

PRIMA PROVA SCRITTA – GIORNO 28 MAGGIO 2019

TRACCIA N. 1 – ESTRATTA

“Premessi cenni ai sistemi di amministrazione e controllo delle società per azioni, il candidato tratti del ruolo dell’assemblea con particolare riferimento alle società quotate”.

TRACCIA N. 2 – NON ESTRATTA

“Premessi cenni ai principi costituzionali in materia di tutela del risparmio, tratti il candidato la disciplina della prestazione dei servizi di investimento con particolare riguardo ai poteri delle Autorità di vigilanza di settore, alla tutela dell’investitore e ai sistemi alternativi di risoluzione delle controversie”.

TRACCIA N. 3 – NON ESTRATTA

“Premessi cenni al quadro normativo dell’Unione Europea in materia di concorrenza, tratti il candidato della disciplina degli aiuti di Stato alle imprese”.

SECONDA PROVA SCRITTA – GIORNO 29 MAGGIO 2019

TRACCIA N. 1 – NON ESTRATTA

- “Rediga il candidato, nelle vesti di funzionario, un appunto per il Direttore dell’Ufficio illustrando, in modo sintetico e allo stesso tempo esaustivo, le forme di tutela previste dalla normativa vigente in materia di credito ai consumatori”

- ‘EU MED means business’: entrepreneurs from Southern Neighbourhood set out priorities for action to boost growth and jobs

Brussels, 22 May 2019

Some 150 young entrepreneurs, economic leaders and drivers of socio-economic change from Europe's Southern Neighbourhood have set out their most urgent priorities for policy makers in the region and in the EU, to overcome barriers to higher economic growth and job creation.

The European Commission organised a first edition of ‘EU Med means business’ – Shaping the future of entrepreneurship in the South’ on 21-22 May in Brussels with parallel events in Tunis (Tunisia), Cairo (Egypt), Irdib (Jordan) and Rabat (Morocco). The participants developed recommendations to policy makers, and then voted in order to identify their twelve top priorities for action regarding investment, entrepreneurship and job creation. These will be used in preparation of future EU approaches, but will also be transmitted to decision makers in the region by the European Commission and through the Union for the Mediterranean (UfM), and may be updated in the future.

Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, said: “Following vibrant discussions with so many creative and talented entrepreneurs in the presence of policy makers and financial institutions, we have received a clear list of priority actions. These are important messages for policy makers in Europe, but just as important for decision makers in the region. We will use the outcome of this event in our interactions with the governments and in forthcoming meetings of the Union for the Mediterranean”. The Commissioner underlined that he hoped the discussion on the priorities for action would continue, saying: “During my time as Commissioner, I have worked to put socio-economic development at the centre of the partnership between the EU and its

neighbourhood. Improving opportunities for businesses and entrepreneurs is a win-win scenario: young people on both sides of the Mediterranean need economic opportunities to be able to build their own future. We must all work together and listen to the voice of those who are creating employment for the rising generation.”

The event focused on how to:

- Attract more foreign and domestic investment and improve levels of job creation;
- Unleash the potential of the private sector, and in particular of smaller enterprises, which create the most sustainable new jobs;
- Boost talents and skills of young people and promote entrepreneurship and innovation to reduce the high levels of youth unemployment

Background

EU cooperation, while providing a tailor-made mix for each partner country's needs, offers a wide toolbox to help create economic opportunities:

- supporting legislative and administrative reforms and infrastructure building to lift barriers to investment and to create a more enabling business environment;
- providing capacity building, training and education for authorities and entrepreneurs, including on digitalisation;
- creating adequate and accessible lending channels to allow Micro, Small, and Medium Enterprises (MSME) a better access to finance;
- promoting quality and relevant vocational education and training to provide people with the competencies needed to meet the specific needs of the job market and businesses;

The main instrument to implement these actions is the European Neighbourhood Instrument (ENI). Out of €10.8 billion allocated for the region via the European Neighbourhood Instrument (ENI) for the period 2014-2020, nearly €4.2 billion has been dedicated so far to socio-economic cooperation. This figure will rise before the end of the current budget period, and is expected to reach around 50% of the total allocation for the Southern Neighbourhood overall.

