



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

It was back to 2019 that Italian Scholars welcomed the decision of the Tribunal of the European Union which unceremoniously rejected the interpretation of the Commission about the way the intervention of the Italian depositors' guarantee scheme (the FITD) in the rescue of Tercas Bank should have been characterised: a State aid according to the European Commission. The use, indeed legitimate, of non-mandatory contributions of the Scheme in funding the acquisition of failing credit institutions is more recently confirmed by the Court of Justice of European Union, in the ensuing appeal against the March 2019 Court decision. In the decisum at stake, the "private take-over" of the failing banks arranged via the depositors' scheme, which may be regarded as an Italian sociological feature and legal strength, is also discussed from a different perspective, particularly in respect of the way the third pillar of the European Union, still unfulfilled, should be regarded.