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N9BF5I - JILLIAN BALLARD

This book explores the European Public Prosecutor's Office (EPPO), the creation of which was approved in the Regulation adopted by the Justice and Home Affairs (JHA) Council on 12 October 2017. The EPPO will be an independent European prosecution office tasked with investigating and prosecuting those crimes defined in the recently adopted Regulation 2017/1371 on combating fraud against the Union's financial interests by means of criminal law. As such, it will be a new actor on the EU landscape, governed by the principle of loyal cooperation with the national prosecuting authorities. This work clarifies some of the challenges that member states will have to face when dealing with a supranational prosecution authority. In addition, it provides guidelines on how to implement the present Regulation while respecting the fundamental rights of defendants in criminal proceedings. The book is of special interest in so far as the analysis and perspective of academics is completed with the contributions of legal experts who have either been involved in the negotiations to establish the European public prosecutor or will be closely linked, as public prosecutors, to the functioning of the future European public prosecutor's office.

L'Opera è aggiornata con: - la L. 13 aprile 2017, n. 46, di conversione, con modificazioni, del D.L. 17 febbraio 2017, n. 13, recante l'istituzione delle sezioni specializzate in materia di immigrazione; - la L. 8 marzo 2017, n. 24, recante la riforma delle norme sulla responsabilità sanitaria; - la L. 25 ottobre 2016, n. 197, di conversione, con modificazioni, del D.L. 31 agosto 2016, n. 168, di modifica delle norme sul giudizio di cassazione; - il D.L.vo 26 agosto 2016, n. 179, di modifica del Codice dell'Amministrazione digitale.

Il volume prende in esame – soprattutto ad uso di studenti e operatori pratici – le modifiche legislative intervenute nel corso del 2016 e dei primi mesi del 2017 che hanno interessato il processo civile. È dunque, anzitutto, le modifiche introdotte nel codice di procedura civile sia dal D.L. 59/2016 (conv. dalla L. 119/2016), che si è occupato del processo esecutivo, sia dal successivo D.L. 168/2016 (conv. dalla L. 197/2016), che ha rivoluzionato il giudizio civile in Cassazione. Prende in esame, inoltre, altre tre novità legislative, intervenute in questi primi mesi del 2017, che sebbene non direttamente incidenti sul codice di procedura civile sono comunque rilevanti per il processo civile: il D.Lgs. 3/2017 sul risarcimento dei danni per violazione del diritto della concorrenza; la L. 24/2017 sulla responsabilità professionale sanitaria e, da ultimo, il D.L. 13/2017 in materia di immigrazione e protezione internazionale, che ha anche istituito delle nuove sezioni specializzate presso i tribunali sedi di corte d'appello.Antonio Carratta,è ordinario di Diritto processuale civile dell'Università Roma Tre, è autore di diverse monografie e co-autore, insieme a Crisanto Mandrioli, del manuale Diritto processuale civile, oltre che Direttore scientifico della banca dati Processocivileweb. E' anche condirettore dell'enciclopedia Diritto on line, edita dall'Istituto Treccani, e componente del comitato di direzione della rivista Giurisprudenza Italiana.

Explains how the tailoring of injunctions in patent law works in Europe, the United States, Canada, and Israel.

The imposition of strict liability in tort law is controversial, and its theoretical foundations are the object of vigorous debate. Why do or should we impose strict liability on employers for the torts committed by their employees, or on a person for the harm caused by their children, animals, activities, or things? In responding to this type of questions, legal actors rely on a wide variety of justifications. Justifying Strict Liability explores, in a comparative perspective, the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems, two common law, England and the United States, and two civil law, France and Italy. These justifications include: risk, accident avoidance, the 'deep pockets' argument, loss-spreading, victim protection, reduction in administrative costs, and individual responsibility. By looking at how these arguments are used across the four legal systems, this book considers a variety of patterns which characterise the reasoning on strict liability. The book also assesses the justificatory weight of the arguments, showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally. Overall, the book seeks to improve our understanding of strict liability, to shed light on the justifications for its imposition, and to enhance our understanding of the different tort cultures featuring in the four legal systems studied.

