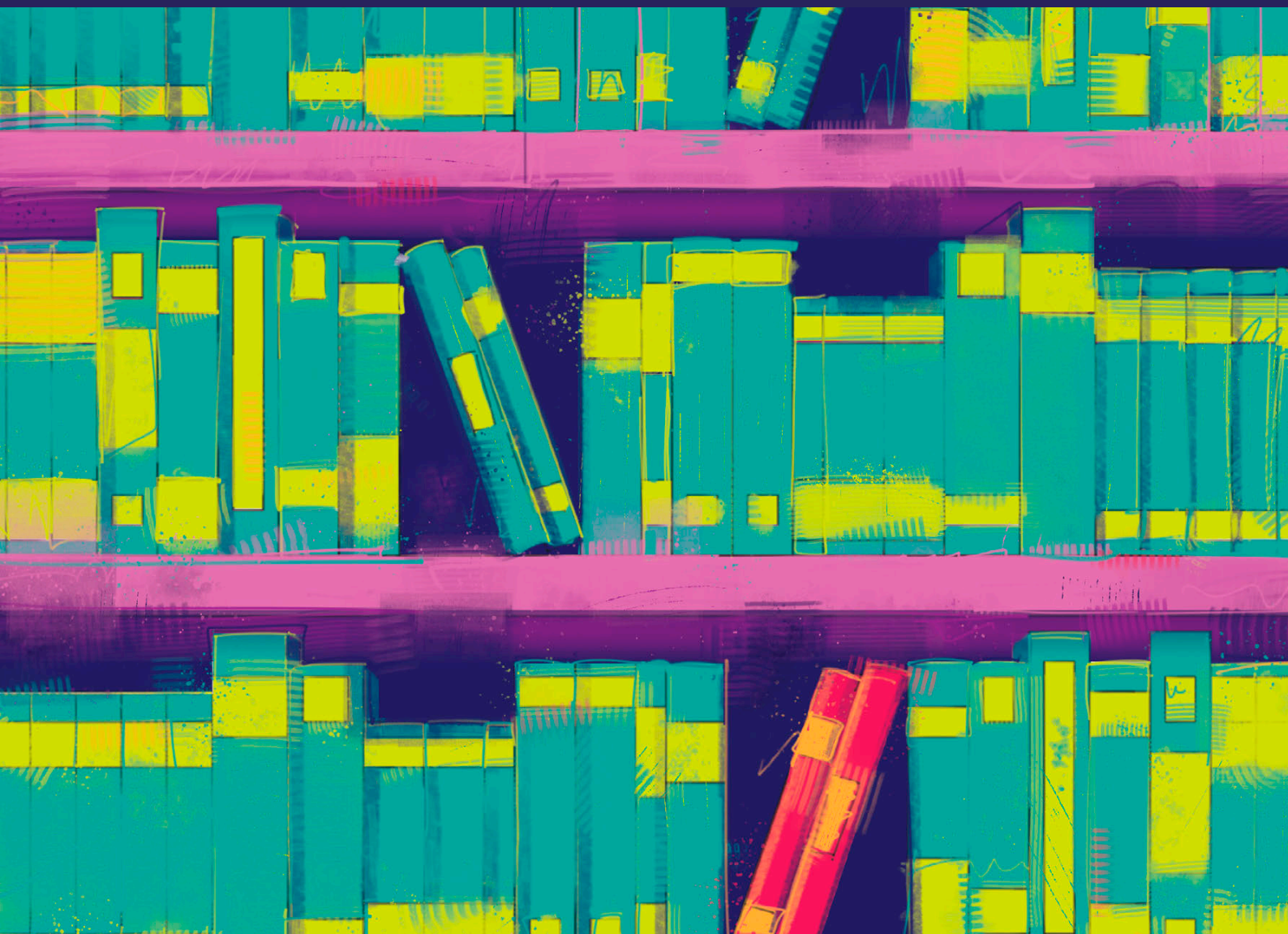


# New and forthcoming publications

SPRING CATALOGUE 2021

LAW | HUMAN RIGHTS | BUSINESS & FINANCE



Dear readers, authors and friends of Intersentia,

The last year has undoubtedly been a tough one, affecting us all on both personal and professional levels. Unsurprisingly, the COVID-19 pandemic has impacted the spheres of publishing, law and academia, forcing us to adapt to new ways of working, learning and teaching.

The importance of accessibility has become clearer than ever, and at Intersentia we have utilised technology to tackle this. In 2020 we launched Intersentia Online, a free online platform that allows us to bring together high-quality legal resources of different formats all in one convenient location. Content on the platform is easily discoverable with the integrated search function or via online search engines. Have a look at *Coronavirus and the Law in Europe*, a timely project that encompasses expertise from over 80 academics and practitioners or *National and International Anti-Money Laundering Law*, a comprehensive analysis of the European Anti-Money Laundering architecture (and its shortcomings). Intersentia Online also facilitates students' easy access to an online version of their textbooks at a time of considerable disruption.

Of course, we also continue with our strong portfolio of traditional publishing. We are proud to publish books that continue to address current and topical issues, and are very pleased to present the works of our authors in this Spring 2021 catalogue.

As ever at Intersentia, authors are at the core of everything we do. We strive to build close, collaborative relationships and share our experience to help realise our authors' vision: *We work with and for you!* So please feel free to get in touch, even at an early stage, to get more insights into both traditional publishing and technological possibilities.

*Ann-Christin Maak-Scherpe*  
*Publisher and General Manager, Intersentia*

Cover Image: Seb Antoniou, 2021. [www.sebantoniou.com](http://www.sebantoniou.com)

## Contents

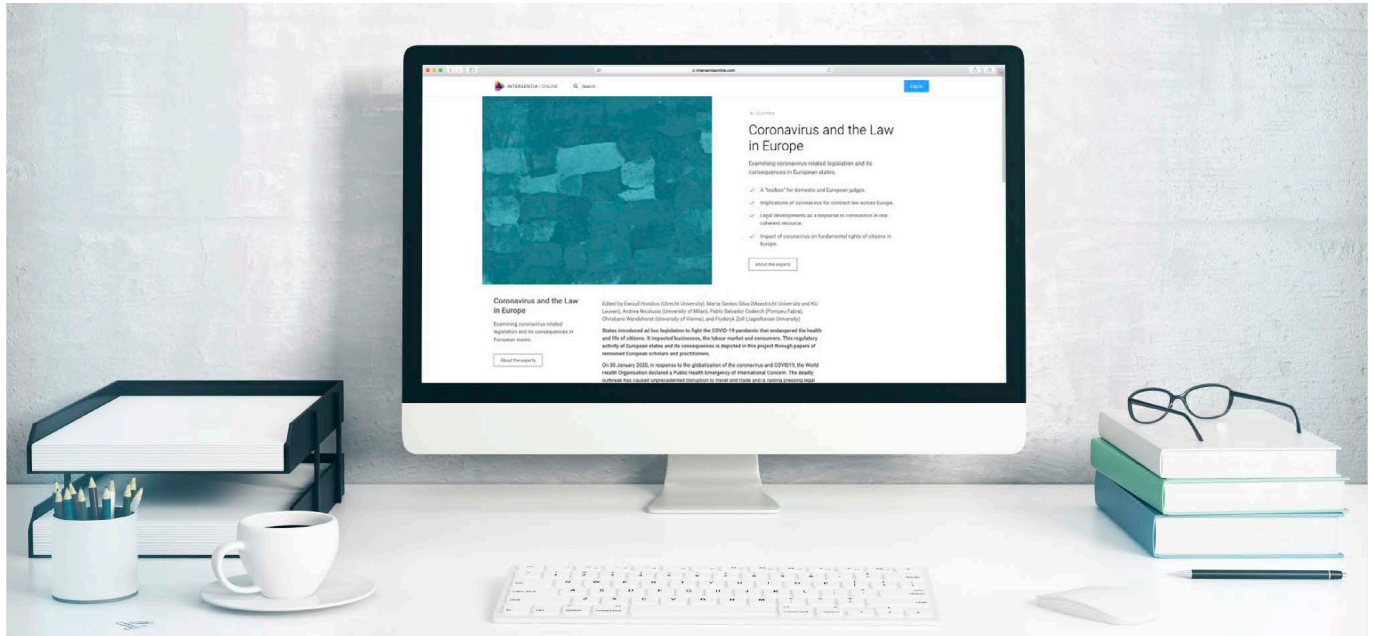
|   |    |
|---|----|
| <b>Preface</b>                                      | 2  |
| <b>Intersentia Online</b>                           | 3  |
| <b>Open Access</b>                                  | 3  |
| <b>E-books</b>                                      | 4  |
| <b>Teaching Materials</b>                           | 4  |
| <b>Law Titles</b>                                   | 7  |
| COVID-19  | 7  |
| Banking Law, Financial Law and Regulation           | 8  |
| Bankruptcy and Insolvency Law                       | 9  |
| Children's Rights                                   | 10 |
| Company, Commercial and Competition Law             | 12 |
| Comparative Law                                     | 13 |
| Constitutional Law and Fundamental Rights           | 15 |
| Consumer Law  | 16 |
| Contract Law  | 17 |
| Criminal Law and Procedure                          | 19 |
| Environmental Law, Energy Law and Natural Resources | 20 |
| European Law  | 22 |
| European Union Law                                  | 24 |
| Family Law  | 26 |
| Human Rights  | 29 |
| Insurance Law                                       | 37 |
| Intellectual Property                               | 37 |
| International Criminal Law                          | 38 |
| Law, Information and Technology                     | 40 |
| Legal Theory  | 41 |
| Litigation and Civil Procedure                      | 42 |
| Private International Law / Conflict of Laws        | 44 |
| <b>Title Index</b>                                  | 46 |
| <b>Author Index</b>                                 | 47 |
| <b>International Distribution</b>                   | 48 |

## Become an author

If you would like to submit a book proposal, please address it to Ann-Christin Maak-Scherpe by e-mail: [ac.maak@intersentia.co.uk](mailto:ac.maak@intersentia.co.uk). Please refer to the 'Guidelines for Prospective Authors' on our website.

## Inspection copies

If you are a lecturer or course convenor interested in receiving an inspection copy, please get in touch.



## Instant access to quality law resources

Intersentia Online is our new online platform that provides easy access to quality law resources.

This new platform was launched in late 2020, and so far hosts two topical projects, *Coronavirus and the Law in Europe* and *National and International Anti-Money Laundering Law*. These are currently available for free.

Intersentia Online will be the home of Intersentia's open access resources as well as content bundles, which will be purchasable on a subscription basis. Each bundle contains

high-quality, hand-picked content that is relevant to a specialised subject area or comprises the work of research organisations published by Intersentia.

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The titles on the following pages (and titles throughout the catalogue bearing this symbol) are recommended as useful books for students. A corresponding student price is usually available. Prices marked with a \* are applicable to students only.

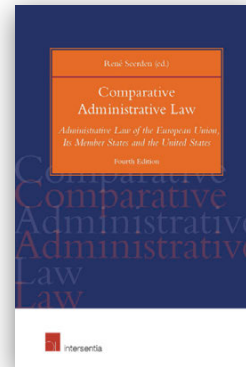
## Online textbooks for students

The COVID-19 pandemic has made it more difficult for students to access their textbooks. That is why we have started a new initiative to offer combined physical and online access to selected textbooks.

When a student purchases a new print copy, we will automatically give them access to the online version on Intersentia Online for one academic year, free of charge.

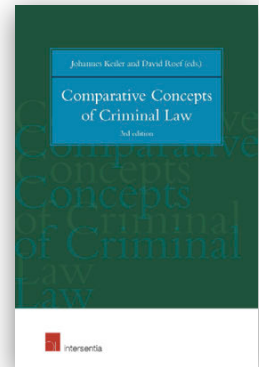
If you are a lecturer or course convenor and you want to include your students in this initiative, please get in touch. For more information about Intersentia Online, see page 3.

## Teaching Materials



**Comparative Administrative Law**  
4th edition  
*Administrative Law of the European Union, Its Member States and the United States*  
R. Seerden (ed.)

ISBN 978-1-78068-630-1  
xxix + 438 pp. | paperback  
2018 | € 50\* | \$ 60\* | £ 47,50\*



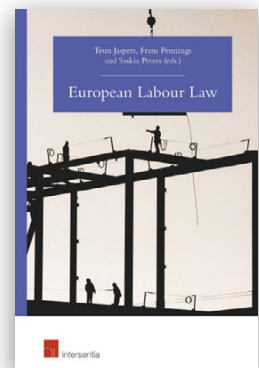
**Comparative Concepts of Criminal Law**  
3rd edition  
J. Keiler and D. Roef (eds.)

ISBN 978-1-78068-685-1  
xviii + 376 pp. | paperback  
2019 | € 39\* | \$ 47\* | £ 37\*



**Theory and Practice of the European Convention on Human Rights**  
5th edition  
P. van Dijk, F. van Hoof,  
A. van Rijn and L. Zwaak (eds.)

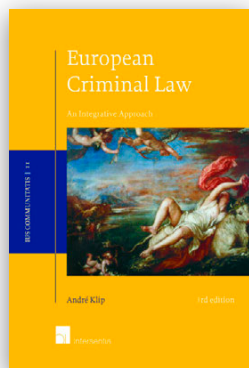
ISBN 978-1-78068-493-2  
xviii + 1230 pp. | hardback  
2018 | € 55\* | \$ 66\* | £ 52\*



**European Labour Law**  
T. Jaspers, F. Pennings  
and S. Peters (eds.)

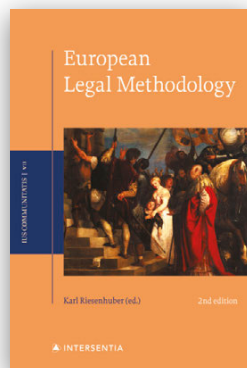
ISBN 978-1-78068-704-9  
I + 560 pp. | paperback  
2019 | € 45\* | \$ 54\* | £ 43\*





**European Criminal Law**  
*An Integrative Approach*  
**3rd edition**  
A. Klip (ed.)

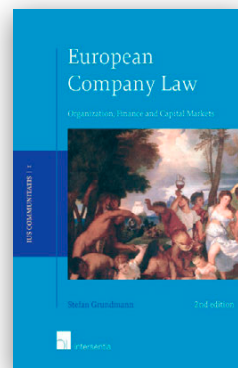
*Ius Communitatis Series,*  
volume 2  
ISBN 978-1-78068-270-9  
lvi + 592 pp. | hardback  
2016 | € 49\* | \$ 59\* | £ 47\*



See page 25

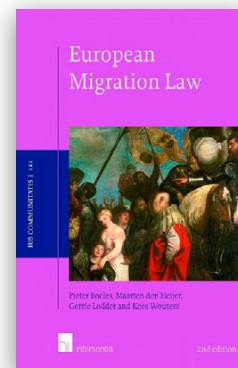
**European Legal Methodology**  
**2nd edition**  
K. Riesenhuber (ed.)

*Ius Communitatis Series,*  
volume 7  
ISBN 978-1-83970-136-8  
approx. 700 pp. | hardback  
2021 | € 49\* | \$ 59\* | £ 46,50\*



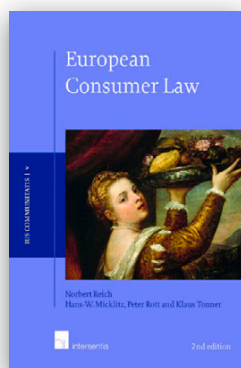
**European Company Law**  
*Organization, Finance and Capital Markets*  
**2nd edition**  
S. Grundmann (ed.)

*Ius Communitatis Series,*  
volume 1  
ISBN 978-1-78068-397-3  
lvi + 984 pp. | paperback  
2011 | € 50\* | \$ 60\* | £ 47,50\*



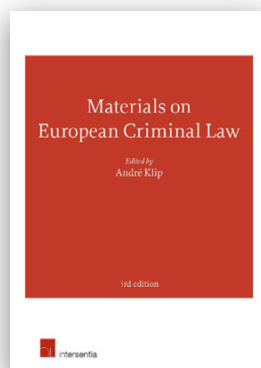
**European Migration Law**  
**2nd edition**  
P. Boeles, M. den Heijer,  
G. Lodder and K. Wouters (eds.)

*Ius Communitatis Series,*  
volume 3  
ISBN 978-1-78068-253-2  
xxii + 458 pp. | paperback  
2014 | € 40\* | \$ 48\* | £ 38\*



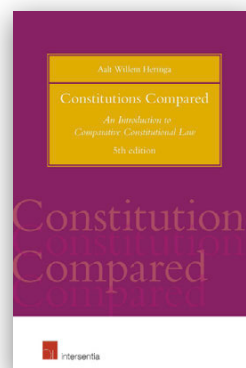
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N. Reich, H.-W. Micklitz,  
P. Rott and K. Tonner

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volume 5  
ISBN 978-1-78068-459-8  
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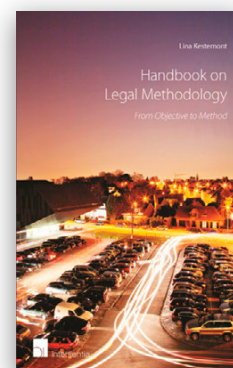
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A. Klip (ed.)

