

Jus Internationale et Europaeum

Edited by Thilo Marauhn and Christian Walter

The impact of international and European law on national legal systems is increasing constantly. This development presents an immense challenge, since what is involved is no longer the mere enforcement of international and European legal standards, but also the incorporation of the necessary adjustments into the national legal systems. Apart from the practical difficulties often involved, theories have yet to be developed for this procedure, something still very much at the beginning in public law, which continues to have an ambivalent attitude to international and European law. The goal pursued by the *Jus Internationale et Europaeum* series is to make a contribution to the theoretical and dogmatic penetration of public law by internationalization and Europeanization and to offer solutions for the practical problems resulting from this. This series accepts habilitations, outstanding dissertations and comparable monographs which deal with legal issues at the interface between national public law and international law or with subjects pertaining to genuine international or European law. A special focus is on works which bridge the gap between fundamental questions and the practical application of the law.

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Wiater, Patricia

Internationale Individualkläger

Ein Vergleich des Zugangs zu Gericht im Wirtschaftsvölkerrecht

Volume 171
2020. XXXIII, 714 pages.
forthcoming in October

ISBN 9783161593604
cloth 139,00 €

ISBN 9783161593611
eBook PDF 139,00 €

Patricia Wiater provides an in-depth analysis of the status and scope of the procedural empowerment of natural and legal persons in international economic law. By dealing with individual access to justice in systems of regional economic integration in Europe, Africa and the Americas, with the standing of individual claimants in the international law of the sea system as well as in international investment law, the study gives fundamental insights into the procedural functions of natural and legal persons in economic contexts worldwide.

Henrich, Christina

Vertragsgewohnheitsrecht und Parlamentsbeteiligung

Verfassungsrechtliche Probleme informeller Vertragsänderungen im Völkerrecht

Volume 169
2020. XII, 350 pages.
forthcoming in September

ISBN 9783161593383
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ISBN 9783161593390
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Christina Henrich analyses informal changes made to agreements in international law from both its perspective and that of German constitutional law. The mechanisms for keeping the interpretation of treaties up to date and how they are subsequently put into practice are examined alongside parliamentary participation.

Makris, Agnè

Verwalten in »Modernen Protektoraten«

Rechtmäßigkeitsanforderungen an EU-Verwaltungsmissionen am Beispiel der EULEX-Mission im Kosovo

Volume 168
2020. XXXII, 575 pages.

ISBN 9783161577093
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For the purposes of peace building, the sake of human rights and upholding the rule of law in conflict territories, international organisations establish interim administration missions that assume state-like functions on a transitional basis. Based on the example of the EULEX rule of law mission set up by the European Union in Kosovo, Agnè Makris examines the legal standards governing such temporary protectorates.

Sebode, Ana Catarina

Peace-Keeping der 5. Generation?

Die Afghanistanmission der Vereinten Nationen und ihre Bedeutung für deren Friedenssicherungspraxis

Volume 167
2020. XV, 241 pages.

ISBN 9783161593109
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ISBN 9783161593116
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The UN and NATO's presence in Afghanistan played a vital role in shaping today's peacekeeping practices. Ana Catarina Sebode's study embeds the mission into the context of UN peacekeeping and analyses its impact on the Security Council, showing that the operation marks the beginning of a new generation of peacekeeping.

Chionos, Tatjana

Zur Übertragung innerstaatlicher Begriffe und Rechtsgrundsätze in das Völkerrecht

Volume 166
2020. XIV, 229 pages.

ISBN 9783161594656
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Domestic legal concepts and principles have been used to conceptualise phenomena in the international legal order historically and continue to be used in international law today. Tatjana Chionos examines the elements of transfer or translation of concepts from national to international law and thus contributes to the general methodological framework in this area.

Cloppenburg, Christian

Erwerbsgrundrechte im Unionsrecht

Zum Verhältnis der Berufsfreiheit und der unternehmerischen Freiheit in der Charta der Grundrechte der Europäischen Union

Volume 165
2020. XIX, 265 pages.

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European Union history is a history of economic integration. It is thus unsurprising that the EU's law on fundamental rights has also been shaped by economic liberties. The charter devotes two articles to guaranteeing economic freedom: the freedom to choose an occupation and the freedom to conduct a business. To this day, however, their relationship remains unresolved.

Bilz, Christopher

Margin of Appreciation der EU-Mitgliedstaaten

Eine Untersuchung im Anwendungsbereich der Grundrechtecharta am Beispiel des Datenschutzgrundrechts, der Religionsfreiheit, der unternehmerischen Freiheit und des Rechts auf einen wirksamen Rechtsbehelf

Volume 164
2020. XXIV, 426 pages.

ISBN 9783161590863
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Christopher Bilz evaluates the applicability of the European Court of Human Rights' margin of appreciation on the EU Charter of Fundamental Rights. By analysing European Court of Justice case law, the author is able to determine factors for establishing how much leeway member states are granted in questions of human rights. The extent to which other EU law determines this degree of discretion is of central importance to the study.

Krüger, Hagen R. J.

Geoengineering und Völkerrecht

Ein Beitrag zur Regulierung des klimabezogenen Geoengineerings

Volume 163
2020. XXII, 509 pages.

ISBN 9783161589881
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Climate-related geoengineering is increasingly being discussed as a potential means in the fight against global warming. Hagen Krüger provides a thorough analysis of these often highly controversial approaches from the perspective of public international law.



