	pag.
P. Acconci, <i>prof. ass. Univ. Teramo.</i> — Biofuel Production through Sustainable Investments from the Standpoint of the European Union	1040
G. Bartolini. — The ILC Draft Articles on the Protection of Persons in the Event of Disasters	677
L. Borlini. — Soft Law, Soft Organizations and "Technical" Rules on Issues of Public Security and Financial Integrity	356
E. Branca. — Recent Developments Concerning the Repression of Sexual Abuses Committed by Blue Helmets during United Nations Peacekeeping Missions	68
M. Buscemi. — The Codification of the Responsibility of International Organizations in Practice. The Case of the Spread of Cholera in Haiti	989
C. FOCARELLI. — <i>Ius gentium</i> in Alberico Gentili: A Call for Prudence and the Common Sense of Humanity [text in English]	329
G. Gagliani. — <i>Pro bono pacis</i> ? Interactions between International Investment Law and Cultural Heritage	756
A. Maneggia. — "Preventive Control" in the Contiguous Zone	23
M. Marchegiani. — Evolutive Trends in References to the Principle of Equivalent Protection Made by the European Court of Human Rights	447
M. Montini. — Some Critical Reflections on the Paris Agreement on Climatic Changes	719
P. MORI. — The Constitutional Court Requests the Court of Justice to Review the <i>Taricco</i> Judgment: Defending Restrictions to Supremacy Rooted in Municipal Law or Refusing to Accept Limitations to Sovereignty with regard to Criminal Matters?	407
P. PALCHETTI. — Responsibility for Breach of Provisional Measures of the ICJ: between Protection of the Rights and Respect for the Judicial Function [text in English]	5
S. TONOLO. — Developments in Parental Relations and the Recognition of their Consequential Status between <i>Ordre Public</i> and the Child's Best Interest.	1070

Notes and Comments

G. Biagioni. — Same-Sex Unions in Private International Law: The Novelties Introduced by Legislative Decree No. 7/2017	496
G. Cataldi. — Benedetto Conforti's Contribution to the International Law of the Sea	98
D. Damascelli. — The Law Applicable to Property Consequences of Marriages, Registered Partnerships and <i>De Facto</i> Cohabitation under Italian and European Conflict of Laws	1103
F. Fontanelli. — Reflections on the Indispensable Party Principle in the Wake of the Judgment on Preliminary Objections in the <i>Norstar</i> Case [text in English]	112
M. FORNARI. — Conflict in Ukraine, Imaginative Bears and Malicious Programmes	1156
O. Lopes Pegna. — Effects of Same-Sex Marriages Concluded Abroad after the Revision of the Italian Rules on Private International Law	527
N. Ronzitti. — The Italian Statute Concerning International Missions	474
C. RYNGAERT. — From Universal Civil Jurisdiction to Forum of Necessity: Reflections on the Judgment of the European Court of Human Rights in <i>Nait-Liman</i> [text in English]	782
L. Salvadego. — The Question of the Prohibition for Employees of Private Firms to Show Religious Symbols before the Court of Justice of the European Union	808
Panorama	
Immunity and Responsibility of the United Nations for the Spread of Cholera in Haiti: The Judgment of the Court of Appeals in Georges, the Alston Report and the Secretary-General's "Apologies" (R. Pavoni)	133
Exhaustion of Local Remedies and Disputes Relating to the Interpretation and Application of the Convention on the Law of the Sea: Reflections on the Norstar Case (L. Marotti)	141
Human Right to Water Under the Perspective of the European Court of Human Rights: About the Orgon Case (F.M. Palombino)	149
Non-Contractual Liability of the European Union for Violations of the Charter of Fundamental Rights: Reflections on the Judgment of the Court of Justice in Ledra Advertising (S. Vezzani)	154
Concurrence of Criminal Offences and Principle "ne bis in idem" between Municipal Law and the European Convention of Human Rights (M. Castellaneta)	161
Public Policy and Recognition in Italy of the Status of a Child "Born from Two Mothers" Abroad: Some Critical Notes on the Judgment of the Court of Cassation No. 19599 of 2016 (O. Feraci)	169