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volume 2  
ISBN 978-1-78068-504-5  
xvi + 1362 pp. | paperback  
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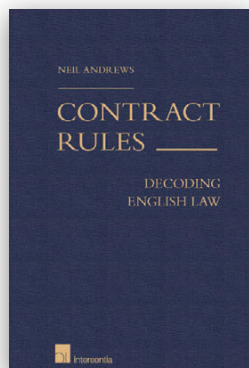
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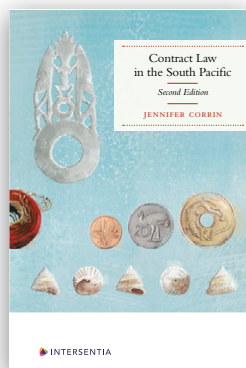
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L. Kestemont

ISBN 978-1-78068-673-8  
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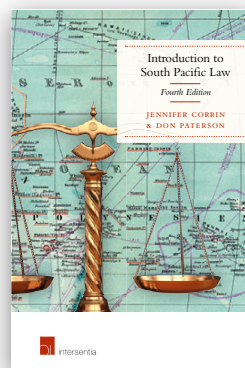
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*Student edition*  
N. Andrews

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xlv + 406 pp. | paperback  
2016 | € 41\* | \$ 49\* | £ 39\*



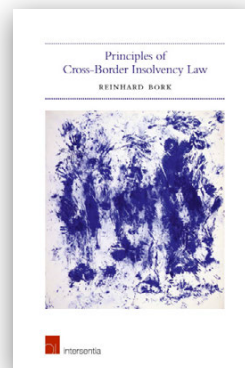
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*2nd edition*  
J. Corrin

ISBN 978-1-78068-786-5  
liv + 384 pp. | paperback  
2020 | € 39\* | \$ 47\* | £ 37\*



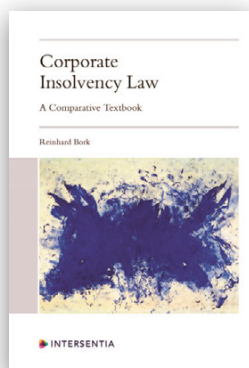
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c + 440 pp. | paperback  
2017 | € 39\* | \$ 47\* | £ 37\*



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R. Bork

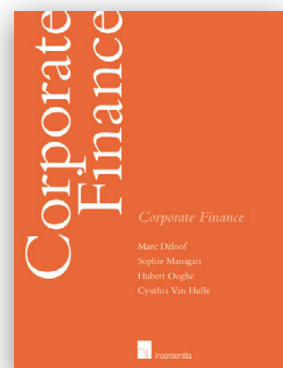
ISBN 978-1-78068-430-7  
xxxiv + 290 pp. | hardback  
2017 | € 45\* | \$ 54\* | £ 43\*



See page 9

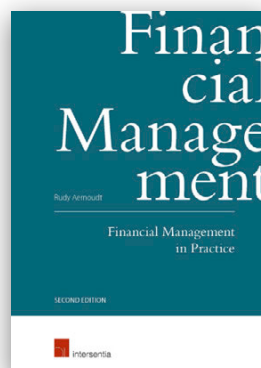
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*A Comparative Textbook*  
R. Bork

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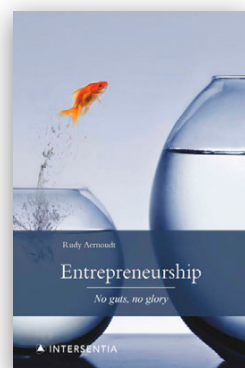
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M. Deloof, S. Manigart,  
H. Ooghe and C. Van Hulle

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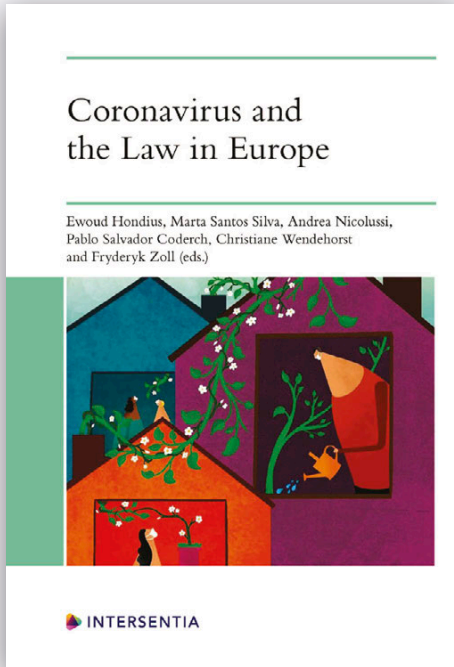
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ISBN 978-1-78068-888-6  
xix + 418 pp. | paperback  
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*2nd edition*  
R. Aernoudt

ISBN 978-1-83970-003-3  
approx. 250 pp. | paperback  
2020 | € 25\* | \$ 30\* | £ 24\*



## Coronavirus and the Law in Europe

Ewoud Hondius, Marta Santos Silva, Andrea Nicolussi,  
Pablo Salvador Coderch, Christiane Wendehorst and Fryderyk Zoll (eds.)

ISBN 978-1-83970-082-8

approx. 1100 pp. | hardback

2021 | € 145 | \$ 174 | £ 138 (print copy price)

**This book is complemented by an interactive version  
available on Intersentia Online.**

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**This collaborative project from over 80 academics and  
practitioners is probably the largest academic publication  
on the impact of a pandemic in the law.**

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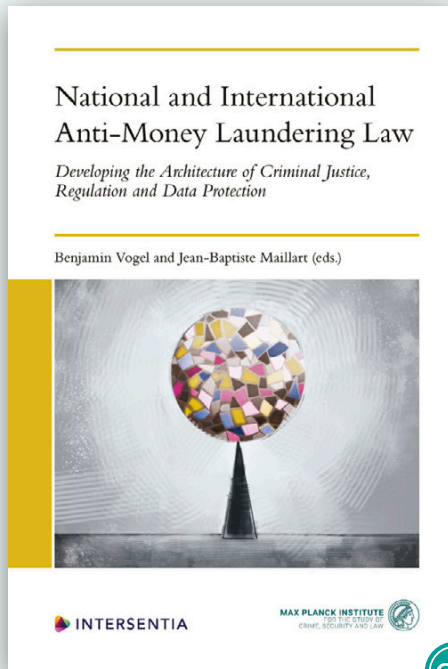
**VIEW ONLINE**

On 30 January 2020, in response to the globalisation of COVID-19, the World Health Organization declared a Public Health Emergency of International Concern. The deadly outbreak has caused unprecedented disruption to travel and trade and is raising pressing legal questions across all disciplines, which this book attempts to address.

The aims of this book are twofold. First, it is intended to serve as a ‘toolbox’ for domestic and European judges. They will soon be dealing with the interpretation of COVID-19-related legislation and administrative measures, as well as the disruption the pandemic has caused to society and fundamental rights.

Second, it aims to assist businesses and citizens who wish to be informed about the implications of the virus in the existence, performance and enforcement of their contracts.

*Coronavirus and the Law in Europe* is probably the largest academic publication on the impact of pandemic on the law. This academic endeavour is a joint, collaborative effort to structure the recent and ongoing legal developments into a coherent and pan-European overview on coronavirus and the law. It covers practically all European countries and legal disciplines and comprises contributions from more than 80 highly reputed European academics and practitioners.



## **National and International Anti-Money Laundering Law** *Developing the Architecture of Criminal Justice, Regulation and Data Protection* Benjamin Vogel and Jean-Baptiste Maillart (eds.)

ISBN 978-1-78068-954-8

lxxii + 1036 pp. | paperback

2020 | € 69 | \$ 83 | £ 66 (print copy price)

**This book is complemented by a free, interactive version available on Intersentia Online.**

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**A comparative study of the interplay between criminal justice, regulatory law and data protection rules.**

**VIEW ONLINE**

While Anti-Money Laundering instruments are ever increasing in scope and complexity, policymakers have often lost sight of the objectives pursued. As a consequence, legislation is, in many cases, shaped by unrealistic political expectations and inconsistent design. Against this backdrop, this book explains key deficiencies of existing law and develops policy proposals to enhance both effectiveness and respect for fundamental rights. To this end, it thoroughly examines the interplay between criminal justice, regulatory law and data protection rules in Germany, Italy, Spain, Switzerland and the United Kingdom, and contrasts these findings with the frameworks of the Financial Action Task Force and of the European Union.

The results of this collaborative research project emphasise the need to approach Anti-Money Laundering as a complex architecture that consists of numerous diverse but highly interdependent areas of law. Reform debates must therefore overcome a fragmented vision, in particular as regards the shape of criminal proceedings, the function of Financial Intelligence Units and supervisory authorities, the aims of private sector involvement and the scope of public-private information sharing. Only then does one learn from past

mistakes and avoid ill-conceived remedies that ultimately fail to adapt supranational standards to the institutional and constitutional reality of countries' domestic legal order.

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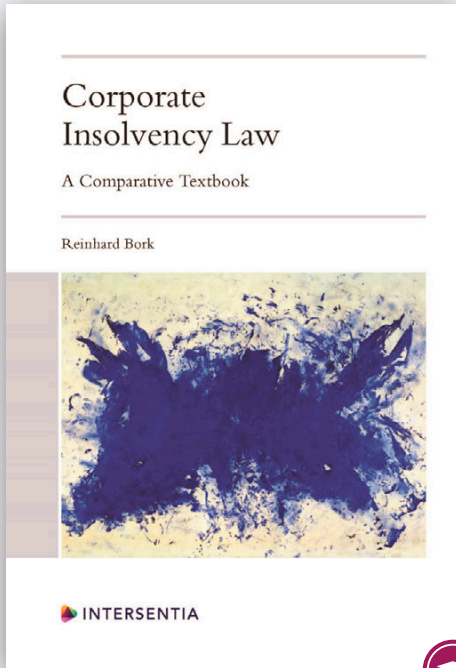
**BENJAMIN VOGEL** is head of the research group on illicit financial flows at the Max Planck Institute and, since 2013, in charge of the Institute's desk on English criminal law. He holds law degrees from the Universities of Potsdam, Paris X and Cambridge.

**JEAN-BAPTISTE MAILLART** is a research fellow at the Max Planck Institute. He holds law degrees from the University of Paris I Pantheon-Sorbonne, the Geneva Academy of International Humanitarian Law and Human Rights, and the University of Geneva.

*With contributions by Giovanna Amato (Max Planck Institute), Ana Carolina Carlos de Oliveira (Max Planck Institute), Liliya Gelemerova (University of Manchester), Michael Levi (Cardiff University), Jean-Baptiste Maillart (Max Planck Institute) and Benjamin Vogel (Max Planck Institute).*



# Bankruptcy and Insolvency Law



## Corporate Insolvency Law

*A Comparative Textbook*

Reinhard Bork

ISBN 978-1-78068-983-8

xxvi + 244 pp. | paperback

2020 | € 69 | \$ 83 | £ 66

student price: € 35\* | \$ 42\* | £ 33\*

“

**It is clear that extensive research went into this book and that it is an extremely valuable step forward in learning on the topic. It will be very helpful to all those who embark on a study of insolvency and restructuring law and I have no doubt that it will find its way in academia and practice.**

”

*– From the Foreword by  
Professor Michael Veder,  
Radboud University*

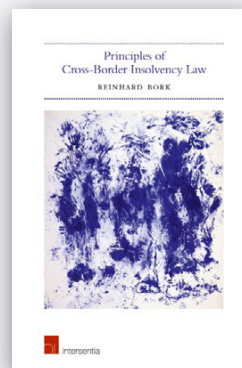
BUY ONLINE

This textbook deals with the foundations and key issues of corporate insolvency law and approaches the topic from a comparative perspective, i.e. it does not concentrate on one insolvency law in particular but rather introduces the relevant rules from various jurisdictions, primarily England (and Wales), France, Germany, and those of the USA. It is case focused and designed for learning and teaching corporate insolvency law.

PROF. DR. REINHARD BORK is Professor of Law at the University of Hamburg, Germany, where he holds the Chair for Civil Procedural Law. He has held the position of Dean of the Law Faculty, was Robert S. Campbell Visiting Fellow at Magdalen College Oxford twice, and is currently also Professor for International Insolvency Law at Radboud University Nijmegen, the Netherlands. He has previously served as a judge at the Upper State Court (Court of Appeal) in Hamburg, the Commercial Law Division. He has considerable experience as an arbitrator in national and international cases.

Professor Bork is the author of *Principles of Cross-Border Insolvency Law* (Intersentia, 2017), a groundbreaking study on the impact of basic tenets underlying international insolvency law.

## ALSO BY THIS AUTHOR:



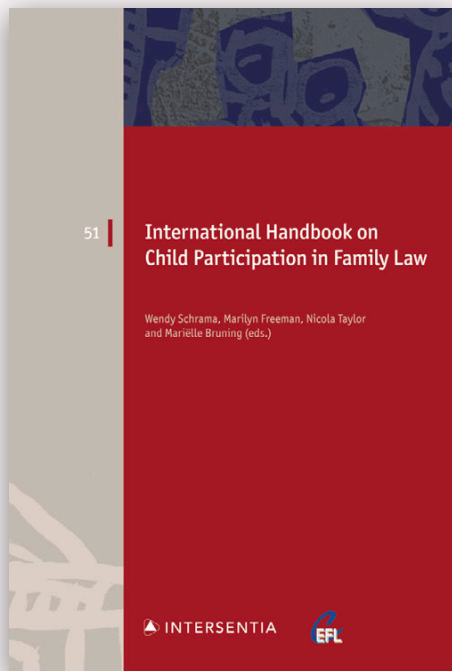
## Principles of Cross-Border Insolvency Law

R. Bork

ISBN 978-1-78068-430-7

xxxiv + 290 pp. | hardback

2017 | € 45\* | \$ 54\* | £ 43\*



## **International Handbook on Child Participation in Family Law**

Wendy Schrama, Marilyn Freeman, Nicola Taylor and Mariëlle Bruning (eds.)

*European Family Law*, volume 51

ISBN 978-1-83970-056-9

xxv + 400 pp. | paperback

2021 | € 99 | \$ 119 | £ 94

“

**A rich source of information for everyone with an interest in the application of children's rights in practice.**

”

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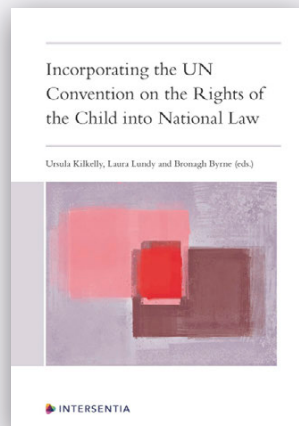
This topical and timely book considers children's participation rights in the context of family law proceedings, and how their operation can be improved for the benefit of children and family justice systems globally. In doing so, it provides the pedagogical reasoning for child participation, as well as a thorough analysis of the relevant human rights instruments in this area, including the United Nations Convention on the Rights of the Child.

This comprehensive book examines the way in which private international law instruments deal with child participation in separation/divorce, parental responsibility and child abduction proceedings. In addition, the book includes individual contributions from renowned family law experts from 17 countries who describe and analyse the local laws and exercise of child participation rights in their own jurisdictions. These insightful texts include the authors' views on the improvements needed to ensure that child participation rights are fully respected and implemented in the countries under review. A detailed comparative analysis follows which helpfully pinpoints both the key commonalities and differences in these global processes.

Finally, the concluding chapter draws together the different perspectives revealed across the handbook, and identifies several key issues requiring further reflection from scholars, policy makers and family justice professionals.

The *International Handbook on Child Participation in Family Law* is a rich source of information and essential reading for all those working in this important and evolving field.

# Children's Rights



## **Incorporating the UN Convention on the Rights of the Child into National Law**

Ursula Kil Kelly, Laura Lundy and Bronagh Byrne (eds.)

ISBN 978-1-78068-992-0  
approx. 345 pp. | paperback  
2021 | € 69 | \$ 83 | £ 66

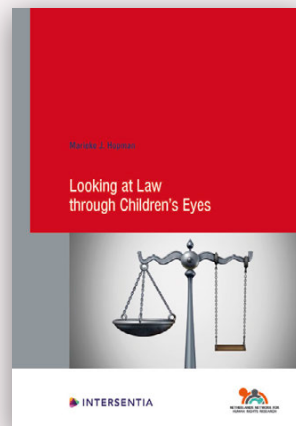
**BUY ONLINE**

The United Nations Convention on the Rights of the Child (CRC) requires States Parties to take all appropriate measures to implement the rights in the Convention. As we celebrate the 30th anniversary of the Convention's adoption, focus has shifted onto the measures being taken at national level to give effect to children's rights with specific reference to legal incorporation both direct and indirect. The way in which the CRC is given legal effect is highly contingent upon the constitutional and legal systems of individual countries and can best be understood by those writing from the specific national context.

