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Political Power and University in Germany and Italy: major similarities and differences during the Covid-19-pandemic

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La pandemia da Covid-19 è stata all'origine, sia in Italia che in Germania, di ampi dibattiti tra scienziati, studiosi di molteplici discipline e opinione pubblica. La politica ha certamente svolto un ruolo fondamentale nella gestione dell'emergenza sanitaria: in Italia la salute "pubblica" è stata tutelata attraverso la adozione di una ampia gamma di atti normativi, tuttavia non sempre idonei a garantire una tutela unitaria. In Germania l'emergenza è stata gestita con (più) successo, fatta eccezione per alcuni problemi emersi nel coordinamento tra Bund e Länder nella lotta al virus. Questo scritto analizzerà, in chiave comparativa, il rapporto tra potere politico e scienza nella definizione delle politiche per combattere l'emergenza sanitaria, concentrandosi sull'impatto di tali politiche all'interno delle Università.

The Covid-19 pandemic has provoked both in Italy and in Germany wide debates among scientists, scholars of multiple disciplines and public opinion. Of course, politics has played a fundamental role in the management of the health emergency: in Italy, "collective" health has been protected through the adoption of a very wide range of regulatory acts of different nature, not always suitable to guarantee a unitary protection. In Germany, the emergency crisis has been (more) successfully managed, with the sole exception of some problems that have emerged in the coordination between the Bund and Länder in the fight against the virus. This work will analyse, from a comparative point of view, the relationship between the legislative power and science in defining policies to combat the health emergency, focusing on the impact of such policies on the academic context.

1. Science and the certainty of uncertainty

The Covid-19 pandemic has profoundly transformed lives, «*instilling doubts and fear towards science and medicine*»^[1], representing a real stress test^[2] with respect to axioms, categories and reconstructions^[3], as well as the very concept of scientific knowledge.

Specifically, referring to the latter, the Italian scientific community has shown itself as being dramatically divided not only in terms of the epidemiological potential of Covid-19 but also in terms of the different models for contagions.

As the doctrine states, «*it remains unclear how different combinations of interventions, timings, and triggers for the introduction and lifting of control measures may impact estimates of health services, and what the range of uncertainty associated with these estimates would be*»^[4].

Quite coherently, the German doctrine has referred to a generalized «*Ungewissheit*» - «*uncertainty*» regarding the scientific knowledge of the current pandemic^[5].

As German sociologist Luhmann^[6] stated, in case of emergency or uncertainty, it is the process aimed at adopting such measures that takes central significance^[7].

2. Uncertainty in the sources of law: a comparison between Italy and Germany

The uncertainty and fragility that dominate the scientific knowledge of the SARS-CoV-2 virus seemed to extend, *mutatis mutandis*, to the solidity of the Italian system of sources^[8], where their use was completely anomalous^[9], to the point of foreseeing the adoption of regulatory instruments of a secondary nature strongly affecting fundamental rights, as well as categories of already vulnerable individuals^[10].

It is no coincidence that the emergency situation has led to a «*confusion*» and a «*mixing of the sources of law*»^[11].

If it is true that the «*pivot of the emergency legislation has been resolved in a series of decree-laws, involving the Government's authorization to adopt specific measures to combat the epidemic through the instrument of the decree of the presidency of the council ministers*»^[12], it is equally true that the emergency decree, already in itself

sometimes problematic^[13], has been replaced by sources of secondary rank.

Germany, on the other hand, has known a linear use of the sources of law, without any problems from the point of view of the respect for the principle of law (in any case, partly limiting the exercise of certain freedoms, such as the freedom of assembly^[14]): the doctrine has affirmed the importance of giving «*acknowledgement to Parliament that it has not abdicated its function in favour of executive power*».^[15]

In this regard, however, a minority of the doctrine considered that the *Infektionsschutzgesetz (infra)* was not sufficient to constitute a legal basis for the exercise of normative power of secondary level^[16] or that the measures adopted were not based on the primary law^[17].

A partial exception to the typical fragmentation of federal structures, which was, however, relevant to pandemic management, was guaranteed by the Federal Act on Epidemic Management which came into force in 2000 (*Gesetz zur Verhütung und Bekämpfung von Infektionskrankheiten beim Menschen* or *Infektionsschutzgesetz - IfSG, July 20 2000*).

