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17th Annual International Conference on Law

13-16 July 2020, Athens, Greece

Edited by
Gregory T. Papanikos

2020

Abstracts
17th Annual International Conference on Law
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Preface

This book includes the abstracts of all the papers presented at the ***17th Annual International Conference on Law*** *(13-16 July 2020)*, organized by the Athens Institute for Education and Research (ATINER).

A full conference program can be found before the relevant abstracts. In accordance with ATINER's Publication Policy, the papers presented during this conference will be considered for inclusion in one of ATINER's many publications.

The purpose of this abstract book is to provide members of ATINER and other academics around the world with a resource through which to discover colleagues and additional research relevant to their own work. This purpose is in congruence with the overall mission of the association. ATINER was established in 1995 as an independent academic organization with the mission to become a forum where academics and researchers from all over the world could meet to exchange ideas on their research and consider the future developments of their fields of study.

It is our hope that through ATINER's conferences and publications, Athens will become a place where academics and researchers from all over the world regularly meet to discuss the developments of their discipline and present their work. Since 1995, ATINER has organized more than 400 international conferences and has published nearly 200 books. Academically, the institute is organized into 6 divisions and 37 units. Each unit organizes at least one annual conference and undertakes various small and large research projects.

For each of these events, the involvement of multiple parties is crucial. I would like to thank all the participants, the members of the organizing and academic committees, and most importantly the administration staff of ATINER for putting this conference and its subsequent publications together. Specific individuals are listed on the following page.

Gregory T. Papanikos
President

17th Annual International Conference on Law, 13-16 July 2020, Athens, Greece

Scientific Committee

All ATINER's conferences are organized by the Academic Council. This conference has been organized with the assistance of the following academic members of ATINER, who contributed by chairing the conference sessions and/or by reviewing the submitted abstracts and papers:

1. Gregory T. Papanikos, President, ATINER & Honorary Professor, University of Stirling, U.K.
2. David A. Frenkel, LL.D., Adv., FRSPH(UK), Head, Law Research Unit, ATINER & Emeritus Professor, Law Area, Guilford Glazer Faculty of Business and Management, Ben-Gurion University of the Negev, Beer-Sheva, Israel.
3. Michael P. Malloy, Director, Business and Law Research Division, ATINER & Distinguished Professor & Scholar, University of the Pacific, USA.
4. Assaf Meydani, Academic Member, ATINER & Dean of the School of Government and Society, The Academic College of Tel-Aviv–Yaffo, Israel.
5. Kurt Olson, Academic Member, ATINER & Professor, Massachusetts School of Law at Andover, USA.
6. Larissa Ramina, Professor of Public International Law and Human Rights, Federal University of Parana, Brazil.
7. Jorge Emilio Núñez, Academic Member, ATINER & Senior Lecturer, Manchester Law School, UK.
8. Anna Chronopoulou, Academic Member, ATINER & Senior Lecturer in Law, The University of Westminster, UK.
9. Georgios Zouridakis, Lecturer, University of Essex, UK.

FINAL CONFERENCE PROGRAM
17th Annual International Conference on Law, 13-16 July 2020, Athens, Greece

PROGRAM

Monday 13 July 2020

10.00-10.30
Registration

10.30-11.00
Opening and Welcoming Remarks:

- **Gregory T. Papanikos**, President, ATINER.
- **Michael P. Malloy**, Distinguished Professor & Scholar, University of the Pacific, USA.
- **David A. Frenkel**, LL.D., Emeritus Professor, Law Area, Guilford Glazer Faculty of Business and Management, Ben-Gurion University of the Negev, Beer-Sheva, Israel.

11.00-11.30
Elena-Ana Iancu, Professor, Dean, Faculty of Juridical and Administrative Sciences, Agora University of Oradea, Romania.
Title: *Theoretical and Practical Aspects regarding the Investigation of the Criminal Offence of False Testimony.*

11.30-12.00
Corlia Van Heerden, ABSA Chair in Banking Law, Professor, University of Pretoria, South Africa.
Title: *Towards Explicit Deposit Insurance in South Africa.*

12.00-12.30
Bashar Malkawi, Dean and Professor, University of Sharjah, UAE.
Title: *Economic Boycotts and WTO Law.*

12:30-13:00
Maria Luisa Chiarella, Associate Professor, University Magna Graecia of Catanzaro, Italy.
Title: *Numerus Clausus Principle of Real Rights: Current Value and Practical Issues.*

13:00-13:30
Claudio Sarra, Associate Professor, Università degli Studi di Padova, Italy.
Title: *The Right to Contest Decisions Based Solely on Automated Processing in the General Data Protection Regulation.*

13:30-14:00
Kamil Szpyt, Assistant Professor, Andrzej Frycz Modrzewski Krakow

University, Poland.
Title: *Do Robots go to Heaven? Civil Law Implications of Human Death Connected with Development of Mind Uploading and Strong Artificial Intelligence.*

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Petr Cerny, Assistant Professor, Jan Evangelista Purkyně University in Ústí nad Labem, Czech Republic.
Title: *The Current Trends in the Right of Assembly under the European Convention on Human Rights.*

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Yongliang Yan, PhD Candidate, The University of Hong Kong, Hong Kong.
Title: *Common but Differentiated Responsibility for Environmental Protection in Outer Space.*

15:00-15:30
Stefano Fuselli, Professor, Università degli Studi di Padova, Italy.
Title: *Neurocorrections: On the Use of Neurodevices for Criminals.*

15:30-16:00
Kurt Olson, Professor, Massachusetts School of Law at Andover, USA.
Title: *World Leaders Fiddle while the Planet Burns.*

16:00-16:30
Athanasios Mihalakas, Global Professor of Practice in Law, University of Arizona, College of Law, USA.
Emilee Hyde, Independent Consultant, Environmental Science and Sustainability – Nazareth College, USA.
Title: *Implementation of Nationally Determined Contributions under the Paris Agreement – Comparing the Approach of China and the EU.*

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Ryan Meade, Fellow, Blackfriars Hall, University of Oxford, UK.
Title: *Contrasting Administrative Law through Approaches to Dispensation and Waiver.*

17:00-17:30
Priscila Caneparo Dos Anjos, Professor, University Centre of Curitiba, Brazil.
Title: *International Cooperation as an Alternative Method of Lawfare.*

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Bartosz Ziemblicki, Assistant Professor, Wroclaw University of Economics & Business, Poland.
Title: *Enforcing Compliance with Decisions of International Courts.*

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Anna Chronopoulou, Senior Lecturer, University of Westminster Law School, UK.
Title: *The Notion of Home in Middle Eastern Cinema: The Presence of the Absence.*

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Michely Vargas Del Puppo Romanello, Assistant Professor, Pontifical Catholic University of São Paulo, Brazil.
Title: *Autonomous Vehicles: Liability in Europe Union and in Brazil.*

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Jose Geraldo Romanello Bueno, Head, Department of Civil Law, Mackenzie Presbyterian University, Brazil.
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15:50-16:20
Larissa Pochmann da Silva, Professor, Estácio de Sá University, Brazil.
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16:20-16:50
Michael P. Malloy, Distinguished Professor & Scholar, University of the Pacific, USA.
Title: *Distance Banking: Pandemic Responses of a Regulated Industry*.

