

SAGGI

<p>ALBERTO MAZZONI, <i>International Commercial Law Today: old habits and new challenges</i></p> <p style="padding-left: 20px;">1. Introduction. — 2. Diversity and uniformity in international commercial law. — 3. Today's main supporters of the statocentric vision of the law. — 4. New challenges and the continuing needs to foster the development of international commercial law.</p>	829
<p>LUIGI SANTA MARIA - FRANCESCO MAZZOCCHI, <i>Rights and remedies of credit institutions and investors in the Banking Union (supervision and resolution)</i></p> <p style="padding-left: 20px;">1. The creation of the Banking Union. — 1.1. Supervision. — 1.2. Resolution. — 1.3. The European Deposit Insurance Scheme (EDIS). — 1.4. Private parties in the Banking Union. Critical remarks. — 2. The rights of undertakings in the context of the Single Supervisory Mechanism. — 2.1. An overview of the ECB decision-making powers. — 2.2. Procedural rights of the persons concerned in the context of the SSM. — 2.3. The review of the ECB supervisory decisions. — 2.3.1. The internal administrative review of ECB decisions. — 2.3.2. Judicial review of the ECB decision. The position of supervised entities and that of their shareholders. — 2.3.3. Judicial review of national decisions. Not only a matter for the national courts? — 3. The rights of undertakings in the context of the Single Resolution Mechanism. Sacrificing undertaking's rights <i>vis à vis</i> financial stability? — 3.1. Review of the SRB Decisions before the Appeal Panel. — 3.2. Judicial remedies in the context of the resolution. A double level of review. — 4. The Italian story. Avoiding bail-in: the cases of MPS, Veneto banks and the four banks. — 5. Conclusion.</p>	845
<p>GIOVANNI ZARRA, <i>The enforceability of arbitral awards deriving from intra - EU investment agreements. Reflections on treaty law issues and on the EU's unsustainable position.</i></p> <p style="padding-left: 20px;">1. The stay of the enforcement before English judges in the <i>Micula</i> case. — 2. The validity of intra-EU investment agreements and the enforceability of investors' rights. — 3. The enforcement issue in ICSID cases and the irrelevance of the CJEU's <i>Achmea</i> Decision. — (follows) 3.1. Art. 351 of the TFEU. — (follows) 3.2. Art. 54 of the ICSID Convention: the</p>	891

obligation to enforce and the impossibility to justify a stay on the basis of domestic law. — 4. The enforcement issue in non-ICSID cases (in brief). — 5. Conclusions.

PROBLEMI DI ATTUALITÀ

- LUCA CALZOLARI, *The free circulation and enforcement of summary payment orders under Article 42 of Reg. (EU) No 1215/2012 and general principles of EU law* 917
1. Preliminary remarks. — 2. The Italian DIPE as a model of summary payment orders issued *ex parte*. — 3. The free circulation and enforceability of summary payment orders issued *ex parte* by courts having jurisdiction as to the substance of the matter under the previous regime. — 4. The notion of provisional measures for enforcement purposes under Article 42 Reg. (EU) No 1215/2012. — 5. The free circulation and enforceability of summary payment orders issued *ex parte* by courts having jurisdiction as to the substance of the matter under Reg. (EU) No 1215/2012. — 6. The effects and authority of summary payment orders enforced in Member States different than the one of origin in the light of general principles of EU law.
- NATHAN LOBEL - MATTEO FERMEGLIA, *Investment protection and “unburnable” carbon: competing commitments in international investment and climate governance* 945
1. Introduction. — 2. The Carbon Budget and International Investment Agreements. — 3. The Potential for Climate Policy Disputes in the Investor-State Dispute Settlement (ISDS). — 3.1. Permitting Restrictions on Fossil Fuel Supply. — 3.2. Command-and-Control Climate Regulation. — 3.3. Market Mechanisms to Address Externalities. — 3.4. Other Risk-factors for Disputes. — 3.4.1. Shared Authority Over Fossil Fuel Operations Between Federal and Subnational Governments. — 3.4.2. Shared Authority Over Fossil Fuel Operations Between Branches of Governments — 4. Options for Investment Treaty Reform. — 5. Conclusion.
- LUCA LAMPERTICO, *The concept of Metal Neutrality in the North Atlantic Joint ventures: benefits and concerns*. 977
1. A wide variety of Cooperation Agreements. — 1.1. From Interlining to Metal Neutrality. — 1.2. The birth of Airline Alliances. — 1.3. Global Branded Airlines. — 1.4. Joint Ventures. — 1.4.1. Legal Definition of Joint Venture. — 1.4.2. Application to the aviation sector. — 1.5. The Concept of Metal

Neutrality. — 1.5.1. Goals and Strategies. — 1.5.2. Anticompetitive concerns. — 2. Metal Neutrality and its Competitive Proceedings. — 2.1. US Antitrust Law. — 2.1.1. Antitrust Law in the context of Metal Neutral JVs. — 2.1.2. The need for Antitrust Immunity. — 2.1.3. Case Law. — 2.2. EU Competition Law. — 2.2.1. Legal Framework. — 2.2.2. Competition Law in the context of Metal Neutral JVs. — 2.2.3. Case Law. — 2.3. A comparison between the US and EU approach. — 3. Conclusion.

COMMENTI

<i>Considerazioni sull'applicazione dell'abuso del processo nell'arbitrato in tema di investimenti: in margine ad Orascom v. Algeria (International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/12/35, 31 maggio 2017) di GIULIANA LAMPO. . . .</i>	1017
--	------

RASSEGNA DI GIURISPRUDENZA

UK Court of Appeal (Civil Division), 27 luglio 2018	1037
---	------

NOTIZIE

<i>Collegio arbitrale ICSID decreta che Achmea non ha alcun impatto su un arbitrato ICSID sulla base di un BIT intra-Ue</i>	1055
<i>L'occupazione russa della Crimea innanzi al Tribunale Federale Svizzero</i>	1056
<i>Prosegue in Olanda il procedimento d'annullamento dei lodi Yukos: primi sentori del possibile esito</i>	1057
<i>Novità in recenti trattati di investimento</i>	1058
<i>I giudici della Corte Internazionale di Giustizia non potranno più accettare nomine come arbitri.</i>	1059
<i>La Malesia chiede l'annullamento di un consent award allegando la natura fraudolenta della transazione.</i>	1059
<i>Professore, arbitro, giudice e diplomatico: in memoria di Francisco Orrego Vicuña</i>	1060
Notizie a cura di Carlo De Stefano e Federico Alberto Cabona	