This law provides not only for close cooperation between the levels of government and health professionals^[18], but also for the broad involvement of the *Länder*.

§ 16 of the law in question requires the *Länder* to take the necessary measures to contain the danger to individuals or the community.

As mentioned, the centralization of the regulatory function at the federal level has not, however, prevented a difficulty in coordination between the various *Länder*, which have taken highly differentiated, and in part contradictory, initiatives (e.g. on the subject of the limits to assemblage^[19]).

The relationship between the central State and the *Länder*, on the other hand, seemed to be cooperative.

On March 16, 2020, guidelines^[20] were adopted that set forth a shared management between the *Bund* and the *Länder*^[21]; the collaboration here seems to have been a partial response to what has been defined as the “German success”^[22], supported by the unitary framework of technical-scientific knowledge provided by the *Robert Koch Institut (RKI)*^[23].

It must be considered, however, that the debate among German scholars that has developed in recent months has shown, first of all, that the *Infektionsschutzgesetz*

does not have the function of containing an aggressive and widespread pandemic such as the Covid-19 pandemic: such a health crisis requires a much more significant effort in terms of federal coordination than that which requires, for example, the management of the infectious capacity of a seasonal influenza^[24], so much so that the law against infections has undergone several amendments (see, for instance, *Bundesgesetzblatt Jahrgang 2020 Teil I Nr. 14*, ausgegeben zu Bonn am 27. März 2020).

More specifically, the German Constitution does not provide for any regulation of the maintenance of legislative capacity at the federal level in the event of an internal emergency, emphasizing only agreements of a purely informal nature^[25]. As the doctrine states, in any case, the pandemic emergency posed a challenge to the constitutional principles of the rule of law and put different views on the extent of fundamental freedoms and their possible limitations and relationships with State authority^[26].

3. Where science and politics intersect: the Italian “Cts” and the Robert Koch Institut in the role played by the sources of law

Returning to the Italian “case”, the subordination of the primary source of law to the secondary source of law in the context of the state of emergency also affected the establishment of the Scientific Technical Committee (“Comitato Tecnico Scientifico”).

The Scientific Technical Committee has been created *ad hoc* to deal with the health emergency, composed of experts and qualified representatives of the bodies and administrations of the State supporting the Head of the Department of Civil Protection^[27].

Article 2 of Ordinance n. 630/2020, provides that «*for the implementation of the interventions referred to in this Ordinance, the Head of the Department of Civil Protection shall avail himself of a technical-scientific Committee, established by his measure, composed of the Secretary-General of the Ministry of Health, the Director-General of Health Prevention of the Ministry of Health, the Director of the Office for the Coordination of Maritime, Air and Border Health Offices of the Ministry of Health, by the Scientific Director of the National Institute for Infectious Diseases*

‘Lazzaro Spallanzani’, by the President of the Higher Institute of Health, by a representative of the Health Commission appointed by the President of the Conference of Regions and Autonomous Provinces and by the Coordinator of the Office for Promotion and Integration of the National Civil Protection Service of the Civil Protection Department, acting as coordinator of the Committee. The Committee may be integrated concerning specific needs».

In the German panorama, a fundamental role has been played by the *RKI*, partly corresponding to the *Istituto Superiore di Sanità - ISS*, which represented a source of support for the choices made by the Executive Board: the measures adopted were in fact based on the evaluations developed by the institute in question^[28].

The *RKI*, situated halfway between science and politics, is the German public health institute, employing 1,080 people, including 450 scientists^[29].

Among the Institute’s activities, there is the fundamental one of acting as a hub for health protection; moreover, it has constantly been supporting the international crisis: *«as of beginning of September 2020, ZIG has provided assistance and advice on all public health aspects of outbreak response to over 60 countries in Africa, Asia, Europe, and Latin America»*^[30].

The institute in question has prepared a Pandemic Management Plan (*Pandemieplan*)^[31] in implementation of a WHO recommendation of 1999 and provided the scientific indications that led to the limitation of mass events.

Consider that the management of the pandemic in Germany did not have to deal with dramatic episodes such as the “all-Italian” publication of the *Società Italiana di Anestesia Analgesia Rianimazione e Terapia Intensiva - SIAARTI* Recommendations on clinical ethics^[32]: the reason could be the soundness of the German federal healthcare system^[33].