Kriesel, Julia

Peoples' Rights: Gruppenrechte im Völkerrecht

Theorie und Praxis des kollektiven Menschenrechtsschutzes in Afrika, Amerika und Europa

Volume 162
2020. XIX, 506 pages.

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Are human rights just individual or also collective rights? This first ever comparative analysis embracing the history of ideas, legal theory and regional practice in public international law covers the whole spectrum of peoples' rights, minority rights and rights of indigenous peoples to reveal an all-encompassing conception of human rights.

Müller, Joscha

Reformhindernisse im internationalen Investitionsrecht

Volume 161
2020. XVIII, 314 pages.

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The criticism of how international investment agreements are traditionally designed has found its way into newer agreements, such as the Comprehensive Economic and Trade Agreement (CETA). Yet, the much called-for reform of international investment law still faces considerable hurdles which are rooted in the peculiar lack of harmonisation and the various interactions between the majority of newer and older agreements. Joscha Müller's study is devoted to the resulting questions of law.

Riedel, Christian G. H.

Die Grundrechtsprüfung durch den EuGH

Systematisierung, Analyse und Kontextualisierung der Rechtsprechung nach Inkrafttreten der EU-Grundrechtecharta

Volume 160
2020. XVI, 506 pages.

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Has the Charter of Fundamental Rights improved the ECJ's previously strongly criticised fundamental rights review? Ten years after the Charter came into force, Christian G. H. Riedel delivers a comprehensive overview, examining the case law from a systematic, dogmatic and contextualising perspective.

Göttsche, Anna Lena

Weibliche Genitalverstümmelung/Beschneidung

Interdisziplinäre Betrachtungen und rechtliche Einordnungen im Lichte von Grund- und Menschenrechten

Volume 159
2020. XV, 295 pages.

ISBN 9783161590009
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Female genital mutilations and circumcisions (FMG/Cs) are a worldwide and therefore also German issue, although little is known about their practice here in this country. So how does German law deal with them and which fundamental and human rights obligations are to be considered? While debates about human rights and autonomy are crucial in the search for answers, the findings of social, cultural and medical science are also a rich source of vital information.

Schäfer, Martin

Treaty Overriding

Ein Beitrag zur verfassungsrechtlichen Zulässigkeit abkommensüberschreibender Bundesgesetze

Volume 158
2020. XIV, 227 pages.

ISBN 9783161589959
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The deliberate breach of international treaties by the legislator raises a number of constitutional questions. Martin Schäfer considers, inter alia, whether the German constitution's often-cited openness to international law and the principle of separation of powers pose an obstacle to the practice of treaty overriding.

Döveling, Johannes

Das Recht der Ostafrikanischen Gemeinschaft

Eine kritische Analyse

Volume 157
2019. XXI, 457 pages.

ISBN 9783161567179
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The East African Community is one of the most dynamic regional economic communities on the African continent. Johannes Döveling's comprehensive analytical exposition of the Community's legal basis pays particular attention to the case law of the East African Court of Justice and to the East African Common Market.

Eckhardt, Niklas

Der Marco jurídico para la paz und die Rolle der transitional justice in Kolumbien

Volume 156
2020. XII, 372 pages.

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In order to end the armed conflict in the country, Colombia concluded a peace agreement demanding that perpetrators be brought to justice and that victims learn the truth and be afforded reparation. Niklas Eckhardt analyses the concept of transitional justice within the Colombian peace process and its compatibility with constitutional and international law.

Otz, Nadine

Intertemporalität im Spannungsverhältnis von Staatenimmunität und Menschenrechtsverletzungen

Volume 155
2019. XVIII, 266 pages.

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The Ferrini case proceedings formed the basis for the International Court of Justice's jurisdictional state immunity procedure, which deals with the principle of inter-temporal application of law. In the event of a serious violation of human rights, is the infringing country prohibited from invoking state immunity? Nadine Otz examines the applicable international law and investigates alternative ways of protecting and compensating victims of grave human rights violations.

Barends, Sophie

Streitbeilegung in Unionsabkommen und Europäisches Unionsrecht

Unionsrechtliche Anforderungen an Streitbeilegungsmechanismen in EU-Investitionsschutzabkommen

Volume 154
2019. XVI, 389 pages.

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Investment arbitration is facing increasing criticism from both academia and the public. Sophie Barends examines the compatibility of dispute settlement mechanisms contained in EU investment agreements with EU law, and proposes, where necessary, modifications to the existing framework in order to ensure conformity with EU law.

Gilles, André

Die Konditionalität der Finanzhilfen für Eurostaaten

Volume 153
2019. XVIII, 286 pages.

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What is the legal status of conditionality for financial assistance in the euro area and where do its limits lie? André Gilles analyses these problems and sheds light on the concept and function of conditionality by examining the normative framework of EU and international law.

Horst, Johan

Transnationale Rechtserzeugung

Elemente einer normativen Theorie der Lex Financiaria

Volume 152
2019. XII, 265 pages.

ISBN 9783161568121
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The legal infrastructure of markets for over-the-counter derivatives is dominated by one private institution, the International Swaps and Derivatives Association (ISDA). Considering the high impact that the ISDA's rule-making has, it is necessary to develop transnational legal obligations to make it responsive to societal demands.

Gick, Markus

Die EMRK und Israel

Transnationale Diskurse und juristische Netzwerke

Volume 151
2019. XXIV, 260 pages.

