

PIETRO FARAGUNA

(CV - December, 2015)
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EMPLOYMENT, APPOINTMENTS

June 2015 – Present: POST-DOC RESEARCH FELLOW – University of Ferrara
September 2014 – May 2015: EMILE NOËL FELLOW – New York University, School of Law, Jean Monnet Center for International and Regional Economic Law & Justice, NYC (US)
April 2013 – March 2014: POST-DOC RESEARCH FELLOW – University of Udine
July 2011 – June 2012: POST-DOC RESEARCH FELLOW – University of Udine
June 2011 – August 2014: MUNICIPAL COUNCILOR, City of Trieste

EDUCATION

UNIVERSITY OF FERRARA, FACULTY OF LAW

PHD IN CONSTITUTIONAL LAW, Distinction, 2011

UNIVERSITY OF TRIESTE, FACULTY OF LAW

MASTER OF STUDIES IN EUROPEAN, COMPARATIVE AND INTERNATIONAL LAW

MASTER OF LAWS, 110/110 cum Laude, 2007

UNIVERSITY OF TRIESTE, FACULTY OF LAW

BACHELOR OF LAWS, 110/110 cum Laude, 2005

FURTHER EDUCATION

GOETHE UNIVERSITÄT, JURISTISCHE FAKULTÄT, Frankfurt a.M., Germany

VISITING DOCTORAL RESEARCHER – International Mobility Grant, Spring 2009

SEMINARIO DI STUDI E RICERCHE PARLAMENTARI “SILVANO TOSI”

Firenze-Roma, Italy, January – June 2010

(Specialist Postgraduate Course in Parliamentary Law, coordinated by the University of Firenze with the support of the Italian Parliament. 25 graduates are selected annually to attend)

UNIVERSITÄT REGENSBURG, JURISTISCHE FAKULTÄT, Regensburg, Germany

SOCRATES-ERASMUS PROGRAM, 2004-2005 (academic year)

OTHER ACADEMIC ACHIEVEMENTS

OCTOBER 2015:

Member of the Editorial Board del Gruppo Euroscopio, rivista *Quaderni Costituzionali*

JUNE 2015:

Europaes|network member (transatlantic community of scholars, practitioners, and other professionals with an academic or other professional interest in European Union law and policy)

OCTOBER 2014:

Expert contributor, World Justice Project's Rule of Law Index® - <http://www.worldjusticeproject.org/>

JANUARY 2014 - PRESENT:

Editor for BioLaw Journal, Ferrara Editorial Board - <http://www.biodiritto.org/>

SPRING 2012 – FALL 2013:

Project coordinator at the University of Trieste: “Uni-to-Uni: New Challenges for University Governance in a Converging Macro Region” within a project of the Alps Adriatic Rectors Conference for Cooperation with Danube Rectors Conference

MARCH 2012:

PhD Thesis awarded prize for Best Thesis of the Year 2012 within the relevant scientific field, by the IUSS (Istituto Universitario di Studi Superiori, University of Ferrara)

SPRING 2011 – SPRING 2012:

Legal adviser to the Committee for the Revision of the University Charter, University of Trieste

JUNE 2008:

Coordinator of the research group on the German Parliamentary Legal Order, “*Relations between Parliament and Government: a Comparative Approach*”, Firenze-Roma, Seminario di Studi e Ricerche Parlamentari “S. Tosi”

APRIL – JUNE 2006:

Full funded Internship in European Project Planning and Management at the EUC Group (Brussels, Belgium)

LECTURING

Lecturer on “Revisione costituzionale, formazione del governo, giustizia costituzionale” [*Constitutional revision – Formation of the Government – Constitutional Review in the Italian legal order*], Faculty of Law, University of Trieste, November-December 2015

“The ECB’s Outright Monetary Transactions before the Courts”, NYU School of Law, EU Law Class (Prof. E. Fox), New York, April 20th, 2015

Lecturer on “La giustizia costituzionale in Germania” [*Constitutional Review in the Federal Republic of Germany*], Faculty of Law, University of Trieste, March 2014