This is complemented by finance made available under the EU External Investment Plan (EIP) and the Neighbourhood Investment Platform (NIP) e.g. to facilitate access to finance and modernise crucial infrastructure in transport and energy. On top of this, €356 million has been channelled through the ENI to the Erasmus+ Programme

in the Southern Neighbourhood (2014-2020). Under the EU Research and Innovation programme Horizon 2020, the Southern Neighbourhood is benefiting from a total amount of €763.9 million reaching over 1500 participants and nearly 1200 projects.

1. You have to summarize the main points of the EU Commission press release in no more than 70 words.

2. According to the general overview of the European sentiment about partnership among countries, can you comment on the four major points mentioned in the press release? Express your personal opinions on how to enhance economic growth as well as job creation. ((70 words max.).

TRACCIA N. 2 – NON ESTRATTA

“Rediga il candidato, nelle vesti di funzionario, un appunto per il Direttore dell’Ufficio illustrando, in modo sintetico e allo stesso tempo esaustivo, le conseguenze che possono derivare dall’inadempimento e dal ritardo nella trasposizione delle direttive dell’Unione europea”.

- European Commission - Press release

Commission reviews relations with China, proposes 10 actions

Brussels, 12 March 2019

Against the backdrop of China's growing economic power and political influence, the European Commission and the High Representative review European Union-China relations and the related opportunities and challenges.

Today, they are setting out 10 concrete actions for EU Heads of State or Government to discuss and endorse at the European Council of 21 March.

The European Union and China have committed to a comprehensive strategic partnership. Yet, there is a growing appreciation in Europe that the balance of challenges and opportunities China presents has shifted. With today's Joint Communication, the European Commission and the High Representative aim to start a discussion to refine Europe's approach to be more realistic, assertive and multi-faceted.

China is simultaneously a cooperation partner with whom the EU has closely aligned objectives, a negotiating partner, with whom the EU needs to find a balance of interests, an economic competitor in pursuit of technological leadership, and a systemic rival promoting alternative models of governance. The EU will use links across different policy areas and sectors to exert more leverage for its objectives. Both, the EU and its Member States can achieve their aims concerning China only in full unity.

Vice-President, High Representative for Foreign Affairs and Security Policy Federica Mogherini, said: *“China is a Strategic Partner of the European Union. We pursue strong bilateral and multilateral cooperation on files where we share interests, from trade to connectivity, from the JCPOA to climate change. And we are willing to keep engaging robustly where our policies differ or compete. This is the aim of the 10 actions that we are proposing to strengthen our relations with China, in a spirit of mutual respect.”*

Vice-President Jyrki Katainen, responsible for jobs, growth, investment and competitiveness, said: *“EU and China are strategic economic partners as well as competitors. Our economic relationship can be hugely mutually beneficial if competition is fair and trade and investment relations are reciprocal. With this Communication we make concrete proposals on how the EU can act to strengthen its competitiveness, ensure more reciprocity and level playing field, and protect its market economy from possible distortions.”* Today's Joint Communication proposes 10 action points for the debate:

Action 1: The EU will strengthen the EU's cooperation with China to meet common responsibilities across all three pillars of the United Nations, Human Rights, Peace and Security, and Development.

Action 2: In order to fight climate change more effectively, the EU calls on China to peak its emissions before 2030, in line with the goals of the Paris Agreement.

Action 3: The EU will deepen engagement on peace and security, building on the positive cooperation on the Joint Comprehensive Plan of Action for Iran.

Action 4: To preserve its interest in stability, sustainable economic development and good governance in partner countries, the EU will apply more robustly the existing bilateral agreements and financial instruments, and work with China to follow the

same principles through the implementation of the EU Strategy on Connecting Europe and Asia.

Action 5: In order to achieve a more balanced and reciprocal economic relationship, the EU calls on China to deliver on existing joint EU-China commitments. This includes reforming the World Trade Organisation, in particular on subsidies and forced technology transfers, and concluding bilateral agreements on investment by 2020, on geographical indications swiftly, and on aviation safety in the coming weeks.

Action 6: To promote reciprocity and open up procurement opportunities in China, the European Parliament and the Council should adopt the International Procurement Instrument before the end of 2019.

Action 7: To ensure that not only price but also high levels of labour and environmental standards are taken into account, the Commission will publish guidance by mid-2019 on the participation of foreign bidders and goods in the EU procurement market. The Commission, together with Member States, will conduct an overview of the implementation of the current framework to identify gaps before the end of 2019.

Action 8: To fully address the distortive effects of foreign state ownership and state financing in the internal market, the Commission will identify before the end of 2019 how to fill existing gaps in EU law.

