

PERSONAL INFORMATION

Filippo Fontanelli



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Sex Male | Date of birth 17/01/1983 | Nationality Italian

WORK EXPERIENCE

- **September 2012 – current:** Admitted to the Italian bar (Roma).
- **February 2012 – current:** Lecturer in Law, **University of Surrey**. Modules: EU Law I, EU Law II, Public International Law (UG); WTO Law, International Protection of Investments (LL.M.); Writing and Research Skills (LL.M.).
- **September 2010 – June 2011:** Trainee clerk, **International Court of Justice** (The Hague), assisting H.E. Judge Kenneth J Keith and H.E. Judge Antonio A Cançado Trindade.
- **August 2007 – July 2009:** Trainee lawyer, **Cleary Gottlieb Steen & Hamilton LLP** (Roma).
- **December 2011 – current:** Expert Member of the [Centre for Judicial Cooperation](#) of the Robert Schuman Center of the European University Institute (Fiesole).
- **January – May 2007:** Intern at the Political Office of the **Italian Embassy in Bosna Herzegovina** (Sarajevo).
- **January – May 2007:** Lecturer of Italian language at Sarajevo *Obala* and *Prva Gimnazija* High Schools.

EDUCATION AND TRAINING

- **January 2012:** Ph.D. degree, Sant'Anna School of Advanced Studies, Pisa. Grade: 100/100 *magna cum laude*.
- **May 2010:** LL.M. degree, Hauser Global Scholar New York University Law School (International Legal Studies). GPA: 3.91, estimated top 1% of class.
Jerome Lipper prize (best LL.M. student in the International Legal Studies curriculum).
- **March 2009:** Admission to the LL.M. programs at the New York University, Yale and Columbia Law Schools.
- **July 2008:** Graduate Diploma (*Diploma Specialistico di Licenza*), Sant'Anna School of Advanced Studies, Pisa. Grade: 100/100 *magna cum laude*.
- **October 2006:** Advanced Law degree University of Pisa (curriculum: International and European Law). Grade: 110/110 *magna cum laude*.
- **October 2004:** Two-year scholarship School of Law, Sant'Anna School of Advanced Studies of Pisa.
- **July 2004:** Law degree University of Pisa. Grade: 110/110 *magna cum laude*.
- **April 2004:** French Law Diploma Paris II (*Assas-Panthéon*) Law School.
- **October 2003:** Socrates scholarship for a semester at the Paris II (*Assas-Panthéon*) Law School.
- **July 2001:** High School Diploma (Classical Studies) grade: 100/100, Liceo Classico "Niccolini-Guerrazzi," Livorno.
- Other courses: Young Scholars Lab, EUI (European University Institute, Fiesole, inaugural session, June 2012); International Academy for Arbitration Law, Paris (inaugural session, July 2011); EIUC Academy of Human Rights, Venezia (European Inter-University Centre, inaugural session, July 2010); Course 'Dispute Prevention, Dispute Settlement and Constitutionalism in International Economic Law' held by Prof. EU Petersmann, European University Institute, Fiesole (October – December 2006); WT1 Summer Program (World Trade Institute, Berne, August 2006); European Union Law Session of the EUI Summer Program (European University Institute, Fiesole, July 2006).

PERSONAL SKILLS

Mother tongue(s) Italian

| Other language(s) | UNDERSTANDING | | SPEAKING | | WRITING |
|-------------------|---------------|---------|--------------------|-------------------|---------|
| | Listening | Reading | Spoken interaction | Spoken production | |
| English | C2 | C2 | C2 | C2 | C2 |
| French | C2 | C2 | C1 | C1 | B2 |
| Spanish | C2 | C2 | B2 | B2 | B1 |

ADDITIONAL INFORMATION

Publications

Edited Books

1. F Fontanelli and G Martinico (eds) [The ECJ Under Siege: New Constitutional Challenges For The ECJ](#) (ICFAI University Press: Hyderabad, 2009) ISBN 978-81-314-2688-3.
2. F Fontanelli, G Martinico, P Carrozza (eds) [Shaping Rule of Law Through Dialogue. International and Supranational Experiences](#) (European Law Publishing: Groenigen, 2009) ISBN 978-90-8952-057-9.
3. M Avbely, F Fontanelli, G Martinico (eds) [Kadi on Trial. A multi-faceted analysis of the Kadi proceedings before the CJEU](#) (Routledge: London, 2014) ISBN 978-0-415-64031-2.