An essential role in the management of the pandemic has certainly been played by the *RKI*, regulated by the law of 2000: § 4 of the law in question regulates in detail the tasks of the institute, which has a strong political connotation.

Unlike the Italian case, German law had already provided for the regulation of *RKI*’s activities (and its cooperation with the Executive of the *Bund* and the *Länder*) by ordinary law for twenty years.

In both countries, it is important to note that *«scientific support is provided for the measures adopted, especially if they are restrictive of constitutional rights»*^[34].

4. Politics between the right to study and the freedom to teach during the pandemic

After having referred to the scientific-institutional framework within which the right to study and freedom of teaching is inserted, it seems appropriate to investigate about how much the measures adopted to fight against the health emergency have impacted on the German and Italian academies, pointing out from the outset that, while the management of the pandemic in the Italian and German academic context seems to present strong similarities, the nature of the sources adopted in the Italian “case” seems to diverge, in line with the above, from that which characterized the German “case”.

As stated by the World Health Organization on last March, it seems relevant to consider that the measures adopted in response to the pandemic have interfered and do interfere with the enjoyment not only of civil and political right, but also of economic, social and cultural rights^[35].

In fact, it is no coincidence that doctrine has begun to question on the need for the State to guarantee unhindered and non-discriminatory access to education (*rectius* to the possibility of studying and carrying out research) in times of pandemic.

The right to study is affected by a gap in terms of economic and social conditions and also in terms of place of residence^[36]: UNESCO has developed tools and guidelines that can be accessed free of charge in order to deal with the educational emergency.

The educational emergency measures adopted, however, betray the lack of actions taken in “normal” times^[37].

In the Italian legal system, the emergency not only affected personal freedom, freedom of movement and residence and religious freedom, but also affected the right to education, which, according to the doctrine, «*has been converted to telematic experiments that are unconvincing in a country that is still strongly behind in terms of digital infrastructures*»^[38].

4.1. The measures adopted in Italy in the field of higher

education and research

At the end of February 2020, the spread of the Covid-19 virus forced Italian universities to close their buildings and convert teaching activities into distance learning^[39].

Classrooms were suddenly transformed into «*virtual spaces*»^[40].

In Italy, there have been several regulatory interventions aimed at reconciling the protection of the health of students and university staff with the safeguarding of the right to study, «*at the same time preventing the possible prejudicial effects deriving from the suspension of teaching activities in attendance*».^[41]

As for the measures adopted, Article 100 of d.l. n. 18/2020, converted with l. n. 27/2020, aimed at guaranteeing support to universities by providing a fund for emergency needs; subsequently, the measure mentions distance education as well as services for students.

It is interesting to note that the training and service activities for students provided at distance have become the object of calculation in order to carry out the duties of professors and researchers.

The provisions of the d.l. have been extended and subsequently stabilized, respectively, by d.l. n. 83/2020 and d.l. n. 104/2020; besides, the decree postponed the deadlines relating to the procedure for the acquisition of the national scientific abilitation.

A subsequent decree-law came into force in order to regulate practical or internship activities, as well as the election procedures of university bodies, and the graduation session for the achievement of 2018/2019 degrees.

D. l. n. 34/2020, converted with l. n. 77/2020, provided for an increase in the Fund for the emergency needs of the university system, in order to support distance learning and research.

Essentially, distance education has been implemented in detail by a series of “D.P.C.M.” (Decrees of the President of the Council of Ministers, called not by chance the “masters” of the emergency)^[42] issued between February and June 2020^[43].

Subsequently, Ministerial Decree n. 295/2020 provided for an extension for PhD students holding scholarships, for the possibility of extending the duration of the research grants, and for the possibility for candidates to take oral tests by

videoconference. The same d.l. n. 34/2020, converted with l. n. 77/2020, introduced a Plan of extraordinary investments in research that intervened on the future recruitment of type B university researchers and on the forecast of a new program for the development of projects of relevant national interest.

Finally, d.l. n. 104/2020 provided for the equalization of service training activities for students carried out in the tertiary system with distance learning methods to those carried out in presence and for the reshaping of scholarships for out-of-office students.

As one may see, various measures have been adopted to support university research; however, distance learning and the previous total closure of libraries are and have been problematic issues of a non-secondary nature.

In the post-lock-down, the balancing of health security with the full performance of all teaching and research activities, «*with the help of digital technologies*»^[44], is still of central importance.

