


Ugo Villani


The Topicality of ECSC Case-Law



In the first European supranational community, the European Coal and Steel Community (ECSC), a fundamental element of its legal order was the Court of Justice, that had to ensure that in the interpretation and application of this Treaty, and the rules laid down for the implementation thereof, the law was being observed. The case-law according to the ECSC Treaty does not offer the general systematic reconstruction that one can find in the case-law relating to the EEC Treaty. It, however, contains several important declarations and principles, and it shows that the Court had perceived the originality of the European integration and was aware of its own leading role in its legal order.

Gianluca Contaldi

The European Legislation for the Implementation of the Next Generation EU Plan



The European institutions, since December 2020, have been issuing a series of provisions to implement the Next Generation EU plan, conceived by the European Council.

The norms issued by the political institutions are articulated along three main guidelines. The first is the one related to the monitoring of Member States for the implementation of the investment and reform programs agreed with the European Commission. The second is the abidance by the rule of law. The third and last concerns the Own Resources Decision.

From the analysis of this set of rules, it clearly emerges that the main role in the management of the NGEU program belongs to the Commission, while the role of the other institutions, and in particular that of the European Parliament, appears to be rather limited. This structure raises some doubts on its coherence with the founding Treaty and on the balance of power in the new economic governance at European level.

Ruggiero Cafari Panico, Fabrizio Di Benedetto


The Notion of Group in the Temporary Framework



The notion of a group of undertakings in European competition law is polymorphic, presenting itself with different and specific legal connotations depending on the regulatory framework in which it is taken into consideration. Common to all possible cases is that the individual companies belonging to the group constitute a single economic entity (“economic unit”). In the context of State aid, however, the concept of economic unit differs from that of a single undertaking, as referred to in the so-called “de minimis Regulation”. In the Communication from the European Commission known as the “Temporary Framework”, there is no clarification regarding the notion of undertaking which, therefore, in the case of groups, should be understood as an economic unit. Nevertheless, with regard to the aid measures permitted under the Temporary Framework, the Italian legislator has specified that reference must be made to the concept of a single undertaking, and not of an economic unit. This choice, apparently justified by practical needs in the application of the aid measures, is not entirely convincing, inasmuch as a clarification by the European Commission may result appropriate.

Maria Rosaria Mauro


The Energy Charter Treaty: Conflicts and Synergies between the Investment Protection and the Fight Against Climate Change



The fight against climate change has become a priority for the future of the international community. While, on the one hand, foreign investments can play a fundamental role for the safeguard of the environment, on the other, the enforcement of International Investment Agreements (IIAs) could have a negative impact on the fight against climate change and, in general, on environmental protection. In this context, the Energy Charter Treaty (ECT) has a special relevance, since it exclusively covers investments in the energy sector, which is responsible for 84% of anthropogenic CO₂ emissions and 64% of greenhouse gas emissions. The ECT is, at the moment, the most often invoked IIA in investor-State disputes. Furthermore, it is currently under a complex 'modernization process', the outcome of which will affect the problem of climate change, since this process could favour or, instead, hinder the transition from fossil-based energy to renewable energies, with important consequences on the phenomenon of climate change. The article considers these aspects, concluding that new synergies are possible between international investment law and environmental protection rules. Recent arbitral decisions as well as new FTAs and BITs prove that environmental protection and climate change are becoming more and more important within the international investment law.

Francesco Battaglia

Recent Innovations in the Field of Representative Actions to Protect the Collective Interests of Consumers in the European Union




This article analyzes the directive on representative actions for the protection of the collective interests of consumers, adopted on 25 November 2020. The directive is one element of the New Deal for consumers, whose aim is to modernise existing rules to fill the current legal gap in the European Union consumer law acquis, providing also better redress opportunities for consumers.

The European institutions have been discussing about the establishment of a collective redress mechanism for a long time. Thus, the adoption of the directive was somewhat expected by scholars and expertise in the field of consumers protection.

The author examines the mechanism provided by the directive with the aim to make some considerations on its innovative character, as well as to evaluate whether and to what extent the expectations have been met.

Matteo Del Chicca


Some Recent Diplomatic Relations Maintained by Russia with the European Union and with Some Member States



This article examines the diplomatic intercourse between Russia, the European Union and some Member States in early 2021. First, some legal and factual premises have been considered, such as the restrictive measures adopted by the EU against six Russian citizens and one research institute of Russia, as well as an official Declaration issued by the High Representative on behalf of the EU on the arrest of Alexei Navalny. Next, following a chronological sequence, several *persona non grata* declarations – issued both by Russia and by various EU Member States – have been analysed, trying to highlight their compliance with international law. In such framework, the solidarity based *persona non grata* declarations have been also investigated. At the same time, this study takes also into account a new package of restrictive measures adopted by the EU against four Russian citizens, and several official statements issued by the EU and by some involved States in early 2021.

Marta Lazzaroni

The Institutional Implications of the Covid-19 Pandemic: Towards a 'Europe of Health'?



The Union acts exclusively within the limits of the powers conferred on it in the Treaties, while the individual member States retain their decision-making autonomy in any other area.

The health system and its organization falls within national competence, according to Art. 168 TFEU, which provides the European Union with a shared competence only for certain aspects of public health.

This article aims to analyze the regulatory framework, as well as the actions of the EU institutions, in the fight against the pandemic emergency, in particular through the analysis of the initiatives put in place, with regard to the vaccines, by the European Commission and the EMA.

Cristina Evanghelia Papadimitriu

New Fintech Business Models and the European Approach




The sector of technologies applied to the financial system is playing a crucial role in the European context. Fintech shows that it has great potential for the economic and social development of European countries but it also raises a series of questions.

It is extremely important to understand the significance of this phenomenon as it represents a tool of revolution and innovation for the financial system.

This article will focus on the European development of Fintech, thanks to the interventions of the European supervisory authorities, such as ESMA, EBA and EIOPA and it will highlight the passage from the Fintech Action Plan to the Fintech Strategy, recently proposed by the European Commission.

Viviana Sachetti

The New Conditionality Mechanism for the Protection of the Union's Budget



After briefly considering the framework of existing tools of protection for the Union's finance until 2020, the contribution aims at analysing the latest general conditionality mechanism for the safeguard of the European budget against the violations of the rule of law, introduced under Regulation (EU) 2020/2092. Some critical considerations, posed by the newly-established mechanism, require a reflection on whether the new tool introduces a 'quasi-nuclear' option for the protection of the rule of law, thus creating a third way among the 'nuclear' option of Art. 7 TEU and the infringement proceeding.