This comprehensive Commentary examines the implications of the EU's Market Abuse Regulation, introduced following the 2008 financial crisis after gaps were identified in the existing regulatory framework. It explores whether and how the Regulation achieves its aims of preserving the integrity of financial markets by preventing insider dealing and market manipulation, providing a harmonised legal framework, and increasing legal certainty for all market participants.

In Universal Civil Jurisdiction ¬– Which Way Forward? leading experts of public and private international law discuss the challenges that victims of international crimes face when they seek reparation in countries other than the country where the crime was committed.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this convenient volume provides comprehensive analysis of the legislation and rules that determine civil procedure and practice in Italy. Lawyers who handle transnational matters will appreciate the book's clear explanation of distinct terminology and application of rules. The structure follows the classical chapters of a handbook on civil procedure: beginning with the judicial organization of the courts, jurisdiction issues, a discussion of the various actions and claims, and then moving to a review of the proceedings as such. These general chapters are followed by a discussion of the incidents during proceedings, the legal aid and legal costs, and the regulation of evidence. There are chapters on seizure for security and enforcement of judgments, and a final section on alternative dispute resolution. Facts are pre-

sented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Succinct, scholarly, and practical, this book will prove a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in Italy will welcome this very useful guide, and academics and researchers will appreciate its comparative value as a contribution to the study of civil procedure in the international context.
Un’opera completa che contiene al suo interno il codice civile, il codice di procedura civile e le leggi complementari più significative. Queste ultime in maniera innovativa e per evitare che il lettore si perda nella ricerca sono inserite alla fine del libro del codice al quale si riferiscono. In tal modo si ha rapidamente una visione completa e sistematica dell’istituto che si sta cercando. Completa l’opera un dettagliato indice analitico con richiami anche alle leggi complementari.
Elucidates the concept of causation in competition law damages and outlines its practical implications through relevant case law.
This volume focuses on transparency as the guiding principle for insurance regulation and supervisory law. All chapters were written by experts in their respective fields, who address transparency in a wide range of European and non-European jurisdictions. Each chapter reviews the transparency principles applicable in the jurisdiction discussed. While the European jurisdictions reflect different facets of the principle as emerging from EU law on insurance, the principle has developed quite differently in other jurisdictions.
Offering a comprehensive commentary on the Brussels I bis Regulation, chapters outline the origins and evolution of each article before delving into their interpretation in view of the case law of the European Court of Justice. Its exhaustive evaluation of the corresponding case law demonstrates key precedents which can be applied to practical problems in the field related to jurisdiction, recognition and enforcement of decisions.

The book provides an overview of EU competition law with a focus on the main developments in Italy, Spain, Greece, Poland and Croatia and offers an in-depth analysis of the role of language, translation and multilingualism in its implementation and interpretation. The first part of the book focuses on the main developments in EU competition law in action, which includes legislation, case law and praxis. This part can be divided into two subparts: the private enforcement of EU competition law, and the cooperation among enforcers, i.e. the EU Commission, the national competition authorities and the national courts. Language is of paramount importance in the enforcement of EU competition law, and as such, the second part highlights legal linguistic skills, showcasing the advantages and the challenges of multilingualism, especially in the context of the predominant use of English as the EU drafting and vehicular language. The volume brings together contributions prepared and presented as part of the EU-funded research project “Training Action for Legal Practitioners: Linguistic Skills and Translation in EU Competition Law".
Ever since its inception, one of the essential tasks of the EU has been to establish the internal market. Despite the impressive body of case law and legislation regarding the internal market, legal and factual barriers still exist for citizens seeking to exercise their full rights under EU law. This book analyses these barriers, and proposes ways in which they may be overcome.Next to analysing the key barriers to exercising economic rights more generally, this book focuses on three areas which represent the applications of the four basic freedoms: consumer rights, the rights of professionals in gaining access to the market, and intellectual property rights in the Digital Single Market. With chapters from leading researchers, the main pathways towards the reduction and removal of these barriers are considered. Taking into account important factors such as the global financial crisis, as well as practical barriers, such as multilingualism, the solutions provided in this book provide a pathway to enhance cross border realisation of European citizens' access to the realisation of their economic rights, as well as increase in the cultural richness of the EU-.EU Citizens' Economic Rights In Action is an important book, which will be an essential resource for students of EU citizenship, and economics, as well as for EU policymakers and practitioners interested in the field.
Over the last 15 years, Köbler liability has resulted in the allocation of damages on only five occasions. Why is that? And what are the practical implications of the Köbler judgment in the Member States? This book offers a unique analysis of the principle – not from the usual EU-focused point of view but from the view of the practical Member State – and thus follows the track set by earlier books in the 'EU Law in the Member States' series. It thoroughly examines the national jurisprudential and legislative acceptation of the state liability principle and explores the existence of alternative remedies available in the Member States in case of such breaches. The conclusions, based on a systematic assessment of 300 national judgments from the 28 Member States, lead to a reconsideration of the role of the Köbler doctrine in the system of judicial remedies against violation of EU law by national supreme courts. After the pronouncement of the ECJ judgment in Köbler, legal scholars and practitioners have forecast the eradication of the principle of res judicata and the endangering of judicial independence. The judgment caused a lot of ink to flow; according to the ECJ's records, at least 100 studies are directly devoted to the analysis of this decision. This book is, however, the first to offer a comprehensive analysis on the genuine life of the Köbler liability in the Member States.