ISBN 9783161560569
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The European Convention on Human Rights is the most effectual international treaty of its kind, but how much sway does it hold over non-member states? Markus Gick seeks and finds evidence of the ECHR's influence in Israeli Supreme Court rulings since 1994, thus paving the way for further studies to prove the case for an internationalization of adjudication through judicial networks and transnational dialogue.

Witte, Andreas

Der pacta-tertiis-Grundsatz im Völkerrecht

Scheinbare und tatsächliche Ausnahmen

Volume 150
2019. XXIII, 285 pages.

ISBN 9783161576690
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The principle of pacta tertiis, according to which treaties do not establish rights or obligations for third parties without their consent, is regarded as one of the foundations of public international law. Andreas Witte looks into the possible existence of exceptions to this rule and, using case studies and occasional analogies to private law, casts a new light on these.

Thiele, Martin

Motor der Integration

Europarechtsgeschichtliche Grundlegung der Europäischen Kommission

Volume 149
2019. XIX, 569 pages.

ISBN 9783161575662
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The European Commission is widely regarded as the EU's main agenda-setter. The institution's role in European integration is recorded here by Martin Thiele in this legal history of its first two decades. The author analyzes how the Commission of the European Economic Community and its predecessor, the High Authority of the European Coal and Steel Community, were designed as supranational executive bodies, and highlights their active role in driving forward integration.

Benrath, Daniel

Die Konkretisierung von Loyalitätspflichten

Strukturen und Werkzeuge der Konkretisierung von Verfahrensregelungen in der EU durch den Grundsatz der loyalen Zusammenarbeit

Volume 148
2019. XXVI, 658 pages.

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Although the principle of sincere cooperation is integral to the EU's institutional architecture, there is concern about its lack of precision and the danger of haphazard results when it is applied in cases of »hard« law. Daniel Benrath analyses the situation and, from a methodological perspective, develops tools for a refined specification of procedural provisions.

Rung, Joachim

Grundrechtsschutz in der Europäischen Strafkoooperation

Die Vorgaben der Charta der Grundrechte der Europäischen Union für den Europäischen Haftbefehl

Volume 147
2019. XXXIII, 514 pages.

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Cross-border cooperation in criminal matters between member states is vital for guaranteeing security in the European Union, with the European Arrest Warrant being one of the most important instruments in this quest. Joachim Rung examines the legal requirements established by the EU Charter of Fundamental Rights and sets out a series of guidelines for the resolution of potential conflicts.

Zeit und Internationales Recht

Fortschritt – Wandel – Kontinuität

Hrsg. v. Sebastian Wuschka, Isabella Risini, Stefan Lorenzmeier u. Felix Boor

Volume 146
2019. XII, 312 pages.

ISBN 9783161559211
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This conference volume is dedicated to progress, change and continuity in international law and brings together contributions by different generations of international law scholars who gathered at Ruhr-University in Bochum for a timely exchange about change in international law over time.

Taking a cross-sectional approach, the essays aim to identify different dynamics of change in international law and examine the temporal horizon of old and new international norms. Also addressed are methodological issues, such as whether the interpretation of international norms changes over time – for example in light of increasing institutionalization or new review techniques. In addition, issues of legitimacy are examined critically. The figure of progress, which exerts a special charm on international lawyers, is also questioned against the current trend to shift the balance from increased globalization back to a reassertion of sovereign powers by the individual nation-states.

Survey of contents

Felix Boor/Stefan Lorenzmeier/Isabella Risini/Sebastian Wuschka: Zeit und Internationales Recht. Vermessung der Veränderung

Part 1: Der Faktor Zeit: Regelungsperspektive und Methode

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Grimmeiß, Kevin

Sezession und Reaktion

Zur völkerrechtlichen Regelung des Sezessionsvorgangs

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2019. XIV, 207 pages.

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Scotland, Catalonia, Québec – in many areas of the world, people are striving to establish their own independent states. What stance does international law take on this contentious issue? According to traditional understanding, none: it remains neutral. Kevin Grimmeiß analyses whether this remarkable proposition is still true today.

Wolf, Anne-Katrin

Aktivlegitimation im UN-Individualbeschwerdeverfahren

Volume 144
2018. XVI, 436 pages.

ISBN 9783161564086
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Anne-Katrin Wolf examines how ways to lodge complaints (the right to bring an action) are arranged under the UN's various human rights treaties. She provides an overview of the admissibility criteria for individuals and collective bodies, such as associations or non-governmental bodies, to complain about violations, finding that limited eligibility in places is hindering effective protection of human rights.



Mohr Siebeck

Jus Internationale et Europaeum
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Eßlinger, Sophie

Gegenseitiges Vertrauen

Zur grenzüberschreitenden Beurteilung des Grundrechtsschutzes im Raum der Freiheit, der Sicherheit und des Rechts

Volume 143
2018. XVI, 347 pages.

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Mutual trust in the protection of fundamental rights is essential for the cooperation between European Union member states. Sophie Eßlinger examines this principle of EU law and analyses whether the European Convention of Human Rights and Germany's basic law permit not engaging in an assessment of fundamental rights observance.

Scharlau, Maria

Schutz von Versammlungen auf privatem Grund

EMRK versus Grundgesetz

Volume 142
2018. XXVII, 268 pages.

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The freedom of assembly is a fundamental right in a functioning democracy – but does it apply when the public gathers to demonstrate on private property? Do land owners of, for example, privatized areas such as shopping malls, airports or railway stations have to tolerate protests on their premises? Maria Scharlau examines how the conflict between property rights and the right to peaceful protest could be solved.