The European Court's Afterthoughts on the Khlaifia Case: The Prohibition of Degrading and Inhuman Treatment and of Collective Expulsions in the Context of the Migration Emergency (A. Saccucci)	552
The Lounani Judgment of the Court of Justice and the Controversial Reasons for Excluding Alleged Terrorist from the Status of Refugee (R. Nigro)	565
The Institution by the General Assembly of the United Nations of a "Mechanism" to Support Enquiries into International Crimes Committed in Syria after March 2011 (M.I. Papa)	827
Work Exploitation in the Member States of the Council of Europe: Reflections on the Chowdury Case (D. Russo)	835
The Obligation to Register Treaties with the Secretary-General of the United Nations: The Jadhav Case (G. Pascale)	1175
The Croatia/Slovenia Arbitral Award of 29 June 2017: Is there a Common Method for Delimiting All Maritime Zones under International Law? (M. Lando) [text in English]	1184
The Impact of Fundamental Rights Relating to Criminal Proceedings on the Determination of Ordre Public: The Question of the Recognition of Foreign Decisions Awarding Punitive Damages (O. Vanin)	1190
Cases	
International Decisions	
Jurisdiction of the International Court of Justice - Preliminary objections - Unilateral declarations of acceptance of the Court's jurisdiction - Reservation concerning disputes that have been referred, or may be referred, to another method of settlement - <i>Memorandum</i> of Understanding of 7 April 2009 between Kenya and Somalia - Nature of treaty - Validity of the <i>Memorandum</i> - General rules on the interpretation of treaties - Part XV of the Montego Bay Convention of 10 December 1982 - Possibility for the parties to agree on other methods for the compulsory settlement of disputes - Admissibility of the application - Consistency of Somalia's conduct with the <i>Memorandum</i> - <i>International Court of Justice</i> , 2 February 2017 - Judgment on Preliminary Objections in the Case of Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) [text in English] .	577
Provisional measures - Article 41 of the Statute of the Court - <i>Prima facie</i> jurisdiction - Article 24, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism of 1999 - Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination - Existence of a dispute on the interpretation or application of these two Conventions - Procedural preconditions set by the two Conventions for the seisin of the Court - Plausibility of the existence of the rights that are sought to be protected through provisional measures - Link between the claimed rights and the requested measures - Irreparable prejudice to the rights of the claimant State - Urgency - Power of the Court to indicate measures other than those requested - <i>International Court of</i>	