A global overview of evidentiary reasoning with contributions from leading authorities from different legal traditions and four continents.
Responding to growing interest in new regulations adopted by the EU, US, and UK authorities, this book provides a comprehensive overview of the legal and economic aspects of FinTech and the current regulation surrounding it. In particular, the book observes the technological evolution of finance and the ‘economic space’ that lies between the regulated market and the illegal circulation of capital. Analysing laws that influence the application of technology to the banking and finance sector, the author considers market infrastructure and illustrates how firms execute their activities on a global scale, away from the scope of public supervision and monetary backstops. With globalisation and digitalisation boosting efficiency, the economical relevance of technology is becoming ever more important and therefore this book provides a much-needed examination of the current trends in FinTech regulation, making it an essential read for those researching financial markets, and professionals within the industry.
This book argues that the European integration process (Europeanisation) is pushing the member states and candidate countries toward a greater convergence with the EU's competition acquis. Through the transposition of the Directive 2014/104/EU, the member states have harmonised substantive and procedural rules, which is beneficial to individuals and enterprises because it provides a minimum protection across all member states. In addition, it is commonly agreed in academia that the prospect of EU membership brings positive domestic changes in the candidate countries. At the moment, Albania is waiting to open negotiations for the chapters of the EU acquis. Firstly, this book addresses the evolution of private enforcement at the European level by examining the objectives, modalities, and actors that contributed to the

development of private enforcement. Secondly, it analyses the Directive 2014/104/EU and how the three selected EU member states have transposed the directive into their domestic legal system considering the discretion margin left by Article 288 TFEU and a minimum harmonisation level defined in the directive. Thirdly, it provides a historical overview of private enforcement in Albania and shows how the Albanian Competition Authority has addressed the transposition of the Directive 2014/104/EU.

This book discusses civil litigation at the supreme courts of nine jurisdictions – Argentina, Austria, Croatia, England and Wales, France, Germany, Italy, Spain and the United States – and focuses on the available instruments used to keep the caseload of these courts within acceptable limits. Such instruments are necessary in order to allow supreme courts to fulfil their main duties, that is, the administration of justice in individual cases (private function) and providing for the uniformity and development of the law within their respective jurisdictions (public function). If the number of cases at the supreme court level is too high, the result is undue delays, which are mainly problematic with regard to the private function. It may also put the quality of the court's judgments under pressure, which can affect its public and private function alike. Thus, measures aimed at avoiding excessive caseloads need to take both functions into account. Increasing the capacity of the court to handle larger numbers of cases may result in the court being unable to adequately fulfil its public function, since large numbers of court decisions make it difficult to guarantee the uniformity of the law and its development. Therefore, a balanced approach is needed to safeguard capacity and quality. As shown by the contributions gathered here, the nature of reform in this area is not the same everywhere. There are a variety of reasons for this heterogeneity, ranging from different understandings of the caseload problem itself, local conceptions regarding the purpose of the Supreme Court, and strong entitlements concerning the right to appeal to budgetary restrictions and extremely rigid legislation. The book also shows that the implementation of similar solutions to case overload, such as access filters, may have different effects in different jurisdictions. The conclusion might well be that the problem of overburdened courts is multifactorial and context-dependent, and that easy, one-size-fits-all solutions are hard to find and perhaps even harder to implement.

