

ISSN 2785-5228



EUWEB Legal Essays
Global & International Perspectives
Issue 2/2022

EDITORIALE
SCIENTIFICA

ES



EDITOR-IN-CHIEF

Teresa Russo, University of Salerno (Italy)

MANAGING EDITOR

Anna Oriolo, University of Salerno (Italy)

ASSOCIATED EDITORS

Francesco Buonomenna, University of Salerno (Italy)

Gaspere Dalia, University of Salerno (Italy)

Erjon Hitaj, University of Vlore “Ismail Qemali” (Albania)

Ana Nikodinovska, University “Goce Delčev” of Štip (North Macedonia)

Rossana Palladino, University of Salerno (Italy)

EDITORIAL COMMITTEE

Giuseppe Cataldi, University of Naples “L’Orientale” (Italy)

Angela Di Stasi, University of Salerno (Italy)

Elżbieta Feret, University of Rzeszów (Poland)

Pablo Antonio Fernández Sánchez, University of Sevilla (Spain)

Olga Koshevaliska, University “Goce Delčev” of Štip (North Macedonia)

Pietro Manzini, Alma Mater Studiorum University of Bologna (Italy)

Nebojsa Raicevic, University of Niš (Serbia)

Giancarlo Scalese, University of Cassino and Southern Lazio (Italy)

Anna Lucia Valvo, University of Catania (Italy)

Jan Wouters, University of KU Leuven (Belgium)

SCIENTIFIC COMMITTEE

Paolo Bargiacchi, KORE University of Enna (Italy)

Ivana Bodrožić, University of Criminal Investigation and Police Studies, Belgrade (Serbia)

Valentín Bou Franch, University of Valencia (Spain)

Elena Crespo Navarro, University Miguel Hernández Elche (Spain)

Luigi Daniele, University of Roma Tor Vergata (Italy)

Jordi Nieva Fenoll, University of Barcellona (Spain)

Luigi Kalb, University of Salerno (Italy)

Anja Matwijkiw, Indiana University Northwest (United States of America)

Massimo Panebianco, University of Salerno (Italy)

Ioannis Papageorgiou, Aristotle University of Thessaloniki (Greece)

Nicoletta Parisi, Catholic University of the Sacred Heart of Milan (Italy)

Francisco Pascual Vives, University of Alcalà, Madrid (Spain)

Dino Rinoldi, Catholic University of the Sacred Heart of Milan (Italy)

REVIEWING COMMITTEE

Ersi Bozheku, University of Tirana (Albania)

Marco Borraccetti, University of Bologna (Italy)

Federico Casolari, University of Bologna (Italy)

Francesco Cherubini, University of Luiss Guido Carli, Rome (Italy)

Jasmina Dimitrieva, University “Goce Delčev” of Štip (North Macedonia)

Miroslav Djordjevic, Institute for Comparative Law, Belgrade (Serbia)

Jelena Kostić, Institute for Comparative Law, Belgrade (Serbia)

Ivan Ingravallo, University of Bari “Aldo Moro” (Italy)

Elena Maksimova, University “Goce Delčev” of Štip (North Macedonia)

Daniela Marrani, University of Salerno (Italy)

Francesca Martínez, University of Pisa (Italy)

Marina Matić Bošković, Institute of Criminological and Sociological Research, Belgrade (Serbia)
Pietro Milazzo, University of Pisa (Italy)
Stefano Montaldo, University of Turin (Italy)
Giuseppe Morgese, University of Bari “Aldo Moro” (Italy)
Niuton Mulleti, EPOKA University of Tirana (Albania)
Amandine Orsini, Université Saint-Louis, Brussels (Belgium)
Leonardo Pasquali, University of Pisa (Italy)
Christian Ponti, University of Milano (Italy)
Valentina Ranaldi, University “Niccolò Cusano” of Rome (Italy)
Fabio Spitaleri, University of Trieste (Italy)
Ismail Tafani, University of Barleti (Albania)
Maria Torres Perez, University of Valencia (Spain)
Paolo Troisi, University of Rome Tor Vergata (Italy)

EDITORIAL ASSISTANTS

Stefano Busillo, University of Salerno (Italy)
Miriam Schettini, University of Pisa (Italy)
Gabriele Rugani, University of Pisa (Italy)
Emanuele Vannata, University of Salerno (Italy)
Ana Zdraveva, University “Goce Delčev” of Štip (North Macedonia)



With the support of the
Erasmus+ Programme
of the European Union

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Rivista semestrale on line EUWEB Legal Essays. Global & International Perspectives

www.euweb.org

Editoriale Scientifica, Via San Biagio dei Librai, 39 – Napoli

Registrazione presso il Tribunale di Nocera Inferiore n° 5 del 23 marzo 2022

ISSN 2785-5228

Index
2022, no. 2
MONOGRAPHIC ISSUE
“EU-Western Balkans Cooperation on Justice and Home Affairs: Systems, Tools and
Procedures to Strengthen Security Towards the EU Accession Process”

PREFACE

Teresa Russo, Anna Oriolo, Gaspare Dalia 6

ESSAYS

Maria Eugenia Bartoloni
La natura sui generis della Politica Europea di Vicinato: un “contenitore” di competenze 9

Marcella Cometti
Il ruolo dell’Agenzia dell’Unione Europea per l’Asilo nel processo di allargamento ai Balcani occidentali. Tra l’esternalizzazione del diritto di asilo e supporto alla procedura di adesione 24