Meyer, Inga

Der Alien Tort Claims Act

Zwischen Völkerrecht und amerikanischer Außenpolitik

Volume 141
2018. XV, 522 pages.

ISBN 9783161560491
cloth 109,00 €
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Since the 1980s, perpetrators of human rights violations have been sued in U.S. Federal Courts based on the Alien Tort Claims Act (ATCA). The ATCA, however, is a controversial tool for the enforcement of international human rights. Inga Meyer analyzes the controversies surrounding alien tort litigation.

Hettche, Juliane

Die Beteiligung der Legislative bei Vorbehalten zu und Kündigung von völkerrechtlichen Verträgen

Volume 140
2018. XXIV, 365 pages.

ISBN 9783161558412
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Under the German Constitution, international treaties are concluded by the executive power with the participation of the legislature. But does the legislature need to participate when the executive power submits reservations or terminates treaties? Juliane Hettche answers this question by interpreting the German Constitution.

Krumrey, Jakob

Die Immunität der Vereinten Nationen

Verantwortlichkeit für Friedensmissionen

Volume 139
2018. XVII, 305 pages.

ISBN 9783161558627
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The remit of the United Nations is to protect human rights. But what happens when this obligation is violated? Are victims able to hold the United Nations to account in court? The unequivocal answer is no – because the UN enjoys legal immunity. Jakob Krumrey challenges this and investigates alternative dispute settlement mechanisms.

Greiner, Jakob

Die Reform der Komitologie durch den Vertrag von Lissabon

Delegierte Rechtsetzung und Durchführungsrechtsetzung nach Art. 290 und Art. 291 AEUV

Volume 138
2018. XVII, 202 pages.

ISBN 9783161557019
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The Treaty of Lisbon brought about a fundamental reform of the EU's secondary legislation. Jakob Greiner analyses the revised system of comitology and presents the winners and losers of a reform which has restored the institutional balance but proves to be a challenge in its practical implementation.

Bergmann, Andreas

Zur Souveränitätskonzeption des Europäischen Gerichtshofs

Die Autonomie des Unionsrechts und das Völkerrecht

Volume 137
2018. XVII, 324 pages.

ISBN 9783161558238
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The ECJ has promoted the constitutionalisation of the European legal order based on a dialogue with national courts. At the same time, the Court isolates the Union's legal system from public international law, revealing a conception of the EU's legal order resembling central elements of national sovereignty.

Meyer, Katharina

Grenzen und Entwicklungsmöglichkeiten des Souveränitätsprinzips in transnationalen Handelsbeziehungen

Zur Legitimation grenzüberschreitender Verwaltungszusammenarbeit am Beispiel des Lebensmittelhandels zwischen der Europäischen Union und Drittstaaten

Volume 136
2018. XX, 451 pages.

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The adoption and implementation of European standards for the production of food in sovereign non-member countries leads to a breach of state sovereignty. The resulting democratic and rule of law problems have to be dealt with by exercising sovereignty co-operatively.

Riegner, Michael

Informationsverwaltungsrecht internationaler Institutionen

Dargestellt am Entwicklungsverwaltungsrecht der Weltbank und Vereinten Nationen

Volume 135
2017. XXI, 540 pages.

ISBN 9783161556142
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International institutions increasingly govern (by) information and knowledge. Michael Riegner offers the first systematic analysis of the legal rules and principles applicable to such global information governance. In the context of debates about Global Administrative Law and international transparency, this book proposes a new way of thinking about Global Governance and international institutional law.

Karras, Benjamin

Missbrauch des Flüchtlingsrechts?

Subjektive Nachfluchtgründe am Beispiel der religiösen Konversion

Volume 134
2017. XVII, 326 pages.

ISBN 9783161556166
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eBook PDF 89,00 €

Refugee law is under pressure to justify itself and its scope. This is particularly true in cases of subsequently »self-created« grounds, which could potentially lead to persecution but are established first in the host country. In his analysis of German jurisprudence and its reasoning, Benjamin Karras takes international and European law into account, revealing both the need for correction and the means for adaptation.

Westermann, Eike

Legitimation im europäischen Regulierungsverbund

Zur demokratischen Verwaltungslegitimation im europäischen Regulierungsverbund für elektronische Kommunikation

Volume 133
2017. XVIII, 791 pages.

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The regulation of the telecommunications markets has seen a tense relationship develop between European administration bodies and the structural characteristics of regulation law on one hand, and constitutional provisions of administrative legitimization on the other. Going on the basis of a conflict between the constitutional requirements of executive legitimization and including fundamentals of democratic theory, Eike Westermann develops an extended legitimization model for the regulatory bodies.

Eickenjäger, Sebastian

Menschenrechtsberichterstattung durch Unternehmen

Volume 132
2017. XIX, 336 pages.

ISBN 9783161554766
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eBook PDF

The European Corporate Social Responsibility Directive obliges member states to ensure that large corporations comply in issuing details of their track record in environmental, social, and employee matters as well as their observance of human rights. The author examines whether such non-financial reporting can help in implementing human rights in commercial enterprises.

Schliemann Radbruch, Christian

Das völkerrechtliche Institut der Autonomie innerstaatlicher Gruppen

Volume 131
2017. XVI, 429 pages.

