


Silvia Marino

The Long Road towards the Fulfilment of the Equal Pay for Male and Female Workers and Directive 2023/970 on Pay Transparency: Final Destination?



The present article tackles the sensitive right to pay equality between men and women for the same work or for a work of equal value. The opportunity to discuss the issue stems from Directive 2023/970 on pay transparency. The first part of the contribution recalls the development of the right to equal pay at the International and European level. Then, it analyses its evolution in EEC/EU primary and secondary law. An important part of the following analysis is dedicated to the case law of the Court of Justice of the European Union, that has clarified and specified the content and the impact of the right to equal pay. Finally, the article focusses on the content of the new directive, in order to offer first remarks on its effectiveness and its usefulness for the final achievement of the right to equal pay.

Silvia Venier

Protection of Biodiversity and Strategic Industrial Investments in the International and EU Legal Frameworks



In a context marked by an unprecedented environmental crisis and by the urgency of the ecological transition, a significant change of perspective is required. This contribution focuses on a specific case-study in which freedom of economic initiative must be integrated with and balanced against environmental protection considerations, i.e. the case of strategic industrial investments and protection of biodiversity. This article provides some reflections on how to realise that balance and integration according to requirements established by international and EU normative frameworks.

Aurora Vimercati


The Governance of Gender Equality in the EU Institutional Framework and in the Context of EU Employment Policies



Moving from their strict connection, the paper analyses the influence of European Union integration process both on labour and employment policies and on gender equality issues, offering insights for adopting an integrated approach to understand the complexity of the concept of gender equality. Such a complexity is analysed through a brief theoretical and systematic overview of the principle of equal treatment between men and women and the prohibition of gender discrimination in the European Union legal system, while focusing on the question of effectiveness of these principles and rules. This calls into question the role of the actors – i.e. trade unions, equality bodies etc. – as well as of the tools available – i.e. social dialogue or procedures and sanctions for the enforcement of the obligations imposed. Also thanks to some social theories, such as intersectionality, this paper argues that a wider approach to gender equality is needed and suggests that this is in line both with employment policies and with the objectives set out by the European Union, i.e. EU Gender Equality and the Sustainable Development Goals.

Federica Falconi


Holocaust Denial in the Case-Law of the European Court of Human Rights: Has the “Guillotine” Truly Run its Course?



This paper addresses legal responses to Holocaust denial by looking into the European Court of Human Rights evolving case-law. As from the 2003 Garaudy decision, such heinous utterances have been stigmatized as an abuse of freedom of expression and hence excluded a priori from the protection of Article 10 ECHR pursuant to Article 17 ECHR. A concise illustration of this categorical pattern, centered on the anti-abuse clause and symbolically pictured as the “guillotine”, is provided to highlight its distinguishing rationale as well as its inherent shortcomings. Attention is then focused on the most recent lines of development, which indicate a move towards a more considered approach, restoring centrality to the conditions of legitimacy set forth in Article 10 ECHR in accordance with the ordinary logic of rights balancing.

Maria Cristina Carta


The Court of Justice with the Judgment of April 20, 2023 Tries to “Close the Circle” on the Difficult Issue of the State-owned Maritime Property Concessions



This article analyses the fragmented and complex regulatory framework of state-owned maritime concessions with tourist-recreational purposes in the Italian legal system in light of the orientations of domestic jurisprudence and of the recent judgment of the EU Court of Justice of April 20, 2023 (C-348/22). In particular, it dwells on the evaluation of the direct effect of Article 12 of the Bolkestein directive and its consequences, also with a view to a necessary and urgent reform of this sector at the national level.

Matteo Ceolotto

Right to Appeal and Administrative Procedures for Customs Confiscation: Some Considerations from the *JP v. Otdel “Mitnicheshko razsledvane i razuznavane”* Judgment



This article analyzes the notion of “individual concern” in the context of the right to appeal confiscation measures issued by national customs authorities ex Art. 44, para. 1 of the Union Customs Code and in light of the Plaumann jurisprudence of the CJEU. It is argued that, in its JP judgment, the Court has employed a rather wide interpretation of “individual concern”, avoiding the rigid approach adopted in Art. 263, para. 4, TFEU, identically-formulated. The reasonableness of the adoption of the “Plaumann formula” in the area of customs appeals is also questioned. Furthermore, this paper highlights the role of the CFREU in strengthening the procedural and substantial conditions for the legitimacy of customs confiscation decisions, when the rights of a third-party acting in good faith are at stake.