This book reports on the latest advances in using BIM modelling to achieve the semantic enrichment of objects, allowing them to be used both as multidimensional databases – as comprehensive sources of information for finalizing various types of documentation in the building industry – and as modelling tools for the construction of virtual environments. Having advanced to a new stage of development, BIM modelling is now being applied in a range of increasingly complex contexts, and for various new purposes. This book examines the role that virtual reality and related technologies such as AI and IoT can play in preserving and disseminating our cultural heritage and built environment.

Strutturato su cinque capitoli ciascuno su un aspetto specifico, il lavoro si presenta come un approfondimento e uno studio sulla legittimazione ad agire nell'ordinamento italiano. Dopo un'introduzione nella quale viene inquadrato il tema all'interno dei più generali confini del diritto processuale, si prosegue prendendo in considerazione il concetto di parte e delineandone poteri, facoltà e titolarità di posizioni giuridiche soggettive nel corso del giudizio, nonché il suo intrinseco legame con gli affini concetti di legittimazione processuale, legittimazione ad agire e titolarità del diritto sostanziale. Il lavoro prende poi in esame le ipotesi di pluralità e i mutamenti che possono interessare le parti del processo, quali il liticonsorzio, la rappresentanza ordinaria e straordinaria, l'intervento volontario e coatto, l'estromissione e la successione. Si prosegue con l'analisi delle ipotesi di sostituzione processuale e lo studio della tutela degli interessi collettivi di consumatori nel Codice del Consumo e dei lavoratori nella legge 300/1970. Lo studio dedica infine ampio spazio a due temi innovativi: la recente proposta di riforma in materia di class action e, chiudendo il cerchio con i temi affrontati nei primi capitoli, un confronto tra il modello italiano e quello tedesco, provandone a delineare una proposta di sintesi.

This book addresses one of the core challenges in the corporate social responsibility (or business and human rights) debate: how to ensure adequate access to remedy for victims of corporate abuses that infringe upon their human rights. However, ensuring access to remedy depends on a series of normative and judicial elements that become highly complex when disputes are transnational. In such cases, courts need to consider and apply different laws that relate to company governance, to determine the competent forum, to define which bodies of law to apply, and to ensure the adequate execution of judgments. The book also discusses how alternative methods of dispute settlement can relate to this topic, and the important role that private international law plays in access to remedy for corporate-related human rights abuses. This collection comprises 20 national reports from jurisdictions in Europe, North America, Latin America and Asia, addressing the private international law aspects of corporate social responsibility. They provide an overview of the legal differences between geographical areas, and offer numerous examples of how states and their courts have resolved disputes involving private international law elements. The book draws two preliminary conclusions: that there is a need for a better understanding of the role that private international law plays in cases involving transnational elements, in order to better design transnational solutions to the issues posed by economic globalisation; and that the treaty negotiations on business and human rights in the United Nations could offer a forum to clarify and unify several of the elements that underpin transnational disputes involving corporate human rights abuses, which could also help to identify and bridge the existing gaps that limit effective access to remedy. Adopting a comparative approach, this book appeals to academics, lawyers, judges and legislators concerned with the issue of access to remedy and reparation for corporate abuses under the prism of private international law.

This volume explores from a legal perspective, how blockchain works. Perhaps more than ever before, this new technology requires us to take a multidisciplinary approach. The contributing authors, which include distinguished academics, public officials from important national authorities, and market operators, discuss and demonstrate how this technology can be a driver of innovation and yield positive effects in our societies, legal systems and economic/financial system. In particular, they present critical analyses of the potential benefits and legal risks of distributed ledger technology, while also assessing the opportunities offered by blockchain, and possible modes of regulating it. Accordingly, the discussions chiefly focus on the law and governance of blockchain, and thus on the paradigm shift that this technology can bring about.