Lecturer on “La giustizia costituzionale nell’ordinamento italiano” [*Constitutional Review of the Italian Legal Order*], Faculty of Law, University of Trieste, November 2013

Lecturer on “La giustizia costituzionale nell’ordinamento italiano” [*Constitutional Review of the Italian Legal Order*], Faculty of Law, University of Trieste, November-December 2012

LANGUAGES

English, fluent [*C.P.E. Certificate of proficiency in English* (Council of Europe C2 level)]

German, professional working proficiency

Spanish, Elementary knowledge

French, Elementary knowledge

Italian, native

INVITED TALKS AND CONFERENCES

“Constitutional norms regulating religion: the Italian *Sonderweg*”, Presentation at the Conference: “Regulating Religion: Normativity and Change at the Intersection of Law and Religion”, December 14th-15th, 2015, Faculty of Law, National University of Singapore;

“Il ‘sospettoso’ cammino europeo del *Bundesverfassungsgericht*” [The German Constitutional Court and its suspicious European way], Presentation at the Conference of *diritticomparati*, Association of Comparative constitutional lawyers, Macerata, December 11th, 2015;

“Rule of Law and the Economic Crisis: Causes, Correlations and Consequences”, Presentation at the 2nd Annual Rule of Law Conference September 24th-25th, 2015 in Ljubljana;

“Differentiated Integration and Identity”, Presentation at 2015 ICON•S Conference “Public Law in an Uncertain World”, New York July 1-3, 2015;

“A Living Constitutional Identity: the Contribution of non-Judicial Actors”: Presentation at Jean Monnet Center for International and Regional Economic Law & Justice, School of Law, New York University, April 1st, 2015;

“The Limits of Responsiveness: Catalanian *Dret a Decidir* - Between Popular Constitutionalism and the Right to Self-Determination”: Discussant of a presentation from Zoran Oklopčič, School of Law, New York University, November 10th, 2014;

“A Living Constitutional Identity: the Contribution of non-Judicial Actors”: Presentation of a research project, Jean Monnet Center for International and Regional Economic Law & Justice, School of Law, New York University, October 6th 2014;

“Verso le elezioni del Parlamento europeo” [*Towards EU Parliament Elections*]: Roundtable, CED, University of Ferrara, May 12th, 2014;

“Dei diritti e delle Garanzie” [*On Rights and Guarantees*]: Book presentation with the authors L. Ferrajoli – M. Barberis, University of Trieste, 3rd December, 2013;

“La Costituzione che cambia: revisione o riforma?” [*A Changing Constitution: Revision or Reform?*], University of Macerata, Jesi-Macerata, November 11th-12th, 2013;

“L’inattualità dell’attuazione della Costituzione”: Presentation at Symposium on the subject: “*From an Unimplemented Constitution to an Outdated One?*”, University of Ferrara, January, 25th-26th 2013;

- “I principi supremi dell'ordinamento” [*The Constitutional Core of the Legal Order*]: Guest speaker at a Seminar by the Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna, Pisa, October 26th, 2012;
- “Le leggi elettorali delle Camere alla ricerca di uno statuto referendario proprio” [*Electoral Laws seeking Special Treatment before the Referendum*], Presentation at the Annual Amicus Curiae Conference, University of Ferrara, December 16th, 2011;
- “*Viking-Laval-Rüffert: un mosaico di conflitti di difficile (ri)composizione*”: Guest speaker at Symposium on the subject: “*Workers' Rights in the European Charter of Fundamental Rights*”, Faculty of Economics, University of Ferrara, November 25th-26th, 2011;
- “Constitutional paradoxes from inequality to equality: the Italian case (with a little help from abroad)”: Selected to present a paper at a Symposium on the subject: “*Sexual Orientation and Gender Identity in the XXI Century*”, Firenze, May 12th-13th, 2011;
- “La pregiudizialità del rinvio pregiudiziale nell'accertamento della violazione dei controllimiti” [*Is a Preliminary Ruling really Preliminary in the Scrutiny of the Violation of Constitutional Identity?*]. Guest speaker at a Seminar on the subject: “*EU Law in Constitutional Adjudication*”, University of Trieste, September 24th, 2010;
- “Il principio democratico tra limiti e controllimiti in Germania e in Italia” [*The Democratic Principle in respect of Limits to the Constitutional Power of Amendment and EU Integration in Italy and Germany*]. Selected to present a paper at the Italian Comparative Law Association, second Biennial Conference of Young Scholars on the Subject: “*Private, Public and Global Law from a Comparative Perspective*”, University of Catania and Enna. Catania and Enna on May 28th-29th, 2010;
- “Alla ricerca di un oggetto non (positivamente) identificato” [*Seeking an Inanimate Object*]. Presentation at the Annual Amicus Curiae Conference, University of Ferrara on the subject: “*Family as a 'natural society', and its enemies*”, Ferrara, February 26th, 2010.

