

# CONTENTS

<i>Preface</i> .....	v
<i>List of Keywords</i> .....	xiii
<i>List of Contributors</i> .....	xvii

## PART I. COVID-19 AND FUNDAMENTAL RIGHTS

### **The Corona Crisis and Fundamental Rights from the Point of View of EU Law**

Verica TRSTENJAK .....	3
------------------------	---

### **A General and Constitutional Outline of Italy's Efforts against COVID-19**

Michele MASSA .....	25
---------------------	----

### **The Italian Constitutional Court and the Pandemic: A National and Comparative Perspective**

Luca GIACOMELLI and Elisabetta LAMARQUE .....	55
---	----

### **How Did French Administrative Judges Handle COVID-19?**

Bénédicte FAUVARQUE-COSSON .....	81
----------------------------------	----

### **The Repressive Nature of Selected COVID-19 Regulations in the Polish Legal System: The Question of Constitutionality**

Mikołaj MAŁECKI and Marek SŁAWIŃSKI .....	93
---	----

### **COVID-19 and its Impact on Ukrainian Criminal Law**

Svitlana MAZEPA .....	115
-----------------------	-----

### **Who "Owns" the Data in a Coronavirus Tracing (and/or Tracking) App?**

Sjef VAN ERP .....	131
--------------------	-----

### **COVID-19 Apps and Data Protection**

Christiane WENDEHORST .....	157
-----------------------------	-----

**PART II. STATES AGAINST THE PANDEMIC**

**Coronavirus and the Law in Romania**

Christian ALUNARU and Lucian BOJIN ..... 183

**A Lithuanian Experience of Coronavirus and the Law**

Valentinas MIKELĖNAS ..... 201

**“Corona Contract Law” in Poland: When Pandemic Meets Politics**

Aneta WIEWIÓROWSKA-DOMAGALSKA ..... 219

**Legal Measures as the Response to an Extraordinary Situation  
in the Slovak Republic**

Martina GAJDOŠOVÁ ..... 243

**COVID-19 and Russian Law: Challenge and Response**

Ekaterina DMITRIKOVA, Elena SYCHENKO, Anton RUDOKVAS  
and Andrej NOVIKOV ..... 263

**The Impact of COVID-19 in the Portuguese Legal System: A Private Law  
Perspective through the Principle of Good Faith**

António Menezes CORDEIRO and A. Barreto Menezes CORDEIRO ..... 289

**The Impact of the Pandemic Crisis on the Relations between the State  
and the Regions in Italy**

Giacomo DELLEDONNE and Carlo PADULA ..... 301

**PART III. COMPENSATION FOR COVID-19 RELATED DAMAGE**

**Tort Law and the Coronavirus: Liability for Harm Caused by the  
COVID-19 Outbreak**

Albert RUDA ..... 321

**State Liability for Damage Caused by COVID-19 Restrictions  
under Polish Law**

Fryderyk ZOLL, Katarzyna POŁUDNIAK-GIERZ and Wojciech BAŃCZYK ..... 343

**State Liability for Personal Injuries Caused by the COVID-19 Disease  
under Spanish Law**

Sonia RAMOS GONZÁLEZ ..... 365

**State Liability for the Management of the COVID-19 Crisis**

Gabriel DOMÉNECH-PASCUAL ..... 381

<b>Coronavirus and Medical Liability: The Italian Perspective</b> Marcello MAGGIOLO .....	399
<b>Hard Choices in the Pandemic and Guidelines: Ethical and Juridical Remarks on Medical Responsibility and Liability</b> Antonio DA RE and Andrea NICOLUSSI .....	411
<b>Mobility at the Time of the Coronavirus and Damage Caused by Vehicles Equipped with Electronic Safety Systems</b> Antonio ALBANESE .....	439
<b>PART IV. CONTRACT LAW</b>	
<b>COVID-19 and English Contract Law</b> Hugh BEALE and Christian TWIGG-FLESNER .....	461
<b>“Coronavirus Contract Law” in Scotland</b> Hector L. MACQUEEN .....	491
<b>Non-Performance and the Change of Circumstances under French Law</b> Jean-Sébastien BORGHETTI .....	509
<b>The Impact of the Coronavirus Crisis on the Analysis and Drafting of Contract Clauses: Force Majeure, Hardship and Deferral of Obligations</b> Denis PHILIPPE .....	527
<b>Remarks on the Effects of the Pandemic on Long-Term Contracts</b> Guido ALPA .....	553
<b>Government Emergency Intervention in Private Contracts in Times of COVID-19: A User’s Guide</b> Juan José GANUZA and Fernando GÓMEZ POMAR .....	567
<b>Force Majeure and Hardship in the Corona Crisis: Some Contract Law Reflections on ELI Principle no 13</b> Carmen JEREZ, María KUBICA and Albert RUDA .....	603
<b>Coronavirus’ Impact on Broadcasting Rights for the Spanish Professional Football League</b> Antoni RUBÍ-PUIG .....	627
<b>Prescription and Lapse of Rights under the Spanish State of Emergency</b> Antoni VAQUER .....	647

