



ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA

Consumers & SMES
in the Digital Single Market
Jean Monnet Centre of Excellence



Digi-ConSME
Jean Monnet Centre of Excellence

NEWSLETTER 1/2023

NEWS from JEAN MONNET CENTER OF EXCELLENCE Consumers & SMEs in the Digital Single Market

Roundtable conference

2-4 February 2023

FINAL ROUNDTABLE CONFERENCE

Jean Monnet Centre of Excellence

Consumers and SMEs in the Digital Single Market (Digi-ConSME)

Alma Mater Studiorum, University of Bologna

Sala Ardigò, 1st floor, Palazzo Ercolani, Strada Maggiore 45

2-4 February 2023

<https://site.unibo.it/digi-consme/en/blog/closing-event-jm-coe.pdf/@@download/file/Closing%20EVENT%20JM%20CoE.pdf>

Short Course series

Digi-ConSME develops a series of free courses taught by resident and associated staff members, including qualified professionals. The courses are designed to raise awareness on the European dimension and provide a basic knowledge of the principles surrounding a number of challenges facing SMEs and consumers in the age of digitalization and technologies.

6 March 2023 11.00 – 14.00

Managing social processes in work groups

Prof.ssa Maria Rita Tagliaventi

6 February 2023 9.00 – 12.00

Regulatory Governance: Politics, Policy and Challenges in the golden age of Regulation

Prof. David Levi-Faur

Chair: Prof. Federico Ferretti

12 December 2022 – 9.30-11.00

Online Dispute Resolution (ODR) and consumers protection

Prof. Nicola Soldati

Professore associato di Diritto dell'economia – Alma Mater Studiorum Università di Bologna
Prof. Maurizio di Rocco

Publications:

In our newsletter, we'll suggest you interesting publications provided by the members of our Centre.

This time we propose you:

1. E. Carbonara, M.R. Tagliaventi, *SMEs in the Digital Era. Opportunities and Challenges of the Digital Single Market*, Edward Elgar, Cheltenham, UK, Northampton, MA, USA, 2023.

Edited by:

Emanuela Carbonara

Professor of Economic Policy, Department of Sociology and Business Law, University of Bologna, Italy and Adjunct Professor of International Economics, Johns Hopkins University SAIS Europe

Maria Rita Tagliaventi

Professor of Organizational Sociology, Department of Sociology and Business Law, University of Bologna, Italy

Contributors

- Matteo Alvisi is Assistant Professor of Economics in the Department of Sociology and Business Law at the University of Bologna, Italy and Adjunct Professor of International Economics at The Johns Hopkins University – SAIS Europe, Bologna, Italy.
- Beatrice Bertarini is Professor of Economics Law in the Department of Sociology and Business Law at the University of Bologna, Italy.
- Emanuela Carbonara is Professor of Economic Policy in the Department of Sociology and Business Law at the University of Bologna, Italy and Adjunct Professor of International Economics at Johns Hopkins University – SAIS Europe, Italy.
- Umberto Michele Carbonara is a lawyer and Adjunct Professor of Commercial Law and Intellectual Property Law in the Department of Economics, Society and Politics in the School of Economics at the University of Urbino Carlo Bo, Italy.
- Giacomo Carli is Senior Lecturer in the Department of Strategy & Marketing at The Open University, Milton Keynes, UK.
- Nicoleta Darra is Associate Researcher in the Laboratory of Agricultural Machinery and a PhD candidate in the Department of Natural Resources Management and Agricultural Engineering at the Agricultural University of Athens, Greece.
- Luisa De Vita is Professor of Sociology of Organizations in the Department of Social Sciences and Economics at Sapienza University of Rome, Italy.
- Spyros Fountas is Professor in the Laboratory of Agricultural Machinery, Department of Natural Resources Management and Agricultural Engineering at the Agricultural University of Athens, Greece.
- Giuseppina Gianfreda is Associate Professor of Economic Policy in the Department of Humanities, Communication and Tourism at Tuscia University, Viterbo, Italy.

- Alice Guerra is Senior Assistant Professor of Economic Policy in the Department of Economics at the University of Bologna, Italy.
- Jeanette Hartley is Associate Lecturer at The Open University Business School, UK.
- Aikaterini Kasimati is Associate Researcher in the Laboratory of Agricultural Machinery and a PhD candidate in the Department of Natural Resources Management and Agricultural Engineering at the Agricultural University of Athens, Greece.
- Michael Koutsiaras is Associate Researcher in the Laboratory of Agricultural Machinery, Department of Natural Resources Management and Agricultural Engineering at the Agricultural University of Athens, Greece.
- Marco Marrone is a postdoctoral researcher in the Department of Human and Social Sciences at the University of Salento, Italy.
- Gianmarco Peterlongo is a postdoctoral researcher in the Department of Social and Political Science at the University of Milan, Italy.
- Giorgio Pirina is a junior researcher at CES-Universidade de Coimbra, Coimbra, Portugal and Post-Doctoral Fellow in the Department of Philosophy and Cultural Heritage at Ca' Foscari University, Venice, Italy.
- Vasilis Psiroukis is Associate Researcher in the Laboratory of Agricultural Machinery and a PhD candidate in the Department of Natural Resources Management and Agricultural Engineering at the Agricultural University of Athens, Greece.
- Enrico Santarelli is Professor of Economic Policy in the Department of Economics at the University of Bologna, Italy.
- Luisa Scorciarini Coppola is Deputy Head of the Communications and Media Department at the Autorità Garante della Concorrenza e del Mercato, Rome, Italy.
- Maria Alessandra Stefanelli is Professor of Economics Law in the Department of Sociology and Business Law at the University of Bologna, Italy.
- Maria Rita Tagliaventi is Professor of Organizational Sociology in the Department of Sociology and Business Law at the University of Bologna, Italy.
- Stefano Zunarelli is Professor of Navigation and Air Law in the Department of Legal Studies at the University of Bologna, Italy

ABSTRACT: SMEs in the Digital Era: Opportunities and Challenges of the Digital Single Market, edited by Emanuela Carbonara and Maria Rita Tagliaventi and sponsored by the Jean Monnet Center of Excellence Consumers and SMEs in the Digital Single Market, is going to be published in March 2023.

