

Progetto di ricerca

**«Public law and the dynamics of energy transition: a comparative study on freedom of movement constraints»**

The EU legislature has established a governance framework for innovation in the transport sector through various new policies, focusing on greener energy, consumer protection, and regulation of digital and energy markets. To this end the EU Commission aims to align the transport sector with the EU Green Deal. This strategy targets a 90% reduction in emissions by 2050, aiming to create a smart, competitive, safe, accessible, and affordable transport system.

This research project aims to investigate the effects of the EU energy transition on the mobility and freedom of movement of people. Starting from the analysis of the concept of freedom of movement and its constitutional framing as a fundamental right, the research will have to recognize and analyse the limits that the Constitutions of the EU Member States, also compared with the constitutional charters of the non-EU countries, allow to be imposed by legislatures on freedom of movement. In the domestic sphere, for example, the freedom of movement enshrined in Article 16 of the Italian Constitution may be restricted by law only for reasons of health and safety, without any explicit mention of environment protection. At the same time, freedom of movement is a fundamental human right that cannot be limited for reasons other than the protection of interests explicitly mentioned by the Italian Constitution. The research shall then analyse the constitutional and administrative court caselaw regarding the legitimacy of statutory constraints imposed on people freedom of movement for reasons directly or indirectly connected with the healthy environment protection.

**PLAN OF ACTIVITIES**

1. Documentary research activities (legislative, doctrinal, and jurisprudential) aimed at reconstructing the concept of freedom of movement, and its statutory limits, according to the Constitutional provisions of EU Member States, also compared with the constitutional provisions of non-EU countries (first semester, with monthly briefing).

Method: interdisciplinary analysis of the relationships between constitutional, supranational, international and domestic regulations concerning the freedom of movement and its limitation, also considering private law implications

2. Preparation, based on the described documentary research and method, of an analytic report and analysis to be made available to the PRIN research team (second semester).