<b>Parameters for Applying the Rules on Force Majeure to COVID-19 in Spain</b>	
Angel CARRASCO .....	659
<b>Portugal's COVID-19 Legislation and the Challenges Raised for the Change of Circumstances Regime</b>	
Henrique Sousa ANTUNES .....	677
<b>Particular Corona Contract Law in Germany: Why Does General Contract Law not Suffice?</b>	
Martin SCHMIDT-KESSEL and Christina MÖLLNITZ .....	699
<b>Impossibility, Force Majeure and COVID-19 under Swiss and Austrian Contract Laws</b>	
Andreas FURRER, Angelika LAYR and Jeremias WARTMANN .....	719
<b>Coronavirus and its Impact on Contracts in Greece</b>	
Eugenia DACORONIA .....	743
<b>The Impacts of COVID-19 in Hungarian Contract Law</b>	
Attila MENYHÁRD .....	759
<b>Deferral of Payments under a Credit Agreement as an Extraordinary Measure Due to the Epidemic: A Slovenian Approach</b>	
Miha JUHART .....	779
<b>The Pandemic and Change of Circumstances in Italy</b>	
Andrea NICOLUSSI .....	793
<b>Coronavirus, the Millennium and the Financial Crisis</b>	
Ewoud HONDIUS .....	813
<b>PART V. CONSUMER LAW</b>	
<b>Spanish Consumer Law in the COVID-19 Emergency</b>	
Álvaro LUNA and Pablo SALVADOR CODERCH .....	833
<b>Consumer Law and COVID-19 in Portugal</b>	
Jorge MORAIS CARVALHO and Sandra PASSINHAS .....	849
<b>Digital Platforms and COVID-19</b>	
Gerhard DANNEMANN, Christoph BUSCH and Hans SCHULTE-NÖLKE .....	867



<b>Towards a Renaissance of Price Control in Contract Law? Preliminary Observations on COVID-19 and Price Regulation on the Consumer Market</b>	
Mateusz GROCHOWSKI.....	891
<b>Residential and Commercial Leases Amidst the Coronavirus Crisis: The Spanish Case in Context</b>	
Carlos GÓMEZ-LIGÜERRE and Rosa MILÀ-RAFEL.....	911
<b>The Juridical Impact of COVID-19 in Portuguese Tenancy Contract Law</b>	
Ana Isabel da Costa AFONSO.....	933
<b>Nudging Consumers Towards Sustainable Practices Regarding Plastics in a Post-COVID-19 Europe</b>	
Marta SANTOS SILVA and Luísa CORTAT SIMONETTI GONÇALVES.....	947
<b>PART VI. LABOUR AND SOCIAL LAW</b>	
<b>Functional and Systemic Impacts of COVID-19 on European Social Law and Social Policy</b>	
Luka MIŠIČ and Grega STRBAN.....	973
<b>Labour Law Measures Adopted in Response to COVID-19 in Greece</b>	
Ioannis SKANDALIS.....	989
<b>A Portuguese Approach to Privacy in COVID-19 Times: Through the Keyhole</b>	
Maria Raquel GUIMARÃES and Maria Regina REDINHA.....	1009
<b>Alteration of the Contractual Equilibrium Due to COVID-19 in Employment and Civil Law Contracts under Estonian Law</b>	
Merle ERIKSON and Irene KULL.....	1027
<b>The Italian Education System: A Chronically Ill Patient Facing the Coronavirus Pandemic</b>	
Roberta CALVANO.....	1047
<b>PART VII. CORONAVIRUS CHANGING EUROPE</b>	
<b>A New Approach to the Legal Understanding of “Directness” and “Participation” in the Aftermath of COVID-19</b>	
Ewa ROTT-PIETRZYK and Dariusz SZOSTEK.....	1067

**The Potential of the COVID-19 Crisis to Cause Legal “Disruption”  
to Contracts and Contract Law**  
Christian TWIGG-FLESNER. . . . . 1091

**Relevance of the Contractual Solidarity at the Times of Pandemics**  
Claudio SCOGNAMIGLIO. . . . . 1111

**Law after the COVID-19 Pandemic: The Fundamental Binomials**  
Eduardo VERA-CRUZ PINTO . . . . . 1119

**Epilogue. . . . . 1137**

*Annex: ELI Principles for the COVID-19 Crisis . . . . . 1141*