So this book combines individual contributions that address the experience of legal incorporation in selected countries by their national experts, with comparative analysis of the international landscape from the world's leading authorities on legal implementation of the CRC. The result is an up-to-date, comparative and international analysis of the progress made around the world to incorporate the CRC, in the first comprehensive and analytical presentation of these issues.

This book is a rich resource central to the work of every lawyer with an interest in the CRC or the incorporation of international legal instruments.

# Children's Rights



## **Looking at Law through Children's Eyes**

Marieke J. Hopman

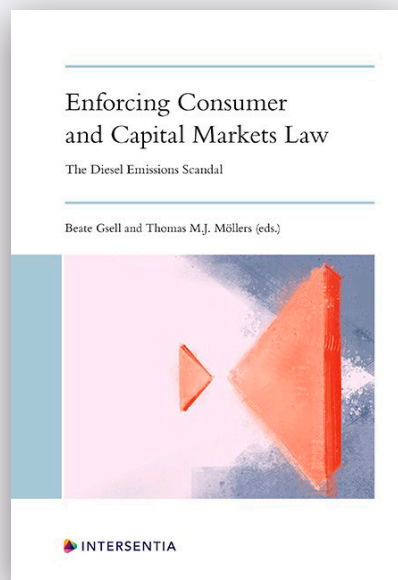
*Human Rights Research Series,*  
volume 93  
ISBN 978-1-83970-101-6  
xiv + 454 pp. | paperback  
2021 | € 90 | \$ 108 | £ 86

**BUY ONLINE**

Since the adoption of the 1989 UN Convention on the Rights of the Child, all children in the world have rights that are protected by states – at least in theory. In practice, children's rights are grossly violated on a daily basis and on a global scale. Studies in children's rights struggle to find why this is the case, and what can be possibly done to change this situation.

This publication proposes that a better understanding of children's rights violations may be achieved if looking at law from a child's perspective. This means that a researcher has to go beyond the analysis of international conventions and national law, to include what is perceived as law by children.

This book presents a new theoretical framework and methodology for finding law for children, combining legal pluralism, law and sociology, philosophy of law and legal empirical research. This framework is then put to the test in three case studies, all which include empirical research data. The book explores the possible legal orders that arise when looking at law through children's eyes, such as the household and the classroom. These legal orders, that we find when looking at law through children's eyes, have to be recognized as part of a complete picture of law influencing the protection and/or violation of children's rights.



## Enforcing Consumer and Capital Markets Law *The Diesel Emissions Scandal*

Beate Gsell and Thomas M.J. Möllers (eds.)

ISBN 978-1-78068-964-7

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On the example of one topical and global collective damage event [...] this work critically analyses the various approaches of public and private law enforcement and their effectiveness across several jurisdictions.

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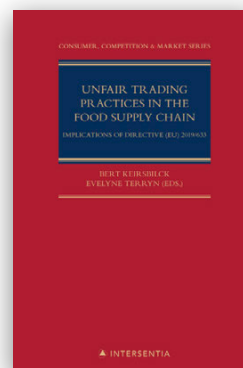
*Enforcing Consumer and Capital Markets Law: The Diesel Emissions Scandal* is an international and interdisciplinary work. On the example of one topical and global collective damage event with far reaching consequences for both consumers and investors, this work critically analyses the various approaches of public and private law enforcement and their effectiveness across several jurisdictions, namely those of Austria, Denmark, France, Germany, England and Wales, Italy, Lithuania, the Netherlands, Portugal, Australia, Brazil, China and the United States of America.

Based on decided and pending cases, the book demonstrates to what extent public authorities, but also private claimants, can take effective steps against the violation of their rights in their respective jurisdictions. The following is examined: law enforcement by public institutions, law enforcement

by private parties and overlaps as well as hybrids and connections between both areas. A particular focus is given to collective redress, that is representative actions and model case proceedings. Comments from renowned practitioners sharing their experiences are included throughout the book.

Separate concluding comparative chapters have two different aims: A comparative analysis of the legal solutions with a supranational European Union level focus provides invaluable insights into best practices and effectiveness. In addition, an intradisciplinary comparison assesses and evaluates the effectiveness of consumer law vs capital markets law mechanisms. Furthermore mechanisms of competition law and company law are taken into account.

## SEE ALSO:



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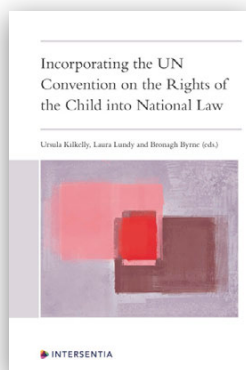
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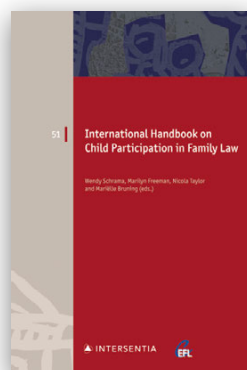
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See page 11

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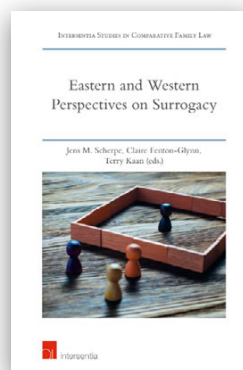
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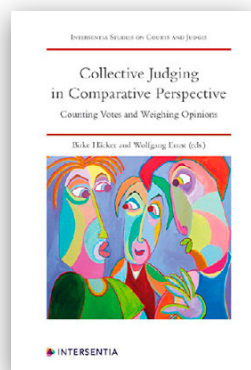
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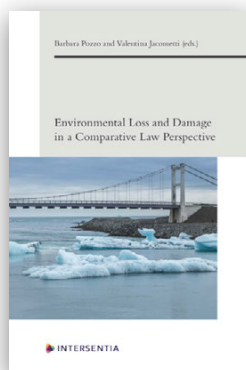
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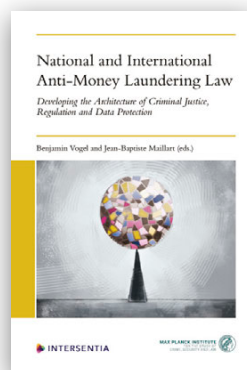
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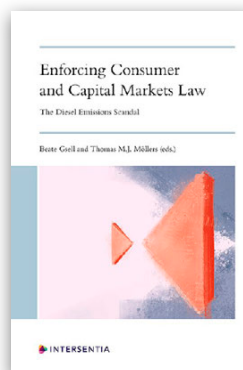
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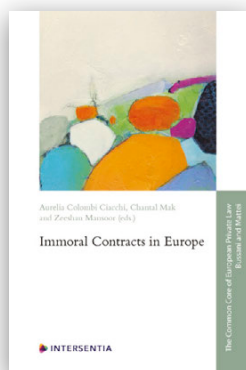
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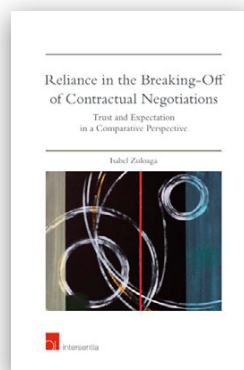
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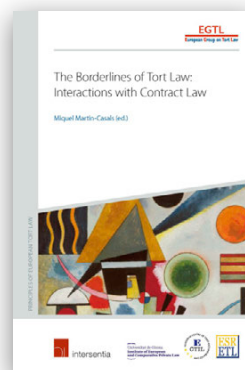
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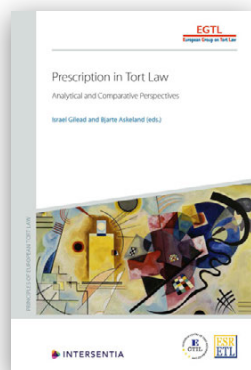


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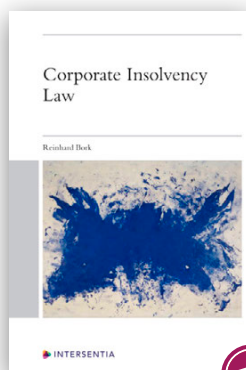
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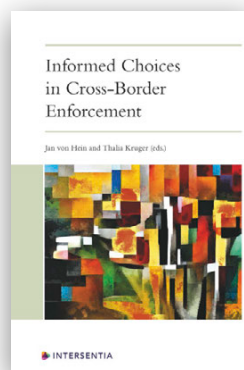


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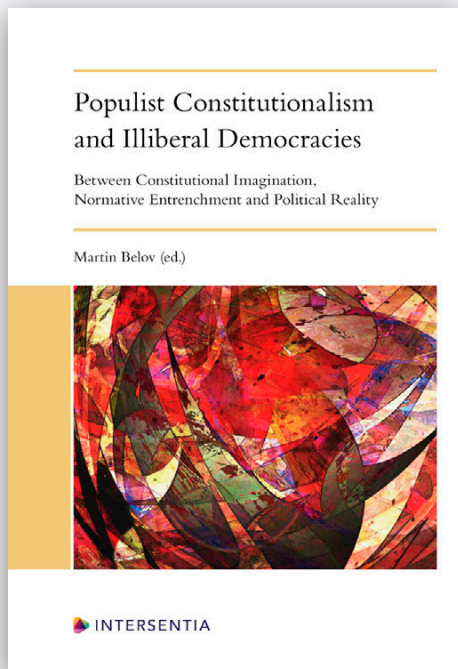


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**This book offers insightful research into the roots of radicalism, populism and populist and illiberal constitutionalism.**

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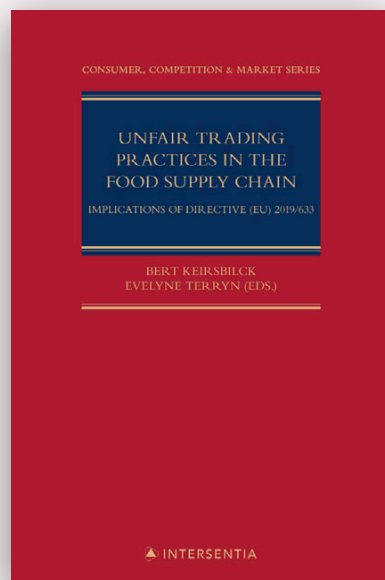
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This book is a topical study of populist constitutionalism and illiberal democracies, exploring their roots in constitutional imagination as well as their normative entrenchment and performance in political reality. It provides insightful analysis of republican constitutionalism, focusing on the role of people in radical democracy and revolutionary constitutional reform. Furthermore, the outlook, adequacy and performance of constitutional principles in times of democratic ruptures are assessed. The contributors examine the rise of populist constitutionalism and the main trends that have led to the current, ongoing crises in liberal democracy. The book includes original analyses of populist constitutionalism from the viewpoint of emotions and constitutional imagination, as well as a special chapter devoted to the challenges posed to constitutional democracy by COVID-19. Combining theoretical contributions, comparative typologies and important case studies, the spread of populism and illiberal democracy in Europe is critically explored.

*Populist Constitutionalism and Illiberal Democracies* is a timely contribution to the lively discussion surrounding constitutional law, comparative constitutional law,

comparative constitutionalism and political science regarding the rise and spread of illiberal democracies, authoritarian political regimes and revolutionary, radical democratic and populist constitutionalism.

*With contributions by Martin Belov (University of Sofia 'St. Kliment Ohridski'), Agnieszka Bień-Kacała (Nicolaus Copernicus University in Toruń), Paul Blokker (University of Bologna), Monica Bonini (Università degli Studi di Milano-Bicocca), Carlo Alberto Ciaralli (University 'G. d'Annunzio' of Chieti-Pescara), Eoin Daly (National University of Ireland), Gianmario Demuro (University of Cagliari), Tímea Drinóczi (University of Pécs), Wojciech Engelking (University of Warsaw), Angela Di Gregorio (University of Milano), Marcin Kilanowski (Nicolaus Copernicus University in Toruń), Zoltán Pozsár-Szentmiklósy (ELTE Eötvös Loránd University), Przemysław Tacik (Jagiellonian University of Kraków), Anna Tarnowska (Nicolaus Copernicus University in Toruń), Zoltan J. Toth (Károli Gáspár University), Julia Wesolowska (Jagiellonian University of Kraków) and Wojciech Włoch (Nicolaus Copernicus University in Toruń).*



## **Unfair Trading Practices in the Food Supply Chain** *Implications of directive (EU) 2019/633* Bert Keirsbilck and Evelynne Terryn (eds.)

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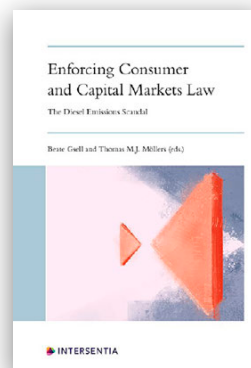
There is a wide-spread consensus that UTPs occur throughout the food supply chain. Unfair trading practices (UTPs) can be defined as practices which grossly deviate from good commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by one trading partner on its counterparty. Some Member States, such as France, Belgium and the UK, have already adopted legislation specifically prohibiting such practices (in the food and/or non-food supply chain). In addition, various self-regulatory initiatives exist.

In April 2019, the European Parliament and the Council adopted Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain. A Commission Proposal of April 2018 (COM(2018) 173 final) was substantially amended. To improve farmers' and small and medium sized businesses' position in the food supply chain, the

Directive bans certain unfair trading practices including late payments for perishable food products; last minute order cancellations; unilateral changes to contracts; refusal to enter into a written contract; returning unsold or wasted products; payment for buyer's marketing. Each Member State has to designate a competent authority to enforce these rules and these authorities must have the power to both launch investigations and fine operators who break the rules. The Member States now have two years to implement the Directive.

This book compiles the various papers presented at the "2nd UTP Roundtable" organized by the Consumer Competition Market (CCM) institute of the KU Leuven on 28 June 2018. It entails a critical analysis of the final text of the EU Directive, the current state of play and the different regulatory options at national level by 2021.

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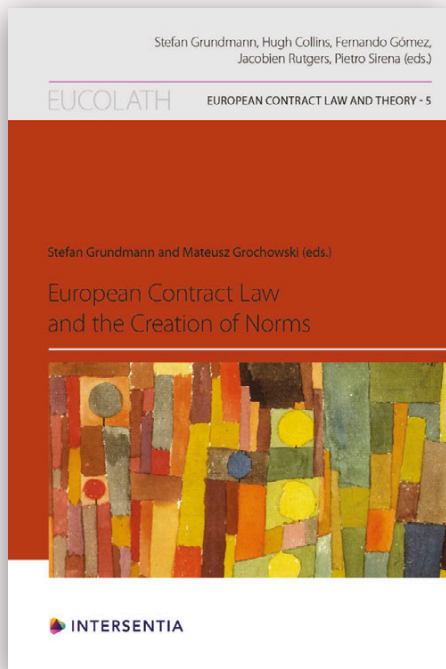


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## European Contract Law and the Creation of Norms

Stefan Grundmann and Mateusz Grochowski (eds.)

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**The European Contract Law and Theory (EUCOLATH) series combines dogmatic thinking in comparative and EU law with strong social theory considerations, sharing the results of discussions of leading scholars and practitioners.**

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The book provides a broad and topical perspective of the sources of modern contract law. It examines the creation of contract law as a multi-pronged occurrence that involves diverse types of normative content and various actors. The book encompasses both a classical perspective on contract law as a state-created edifice and also delves into the setting of contractual rules by non-state actors. In so doing, the volume thoroughly analyses present-day developments to make sense of shifting attitudes towards the overall regulatory paradigm of contract law and those that reshape the classic view of the sources of contract law. The latter concerns, in particular, the digitalisation of markets and growing trends towards granularisation and personalisation of rules.

The book builds on the EU private law perspective as its primary point of reference. At the same time, its reach goes far beyond this domain to include in-depth analysis from the vantage points of general contract theory and comparative analysis. In so doing, it pays particular attention to theoretical foundations of sources of contract law and values that underpin them. By adopting such diversified perspectives, the book attempts to provide for a better understanding of

the nature and functions of present-day contract law by capturing the multitude of social and economic dynamics that shape its normative landscape.

The volume gathers a unique and distinguished group of contributors from the EU, USA and Israel. They bring research experience from various areas of private law and contribute with diverse conceptual perspectives.

---

STEFAN GRUNDMANN is Professor of Transnational Law and Theory at the European University Institute, Florence, Italy, and Professor of Private and Business Law at Humboldt-University, Berlin, Germany.

