

## **EMILIO DE CAPITANI**

FORMER HEAD OF UNIT (LIBE) AT THE EUROPEAN PARLIAMENT, CURRENTLY VISITING PROFESSOR AND STRATEGIC LITIGATOR BEFORE THE EU GENERAL COURT AND COURT OF JUSTICE

### **WORK EXPERIENCE**

01/12/2011 - Present

#### **Lecturer - Visiting Professor**

(2012-2013-2014 2015-2021-2022-2023-2024)

Affiliated to the Scuola Superiore St Anna in Pisa

(DIRPOLIS Institute) Academic Course on European Union Fundamental rights as well Freedom, Security and Justice related policies

(2015-2020) Queen Mary's Law School (London)

Under the direction of Professor Mitsilegas

(2016-2017) Università Statale di Milano

Course on European Dimension of the Sustainable Development Strategy (under the LLM directed by Prof. Nerina BOSCHIERO)

(2008-2009-2010-2011-2012-2013) University L'Orientale

(Naples):

- Faculty of Political Science
- Course at biannual "Magistrale" on "Storia e politica dell'integrazione europea" 2025 - 2029
- (advanced course on History and politics of European integration)

### **Memberships and affiliations**

2024 Member of the re:Constitution Advisory Board

Based in Berlin but distinctly European in spirit, the re:constitution programme is one of the largest civil society initiatives to protect and promote the rule of law in the EU.

2024 Executive Director of Fundamental Rights European Experts Group (FREE Group)

ASBL Registered in the Belgian Official Journal on 20/09/2012

(N° entreprise 0848.756.136)

The Fundamental Rights European Experts Group (FREE Group) is a Belgian non governmental organisation (Association Sans But Lucratif (ASBL) Registered at Belgian Moniteur: Number 304011.

According to art 3 and 4 of its Statute the association focus is on monitoring, teaching and advocating in the European Union freedom security and justice related policies. In the same framework we follow also the EU actions in protecting and promoting EU values and fundamental rights in the Member States as required by the article 2, 6 and 7 of the Treaty on the European Union.

In this capacity:

- I took several initiatives to promote public debates on the European Area of Freedom, Security and Justice (EAFSJ) in Rome (Fondazione Basso) Florence (EUI with Professor Deirdre CURTIN) Washington (Washington University with Prof. Francesca Bignami) and Brussels (with Professor De Bruycker);
- I launched several Strategic Litigations before the EU and national Courts such as: the EU General Court dealing with legislative transparency (a) case **T-540/15** on March 22nd 2018 against the EP on need of giving access to Trilogues' documents, (b) case **T-163/21** on January 25th, 2023 against the Council of the European Union and dealing with the access to Council Working Group legislative preparatory documents) and (c) case **T-590/23** on September 2023 on EU Legislative Transparency (art.15.2 TFUE) and against the Council of the European Union unlawful practice of limiting the access to legislative preparatory documents. Finally the Court of Justice ruling on the proportionality of the EU-PNR Directive (see Preliminary Ruling in case **C-222/20**).

### **Previous and other memberships and affiliations**

- 2012 Member of the Migration Policy Centre (MPC) Advisory Board of the European University Institute (Florence)
- Member of the Scientific Committee and Professor for the Academic Consortium: UNINETTUNO  
see: <http://www.uninettuno.it/Portal/fr/comitatoscientificoconti.aspx>
- From 1981 to 1985 I was also charged of Regional Studies at the University of Pavia (under the supervision of Professor Gianfranco MOR).
- I am also member of the EUROPEAN INSTITUTIONS working Group presided by Giuliano AMATO in the ASTRID Think-Tank chaired by Franco BASSANINI
- In 2011-2013 have been invited in several occasions by the Academy of European Law (ERA - Trier) and by the European Institute of Public Administration (EIPA - Maastricht) as speaker or discussant on issues linked with the European Freedom Security and Justice Area (Transparency, Data Protection, Schengen Cooperation, future of Frontex..)

### **Head of Unit in the General Secretariat**

European Parliament

1985 -2011

Since 1/07/1998: In the Directorate-General Internal Policies (IPOL) of the EP I am the Head of the Secretariat of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) which, since the enforcement of the Amsterdam Treaty (1999), has been in charge of all the EU Freedom, security and Justice area (AFSJ) related policies as well of the implementation in the EU of the European Charter of Fundamental Rights.