Elena Crespo Navarro
La respuesta de la Unión europea frente a las consecuencias migratorias de la agresión rusa a Ucrania 44

Sara Dal Monico
The Principle of Solidarity and Integration in the EU: The Challenge of Western Balkans 68

Leticia Fontestad Portalés
La digitalización del auxilio judicial mutuo en Iberoamérica: Iber@ 88

Kamilla Galicz
Verso l’Unione europea: il progresso della normativa serba in materia di asilo 100

Heliona Miço
The Right to Education of Asylum Seekers and Refugees. The Reflection of International Instruments and Standards in Albanian Legislation 115

Massimo Panebianco
Governance di sicurezza e difesa nel conflitto russo-ucraino 2022 127

Francesco Spera
The Rule of Law as a Fundamental Value of the European Union Identity in the Western Balkans: State of Play and Potential Challenges 134

EPILOGUE

Teresa Russo

*Some Conclusions Concerning Key Elements of the Future of EU-Western
Balkans Cooperation on Justice and Home Affairs*

153

Preface

This monographic issue, entitled *EU-Western Balkans Cooperation on Justice and Home Affairs: Systems, Tools and Procedures to Strengthen Security Towards the EU Accession Process*, of the Journal *EUWEB Legal Essays. Global & International Perspectives* wants to mark the conclusion of the scientific activities of the *Jean Monnet Module EU-Western Balkans Cooperation on Justice and Home Affairs* (EUWEB). Selected for financing by the European Commission for the period 2019-2022, the EUWEB Module offered a specialization course on the EU Cooperation on Justice and Home Affairs (JHA) with the Western Balkans in the view of their accession to the Union. At the end of these activities, the present monographic issue is particularly interested in fostering scientific reflections and giving visibility to the work carried out by the research group of the EUWEB Legal Observatory in the transversal reading of the challenges of enlargement to the Western Balkans, related to border control, the influx of migrants, the fight against transnational crime and the tools of police and judicial cooperation in the current international scenario.

The future of the Western Balkans in the European Union depends on the linked perspectives of integration and security that result from the policy-making choices and the political and legal instruments adopted at international, European, and national level to reinforce reform efforts and bring tangible progress. The Western Balkans' accession to the EU is so strictly connected with the security to the extent that it requires these countries for more guarantees according to EU-oriented reforms and projects. Several times, the European Commission has confirmed the European future of the Balkan region as a geostrategic investment in a stable, strong and united Europe based on common values in compliance with the EU principles of the rule of law, justice, democracy and respect for fundamental rights. On Tuesday, July 19, 2022, the President of the European Commission, Ursula von der Leyen, announced the opening of accession negotiations with North Macedonia and Albania. This is a long-overdue step forward for the EU's enlargement policy while further possible enlargements are being discussed and other States achieve EU candidate status. On 23-24 June 2022, the European Council decided to grant the status of candidate country to Ukraine and to the Republic of Moldova, as well as it declared to be ready to grant the status of candidate country to Georgia once the priorities specified in the Commission's opinion on Georgia's membership application have been addressed.

After all the planned activities and thanks to the participation of distinguished speakers and experts in the field, the Third and final edition of the EUWEB Module ended. This edition consisted of 58 hours of training courses distributed in eight study days from March to May 2022 in blended mode, both in presence and on the 'Microsoft Teams' online platform to reach a wider audience beyond the immediate participants and achieve the highest possible impact of activities carried out.

Therefore, this monographic issue includes the contributions of some of the several scholars and experts who answered to the call for submission launched on May 2022 concerning the domains of EU neighborhood policy and enlargement process (**Bartoloni, Dal Monico, Galicz, Spera**), migration and asylum management (**Cometti**), even in the perspective of the war in Ukraine (**Crespo Navarro, Panebianco**) and human rights (**Miço**), judicial and police cooperation (**Fontestad Portales**).

We worked hard to carry out our programme despite the COVID-19 emergency ensuring an innovative and multidisciplinary approach in the EU legal studies to promote excellence in the teaching of EU issues related to immigration, the fight against transnational crime, police and judicial cooperation and the protection of fundamental rights with the Western Balkans, bringing them closer to the Union. We are very delighted with the results achieved. The Third edition of the EUWEB Module has been attended by more than 100 participants including Italian, Albanian, North Macedonian and foreign students of law, economics, political science, graduates, Ph.D. candidates, lawyers, candidate lawyers, law enforcement officials, civil servants and members of civil society.

All the participants were invited to submit a final paper on the topics of the EUWEB Module and the five best, selected by the Commission including the Module's Teaching Members, have been discussed during the EUWEB Final Ceremony of 28 July 2022 (**Carabotta, Dhaim, Lettieri, Roshi, Sorgente**) and are now published on the Module website in the section of EUWEB didactic materials. Two of them (**Dhaim, Lettieri**) received a special mention.

We are grateful to all those who took part in this Third and final edition of the EUWEB Module both as students and speakers. Special thanks go to the members of the Secretariat (**Aloia, Annunziata, De Chiara, Dhaim, Ferrara**) and young researchers of the Legal Observatory (**Busillo, Vannata**) who worked hard.

We will continue to work diligently to improve our research and do better. Thank you!

31 July 2022


The Module Leader
Teresa Russo


Key Staff Member
Anna Oriolo


Key Staff Member
Gaspare Dalia