16:50-17:20
Nataša Tomić-Petrović, Professor, University of Belgrade, Serbia.
Title: *Driverless Cars and Liability in Traffic.*

Fernanda Almeida Torralbo
Lawyer, Mackenzie Presbyterian University, Brazil
&
Jose Geraldo Romanello Bueno
Head, Department of Civil Law, Mackenzie Presbyterian University, Brazil

Assisted Human Reproduction: Questionings beyond the Technique

With the development of technology, assisted reproduction techniques (ART) have also developed a lot and what began as a form of treatment for infertility currently opened several possibilities of gestation including homoaffective couples and single people. However, what was solution to some problems, also brought great controversies of moral and ethical character, with the production of embryos in vitro in greater number than could be fertilized and the use of gametes from donation, triggering questions about the disposal or not of the surplus and the presence of anonymity in the construction of the identity of the children born through the donation of genetic material. This work aims to survey the legislations or references guides in assisted human reproduction, showing the differences in relation to the standardization in ART and its adaptations, in the following countries: Brazil, Australia, England and Spain. It was researched on the web, publications and specific legislation in order to compare the trajectory of the norms of the countries, and the need to study the assisted human reproduction in a broader way, encompassing not only the reproductive technique, but also its consequences for the new family structure created. The items evaluated were: existence of laws or reference guides for ART, permission to donate gametes or embryos to other people, discard or donation of surplus gametes for research, embryo status and the possibility of identifying this donor for people born of ART, pointing out the need for studies involving those born by the technique, seeking to contribute to the information of the new family structures.

Priscila Caneparo dos Anjos
Professor, UNICURITIBA - Centro Universitário Curitiba, Brazil

International Cooperation as an Alternative Method of Lawfare

Since its inception, the state has guided the development of its institutes in the common goals of society. As the times unfolded, the state figure became more flexible to better meet the societal aspirations regarding the dignity of the human person: the unattached state power of human rights demands no longer behaved. To this end, values linked to cooperation and jus cogens have emerged in the national legal order. At the same time, the definition of sovereignty has adapted to the growing interdependence of states in the international community through the creation of mechanisms to ensure the effective sharing of sovereignty in defense, ultimately, of cooperative values and forms that ultimately establish harmonization between states when the internal state institutes crumbled. In this scenario, the Cooperative Constitutional State emerges, updating the role of the State through cooperative vectors. It no longer behaves that the social arrangement, based on the dignity of the human person, is exclusively linked to a single state format: in this passage, the international organizations and courts, as well as the interconnection between states through cooperative contributions. From the organization of society on democratic pillars, the internal order no longer seized the reserved domain of the protection of rights, supporting, in the alternative, the international jurisdiction through the sharing of state sovereignty. On the basis of the foregoing, the way is open to the use of cooperative avenues by states that have accepted the competence of international organizations, ultimately based on concrete cooperative vectors in the international arena. In this perspective, the objective of the study presented here rests, bearing in mind the indispensability of the state legal order in the foundation of international cooperation, in principle and theoretical paths of consolidation of the latter. However, this harmonization proposal, guided by the connection between states through cooperative channels, necessarily requires respect for local peculiarities; otherwise it will serve as a means of domination rather than coordination. As for the methods employed in this work, we add to the deductive, inductive and dogmatic method. The deductive method – whose logic goes from the private to the general through several fact researches, with the finding of repeating the suspect result as true – will be the most valuable one, developing, as a basic reasoning, the analysis of the ways of implementing the cooperation on its principles. When it is possible to

use generalizations, then, in parallel, one will operate with the inductive method – moving from general to particular, considering that if one phenomenon occurs just like the others, there will be only one result. As for the dogmatic method, the history of cooperation will be investigated, aiming to improve it by principle vectors. Moreover, from this structuring, we can observe the theoretical and factual support for the consolidation of the proposals, confirming their usefulness for the effective cooperation in front of an extremely complex and globalized world.

Petr Cerny
Assistant Professor, Jan Evangelista Purkyně University in Ústí nad Labem, Czech Republic

The Current Trends in the Right of Assembly under the European Convention on Human Rights

The right of assembly is one of the most important political rights. This right, together with freedom of speech and the right to associate, is the basis of every civil society. In particular, it enables everyone to comment on public affairs, get information, share it with other people, and also influence public opinion. This right is especially important in times of social changes. The European Court of Human Rights (ECHR), seated in Strasbourg, protects compliance for the European Convention on Human Rights (Convention) and assesses, inter alia, whether the member states violated the right of free assembly. Article 11 paragraph 2 Convention provides that no restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. The application of this article of the Convention raises a number of questions about the scope of the possibility to restrict the right of assembly. Member States of the Convention sometimes face the question whether to ban the assembly of the enemies of democracy or whether the right of assembly can be abuse to prevent other assemblies for example by blocking the route of march. The paper deals with the ECHR's approach to these issues as well as the concept of right of assembly according to the Convention. At the same time it follows the evolution of the opinion on this right over time.

Maria Luisa Chiarella
Associate Professor, University Magna Graecia of Catanzaro, Italy

Numerus Clausus Principle of Real Rights: Current Value and Practical Issues

This paper deals with numerus clausus principle of real rights. With this expression I mean the limited property rights of enjoyment of someone else's property. After considering the historical development of the principle and its ideological basis, the research identify its legal frame and regulatory purposes. The paper explores how Courts apply civil law rules and how the concept of numerus clausus differs from that of tipicality. Then the survey explores how atypicalness can find room in this field. How the protection of third parties and, at the same time, the evolution of the system can be conciliated? Which is the role of judges and notaries towards the new real rights introduced by the legislator, with doubt law qualification in term of real or personal (i.e. obligational) nature? And what about those rights not regulated by law and introduced by commercial practice? In this debate, the research consider the semi-clausus principle which has been elaborated by current doctrine. The topic of numerus clausus is of remarkable relevance in Italy because in December 2019 the Second Section of the Court of Cassation has remitted to the United Sections the issue of the qualification of the right of exclusive use in condominium. The right of "exclusive use" on res of common property is often negotiated, but its legal qualification is not clear. While waiting for the Supreme Court's response, it is a good opportunity to go back to discussing the well-known dogma of private law, trying to reflect about some possible solutions.