MATEUSZ GROCHOWSKI is a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences, Warsaw, and Fellow at the Information Society Project, Yale Law School, United States.



## Interpretation of Commercial Contracts in European Private Law

C.J.W. (Jaap) Baaij,  
David Cabrelli and  
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*Common Core of European Private Law*, volume 1  
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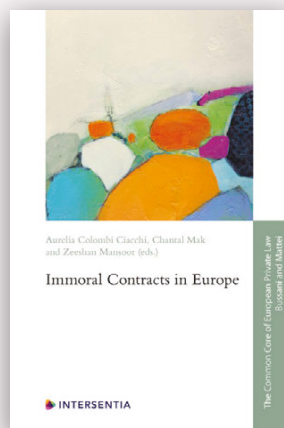
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This book presents a unique and extensive comparative study of commercial contract interpretation across 14 selected jurisdictions, namely Croatia, England and Wales, Finland, France, Germany, Greece, Italy, The Netherlands, Poland, Portugal, Scotland, South Africa, Spain and Sweden.

Using a dynamic comparative case method, the focus is centered on the discussion of key legal problems, further examined in a detailed and comprehensive comparative analysis. In this way, the book makes important advancements in the general understanding of contract interpretation in European private law in three respects. First, it enriches the conventional conceptual framework for the methods of contract interpretation by distinguishing between interpretation aims and means. Second, it challenges

the presumptive division of common law and civil law jurisdictions, for example, the assumption that civil systems follow a subjective approach and common law systems an objective approach to interpretation of contract. Third, the book provides a more subtle analysis of the role of standards of 'good faith' in contract interpretation.

Contributions written from law and economics, and European private law perspectives place the key legal issues into context and make *Interpretation of Commercial Contracts in European Private Law* a coherent and valuable resource for academics and practitioners with a European or international focus.



## Immoral Contracts in Europe

Aurelia Colombi Ciacchi,  
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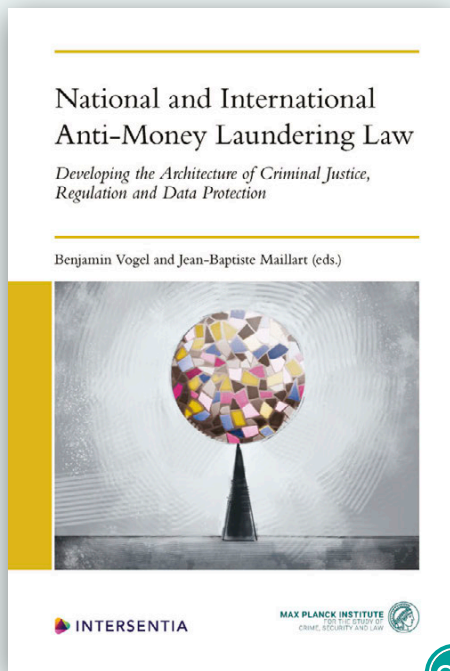
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Contracts are illegal not only when they contravene specific legal rules, but also when they are considered immoral or contrary to public policy. In this way rules of contract law also influence the exceptional and sometimes fragile relationship between law and morality. They determine which issues can be made the subject of a legally valid and enforceable agreement according to the values underlying the legal order to which they pertain. But despite their geographic proximity, shared history and common aim of a strong EU internal market there are remarkable differences in the underlying values of many European legal systems.

This book brings together a group of well renowned contract lawyers that analyse how their own legal systems deal with 12 interesting cases of morally dubious

agreements, including for example suretyships, conditional contracts of succession, nuptial agreements, surrogacy agreements, contracts for sex work and, of course, usurious contracts. All inspired by real litigations adjudicated by courts and covering the questions of validity and enforceability, as well as the availability of remedies.

To give a comprehensive picture of immoral contracts across Europe, the national perspectives are complemented by chapters providing historical insights as well as an EU perspective. Throughout the book comprehensive analysis of the findings offers crucial insights into divergences and convergences and the decisive factors driving European thinking.



## **National and International Anti-Money Laundering Law** *Developing the Architecture of Criminal Justice, Regulation and Data Protection* Benjamin Vogel and Jean-Baptiste Maillart (eds.)

ISBN 978-1-78068-954-8

lxxii + 1036 pp. | paperback

2020 | € 69 | \$ 83 | £ 66 (print copy price)

**This book is complemented by a free, interactive version available on InterSentia Online.**

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**A comparative study of the interplay between criminal justice, regulatory law and data protection rules.**

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While Anti-Money Laundering instruments are ever increasing in scope and complexity, policymakers have often lost sight of the objectives pursued. As a consequence, legislation is, in many cases, shaped by unrealistic political expectations and inconsistent design. Against this backdrop, this book explains key deficiencies of existing law and develops policy proposals to enhance both effectiveness and respect for fundamental rights. To this end, it thoroughly examines the interplay between criminal justice, regulatory law and data protection rules in Germany, Italy, Spain, Switzerland and the United Kingdom, and contrasts these findings with the frameworks of the Financial Action Task Force and of the European Union.

The results of this collaborative research project emphasise the need to approach Anti-Money Laundering as a complex architecture that consists of numerous diverse but highly interdependent areas of law. Reform debates must therefore overcome a fragmented vision, in particular as regards the shape of criminal proceedings, the function of Financial Intelligence Units and supervisory authorities, the aims of private sector involvement and the scope of public-private information sharing. Only then does one learn from past

mistakes and avoid ill-conceived remedies that ultimately fail to adapt supranational standards to the institutional and constitutional reality of countries' domestic legal order.

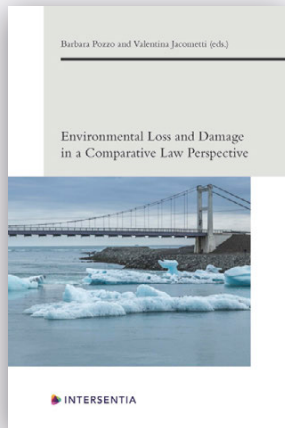
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**BENJAMIN VOGEL** is head of the research group on illicit financial flows at the Max Planck Institute and, since 2013, in charge of the Institute's desk on English criminal law. He holds law degrees from the Universities of Potsdam, Paris X and Cambridge.

**JEAN-BAPTISTE MAILLART** is a research fellow at the Max Planck Institute. He holds law degrees from the University of Paris I Pantheon-Sorbonne, the Geneva Academy of International Humanitarian Law and Human Rights, and the University of Geneva.

*With contributions by Giovanna Amato (Max Planck Institute), Ana Carolina Carlos de Oliveira (Max Planck Institute), Liliya Gelemerova (University of Manchester), Michael Levi (Cardiff University), Jean-Baptiste Maillart (Max Planck Institute) and Benjamin Vogel (Max Planck Institute).*

# Environmental Law, Energy Law and Natural Resources



## Environmental Loss and Damage in a Comparative Law Perspective

Barbara Pozzo and Valentina Jacometti (eds.)

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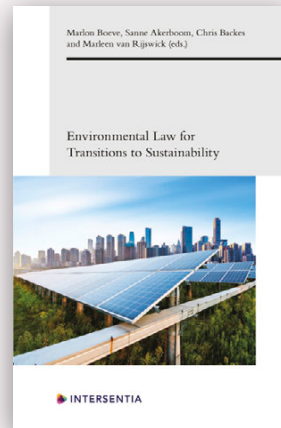
This book analyses the regulation of environmental loss and damage. It does so from a comparative and interdisciplinary perspective, examining both public and private law aspects. It delves into conceptual and specific legal issues concerning liability, compensation and restoration of damage in different sectors and jurisdictions, as well as taking into account the contributions of economic analysis in this field of regulation.

Specific attention has been devoted to the role that liability and insurance may play in terms of mitigation and adaptation to climate change, as well as the prevention of damage from natural hazards. The scope of analysis encompasses national as well as supranational and international regimes. In particular, there are two interrelated and very promising developments in the evolving understandings in this field that merit

special focus: possible legal transplants and “cross-fertilisation” between legal systems, on the one hand; and the current dialectic between global and local law in the environmental field, on the other.

BARBARA POZZO is Professor of Private Comparative Law at Insubria University, Italy. She coordinates the interdisciplinary PhD program in Law and Human Sciences at the university. She is also Director of the Summer School Program in Comparative Environmental Law.

VALENTINA GIACOMETTI is Associate Professor of Private Comparative Law at Insubria University, Italy. She is also a member of the Board of Directors of “Rivista giuridica dell'Ambiente”.



## Environmental Law for Transitions to Sustainability

Marlon Boeve, Sanne Akerboom, Chris Backes and Marleen van Rijswijk (eds.)

*European Environmental Law Forum*, volume 7

ISBN 978-1-78068-929-6

xviii + 328 pp. | paperback  
2021 | € 89 | \$ 107 | £ 85

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This volume consists of a selection of timely and important contributions to the discussion on legal transitions to sustainability. It presents inspiring ideas about how law can support the fundamental transition processes to a sustainable future and how it can provide guidance on the pathways to sustainability.

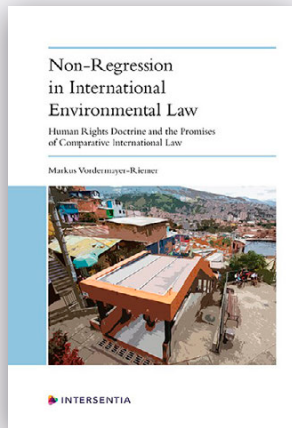
This book focuses on issues such as what legal instruments optimally encourage disruptive breakthroughs and where law may actually hamper sustainable innovations and solutions. It examines conceptual issues and specific legal tools, not only from an EU law perspective, but also from national and international law perspectives. Alongside general discussions about the role that law plays in encouraging sustainability, the book also concentrates on substantive areas in which transition

processes to sustainability are urgently needed: the transition to a low carbon economy in order to comply with the Paris Agreement for climate change, the transition to a holistic management of water resources to achieve water security and the transition to halting the loss of biodiversity.

The different contributions make clear that until recently, law played a limited role and should be further developed to better align with the general aim to move towards a sustainable society.



# Environmental Law, Energy Law and Natural Resources



## **Non-Regression in International Environmental Law** *Human Rights Doctrine and the Promises of Comparative International Law* Markus Vordermayer-Riemer

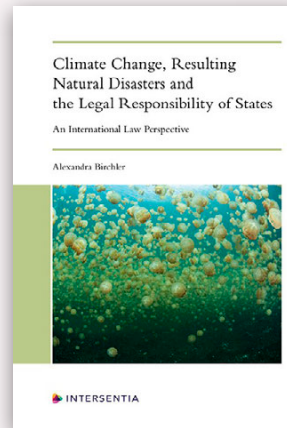
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xl + 578 pp. | hardback  
2020 | € 139 | \$ 167 | £ 132

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The book analyses the emerging concept of ‘non-regression’ as a novel legal principle of international environmental law. It traces the development of non-regression in the context of international human rights law and provides an examination of the respective jurisprudence under universal and regional human rights instruments. These are then compared to closely-related normative concepts in the framework of international environmental law, including the Paris Climate Change Agreement and biodiversity-related agreements such as the Ramsar Convention on Wetlands and the Bonn Convention on Migratory Species. The book advocates an innovative usage of comparative law methods in order to enable fruitful interactions between human rights and international environmental law.

*Non-Regression in International Environmental Law* is an important contribution to the development of international environmental law that offers a fresh perspective on the relationship between human rights and international environmental law.

DR MARKUS VORDERMAYER-RIEMER is a legal and policy officer at the Bavarian State Ministry of the Environment and Consumer Protection, Germany. He was previously a law clerk at the Higher Regional Court of Munich, Germany. He has also worked as a research assistant at the Institute of International Law of Ludwig-Maximilian-University, Munich, and was educated in both civil law and common law jurisdictions.



## **Climate Change, Resulting Natural Disasters and the Legal Responsibility of States** *An International Law Perspective* Alexandra Birchler

ISBN 978-1-83970-030-9  
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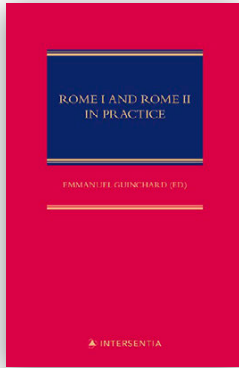
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Extreme weather events are increasing in their frequency and intensity. This increase has been scientifically linked to global warming, which is induced by anthropogenic climate change. This phenomenon is disproportionately affecting developing States, such as the Caribbean and Pacific Islands, even though they are not contributing to climate change to the same extent as developed States or emerging markets. This book examines two critical aspects of this situation, to which no specific, singular source in public international law is applicable or responsible.

This book first examines the manner in which public international law is applicable to the question of funding for reconstruction and early warning systems by developed States and emerging markets. There is

no specific instrument in public international law that deals with the question of whether developed States and emerging markets have an obligation to financially assist disaster-prone developing States with regard to the establishment of early warning systems and reconstruction in the wake of natural disasters. This book also analyses the right to receive humanitarian assistance and the State's obligation to provide early warning.

Throughout its discussion of legal responsibility under international law, this book takes into account the new developments around the International Law Commission's project on the “Protection of Persons in the Event of Disasters”, which is now considered for treaty adoption.

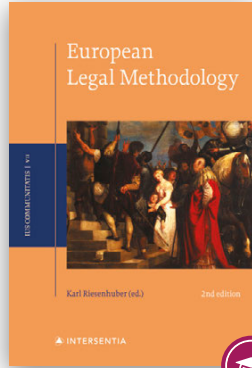


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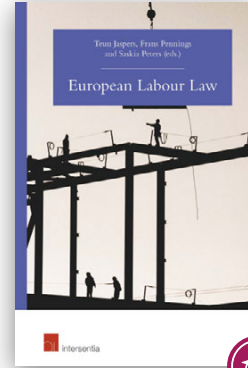


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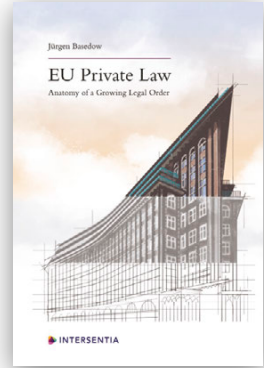
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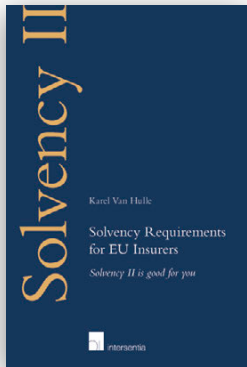


See page 24

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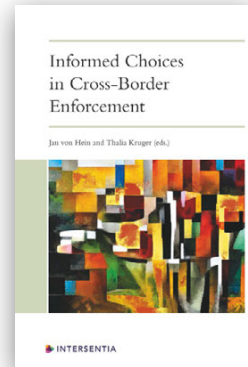
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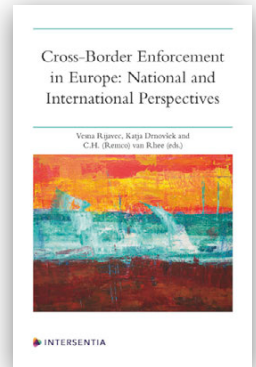


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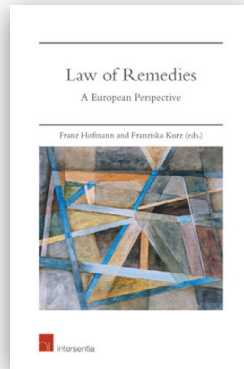
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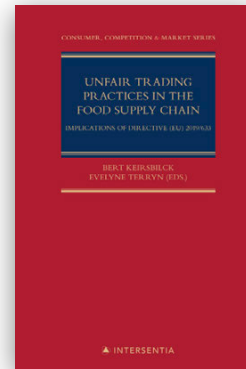
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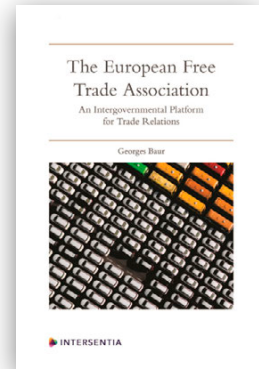
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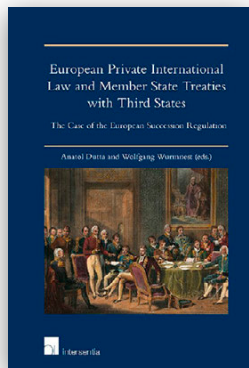
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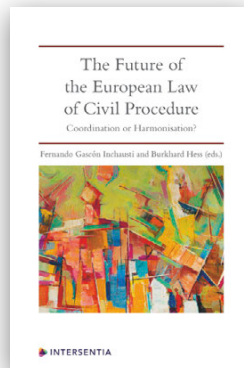
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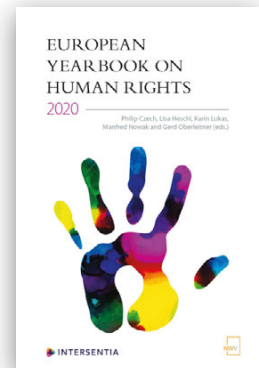
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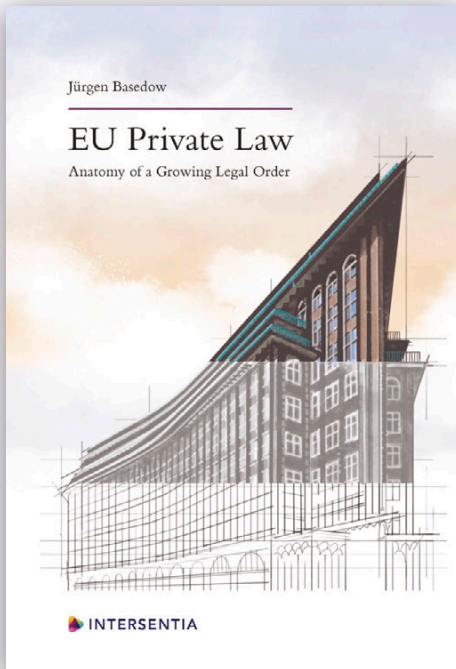
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**EU Private Law**  
*Anatomy of a Growing Legal Order*  
Jürgen Basedow

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EU law covers numerous sectors of private law and is still expanding. Due to its fragmentary nature, most legal literature addresses specific areas such as EU labour law, EU company law, EU private international law, EU consumer law, etc. In contrast, this book presents an innovative approach in its analysis of EU private law, considering its continuous expansion as an ongoing process and interrogating some central questions: What is private law in the framework of the EU? How does EU private law relate to traditional concepts of private law? What is the impact on horizontal relations of the law of the Union which was established with a view to the integration of peoples in Europe? Is the frequent reference to the policy orientation of EU law sufficient to overcome the differences between public and private law?

