Institute and, currently Academic Visiting Professor at the Faculty of Law, University of Oxford.

### ***ABSTRACT***

The evolution of our understanding of climate change from an ethical or environmental issue to one that presents foreseeable financial and systemic risks (and opportunities) has significantly changed its relevance to the governance of both corporations and investors with serious implications for the duties of directors and officers.

I would deal with the topic “Climate Change and Directors' Liability”, that regards a Proposal issued by the EU in 2022 (pending at now) and that provides for the obligation for companies (operating above all in low-income countries) to take care of aspects related to ESG factors (Environment, Social, Governance), with particular regard to human rights, such as child labor and the exploitation of workers, and the environment in order to contain and eliminate pollution and protect the biodiversity.

Finally, I would like to deepen the new (to be implemented) rules of sustainable and responsible corporate behaviors, providing for the obligation for companies to identify and, if necessary, avoid, stop or mitigate the negative impacts (i) of their operations, (ii) of the operations of their own subsidiaries and (iii) of the operations along the so-called “Supply chain”, on the social, environmental and economic fabric.

***9. Environment and sustainability in EU trade policy. Bilateral agreements and the new regulation against deforestation, Prof. Leonardo Fabio Pastorino, Università di Verona.***

Full Professor of Agricultural Law at the University of Verona since 2021. He has been previously Full Professor of Agricultural Law and Full Professor of Renewable Natural Resources Law at the Universidad Nacional de La Plata where he began his academic career in 1993.

In 2017 he obtained the scientific research prize awarded by the Universidad Nacional de La Plata.

In Argentina, he organized six national conferences on agricultural law and oversaw the publication of the related Acts.

He is president of the World Union of Agricultural Law.

He is the author of several articles and monographs on Agricultural and Environmental Law among those that are mentioned: El daño al ambiente; La política europea de desarrollo rural sostenible: obstáculo o modelo para el Mercosur?; Derecho agrario argentino.



***ABSTRACT***

After a brief introduction on the environmental concerns and issues that the European Union aims to address in the context of bilateral negotiating in free trade agreements, the presentation will especially focus on the recent Regulation 2023/1115 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation.

The new Regulation establishes a series of measures and obligations to prevent certain agricultural products imported into the EU from previously deforested lands. It also imposes obligations on European operators with regard to the duty of due diligence for preventing the entry into the EU of certain goods of agricultural origin.



***NOTE***