Anna Chronopoulou
Senior Lecturer, University of Westminster Law School, UK

The Notion of Home in Middle Eastern Cinema: The Presence of the Absence

Striking a balance between the right to fair trial and the right to private life seems particularly challenging, especially, when current laws regulating disclosures are proving outdated in the backdrop of exponentially bulging personal digital data. This thesis aims to investigate whether there is a balance between the rape victims' right to private life (Art.8) and the defendants' right to fair trial (Art.6). Evidence shows that rape trials often become an inquiry into the complainant's sexual history especially when it comes to the question of consent. Readily available sensitive and intimate details about the complainant's personal life on digital devices like smart phones, tablets and computers have the potential of making the defence's ad hominem response even easier.

Following are the questions the research project will attempt to find answers to:

- To what extent do 'rape myths' and victim blaming using personal history continue to be a key feature of trials even under the regime of rape shield laws? Can this be a violation of Article 8?
- To what extent does this violation of privacy continue in wider criminal justice practices, such as police investigations in sexual offence cases requiring access to complainants' digital history?
- How might a balance be struck in this area between the competing rights of Article 6 and Article 8 so that the rights of both complainants and defendants in these cases are protected?

Stefano Fuselli
Professor, Università degli Studi di Padova, Italy

Neurocorrections: On the Use of Neurodevices for Criminals

The neurotechnological devices that are in use today are no longer only directed to monitoring brain activity. They are used both to intervene on brain activity in order to modify it and to decode it in order to transform it into usable and reproducible signals. The new kind of man-machine connection that has been created, based on electro brain activity, is going to have a deep impact on legal categories and practices. My paper focuses on the use of neurodevices for criminals, both in order to control and condition their behavior and to treat them.

The possibility of using those devices to treat criminal offenders, as a means of voluntary diversion to avoid incarceration, has become a widely discussed topic in the last decade. Because of the technological developments, this kind of intervention cannot be relegated to a distant dystopian future. Further advance in research could provide less invasive, more manageable and more efficient devices. Moreover, some scholars have already proposed – along the same lines as in chemical castration – the use of tools for brain stimulation in order to inhibit certain impulses or to recondition certain neurological patterns.

A widely debated issue concerns the right to control or alter the neurological patterns of criminal offenders, provided that punishing implies limiting one's freedom also without his/her consent. On the one hand, mandatory neurointervention is not only meant to be a lesser evil than incarceration, but it is even supposed to be advantageous for criminals because it can allow to restore their decisional autonomy by inhibiting their criminal impulses. On the other hand, mandatory neurointevention is rejected because it is considered to inflict a significant harm on an offender, which goes far beyond the limits of criminal punishment.

The aim of my paper is to analyze and to discuss the assumptions that underpin the two theoretical approaches outlined above. In particular, the first goal is to show that the possibility of such a use of neurodevices relies on a two-pronged theoretical background. On the one hand, it embraces a special prevention theory of punishment, according to which a criminal has to be treated in order to be rehabilitated or to be neutralized. On the other hand, it is connected with the idea of cognitive liberty – the updated version of freedom of thought in the neuro-era – according to which one's states of mind are unalterable and inviolable without his/her consent. The second goal is

to outline the way in which the possible use of neurodevices for criminal offenders may affect the legal categories at stake, as f. i. the notions of rehabilitation (or reeducation, according to the Italian Constitution, art. 27th) and the distinction between treatment and punishment.

Peng Han
Senior Lecturer, Lingnan University, China

Discrimination in Workplace in HK

In recent years, some research revealed that around 20% of the employees in HK claimed that they have faced discrimination and harassment during their job duty and application process. There are mainly four types of discriminations in workplace in HK: sex discrimination, family status discrimination, race discrimination, as well as disability discrimination. This paper illustrates the fact about current work place discriminations in HK, the reasons of those discriminations, as well as relevant laws and policies applicable to reduce workplace discriminations. Based on the findings above, suggestions are made to reduce workplace discrimination in terms of various ways such as modifying laws and regulations, providing more educations to employers and employees, strengthening the work of Equal Opportunities Commission of HK and so on.

Elena-Ana Iancu
Professor, Dean, Faculty of Juridical and Administrative Sciences,
Agora University of Oradea, Romania

Theoretical and Practical Aspects regarding the Investigation of the Criminal Offence of False Testimony

The process of building social capital is closely correlated with the manner in which personal safety and human security are ensured. It is also influenced by the correctness, clarity and accuracy of the statements a person makes before the judicial bodies (in a criminal case, a civil case, other judicial procedures), as well as by the omissions made, with the form of guilt required by the law. The state of danger which results from untrue testimonies may lead to situations that constitute premises for the perpetration of offences of obstruction of justice. It also contributes to a decrease in the level of trust in the institutions of the state, to the maintenance of emergency situations or of a state of crisis, as well as the decrease of trust among fellow citizens, regardless of whether they are participants in the criminal process or members of certain communities. This article is aimed at highlighting, on the one hand, the legal content and the constituent elements of the criminal offence of false testimony, as they result from Article 273 of the Romanian Criminal Code, and on the other hand, at presenting the particularities of the process of crime investigation. The topic has an interdisciplinary content, considering the fact that, in the process of investigation of the false testimony offence, the evidence-gathering procedures which may be ordered in the case vary, depending on the concrete circumstances in which the act was committed, the material element of the objective side, the circumstances surrounding the active or passive subject. Thus, the following aspects will be presented herein: the particularities of the hearing of persons in the case of the offence of false testimony in its simple form, as provided for in Article 273, paragraph 1, as well as in its aggravated form, which is provided for in the same Article, paragraph 2, in cases where the active subject may be a witness whose identity is protected, an investigator working undercover, a witness who is included in the Witness Protection Programme, an expert, an interpreter, or in the case of acts for which the law provides the sentence of life imprisonment or imprisonment for 10 years or more. The identification, reporting and decoding of simulated or dissimulated behaviours which may have negative consequences on actions aimed at ensuring, on the one hand, public order and safety, national security, and on the other hand, security in the context of global communities, are of particular importance.