PUBLICATIONS

a) Books

1. P. FARAGUNA, *Ai confini della Costituzione. Principi Supremi e identità costituzionale* [The End of the Constitution. Fundamental principles and constitutional identity], Milano, FrancoAngeli, 2015

b) Books (ed.) and Book Chapters

2. P. Giangaspero, F. Gambini, Alessia Ottavia Cozzi, P. FARAGUNA, *Città metropolitana: il quadro normativo statale e regionale* [Trieste Metropolitan Area: the State and Regional legal framework], in G. Carrosio, M. Cesa, I. Ciuffarin, A. O. Cozzi, R. Danielis, P. Di Biagi, P. Faraguna, F. Gambini, P. Giangaspero, C. Marcon, A. Marin, G. Osti, L. Rotaris, *La città metropolitana di Trieste. Analisi territoriale, economica, sociologica, giuridica regionale* [Trieste Metropolitan Area: A Regional territorial, economic, sociological and legal analysis], Trieste, EUT 2015, 127-130.
3. P. FARAGUNA, *L'inattualità dell'attuazione della costituzione* [Constitutional Implementation as an Outdated Topic], in G. BRUNELLI, G. CAZZETTA (eds), *Dalla costituzione 'inattuata' alla costituzione 'inattuale'? Potere costituente e riforme costituzionali nell'Italia repubblicana*, Milano, Giuffrè, 2013, 163-174;
4. P. FARAGUNA, *Recenti sviluppi dell'esperienza costituzionale italiana in tema di c.d. "quote rosa"* [Gender-based Positive Discrimination and Political Participation in Italy: Recent Developments], in F. SPITALERI (ed.), *L'eguaglianza alla prova delle azioni positive*, Giappichelli, Torino, 2013, 41-84;
5. P. FARAGUNA, *La giurisprudenza della Corte Suprema in materia di reverse discrimination* [U.S. Supreme Court Case-Law on Reverse Discrimination], in F. SPITALERI (ed.), *L'eguaglianza alla prova delle azioni positive*, Giappichelli, Torino, 2013, 19-40;
6. R. BIN - A.O. COZZI - F. DI MORA - G.P. DOLSO – P. FARAGUNA - F. GAMBINI - P. GIANGASPERO - D. GIROTTO - L.A. MAZZAROLLI (eds), *Sergio Bartole, Scritti scelti* [Sergio Bartole, selected Writings], Jovene, Napoli, 2013;
7. A.O. COZZI, P. FARAGUNA, *Europa e Costituzione* [Europe and the Constitution], in *S. Bartole, Scritti scelti*, Jovene, Napoli, 2013, 747-758;
8. P. FARAGUNA, *Viking-Laval-Rüffert un mosaico di conflitti di difficile (ri)composizione* [Viking-Laval-Rüffert: a Mosaic of Conflicts Difficult to Reassemble], in S. BORRELLI – A. GUAZZAROTTI – S. LORENZON (a cura di), *I diritti dei lavoratori nelle carte europee dei diritti fondamentali*, Jovene, Napoli, 2012, 107-116;
9. P. FARAGUNA, *Constitutional Paradoxes from Inequity to Equality: the Italian Case (with a Little Help from Abroad)*, in *LGBTI Rights in the XXI Century*, Forum, Udine, 2011, 75-92;
10. P. FARAGUNA, *L'enigmatico statuto dei "Principi Supremi". Un'indagine empirica su limiti e «controllimiti» alle modifiche dell'ordinamento costituzionale* [The Enigmatic Essence of the "Supreme Principles". An Empirical Investigation of the Limits of Constitutional Revision and EU Integration], in *Annali, IUSS*, (2010), 1-276;
11. P. FARAGUNA, *Alla ricerca di un oggetto «positivamente non identificato»* [Seeking an Inanimate Object], in VV. AA., *La società naturale e i suoi nemici. Sul paradigma eterosessuale del matrimonio*, Giappichelli, Torino, 2010, 127-132;
12. P. FARAGUNA, *Sotto l'interesse apprezzabile: il principio di separazione dei poteri o niente?* [Relevant interests: the Separation of Powers, or not?], in VV. AA., *Il lodo ritrovato, una quaestio e un referendum sulla legge n. 124 del 2008*, Giappichelli, Torino, 2009, 113-118;

