



Welcome to a seminar with

Two Presentations on Constitutional Identity and Legal Pluralism in Europe's Area of Criminal Justice

Date and time: Tuesday, 28 May, 14.15-17.00

Venue: Gula rummet, room 1:233 and 1:234, Munken 1, Trädgårdsgatan 20, Uppsala

Organizers: European Law Seminar Series, Faculty of Law and

Uppsala Forum on Democracy, Peace and Justice,
in Cooperation with the Centre for Police Research

Contact: For more information, please contact

maria.bergstrom@jur.uu.se and iain.cameron@jur.uu.se

Welcome to this seminar with Uppsala Forum Visiting Fellow Valsamis Mitsilegas, Professor of European Criminal Law and Global Security at Queen Mary University of London, and Giovanni Piccirilli, Assistant Professor in Constitutional Law at LUISS Guido Carli University of Rome.

***"Mutual Trust, Legal Pluralism and Constitutional Identity in Europe's Area of Criminal Justice"*,
by Valsamis Mitsilegas**

The paper will examine the re-articulation of the principle of mutual trust in Europe's area of criminal justice from the theoretical perspective of legal pluralism. By analysing the interactions between the key actors of mutual trust from both a horizontal (looking at the degree of mutual accommodation between legal orders and the impact on automaticity in mutual recognition and the scrutiny of national systems in the process of mutual recognition) and a vertical (looking at questions of authority, supremacy and hierarchy that demands of mutual trust may entail) perspective, the paper will evaluate critically the emergence of a renegotiated fundamental rights scrutiny benchmark underpinning mutual recognition. The analysis will examine judicial responses to limits to mutual trust as well as attempts to create a legal and rights-based level-playing field across the EU by both the EU legislator (and the adoption of secondary EU law on defence rights) and the CJEU (by developing a common understanding in the form of the evolution of autonomous concepts). The analysis will conclude by a critical evaluation of the pluralist challenges underpinning the road from presumed to earned trust in an area which is characterised by considerable legal diversity.

***"Constitutional identities and "defensive" constitutional pluralism before the Italian Constitutional Court: the "Taricco saga" and the principle of legality in criminal matters"*, by Giovanni Piccirilli**

In the last 5 years a chain of judicial decisions by the CJEU and the Italian Constitutional Court focused on the principle of legality in criminal matters, its national understanding and the possibility of interference on it by EU law in the application of art. 325 TFEU.

The principle of legality in criminal matters is considered by the ICC as part of the supreme principles of the legal order and so unamendable via constitutional modifications and untouchable by EU or international law. The CJEU attempted to reconcile the primacy and uniform application of EU law with the necessary pluralism in such a delicate subject. The ICC refused any possible mediation and imposed the necessary priority of national law in this matter. In doing so, the ICC further elaborated on its classical doctrine of "counterlimits" and used for the very first time art. 4(2) TEU in continuity with its traditional dualist approach.



**Uppsala Forum Visiting Fellow Valsamis Mitsilegas,
Professor of European Criminal Law and Global Security at
Queen Mary University of London**

Valsamis Mitsilegas has served in a number of senior leadership roles at Queen Mary, including as Head of the Department of Law (2012-2018), as Dean for Research for the Humanities and Social Sciences (January-December 2017) and as Academic Lead for Internationalisation with pan-university responsibilities (2017-2018). He was also the Inaugural Director of the [Queen Mary Institute for the Humanities and Social Sciences \(IHSS\)](#) from January to December 2017 and has been the Director of the [Queen Mary Criminal Justice Centre](#) since 2011.

From 2001 to 2005 he served as legal adviser to the House of Lords European Union Committee. His research interests and expertise lie in the fields of European criminal law; migration, asylum and borders; security and human rights, including the impact of mass surveillance on privacy; and legal responses to transnational crime, including organised crime and money laundering. He is the author of six monographs and over 100 articles and chapters in academic volumes. He is a regular adviser to think-tanks, parliaments, governments and EU institutions including the European Commission, the European Parliament and the EU Fundamental Rights Agency and is currently serving for a second term as a member of the European Commission's Expert Group on Criminal Policy. Professor Mitsilegas has been actively involved in the policy debate on the consequences of Brexit for security and criminal justice co-operation. He is Co-Coordinator of the Queen Mary-CEPS Task Force on Brexit and Criminal Justice Co-operation (a project funded by the Open Society Foundation). He has given [oral evidence on Brexit and security to the House of Commons Home Affairs Committee](#), on [Brexit and dispute resolution to the House of Lords EU Justice Sub-Committee](#) and on [Brexit and data protection to the House of Lords EU Home Affairs Sub-Committee](#).



**Guest Researcher Giovanni Piccirilli is Assistant Professor in
Constitutional Law at the [Law Department of LUISS Guido Carli
University of Rome](#).**

In the same institution he is also **Deputy director of the [Center for Parliamentary Studies](#)** and **Coordinator of the Executive Programme in Legislative drafting** in the LUISS School of Law. He is Academic Coordinator of the Erasmus + Joint Master on "[Parliamentary procedures and legislative drafting](#)".

He holds a PhD in Law, Methods and techniques of Lawmaking and Assessment from the Faculty of Law, University of Genoa. He was [Emile Noel Fellow](#) at the Jean Monnet Center for International and Regional Economic Law & Justice, **New York University** (NYC, USA, 2013). He was visiting professor at the **Institute of Advanced Legal Studies** (London, UK, 2017), at the Center of European Studies, **University of Florida** (Gainesville, USA, 2012), and EUOSSIC Visitor at the Department of Management, **Monash University** (Melbourne, Australia, 2013). He was also legal advisor to a MP (2004-2006), *stagiaire* at the Senate of Canada on the Speaker's staff (2008), legal advisor to the **Committee on Legislation** at the Italian Chamber of deputies (2009-2010), legal expert on the staff of the Italian **Ministry of Economic Development** (2014-2015).