Lavinia Olivia Iancu
Lecturer, Tibiscus University of Timişoara, Romania

The Exit of the NGOs from the Market in Romania

Non-Governmental organizations are the voluntary associations of citizens with a common purpose, without pursuing a profit. Their role is to help society and intervene mainly in supporting disadvantaged groups, promoting social causes but also ”watchdog activities” – signaling the slippage of government authorities in protecting the interests of citizens and mobilizing society to solve problems. These organizations are based on a healthy morality, regardless of the state or religion we refer to, to help those in distress. Precisely because of this purpose with the deep moral values, on one hand the states have granted a number of fiscal facilities to non-governmental organizations and on the other hand they can receive donations and access non-reimbursable funds. Going beyond their noble purpose, in the real world the combination of ”fiscal facilities and easy money” also attracted evildoers who did not pursue the good of the society, but personal enrichment under the umbrella of non-governmental organizations. Here comes the law !!! Fair, clear and discouraging regulation for people of bad faith would keep NGOs in a favorable light. În Romania, however, NGOs are associated with obscure interests, money-laundering and political influences. This is favored by the weak and incomplete legal regulation made 20 years ago which leaves room for interpretation and doubt. Recently, due to the requirements of the European Union to strengthen the control of the way in which the money offered to NGOs is spend, through Law no. 129/2019 for the prevention of tax fraud a serious of amendments to the Government Ordinance 26/2000 regarding associations and foundations have been made. But, this is not enough!!! The very exit of the non-governmental organizations from the market is having difficulties transposing the insolvency practitioner, in charge with the liquidation of the entity, in an area rather creative than legal. Removing them from the market it’s possible through two ways: liquidation under Law 85/2014- Insolvency Law and liquidation under G.O. 26/2000 regarding association and foundations. The Romanian legislator must recognize the importance of this organizations, as well as their role in the society and offer them a modern legal regulation that will allow them to easily enter and exit the market as well as the rigorous control of their activities. The law must keep pace with society, a context in which a 20 year old law can no longer effectively serve the modern society. The disconnection of the law from the daily realities allows

only a formal existence of it without practical applicability or legal cracks meant to encourage fraud.

Alessandro Liotta
PhD Candidate, LUISS Guido Carli, Italy

The DRM Directive: An ADR Mechanism to Obtain Tax Cohesion within the Internal Market?

The aim of the proposed paper is to evaluate the current level of cohesion within the internal market in the field of tax law with specific reference to the Alternative Dispute Mechanisms enacted so far by the EU. First, the paper is going to sum up the most recent and interesting initiatives of the EU Institutions in the field of direct taxation, such as the Directive Proposals regarding the taxation of digital economy, the relaunched CCTB and CCCTB Proposals and the Directive on Administrative Co-operation (Directive 2018/822/EU). Secondly, the paper is going to focus on the Dispute Resolution Mechanism Directive (Directive 2017/1852/EU). The Directive at issue, which was to be implemented by the EU Member States on June 30th, 2019, represents an interesting measure enacted at EU level to create a common system of dispute resolution in case of double taxation treaties among Member States apply. It is not the very first attempt of the EU in this field, since the 90/436/CEE Convention on Arbitration had the same purpose, but its applicability was limited to transfer pricing issues among related parties. For what concerns the DRM Directive, the paper will try to give a general overview of its historical background, its goals and the procedure it introduces and will highlight its most innovative aspects. Also, the paper will give a glimpse at the way the Italian Government have decided to implement the Directive at issue. In addition, various elements of the DRM Directive will be examined, such as, for example, the provision of specific deadlines, the value of the final decision for the taxpayers and the Tax Administrations of the EU Member States involved, how this procedure will impact the internal market. Finally, since this new ADR mechanisms has been introduced by a Directive, the ECJ will have the power to guarantee a homogeneous interpretation of the provisions included therein. In other terms, the power of the ECJ is expected to be limited to the application of the provisions that regulate the dispute resolution, and should not affect in any way the object of the dispute (id est the application of double taxation Treaties within the EU): in this respect, is it possible that the ECJ will start ruling upon the application of those Treaties?

Bashar H. Malkawi
Dean and Professor, University of Sharjah, UAE

Economic Boycotts and WTO Law

The paper evaluates whether the motivation of national security is a reasonable excuse to restrict free trade and furthermore – assuming arguendo a good faith bona fide threat exists – whether boycotts even constitute effective tools to advance national security. Countries have their legal arguments that they can use to justify the boycott or to invalidate it. The use of the national security exception in international economic law must be evaluated on the bottom-line question of effectiveness. The boycott has always proven ineffective and is now increasingly counter-productive due to transformative regional and global developments. Free trade and efficient markets combined with the ability of talented individuals to work without discrimination and restriction are the hallmarks of vibrant economies and stability – true national security. While the establishment of the boycott may at one time serve a perceived national security goal, there is no longer such a need. Economic boycotts undermine the WTO's commitment to free trade and prosperity which ultimately harms all parties and their national security and harms the greater global interest in international stability for all parties.

Michael P. Malloy
Distinguished Professor & Scholar, University of the Pacific, USA

Distance Banking: Pandemic Responses of a Regulated Industry

Over the past 20 years, the scholarly literature in the field of financial services have emphasized the fact that banking was becoming more and more of a digital activity. It was no longer tied to brick-and-mortar operations, branches and headquarters as such. Rather, banking and other financial services could now be delivered in a virtual setting. The advantages of this may seem fairly obvious, increased efficiencies to be achieved if we can run this vast business without the intervention of physical placement. Security of those investments and transactions is increased to the extent that we can protect them in a virtual setting. To the extent that recordkeeping is more streamlined and efficient, that also adds to lowering of transactional costs that is the natural result of operating in the e-banking system. In addition, the reach of each bank potentially is much wider than situations in which the bank is tied to a physical location. To the extent the bank goes digital, it can reach out and service the financial needs of customers virtually anywhere.

There is also a downside to this shift towards virtual banking. As banks, particularly large banks, begin to de-emphasize the use of brick-and-mortar operations, local branches in otherwise underserved areas, begin to disappear or to limit their services. This results in a crisis for the low- to middle-income retail customers of the banks. To the extent that they could shift to ATMS, to cards and the like, they might be able to avoid this downside, but for many retail customers of the bank, access to an actual, physical bank is important to them, but that may no longer be a major priority within the banking industry. The counterargument obviously is that this unfortunate cut-back may be worth the price, if it means banks are more efficient, and more secure and safer, because they no longer have to deal with some of the inefficiencies of physical operations and so in the long run that benefits the entire economy.

We then have the advent of the pandemic that has, among other things, underscored the fact that there is something misleading about thinking of banking on a virtual platform as protected from the physical risks of day-to-day life and ordinary business. The simple fact of the matter is that banks service customers who are ultimately in the real world and to that extent; they must deal with the risks that those customers confront. As intermediaries, the banks are also affected by those risks. The pandemic raises other concerns as well, since many of

the regulatory and supervisory controls that are exercised over banks do not necessarily adapt well once you have something as critical as a worldwide pandemic. So, for example, one of the primary tools of regulation today is the supervision monitoring of banking capital, which is adversely affected by the stresses of the pandemic on economic activity. To what extent should regulators ease capital requirements during the pandemic.

My presentation argues for two conclusions. First, banking as an intermediation activity has always been in some sense "virtual," substituting credits and debits for the physical exchange of currency or gold for products of value. Second, as in past crises throughout banking history, in this pandemic regulators have taken significant steps to ensure that indirect regulatory costs of banking do not overburden banks, and have actively tried to exercise regulatory authority to ease the negative impact of the pandemic on banks.