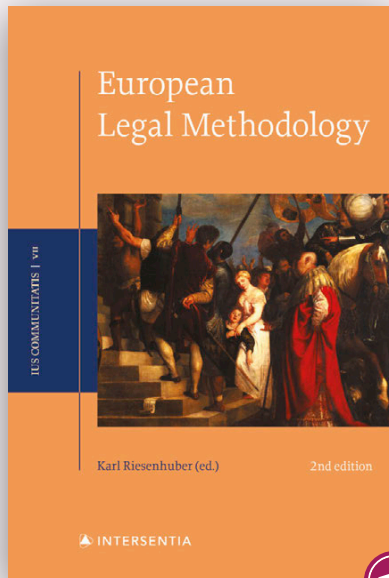
Like the growth rings of a tree the numerous acts and judgments of EU private law feed from the trunk and the roots, which developed in the vertical relations between the Union and the Member States. The foundations of EU law, which often have a background in legal history, comparative experience and public international law,

impact upon horizontal relations in a manner previously unknown in national systems of private law.

Across ten parts grouped in four books devoted to foundations, principles, enforcement and implementation, respectively, as well as the external dimension, the author elaborates on the peculiarities of EU private law as compared to the traditional analysis of private law in any given national legal system. The author traces throughout the book the origins of legal principles and rules in comparative law, legal history and public international law and their application and development in EU private law instruments and the judgments of the CJEU. This comparison helps to strengthen our understanding of those peculiarities and paves the way for a comprehensive critical assessment of the state of EU private law today.

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JÜRGEN BASEDOW is a Director Emeritus at the Max Planck Institute for Comparative and International Private Law and Professor of Law at the University of Hamburg.



## European Legal Methodology

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**This comprehensive and carefully compiled book discusses the methodology of European law. [...] [It] is particularly relevant to academics and students in European law.**



– Review of the 1st edition, *SEW, Journal of European and Economic Law* (2018)

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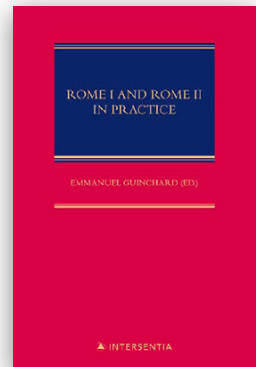
EU law is an autonomous legal system. It requires its own methodology. The contributions to this volume provide elements of a genuinely European legal method. They discuss the foundations of European legal methodology in Roman law and in the development of national legal methods in the 19th century as well as the economic and comparative background. Core issues of legal methods such as the sources of law, the interpretation of EU primary law and secondary legislation, the concretisation of general clauses, and judicial development of the law are also analysed.

The temporal effects of EU directives on the one hand and of judgments of the Court of Justice of the European Union on the other raise specific issues of EU law. Contributions are also devoted to issues of a multi-level legal system. Beyond general aspects, directives, in particular, raise special questions: what is their impact on the interpretation of national law; and what are the methodological consequences of a transposition of directives beyond their original scope ('gold-plating')?

Further contributions inquire into methodological issues in contract law, employment law, company law, capital market law and competition law. They illustrate the general aspects of European legal methods with a view to specific applications and also reveal specific issues of methods which occur in these areas.

Finally, legal methods from national perspectives of different Member States, namely France, Germany, Italy, Poland, Spain and the United Kingdom, are examined. The authors reveal national traditions of legal methods and national preconceptions and illustrate the application of EU legal methods in different national contexts.

## SEE ALSO:



See page 45

## Rome I and Rome II in Practice

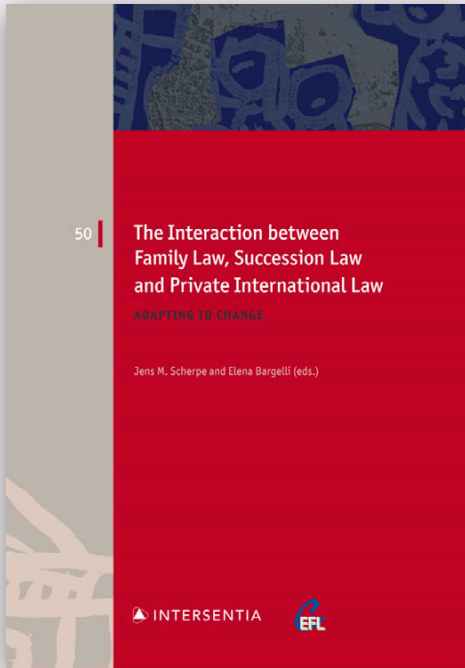
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## **The Interaction between Family Law, Succession Law and Private International Law *Adapting to Change***

Jens M. Scherpe and Elena Bargelli (eds.)

*European Family Law*, volume 50

ISBN 978-1-78068-984-5

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**This book brings together a range of views on the reciprocal influences of substantive and private international law in the fields of family and succession law.**

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There can be no doubt that both substantive family and succession law engage in significant interaction with private international law, and, in particular, the European Union instruments in the field. While it is to be expected that substantive law heavily influences private international law instruments, it is increasingly evident that this influence can also be exerted in the reverse direction. Given that the European Union has no legislative competence in the fields of family and succession law beyond cross-border issues, this influence is indirect and, as a consequence of this indirect nature, difficult to trace.

This book brings together a range of views on the reciprocal influences of substantive and private international law in the fields of family and succession law. It outlines some key elements of this interplay in selected jurisdictions and provides a basis for discussion and future work on the reciprocal influences of domestic and European law. It is essential that the choices for and within certain European instruments are made consciously and knowingly. This book therefore aims to raise awareness that these reciprocal

influences exist, to stimulate academic debate and to facilitate a more open debate between European institutions and national stakeholders.

*With contributions by Elena Bargelli (University of Pisa, Italy), Anne Barlow (University of Exeter, England, United Kingdom), Elena D'Alessandro (University of Turin, Italy), Elise Goossens (KU Leuven; Vrije Universiteit Brussel; University of Antwerp, Belgium), Nigel Lowe (Cardiff University, Wales, United Kingdom), Robert Magnus (University of Bayreuth, Germany), Maire Ni Shuilleabhain (University College Dublin, Ireland), Walter Pintens (KU Leuven, Belgium; Saarland University, Germany), Pablo Quinza Redondo (University of Valencia, Spain), Lukas Rass-Masson (University of Toulouse, France), Anne Sanders (University of Bielefeld, Germany), Jens M. Scherpe (University of Cambridge, England, United Kingdom; University of Hong Kong; University of Aalborg, Denmark; University of the Western Cape, South Africa), Wendy Schrama (Utrecht University, The Netherlands), Denise Wiedemann (Max Planck Institute for Comparative and International Private Law, Hamburg, Germany).*



**Party Autonomy  
in EU Private  
International Law**  
*Choice of Court and Choice  
of Law in Family Matters  
and Succession*  
Jacqueline Gray

*European Family Law*, volume 49  
ISBN 978-1-78068-974-6  
xxvi + 352 pp. | paperback  
2021 | € 99 | \$ 119 | £ 94

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This book focuses on the concept of party autonomy in cross-border family matters and succession in EU private international law. It analyses the choice of court and choice of law provisions that has been developed within this framework over the past two decades. These rules are evaluated and compared in view of the underlying values and objectives in the EU context. Does the manifestation of these provisions meet the EU's objectives in adopting legislative action? If not, what factors prevent them from doing so? Are there any gaps that need to be addressed and how might these issues be tackled?

*Party Autonomy in EU Private International Law: Choice of Court and Choice of Law in Family Matters and Succession* is valuable to researchers, legal practitioners and civil servants with

an interest in private international law and/or cross-border family- and succession law issues.

---

DR JACQUELINE GRAY obtained her PhD from Utrecht University in 2019. As a member of the Utrecht Centre for European Research into Family Law (UCERF), she also participated in the European Commission-funded project 'Cross-Border Proceedings in Family Law Matters before National Courts and CJEU'. Prior to this, she worked as a trainee at the European Parliament within the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and studied at Leiden University and the University of Glasgow.



**International Survey  
of Family Law 2020**  
Margaret Brinig (ed.)

*International Survey of Family Law*  
ISBN 978-1-78068-973-9  
xvi + 368 pp. | paperback  
2020 | € 73 | \$ 88 | £ 69

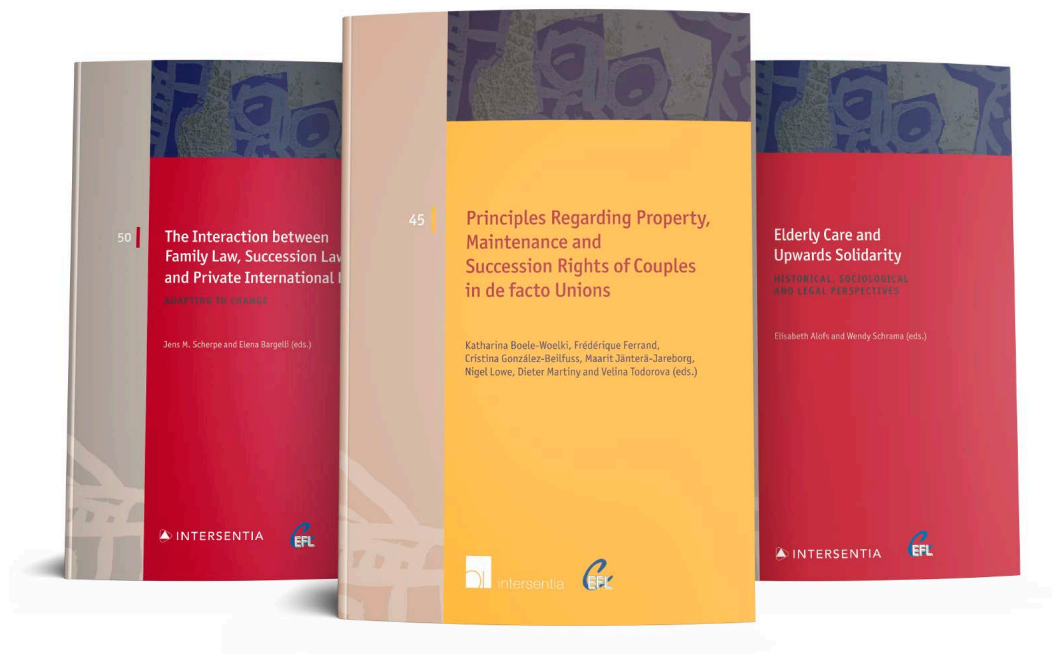
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The International Society of Family Law is an independent, international, and non-political scholarly association dedicated to the study, research and discussion of family law and related disciplines. The Society's membership currently includes professors, lecturers, scholars, teachers, and researchers from more than 50 different countries, offering a unique opportunity for networking within a truly international family law community.

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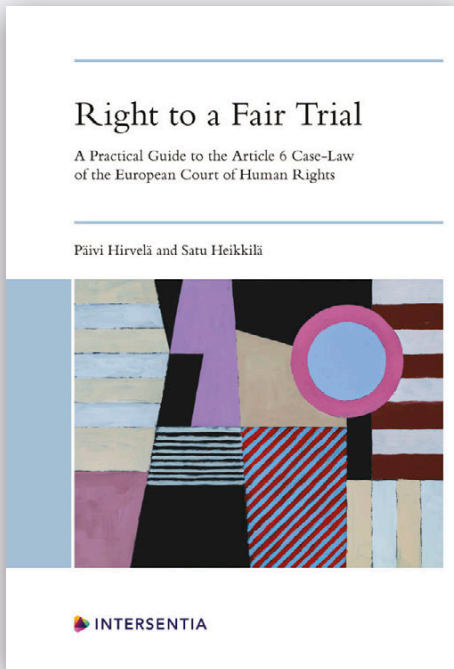
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*A Practical Guide to the Article 6 Case-Law  
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Päivi Hirvelä and Satu Heikkilä

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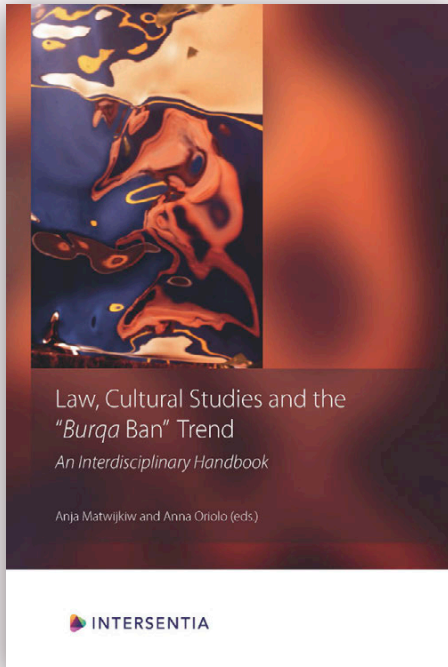
Every year, the European Court of Human Rights delivers a large number of judgments, adding to its already extensive case-law. This makes it difficult for people outside the Court to know which cases are the most relevant and break new ground for fair trial issues. This book seeks to respond to that need by focusing on the most important cases and aims to make the content of Article 6 accessible in order to best serve readers' every-day practical legal needs. The cases are selected following the Court's Jurisconsult's opinion of their jurisprudential interest. In addition, the book includes a number of other cases that raise issues of general interest, establish new principles, or develop or clarify the Court's existing case-law. The case summaries draw the readers' attention to the essential points, allowing them to focus on the jurisprudential significance of a particular case. A clear structure utilising detailed heading helps the reader to quickly find the relevant case-law.

*Right to a Fair Trial – A Practical Guide to the Article 6 Case-Law of the European Court of Human Rights* is a comprehensive, easy-to-use and up-to-date reference book which provides a useful source of information for

the practitioners, theorists and students in the field of human rights.

PÄIVI HIRVELÄ is Supreme Court Justice and former Judge of the European Court of Human Rights in respect of Finland (2007-2015). She is a Doctor of Laws and regularly lectures in the field of human rights in the Universities of Helsinki, Turku and Lapland. She is a substitute member of the Venice Commission and lectures in the field of criminal procedure and human rights.

SATU HEIKKILÄ has worked in the Council of Europe since 2004 and in the European Court of Human Rights since 2007, dealing with cases brought against Finland and Sweden. She is a non-judicial rapporteur for Finland and Sweden and a quality checker in the Court's Rule 39 team. She is a Doctor of Laws both from the Universities of Helsinki and Strasbourg and currently lectures in the latter.



## Law, Cultural Studies and the “Burqa Ban” Trend

*An Interdisciplinary Handbook*

Anja Matwijkiw and Anna Oriolo (eds.)

ISBN 978-1-83970-058-3

xx + 550 pp. | hardback

2021 | € 139 | \$ 167 | £ 132

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An in-depth and multi-perspective account  
of the “burqa ban” trend.

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This book offers an in-depth and multi-perspective account of the “burqa ban” trend. With a focus on Europe and America, this book examines the law at national and international levels. Its interdisciplinary approach encompasses ethics, gender studies, philosophy, political science and religion to provide much needed insights into value and identity politics, diversity, discrimination, and human rights, in addition to the discussions surrounding the courts’ contradictory judgments.