With an interdisciplinary approach, this book elaborates and discusses the strategic, regulatory and economic scenario that the sponsorship of a European Digital Single Market has been generating for small- and medium-sized companies (SMEs).

Encompassing expert innovative analysis of the regulatory framework, economic dynamics and organizational processes, SMEs in the Digital Era highlights the affects these have and the complex process through which SMEs can enter and successfully compete in the digital market. With contributions from international scholars, this insightful book takes a deep dive into the current most relevant debates taking place in management, economics and business law using original evidence from a variety of fields and countries. Chapters offer a fresh look at the new tools required to meet the challenges of digitalization, reflecting on the interplay of employment, competition and organizational processes and how imbalances can impact the technological revolution.

Providing insights on the most advanced and recent research on digital markets, this will be an excellent resource for academics, practitioners, and policy makers in fields ranging from organization theory and organizational behaviour to strategy, economic analysis and also economics and business law.

2. M.A. Stefanelli, *European SMEs and the Digital Single Market. The Dynamics of New Regulation*, Milano, Franco Angeli, 2023.

ABSTRACT: This study analyses the EU law Regulation of SMEs (Small and Medium-Size Enterprises) within the context of the digital single market and examines the new digital tools for regulatory experiments to find new organizational and authorization solutions for the productive and industrial sectors.

3. B. Bertarini, *European Union Digital Single Market. Legal Framework and Challenges*, Milano, Franco Angeli, 2023.

ABSTRACT: This study analyzes the evolution of the legal framework of the Digital Single Market in Europe, beginning with the first acts issued by the European Union on the subject of an information society. The gradual evolution of multiple regulatory frameworks aimed at aspects of digital technologies highlights how public regulation is now reaching the definition of the guiding principles for the Digital Single Market: in the digital era, this will increasingly dominate the lives of enterprises and citizens.

4. F. Ferretti, *Open Finance and Consumer Protection: uneasy bedfellows*, in *Law and Economics Yearly Review*, 2022.

ABSTRACT: This article examines Open Finance and the risks that it poses for consumer protection. To exist, Open Finance needs enabling legislation. EU policy, as well as actual and proposed legislation, point to empowering consumers and give them control over their data. The traditional role of data in financial services markets is examined, as well as the transformative role of new data technologies to deliver new market structures. Drawing from the experience of Open Banking, the GDPR and the proposal for a Data Act this article questions to what extent the EU legal instruments are capable of delivering the goal, and consumers are factually empowered, remain in control of their data and are protected against the main risks of data-driven finance and the digital domain, where vulnerability is likely to be the norm. It shows how other jurisdictions such as the United Kingdom engage in a different approach to suggest a paradigm shift in the EU regulatory approach.

5. O.O. Cherednychenko, *Pathways to interpersonal justice in European private law: top-down or bottom-up?*, in *European Law Open*. 1, 2, p. 423-435 13 p.

ABSTRACT: Katharina Pistor's recent work has revealed a deep justice deficit in private law, raising fundamental questions about how it could be reduced. While Pistor favours piecemeal bottom-up solutions to instances of injustice, Martijn Hesselink proposes a more radical top-down strategy – the adoption of a progressive European code of private law. This article explores the top-down and bottom-up pathways to justice in private law, focussing on the role of interpersonal justice as

justice between substantively free and equal persons in European private law. It shows that although concerns about a balance of the competing interests of private parties pervade many of its areas, they do not take central stage in European private law. The substantive private autonomy embodied in national private law systems, the regulated private autonomy enshrined in EU secondary private law and the unregulated private autonomy with an interstate element underpinning EU free movement law sit uneasily together. It is argued that in order to enhance the role of interpersonal justice in the internal market and develop a more coherent European private law, the current bottom-up pathway thereto could be complemented by a more top-down roadmap towards the EU principles of private law justice.

6. O.O. Cherednychenko, *The proposal for a new EU Consumer Credit Directive: towards responsible lending in the digital age?*, in *Law and Financial Markets Review*, p. 24.

ABSTRACT: Large-scale irresponsible consumer credit lending across the EU, along with the growing digitalisation of the market place, in the last decade or more has exposed serious limitations of the 2008 Consumer Credit Directive in ensuring adequate consumer protection in the unsecured credit markets. To remedy the shortcomings of the current regulatory regime, the European Commission's Proposal for a New Consumer Credit Directive seeks to introduce a number of important changes. This article discusses the proposed changes and critically assesses their potential to ensure responsible lending in the digital age. It concludes that the adoption of the revised directive would represent a major step forward in combatting irresponsible lending practices and protecting European consumers against overindebtedness in the digital market place. At the same time, however, the effectiveness of the new consumer credit directive will depend to a considerable extent on its implementation and application in the Member States.

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19 October 2022

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065&from=EN>

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Sincerely,



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