In the annexe^[45] to the note, the constitutional principles that the Italian State intended to protect in the resumption of the academic year in Phase 2 (from May to August) and Phase 3 (from September to January 2021) immediately spring to mind: the right to health, the right to study for students and, particularly, for students with disabilities; the right to research for young researchers and PhD students.

What seems to emerge from the reading of the document is the focus on a “blended” didactic offer plan, the guarantee of access to spaces, the strengthening of digital infrastructures, the dematerialization of ongoing administrative procedures and staff training.

As can be guessed, the achievement of the objectives in question requires substantial funds: otherwise, the right to education as well as, on the other hand, freedom of teaching could not be guaranteed.

4.2. The Measures taken in Germany in the field of higher education and research

The *Bund* has allocated many millions of euros to study support^[46], particularly strengthening digital education in schools and guaranteeing scholarships for university students.

The President of *HRK* (corresponding to *CRUI*) drew attention to the speed with which teaching decisions were taken and with which the “akademisches milieu” was modified, to the point that the proposal to declare the summer semester a “non-semester” was discussed^[47], finally declined in favour of a digital “Sommersemester”.

On the subject of academic freedom, it was stated by the President of *HRK* that *«universities master change in a very calm and pragmatic way. Annoying are those voices which interpret the digital semester as a threat to the democratic balance of power in the universities [...] the presidencies, it is said [...] have taken advantage of the circumstances and established a new regime of government. Virtual teaching is becoming a tool with which freedom of teaching would be abandoned and a digital media realm would be established»*^[48].

Moreover, *«[m]any of these arguments are no better than the conspiracy theories that currently try to denounce the crisis management. No university executive is happy with the restrictions on academic presence. Nevertheless, we live in a state of emergency. Furthermore, this requires unusual measures, openness, willingness to experiment and intellectual curiosity, even in the field of teaching»*^[49].

Consider that also Italy seems to have achieved good results in distance education, where there has been a strong relationship between universities and central connecting bodies^[50].

Germany, precisely in the light of the strong compromise that has suffered and continues to suffer from the possibility of studying and doing research, especially in laboratories, has needed regulations of a flexible nature in favour of scientists and academics.

In addition to the individual regulations, which, together with the amendment of the *Wissenschaftszeitvertragsgesetzes*, have in part revived academic research^[51], the German legal system has undergone an important law which intended to protect - with retroactive effect from March 1, 2020 - the academic world; the law in question is the *Wissenschafts - und Studierendenunterstützungsgesetz*^[52], which was presented by the *CDU* and the *SPD* party on April 21, 2020, and published in the Official Journal on May 28, 2020.

The accompanying report to the law states that due to the pandemic there have been many restrictions on scientific and academic staff. Quite significantly, it is stated that *«many research projects cannot or can only be continued to a very*

limited extent for the time being, due to the closure of laboratories and libraries».

Furthermore, it is stated that the categories most affected are those corresponding to young scientists and scholars who are employed temporarily under Art. 2, par. 1, line 1 of the *WissZeitVG* and who, therefore, also require compensation with the help of the *BAföG* (federal financial aid).

The law in question was commented on by the President of *HRK*, who argued that «*highly qualified researchers form the basis for the performance of universities and the scientific system as a whole*»^[53].

While the government's support for academia has been considerable, in any case, the Covid-19-Pandemic has affected the postponement of the winter semester in all the *Länder*; furthermore, as provided for in a *Daad* document, the *Ständige Konferenz der Kultusminister (KMK)* has decided to postpone - in all *Länder* - the start of the 2020-2021 winter semester to November 1, 2020^[54].

5. A balance: Italian and German universities

One may note that the management of the academic universe between Italy and Germany has known many similarities and some differences.

As for the former, access to libraries and laboratories is indeed precluded to large group.

However, the possibility of accessing functional spaces for research and study seems to be - albeit with existing restrictions - entirely possible both in Italy and in Germany (where on April 15, 2020, Chancellor Merkel and the Heads of Government of the individual *Länder* established - under restrictions - the opening of laboratories, libraries and archives).

Moreover, one should consider the fact that Germany and Italy have experienced more generous access to *e-resources*: universities have faced the closure of libraries through the possibility of using *e-books*, *e-journals* and databases^[55].