Book Reviews

1. G Martinico, O Pollicino (eds) [The National Judicial Treatment of the ECHR and EU Laws. A Comparative Constitutional Perspective](#) (2012) *Nordic Journal of International Law*, Vol. 81, issue 1, 75-77.
2. T Broude, Y Shany (eds) [Multi-Sourced Equivalent Norms in International Law](#) (2012) *European Journal of International Law*, Vol. 23, issue 2, 597-604, available also on <http://www.globallawbooks.org/reviews/detail.asp?id=732>.
3. E D'Alterio, [La funzione di regolazione delle corti nello spazio amministrativo globale](#) (2011) *Rivista Trimestrale di Diritto Pubblico*, issue 2, 561-565.
4. Y Shany, [Regulating Jurisdictional Relations between National and International Courts](#) (2009) *European Journal of International Law*, Vol. 20, issue 4, 1297-1303, available also on <http://www.globallawbooks.org/reviews/detail.asp?id=617>.
5. G Martinico, L'integrazione Silente (2009) *Common Market Law Review*, Vol. 46, issue 5, 1781-1783.
6. Y Shany, Regulating Jurisdictional Relations Between National and International Courts (2009) *Panoptica*, Vol. 15, 197-206.

Journal Articles

1. ['The inevitable convergence of the US and the EU on the protection of foreign investments – BITs, PTAs and incomplete contracts'](#) (with G Bianco), ESIL Working Paper 7/2013 (revised version under peer review).
2. 'The CCC Triangle Five Years after Lisbon – Charter, Convention, Constitution and National Measures' (2014) *Columbia Journal of European Law*, Vol. 20, Spring issue (forthcoming).
3. 'National Measures and the Application of the Charter of Fundamental Rights to National Measures - Does *curia.eu* Know *iura.eu*?' (2014) *Human Rights Law Review*, Vol. 14, issue 2 (forthcoming).
4. ['Hic Sunt Nationes: The Elusive Limits of the EU Charter and the German Constitutional Watchdog'](#) (2013) *European Constitutional Law Review*, Vol. 9, issue 2, 315-334.
5. ['Giurisdizione indiana e immunità funzionale nel caso dell'Enrica Lexie – Non giudicar la nave stando a terra'](#) (with P. Busco) (2013) *Rivista Trimestrale di Diritto Penale Contemporaneo*, issue 3, 399-445 [FF authored Sections 1, 3 and 5 (out of 6)].
6. ['I test giurisprudenziali nelle controversie di diritto internazionale. Una nuova fonte normativa di natura interstiziale?'](#) (2013) *Diritto Pubblico Comparato e Europeo*, issue 2, 500-514.