Justice, 19 April 2017 - Order on provisional measures in the case of the Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) [text in English]	842
Jurisdiction of the International Tribunal for the Law of the Sea - Articles 87, 283, 287, 295 and 300 of the 1982 Montego Bay Convention - Existence of a dispute on the interpretation or application of the Convention - Communications sent by a private lawyer on behalf of the claimant State - Silence of the defendant State - Application of the claimant State based on the Convention - Jurisdiction of the Tribunal ratione personae - Aid and assistance of Spain in the arrest of the ship Norstar - Identification of the State the legal position of which is the object of Panama's application - Rights and obligations of a State which is not a party to the dispute - Exchanges of views between the parties on the settlement of the dispute - Absence of reply by one of the parties to the attempts to have exchanges made by the other - Admissibility of the claim - Nationality of the claim - Exhaustion of local remedies - Acquiescence, estoppel and extinctive prescription - International Tribunal for the Law of the Sea, 4 November 2016 - Judgment on preliminary objections in the case concerning M/V Norstar (Panama v. Italy) [text in English]	182
Article 8 of the European Convention of Human Rights - Right to the respect of private life and correspondence - Checks by the employer on the electronic mail used by employees for personal purposes - Positive obligations and margin of appreciation for States party to the European Convention - Article 41 of the European Convention - Equitable satisfaction - Material and moral damages - Default interest - European Court of Human Rights (Grand Chamber), 5 September 2017 - Judgment in the case Bărbulescu v. Romania [text in English]	1201
EU Judicial Decisions	
Opinion of the Advocate General - Conditions for reopening the oral phase of the proceedings - Remedies against judgments of the Tribunal of the European Union - Association Agreement between the European Union and the Kingdom of Morocco and agreement on measures of liberalization concerning agriculture and fisheries - Decision approving the conclusion of an international agreement - Action for annulment - Admissibility - <i>Jus standi</i> of persons - Territorial application of the liberalization agreement in relation to Western Sahara - Interpretation of the agreement in the light of principles of international law - Principle of self-determination - Principle of the relative effect of treaties - Principle of the application of treaties to the territory of a contracting State - Relevance of subsequent practice for the interpretation of a treaty - Setting aside of the Tribunal's judgment - Court of Justice (Grand Chamber), 21 December 2016 - Council of the European Union v. Front Polisario (Case C-104/16 P)	232
Directive 2004/83/EC concerning the attribution of the status of refugee - Geneva Convention on the status of refugees - Cases of exclusion from the recognition of refugee status - Acts contrary to the purposes and principles	

of the United Nations - Activity supporting a terrorist group - Leader of a terrorist organization - Criminal sentence for participating in the activities of a terrorist group - Individual determination by national authorities - Court of Justice (Grand Chamber), 31 January 2017 - Commissaire général aux réfugiés et aux apatrides v. Lounani (case C-573/14)	618
Opinion under Article 218, paragraph 11, TFEU - Articles 3, 207, 216, 351 and 354 TFEU - Exclusive competence of the Union to conclude an agreement - Agreement on Free Exchange between the EU and the Republic of Singapore - Agreement of "new generation" concluded after the Treaty of Lisbon entered into force - Determination of the exclusive competence to conclude agreements according to Article 3, paragraph 1, (e) TFEU - Notion of common commercial policy - Services - Direct foreign investments - Public procurement - Commercial aspects of intellectual property - Competition - Common commercial policy and sustainable development - Social protection of workers - Protection of the environment - Services in the field of transport - Article 3, paragraph 2, TFEU - International agreement that may affect common rules or alter their scope - Secondary rules of the EU on free movement of service in the field of transport - Foreign investments other than direct - Necessity of an agreement to achieve one of the objectives set by the Treaties - Free movement of capitals and payments between EU member States and third States - Succession of investment treaties - Replacement of investment agreements between EU member States and the Republic of Singapore - Institutional provisions in the Agreement - Settlement of disputes between investors and States - Settlement of disputes between the parties to the Agreement - Court of Justice (full Section), 16 May 2017 - Request of an opinion on the competence of the European Union to sign and conclude on its own the Agreement on Free Exchange with the Republic of Singapore (opinion 2/15)	874
Articles 78, paragraph 3, 80, 289, paragraph 2, and 293, paragraph 1, TFEU - Articles 21 and 47 of the Charter of Fundamental Rights - Decision that adopts temporary measures for repositioning persons requesting protection - Legislative and non-legislative acts - Ordinary or special legislative procedure - "Sudden" character of the inflow of migrants - Voting procedure in the Council - Conclusions of the European Council - Obligation to consult again the European Parliament following modifications made to the Commission's proposal - Language regime in the Union - Internal rules of the Council - Legal effects of the act and validity of the same - Principle of solidarity and equitable distribution of burdens concerning immigration - Principle of proportionality - Prohibition to discriminate on an ethnic basis - Right to an effective judicial protection - Geneva Convention on the status of refugees - Prohibition of refoulement - Court of Justice (Grand Chamber), 6 September 2017 - Slovak Republic and Hungary v. Council of the European Union (joined cases C-643/15 and 647/15)	1221
Italian Judicial Decisions	