As far as teaching is concerned, it is also interesting to note that in many *Länder* activities in attendance have not yet begun, with the sole exception of seminars for up to 30 people, which must also be guaranteed online, and access to laboratories (e.g. Art. 19 of the Sixth *Bayerische Infektionsschutzmaßnahmenverordnung*).

In many Italian universities, on the other hand, teaching activities will take place

in presence, although the synchronous recording of lessons is guaranteed.

The didactics, therefore, will have to know further forms of development “digitally” relevant in both countries.

As far as the major differences are concerned, on the state level, it is essential to note that Germany has seen the approval of a law in support of academic activity, while Italy has seen, in this area, the adoption of sources of an “emergency nature”, as well as sources of a secondary nature.

What has just been written seems to be in line with what has been said about the use of sources in emergencies: it is true, however, that since the beginning of March Italy has experienced an extremely dramatic situation from the point of view of the impact of the virus on people’s lives, so much to determine «*a real regulatory flood, in an attempt to deal with the lack of predictability of infection trends*»^[56], to which is linked, moreover, the diversity of the impact that the measures on personal freedom have exerted in Germany and Italy.

6. The coronavirus and its challenges in the academic context

As for Italian universities, German universities will have to proceed with the digitalization of teaching in the coming semester.

Net of the problems linked to the right to a digitized education (as well as to a conference), it is perhaps possible to highlight some positive, transversal and transnational aspects of distance learning.

If it is confirmed that the implementation of the necessary tools for the realization of distance education can affect the easiness/agility with which teaching is carried out, it is equally true that it is possible to sustain that the state of emergency has exalted the principle of inclusion, which guarantees access to school for all, including people with disabilities^[57].

Similarly, the pandemic seems to have strengthened the collaboration between teachers^[58].

As has been correctly observed by German doctrine, the digitalization of didactics and the ease with which teaching and scientific materials can be exchanged online can undoubtedly contribute to an enrichment of scientific knowledge: the sharing of materials as *Open Educational Resources* feeds the need

for cooperation between teachers.

In the same way, the pandemic has shown the need to enhance the library space, whether physical or digital, as a social issue of the right to study and research^[59].

As the doctrine points out, it is necessary to increase awareness of the need for more significant investments in the dissemination of scientific research and the right to education^[60].

Finally, since, as the President of *HRK* said, according to some particularly critical voices, the digitalization of lessons could lead to the creation of a “media realm” at the expense of freedom of teaching, it would seem entirely appropriate to envisage, also in the light of science’s predictions on corona-virus, a statute for online education.

In this regard, Italian doctrine has highlighted the problem of the use of new technologies once the urgency is over, since «*neither schools nor universities have become telematic, for which specific rules apply*»^[61].

1. See M. D’Amico, *Emergenza, Diritti, Discriminazioni*, in www.gruppodipisa.it, 2020, 16.
2. M. Meyer - Resende, *Bitte keine Alternativlosigkeit*, in www.verfassungsblog.de, 2020.
3. D. De Lungo, *Liberalismo, democrazia, pandemia. Appunti sulla tutela dei diritti e delle libertà fondamentali dell’individuo di fronte alla decisione collettiva*, in www.nomosletteraturadeldiritto.it., 2020,1.
4. G. Davies et al., in medRxiv, preprint, 6.4.2020, <https://doi.org/10.1101/2020.4.1.20049908>.
5. H. H. Trute, *Ungewissheit in der Pandemie als Herausforderung*, in *GSZ*, 2020.
6. N. Luhmann, *Legitimation durch Verfahren*, VI ed., Frankfurt am Main, 1969. According to German doctrine, moreover, it is not appropriate to refer to a state of exception, but it is more appropriate to refer to a «*Sonder-Normallage*»; see L. Leitmeier, *Corona und “Ultra-vires”: Recht an der Grenze*, in *DöV*, 2020, 646.
7. E. Buoso, C. Fraenkel-Haeberle, *La Germania alla prova del coronavirus*, in www.federalismi.it, 2020; see also M. Friehe, *Freiheit in höchsten Nöten*, in www.verfassungsblog.de, 2020.
8. P. Caretti, *I riflessi della pandemia sul Sistema delle fonti, sulla forma di governo e sulla forma di Stato*, in www.osservatoriosullefonti.it, 2020, 292 and ff.
9. M. D’Amico, *Emergenza, Diritti, Discriminazioni, op. cit.*, 18-22.
10. M. D’Amico, *Emergenza, Diritti, Discriminazioni, op. cit.*, 18-22; moreover, the COVID-19 pandemic points out the problem of intersectional discrimination.
11. F. Rescigno, *La gestione del coronavirus e l’impianto costituzionale. Il fine non giustifica ogni mezzo*, in www.osservatorioaic.it, 2020, 257; see, on this topic, Staiano S., *Né modello né sistema. La produzione del diritto al cospetto della pandemia*, in www.rivistaic.it, 2020,