(1998 -1996) In the Directorate-General Presidency of the EP I was in charge of the Inter-institutional relations Service (DG Presidency) which monitors the inter-institutional decision-making process. At inter-institutional level, I was substitute Member of the Management Committee of the Office for Official Publications of the European Communities (Publications Office-OPOCE). Under this capacity, I actively and successfully supported the free access by citizens to the electronic version of the Official Journal (via a new Internet Portal EURLEX) and to the European Community Legislation database (CELEX).

(1996 - 1994) In 1994 (entry into force of the Maastricht Treaty) I have been associated at the first EP co-decision-conciliation Unit and I was in charge of the DC II Unit responsible for the

internal referral (“saisines”) of the Council Common Positions and Commission proposals to the parliamentary committees. In 1996 I was responsible for the EP second generation informatics legislative workflow (ITER - still operational). To make such work more reliable and traceable also to general public, I launched the external re-diffusion communication tool (OEIL - Observatoire Européen Institutionnel et Législatif - Legislative Observatory).

(1994 1987) After the entry into force of the Single European Act 1987 I assisted the rapporteur (Christopher Prout) on the revision of the EP internal Rules (notably the Chapter V on legislative procedures) and for DG II I was charged of the secretariat of the first Inter-institutional Coordination Group (so called "Groupe Neunreither"). In this capacity I was charged also of the establishment of the first EP informatics work flow tool (AP-TECOM project) and I contributed to the establishment of the first collection of “models” (templates) for Parliamentary acts to be used by the translation services and to the negotiations of the first inter-institutional legislative programs.

(1987 -1985) From 1 May 1985 to 1987: I worked in the Directorate- General II (Parliamentary committees and delegations) for several parliamentary committees dealing with Transports, Rules and Petitions, External Policies, Legal Affairs and Regional Cohesion.

### **Coordinator and responsible of the Institutional and Legislative Affairs Service**

1973-1985

Lombardy Regional Government

The Institutional and Legislative Affairs Service, assisted by a high level Committee of Academics and experts in International, constitutional and regional law (Comitato di Coordinamento legislativo) was in charge of the legislative drafting or of the revision of the proposals submitted by the regional ministries (“Assessorati”) as well of the relations with the other Italian Regions, the National Government, the National Parliament and the Constitutional Court.

From 1981 to 1985 I contributed to the creation and organisation of an interregional supporting tool for the Conference of the Regions’ Presidents (the so-called CINSEDO - Centro interregionale di studi e documentazione) which then became a consultative body for the Italian Council of Ministers President.

From 1975 to 1980, as representative for the Lombardy Region’s Secretariat, I took part in the working groups charged of the Reform of the Italian Public Administration as foreseen by the Italian Law 387/75. The working groups participated at the drafting of Presidential Decrees (DPR 616/77 and 617/77) which revised the competences (exclusive and shared) between the Regions and the National Ministries

From 5/10/1971 to 15/12/1973 I worked in the Cabinet of the President of the Lombardy Regional Government.

## **EDUCATION**

**14.07.1972**

**UNIVERSITÀ STATALE DEGLI STUDI (MILANO)**

- Graduated in Political Sciences

**28.10.1969**

**UNIVERSITÀ CATTOLICA DEL SACRO CUORE (MILANO)**

- Graduated in Law

## **SKILLS**

I consider my forty years' experience in the legislative domain from the lower (regional) to the highest (European) level a rather exceptional asset. I am also a rather successful team builder and an experienced public official.

## **LANGUAGES**

Italian (mother tongue)

French (Fluent)

English (Very good)

## **REFERENCES**

### **References could be obtained by contacting:**

Former Lombardy Region Presidents:

Piero BASSETTI,

Giuseppe GUZZETTI

Former Chairmen of the European Parliament's LIBE Committee:

Hedy D'ANCONA,

Graham WATSON,

Ana PALACIO-VALLERSUNDI,

Jorge Salvador HERNANDEZ-MOLLAR

Jean-Louis BOURLANGES

Jean Marie CAVADA

Gerard DEPRez

Juan Fernando LOPEZ AGUILAR

Professors and academics:

Giuliano AMATO,

Franca Bassanini,

Henri LABAYLE,

Jorg MONAR,

Deidre CURTIN,

Giuseppe CATALDI,

Marc ROTENBERG,

Francesca BIGNAMI

## **COMPUTER SKILLS AND COMPETENCES**

Oracle, Windows Office Package, Power point, Drupal, Wordpress

## **OTHER**

Registered as Barrister (Avvocato) at Milan Bar from 18-09-80 to 04/07/97

Driving licence: Auto (B)