Ryan Meade
Fellow, Blackfriars Hall, University of Oxford, UK

Contrasting Administrative Law through Approaches to Dispensation and Waiver

This paper involves comparative administrative law by identifying two variants of regulatory environments, one that is "process-oriented" and one that is "relations-oriented." It is important for the regulated actor to understand which variant the actor is working within in order to understand how to comply with relevant regulations, work through enforcement of regulations, the posture of appeal rights, and generally orient itself to doing business or meeting goals under regulations. The paper also discusses how both environments can learn from each other to strengthen the rule of law and promote justice by focusing on refining dispensations (or waivers): relations-oriented administrative law systems should solidify more concretely expectations for dispensations while process-oriented administrative law should not be so rigid as not to have dispensations. Legal systems describe regulation that provides supplemental detail to legislation in different ways, such as the formality of the terms "regulation" and "rule" in the United States or "secondary legislation" in the United Kingdom. For purposes of this paper, I will refer to these state-enacted rules which have the force and effect of law as "regulations" to distinguish them from legislation that is adopted by a legislature or promulgated by a single-source legislator in absolute monarchies. The paper identifies "process-oriented" regulatory environments as structures which allow little discretion to regulators. In these environments the letter of the regulation is usually the beginning and the end of the rule so that compliance involves whatever criteria are written down. At its extreme, enforcement tends to be a strict liability response to non-compliance. Operating in this regulatory environment is not dependent on relations with the regulator nor are arguments for dispensation (or waiver) well received, if any such avenue for dispensation even exists. This contrasts with the "relations-oriented" regulatory environment in which moving through the regulatory process, the degree of compliance needed with the letter of the regulation, and how enforcement occurs is based on the relationship the regulated actor has with the regulator. In these environments, cultivating relations with the right person becomes as important, if not more important, for the regulated actor than strict adherence to the letter of the regulation. Relations-oriented environments also tend to heavily afford formal dispensations. At first blush the contrasting environments might suggest that process-oriented

environments are the purview of highly developed democratic states with a strong sense of rule of law, such as the U.S., UK, or Germany while the relations-oriented environments are found where the rule of law is precarious or the legislative power is unified with a single executive such as an absolute monarch. However, the process-oriented and relations-oriented environments can be found in pockets of radically different types of legal systems. While certain legal systems may tend to one of the two administrative law variants, neither can be said to be mutually exclusive of legal systems. The U.S. has numerous regulations in the health care arena which are relations-oriented and have virtually no criteria to guide the discretion of the regulator. In its extreme, relations-oriented regulations undermine the rule of law by not making dispensation process clear and extreme process-oriented regulations can undermine justice by having adequate dispensations. The paper argues that both approaches can learn from each other at the cross-roads of dispensations (or waivers, as they may be called in some systems). Dispensations allow for process-oriented regulatory environments to avoid unjust application of the letter of the rule while relations-oriented regulatory environments can improve the rule of law by formalizing dispensation processes.

Athanasios Mihalakas
Global Professor of Practice in Law, University of Arizona, College of Law, USA
&
Emilee Hyde
Independent Consultant, Environmental Science and Sustainability - Nazareth College, USA

Implementation of Nationally Determined Contributions under the Paris Agreement - Comparing the Approach of China and the EU

Climate change is a pressing global issue that is rapidly requiring a global response under international law. The UN Framework Convention on Climate Change was created by the UN to unite States in coordinating efforts to lower greenhouse gas emissions while continuing to develop in a more sustainable way. The Kyoto Protocol and the Paris Agreement were two succeeding efforts under the UNFCCC to decrease emissions and prepare adaptations for the effects of climate change. The Kyoto Protocol required mandatory reduction in carbon emissions by wealthy developed nations, and it inevitably collapse. The Paris Agreement required voluntary reduction of carbon emissions by all member states In this paper, we look at the evolution of the international climate change legal regime, from the UNFCCC adaptation at Rio De Janeiro, to the failed Kyoto Protocol and the innovation of the Paris Agreement. In particular, we look at the role of the EU and China efforts to comply with the Paris Agreement, as two of the major carbon emitters on the planet who are still parties to the agreement. Although both China and the EU set lofty goals in accordance with the Paris Agreement requirements, neither state provided enough details on how to achieve their goals, nor are their plans adequate to deal with global warming in the long run. We argue that the greatest innovation of the Paris Agreement is in climate change related information gathering, sharing, and reporting. The rapidly deteriorating condition of the global climate makes accurate information on national carbon emission and carbon reduction efforts, essential for long-term prediction and planning. Therefore, in the fight against global warming, timely and reliable information on carbon emissions and how national governments are dealing with that have become more valuable than just complying with global targets. Finally, we look at the implications and possibilities for better dealing with climate change due to the recent Covid-19 pandemic, which offers

national governments a new opportunity to better plan domestic policies on carbon emissions.

Kurt Olson
Professor, Massachusetts School of Law at Andover, USA

World Leaders Fiddle while the Planet Burns

This paper will examine the disconnect between the scientific, empirical evidence that often irreversible effects of climate change have been occurring for more than 50 years and the intransigent denial which continues to be demonstrated by fossil fuel companies and their political enablers in Washington, D.C. and other world capitals. In 1988, Dr. James Hansen (at the time the Director of NASA's Goddard Institute for Space Studies) one of the world's leading experts on the deleterious effects of rising CO_2 levels in the atmosphere, starkly testified before the Energy and Natural Resources Committee of the U.S. Senate that "the greenhouse effect is here." Before Hansen became concerned that increased levels of CO_2 would inevitably increase global temperatures with potentially catastrophic consequences for life on the planet, he had studied the atmosphere and surface of Venus, where CO_2 levels are so high that life there cannot exist. Hansen decided to change the focus of his research because he realized that failure to take action to reduce and eventually eliminate emissions of carbon dioxide could lead to superstorms, increased drought, increased flooding, and often unimaginable wildfires (such as the wildfires in Attica which have been described as the second deadliest in history) which would burn with increasing frequency and intensity. Many concerned with these issues (such as the United States Defense Department) now realize that perhaps the biggest short-term threat is the likelihood of increasing numbers of environmental refugees who have to flee their homelands because they can no longer grow food to feed their families or find water to drink because of the ravages of increasing temperatures. As pointed out in the 2019 United Nations Emissions Gap Report: Today we still have the chance to limit global temperatures to 1.5°C. While there will still be climate impacts at 1.5°C, this is the level scientists say is associated with less devastating impacts than higher levels of global warming. Every fraction of additional warming beyond 1.5°C will result in increasingly severe and expensive impacts. Regrettably, most countries have not taken the steps necessary to begin curtailing their emissions from smokestacks, the transportation sector, or the aviation sector. In fact, China, the country which is likely to soon become the biggest contributor to global emissions, has planned more than 300 coal-fired power plants throughout the world in addition to the plants currently in the planning stages on its own territory. This is a frightening prospect because burning coal for electrical energy

generation is probably the single most carbon-intensive fuel source. What this means is that if we continue on a business-as-usual track, we are likely to come closer to a 3-6 degree rise in global average temperatures by the end of the century. Most scientists who develop and rely on computer models to project what is likely to happen given different scenarios have concluded that a temperature increase of this magnitude is likely to drastically change life on the planet. As they say, Earth will probably survive, but prospects for humans and other species with whom we share the planet are less sanguine. Under these circumstances, one has to wonder why even extremely wealthy people and corporations think they will be spared from dire consequences.