The book also includes a first-hand account by a Muslim burqa-wearer, alongside contributions by leading academic researchers and legal professionals that provide food for thought that can benefit future discussions among scholars, students, legal professionals and policymakers. Analytical work is supplemented with, among other aspects, examinations of the frameworks that derive from dialectical thinking or ideas and theories about democracy, autonomy and male and white desire to control, conquer and dominate.

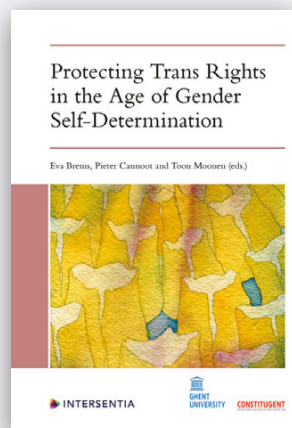
*With contributions by Sarah Ali (Women in Dialogue), Erik Daniel Baldwin (Indiana University Northwest), Kerstin Bree Carlson (Roskilde University), Fatiha Chakir*

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ANJA MATWIJKIW is Professor of Ethics & Human Rights at Indiana University Northwest, USA.

ANNA ORIOLO is Professor of International Law, Lecturer of EU Law, International Criminal Law and Diplomatic and Consular Law at the University of Salerno, Italy.





## **Protecting Trans Rights in the Age of Gender Self-Determination**

Eva Brems, Pieter Cannoot and Toon Moonen (eds.)

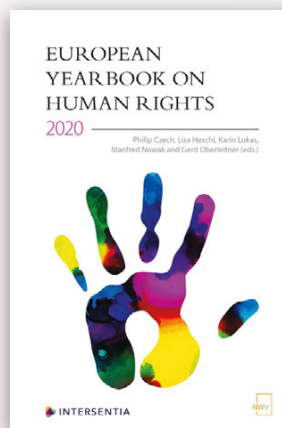
ISBN 978-1-83970-019-4  
xii + 174 pp. | paperback  
2020 | € 55 | \$ 66 | £ 52

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Over the last decade, trans rights and gender variation as legal and a human rights issues have been high on the international and national agendas. Improved registration of and attention for gender variation and gender incongruence is accompanied by attention for the often far-reaching requirements that trans persons have to comply with in order to obtain legal recognition of their actual gender identity. A small but rapidly growing number of (mostly European and South American) States have recently reformed their legal frameworks of gender recognition by allowing trans persons to change their official sex registration on the basis of gender self-determination.

Against that background, this book brings together international experts to discuss questions and challenges relating to the legal articulation of

the emerging right to gender self-determination and its consequences for law and society, such as the future of sex/gender registration and the protection of trans persons against discrimination. Given the importance of State practice for the development of the right to gender self-determination and its implementation in law, particular attention is given to the national contexts of Belgium, Germany and Norway. These three countries may be perceived as world leaders in protecting trans rights, and therefore noteworthy 'laboratories' for future State practice.



## **European Yearbook on Human Rights 2020**

Philip Czech, Lisa Heschl, Karin Lukas, Manfred Nowak and Gerd Oberleitner (eds.)

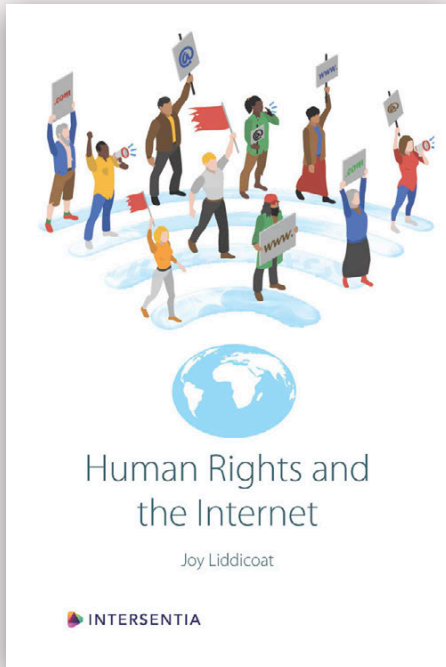
*European Yearbook on Human Rights*  
ISBN 978-1-78068-972-2  
xxviii + 660 pp. | paperback  
2020 | € 95 | \$ 107 | £ 85

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In light of the 30th anniversary of the UN Convention on the Rights of the Child in 2019, the twelfth edition of the European Yearbook on Human Rights is dedicated to the rights of the child. In their contributions, renowned scholars, emerging voices and practitioners provide a cross-section of the progress and gaps with regard to the protection of children. Topics include children deprived of their liberty, compulsory adoption and children's rights to participate in public debates on climate change, to name but a few. Besides the thematic focus on the rights of the child, this edition includes valuable insights from the European Court of Human Rights and the OSCE on the current challenges for the protection of human rights in Europe. Contributions focusing on the human rights implications of

artificial intelligence, state sovereignty and gender identities raise awareness of the complexities of human rights protection and stimulate debate and further research in the field.

At a time of an unprecedented global health crisis which has had widespread economic, social, humanitarian and human rights dimensions, the *European Yearbook on Human Rights* continues to provide a platform to address existing gaps in the systems designed to protect human rights and to bring forward suggestions to remedy identified weaknesses.



## Human Rights and the Internet

Joy Liddicoat

ISBN 978-1-83970-059-0

approx. 150 pp. | paperback

2021 | € 49 | \$ 59 | £ 47

“

**The expertise and experience of the author, her work internationally with activists to advise human rights in the internet sector, along with her years of work with the Humna Rights Commission and the Privacy Commissioner, means I would trust this book.**

”

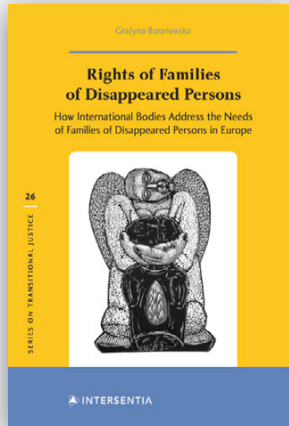
*– Dame Marilyn Waring, Letter of reference (2021)*

[BUY ONLINE](#)

The past decade has witnessed unprecedented use of the Internet for both advancing and suppressing human rights, giving rise to complex new issues that can both inspire and overwhelm. With ever-growing concerns about the (non-)regulation of our digital environment, it is surprising that both the theoretical and practical application of human rights to the Internet and our online lives remain unclear.

This book is a short and accessible introduction to the concepts of human rights, the Internet and the emergence of an era of human rights online as a new legal challenge. It will be of interest to a broad range of readers: policy makers and informed citizens, lawyers working with human rights defenders, and legal and human rights academics examining the emergence of this legal field.

JOY LIDDICOAT (LLM) specialises in human rights, privacy and technology law. A former Human Rights Commissioner and Assistant Privacy Commissioner, Joy is Vice President of InternetNZ, responsible for the country code top level domain .nz. She has represented government, technical community and civil society organisations at national and international levels, including as an Internet Rights Specialist for the Association for Progressive Communications and at the International Corporation for Assigned Names and Numbers, ICANN. Joy lives in New Zealand and is a research affiliate with the Law Faculty at the University of Otago.



**Rights of Families of Disappeared Persons**  
*How International Bodies Address the Needs of Families of Disappeared Persons in Europe*  
 Grażyna Baranowska (ed.)

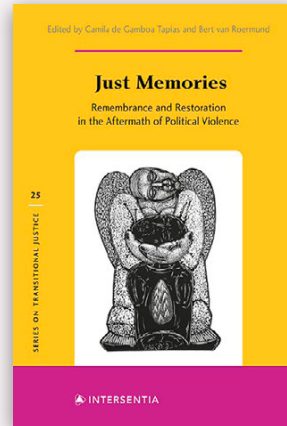
Series on Transitional Justice,  
 volume 26  
 ISBN 978-1-83970-137-5  
 xx + 300 pp. | hardback  
 2021 | € 79 | \$ 95 | £ 75

[BUY ONLINE](#)

This book examines how international judicial and non-judicial bodies in Europe address the needs of the families of forcibly disappeared persons. The four most commonly shared basic and fundamental needs in question are: returning the remains of disappeared persons; the right to truth; the acceptance of responsibility by states; and the right to compensation.

The families of disappeared persons have an increasing number of international mechanisms through which they can attempt to address their needs. The proliferation of such mechanisms gives victims of enforced disappearance in Europe access to many different international procedures. However, a functional analysis of the specific organs involved has shown that they respond to the needs of families to varying degrees.

The analysis covers the judgments and decisions of the European Court of Human Rights, the UN Human Rights Committee, the International Criminal Tribunal for the former Yugoslavia, the Human Rights Chamber for Bosnia and Herzegovina, the Human Rights Advisory Panel in Kosovo, as well as the activities of the Committee on Missing Persons in Cyprus, the Special Process on Missing Persons in the Territory of former Yugoslavia, the UN Committee on Enforced Disappearances and the International Commission on Missing Persons. In so doing, the book demonstrates whether, how, and based on what principles these four needs of the families of disappeared persons can constitute a claim based on international human rights law.



**Just Memories**  
*Remembrance and Restoration in the Aftermath of Political Violence*  
 Camila de Gamboa Tapias and Bert van Roermund (eds.)

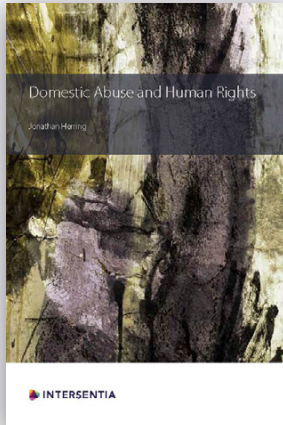
Series on Transitional Justice,  
 volume 25  
 ISBN 978-1-78068-908-1  
 xii + 346 pp. | hardback  
 2020 | € 75 | \$ 90 | £ 71

[BUY ONLINE](#)

How do memory and remembrance relate to the specific mode of transitional justice that lays emphasis on restoration? What is captured and what is obliterated in individual and collective efforts to come to terms with a violent past? Across this volume consisting of twelve in-depth contributions, the politics of memory in various countries are related to restorative justice under four headings: restoring trust, restoring truth, restoring land and restoring law. While the primary focus is a philosophical one, authors also engage in incisive analyses of historical, political and/or legal developments in their chosen countries. Examples of these include South Africa, Colombia, Rwanda, Israel and the land of Palestine, which they know all too well on a personal basis and from daily experience.

CAMILA DE GAMBOA TAPIAS is Associate Professor at the Centro de Estudios sobre Paz y Conflictos, Universidad del Rosario, Bogotá, Colombia.

BERT VAN ROERMUND is Professor Emeritus of legal philosophy and Honorary Professor at Tilburg University, the Netherlands.



## **Domestic Abuse and Human Rights** Jonathan Herring

ISBN 978-1-78068-231-0  
xvi + 250 pp. | paperback  
2020 | € 59 | \$ 83 | £ 56

**BUY ONLINE**

*Domestic Abuse and Human Rights* presents an overview of the relevance of the European Convention on Human Rights to domestic abuse. It has three aims: first, to consider the relevant case law and application of the key articles to questions around domestic abuse; second, to consider at a theoretical level the balancing between protection and autonomy at the heart of the legal response to domestic abuse; third, to propose practical application of a human rights approach to issues around domestic abuse.

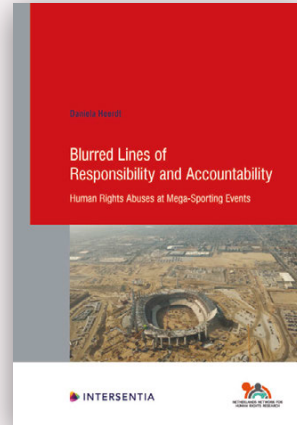
The book explains the relevance of the key Articles of the European Convention on Human Rights and includes material on the

definition of domestic abuse, elder abuse, parental abuse, and the impact of abuse on children. It seeks to bring out the themes which connect these issues as well as the ways in which they raise distinct questions.

The book argues that a human rights approach requires states to take a pro-active stance towards domestic abuse. It should no longer be regarded as a private matter, but as a human rights approach mandating state intervention, although within limits. So understood, the European Convention on Human Rights provides a powerful impetus for states to ensure an effective response to the major problem of domestic abuse.

“  
[...] the book is clear, stimulating and incisive,  
and in its analysis of the human rights approach  
to domestic abuse, compelling.”

– Alex Ruck Keene, *Mental Capacity  
Law and Policy* (2020)



## **Blurred Lines of Responsibility and Accountability** *Human Rights Abuses at Mega-Sporting Events?* Daniela Heerdt

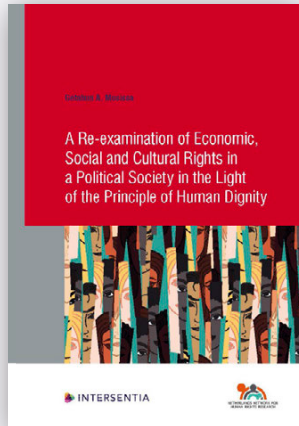
*Human Rights Research Series,*  
volume 94  
ISBN 978-1-83970-117-7  
xxii + 283 pp. | paperback  
2021 | € 75 | \$ 90 | £ 71

**BUY ONLINE**

Mega-sporting events (MSEs), like the FIFA World Cup or the Olympic and Paralympic Games, are prestigious international events that attract attention globally. In the last two decades, it became increasingly clear that such events can lead to adverse human rights implications. Notable examples include cases of forced evictions of local communities, violent repressions of protests around MSE venues, and the exploitation of both migrant and non-migrant workers on event-related construction sites.

This book discusses how delivering an MSE can impact a whole range of human rights, highlighting the challenges in dealing with cases of MSE-related human rights abuses and establishing legal responsibility. More specifically, it analyses the shortcomings of international human rights

law and international law of responsibility in dealing with the complex governance system of MSEs, which is based on the involvement of a mix of national, international, private and public actors and blurs the lines of responsibility and accountability. As a result, the identification of responsible actors, the establishment of their responsibility, and the access to remedies for those affected are significantly complicated. To address these challenges, this book proposes a shared responsibility approach to the cases at hand, suggesting that actors involved in MSE delivery would share legal responsibility to the extent that they made a relevant contribution to an outcome that presents a human rights violation, and explores how this approach can work in theory and practice.



**A Re-examination of Economic, Social and Cultural Rights in a Political Society in the Light of the Principle of Human Dignity**  
Getahun A. Mosissa

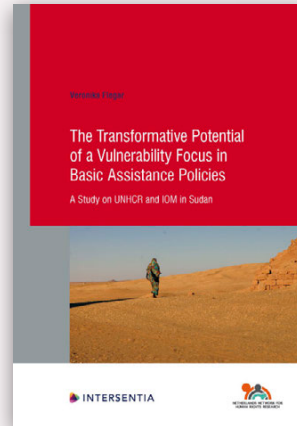
*Human Rights Research Series,*  
volume 91  
ISBN 978-1-78068-987-6  
xvi + 352 pp. | paperback  
2020 | € 79 | \$ 95 | £ 75

**BUY ONLINE**

The principal question investigated in this book is what normative justification can be provided for economic, social and cultural (ESC) rights guaranteed under international law and how this justification can or should impact the State obligations emerging from these rights. In particular, it seeks to answer whether human dignity provides a viable normative justification for ESC rights guaranteed under international law, what kind of concrete legal obligations of the State party flow from these rights, and the way these obligations are reflected in the jurisprudence of international human rights monitoring bodies from across jurisdictions. It also examines the kind of legal obligations the State bears towards vulnerable persons within its jurisdiction. These are questions born out of the current limitations and lack of substantive progress

in both the academic debate and practical enforcement of ESC rights.

In answering these questions, this book first discusses the theoretical problems affecting the effective realisation of ESC rights and, second, takes an inductive approach in analysing ESC rights jurisprudence from African, Inter-American, European and UN human rights systems. It argues that human dignity constitutes an underlying moral principle behind the social relations and the normative justification of all human rights. As a normative principle, human dignity entails State obligation. In the context of ESC rights, this obligation influences the State's obligation to respect and ensure essential procedural and substantive conditions required to live a dignified human life.



