


Giandonato Caggiano

The Court of Justice Defends the Principle of Primacy against the Rebellion of the Constitutional Courts of Poland, Hungary and Romania




On many occasions, the constitutional courts of some Member States have raised the issue of the vertical division of competences to push the Court of Justice to protect fundamental rights or to highlight the limits of the attribution of powers to the Community or to the Union. However, they have never outright refused to apply the principle of primacy in national legal systems, but they raised the question of the formation of 'external limits' to the primacy of Community/Union law.

Nowadays constitutional courts of Poland, Hungary and Romania, prefer to refer to the concept of autonomy of their own legal system and to the primacy of national constitutions to oppose the principle of autonomy of the Union system.

This article explains the divergences between the Court of Justice and the constitutional courts, considering that the most critical positions come from Member States which entered the European Union following the enlargements of 2004-2007.

Patrizia De Pasquale


LGBTIQ Citizens between Equality and Discrimination



The paper focuses on the protection that EU law is able to provide to people against direct and indirect forms of discrimination based on sexual orientation. Although there are numerous acts of the European institutions and judgments of the Court of Justice that directly and/or indirectly tend to guarantee freedoms and rights to sexual minorities, some Member States have adopted decisions in violation of the principle of equality on the basis of their age, their ethnicity, their political opinions, or their religious beliefs

Angela Procaccino

Sliding Doors: The 'Competence' of the European Public Prosecutor Office and the Prevention of Procedural Duplications



This paper aims to analyse some aspects of the competences of the European Public Prosecutor Office (EPPO) and of its relations with the national prosecutors' offices, following the adoption of Regulation 2017/1939/EU (establishing the EPPO), also in the light of the recently approved Italian implementation rules, in particular in the context of preventive remedies against procedural duplications.

Celeste Pesce

The External Dimension of the Green Deal: Implementation and Evolutionary Profiles




The Green Deal rewrites the European economy in a sustainable and inclusive key and places people's well-being at its centre. The result is specific regulatory interventions on the subjects of the environment, innovation, social cohesion and, therefore, complex legal-financial reforms.

Within the international community, the Union deploys the "Green Deal diplomacy" aimed at persuading the players on the international scene to promote sustainable development and to support the Union in its aims to raise the level of environmental protection and sustainability.

In the background remains the awareness that the projects financed by the Union in favor of the planet in the context of foreign and neighborhood policy risk annihilating and remaining isolated and sterile phenomena, since the full incisiveness of the European environmental policy and its exportability remain conditioned by the political choices made by partner countries as subjects of international law in the classical sense.

Emilia Maria Magrone

The Unilateral Islamic Repudiation between the Court of Cassation and the Court of Justice of the European Union: Critical Remarks



The paper analyses judgment No. 16804/2020 delivered by the Court of Cassation (First Civil Session). This decree concerns the question of recognition of a divorce pronounced by a religious *sharia* court in a third country (Palestine) as a consequence of the repudiation of the wife by her husband. Being the position of the Italian Supreme Court quite different from the one of the Court of Justice of the European Union in the *Soha Sahyouni* case (C 372/16), the paper explores the possible consequences of the mentioned pronouncement and in particular the role of Article 65 of Law No. 218 of 1995 in the Italian system of the recognition of foreign decisions and instruments in family law matters. Furthermore, the paper looks at the notion of public policy in its double nature, both substantial and procedural, and at the increasing importance of the mutual choice of the spouses to divorce in order to allow the recognition of a foreign decision of divorce in the Italian legal system, taking also into account the recent changes in European and national rules.

Andrea Circolo


The Epilogue to the Legal Extension of Bathing Concessions



With two twin judgments (November 9, 2021, No. 17 and No. 18), the Plenary Assembly of the Council of State appears to have put a stop to the long-standing issue of the so-called bathing concessions, definitively delegitimising the legal extension of concessions. The decision is part of a long-running conflict involving the Italian and the EU legal systems, which has contributed to defining a somewhat uncertain legal framework. From the point of view of compliance with EU law, the judgment appears to be inspired by lucid realism, capable of putting an end to the ‘customary’ practice of automatic extensions and finally prompting the legislator to bring the domestic legal system into line with the directive’s provisions, while taking account of the need to protect outgoing concession holders. Nevertheless, the Council of State’s ‘constitutional’ approach cannot fail to leave us somewhat perplexed.

Giulia Toraldo

The Court of Justice Rules that the Age Limit for Access to the Profession of Notary is Discriminatory. Towards Harmonisation?



In the light of the decision of the Court of Justice in its judgment of 3 June 2021 (dispute between an aspiring notary and the Italian Ministry of Justice), this contribution aims to investigate the notarial competition and pension system currently in force in Italy, namely the relevance of the requirements for access to competition, which are the same since the beginning of the last century. Times have certainly changed, as well as the length of the average age: these elements are to be reconsidered, and the entire discipline is to be reviewed, by moving forward the maximum age to access the competition. This paper also compares Italian and German laws to possibly justify the derogation to the principle of non-discrimination. Finally, this contribution may provide inputs for harmonisation also in the field of notaries who, although valuable, are gradually becoming a blurred profile.