Vladimir Orlov
Professor, Herzen State Pedagogical University of Russia, Russia

Liability in Russian Corporate Law

Liability issues related to corporate activities are regulated in the first instance by general and special rules of the Civil Law in Russia. The general liability rules consist of tort and contract liability provisions of the Civil Code. Special corporate norms are, in turn, included in the Civil Code provisions on juristic persons and legislation regulating corporate forms, and they concern liability of founders, shareholders and corporation as well as executives of corporation. Traditionally, Russian civil liability rules have relied on the concept of illegality of an action (or breach of an obligation) that is to cause liability, which reflects the dominant role of legal supervision in the Russian legal system. However, in the event of liability of corporate executives, a breach of fiduciary duties could be regarded sufficient as a ground to qualify their actions as illegal without particular reference to concrete legal norms. Russian law also includes rules on criminal, administrative, and labour liability that may concern corporate activities.

Murat Can Pehlivanoglu
Assistant Professor, Istanbul Kent University, Turkey

Liability of Social Media Sites due to Disclosure of Non-Public Material Corporate Information through Social Media

Today, social media is being used as an information source for a variety of issues, including information concerning publicly traded corporations. However, it is not only the investing public who is interested in following the information disseminated through social media, but the companies themselves have also begun to use social media to disclose material non- public information. Accordingly, jurisdictions such as the U.S. has paved the way of such disclosures even through the personal social media site of individual corporate officers under particular circumstances. While the dissemination of material information through social media may harm the fairness and efficiency of the marketplace, it is equally beneficial for the investing public that alternative channels of effective communication develops. Having said that, the liability of social media sites for taking down a social media post of disclosure, which is deemed in compliance with the securities law, is not yet specifically addressed. A social media site may take down a social media post which has the function of disclosure, alleging that it violates the "terms of service" of the platform. However, such an action may have the effect of placing a number of investors in a disadvantaged position when compared to others, if some failed to read the post before it is taken down, and others did actually read it. In this case, while the social media site itself will be the cause for the interruption of disclosure which is deemed in compliance with the securities law, it will also be in a position in which it has legally exercised its right to take down the post and benefit from the internet service provider safe harbor regulations. On the other hand, investors, companies, and enforcement agencies may think of pursuing actions against the social media site for damages associated with the taking down action. To begin with, this paper underlines that the usage of corporate officers' personal social media sites for securities law disclosures may be compatible with the general theory of capital market law. Following this analysis, it suggests that the safe harbor immunity afforded to internet service providers may be challenged in the context of taking down a social media post concerning a securities law disclosure. Accordingly, it points out that the securities regulations concerning internet should be deemed "lex specialis" when compared to internet safe harbor regulations. It concludes that the aforementioned

issue remains as an open question which the judiciary should answer, unless the legislative branch acts to clarify the legal position.

Larissa Pochmann da Silva
Professor, Estácio de Sá University, Brazil

The Multi-Door System of Binding Individual Claims to Class Actions

The paper aims to analyze the different models of binding of individual claims to class actions, from literature, case law and empirical research, in order to observe if there is a model that promotes class actions statement but protect the interests of the members who don`t have a day in court. For this purpose, it began explaining class action statements and, after this, there was a survey on the different models that exist in countries in the American and European continents, verifying nine (9) different models, which are not restricted to a country or even to a pretension. It was also observed in what perspective the adopted model could impact the performance of due process of law, the costs of the litigation and the number of pending lawsuits on the same claim and the possible effects of the class judgment, besides highlighting the favorable and contrary arguments to each one of the recognized models. In the second part, the arguments in favor and against each model were analyzed in detail and the empirical data related to the object of study were gathered, comparing the evolution of the data since the 1960's in different countries. It has been pointed out that opt-in, opt-out and res judicata secundum eventum probationis are those that could prove adequate to class actions in a multi-door perspective, from the stated pretension, and the thesis tried to bring a reflection of the possible consequences of the model indicated. It can be observed that the hypothesis was partially confirmed, since the opt-out combined with the res judicata secundum eventum probationis is an appropriate model for class actions, provided the collective due process of law, but it is not the only suitable model, being the opt-in, combined with res judicata secundum eventum probationis pertinent model in the case of large values under discussion.

Nataša Tomić-Petrović
Professor, University of Belgrade, Serbia

Driverless Cars and Liability in Traffic

Selfdriving vehicles are considered to be the technology that will change the city, public and private transportation, as well as the concept of mobility in general. Nevada was the first state that allowed the management of autonomous vehicles in 2011. Commitment to autonomous vehicles Nevada showed also in 2017 by adoption of the Law (Assembly Bill 69), which revised requirements for testing or operation of autonomous vehicles on public roads in the country and allowed the use of fully autonomous vehicles for the provision of transport services in certain circumstances. States – California, Florida, Michigan, North Dakota and Tennessee and Washington, D.C. have also adopted laws that apply to autonomous vehicles. The Government of the United Kingdom allowed in 2013 the testing autonomous cars on public roads, while before that, all tests of these cars in the country were performed on private properties. The advantages that this kind of traffic would bring are numerous, however, the public is divided. The crash of autonomous car and municipal buses, which occurred on February 14, 2016 in California was the first case when the Google's technology made a mistake during the accident. The expansion of autonomous vehicles will depend on the belief of the public that are selfdriving cars are considerably safer than those manually-controlled. When the vehicles without a driver are in question, specific challenges are: the responsibility of the device manufacturer and / or software that controls the car, the adoption of regulation on vehicles without drivers and the application of legislation. The main ethical issue the autonomous vehicles are surrounded by is responsibility. In conventional vehicles liability is personalized, and a participant in the accident, who by violation of traffic rules, contributed to its occurrence, bears it. Self-driving vehicle is independent in decision making and in traffic has performance as a person. If a man is not driving the vehicle that points to the liability of the manufacturer of the selfdriving operating system of the car in the event of a collision. Clarification of the blame for the accident sometimes will entail complex issues of allocation of responsibility of man as the driver and those who provide technology of autonomous vehicle. The issue of privacy of the owner, is also one of the current, because these data could be misused. Despite all, the technology of the vehicle without a driver promises a lot. Autonomous vehicles have the potential to dramatically reduce collisions. Before it comes to the realization of the plans for introduction

of self-driving vehicles in everyday traffic it is necessary to consider pro and contra, so the modern society would be fully prepared when the cars without a driver one day come on the streets of our cities. Legal requirements are the only one, but significant obstacle for the vehicles without a driver, though the circumstances in this area are gradually changing.

