

Capital Markets and Banking Unions, Law and the Courts

Challenges and Perspective



**International Colloquium
in memoriam of
Luís Silva Morais**

Casa de Cervantes
Real Colegio de España
Via Collegio di Spagna, 2/3 A

Bologna, 13-14 February 2025

In person attendance upon personal invitation,
yet free on line participation upon registration

FEB 13 | FIRST DAY

- 8 Registration
- 8:15 Chapel of the Colegio
Commemoration of Professor Luís Silva Morais,
with Cristina, Margarida and Luís Jr. Morais
- 8:45 **Welcome address**
Juan José Gutiérrez Alonso, Rector of the Real Colegio
Federico Casolari, Dean of the School of Law, University
of Bologna
Thomas Gstaedtner, President of the Supervisory Board EBI
*Opening address, with a presentation, at the presence
of the co-authors, of the results of the PRIN project
2017NAFWC8*
Marco Lamandini, University of Bologna and EBI
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MORNING SESSION

Public-Law Disputes in the Banking Union and Capital Markets Union. Challenges and Perspectives for Effective Judicial Scrutiny

chair

Bart Joosen, University of Leiden and EBI

- 9 *European institutions and agencies and national law:
the good, the bad and the ugly*

moderator

Christos Gortsos, President of the Academic Board EBI,
National and Kapodistrian University of Athens

presenter

Daniel Sarmiento, Complutense University of Madrid

panelists

Rosa Lastra, Queen Mary University of London and EBI

Chiara Zilioli, ECB and University of Frankfurt

Miro Prek, Chair, ACER Board of Appeal; former Judge
at the General Court of the European Union

Karl-Philipp Wojcik, SRB and EBI

Gaetane Goddin, European Commission

- 10:15 **Coffee break**

- 10:30 *Judicial (and quasi-judicial) review of supervisory
and resolution decisions. Is the European Union ready
to grant more power to administrative authorities?*

moderator

Tobias Tröger, University of Frankfurt and EBI

presenter

René Smits, University of Amsterdam and EBI

panelists

Giorgio Buono, ECB and University of Bologna

Pedro Machado, SRB and EBI

Jacopo Alberti, University of Ferrara

Rastko Urbaski, Financial Stability Institute
Diane Fromage, University of Salzburg and EBI
11:45 *Administrative measures and sanctions in the Banking Union and the Capital Markets Union: status quo and the way forward*

moderator

Silvia Allegrezza, University of Luxembourg

presenter

Christos Hadjiemmanuil, University of Athens and EBI

panelists

Amandine Zelenko, ESMA

Niamh Moloney, London School of Economics and Political Science and ESAs' Board of Appeal

Blanaid Clarke, Trinity College, Dublin and EBI

Pierre-Henri Conac, University of Luxembourg and EBI

Raffaele D'Ambrosio, Bank of Italy and University of Bologna

13 **Lunch**

KEY-NOTE SPEECH

14:30 **Courts and Financial Regulation: A Perspective of Stability and Legal Certainty**

Ender Emre, IMF

moderator

Juana Pulgar Ezquerro, Complutense University of Madrid

AFTERNOON SESSION

Private-Law disputes in the Banking Union and Capital Markets Union: Challenges and Perspectives for an Effective Private Enforcement

chair

15 **Chiara Malaguti**, Catholic University of Rome, UNIDROIT
Financial disputes, effectiveness, equivalence and effective judicial protection. What contribution for financial market development?

moderator

Stefania Bariatti, University of Milan

presenter

David Ramos Muñoz, University of Madrid Carlos III and EBI

panelists

Filippo Annunziata, Bocconi University and EBI

Verle Colaert, KU Leuven University and EBI

Michele Siri, University of Genoa, Chair of the ESAs' Board of Appeal and EBI

Tobias Tröger, University of Frankfurt and EBI

Ruth Plato Shinar, Netanya Academic College and EBI

16:15 **Coffee break**

16:30 *Financial disputes, alternative venues, concurrence and coordination on international aspects and recognition and the prospect of a European hybrid court*

moderator

Sir William Blair, member 3VB Chambers; Queen Mary University; former Judge in Charge of the Commercial List, High Court of London; First Chair of ESAs' Board of Appeal and EBI

presenter

Massimo Benedettelli, University of Bari

panelists

Jens-Hinrich Binder, University of Tübingen and EBI

Irit Mevorach, University of Warwick

Maria Pilar Perales Viscasillas, University of Madrid Carlos III

Attila Tanzi, University of Bologna, associate member 3VB Chambers

Marco Torsello, University of Verona

18 End of the first day of the colloquium

18:45 **Concert and dinner at the Real Colegio**

PLENARY SESSION

- 9 **Corporate-law and insolvency-law disputes in Europe. Are specialised courts more responsive to effectiveness of EU law?**

chair

Ignacio Tirado, UNIDROIT, Autonoma University of Madrid and EBI

presenter

Matthias Haentjens, University of Leiden and EBI

panelists

Fabian Kratzlmeier, MPI Munich

Stephan Madaus, Halle Wittenberg University

José Luis Colino Mediavilla, Complutense University of Madrid

Maria Ana Barata, EUI-Florence School of Banking and Finance

Lucio Tomé Feteira, NOVA School of Law Lisbon

- 10:15 **Coffee break**

PARALLEL SESSIONS

SESSION IN ENGLISH (10:45–13:15)