c) Articles

13. P. FARAGUNA, *A Living Constitutional Identity: The Contribution of Non-Judicial Actors*, in *Brooklyn Journal of International Law*, Vol. 41, Issue 2, 2016 and *Jean Monnet Working Papers Series* 2015/10, 1-80, available at jeanmonnetprogram.org;
14. P. FARAGUNA, *La Corte di Giustizia strizza l'occhio al BVerfG nel caso Gauweiler (OMT)* [The European Court of Justice winks to the German Constitutional Court on the case Gauweiler (OMT)], in *Quaderni Costituzionali*, 2015/3, 798-801;
15. P. FARAGUNA, *L'identità nazionale nell'Unione Europea come problema e come soluzione* [National Identity in the European Union: problem or solution?], in *Il Mulino*, 2015/5, 866-875;
16. P. FARAGUNA, *La sentenza della corte costituzionale n. 238/2014: tra illecito internazionale e controlimiti* [Constitutional Court Judgment n. 238/2014: between international wrongs and counterlimits], in *Studium Iuris* 2015/3, 267-276;
17. P. FARAGUNA, *Bundesdruckerei c. Stadt Dortmund: il salario minimo tedesco non si applica in Polonia* [Bundesdruckerei c. Stadt Dortmund: the German minimum wage does not apply in Poland], in *Neldiritto*, 2015/1, 189-192
18. P. FARAGUNA, *Il caso Gauweiler sulle OMT alla Corte di Giustizia: l'Avvocato generale porge l'altra guancia al BverfG* [The Case Gauweiler before the European Court of Justice: the Advocate General turns the other cheek to the Bundesverfassungsgericht], in forumcostituzionale.it (16 gennaio 2015)
19. P. FARAGUNA, *Corte costituzionale e corte internazionale di giustizia: il diritto alla penultima parola (sulla sentenza 238 del 2014)* [Constitutional Court v. International Court of Justice: the Right to Have the Penultimate Word (A comment on the Italian Constitutional Court's Judgment, n. 238/2014)], in diritticomparati.it (30 ottobre 2014)
20. P. FARAGUNA, *Rinvio pregiudiziale e questione di legittimità costituzionale (nota a Corte di giustizia UE, C-112/13)* [Reference for a Preliminary Ruling and Constitutional Issues (a Comment one the European Court of Justice's Judgment, C-112/13)], in forumcostituzionale.it (18 settembre 2014);
21. P. FARAGUNA, *La sentenza n. 238 del 2014: i controlimiti in azione* [Constitutional Court judgment n. 238/2014: "Counterlimits" in Action], in *Quaderni Costituzionali* in *Quaderni Costituzionali*, 2014/4 899-901 e forumcostituzionale.it (2 novembre 2014);
22. P. FARAGUNA, *"Pronto, Napolitano?": il conflitto tra Presidente e Procura sulle intercettazioni del Capo dello Stato* [The Constitutional Conflict between President Napolitano and the Prosecutor regarding the Wiretapping of the Head of State], in *Studium Iuris*, 2013/11, 1201-1209;
23. P. FARAGUNA, *Le «buone» riforme elettorali: ce le chiede l'Europa?* [A "Good" Electoral Reform: Europe demands it], in *Quaderni Costituzionali*, 2013/2, 409-411;