Leisure: photography, horse riding, windsurfing and athletics (pole vaulting)

### Recent publications

- (2023) Article: *European Law Journal - Passenger name record (PNR) data: how the EU is promoting (virtual) security by actually limiting Passengers' fundamental rights*, DOI:10.1111/eulj. 12479;
- (2021) Article: *Trasparenza nell'Unione europea: miraggio o realtà?* published in a co-authored Book "Alla Riscoperta del Parlamento Europeo 1979-2019" Giappichelli Ed;
- (2020) Chapter 14 *Progress and Failure in the Area of Freedom Security and Justice* by Emilio De Capitani in the Book "EU Law in Populist Times" <https://www.cambridge.org/core/books/eu-law-in-populist-times/8903EEBC61AE8C40F4A25FE27883247F>;
- (2019) Published in *Studi Urbinati* V. 70 N. 3-4 (2019) Emilio De Capitani *TWENTY YEARS AFTER TAMPERE AND TEN YEARS SINCE THE LISBON TREATY THE EUROPEAN AREA OF FREEDOM SECURITY AND JUSTICE HAS LOST ITS COMPASS?*;
- (2014) *The Schengen system after Lisbon: from cooperation to integration*. Published on ERA Forum. June 2014, Volume 15, Issue 1, pp 101-118 SPRINGER ed;
- (2013) Articles on Schengen evolution and on European Agencies (co-authored with Francesca Ferraro) on *Prove di Europa* Units published under the coordination of Giuliano Amato and Roberto Gualtieri (ed. Passigli);
- (2012) *Da "Schengenland" allo "Spazio europeo di libertà, sicurezza e giustizia"* by Emilio De Capitani published in "Per un contrasto europeo al crimine organizzato e alle mafie. La risoluzione del Parlamento Europeo e l'impegno dell'Unione Europea" by Sonia Alfano e Adriano Varrica. FrancoAngeli ISBN 978-88-568-47/6-5;
- (2011) *Impact of the EU accession to ECHR* published in *The Italian Yearbook of International Law*;
- (2011) *Relations between EU Internal and External Security* (co-authored with Francesca Ferraro). European Report 2010 Ed. Il Mulino;
- (2010) *Unione Europea e Segreto di Stato*, [http://www.astridonline.it/Riforma-de/Studi-e-ri/De-Capitani\\_Unione\\_europea\\_segreto-Stato.pdf](http://www.astridonline.it/Riforma-de/Studi-e-ri/De-Capitani_Unione_europea_segreto-Stato.pdf);
- (2010) *The democratic accountability of the EU's Area of Freedom, Security and Justice ten years on* (published in "The area of Freedom, security and justice ten years on successes and future challenges under the Stockholm programme", CENTRE FOR EUROPEAN POLICY STUDIES, BRUSSELS, 2010 / ISBN 978-94-6138-034-0);
- (2010) *The Evolving Role of the European Parliament in the AESJ* (published in: Monar, Jorg (ed.): *the Institutional Dimension of the European Union's Area of Freedom, Security and Justice*, Cahiers du Collège d'Europe / College of Europe Studies, Vol. 11, ISBN 978-90-5201- 615-3pb);
- (2009) *The possible role of the European Parliament in evaluating EU judicial cooperation in criminal matters* By Emilio De Capitani *Monitoring and evaluation mechanisms in the field of EU judicial cooperation in criminal matters - Maastricht, 2/3 June 2009*, published in <http://www.europeanrights.eu>;
- (2009) *Le Parlement européen et les parlements nationaux face à la réalisation de l'espace de liberté, de sécurité et de justice*, published in: *Revue française d'administration publique* 2009/1 (n° 129), 206 pages, Editeur E.N.A. I.S.B.N.

9782909460130DOI 10.3917/rfap.129.0035 Published in <http://www.cairn.info/revue-francaise-d-administration-publique-2BO9-1-page-35.htm>;

- (2008) *L'AZIONE DEL PARLAMENTO EUROPEO NELLA PROMOZIONE DEI DIRITTI FONDAMENTALI* di Emilio De Capitani in "Per un rilancio del progetto europeo" a cura di Giovanni Grasso, Rosaria Sicurella isbn:881414186X.