Criminal proceedings - Concurring criminal offences - International norms and domestic law - Article 649 of the Code of Criminal Procedure - Article 4

of Protocol No. 7 to the European Convention on Human Rights - Principle "ne bis in idem" - Jurisprudence of the European Court of Human Rights - Article 117, section 1, of the Constitution - Constitutional Court, 21 July 2016 No. 200	260
Military personnel taking part in peace missions on behalf of the United Nations - Benefits for fighting - Law No. 1746 of 11 December 1962 - Article 18 of Presidential Decree No. 1092 of 29 December 1973 - Legislative Decree No. 137 of 4 March 1948 - War campaigns - Combatants - Constitutional Court, 11 November 2016 No. 240 - President of the Council of Ministers and Istituto Nazionale della Previdenza Sociale intervening	636
Criminal proceedings concerning offences relating to the value added tax - Principle of supremacy of EU law - Judgment of the European Court of Justice - Conflict between EU law and the supreme principles of the constitutional system - Review of constitutionality - Article 2 of Law No. 130 of 2 August 2008 - Articles 11 and 25, second section, of the Constitution - Article 325, paragraphs 1 and 2, TFEU - Article 4, paragraph 3, TEU - Articles 49 and 53 of the Charter of Fundamental Rights of the EU - Articles 160, last section, and 161, second section, of the Criminal Code - Principle of legality in criminal matters - Lack of precision of the offence - Request for a preliminary ruling - Constitutional Court, 26 January 2017 No. 24 (order) - President of the Council of Ministers intervening.	653
Administrative sanctions that may be characterized as criminal according to the European Convention on Human Rights - Supervening constitutional unlawfulness of administrative sanctions - Article 30, fourth section, of Law No. 87 of 11 March 1953 - Articles 6 and 7 of the European Convention on Human Rights - Article 117, first section, of the Constitution - Principle of criminal legality - Principle of the stability of res judicata - Constitutional Court, 24 February 2017 No. 43 - M.G. and other v. Direzione territoriale del lavoro di Como and other; President of the Council of Ministers intervening	928
Fair trial - Judgment of an administrative court violating fair trial - Declaration of breach by the European Court of Human Rights - Articles 6, 41 and 46 of the European Convention of Human Rights - Obligation of a member State to comply with the European Court's judgment - Restitution - Reopening of the proceedings before the Italian court - Article 106 of Legislative Decree No. 104 of 2 July 2010 - Articles 395 and 396 of the Code of Civil Procedure - Article 117, 1 st section, of the Constitution - Res judicata - Constitutional Court, 26 May 2017 No. 123 - S. S. and others v. Università degli studi di Napoli Federico II and others	1283
Competence - Request for judicial separation - Parental responsibility - Articles 3 and 8 of EC Regulation No. 2201/2003 adopted by the Council on 27 November 2003 - Alimony - Claim accessory to an action concerning personal status - Court of Cassation (Civil Plenary Session), 7 September 2016 No. 17676.	279
Extradition - State Succession in relation to treaties - Convention on Reciprocal Extradition of Criminals between Italy and the United Kingdom, of 5	