24. P. FARAGUNA, *Il premio di maggioranza visto dalle Regioni: un mostro a due teste* [The Majority Premium of the Regional Viewpoint: a Two-Headed Monster], in *Le Regioni*, 1/2013, 27-32;
25. P. FARAGUNA, *La riforma della Costituzione: cosa, come, ma soprattutto perché?*, in dossier "I costituzionalisti e le riforme" [Constitutional Reform: What, How, and, above all, Why?], abstract e relazioni del Seminario dell'Associazione Italiana dei Costituzionalisti tenutosi a Roma il 28 giugno 2013, in *Rivista dell'associazione italiana costituzionalisti*, "Osservatorio", in *Rivista dell'Associazione Italiana dei Costituzionalisti*, 2013, in *Rivista AIC*;
26. P. FARAGUNA, *La modificabilità della legge elettorale in prossimità del voto e il velo (trasparente) di ignoranza* [The Amendment of Electoral Law immediately prior to Elections and the (Transparent) Veil of Ignorance], in *Astrid Rassegna n. 22/2012*, 1-15, www.astrid-online.it (6 dicembre 2012), and in forumcostituzionale.it;
27. P. FARAGUNA, M. GIALUZ, *Il carcere e la promessa tradita della Costituente* [Italian Prisons: the Constituent Assembly's Broken Promise], in *il Mulino*, 6/12, 993-1002;
28. P. FARAGUNA, *E se non vi fosse stata alcuna intervista? [What if there were no Interview? Wiretapping the Head of State and Constitutional Conflict]* in forumcostituzionale.it, Amicus Curiae 2012 "Il Presidente intercettato" (29 novembre 2012);
29. P. FARAGUNA, *Quesiti inammissibili: a.a.a. contrappesi costituzionali cercansi* [Inadmissible Questions: Seeking Checks and Balances], in VV. AA., *Nel limbo delle leggi. Abrogazione referendaria della legge Calderoli e reviviscenza delle leggi Mattarella?*, Giappichelli, Torino, 2012, 219-224;
30. P. FARAGUNA, *Le leggi elettorali delle camere alla ricerca di uno statuto referendario proprio* [Electoral Laws seeking Special Treatment before the Referendum], in VV. AA., *Nel limbo delle leggi. Abrogazione referendaria della legge Calderoli e reviviscenza delle leggi Mattarella?*, Giappichelli, Torino, 2012, 219-224, 87-89;
31. P. FARAGUNA, *Referendum elettorali: dietro un'inammissibilità prevedibile, un orizzonte preoccupante* [Electoral Referenda: a Predictable Denial of the Constitutional Court], in *Studium Iuris*, 2012/7-8, 793-801;
32. P. FARAGUNA, *Izvestaj o sudskoj praske italijanskog Ustavnog suda* [Report on the Case Law of the Italian Constitutional Court, January 2010-December 2010, originally in EN, translated into HR], in *Revus – European Constitutionality Review*, 2011, 115-125;
33. P. FARAGUNA, *Da Lisbona alla Grecia, passando per Karlsruhe* [From Lisbon to Greece via Karlsruhe], in *Quaderni Costituzionali*, 2011/4, 935-939;