7. [‘Caveat Emptor. Pre-purchase due diligence duties of US institutions for transactions outside the temporal scope of the 1970 UNESCO Convention’](#) (with P Busco) (2013) *Transnational Dispute Management*, Vol. 10, issue 5 [FF authored parts 1, 2, 5, 6, (out of 8)].
8. [‘Criminal Proceedings against Albers’](#) (2013) *American Journal of International Law*, Vol. 107, issue 3, 632-638.
9. ‘Browsing the XX files’ (with G Martinico) (2013) *SWUPL International Law Review*, issue 2, 32-58.
10. [‘Necessity killed the GATT. Art. XX and the Misleading Rhetoric about “Weighing and Balancing”](#)’ (2012/2013) *European Journal of Legal Studies*, Vol. 5, issue 2, 35-56.
11. [‘The invocation of the exception of non-performance, a case-study on the role and application of general principles of international law of contractual origin’](#) (2012) *Cambridge Journal of International and Comparative Law*, Vol. 1, issue 1, 119-136.
12. [‘International Court of Justice. Application of the Interim Accord of 13 September 1995 \(The Former Yugoslav Republic of Macedonia v Greece\) Judgment of 5 December 2011’](#) (with E Bjorge) (2012) *International and Comparative Law Quarterly*, Vol. 61, issue 3, 775-784.
13. [‘The European Union’s Charter of Fundamental Rights two years later’](#) (2011) *Perspectives on Federalism*, Vol. 3, issue 3, 22-47.
14. [‘ISO and Codex standards and International Trade Law. What gets said is not what’s heard’](#) (2011) *International and Comparative Law Quarterly*, Vol. 60, issue 3, 895-932.
15. [‘Santi Romano’s “L’ordinamento giuridico.” An Introduction and a Re-Contextualization of a forgotten masterwork’](#) (2011) *Transnational Legal Theory*, Vol. 2, issue 1, 67-117.
16. [‘Between Blasphemy and Judicial Activism. Jesus and the Law in Saint Augustine and Saint Thomas’](#) (2011) *International Journal of Private Law*, Vol. 4, issue 4, 469-488.
17. [‘General Principles of the EU and a Glimpse of Solidarity in the Aftermath of Mangold and Küçükdeveci’](#) (2011) *European Public Law* Vol. 17, issue 2, 225-240.
18. [‘Commento alla sentenza della Corte Costituzionale n. 227 del 2010 in tema di mandato di arresto europeo’](#) (2011) *Giornale di Diritto Amministrativo*, issue 1, 47-53.
19. [‘I principi generali dell’ordinamento UE dopo Küçükdeveci – Riflessioni sull’efficacia indiretta orizzontale e sul principio di solidarietà’](#) (2010) *Rivista Italiana di Diritto Pubblico Comunitario*, issue 5, 1145-1169.
20. [‘Some reflections on the choices of the European Court of Justice in the Küçükdeveci preliminary ruling’](#) (2010) *Perspectives on Federalism*, Vol. 2, issue 2, 15-23.
21. [‘How interpretation techniques can shape the relationship between constitutional courts. A comment on Tribunal Constitucional’s judgment no. 199/2009 and Czech Constitutional Court’s judgment no. 29/2009’](#) (2010) *King’s Law Journal*, Vol. 21, issue 2, 371-392.
22. [‘Between procedural impermeability and constitutional openness: the Italian Constitutional Court and Preliminary References to the ECJ’](#) (with G Martinico) (2010) *European Law Journal*, Vol. 17, issue 4, 345-364. [FF authored Sections I, III, IV, VI (out of 8)]
23. [‘La Corte di Giustizia e il “favor communitatis” - Il percorso della giurisprudenza della Corte di Giustizia delle Comunità Europee sul fondamento normativo degli atti della Comunità e dell’Unione’](#) (2010) *Rivista Italiana di Diritto Pubblico Comunitario*, issue 1, 177-202.
24. [‘L’interpretazione della decisione quadro sul mandato di arresto europeo e la tutela dei diritti fondamentali – il caso spagnolo \(Sentencia del tribunal constitucional español del 28 settembre 2009, n. 199/2009\)’](#) (2010) *Giornale di Diritto Amministrativo*, issue 2, 194-200.
25. [‘The Court goes «all in»’](#) (2009) *European Journal of Law Reform*, Vol. 11, issue 4, 473-498.
26. [‘The hidden dialogue, when judicial competitors collaborate’](#) (with G Martinico) (2008) *Global Jurist Advances*, Vol. 8, issue 3, Article 7, 1-33. [FF authored parts V, VI, VII, VIII (out of 8)]
27. [‘The Decisions No. 348 and 349/2007 of the Italian Constitutional Court: The Efficacy of the European Convention in the Italian Legal System’](#) (with F Biondi Dal Monte) (2008) *German Law Journal*, Vol. 9, issue 7, 889-932. [FF authored parts 4, 5, 6, 9, 10, 11 (out of 11)]
28. [‘Alla ricerca della coerenza: le tecniche del «dialogo nascosto» fra i giudici nell’ordinamento costituzionale multi-livello’](#) (with G Martinico) (2008) *Rivista Trimestrale di Diritto Pubblico*, issue 2, 351-389. [FF authored parts 5, 6, 7, 8 (out of 8)]