ISBN 9783161552717
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Do minorities and indigenous peoples have the right to handle their own affairs with a degree of autonomy and independently from higher national and international authorities? At the core of Christian Schliemann Radbruch's analysis lies an assessment of the collective rights of such groups, to what extent universal and regional human rights provide them with the autonomy they desire, and how models of autonomy look like in practice.

Stuke, Markus

Der Rechtsstatus des Kriegsgefangenen im bewaffneten Konflikt

Historische Entwicklung und geltendes Recht

Volume 130
2017. XXIX, 523 pages.

ISBN 9783161552960
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Markus Stuke outlines how the protection of prisoners of war developed in a legal-historical context and how current law stands. He points out continuities and discontinuities down the years and presents the legal status of prisoners of war from antiquity up until 1949's Third Geneva Convention which deals with the treatment of such prisoners. The convention's provisions are systemised, closely examined and critically questioned.

Tischendorf, Michael

Theorie und Wirklichkeit der Integrationsverantwortung deutscher Verfassungsorgane

Vom Scheitern eines verfassungsgerichtlichen Konzepts und seiner Überwindung

Volume 129
2017. XXII, 349 pages.

ISBN 9783161552694
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Since the Lisbon-Judgment in 2009, the concept of responsibility for integration has been at the centre of the Federal Constitutional Court's jurisdiction on Germany's membership in the European Union. This obligates federal bodies to closely monitor and control the European integration process. Michael Tischendorf scrutinises this constitutional innovation and confronts it with its actual handling.

Fontana, Sina

Universelle Frauenrechte und islamisches Recht

Zur Umsetzung von Menschenrechten in einer islamisch geprägten Rechtsordnung

Volume 128
2017. XXVI, 365 pages.

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The compatibility of universal human rights and Islamic law is often swept aside. Taking the example of women's rights, this study pursues the question of whether it is structurally possible to establish validity for universal human rights in legal systems influenced by Islam.

Jacob, David

Minderheitenrecht in der Türkei

Recht auf eigene Existenz, Religion und Sprache nichtnationaler Gemeinschaften in der türkischen Verfassung und im Lausanner Vertrag

Volume 127
2017. XXVII, 309 pages.

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According to the Treaty of Lausanne, Turkey committed itself to recognising minority rights for non-national peoples. The two basic constitutional principles of the republic – nationalism and laicism – are, however, not compatible with the treaty.

Bado, Kangnikoé

Der Gerichtshof der Westafrikanischen Wirtschaftsgemeinschaft (ECOWAS) als Verfassungsgericht

Zu den Verpflichtungen der Staaten aus den Urteilen des ECOWAS-Gerichtshofs

Volume 126
2017. XIX, 297 pages.

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Although originally established to address matters of regional integration only, the Court of the Economic Community of West African States has been tasked to rule on human rights violations since 2005. This has led to jurisdictional conflicts between national (constitutional) courts of ECOWAS member states and the court itself. The author analyses the relationship between the national and regional level, and develops proposals on how to overcome such legal variances.

Bode, Maren Katharina

Der IWF im Wandel – Rückkehr zu einem neuen System

Der Umgang des Internationalen Währungsfonds mit zukünftigen Finanz- und Währungskrisen

Volume 125
2017. XXXVI, 427 pages.

ISBN 9783161551109
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ISBN 9783161552120
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The IMF's handling of past, present and future financial and currency crises are dealt with from legal and economic perspectives by Maren Katharina Bode in this volume. Subjecting her topic to full and wide-ranging scrutiny, the author sets out how potential future crises could be managed. Reworking the IMF's past conduct, the author classifies it according to various roles, analysing and evaluating these procedures in the face of the criticism that was levelled at them. Targeting which of the IMF's reactions were appropriate, she recommends the »return« to a new system.

Börnsen, Nils

Nationales Recht in Investitionsschiedsverfahren

Domestic law is often part of the applicable law for international courts and tribunals, especially in investor-state dispute settlement cases. Applicability, determination and interpretation of domestic law are governed by the conflict-of-laws rules of international law, which also provide a set of rules for the resolution of conflicts of norms between applicable domestic law and international law.

Volume 124
2016. XVI, 315 pages.

ISBN 9783161548970
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ISBN 9783161548987
eBook PDF 74,00 €

Schwichow, Lennart von

Die Menschenwürde in der EMRK

Mögliche Grundannahmen, ideologische Aufladung und rechtspolitische Perspektiven nach der Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte

Volume 123
2016. XI, 242 pages.

ISBN 9783161548253
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ISBN 9783161548635
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Human dignity forms the basis of the European Convention on Human Rights and plays an important role in the convention's jurisprudence. Its prerequisites and far-reaching implications have, however, long been ignored because »dignity« itself is not codified in the convention. This volume summarises human dignity's status quo in the convention's case-law and discusses the implications of the principle's usage.

Rössler, Julian

Politische Freiheit im Völkerrecht

Eine Darstellung des pluralistischen Demokratieverständnisses im universellen Menschenrechtsschutz anhand von Umfang und Grenzen der Parteienfreiheit

Volume 122
2016. XVIII, 350 pages.

ISBN 9783161546341
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eBook PDF 74,00 €

Ever since international human rights agreements were ratified, political freedom has been the gauge monitoring state behaviour. Julian Rössler examines the scope and limit of political party freedom and shows that universal human rights protection must be understood as a guarantee of pluralistic democracies.

Schnitzer, Jasmin

Assoziationsbürger

Der Status türkischer Staatsangehöriger im Vergleich zur Unionsbürgerschaft

Volume 121
2016. XV, 313 pages.