Michely Vargas Del Puppo Romanello
Assistant Professor, Pontifical Catholic University of São Paulo, Brazil
&
Jose Geraldo Romanello Bueno
Head, Department of Civil Law, Mackenzie Presbyterian University, Brazil

Autonomous Vehicles: Liability in Europe Union and in Brazil

Technology is taking immense steps in a short period of time and the law is trying to follow up these technological advances. Fully autonomous vehicles are not far away from becoming a reality. The EU aims at facilitating robotic advancements into legislation with the Proposition on Civil Law Rules on Robotics (205/2013(INL)). Consumer protection, market access and liability issues are of main importance concerning driverless vehicles. The main goal of this paper is to examine autonomous vehicles, competence and liability issues in the European Union and in Brazil context. In other words this study examines whether it is possible to regulate on autonomous vehicles on an EU level and in Brazil, and if so, what the legislator must take into consideration when doing so or whether current legislation is sufficient enough to grant protection for victims of traffic accidents involving autonomous vehicles. The scope of the study is set on future insurance policies, product liability and current national legislation with reference to international policies and regulation. Different legislations on civil liability create a mixed and uncertain background for autonomous vehicles. A uniform and clear EU and Brazilian policy on autonomous vehicles would benefit consumers and market access of said products. The problems can be dissolved with creating an EU and Brazilian wide legal background for autonomous vehicles with product liability, insurance policies and a legal liability law. The private sector – the manufacturers and insurance industry – must have an active part in creating legislation and soft law policies for autonomous vehicles.

Jose Geraldo Romanello Bueno
Head, Department of Civil Law, Mackenzie Presbyterian University, Brazil
&
Michely Vargas Del Puppo Romanello
Assistant Professor, Pontifical Catholic University of São Paulo, Brazil

Drones: Civil Liability and Regulatory Framework in America and Europe

More than 30 nations are developing or manufacturing over 250 drone models either military or civilian. Whereas the military drones market has been steadily growing, civil drones operations have developed quite slowly, due, to some extent, to the lack of a regulatory framework. The civil use of drones could be significant and extensive: policing activities, traffic management and monitoring, fisheries protection, pipeline surveying, coverage of large public events, border patrol, agricultural management, power line surveying, aerial photography, global environmental monitoring and security related operations and many other possible applications. However, these vital activities can only be carried out if drones are able to fly with other air traffic, beyond segregated areas and within national or international airspace. Where it has been identified that existing regulations cannot accommodate civil drones, a regulatory framework needs to be developed to determine what technologies or procedures are essential for achieving the objective of a safe introduction of drones for civil purposes. The absence of a clear legal framework has recently forced the European Union and international organizations and institutions to address the matter of regulation, highlighting the numerous legal problems created by their use. This study analyses existing American, European and national legislation on the regulation of drones for civil use, discussing how they are defined and classified, whether registration and certification is required, how liability is apportioned between the subjects involved, and if compulsory insurance is provided. Finally, concerned to the risk – management approach, the study elaborates recommendations for future policy formulation. The methodology used is qualitative and the bibliography was from books, theses, periodicals and jurisprudence.

Claudio Sarra
Associate Professor, Università degli Studi di Padova, Italy

The Right to Contest Decisions Based Solely on Automated Processing in the General Data Protection Regulation

Art. 22 of the General Data Protection Regulation (GDPR) adopts a restrictive regulative approach to the issue of fully automated decisions. In principle, they are forbidden as long as they are based "solely" on automated data processing and have legal effects concerning the data subject or "similarly affects" him or her. However, the following of that very article provides three significant exceptions, namely: when the decision is necessary for entering into, or performance of, a contract between the data subject and a data controller; is authorized by Union or Member State law to which the controller is subject and is based on the data subject's explicit consent. Since these cases are supposed to be exceptional, the GDPR requires some additional safeguards and provide the data subject with extra rights, such as: the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision. In my talk, I intend to address this "right to contest the decision" asking the following question. Since this right is envisaged – as mentioned – precisely for the cases of explicit derogation from the general principle, and, therefore, in those situations in which the recourse to a totally automated decision should be considered legitimate, what content can it have? What reasons can the data subject give to protest against the decision, especially when all the provisions from art. 12 to 21 have been respected? Is the "right to contest" simply a "right to lamentation" with no further obligation for the data subject, since it has no rational momentum? Notwithstanding the litera legis talks of a right to contest "the decision" it is hard to avoid the conclusion that this provision allows the data subject to put into question the entire processing for what it is, that is to raise objections at any technical level he can reach. But in order to fully exercise his right he must be allowed to deeply understand the technicalities involved in the processing. In other words, the right to contest seems to presuppose a right to explanation, whose existence in the GDPR is currently highly discussed. In my talk I will end suggesting that maybe we are in the position to cope with the objections to a general right to explanation, acknowledging, at least, a specific right of that kind exists in those cases in which the processing reach those high levels of potential threat included in a fully automated decision affecting people's rights.

Kamil Szpyt
Assistant Professor, Andrzej Frycz Modrzewski Krakow University, Poland

Do Robots go to Heaven? Civil Law Implications of Human Death Connected with Development of Mind Uploading and Strong Artificial Intelligence

One of the most commonly disputed topics in the new technologies sector in 2018 was Artificial Intelligence and a probability of granting it a legal capacity. A situation in which an algorithm, i.e. in practical terms: a digital set of zeros and ones, in legal transactions is, to a large degree, made equal with a human being, has stirred and continues to stir numerous doubts also in the legal doctrine. In particular in the context of mortis causa regulations. What will happen, however, when we try to reverse the mentioned relationship? Instead of transforming 'a machine into the human', let us transform 'the human into a machine'. This is because, in a large oversimplification, it is the effect of performance of the mind uploading process, i.e. the procedure transferring a human mind onto a synthetic medium. This article at tackling the set of legal issues connected with transferring the mind and strong Artificial Intelligence, additionally narrowed down to an analysis of civil law regulations with a particular emphasis on mortis causa norms. It also attempts to answer a question as to whether the notion of death will have to be redefined in the context of the aforementioned process, and also if the inheritance law, in the face of alleged future immortality of humans, will preserve its raison d'être in future. Considerations on the legal capacity of the 'digitalised human' provided an introduction into the set of issues discussed in the paper.

