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Date of birth: 17-01-1983

Nationality: Italian



## Filippo Fontanelli

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### Academic Career

- June 2012: Young Scholars Lab, EUI (European University Institute, Fiesole, inaugural session).
- January 2012: **Ph.D. degree** at the Sant'Anna School of Advanced Studies, Pisa. Grade: 100/100 *magna cum laude*.
- July 2011: International Academy for Arbitration Law, Paris (inaugural session).
- July 2010: EIUC Academy of Human Rights, Venice (European Inter-University Centre, inaugural session).
- May 2010: **LL.M. degree, Hauser Global Scholar** at the 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)** at the Sant'Anna School of Advanced Studies, Pisa. Grade: 100/100 *magna cum laude*.
- October – December 2006: Course '*Dispute Prevention, Dispute Settlement and Constitutionalism in International Economic Law*' held by Prof. EU Petersmann at the European University Institute, Fiesole.
- October 2006: **Advanced Law degree**, University of Pisa (curriculum: International and European Law). Grade: 110/110 *magna cum laude*.
- August 2006: WTI Summer Program (World Trade Institute, Berne).
- July 2006: European Union Law Session of the EUI Summer Program (European University Institute, Fiesole).
- October 2004: **Two-year scholarship** as a Law Student at the 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.

### Job Experiences

- February 2012 – current: Lecturer in Law, **University of Surrey**.
- September 2010 – June 2011: Trainee clerk, **International Court of Justice** (The Hague), assisting H.E. Judge Antonio A Cançado Trindade and H.E. Judge Kenneth J Keith.
- August 2007 – July 2009: Trainee lawyer, **Cleary Gottlieb Steen & Hamilton LLP** (Rome). Practice focused on domestic litigation and international investment litigation.
- January – May 2007: Intern at the Political Office of the **Italian Embassy in Bosnia Herzegovina** (Sarajevo).
- January – May 2007: Lecturer of Italian language at Sarajevo *Obala* and *Prva Gimnazija* High Schools.
- Editor of STALS (*Sant'Anna Legal Studies*, [www.stals.sssup.it](http://www.stals.sssup.it)), member of the editorial board of the collective blog Diritti Comparati ([www.diritticomparati.it](http://www.diritticomparati.it)).
- Member of the *Judicial Cooperation - Unexplored Potential Project* of the Robert Schuman Center of the European University Institute, Fiesole.

## Language proficiency

- **English:** Proficient (TOEFL score October 2008: 112; Cambridge ESOL Proficiency CPE December 2005).
- **French:** Proficient (French Law Diploma awarded after passing four exams at the *Paris II* Law School; DELF exams A1 - A2; B1 - B2 Summer 2003).
- **Spanish:** Intermediate (language exam, Sant'Anna School, November 2007).
- **Bosnian:** Rudimentary (Soros School, Sarajevo, Spring 2007).

## 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, 2013).

### 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, 1-8.
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.
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 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.
2. 'Comment on *FYROM v Greece*' (with E Borge) (2012) *International and Comparative Law Quarterly*, Vol. 61 (forthcoming). [FF authored paragraphs \*\* (out of \*)]
3. 'Browsing the XX-files – The necessity test in the GATT and the test of proportionality in the EU: so close, yet so different' (with G Martinico) (2012) *SWUPL International Law Review*, Vol. 2, Xiamen University Press (in press). [FF authored Section I (out of 2)]
4. [The European Union's Charter of Fundamental Rights two years later](#) (2011) *Perspectives on Federalism*, Vol. 3, issue 3, 22-47.
5. [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.
6. [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.
7. [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.
8. [General Principles of the EU and a Glimpse of Solidarity in the Aftermath of \*Mangold\* and \*Kücükdeveci\*](#) (2011) *European Public Law* Vol. 17, issue 2, 225-240.
9. [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.
10. [I principi generali dell'ordinamento UE dopo \*Kücükdeveci\* – Riflessioni sull'efficacia indiretta orizzontale e sul principio di solidarietà](#) (2010) *Rivista Italiana di Diritto Pubblico Comunitario*, issue 5, 1145-1169.
11. [Some reflections on the choices of the European Court of Justice in the \*Kücükdeveci\* preliminary ruling](#) (2010) *Perspectives on Federalism*, Vol. 2, issue 2, 15-23.
12. [How interpretation techniques can shape the relationship between constitutional courts. A comment on Tribunal](#)

[Constitutional'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.

13. ['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)]
14. ['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.
15. ['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.
16. ['The Court goes «all in»'](#) (2009) *European Journal of Law Reform*, Vol. 11, issue 4, 473-498.
17. ['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)]
18. ['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)]
19. ['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. 'Mox Plant – The EU Court of Justice and international agreements';
2. 'The *Metalclad* NAFTA litigation: what is national courts' role in investment arbitration?';
3. 'When SPS applies to apples. The *Japan – Apples* and *Australia – Apples* WTO disputes';
4. 'The International Criminal Court and Africa or a Story of Persecutory Delusion'.  
in S Cassese et al. (eds), *Global Administrative Law: Cases, Materials, Issues*, third edition, (IRPA-IJIL: Rome and New York, forthcoming 2012).
5. 'Sussidiarietà e sanità in Italia e Lombardia, dal principio alla pratica' (with P Busco), in *Studi in onore del Cavalier Roth* (2011). (in press) [FF authored parts 1, 2, 3, 4, 5 (out of 10)]
6. 'Coesione sociale e obblighi dei cittadini europei. Cosa cambia dopo *Mangold* e l'entrata in vigore del Trattato di Lisbona' in P Carrozza (ed) *PRIN sul concetto di coesione nell'Unione Europea* (2011). (in press)
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: Groenigen, 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. *Necessity killed the GATT*, STALS Working Paper 2012, under peer review.
2. ['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.
3. ['Was Jesus Running Wild? Judicial Activism or Blasphemy, Christ and the Law in Saint Augustine and Saint Thomas'](#) (available at [ssrn.com](http://ssrn.com)).
4. ['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

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, Sicences Po, Paris, 'Development in International Law' organized by the Centre Franco-norvégien en sciences sociales et humaines (CFN).

January 2012: Sant'Anna School, Pisa, seminar of the cycle '*A confronto diretto con la giurisprudenza*'.

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?', at 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 EUCJ.'

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, Pisa. Paper: 'The Court goes "all in," trans-pillar litigation and the *favor communitatis*.'

December 2008: Conference 'La Dichiarazione Universale dei Diritti Umani del 1948. La sua attualità dopo 60 anni,' Sant'Anna School of Advanced Studies, Pisa.

October 2008: AHRC Doctoral Colloquium 'The European Union: back to the future? New developments and challenges after Lisbon,' Edinburgh Europa Institute. Discussant, Prof. N Walker.

May 2008: Italian Comparative Law Association (Associazione Italiana Diritto Comparato) 1<sup>st</sup> biennial conference 'Le nuove frontiere del diritto comparato,' University of Macerata. Paper 'La circolazione delle pratiche di armonizzazione processuale di ispirazione statale e comunitaria nell'azione delle giurisdizioni internazionali - profili di comparazione e ricostruzione sistematica.'

November 2007: 6<sup>th</sup> WISH Conference (University College, Dublin) Paper 'Looking for coherence: hidden techniques of multilevel dialogue and constitutional comity in the EU context.' Discussant, Prof. F Snyder.