- 10:45 **EBI Young Research Group – Papers’ presentation and discussion**

chair

Filippo Annunziata, Bocconi University and EBI

discussants

Michele Siri, University of Genoa, Chair of the ESAs’ Board of Appeal and EBI

Concetta Brescia Morra, University of Roma Tre and EBI

Irene Mecatti, University of Siena and EBI

Diego Valiante, European Commission and University of Bologna

Anna Gardella, EBA and EBI

Myrte Thijssen, UNIDROIT

Enrico Leone, Simmons&Simmons and EBI

presenters

Supervisory authorities’ powers over the banks’ governance

Daniel Foà, University of Rome Luiss Guido Carli

The Systematic Approach to OTC Derivatives

Erkham Hasim Bulut, Utrecht University

Transitioning from Dualism to Integration

Fabian Schinerl, University of Vienna

Understanding Litigation Funding

Francesca Pellegrini, University of Bologna and University of Madrid Carlos III

Italian Deposit Guarantee Schemes

Gaia Chiarini, University of Salzburg

The CCD2 and its impact on the money and capital market

Julia Schiestl, Johannes Kepler University Linz

Directors' Liability for Sustainability Violations

Marian Unterstell, University of Luxembourg

Public Enforcement and the Fight Against Greenwashing

Milena Mitrovic, University of Luxembourg

The Normative Force of Corporate Sustainability Due

Diligence Policies under Principles-Based Interpretivism

Pedro Juan Aránguez Diaz, University of Madrid Carlos III

Regulatory Trends in the Adoption of AI for Credit Scoring in the EU

Riccardo Canossa, Bocconi University

AMLA and the application of national law

Thomaz Braga de Arruda, University of Luxembourg and Ca' Foscari University of Venice

SESSION IN ITALIAN (10:45–17:30)

10:45 **Fonti e corti nel diritto societario italiano: sfide e prospettive**

I. La dimensione costituzionale

moderator

Antonella Sciarrone Alibrandi, Italian Constitutional Court and EBI

10:45 *Dimensioni e interpretazioni costituzionali del diritto societario*

Vincenzo Cariello, Catholic University of Milan

11:10 *Il diritto costituzionale d'azionare diritti: giurisdizione ordinaria, specializzata, speciale tra principi costituzionali e orientamenti della Corte costituzionale*

Roberto Nania, University of Rome La Sapienza

11:35 *La riforma del giudice tributario: premesse costituzionali e lezioni per la giustizia d'impresa*

Francesco Tundo, University of Bologna

II. L'interazione tra diritto europeo e nazionale: profili sostanziali

moderator

Massimo Condinanzi, Judge at the Court of Justice of the European Union

12 *L'interazione tra diritto societario armonizzato e diritto nazionale di recepimento: temi e problemi*

Peter Kindler, Ludwig-Maximilian University of Munich

12:25 *Il goldplating italiano in materia societaria. Profili sostanziali.*

Alessandro Pomelli, University of Bologna

12:50 *Il divieto di goldplating e il problema della sua giustiziabilità in Italia*

Giulio Rivellini, University of Rome Luiss Guido Carli

13:15 **Lunch**

III. L'interazione tra diritto societario europeo e nazionale nell'esperienza giurisprudenziale e arbitrale italiana

moderator

Guido Ferrarini, University of Genoa

14:30 *L'interazione tra diritto societario armonizzato e diritto nazionale nella giurisprudenza delle sezioni specializzate. Un primo bilancio.*

Marco Speranzin, University of Padua

14:55 *L'interazione tra diritto societario armonizzato e diritto nazionale nella giurisprudenza arbitrale. Un primo bilancio.*

Luca Boggio, Link University of Rome

15:20 *L'interazione tra diritto armonizzato e diritto nazionale nell'esperienza dell'ABF e ACF. Un primo bilancio.*

Giuseppe Guizzi, University of Rome Tor Vergata

15:55 **Coffee break**

TAVOLA ROTONDA

16:20 **Il sindacato (estrinseco, intrinseco e pieno) del giudice in materia societaria e in materia di sanzioni.**

Temi e prospettive

moderator

Alberto Toffoletto, University of Milan

presenter

Daniele Santosuosso, University of Roma La Sapienza

panelists

Niccolò Abriani, University of Florence

Angelo Mambriani, Tribunale di Milano

Stefania Ceci, Banca d'Italia

Simone Alvaro, CONSOB

Monica Marcucci, IVASS

17:30 End of the colloquium



ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA



REALE COLLEGIO
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EBI European
Banking
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REGISTRATION

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PRIN PROJECT 2017NAFWC8

ORGANIZING SECRETARIAT FOR EBI

Claudia Collins

ORGANIZING SECRETARIAT

Fondazione Alma Mater

fam.eventi@unibo.it



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