

Revista Jurídica Portucalense Issue 28 (2020)

EDITORIAL

We are pleased to welcome you to the 28th issue of Revista Jurídica Portucalense, the Law Review of our Faculty of Law at Portucalense University. The issue comprises, as usual, two distinct sections. The first is dedicated to scientific research contributions which went through a comprehensive double-blind peer review process. The second is a *varia* section, dedicated to abstracts, conference presentations and jurisprudence.

In this issue's scientific research section, ANA PAULA GUIMARÃES, DANIELA SERRA CASTILHOS and MÁRIO SIMÕES BARATA write about the of the ***concept of "issuing judicial authority" used by the Court of Justice of the European Union in the cases C-508/18 and C-82/19 PPU (Parquet of Lübeck)*** - which excludes prosecutors as they are thought to be permeable to the executive branch's influence -, ***and its possible echoes in the European Investigator Order in Portugal.***

While still on the subject of recent decisions from the Court of Justice of the EU, DANIELA SERRA CASTILHOS, FÁTIMA PACHECO and MÁRIO SIMÕES BARATA move on to comment ***on Case C-324/17, Gavanozov, 24 October 2019***, the first decision of the Court of Justice of the European Union in relation to the European Investigation Order, and to reflect on the balance between the ***Principle of Mutual Recognition and Fundamental Rights.***

MURILLO MAGALHÃES CARRERA then embarks into civil law and proposes a different concept of *possessio*, in an article entitled the ***distinction between the subjectivist and objectivist formulation of possession and what is the solution adopted by the Portuguese civil code.***

NELSON MACEDO DA CRUZ offers a combined perspective of law and criminal law concerning ***indirect methods on the tax investigation of illicitly generated***

profits, where he argues that in spite of some initial reluctance shown by the courts, the traditional mechanism of indirect evaluation is a good solution to the difficulty of correctly evaluation the damage to the public coffers caused by tax crimes.

RENATO ANDRIOLI JR. ventures into Environmental Law with a fresh perspective about ***International Environmental Law: Responsibility in the Anthropocene***, focusing on principle of common but differentiated responsibilities, a categorization of environmental responsibilities and a new concept of *Sovereignty as Responsibility*, in order to confront the challenges of the environmental crisis.

To end this section, RUI MIGUEL PEREIRA SAMPAIO calls the reader back to taxation law to discuss the ***issue of Responsibility in municipal surtax on the tax credit for international juridical double taxation of income*** and establish if the current municipal surtax has an impact on the tax credit for international juridical double taxation of income, regardless of the existence of a Double Taxation Convention with the Source State.

In the *varia* section, FÁTIMA PACHECO reflects on ***Rights and principles: the contribution of the Charter of Fundamental Rights of the European Union to social policy - is the right to paid leave a general principle of Union law that can be invoked against a private employer?*** The author considers the contribution of the Charter of Fundamental Rights of the European Union to social policy and examines whether the time has come for fundamental social rights to leave the world of shadows and to finally enjoy an equal status with other fundamental rights. To this end, the author offers a short journey through the most impactful jurisprudence of the CJEU in the social domain.

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