Action 9: To safeguard against potential serious security implications for critical digital infrastructure, a common EU approach to the security of 5G networks is needed. To kickstart this, the European Commission will issue a Recommendation following the European Council.

Action 10: To detect and raise awareness of security risks posed by foreign investment in critical assets, technologies and infrastructure, Member States should ensure the swift, full and effective implementation of the Regulation on screening of foreign direct investment.

1. You have to summarize the main points of the EU Commission press release in no more than 70 words.

2. According to the press release, choose three actions and comment on the positive aspects of the European Union-China relations and/or drawbacks. (70 words max)".

TRACCIA N. 3 – ESTRATTA

- “Rediga il candidato, nelle vesti di funzionario, un appunto per il Direttore dell’Ufficio illustrando, in modo sintetico e allo stesso tempo esaustivo, i presupposti e la procedura per la sottoposizione di una banca italiana a liquidazione coatta amministrativa o a risoluzione”.
- Antitrust: Commission welcomes Council adoption of Directive on antitrust damages actions

Brussels, 10 November 2014

The European Commission welcomes today's formal adoption by the EU Council of Ministers of a Commission proposal for a Directive on antitrust damages actions. The Directive will help citizens and companies claim damages if they are victims of infringements of EU antitrust rules, such as cartels or abuses of dominant market positions. Among other things, it will give victims easier access to evidence they need to prove the damage suffered and more time to make their claims. The Directive is designed to achieve a more effective enforcement of the EU antitrust rules overall: it will fine-tune the interplay between private damages claims and public enforcement, and preserve the attractiveness of tools used by European and national competition authorities, in particular leniency and settlement programmes. In April, the European Parliament had already approved a compromise text of the Commission's initial proposal (see IP/14/455 and MEMO/14/310). The Directive is expected to be formally signed during the Parliament's plenary session at the end of November. Member States will have two years to implement it.

EU Commissioner in charge of competition policy Margrethe Vestager said, *"We need a more robust competition culture in Europe. So I am very glad that the Council has now also formally approved the Directive on antitrust damages actions. I am very pleased that it will be easier for European citizens and companies to receive effective compensation for harm caused by antitrust violations."*

The EU Court of Justice has acknowledged the right for victims of antitrust infringements to be compensated for the harm suffered. However, due to national procedural obstacles and legal uncertainty, only few victims currently obtain compensation. Moreover, national rules are widely diverging across Europe and, as a result, the chances of victims to obtain compensation greatly depend on which Member State they happen to live in.

Main improvements introduced by the Directive include:

- National courts can order companies to disclose evidence when victims claim compensation. The courts will ensure that such disclosure orders are proportionate and that confidential information is duly protected.
- A final decision of a national competition authority finding an infringement will automatically constitute proof of that infringement before courts of the same Member State in which the infringement occurred.
- Victims will have at least one year to claim damages once an infringement decision by a competition authority has become final.
- If an infringement has caused price increases and these have been "passed on" along the distribution chain, those who suffered the harm in the end will be entitled to claim compensation.
- Consensual settlements between victims and infringing companies will be made easier by clarifying their interplay with court actions. This will allow a faster and less costly resolution of disputes.

Private damages actions before courts and public enforcement of antitrust rules by competition authorities are complementary tools. The Directive seeks to fine-tune the interplay between them and to ensure that while victims are fully compensated, the key role of competition authorities in investigating and sanctioning infringements is preserved. In particular, cooperation between companies and competition authorities under so-called "leniency" programmes plays a key role in detecting infringements. The Directive therefore contains safeguards to ensure that facilitating damages actions does not reduce companies' incentives to cooperate with competition authorities.

Next Steps

The Directive is expected to be formally signed during the Parliament's plenary session at the end of November. It will then be published in the EU Official Journal and enter into force 20 days after its publication. Member States will have two years to implement it.

The Commission will proactively assist Member States in their implementation efforts. Furthermore, as required by the Directive and to assist national courts and parties to antitrust damages actions, the Commission will draft guidelines on the passing-on of overcharges.

The Commission will review the Directive and submit a report to the Parliament and the Council in six years from the entry into force.

1. You have to summarize the main points of the selection of the EU Commission press release in no more than 70 words.

2. According to the general European sentiment on enhancing antitrust damages actions, can you comment on the ones mentioned in the press release? Express your personal opinions about the collective actions to be applied for consumers harmed by antitrust violations. (70 words max.)