ISBN 9783161546624
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The 1963 Association Agreement EEC/Turkey established a citizenship for Turkish nationals in the European Union that may properly be called Association Citizenship. A comparison with Union Citizenship reveals that not only are all the elements necessary to constitute a status present but that the same guiding principles of citizenship can be detected in the Association.

Kavasch, Hedwig

Unterschiedliche Zollpräferenzen für unterschiedliche Entwicklungsländer

Zur Vereinbarkeit positiver Bedingungen in Allgemeinen Präferenzsystemen mit der WTO-Ermächtigungsklausel am Beispiel des APS Plus der EU

Volume 120
2016. XIX, 534 pages.

ISBN 9783161542947
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The European Union's GSP Plus arrangement offers enhanced tariff preferences to developing countries that implement development standards defined in public international law. Consequently, certain developing countries receive more favourable tariff treatment than others. Taking this as an example, Hedwig Kavasch forms a system of criteria to assess the compatibility of such differentiations with the nondiscrimination requirement provided for in the WTO Enabling Clause.



Heemann, Lisa

Die Anerkennung traditioneller Institutionen in Südafrika, Ghana und Uganda

Eine verfassungs- und völkerrechtliche Perspektive

Volume 119
2016. X, 197 pages.

ISBN 9783161547171
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eBook PDF 59,00 €

South Africa, Ghana and Uganda recognise the status and role of traditional institutions in their constitutions. These traditional leaders or chiefs play a part in land administration, traditional courts or local government, and in addition are also represented in national bodies that take part in public life. But they are controversial, being either appreciated as an expression of cultural diversity or contested as local patriarchal elites. The analysis of universal and regional international law as well as the respective national legal orders shows how law deals with this tension, and how human rights in particular provide a framework for traditional governance.

Streckert, Oliver

Verwaltungsinterner Unionsrechtsschutz

Kohärenter Rechtsschutz durch Einführung eines Widerspruchskammermodells für die Europäische Kommission

Volume 118
2016. XXII, 199 pages.

ISBN 9783161547973
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eBook PDF 54,00 €

Specialised agencies and institutions have been part of the European Union's administrative landscape for many years now. But citizens' legal redress against them can vary enormously. How can effective protection be established in a coherent way? Oliver Streckert discusses related issues and argues for installing Boards of Appeal inside the European Commission.

Ionescu, Emanuel C.

Innerstaatliche Wirkungen des Vertragsverletzungsverfahrens

Die Aufsichtsklage im föderalen Gefüge der Europäischen Union

Volume 117
2016. XXVI, 522 pages.

ISBN 9783161540905
cloth 109,00 €

ISBN 9783161540912
eBook PDF 109,00 €

The European Union is seen as being a federal body, the specific characteristics of which are reflected in infringement proceedings as a means to legally review member states' compliance with treaties. A central role – besides the internal relationship between the union and member states – is played by each individual citizen affected by rulings. Emanuel C. Ionescu examines the concrete consequences of an infringement verdict under these premises.

Verhältnismäßigkeit im Völkerrecht

Hrsg. v. Björnstjern Baade, Sebastian Ehrlich, Matthäus Fink, Robert Frau, Mirka Möldner, Isabella Risini u. Torsten Stirner

Volume 116
2016. X, 174 pages.

ISBN 9783161542435
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ISBN 9783161542442
eBook PDF 54,00 €

Proportionality has taken root in many fields of public international law. This volume approaches proportionality on an abstract as well as more tangible level. Not only is its theoretical and philosophical background analysed, but also its effect in specific fields of investment, the European Union, humanitarian law and human rights. Proportionality's increased popularity is critically reflected on in each contribution.

Survey of contents

Anne Peters: Verhältnismäßigkeit als globales Verfassungsprinzip – *Frederik Becker:* Jurisdiktion und Verhältnismäßigkeit, Gewährleistungsumfang und Modifikationen der Menschenrechte bei extraterritorialen Sachverhalten – *Sebastian Wuschka:* Proportionality reloaded – Autonom agierende Drohnen und der Verhältnismäßigkeitsgrundsatz des Humanitären Völkerrechts – *Thomas Müller:* Abwägung von Menschenleben im Völkerrecht – *Sué González Hauck:* Normenkonflikte als Optimierungsprobleme? Kritik am Einsatz des Verhältnismäßigkeitsprinzips als Mittel zur Harmonisierung des Völkerrechts – *Rike Sinder:* Verhältnismäßigkeit, Dekonstruktion, Gerechtigkeit. Zugleich eine

Erwiderung auf Martti Koskeniemi's postmoderne Kritik in *From Apology to Utopia* – Michael Goldhammer: Kritik und Rekonstruktion kompetenzbezogener Verhältnismäßigkeit im Unionsorganisationsrecht – Lars Schönwald: Der Verhältnismäßigkeitsgrundsatz im Recht der Auslandsinvestitionen unter Berücksichtigung der Änderungen durch den Lissabon-Vertrag

Hümmrich-Welt, Simon

Responsibility to Rebuild

Verantwortung zum Wiederaufbau von Post-Konflikt-Staaten

Volume 115
2016. XXII, 396 pages.

ISBN 9783161543258
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ISBN 9783161544651
eBook PDF 79,00 €

States emerging from armed conflict are at high risk of relapsing into violence. Post-conflict situations therefore can pose a threat not only to the populations of these states but also to international peace and security. In many cases, other countries and the United Nations offer assistance through peace-building measures. The 'Responsibility to Rebuild' was devised as part of the wider Responsibility to Protect concept. It demands international community assistance in rebuilding such states in order to prevent future human rights violations. Simon Hümmrich-Welt examines the place of the 'Responsibility to Rebuild' concept within the larger scheme and shows just how far it already forms part of existing international public law.