Book Chapters

1. 'Kadiou: connecting the dots' in M Avbely, F Fontanelli, G Martinico (eds) [Kadi on Trial. A multi-faceted analysis of the Kadi proceedings before the CJEU](#) (Routledge: London, 2014) 7-21.
2. 'Enhancing International Monetary Fund's compliance with human rights – Accountability Within and Accountability Without' (with G Bianco) in JP Bohoslavsky and JL Černić (eds), [Making Sovereign Financing and Human Rights Work](#) (Hart: London, 2014) in press.
3. '[Mox Plant – The EU Court of Justice and international agreements](#)', Vol. VIII, 37-44;
4. '[The Metalclad NAFTA litigation: what is national courts' role in investment arbitration?](#)', Vol. IV, 15-22;
5. '[When SPS applies to apples. The Japan – Apples and Australia – Apples WTO disputes](#)', Vol. IV, 23-29;
6. '[The International Criminal Court and Africa or a Story of Persecutory Delusion](#)', Vol. V, 15-22;
in S Cassese et al. (eds), *Global Administrative Law: The Casebook*, 3rd ed. (IRPA/ILJ: Roma/New York, 2012) ISBN 978-8-9075-821-8.
7. '[Whose Margin Is It? State Discretion and Judges' Appreciation in the Necessity Quicksand](#)' in F Fontanelli, G Martinico, P Carrozza (eds) *Shaping Rule of Law Through Dialogue. International and Supranational Experiences* (European Law Publishing: Groeningen, 2009) 377-412.
8. '[Focusing on courts: the techniques of hidden dialogue in the multilevel system](#)' (with G Martinico) in F Snyder and I Maher (eds) *The Evolution of the European Courts: Institutional Change and Continuity* (Bruylant: Bruxelles, 2009) ISBN 978-2-8027-2765-1, 37-66. [FF authored parts 5, 6, 7, 8 (out of 8)]
9. '[The Court goes «all in»](#)' in F Fontanelli and G Martinico (eds) *The ECJ Under Siege: New Constitutional Challenges for the ECJ* (ICFAI University Press: Hyderabad, 2009) 31-61.
10. '[L'impegno dei parlamenti nazionali nella fase ascendente del diritto comunitario: la lenta evoluzione di un ruolo sfumato, e il controllo di sussidiarietà](#)' in E Rossi (ed) *Studi Pisani Sul Parlamento* (Plus Edizioni: Pisa, 2008) ISBN 978-8-8849-2642-5, 293-320.
11. '[I diritti umani: una scelta di coerenza](#)' in M Campopiano, L Gori, G Martinico, E Stradella (eds) *Dialoghi con il Presidente* (Scuola Normale: Pisa, 2008) ISBN 978-88-7642-335-2, 457-464.

Working papers

1. *Handbook on judicial cooperation: the right to non-discrimination* (June 2013) deliverable submitted to the European Commission – DG Justice within the EUI CJC Judicial Cooperation Project, 1-115.
2. [Botta e risposta tra la Corte di Giustizia EU \(caso Åkerberg Fransson\) e la Corte Costituzionale tedesca sull'applicazione della Carta EU dei Diritti Fondamentali](#), short analysis on Questione Giustizia, 27 May 2013.
3. [Why arbitration is a form of international justice \(and why it is preferable that off-side calls are not reviewed by ordinary courts\)](#), short essay prepared for the 2011 session of the Arbitration Academy.
4. [Was Jesus Running Wild? Judicial Activism or Blasphemy, Christ and the Law in Saint Augustine and Saint Thomas](#) (available at ssm.com).
5. [Cooperative antagonists - The Italian Constitutional Court and the preliminary reference: are we dealing with a turning point?](#) (with G Martinico), Eric Stein Working Paper 5/2008, 1-27. [FF authored Sections III, IV, VI VIII (out of 8)]