**The Transformative Potential of a Vulnerability Focus in Basic Assistance Policies**  
*A Study on UNHCR and IOM in Sudan*  
Veronika Flegar

*Human Rights Research Series,*  
volume 92  
ISBN 978-1-83970-039-2  
xxviii + 464 pp. | paperback  
2020 | € 99 | \$ 119 | £ 94

**BUY ONLINE**

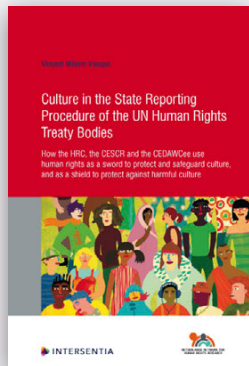
This book explores how a vulnerability focus in basic assistance policies can contribute to substantive equality and therefore to the realization of universal human rights in the migration context. The book concentrates on the potential that such a vulnerability focus can have 1) to mitigate stigmatization and stereotyping and 2) to facilitate socio-economic participation. To shed light on this potential, the book relies on two case studies, both set in Khartoum, Sudan. The first case study analyzes the vulnerability-focused basic assistance policy at the United Nations High Commissioner for Refugees (UNHCR), while the second case study centres on the vulnerability-focused basic assistance policy at the International Organization for Migration (IOM). The analyses concentrate on the perspectives

and perceptions of basic assistance providers (i.e. the caseworkers and their direct superiors) who design and implement the respective basic assistance policies.

The book provides deep insights into the policy practice of two UN agencies that seek to provide humanitarian assistance in the challenging operational environment of Sudan. The findings suggest normatively desirable and practically feasible procedures and activation measures that can help to provide just and effective assistance to vulnerable beneficiaries. The conclusions and recommendations in this book can therefore provide inspiration to researchers, policy makers and basic assistance providers well beyond the direct context of the two case studies.



# Human Rights

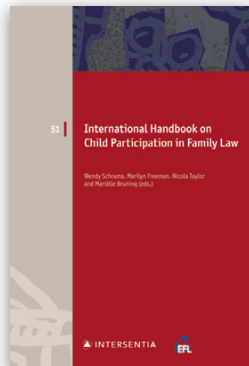


**Culture in the State Reporting Procedure of the UN Human Rights Treaty Bodies**  
*How the HRC, the CESCR and the CEDAWCee use human rights as a sword to protect and promote culture, and as a shield to protect against harmful culture*  
 Vincent Vleugel

*Human Rights Research Series,*  
 volume 89  
 ISBN 978-1-83970-006-4  
 xiv + 378 pp. | paperback  
 2020 | € 95 | \$ 114 | £ 90

The UN human rights treaty bodies have an important role to play in ensuring a proper balance between safeguarding the universality of the rights, while at the same time leaving room for cultural particularities. This book examines how the UN treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, fulfil this role.

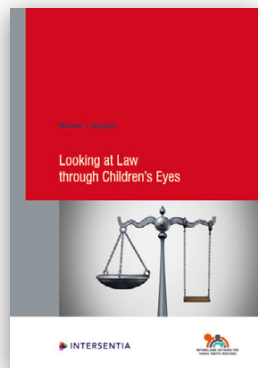
## SEE ALSO:



*See page 10*

**International Handbook on Child Participation in Family Law**  
 Wendy Schrama, Marilyn Freeman, Nicola Taylor and Mariëtte Bruning (eds.)

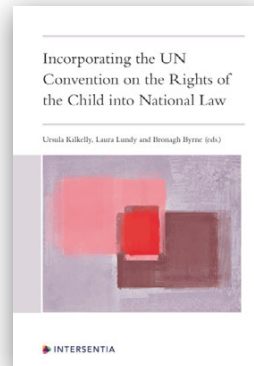
*European Family Law*, volume 51  
 ISBN 978-1-83970-056-9  
 xxv + 400 pp. | paperback  
 2021 | € 99 | \$ 119 | £ 94



*See page 11*

**Looking at Law through Children's Eyes**  
 Marieke J. Hopman

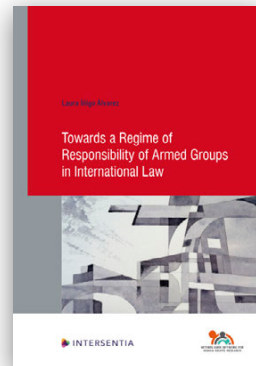
*Human Rights Research Series,*  
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 xiv + 454 pp. | paperback  
 2021 | € 90 | \$ 108 | £ 86



*See page 11*

**Incorporating the UN Convention on the Rights of the Child into National Law**  
 Ursula Kilkelly, Laura Lundy and Bronagh Byrne (eds.)

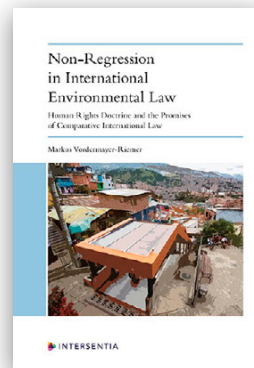
ISBN 978-1-78068-992-0  
 approx. 345 pp. | paperback  
 2021 | € 69 | \$ 83 | £ 66



*See page 39*

**Towards a Regime of Responsibility of Armed Groups in International Law**  
 Laura Inigo Alvarez

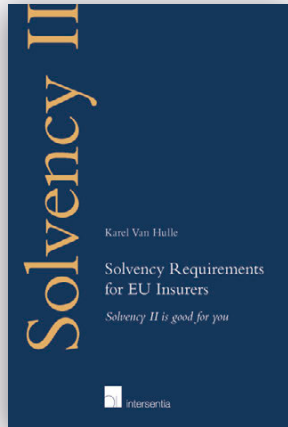
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 xiv + 247 pp. | paperback  
 2020 | € 75 | \$ 90 | £ 71



*See page 21*

**Non-Regression in International Environmental Law**  
 Markus Vordermayer-Riemer

ISBN 978-1-78068-985-2  
 xl + 578 pp. | hardback  
 2020 | € 139 | \$ 167 | £ 132



## Solvency Requirements for EU Insurers

*Solvency II is good for you*

Karel Van Hulle

ISBN 978-1-78068-177-1

xxxii + 730 pp. | paperback

2019 | € 125 | \$ 150 | £ 119

**BUY ONLINE**

Solvency II (Directive 2009/138/EC) regulates the solvency requirements for EU insurers and reinsurers. It aims to reduce the risk that an insurer would be unable to meet claims, to provide early warning to supervisors so that they can intervene promptly if capital falls below the required level, and to promote confidence in the financial stability of the insurance sector. Solvency II not only sets out the capital requirements to guarantee policyholder protection, but also includes measures to stimulate risk management and good governance and to improve transparency.

This book provides a thorough and well-structured overview of the regulatory regime and how it will affect insurers, re-insurers and other market participants, including policyholders. The author, who was closely involved in the making of

Solvency II, offers all the necessary insights and explanations to better understand the new solvency regime. While Solvency I only sets basic solvency standards, Solvency II is more sophisticated introducing a risk based solvency capital regime and modernising EU insurance regulation thus putting much emphasis on high quality prudential supervision. This improves the protection of policyholders, creates an incentive for good risk management, recognizes the economic reality of a group, establishes market transparency and provides for a modern risk based supervisory regime, in short, as the book's subtitle already suggests, Solvency II is good for you.

*With a foreword by Gabriel Bernardino, Chairman of EIOPA.*



## Enforcement of Intellectual Property Rights in the EU Member States

Flip Petillion (ed.)

ISBN 978-1-78068-681-3

xxviii + 1244 pp. | hardback

2019 | € 205 | \$ 246 | £ 195

**BUY ONLINE**

This book provides a timely overview and thorough analysis of intellectual property rights enforcement in the EU Member States. Taking legal action in one or several countries in the EU to enforce intellectual property rights is quite a challenge. The adoption of European Directive 2004/48/EC on the Enforcement of Intellectual Property Rights was meant to put a halt to considerable discrepancies in national legislations which caused uncertainty and a difference in enforcement between the EU Member States. The Enforcement Directive aimed to create a level playing field and to ensure a high, equivalent and homogeneous level of intellectual property protection across the EU.

Over the past decade, the Enforcement Directive has been transposed into all EU Member States, in national

legislation and through its application in national and EU case law. Both are essential to understand the Enforcement Directive's actual scope of application. In order to prepare and undertake an action in different countries – potentially simultaneously – knowledge of national legislation, local custom and practice, as well as procedural law, national and EU case law is essential.

This book is a collaborative effort of lawyers from top tier firms from all 28 EU Member States. It is a valuable resource for both practitioners – who are active cross-border and internationally – and general counsel – who seek an in-depth analysis of the legal landscape across the EU.

André Klip and Steven Freeland (eds.)

## Annotated Leading Cases of International Criminal Tribunals

***Annotated Leading Cases of International Criminal Tribunals* provides the reader with the full text of the most important decisions, including concurring, separate and dissenting opinions. Distinguished experts in the field of international criminal law have commented on the most important decisions of the ICTY, ICTR, The Special Court for Sierra Leone, The Special Panels for Serious Crimes in Timor-Leste and the ICC.**

The series is useful for students, scholars, legal practitioners, judges, prosecutors and defence counsel who are interested in the various legal aspects of the law of the ICTY, ICTR and other forms of international criminal adjudication.

It is published under the editorial supervision of Professor André Klip (Maastricht University, the Netherlands) and Professor Steven Freeland (University of Western Sydney, Australia).

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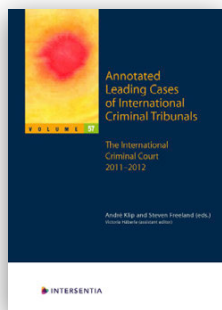
The series is accompanied by a website:

**[www.annotatedleadingcases.com](http://www.annotatedleadingcases.com)**, which allows you to consult the annotated decisions online.

The online version has two subscription offers – online only, or online + printed series. Visit the website for subscription prices and more information.

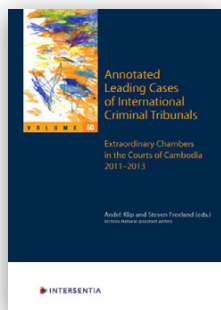
“***Annotated Leading Cases of International Criminal Tribunals* is a particularly useful reference and research tool for anyone interested in specific legal aspects of the law of the tribunals.**

– Frederik Naert, *Military Law and the Law of War Review* (2010)



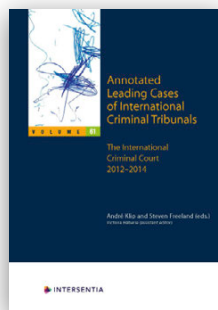
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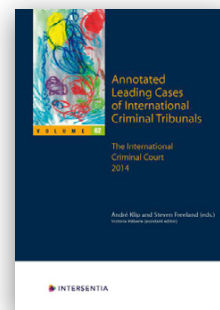
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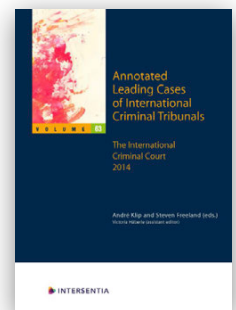
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**The International Criminal Court 2012-2014**

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2020 | € 185 | \$ 222 | £ 176



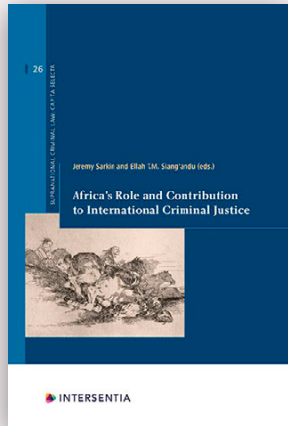
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2020 | € 185 | \$ 222 | £ 176



**Volume 63**  
**The International Criminal Court 2014**

ISBN 978-1-83970-110-8  
approx. 748 pp. | paperback  
2021 | € 185 | \$ 222 | £ 176



## Africa's Role and Contribution to International Criminal Justice

Jeremy Sarkin and  
Ellah T.M. Siang'andu (eds.)

*Supranational Criminal Law*,  
volume 26  
ISBN 978-1-78068-907-4  
xiv + 284 pp. | paperback  
2020 | € 70 | \$ 84 | £ 67

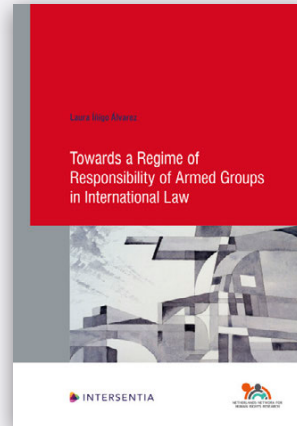
[BUY ONLINE](#)

This book explores a range of issues related to the development, application and enforcement of international criminal justice within Africa and on Africa. Written by experts from Africa, and adopting African perspectives, this book seeks to understand the scope and reach of these issues, nationally, regionally and globally.

*Africa's Role and Contribution to International Criminal Justice* engages in theoretical and policy discourses on the substantive and procedural features of criminal law and justice in the African context. A range of topical issues are examined by the contributors, such as the ways in which African states have dealt with issues of universal jurisdiction and how victims are treated, as well as controversial questions concerning how courts function and

should function in dealing with these issues. The ideas, themes, institutions, practices, concepts and patterns of convergence of criminal justice systems in Africa are also explored.

This book aims to establish a greater understanding of international criminal justice and its relation to Africa, and beyond. Further, it seeks to expand the conversation beyond the narrow topics that are so commonly discussed when matters of African criminal justice are considered.



## Towards a Regime of Responsibility of Armed Groups in International Law

Laura Inigo Alvarez

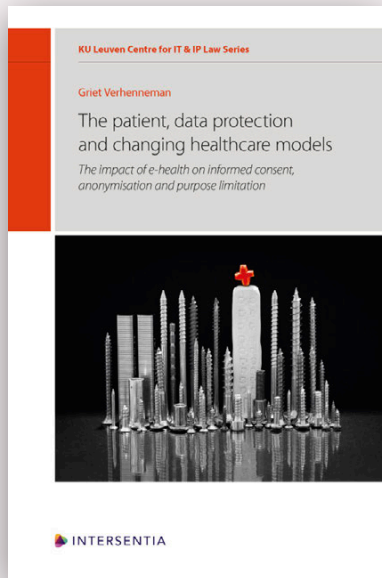
*Human Rights Research Series*,  
volume 90  
ISBN 978-1-83970-004-0  
xiv + 247 pp. | paperback  
2020 | € 75 | \$ 90 | £ 71

[BUY ONLINE](#)

Armed groups have played a predominant role in the violations of international humanitarian law and international human rights law committed in conflict settings. The increase in the number of non-international armed conflicts during the past decades has emphasised the need to address the multiple legal challenges posed by the actions of armed groups. In particular, there is considerable uncertainty regarding the framework of responsibility for armed groups in international law. While much has been written regarding their international (primary) obligations, the possibility of developing a responsibility framework for armed groups under international law has been underexplored. Consequently, the aim of this book is to examine how the principles of international responsibility could be developed and adjusted to

account for armed groups as collective entities.

This general aim has been divided into three specific objectives. First, the book analyses the concept of responsibility in international law and assesses the legal and practical reasons in favour of developing such a regime for armed groups. Second, it examines the viability of establishing a responsibility regime for armed groups based on rules of attribution. Third, it explores the possible legal consequences of responsibility applicable to armed groups, with a particular focus on the obligation to provide reparations to victims. In doing so, this book will argue that certain non-traditional sources of international law could be used to interpret and adapt international law to the current conditions of contemporary armed conflict.



**The Patient, Data Protection and Changing Healthcare Models**  
*The impact of e-health on informed consent, anonymisation and purpose limitation*  
Griet Verhenneman

KU Leuven Centre for IT & IP Law Series, volume 12  
ISBN 978-1-83970-124-5  
approx. 400 pp. | hardback  
2021 | € 120 | \$ 144 | £ 114

**BUY ONLINE**

Healthcare is changing. It is moving to a paperless environment and becoming a team-based, interdisciplinary and patient-centred profession. Modern healthcare models reflect our data-driven economy, and adopt value-driven strategies, evidence-based medicine, new technology, decision support and automated decision-making. Amidst these changes are the patients, and their right to data protection, privacy and autonomy.

The question arises of how to match phenomena that characterise the predominant ethos in modern healthcare systems, such as e-health and personalised medicine, to patient autonomy and data protection laws. That matching exercise is essential. The successful adoption of ICT in healthcare depends, at least partly, on how the public's concerns about data protection and confidentiality are addressed.

Three backbone principles of European data protection law are considered to be bottlenecks for the implementation of

modern healthcare systems: informed consent, anonymisation and purpose limitation. This book assesses the adequacy of these principles and considers them in the context of technological and societal evolutions. A must-read for every professional active in the field of data protection law, health law, policy development or IT-driven innovation.

---

GRIET VERHENNEMAN is a legal expert on e-health with an academic background. In her position of Data Protection Officer at the University Hospitals KU Leuven (UZ Leuven), she brings data protection into practice. Previously, she worked as a legal researcher at the Centre for IT and IP Law KU Leuven (CiTiP) and participated in several interdisciplinary projects. She continues her collaboration with the Centre as a Research Fellow. Through her work as an academic, Griet continues to assess, discuss and disseminate about the legal implications of ICT-driven evolutions in the field of health and medicine.