Corlia Van Heerden
ABSA Chair in Banking Law, Professor, University of Pretoria, South Africa

Towards Explicit Deposit Insurance in South Africa

The pivotal role of banks in the financial system has been illuminated over the course of many financial crises which focused the attention on the loss suffered by depositors who have deposited their money in banks that subsequently failed. The advent of financial conglomeration has created a network of interconnectedness that transcends domestic borders. The effect of such interconnectedness is that a single "bank run" may trigger a series of bank failures which may eventually erode financial system stability on domestic and sometimes even global levels. In many instances countries attempted to avert crises and maintain depositor confidence by applying implicit deposit protection measures which entailed reimbursing depositors with funds obtained from taxpayers money. These implicit deposit protection measures were applied absent any formal framework setting out the parameters of such protection. Within this context central banks played a pivotal part and used constructive ambiguity to limit the moral hazard occasioned by this helping hand that it extended to failing institutions. The need for a more structured approach to deposit protection was recognised by the USA in the wake of the Great Depression (1929-1933) when it pioneered explicit deposit protection as the preferred manner in which to deal with protection of depositors during bank failure. The recent 2008 Global Financial Crisis (GFC) particularly emphasized the crucial role of deposit insurance within the wider financial safety net. In the throes of the GFC the International Association of Deposit Insurers (IADI) and the Basel Committee on Banking Supervision (BCBS) issued the Core Principles for Effective Deposit Insurance in June 2009. A Compliance Assessment Methodology for the Core Principles was completed in December 2010. The Core Principles and the Assessment Methodology are used by jurisdictions as a benchmark for purposes of assessing the quality of their deposit insurance systems. Although a member of the G20 and sporting a robust regulatory and supervisory framework within which its concentrated banking sector operates, South Africa has operated an implicit deposit protection framework for decades and has only very recently taken steps to transition to explicit deposit protection. Notably South African banks are generally financially healthy and, although they occur sporadically, bank failures are not rife. Pursuant to the GFC South Africa as G20 member has however committed to align itself

with various international initiatives in order to promote and maintain financial system stability inter alia to transition from a silo sectoral approach to financial regulation to a Twin Peaks model of financial regulation by objective and to adopt an explicit deposit insurance scheme which will operate in tandem with a new bank resolution framework. The purpose of this paper is accordingly to provide an overview of the main features of South Africa's envisaged new explicit deposit protection scheme as communicated in policy documents and recently published in the Financial Sector Laws Amendment Bill 2018.

Jonatan Vieira Feitosa
Lawyer, Mackenzie Presbyterian University, Brazil
&
Jose Geraldo Romanello Bueno
Chairman of Civil Law Department, Mackenzie Presbyterian University, Brazil

Notary and Registrar's Civil Liability for Data Leaking at the Brazilian Electronic Central (E-Notariado)

This work analyzes the acts performed by the Brazilian notaries and registrars at electronic centrals and the new electronic internet device created by the Brazilian College of Notaries, called E-notariado, that acts as a kind of digital certificate network with the purpose to establish an Authority Certification. This platform has various services such as cloud backup, notary client's biometrics registration, digital signature for notarial acts, and a Notary-chain that acts as notary's blockchain and a Real Estate Electronic Registry. The study stresses out the need for a data protection law, concluding that the civil liability of notaries and registrars related to acts in electronic exchanges is subjective; as long as it respects the requirements established by the Brazilian data protection law. It also points out ways to enable data protection by programs and platforms, for the benefit of the development and the fulfillment of public interests, without harming or weakening the legal security and reliability of notarial acts and public records. Finally, it points out about the technological challenges in the fourth industrial revolution that we experience today.

Yongliang Yan
PhD Candidate, The University of Hong Kong, Hong Kong

Common but Differentiated Responsibility for Environmental Protection in Outer Space

The common but differentiated responsibility (CBDR) evolves from the concept of "common heritage of mankind" and carries the implication of the principle of equity in international law. There is an international debate associated with the application of the CBDR principle to assign the responsibilities of different spacefaring nations in the protection of the space environment, which is primarily involved with the passive mitigation and active removal of space debris, in particular that with nuclear radiation arising out of the use of the space nuclear power sources. The space debris is categorized into the existing in-orbit and future debris. The author disagrees with the application of the CBDR principle to divide the responsibilities of different spacefaring nations in the passive mitigation of space debris, and holds that all spacefaring nations should take the common and same responsibility to contribute to the mitigation of the future space debris, and the advanced spacefaring nations should provide technical assistance to the developing spacefaring countries to enhance their capability in the areas of design, manufacture, launch, operation and disposal of space objects for the purpose. In the clean-up operation, however, the CBDR principle should be a basic principle for the allocation of responsibilities among different spacefaring countries. On the one hand, it should be confirmed that all spacefaring actors should be responsible for environmental protection of outer space, including the Moon and other celestial bodies, and thus should offer their contribution to the active removal of the existing in-orbit space debris. On the other hand, the differences in the responsibilities of different countries should be made based on a range of factors, including the historical contributions to the creation of the existing in-orbit space debris, special needs of developing countries for sustainable development in carrying out the clean-up operation. The concrete responsibilities could be categorized into the technical and financial responsibilities. Accordingly, those with relevant technical capabilities should be imposed the international obligation to conduct the clean-up operation by using their technology, techniques, facilities, etc. whereas those spacefaring nations without relevant technical capabilities should contribute to the funds used to support the active removal operation. The financial responsibility of different countries should be differentiated based on a range of factors, such as the economic

development levels of different countries, the number of space objects they launched into the Earth's orbit, how many anti-satellite weapon tests or other intentional collisions are conducted by they in the past, etc. Most importantly, the creation of an international fund is an optimal alternative to release the financial burden of those developed countries with relevant technological capabilities to take such action.

Bartosz Ziemblicki
Assistant Professor, Wroclaw University of Economics & Business, Poland

Enforcing Compliance with Decisions of International Courts

This article discusses the problems with enforcement of decisions of international courts. The issue of compliance by states with decisions of international courts is critical for the whole system of international law. If states cannot rely on law and have it clarified and enforced through courts' judgements, international law would become useless, disregarded, avoided and replaced by economic or military pressure or force. There exist a variety of different enforcement mechanisms in courts with global and regional reach. Basically every international court has got some type of formal enforcement mechanism, even if it is only political in nature. But none can be called very effective and in particular – efficient. Some of them are equipped with economic sanctions (suspension of concessions, penalty payment, lump sum). They are not used often though. One should note that records of compliance with decision of courts which are able to impose sanctions are also far from being perfect. In particular, it seems that wealthy states can simply afford bearing economic sanctions without execution of the court decision. They therefore "buy themselves out" of their legal obligations. There is no doubt that for the sake of international legal certainty and stability it is desirable that international community pays more attention to improving the mechanisms for enforcement of decisions of international courts.