February 1873 - Unilateral declaration of succession - Principle of <i>tabula rasa</i> - Intervention of the requesting State in the proceedings for extradition - Articles 702 and 706 of the Code of Criminal Procedure - Condition of reciprocity - Deadline - <i>Court of Cassation</i> (6th criminal section), 23 March 2017 No. 14237 - <i>Republic of Mauritius</i>	939
Aliens - Immigration - Cultural identity - Religious symbols - Freedom to express one's religion - Restrictions - Article 19 of the Constitution - Article 9 of the European Convention on Human Rights - Court of Cassation (1st criminal section), 15 May 2017 No. 24084 - Si. Ja	954
Immunity of foreign States from jurisdiction - Principle of strict immunity - Employment disputes - Employment by a foreign State - Employee's functions - Patrimonial aspects of the employment relationship - Article 10, 1 st section, of the Constitution - Articles 2 and 11 of the United Nations Convention on jurisdictional immunity of States and their property - Court of Cassation (plenary session), 6 June 2017 No. 13980 - Chibomba v. Embassy of the Republic of Zambia	1296
Foreign judicial decision - Recognition - Articles 64 and 67 of Law No. 218 of 31 May 1995 - <i>Ordre public</i> - Punitive damages - Articles 23, 24 and 25 of the Constitution - Principle of legality - Article 49 of the Charter of Fundamental Rights of the European Union - <i>Court of Cassation</i> (plenary session), 5 July 2017 No. 16601 - <i>AXO Sport s.p.a. v. NOSA Inc</i>	1305
Asylum - Article 3, section 2, of EU Regulation No. 604/2013 - Removal of a person requesting asylum to the competent State - Systemic failures in the procedure for asylum and in the conditions of reception - Article 4 of the Charter of Fundamental Rights of the European Union - Prohibition of inhuman or degrading treatment - <i>Council of State</i> (section III), 27 September 2016 No. 4004	284
International Agreements	
Italy - Notices published by the Ministry of Foreign Affairs in 2016 and concerning the entry into force of international agreements	288
— International agreements implemented through legislation published in 2016	294
Multilateral Treaties - Paris Agreement of 12 December 2015 [text in English]	958
International Organizations	
United Nations	
Security Council - Resolution 2321 (2016), adopted on 30 November 2016, strengthening measures against the Democratic People's Republic of Korea [text in English]	302
— Resolution 2322 (2016), adopted on 12 December 2016, aiming at	

	strengthening international judicial cooperation in the fight against terrorism [text in English]	311
_	Resolution 2331 (2016), adopted on 20 December 2016, concerning the fight against trafficking of human beings in areas affected by armed conflicts [text in English]	318
_	Resolution 2334 (2016), adopted on 23 December 2016, reaffirming that Israel's settlements in the Palestinian territory occupied since 1967 have no legal validity and constitute a flagrant violation under international law [text in English]	325
_	Resolution 2336 (2016), adopted on 31 December 2016, supporting efforts undertaken by the Russian Federation and the Republic of Turkey to end violence in Syria and jump-start a political process [text in English]	328
_	Resolution 2337 (2017), adopted on 19 January 2017, asking the former President of The Gambia to transfer power to the President-elect [text in English]	666
_	Resolution 2341 (2017), adopted on 13 February 2017, concerning the protection of critical infrastructure from terrorist attacks [text in English]	669
_	Resolution 2347 (2017), adopted on 24 March 2017, concerning measures to counter destruction and smuggling of cultural heritage in the context of armed conflicts, notably by terrorist groups [text in English]	979
_	Resolution 2354 (2017), adopted on 24 May 2017, concerning measures to counter terrorist narratives [text in English]	985
_	Resolution 2356 (2017), adopted on 2 June 2017, condemning nuclear tests and launch of ballistic missiles by the Popular Democratic Republic of Korea and applying to further persons and entities measures adopted by resolution 1718 (2006) [text in English]	1321
_	Resolution 2368 (2017), adopted on 20 July 2017, which provides the complete picture of measures to be taken against ISIL, Al-Qaida and persons and entities associated with them [text in English]	1322
_	Resolution 2375 (2017), adopted on 11 September 2017, which condemns the nuclear test made on 2 September 2017 by the Popular Democratic Republic of Korea and decides on the adoption of further measures against it [text in English]	1346
	Legislation	
	Italian Legislation	
Law	14 July 2017 No. 110: "Introduction of the Crime of Torture in the Italian Legal System"	1354
Legi	slative Decree 9 January 2017 No. 7, "Amendments and Revision of the Rules of Private International Law Concerning Civil Unions, on the Basis of Article 1, 28th section, (<i>b</i>) of Law 20 May 2016 No. 76"	674