## SEE ALSO:

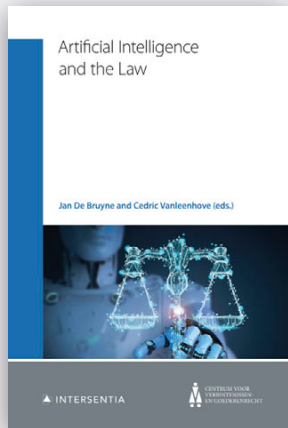


See page 32

**Human Rights and the Internet**  
Joy Liddicoat

ISBN 978-1-83970-059-0  
approx. 150 pp. | paperback  
2021 | € 49 | \$ 59 | £ 47





## Artificial Intelligence and the Law

Jan De Bruyne and  
Cedric Vanleenhove (eds.)

*Centrum voor Verbintenissen- en  
Goederenrecht, volume 4*  
ISBN 978-1-83970-103-0  
xxxii + 520 pp. | hardback  
2021 | € 140 | \$ 168 | £ 133

[BUY ONLINE](#)

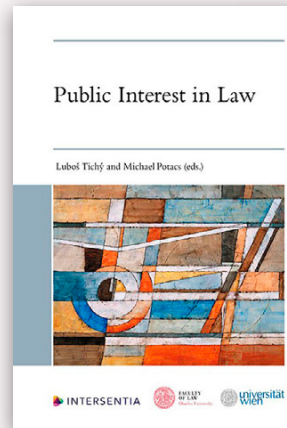
Artificial intelligence (AI) is becoming more increasingly prevalent in our daily social and professional lives. Although AI systems and robots bring many benefits, they present several challenges as well.

In this comprehensive book, scholars critically examine how AI systems may impact Belgian law. It contains contributions on consumer protection, contract law, liability, data protection, procedural law, insurance, health, intellectual property, arbitration, lethal autonomous weapons, tax law, employment law and ethics. While specific topics of Belgian private and public law are thoroughly addressed, the book also provides a general overview of a number of regulatory and ethical AI evolutions and tendencies in the European Union.

Therefore, it is a must-read for legal scholars, practitioners and government officials as well as for anyone with an interest in law and AI.

JAN DE BRUYNE is research expert AI and (tort) law at the KU Leuven Centre for IT & IP Law (CiTiP).

CEDRIC VANLEENHOVE is Secretary-General of the Flemish Sports Tribunal and professor at the HEC Management School of the University of Liège.



## Public Interest in Law

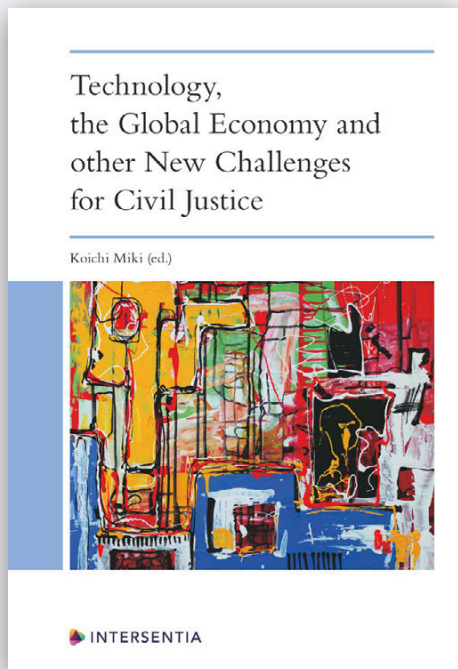
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This book analyses the phenomenon of 'public interest' in different areas of law, both public and private. The term 'public interest' can be found in a wide range of legislation and it is used extensively in judicial practice and public administration. Yet, it has received surprisingly little attention in academia. As a result, it is used for various, often contradictory purposes. Justifications for its application are rarely convincing and the concept is often confused with similar legal institutions such as state interest, societal interest and public welfare, which, however, serve quite different purposes. Further to the relevant 'public' being defined, the weight of public interest in case of conflict with other considerations will be examined and the legal consequences of its breach (e.g. nullity, damages and penalties) considered.

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*With contributions by Koichi Miki, Frédérique Ferrand, Margaret Woo, Christoph A. Kern, Athanassios Kaissis, Linda Silberman, Yulin Fu, Daniel Mitidiero, Georg Kodek, Jun'ichi Matsushita, Ronald A. Brand, Tanja Domej, Francisco Verbic, Moon-Hyuck Ho, Etsuko Sugiyama, And Joan Picó I Junoy.*

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KOICHI MIKI is a professor of law at Keio University, Tokyo (Japan) and president of the Japanese Association of the Law of Civil Procedure.

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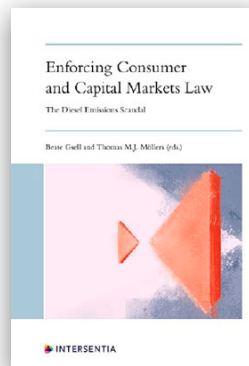
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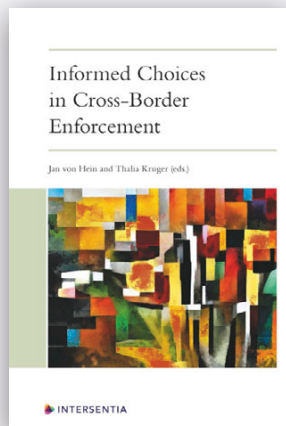
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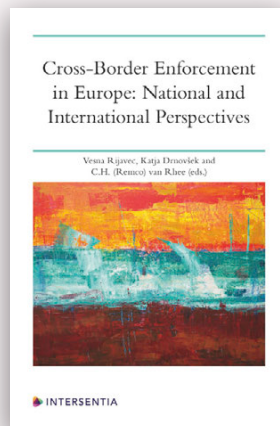
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**Cross-Border Enforcement  
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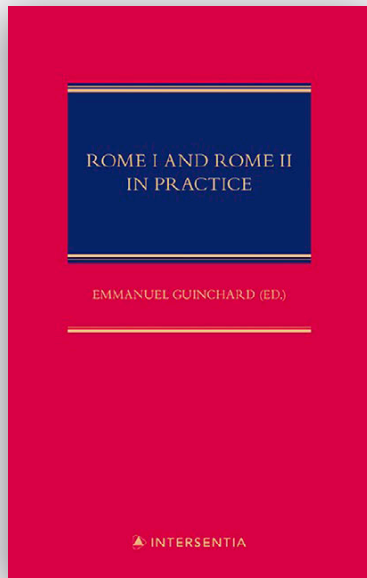
This book addresses the enforcement of judgments and other authentic instruments in a European cross-border context, as well as enforcement in a selection of national European jurisdictions. The volume is divided into two parts.

Part I of *Cross-border Enforcement in Europe* opens with a contribution comparing the European approach in Brussels I Recast with the US experience of enforcement in the context of judicial federalism. This is followed by two contributions concentrating on aspects of Brussels I Recast, specifically the abolition of exequatur and the grounds for refusal of foreign judgments (public order and conflicting decisions). The two concluding texts in this part deal with the cross-border enforcement of notarial deeds and the sister regulation of Brussels I Recast, Brussels II bis

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in understanding how EU law is applied on national and European levels.

*With contributions by Marie-Elodie Ancel, Apostolos Anthimos, Davor Babić, Laura Maria van Bochove, Petr Bříza, Marcin Czeplak, Aleksandrs Fillers, Pietro Franzina, Emilia Fronczak, Aleš Galić, Uglješa Grušić, Emmanuel Guinchard, Tomáš Hokr, Csongor István Nagy, Elena Judova, Inga Kačevska, Thomas Kadner Graziano, Jerca Kramberger Škerl, Miloš Levrinc, Christiana Markou, Valentinas Mikelėnas, Nikolay Natov, Máire Ní Shúilleabháin, Vassil Pandov, Afonso Patrão, Michel José Reymond, Diana Sancho-Villa, Geert Van Calster, Stephan Walter, Matthias Weller and Dora Zgrabljic Rotar.*

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## SEE ALSO:



[See page 27](#)

## Party Autonomy in EU Private International Law

Jacqueline Gray

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# Title Index

## A

Africa's Role and Contribution to  
International Criminal Justice 39  
Annotated Leading Cases of International  
Criminal Tribunals – volume 57 38  
Annotated Leading Cases of International  
Criminal Tribunals – volume 60 38  
Annotated Leading Cases of International  
Criminal Tribunals – volume 61 38  
Annotated Leading Cases of International  
Criminal Tribunals – volume 62 38  
Annotated Leading Cases of International  
Criminal Tribunals – volume 63 38  
Artificial Intelligence and the Law 41

## B

Blurred Lines of Responsibility and  
Accountability 34  
Borderlines of Tort Law, The 14

## C

Climate Change, Resulting Natural Disasters  
and the Legal Responsibility of States 21  
Collective Judging in Comparative  
Perspective 13  
Comparative Administrative Law 4  
Comparative Concepts of Criminal Law 4  
Constitutions Compared 5  
Contract Law in the South Pacific 6  
Contract Rules 6  
Coronavirus and the Law in Europe 7  
Corporate Finance 6  
Corporate Insolvency Law 6, 9, 14  
Cross-Border Enforcement in Europe:  
National and International Perspectives  
22, 44  
Culture in the State Reporting Procedure of  
the UN Human Rights Treaty Bodies 36

## D

Domestic Abuse and Human Rights 34

## E

Eastern and Western Perspectives on  
Surrogacy 13  
Enforcement of Intellectual Property Rights  
in the EU Member States 37  
Enforcing Consumer and Capital Markets  
Law 12, 13, 16, 43  
Entrepreneurship: no guts, no glory 6  
Environmental Law for Transitions to  
Sustainability 20  
Environmental Loss and Damage in a  
Comparative Law Perspective 13, 20  
EU Private Law 22, 24

European Company Law 5  
European Consumer Law 5  
European Contract Law and the Creation  
of Norms 17, 23  
European Criminal Law 5  
European Energy Law Report XIII 23  
European Free Trade Association, The 23  
European Labour Law 4, 22  
European Legal Methodology 5, 22, 25  
European Migration Law 5  
European Private International Law and  
Member State Treaties with Third States  
23  
European Yearbook on Human Rights 2020  
23, 31

## F

Financial Management in Practice 6  
Future of the European Law of Civil  
Procedure, The 23

## H

Handbook on Legal Methodology 5  
Human Rights and the Internet 32, 40

## I

IJPL 2020 no. 2 43  
Immoral Contracts in Europe 14, 18  
Incorporating the UN Convention on the  
Rights of the Child into National Law  
11, 13, 36  
Informed Choices in Cross-Border  
Enforcement 14, 22, 44  
Interaction between Family Law, Succession  
Law and Private International Law, The  
26, 45  
International Handbook on Child  
Participation in Family Law 10, 13, 36  
International Survey of Family Law 2020 27  
Interpretation of Commercial Contracts in  
European Private Law 14, 18  
Introduction to South Pacific Law 6

## J

Just Memories 33

## L

Law of Remedies 23  
Law, Cultural Studies and the “Burqa Ban”  
Trend 30  
Looking at Law through Children's Eyes  
11, 36

## M

Materials on European Criminal Law 5

## N

National and International Anti-Money  
Laundering Law 8, 13, 19  
Non-Regression in International  
Environmental Law 21, 36

## P

Party Autonomy in EU Private International  
Law 22, 27, 45  
Patient, Data Protection and Changing  
Healthcare Models, The 40  
Populist Constitutionalism and Illiberal  
Democracies 15  
Prescription in Tort Law 14  
Principles of Cross-Border Insolvency Law  
6  
Protecting Trans Rights in the Age of Gender  
Self-Determination 31  
Public Interest in Law 41

## R

Re-examination of Economic, Social  
and Cultural Rights in a Political Society  
in the Light of the Principle of Human  
Dignity, A 35  
Reliance in the Breaking-Off of Contractual  
Negotiations 14  
Right to a Fair Trial 29  
Rights of Families of Disappeared Persons  
33  
Rome I and Rome II in Practice 14, 22, 25, 45

## S

Solvency Requirements for EU Insurers  
22, 37

## T

Technology, the Global Economy and other  
New Challenges for Civil Justice 42  
Theory and Practice of the European  
Convention on Human Rights 4  
Towards a Regime of Responsibility of  
Armed Groups in International Law 36,  
39  
Transformative Potential of a Vulnerability  
Focus in Basic Assistance Policies, The 35

## U

Unfair Trading Practices in the Food Supply  
Chain 12, 16, 23

# Author Index

## A

Aernoudt, R. 6  
Akerboom, S. 20  
Andrews, N.H. 6  
Askeland, B. 14

## B

Baaij, C.J.W. 14, 18  
Backes, C. 20  
Banet, C. 23  
Baranowska, G. 33  
Bargelli, E. 26, 45  
Basedow, J. 22, 24  
Baur, G. 23  
Belov, M. 15  
Birchler, A. 21  
Boeles, P. 5  
Boeve, M. 20  
Bork, R. 6, 9, 14  
Brems, E. 31  
Brinig, M. 27  
Bruning, M. 10, 13, 36  
Byrne, B. 11, 13, 36

## C

Cabrelli, D. 14, 18  
Cannoot, P. 31  
Colombi Ciacchi, A. 14, 18  
Corrin, J. 6  
Czech, P. 23, 31

## D

De Bruyne, J. 41  
De Gamboa Tapias, C. 33  
Deloof, M. 6  
Den Heijer, M. 5  
Drnovsek, K. 22, 44  
Dutta, A. 23

## E

Ernst, W. 13  
Fenton-Glynn, C. 13

## F

Flegar, V. 35  
Freeland, S. 38

## G

Gascón Inchausti, F. 23, 43  
Gilead, I. 14  
Gray, J. 22, 27, 45  
Grochowski, M. 17, 23  
Grundmann, S. 5, 17, 23  
Gsell, B. 12, 13, 16, 43  
Guinchard, E. 14, 22, 25, 45

## H

Häcker, B. 13  
Heerd, D. 34  
Heikkilä, S. 29  
Heringa, A.W. 5  
Herring, J. 34  
Heschl, L. 23, 31  
Hess, B. 23, 43  
Hirvelä, P. 29  
Hofmann, F. 23  
Hondius, E. 7

## I

Inigo Alvarez, L. 36, 39

## J

Jacometti, V. 13, 20  
Jaspers, T. 4, 22

## K

Kaan, T. 13  
Keiler, J. 4  
Keirsbilck, B. 12, 16, 23  
Kestemont, L. 5  
Kilkelly, U. 11, 13, 36  
Klip, A. 5, 38  
Kruger, T. 14, 22, 44  
Kurz, F. 23

## L

Liddicoat, J. 32, 40  
Lodder, G. 5  
Lukas, K. 23, 31  
Lundy, L. 11, 13, 36

## M

Macgregor, L. 14, 18  
Maillart, J. 8, 13, 19  
Mak, C. 14, 18  
Manigart, S. 6  
Mansoor, Z. 14, 18  
Marieke J. Hopman 11, 36  
Marilyn Freeman, M. 10, 13, 36  
Martin-Casals, M. 14  
Matwijkiw, A. 30  
Mehtiyeva, K. 43  
Micklitz, H. 5  
Miki, K. 42  
Möllers, T.M.J. 12, 13, 16, 43  
Moonen, T. 31  
Mosissa, G.A. 35

## N

Nicolussi, A. 7  
Nowak, M. 23, 31

## O

Oberleitner, G. 23, 31  
Ooghe, H. 6  
Oriolo, A. 30  
Oteiza, E. 43

## P

Paterson, D. 6  
Pennings, F. 4, 22  
Peters, S. 4, 22  
Petillion, F. 37  
Potacs, M. 41  
Pozzo, B. 13, 20

## R

Reich, N. 5  
Riesenhuber, K. 5, 22, 25  
Rijavec, V. 22, 44  
Roef, D. 4  
Roggenkamp, M.M. 23  
Rott, P. 5

## S

Salvador Coderch, P. 7  
Santos Silva, M. 7  
Sarkin, J. 39  
Scherpe, J.M. 13, 26, 45  
Schrama, W. 10, 13, 36  
Seerden, R. 4  
Siang'andu, E.T.M. 39

## T

Taylor, N. 10, 13, 36  
Terry, E. 12, 16, 23  
Tichý, L. 41  
Tonner, K. 5

## V

Van Dijk, P. 4  
Van Hoof, F. 4  
Van Hulle, C. 6  
Van Hulle, K. 22, 37  
Van Rhee, C.H. 22, 44  
Van Rijn, A. 4  
Van Rijswijk, M. 20  
Van Roermund, B. 33  
Vanleenhove, C. 41  
Verhenneman, G. 40  
Vleugel, V. 36  
Vogel, B. 8, 13, 19  
Von Hein, J. 14, 22, 44  
Vordermayer-Riemer, M. 21, 36

## W

Wendehorst, C. 7  
Wouters, K. 5  
Wurmnest, W. 23

## Z

Zoll, F. 7  
Zuloaga, I. 14  
Zwaak, L. 4

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