- 536-545.
12. P. Caretti, *I riflessi della pandemia sul Sistema delle fonti, sulla forma di governo e sulla forma di Stato*, cit., 296-297.
 13. F. Clementi, *Il lascito della gestione normativa dell'emergenza: tre riforme ormai includibili*, in www.osservatoriocostituzionale.it, 2020, 36.
 14. C. Gusy, *Die Corona der Coronaleugner und das Versammlungsrecht*, in www.verfassungsblog.de, 2020.
 15. E. Buoso, C. Fraenkel-Haerberle, *La Germania alla prova del coronavirus*, cit., 91; see also M. Friehe, *Freiheit in höchsten Nöten*, cit., 2020, 91-92 and A. De Petris, *Un approccio diverso: l'emergenza "collaborativa" del federalismo tedesco*, in www.osservatorioaic.it, 2020, 431.
 16. D. Murswiek, *Verfassungsrechtliche Probleme der Corona-Bekämpfung*, in *Stellungnahme für die Enquete-Kommission 17/2 "Corona-Pandemie" des Landtags Rheinland-Pfalz*, 18.8.2020, 8 and ff.; see also L. Leitmeier, *Corona und "Ultra-vires": Recht an der Grenze*, *op. cit.*, 647.
 17. A. Thiele, *Rauswurf aus der Zweitwohnung*, in www.verfassungsblog.de, 2020.
 18. E. Buoso, C. Fraenkel-Haerberle, *La Germania alla prova del coronavirus*, *op. cit.*, 85.
 19. G. Taccogna G., *L'ordinamento giuridico tedesco di fronte al virus Sars-CoV-2*, in www.federalismi.it, 2020, 97 and ff.
 20. <https://www.bundesregierung.de/breg-de/aktuelles/vereinbarung-zwischen-der-bundesregierung-und-den-regierungschefinnen-und-regierungschefs-der-bundeslaender-angesichts-der-corona-epidemie-in-deutschland-1730934>
 21. P. Thielbörger, B. Behlert, *COVID-19 und das Grundgesetz. Zur (Un)tauglichkeit des verfassungsrechtlichen "Immunsystems"*, in www.verfassungsblog.de, 2020.
 22. A. De Petris, *Un approccio diverso: l'emergenza "collaborativa" del federalismo tedesco*, *op. cit.*, 443.
 23. G. Taccogna, *L'ordinamento giuridico tedesco di fronte al virus Sars-CoV-2*, in *I diritti costituzionali di fronte all'emergenza Covid-19*, *op. cit.*, 87.
 24. A. Klafki, *Coronavirus und Reformbedarf des "Pandemierechts"*, in www.verfassungsblog.de, 2020.
 25. P. Thielbörger, B. Behlert, *COVID-19 und das Grundgesetz. Zur (Un)tauglichkeit des verfassungsrechtlichen "Immunsystems"*, *op. cit.*
 26. M. D'Amico, *Emergenza, Diritti, Discriminazioni*, *op. cit.*, 16-17.
 27. L. Cuocolo, *I diritti costituzionali di fronte all'emergenza Covid-19. Una prospettiva comparata*, in www.federalismi.it, 2020, 8.
 28. A. Gatti, *L'emergenza COVID-19 in Germania e Austria: un bilancio comparato*, in www.gruppodipisa.it, 2020, 53-56. On the collaboration between the government and RKI see <https://www.bundesregierung.de/breg-de/themen/themenseite-forschung/forschungseinrichtungen-des-bundes>.
 29. See www.rki.de.