Documents					
Institut de droit international - Resolutions adopted at the session of Hyderabad (3-10 September 2017) [text in English]					
Bibliography					
Book Reviews					
Martin Dawidowicz, Third-Party Countermeasures in International Law (P. Picone)	1371				
Books Received	1378				

CONDIZIONI DI ABBONAMENTO PER IL 2018

Unione europea							€	125,00
Paesi extra Unione europea .							€	187,00
Prezzo di un singolo numero							€	32,00
(Extra II E ≤ 47.00)								

Sconto 10% per i soci della Società Italiana di Diritto Internazionale e di Diritto dell'Unione Europea

> Le annate arretrate a fascicoli, dal 2015 fino al 2017, sono disponibili fino ad esaurimento scorte.

RIVISTA ON-LINE ALL'INTERNO DI "BIBLIOTECA RIVISTE" DAL 1975 abbonato € 32.00* non abbonato € 103.00* HE

*IVA esclusa

La rivista on-line riproduce, in pdf, i contenuti di ogni fascicolo dall'anno indicato fino all'ultimo numero in pubblicazione.

La sottoscrizione dell'abbonamento "abbonato" alla rivista cartacea garantisce un accesso al contenuto dal 1 gennaio 2018, o da qualunque data successiva di sottoscrizione, fino al 31 dicembre 2018.

La sottoscrizione dell'abbonamento "non abbonato" alla rivista cartacea garantisce un accesso di 365 giorni dalla data di sottoscrizione.

In seguito alla sottoscrizione sarà inviata all'abbonato una password di accesso.

Il sistema on-line Biblioteca Riviste permette la consultazione dei fascicoli attraverso ricerche:

- per estremi di pubblicazione (numero e anno fascicolo)
- per data

L'abbonamento alla rivista cartacea decorre dal 1º gennaio di ogni anno e dà diritto a tutti i numeri relativi all'annata, compresi quelli già pubblicati.

Il pagamento può effettuarsi direttamente all'Editore:

- con versamento sul c.c.p. 721209, indicando chiaramente gli estremi dell'abbonamento;
- a ricevimento fattura (riservata ad enti e società);
- acquisto on-line tramite sito "shop.giuffre,it";
 oppure tramite gli Agenti Giuffrè a ciò autorizzati (cfr. pagine gialle).

Il rinnovo dell'abbonamento deve essere effettuato entro il 31 marzo di ciascun anno.

I fascicoli non pervenuti all'abbonato devono essere reclamati al ricevimento del fascicolo successivo. Decorso tale termine si spediscono, se disponibili, contro rimessa dell'importo.

Le comunicazioni in merito a mutamenti di indirizzo vanno indirizzate all'Editore.

Per ogni effetto l'abbonato elegge domicilio presso la "Dott. A. Giuffrè Editore SpA" - Via Busto Arsizio, 40 - 20151 Milano.

Ai Collaboratori saranno inviati gratuitamente gli estratti in formato pdf dei loro saggi. Copie cartacee degli estratti verranno fornite, su richiesta dell'autore, al prezzo di costo.

> I contributi pubblicati in questa rivista potranno essere riprodotti dall'Editore su altre, proprie pubblicazioni, in qualunque forma.

Registrazione presso il Tribunale di Milano al n. 5587 in data 10-4-1961 Direttore responsabile: FRANCESCO SALERNO R.O.C. n. 6569 (già RNS n. 23 vol. 1 foglio 177 del 2/7/1982)



Rivista associata all'Unione della Stampa Periodica Italiana

Pubblicità inferiore al 45% Tipografia «MORI & C. S.r.l.» - 21100 VARESE - VIA GUICCIARDINI 66 Finito di stampare il 16 novembre 2017