This comprehensive Commentary provides article-by-article exploration of EU Regulation 655/2014, analysing and outlining in a straightforward manner the steps that lawyers, businesses and banks can take when involved in debt recovery. It offers a detailed discussion of national practice and legislation in order to provide context and a deeper understanding of the complex difficulties surrounding the procedural system created by the European Account Preservation Order (EAPO) Regulation.

Die Bedeutung des Schweigens im Privatrecht ist von jeher umstritten. Dies zeigt bereits der Blick auf das romische Recht als gemeinsame Grundlage der geltenden deutschen und italienischen Rechtsordnung. Rechtsvergleichend arbeitet Anna Reis Unterschiede und Gemeinsamkeiten beider Rechtsordnungen heraus und analysiert den Zweck der Regelungen, wobei dem Schweigen als Verpflichtungsgrund aufgrund der Praxisrelevanz ein besonderes Augenmerk gilt. Beleuchtet wird aber auch der Rechtsverlust infolge des Schweigens. Dabei stellt sich die Frage, ob die Antworten des italienischen Rechts fur das deutsche Recht verwertbar sind, um eine klarere dogmatische Handhabung zu erzielen. Auch im IPR besteht die Notwendigkeit von Schutzmechanismen fur denjenigen, der sich der Bedeutung seines Schweigens nicht bewusst war. Schliesslich untersucht die Autorin, ob die gewonnenen Erkenntnisse fur eine Vereinheitlichung des europaischen Vertragsrechts nutzbar gemacht werden konnen.

Dieses Werk bietet eine eingehende Analyse der wichtigsten Debatten über Blockchain-basierte intelligente Verträge und Vertragsrecht. Nach einer detaillierten Beschreibung der Technologie werden die bestehenden Regeln zu Technologie und Verträgen - von Automaten bis hin zu berechenbaren Verträgen - untersucht und auf ihre Anwendbarkeit auf Blockchain-basierte Smart Contracts überprüft. Der Schwerpunkt liegt dabei auf den Auswirkungen von Blockchain-basierten intelligenten Verträgen auf das Zustandekommen des Vertrages, die Vertragserfüllung und das anwendbare Recht sowie die Gerichtsbarkeit.

The changes brought about by digital technology and the consequent explosion of information known as Big Data have brought opportunities and challenges in all areas of society, and the law is no exception. This book, Knowledge of the Law in the Big Data Age contains a selection of the papers presented at the conference ‘Law via the Internet 2018’, held in Florence, Italy, on 11-12 October 2018. This annual conference of the ‘Free Access to Law Movement’ (http://www.fatlm.org) hosted more than 60 international speakers from universities, government and research bodies as well as EU institutions. Topics covered range from free access to law and Big Data and data analytics in the legal domain, to policy issues concerning access, publishing and the dissemination of legal information, tools to support democratic participation and opportunities for digital democracy. The book is divided into 3 sections: Part I provides an introductory background, covering aspects such as the evolution of legal science and models for representing the law; Part II addresses the present and future of access to law and to various legal information sources; and Part III covers updates in projects, initiatives, and concrete achievements in the field. The book provides an overview of the practical implementation of legal information systems and the tools to manage this special kind of information, as well as some of the critical issues which must be faced, and will be of interest to all those working at the intersection of law and technology.

In recent decades, there has been a groundbreaking evolution in technology. Every year, technology not only advances, but it also spreads throughout industries. Many fields such as law, education, business, engineering, and more have adopted these advanced technologies into their toolset. These technologies have a vastly different effect ranging from these different industries. The Handbook of Research on Applying Emerging Technologies Across Multiple Disciplines examines how technologies impact many different areas of knowledge. This book combines a solid theoretical approach with many practical applications of new technologies within many disciplines. Covering topics such as computer-supported collaborative learning, machine learning algorithms, and blockchain, this text is essential for technologists, IT specialists, programmers, computer scientists, engineers, managers, administrators, academicians, students, policymakers, and researchers.

Versione eBook del Tomo II del nuovissimo Commentario al Codice di procedura civile curato dal Prof. Claudio Consolo, racchiude il commento approfondito articolo per articolo al Libro II del codice di procedura civile (artt. 163-390).