Kalbheim, Jan

Über Reden und Überdenken

Der Kampf um die Rechtsprechungsänderung durch den Europäischen Gerichtshof als Kristallisationspunkt des europäischen juristischen Diskurses

Volume 114
2016. XX, 558 pages.

ISBN 9783161542220
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eBook PDF 89,00 €

The ECJ's voice comes through loud and clear in European law discussions. This volume's six case studies analyse the structure and functioning of Europe's legal discourse and offer new insights into the court's jurisprudence. The role other participants play to ensure open discourse through constructive criticism are also emphasized.

Berger, Alina

Anwendungsvorrang und nationale Verfassungsgerichte

Ein Vergleich der verfassungsgerichtlichen Rechtsprechung in Deutschland, Frankreich und Spanien im Hinblick auf die Effektivität des unionsrechtlichen Anwendungsvorrangs

Volume 113
2016. XXV, 409 pages.

ISBN 9783161543166
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European Union law takes precedence over national law regardless of its priority, and is something that the European Court of Justice decided back in 1964. But does this correspond to the constitutional reality of member states? Alina Berger analyses this by looking at German, French and Spanish rulings and taking into account whether the courts' attitudes support or obstruct integration. To this end, the author first of all determines the meaning and scope of European law primacy before addressing the question of how far the constitutional courts provide for it and how far they are constitutionally enabled (or hindered) to do so. Her concluding comparison identifies persisting deficiencies and possible solutions.

Reinel, Stefan

Der »nemo tenetur«-Grundsatz als Grenze steuerlicher Informationshilfe in der Europäischen Union

Zugleich ein Beitrag zu Geltung und Umfang von »nemo tenetur« innerhalb der Europäischen Union



Volume 112
2015. XXXVIII, 512 pages.

ISBN 9783161520426
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ISBN 9783161523007
eBook PDF 94,00 €

In international legal and administrative cooperation in fiscal matters, there is regularly a focus on information which has compulsory been obtained in the taxation procedure and which can also be relevant in criminal proceedings. Against this backdrop, Stefan Reinel studies the scope of a European »nemo tenetur« principle. To what extent does this result in limits for the international exchange of information on fiscal matters?

Schwarz, Michael

Grundlinien der Anerkennung im Raum der Freiheit, der Sicherheit und des Rechts

Volume 111
2016. XV, 441 pages.

ISBN 9783161542084
sewn paper 79,00 €

ISBN 9783161542091
eBook PDF 79,00 €

Recognition forms a key and tension-laden category in federal systems. Testing and incorporating unity in diversity, it marks the vanishing point in the EU's area of freedom, security and justice. Michael Schwarz attempts to grasp the breaking points of legitimacy of EU mutual recognition regimes.

Engel, Daniel

Der Beitritt der Europäischen Union zur EMRK

Vom defizitären Kooperationsverhältnis zum umfassenden EMRK-Rechtsschutz durch den EGMR?

Volume 110
2015. XXIX, 394 pages.

ISBN 9783161542404
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ISBN 9783161542411
eBook PDF 64,00 €

Would joining the European Convention of Human Rights have brought about complete human rights protection in Europe? Daniel Engel analyses thoroughly the Draft EU Accession Treaty and asks whether it removes deficits in the existing system. In a special chapter, the author carefully examines the reasoning and consequences of the European Court of Justice's opinion 2/13.

Kanalan, Ibrahim

Die universelle Durchsetzung des Rechts auf Nahrung gegen transnationale Unternehmen

Is the right to food universally enforceable? Can it be enforced on transnational corporations? Ibrahim Kanalan critically discusses the justiciability of enforcing the right to food, as well as the accountability of such companies in terms of human rights, and shows ways to implement the right.

Volume 109
2015. XIV, 457 pages.

ISBN 9783161540486
sewn paper 79,00 €

ISBN 9783161540929
eBook PDF 79,00 €

Engelhardt, Benjamin von

Die Welthandelsorganisation (WTO) und demokratische Legitimität

Globale Ordnung zur Regelung wirtschaftlicher Interdependenzen und ihre Auswirkungen auf territorial organisierte Demokratie

Volume 108
2016. XI, 347 pages.

ISBN 9783161540691
sewn paper 74,00 €
ISBN 9783161540707
eBook PDF 74,00 €

The WTO has often been criticised for its lack of democratic legitimacy. Benjamin von Engelhardt offers a new perspective which starts with the general assumption that democratic legitimacy means states have to justify their actions not only to their own citizens, but to everybody else affected by them. The question then is: how can states justify national actions affecting foreigners? Federally-minded cosmopolitans would suggest the need for a global state encompassing everyone possibly affected. The WTO can be understood as an alternative solution, banning external effects while allowing regulation to remain at a national level. This approach is evident in WTO arbitration and may serve as rule of interpretation.

Schulze, Sven-Hendrik

Cyber-»War« – Testfall der Staatenverantwortlichkeit

Volume 107
2015. XVII, 265 pages.