34. P. FARAGUNA, *Il caso Sayn-Wittgenstein: la Corte traccia un progetto di modello di gestione dei "controlimiti europeizzati"?* ["Sayn-Wittgenstein" Case: the ECJ drafts a Scrutiny Test in respect of a "European Constitutional Core"?], in *Quaderni Costituzionali*, 2011/2, 437-440;
35. P. FARAGUNA, *Legge n. 51/2010: legittimo impedimento ministeriale o «immunità in senso lato»?* [Law n. 51/2010: A Lawful Impediment or a Privilege for Ministers?], in *Studium Iuris* n. 2010/12, 1250-1258;
36. P. FARAGUNA, *Il Mangold-Urteil del BverfG. Controllo ultra-vires sì, ma da maneggiare europarechtsfreundlich* [The Mangold Decision of the German Federal Constitutional Court says Yes to Ultra-Vires Control, but only if compatible with European Law], in *Quaderni Costituzionali* 2010/4, 863-866;
37. P. FARAGUNA, *Limiti e controlimiti nel Lissabon-Urteil del Bundesverfassungsgericht: un peso, due misure?* [Limits and Counter-limits in the German Federal Constitutional Court's Lissabon-Urteil Decision: Defining the Constitutional Core with Double Standards?], in *Quaderni Costituzionali*, 2010/1, 75-98;
38. P. FARAGUNA, *"Lodo ter": legge costituzionale necessaria, ma non sufficiente* [Political Immunity: Constitutional Law is Indispensable but Insufficient], in *Studium Iuris*, 2010/4, 363-371;
39. P. FARAGUNA, *La secessione sottoposta al diritto? Il caso del Montenegro* [A Legal Secession? The Case of Montenegro], in *Est-Ovest*, 2009/2, 1-25

d) Online publications

40. P. FARAGUNA, *Meglio un Uber oggi o un Taxi domani?* [Is today's Uber Tomorrow's Taxi?], in *Rivista il Mulino – rivistailmulino.it* (31/7/2013);
41. P. FARAGUNA, *OMT Forum: "Whatever It Takes -- But Not Too Much"*, in *Europaes|law – europaeuslaw.blogspot.com* (19/6/2015);
42. P. FARAGUNA, *Anche i ricchi piangono (ma non i super-ricchi)* [The Rich also cry (but not the Super-Rich)], in *Rivista il Mulino – rivistailmulino.it* (9/7/2015);
43. P. FARAGUNA, *Corte costituzionale e corte internazionale di giustizia: il diritto alla penultima parola (sulla sentenza 238 del 2014)* [Constitutional Court v. International Court of Justice: the Right to Have the Penultimate Word (A comment on the Italian Constitutional Court's Judgment, n. 238/2014)], in *Diritti Comparati – diritticomparati.it* (30/10/2014);
44. P. FARAGUNA, *Guarda che bel programma colorato che ti fò* [Look at such a colorful program!], in *Rivista il Mulino – rivistailmulino.it* (5/11/2013);
45. P. FARAGUNA, *Sentenza 23/2010 sul legittimo impedimento ministeriale: note a prima lettura* [Constitutional Court, Judgment 23/2010 on Presidential immunity: a first comment], in *Persona&Danno – personaedanno.it* (27/1/2011);
46. P. FARAGUNA, *Una storia di 'lodi': non c'è bis senza ter?* [On the presidential immunity saga], in *Persona&Danno – personaedanno.it* (2/11/2009)

e) Book Reviews

47. P. FARAGUNA, *Book review*, E. CLOOTS, *National Identity in EU Law* (OUP 2015), in *Europaes|law – europaeuslaw.blogspot.com* (13/8/2015);
48. P. FARAGUNA, *Book review*: D. GRIMM, F. LONGATO, C. MONGARDINI, G. VOGT-SPIRA (eds), *Verfassung in Vergangenheit und Zukunft: Sechs Jahrzehnte Verfassung in Deutschland und Italien* [The Past and Future Constitution: Sixty Years' Constitution in Germany and Italy], in *Politica & Società*, il Mulino, 2013/1, 166-168