
DIBATTITI

GUIDO ALPA, *La dichiarazione europea dei diritti digitali* pag. 177

ABSTRACT. Sustainable development and the digital agenda are the two horizons towards which the activities of the European Union have been oriented. The incessant legislative output of the European institutions has led to the two cornerstone regulations – the Digital Market Act and the Digital Services Act¹ – and marked the way for the future: the sustainable goals and the digital goals. With the very rapid progress in the use of artificial intelligence and widespread digitisation, sustainable development has to contend with techniques that increasingly focus on the collection, use and manipulation of personal data and the use of digital technologies. Hence the need for careful protection, which, once again, characterises the uniqueness of the European model, compared to others – the American and Asian models – on the planet. The European Parliament and the European Commission have drawn up the European Declaration on Digital Rights and Principles for the Digital Decade (2023/C23/01). The text – which appears to be a reinterpretation of Stefano Rodotà’s proposal for a constitution for the Internet – blandly presents itself as a declaration of rights that takes up the democratic legacy of the French Revolution, adapts the rights of the citizen – now a user of digital services – to the new technologies and the new demands of the markets, and gives adequate guarantees to the individual.

SAGGI

LORENZO TOMASSINI, *Un percorso nell’autonomia: l’esperienza dei Dispute Boards nei contratti internazionali di appalto* » 187

ABSTRACT. Construction Contracts are often difficult and expensive; this can lead to frequent disagreements which can bring to disputes that can jeopardize the positive outcome of projects. To prevent and manage these problems, some innovative tools have been developed in the construction sector: Dispute Boards. These are an interim alternative dispute resolution process, that follows progressively each step of the contract, checking all the different circumstances that can lead to a dispute. Nowadays this ADR is widespread all over the world, therefore it’s surely important to examine deeply all its possibilities, to understand its possible future developments. The first aim of this paper is to examine how Dispute Boards have developed and how they

are now regulated and applied, then it will try to focus on some problematic features and about some future developments of this tool in Italy.

GUIDO ALPA, *Sovereignty and solidarity: from public to private law*» 227

ABSTRACT. *Between the two frontiers of sovereignty, the one centred on states and the one that opens up to the overcoming of sovereignty beyond states, lies the area of 'transnational legal theory', which takes its cue from the relationship between member states and the European Union to identify, a diffuse constitutionalism, a distribution of power governed by the rules of international law. According to Dieter Grimm, «aside from any functional pur[1]poses, the concept of sovereignty satisfy a deep-seated need to protect society's political identity and self-determination and (...) keeps it alive». this essay examines the relationship between sovereignty and solidarity and shows how solidarity is a temperation with sovereignty, and although the principle of solidarity is provided for in European law, there is still much resistance to its application, especially in the area of immigration.*

ENRICO CAMPAGNANO, *I poteri speciali dello Stato e i nuovi strumenti di protezione degli assets strategici* » 249

ABSTRACT. *The article examines the evolution of state powers for the defense of strategic assets in the infrastructure and technology sectors. In particular, the article highlights the current configuration of golden powers and other powers that EU countries have introduced to ensure technological sovereignty and national security.*

GIULIO SANTONI, *I dati (personali) nel diritto cinese: una figura ponte tra i diritti della personalità, la regolazione economica dei fattori chiave di produzione ed esigenze strategiche* » 297

ABSTRACT. *This essay builds up on the literature that has rejected the methodological value of limiting the understanding of the Chinese Personal Information Protection Law to a comparison with the European GDPR. Given that the technical similarities between the two laws are undeniable, it investigates on the functional role of the PIPL within the Chinese data governance system. It is indeed a system where the need to protect individual rights co-exist with an economic regulation of data, as well as with a regulation that treats State control over data, including personal data, as an essential mean to ensure national security.*

DIMITRI DE RADA, *La CGUE si pronuncia sull'art. 82 GDPR. Riflessioni alla causa c-300/21 CGUE* » 335

ABSTRACT. *With the ruling of 4 May 2023 in case C-300/21 the Court of Justice of the European Union (CJEU) has provided very important and clear indications regarding the interpretation of the art. 82 GDPR. The Court focused on the conditions required to receive compensation for non-material harm resulting from a violation of the fundamental right to personal data*

protection. The Court affirmed three important principles. First, the mere violation of GDPR rules does not automatically entitle the data owner to compensation. Secondly, it is important to consider the configuration of the right to compensation for non-physical harm, regardless of whether it exceeds a specific threshold of severity. Third, it is worth noting that the GDPR does not include any provisions regarding the specific assessment of compensation. Therefore, it is the responsibility of each member country to establish the criteria for determining the appropriate amount of compensation. This is always in accordance with the European principles of equivalence and effectiveness.