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**DIBATTITI**

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GUIDO ALPA, *Tre casi paradigmatici di responsabilità sociale delle imprese per violazione di diritti fondamentali: Vedanta, Okpabi, Milieudéfense* pag. 257

ABSTRACT. *In a short time, different Courts in USA, U.K. and in Netherlands issued relevant decisions on corporate social responsibility and responsibility of the parent company towards subsidiaries to protect populations once exploited by colonialism and today exploited by big corporations. It refers in particular to cases Vedanta, Okpabi and Milieudéfense.*

CARLO ALBERTO RAVAZZOLO, *La ritorsione dell'UE al diritto ambientale: gli aiuti di Stato dell'energia* » 267

ABSTRACT. *During the liberalization process of energy markets, the grant of public support by the State facilitated the advancement of cross-border trades. State aid rules was aimed at reaching results of public interest (such as security of supply) and which would be difficult to achieve in a liberalized market. The role of public support is expected to change in a context of open competition as envisaged by the third energy package, however, State aid is seen by the Commission as a useful tool for States to address market failures and deliver efficient results. Particularly because State aid is an important instrument for achieving the environmental objectives that would otherwise not be achieved by market forces on their own, as set out in Article 194 TFEU and in the Europe 2020 strategy.*

EUGENIO MARIA MASTROPAOLO, *Il bitcoin è un attivo digitale immateriale e cosa fungibile e consumabile: a proposito di una sentenza del Tribunal de Commerce de Nanterre (Tribunal de Commerce, 6e Chambre, Nanterre, 26 febbraio 2020, n. 2018F00466)* » 279

ABSTRACT. *The note comments on a judgment of the Tribunal de Commerce of Nanterre (France) concerning bitcoin and in particular the returning effects related to an hardfork procedure on bitcoin. The*

*comment follows the development of the judiciary case between the parties, the legal forms of French law referred to and the similarities with the analogous forms of Italian law, as well as the opposing allegations, and then analyzes the position of the judge on the claims made in the trial, compares this position to the French doctrine on bitcoin and in a comparative perspective, verify the applicability of what emerged in court in the Italian legal context.*

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## SAGGI

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GIORGIO RESTA, *Cosa c'è di "europeo" nel diritto privato europeo?* » 301

*ABSTRACT. This paper starts from the question "what is European in European Private Law", and it argues that to answer it properly one should first better clarify what is meant by the formula "European private law". Depending on its actual scope and content, the assessment of its "Europeanness" will change significantly. A basic distinction is introduced between the culture of European private law and its substantive content. After having discussed the problem of the existence of one or more European private law cultures, it critically reflects on the notion of European private law as a set of rules, principles and institutional settings deriving from various sources (EU, Council of Europe, national private law). It is argued that, at least on a comparative viewpoint, one of the striking features of EU private law is the way in which it re-embeds (in a Polanyian meaning) markets, by separating spheres of justice and non-economic institutions, and by preventing personal goods and values from being integrally commodified.*

MADS ANDENAS-FEDERICO DELLA NEGRA, *The "Europeanisation" of national contract law in the financial services sector: A judge-driven modernization of national contract law* » 339

*ABSTRACT. This paper explores the interactions between the general law of contract and the EU-derived financial regulatory duties. Starting from the analysis of the legal nature of the EU-derived conduct of business rules duties and the role played by contract law in the governance of financial markets, the paper shows that, after the global financial crisis, national courts have used the remedies based on general contract law as tools to enforce the EU-derived conduct of business rules and*

*to ensure a high level of client protection. This paper argues that this case law provides evidence of a gradual process of Europeanisation and modernization of the general law of contract, i.e. of transformation of traditional autonomy-driven categories of general contract law into regulatory tools to govern financial transactions and increase the protection of investors.*

ACHILLE ANTONIO CARRABBA-GELSOMINA SALITO, *Adeguamento del contratto tra principio del pacta sunt servanda e clausola rebus sic stantibus*

» 375

*ABSTRACT. The recent pandemic crisis brought to the attention of the jurist the complex theme of the contingencies and the events occurring after the contract. The civil code, in this regard, regulates essentially demolishing remedies, which are not always suitable for solving the problems related to the alteration of the original relationship agreed between the parties. The essay focuses on the possibility of reaching solutions other than those normally indicated.*

DANIELA DI SABATO, *Strumenti giuridici per l'attuazione della mobilità sostenibile*

» 405

*ABSTRACT. The movement of people in urban centers is carried out by a variety of means, such as bikes, electric scooters, electric city cars, etc., which, in accordance to the European Green Deal, should reduce the production of CO2 levels in the atmosphere. Vehicle sharing contracts and platforms represent a valid opportunity to achieve smart mobility. The efficient management of transport services includes the use of new technologies. Moreover, driverless vehicles are a concrete reality in public transportation sector. It is a priority to ensure that vehicles circulate safely and that responsibilities in the event of an accident are adequately distributed among the various players. The essay focuses on the possibility to regulate the relationship between people involved with mobility and the liability in case of accident using the rules laid down by civil code.*

FRANCESCA MOLLO, *I sistemi di trasporto intelligente tra sviluppo della robotica e tutela della persona*

» 453

*ABSTRACT. The article analyzes intelligent transport systems, in particular self-driving vehicles, in the framework of the key principles of the European strategy on artificial intelligence and robotics, with a view to protecting the individual from the point of view of the protection of*

*personal data. Once the reference regulatory framework has been drawn up, the article compares with the European legislation on the protection of personal data, to analyze the risks for the rights and freedoms of individuals, in terms of the type of treatment, the type of data processed and the purpose of the processing itself. The perspective thus assumed, which enhances the centrality of the person, therefore requires a sustainable development of artificial intelligence, in balancing the reasons for the market and the protection of the person.*

**GIULIA ROSSI, *La nuova proposta di direttiva sul credito al consumo: la sfida dell'Unione Europea per garantire maggiore tutela ai consumatori***

» 485

*ABSTRACT. With a view to strengthening consumer protection, the European Commission has proposed to revise the Directive 2008/48 / EC on Consumer Credit, to make it more in line with the new phenomena that have hit the market: digitization and the COVID-19 pandemic. The Proposal, in particular, intends to intervene on the profile of consumer information, ensuring that it is always provided in a clear and adequate manner to the new digital media in use, as well as on that of the assessment of creditworthiness in order to stem the phenomenon of excessive debt. The intervention then represents an opportunity to correct some critical issues that Directive 2008/48 / EC had shown, for example in terms of maximum harmonization.*