

SCRITTI DI DIRITTO PRIVATO EUROPEO
E INTERNAZIONALE

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SCRITTI DI DIRITTO PRIVATO EUROPEO E INTERNAZIONALE

Diritto privato, diritto europeo e diritto internazionale rivelano intrecci via via più significativi, chiamando docenti e studiosi dei diversi settori scientifici a confrontarsi e a collaborare sempre più intensamente. Da tale proficua osmosi scientifica origina il progetto della nuova collana *Scritti di diritto privato europeo e internazionale*, con la quale si persegue l'obiettivo di raccogliere opere scientifiche – a carattere monografico e collettaneo – su temi di attualità in un'ottica interdisciplinare e in una prospettiva di valorizzazione della stretta connessione tra le discipline coinvolte. Tale obiettivo trova un riscontro nelle specifiche competenze dei Direttori e dei membri del Comitato scientifico.

In "Scritti di diritto privato europeo ed internazionale" sono pubblicate opere di alto livello scientifico, anche in lingua straniera per facilitarne la diffusione internazionale.

I Direttori approvano le opere e le sottopongono a referaggio con il sistema del «doppio cieco» («*double blind peer review process*») nel rispetto dell'anonimato sia dell'autore, sia dei due revisori che scelgono, di comune accordo, l'uno esterno al Comitato scientifico e l'altro all'interno dello stesso Comitato, in funzione di revisore interno.

I revisori rivestono o devono aver rivestito la qualifica di professore universitario di prima fascia nelle università italiane o una qualifica equivalente nelle università straniere.

Ciascun revisore formulerà una delle seguenti valutazioni:

- a) pubblicabile senza modifiche;
- b) pubblicabile previo apporto di modifiche;
- c) da rivedere in maniera sostanziale;
- d) da rigettare;

tenendo conto dei seguenti criteri: a) significatività del tema nell'ambito disciplinare prescelto e originalità dell'opera; b) rilevanza scientifica nel panorama nazionale e internazionale; c) attenzione adeguata alla dottrina e all'apparato critico; d) adeguato aggiornamento normativo e giurisprudenziale; e) rigore metodologico; f) proprietà di linguaggio e fluidità del testo; g) uniformità dei criteri redazionali.

Nel caso di giudizio discordante fra i due revisori, la decisione finale sarà assunta di comune accordo dai Direttori, salvo casi particolari nei quali i Direttori medesimi provvedano a nominare tempestivamente un terzo revisore cui rimettere la valutazione dell'elaborato. Le schede di valutazione verranno conservate, in doppia copia, in appositi archivi.

This volume has been published with the support and financial contribution of the School of Social Sciences of the University of Genoa; of the PhD course in Law at the Department of Law of the University of Genoa.

Old and new problems in private law

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Preface

The aim of the Series of *Essays of Private European and International Law* (Scritti di diritto privato europeo ed internazionale) is to foster critical and interdisciplinary reasoning on legal problems to explore the growing interconnections among the fields of Private, European and International law.

The coordinated approach to common legal issues by professors, researchers and legal experts from different fields of specialisation, with different backgrounds and methodologies is nowadays felt as an added value to the study of all subjects that experience the influence of supra-national regulation over domestic legal systems.

By bringing together PhD candidates from different EU Member States to attend four seminars of advanced learning in a *Programme in European Private Law for Postgraduates* (PEPP), the PEPP is playing an active role in moulding law practitioners and scholars with an international and comprehensive approach. The Programme is coordinated by the University of Münster and involves Partners amongst the best law Universities and Research Centres in Germany (University of Münster, Bucerius Law School, the Max Planck Institute for Comparative and International Private Law Hamburg), Belgium (Catholic University of Leuven), Italy (University of Genoa), Poland (Silesian University at Katowice, University of Wrocław, Jagiellonian University in Kraków), Spain (University of Valencia) and the United Kingdom (University of Cambridge). PEPP attendants deal with a whole variety of topics in the field of private law and private international law, and the Programme's aim is to boost knowledge and understanding of the emerging legal system, and to build up a network among academics and lawyers addressing similar issues.

Sharing the same interdisciplinary approach, a cooperation between the PEPP Programme and the Series of Essays is the natural follow up of the European network created by PEPP. It is with the idea to further disseminate the positive results of the Programme that this *Volume* has been conceived.

In every round of the seminars, the PEPP lectures were characterized by the active participation of all students, who gave their

own contribution to the discussion and made it possible to start debates and critical assessments that have been taken into consideration by the Authors in their writings.

This *Volume* comprises contributions from Lecturers PhD candidates who participated in the 2017-2018 PEPP Session. The works of the Authors focus on their own research topics, connected to contract law, international and EU commerce, private international law and the protection of human rights in the European Union.

All contributions were subject both to a double-blind referee procedure and to revision by an English native speaker.

Bettina Heiderhoff

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