30. See www.rki.de.
31. E. Buoso, C. Fraenkel-Haerberle, *La Germania alla prova del coronavirus*, *op. cit.*, 76.
32. On this topic see L. Conte, *Covid-19. Le Raccomandazioni di etica clinica della SIAARTI. Profili di interesse costituzionale*, in www.federalismi.it, 2020.
33. https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Intensivregister.html.
34. L. Cuocolo, *I diritti costituzionali di fronte all'emergenza Covid-19. Una prospettiva comparata*, *op. cit.*, 37.
35. See S. De Vido, *Diritto all'istruzione e accesso ad internet all'epoca del Covid-19*, in www.sidiblog.org, 2020.
36. S. De Vido, *Diritto all'istruzione e accesso ad internet all'epoca del Covid-19*, *op. cit.*, 2020.
37. Again, S. De Vido, *Diritto all'istruzione e accesso ad internet all'epoca del Covid-19*, *op. cit.*, 2020; see also S. Prisco F. Abbondante, *I diritti al tempo del Coronavirus. Un dialogo*, in www.federalismi.it, 2020, 19.
38. F. Rescigno, *La gestione del coronavirus e l'impianto costituzionale. Il fine non giustifica ogni mezzo*, *op. cit.*, 261.
39. S. Baroncelli, *La didattica online al tempo del coronavirus: questioni giuridiche legate all'inclusione e alla privacy*, in *Le fonti normative nella gestione dell'emergenza Covid-19*, in www.osservatoriosullefonti.it, 2020, 438.
40. Again, see S. Baroncelli, *La didattica online al tempo del coronavirus: questioni giuridiche legate all'inclusione e alla privacy*, in *Le fonti normative nella gestione dell'emergenza Covid-19*, *op. cit.*, 438.
41. See the official website of the Chamber of Deputies, *Le misure adottate a seguito dell'emergenza Coronavirus (COVID-19) per il mondo dell'istruzione (scuola, istruzione e formazione professionale, università, Istituzioni AFAM)*, 2020.
42. A. Vendaschi, C. Graziani, *Coronavirus emergency and Public Law issues: an Update on the Italian Situation*, in www.verfassungsblog.de, 2020.
43. S. Baroncelli, *La didattica online al tempo del coronavirus: questioni giuridiche legate all'inclusione e alla privacy*, in www.osservatoriosullefonti.it, 2020, 440.
44. See note from the Minister of Education and Research Prof. Manfredi, 4 May: <https://www.crui.it/covid-19.html>
45. <https://www.crui.it/covid-19.html>.
46. <https://www.bmbf.de/de/coronavirus-was-tut-das-bmbf-11069.html>
47. <https://www.forschung-und-lehre.de/management/hochschulen-schalten-auf-notbetrieb-2636>.
48. <https://www.daad.de/en/information-services-for-higher-education-institutions/centre-of-competence/covid-19-impact-on-international-higher-education-studies-and-forecasts/>
49. <https://www.berliner-zeitung.de/lernen-arbeiten/die-hochschulen-meistern-die-umstellung-auf-digitale-lehre-gelassen-und-pragmatisch-li.84098>.
50. S. Baroncelli, *La didattica online al tempo del coronavirus: questioni giuridiche legate all'inclusione e alla privacy*, *cit.*, 441. On this point see also the doctrine of E. Catelani,

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51. *HRK Pressemitteilung* of 20.04.2020.
52. *Bundesgesetzblatt Jahrgang 2020 Teil I Nr. 24*.
53. *www.hrk.de*.
54. <https://www.daad-brussels.eu/en/2020/04/21/measures-for-german-universities-due-to-the-corona-crisis>.
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56. See G. Mobilio, *La decretazione d'urgenza alla prova delle vere emergenze. L'epidemia da Covid-19 e i rapporti tra decreto-legge e altre fonti*, in *www.osservatoriosullefonti.it*, 2020, 352.
57. S. Baroncelli, *La didattica online al tempo del coronavirus: questioni giuridiche legate all'inclusione e alla privacy*, *op. cit.*, 442-445.
58. See M. Petras, *Kooperatives Lehren im Ausnahmezustand*, in *www.verfassungsblog.de*, 2020.
59. J. Mohamed, *Die Bibliotheca juridical als Raum in Zeiten von Corona*, *op. cit.*, 2020.
60. See S. Nicodemo, *La scuola: dal passato al futuro, attraverso il ponte sospeso dell'emergenza (COVID-19)*, in *www.federalismi.it*, 2020, *passim*.
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