
DIBATTITI

CARLOS LASARTE, *Pandemia, contratti frustrati, rebus sic stantibus e integrazione contrattuale* pag. 511

ABSTRACT. *The article focuses on the impact of the Covid-19 pandemic on contracts in the Spanish legal system. Attention is paid, above all, to the clause rebus sic stantibus (for those situations in which a substantial alteration of the circumstances occurs, that could not have been foreseen by the contracting parties), and to the legal issues concerning the integration of the contract.*

GIANLUCA RIOLFO, *La “visione” europea di impresa “sostenibile”: mito o realtà?* » 533

ABSTRACT. *From “Corporate Social Responsibility” to “Corporate Sustainability and Responsibility” there’s a new “mantra” in European corporate law. The present work tries to fix the “state of art” of the matter within the actual regulatory framework. The question is: really undertakings will have the strenght and the willingness to save the world?*

SAGGI

MICHELE GRAZIADEI, *Le fondazioni nel contesto europeo: le prospettive all’orizzonte* » 563

ABSTRACT. *This contribution examines the changing European landscape relating to foundations. The proposal of a regulation on the Statute for a European Foundation advanced a few years ago eventually foundered amidst a series of difficulties, originating from the difficulty of obtaining unanimity on it, as required by art. 352 TFUE, in light of the differences existing among the laws of the Member States in this matter. Similar proposals advanced with respect to associations and other entities met a similar fate. Hence the necessity to find a way to boost the support to*

cross-border activities of foundations and other entities through a new European proposal, which would lead to the recognition of a European label for all the public benefit entities belonging to the non profit sector.

GIULIA ROSSI, *Regolamento Europeo sui servizi di crowdfunding:
l'Europa e il mercato della condivisione* » 587

ABSTRACT. The new European regulation on crowdfunding brings the issue of the collaborative economy back to the fore, as a set of practices based on the sharing of goods, services and skills. By overcoming existing regulatory barriers, the Regulation aims to overcome the fragmentation of the legal framework applicable to crowdfunding services and ensure the proper functioning of the internal market for these services, while strengthening investor protection and market efficiency and thus contributing to the creation of the Capital Markets Union. The Regulation represents the first attempt to regulate a phenomenon that was born in practice in a free and unconditional way. For this reason, although welcomed, it brings with it doubts and perplexities that can only be assessed in terms of validity with its concrete application.

VINCENZO CUFFARO e MASSIMO D'AURIA, *L'organizzazione
imprenditoriale della professione legale nell'azione di classe* » 607

ABSTRACT. The essay is inspired by the analysis of the provisions governing the class action after the reform that renewed the code of civil procedure. Following the major guidelines provided by the discipline, the discussion focuses on the change of role and approach asked to the lawyer for the management of collective litigation whose characteristics have come close to those experiences labeled as "entrepreneurial litigation" among American legal scholars.

LORENZO SERAFINELLI, *To change or not to change?
Le conseguenze della Brexit sul diritto dei consumatori
nel Regno Unito* » 637

ABSTRACT. This paper delves into the consequences of Brexit upon EU consumer law. After Brexit, in fact, fears that all the legal (along with economic, political and social) achievements within the EU could have been compromised were, and – to some extent – are, real. However, this essay takes the argument that the body of consumer law will not be significantly affected by Brexit. In order to substantiate this position,

several legal instruments (both European and British) are addressed and investigated in a comparative perspective. Such analysis strengthens, indeed, the belief that EU and UK consumer disciplines are alike and are destined to be alike even after Brexit. Furthermore, such conclusions can also be drawn by the analysis of the EU-UK Trade and Cooperation Agreement, entered into on December 24th, 2020. Therefore, the paper explains that the Shakespearian quotation which would properly describe the consequences of Brexit upon consumer law is not the Hamletic doubt, but the comedy entitled “Much Ado About Nothing”.

VALENTINO RAVAGNANI, *Note sul caso Schrems II*

» 669

ABSTRACT. With the judgment of the European Court of Justice, 16 July 2020, Schrems II, c-311/18, another step of the long-standing litigation promoted by Maximilian Schrems has ended, in the sign of a decisive confirmation of the precedent of 2015. With the invalidation of the Privacy Shield Decision, deemed unsuitable to ensure a level of protection essentially equivalent to that which is guaranteed within the European Union, the Court has once again shaken the EU-US partnership governing the transfers of personal data.

This essay, starting from a diachronic reconstruction of the relevant European legal regime, aims to analyze the different stages of the case-law, with an emphasis on its epilogue and the precariousness of the residual solutions.

DIEGO TILOLA, *L'operatività transnazionale del “patto di famiglia”:
problemi qualificatori e disciplina applicabile sul piano
internazionale-privatistico*

» 703

ABSTRACT. The purpose of this essay is to analyse the issues related to the qualification of the Italian patto di famiglia and to the applicable rules from the private international law perspective, in the event that the contract is involved in cross-border situations. After considering the main features of the institution and the various theses put forward on its nature, the examination shall focus on the hypothesis of bringing the patto di famiglia within the scope of application of the EU Regulation 650/2012 as an agreement as to succession, also conducting a comparative analysis with the similar French institution of the donation-partage.