

# Rivista di diritto internazionale privato e processuale (RDIPP) No 3/2023: Abstracts

The third issue of 2023 of the *Rivista di diritto internazionale privato e processuale* (RDIPP, published by CEDAM) was just released. It features:

*Pietro Franzina*, Professor at the Università Cattolica del Sacro Cuore, **Un nuovo diritto internazionale privato della protezione degli adulti: le proposte della Commissione europea e gli sviluppi attesi in Italia** (A New Private International Law on the Protection of Adults: The European Commission's Proposals and the Developments Anticipated in Italy; in Italian)

The European Commission has presented on 31 May 2023 two proposals aimed to enhance, in cross-border situations, the protection of adults who are not in a position to protect their interests due to an impairment or the insufficiency of their personal faculties. One proposal is for a Council decision that would authorise the Member States to ratify, in the interest of the Union, the Hague Convention of 13 January 2000 on the international protection of adults, if they have not done so yet. The decision, if adopted, would turn the Convention into the basic private international law regime in this area, common to all Member States. The other proposal is for a regulation the purpose of which is to improve, in the relationships between the Member States, the cooperation ensured by the Convention. The paper illustrates the objects of the two proposals and the steps that led to their presentation. The key provisions of the Hague Convention are examined, as well as the solutions envisaged in the proposed regulation to improve the functioning of the Convention. The paper also deals with the bill, drafted by the Italian Government and submitted to the Italian Parliament a few days before the Commission's proposals were presented, to prepare for the ratification of the Convention by Italy and provide for its implementation in the domestic legal order. The bill, it is argued, requires extensive reconsideration as far as the domestic implementation of the Convention is concerned. Alternative proposals are discussed in the paper in this regard.

This issue also comprises the following comment:

*Riccardo Rossi*, Juris Doctor, **Reflections on Choice-of-Court Agreements in Favour of Third States under Regulation (EU) No 1215/2012**

This article tackles the absence of a provision addressing choice-of-court agreements in favour of third States under Regulation (EU) No 1215/2012 (“Brussels Ia Regulation”). The CJEU case law and the present structure of the Regulation leave no room for the long-debated argument of *effet réflexe*. In light of Arts 33 and 34 (and Recital No 24), enforcing such agreements is now limited to the strict respect of the priority rule in the trans-European dimension. The first part of the article deals with the consequences of such a scheme. Namely, forum running, possible interferences with the free circulation of judgments within the EU pursuant to Art 45(1)(d), and inconsistencies with the 2019 Hague Convention. In its second part, from a *de lege ferenda* perspective, the article examines the most delicate issues raised by the need for introducing a new provision enforcing jurisdiction agreements in favour of third States: from the jurisdiction over the validity of such agreements, to the applicable law, to the weight to be given to the overriding mandatory provisions of the forum. Finally, it proposes a draft of two new provisions to be implemented in the currently discussed review of the Brussels Ia Regulation.

In addition to the foregoing, this issue includes a chronicle by *Francesca C. Villata*, Professor at the University of Milan, **Il regolamento (UE) 2023/1114 relativo ai mercati delle cripto-attività: prime note nella prospettiva del diritto internazionale privato** (Regulation (EU) 2023/1114 on Market in Crypto-Assets: First Remarks from a Private International Law Perspective; in Italian).

Finally, the following book review by *Francesca C. Villata*, Professor at the University of Milan, is featured: **Gabriele CARAPEZZA FIGLIA, Ljubinka KOVAČEVIĆ, Eleonor KRISTOFFERSSON (eds), Gender Perspectives in Private Law**, Springer Nature, Chan, 2023, pp. XV-242.