Conferences

- February 2014: Riga, ERA Academy of European Law, training for judges and lawyers on EU Charter of Fundamental Rights.
- February 2014: Paris, international conference 'The Margin of Appreciation in International Law.'
- December 2013: University of Hull, guest seminar '*Kadi* and judicial review.'
- October 2013: Middle Temple, London, 'Constituting Europe. The ECtHR in a National, European and Global Context.'
- June 2013: Edinburgh, ERA Academy of European Law, 'The EU Charter on Fundamental Rights.'
- May 2013: EUI Center for Judicial Cooperation, Fiesole, Workshop on Judicial Cooperation in non-discrimination disputes, 27-28 May,
- May 2013: 5th ESIL Research Forum, Amsterdam, 23-25 May, ESIL IEL IG Event 'International Economic Law and Factor Mobility: the Case of Investment Regulation'.
- April 2013: Jean Monnet seminar, 'The UK and the European Union,' Facultad de Derecho, Universidad Complutense, Madrid.
- March 2013: Guest Lecturer in the Course on Art and Law, Scuola Superiore Sant'Anna, Pisa.
- November 2012: 4th Annual 'LegArg 2012 Conference on Legal Theory, Legal Argumentation and Legal Philosophy', Bled, Slovenia.
- October 2012: 'Diritti e conflitti nel costituzionalismo transnazionale: dal territorio allo spazio', UniCal, Italy.
- June 2012: The Nouvelle Vague: A New Generation of Legal Scholarship Questioning Mainstream Assumptions. Workshop at EUI, Fiesole, presenting the paper 'Necessity killed the GATT'. Discussant, Prof. MP Maduro.
- February 2012: Research Seminar, Sciences Po, Paris, 'Development in International Law' organized by the Centre Franco-norvégien en sciences sociales et humaines (CFN).
- January 2012: CEPC (Centro de Estudios Políticos y Constitucionales), Madrid, 'Sur la route de San[t]i Romano. L'ordinamento giuridico, a century of pluralism'.
- October 2011: Workshop: 'Judicial Cooperation in the Area of Fundamental Rights,' within the *Judicial Cooperation – Unexplored Potential* project, organized by the RSCAS in collaboration with the Consiglio Superiore della Magistratura, EUI.
- September 2011: IV STALS annual workshop, 'How "Constitutional" Is Transnational Law?,' Scuola Superiore Sant'Anna, Pisa.
- June 2011: Max Weber Lustrum Conference, EU Law Panel, EUI, Fiesole.
- April 2011: Seminar 'Santi Romano and the heritage of pluralism in the global legal order,' EUI, Fiesole. Working Group on Legal Theory.
- March 2011: Workshop EUDO/STALS/CSF 'Reforms beyond the Lisbon Treaty,' EUI, Fiesole. Paper 'The Charter of Fundamental Rights after Lisbon and the constitutional function of the ECJ.'
- January 2011: Seminar 'The legacy of *Küçükdeveci*,' EUI, Fiesole. Working Group on Courts and Judges.
- December 2008: Workshop 'The ECJ under siege: new constitutional challenges for the ECJ,' Sant'Anna School of Advanced Studies.
- December 2008: Conference 'La Dichiarazione Universale dei Diritti Umani del 1948. La sua attualità dopo 60 anni,' Sant'Anna.
- October 2008: AHRC Doctoral Colloquium 'The European Union: back to the future? New developments and challenges after Lisbon,' Edinburgh Europa Institute.
- May 2008: Italian Comparative Law Association (Associazione Italiana Diritto Comparato) 1st biennial conference 'Le nuove frontiere del diritto comparato,' University of Macerata.
- November 2007: 6th WISH Conference (University College, Dublin).