ISBN 9783161538452
sewn paper 74,00 €
ISBN 9783161538469
eBook PDF 74,00 €

Cyber attacks are not only a relatively new phenomenon, but also raise serious technical and legal concerns. Usually the victim does not possess any information about the origin of the attacker and/or the attack. Sven-Hendrik Schulze reveals whether, and if so how, the concept of state responsibility applies in such situations of uncertainty, and, if this concept is reaching its limits, which alternative measures should be taken in the future.

Bindig, Andrea

Humanitäres Völkerrecht als symbolische Form

Zur Normativität humanitären Völkerrechts im Spiegel der Philosophie der symbolischen Formen Ernst Cassirers

Volume 106
2015. XVIII, 502 pages.

ISBN 9783161538988
sewn paper 94,00 €
ISBN 9783161539466
eBook PDF 94,00 €

Armed conflicts such as the Yugoslav Wars are grave examples of the limits of international humanitarian law. Andrea Bindig focuses on Ernst Cassirer's philosophical concept of symbolic form to depict the partly self-contradictory meanings of normativity which shape our path to civilization.

Jensen, Henning

Kommunale Daseinsvorsorge im europäischen Wettbewerb der Rechtsordnungen

Volume 105
2015. XVII, 203 pages.

ISBN 9783161536496
sewn paper 59,00 €
ISBN 9783161537332
eBook PDF 59,00 €

The law of the European Union has a profound effect on the provision of public services which are widely carried out by municipalities. Henning Jensen examines this legal impact from the perspective of competition between legal systems. As a result, a specific interaction between the two topics can be observed. This interplay places both the law and service provision in a new light.

Petzhold, Bianca

Die »Auffassungen« des UN-Menschenrechtsausschusses zum Schutze der Religionsfreiheit



Volume 104
2015. XXI, 364 pages.

ISBN 9783161536489
sewn paper 74,00 €

ISBN 9783161537318
eBook PDF 74,00 €

How does international law guarantee freedom of religion? In the present volume, Bianca Petzhold examines the views of the Human Rights Committee according to the right of freedom of religion as laid down in article 18 of the International Covenant on Civil and Political Rights. She compares the legal practice of the Committee with the work of the Special Rapporteurs on freedom of religion or belief and the decisions of the European Court of Human Rights.

Ahner, Juliane

Investor-Staat-Schiedsverfahren nach Europäischem Unionsrecht

Zulässigkeit und Ausgestaltung in Investitionsabkommen der Europäischen Union

Volume 103
2015. XXIII, 380 pages.

ISBN 9783161537271
sewn paper 89,00 €

ISBN 9783161537349
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Juliane Ahner examines the European Union's competence when it comes to foreign investment and the primary law restrictions of investor-state arbitration. She goes on to develop options for its design, focusing in particular on the responsibility of the Union and its member states under public international and European Union law.

Zierke, Katayun

Die Steuerungswirkung der Darlegungs- und Beweislast im Verfahren vor dem Gerichtshof der Europäischen Union

Volume 102
2015. XXV, 522 pages.

ISBN 9783161532962
sewn paper 89,00 €

ISBN 9783161533211
eBook PDF 89,00 €

Through the burden of proof, the Court of Justice of the European Union controls the outcome of the proceedings. The Court uses this procedural method to achieve a conciliatory dispute settlement but – as the law on the internal market shows – also to support the objectives of European integration policy.

Delfs, Hauke

Komplementäre Integration

Grundlegung und Konstitutionalisierung des Europarechts im Kontext

Volume 101
2015. XXVII, 458 pages.

ISBN 9783161537233
sewn paper 89,00 €

ISBN 9783161537301
eBook PDF 89,00 €

The historical origins of the European legal system do not seem to play a decisive role in the discussion about the process of European integration. The academic debate concentrates on the jurisdiction of the European Court of Justice. Hauke Delfs provides a legal history of European integration based on historical sources. The author analyzes the foundation of the supranational European legal system and compares its political and legal development.

Ruppel, Nadine

Finanzdienstleistungsaufsicht in der Europäischen Union

Institutionell auf dem richtigen Weg?



Volume 100
2015. XX, 320 pages.

ISBN 9783161528552
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ISBN 9783161530418
eBook PDF 74,00 €

Nadine Ruppel deals comprehensively with the institutional structure of the European System of Financial Supervision. She analyzes legislation and the implementation of legislation from the perspectives of legal and political effectiveness and efficiency. Against this backdrop, she identifies and reviews alternatives for new institutional structures and their realization.

Steiner, Anna-Zoe

Die außervertragliche Haftung der Europäischen Union nach Art. 340 Abs. 2 AEUV für rechtswidriges Verhalten

Volume 99
2015. XVII, 217 pages.

ISBN 9783161532245
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ISBN 9783161533181
eBook PDF 59,00 €

Anna-Zoe Steiner studies the system of non-contractual liability in the European Union in the case of unlawful acts. In doing so, she focuses on the decisions handed down by the European Court of Justice, in particular regarding damages, causality and (sufficiently severe) unlawfulness.

Bühning, Ferry

Demokratische Friedenskonsolidierung

Zur Erfassung »des« Demokratieprinzips im Recht der Vereinten Nationen am Beispiel der UN-Praxis in Kambodscha und Osttimor

Volume 98
2015. XIX, 372 pages.

ISBN 9783161533693
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ISBN 9783161534188
eBook PDF 74,00 €

In 1992, Thomas M. Franck identified an emerging right to democratic governance under international law. Ferry Bühning takes up the democratic norm thesis and relates it to the concept of post-conflict peacebuilding by analyzing the democratic elements of the UN peacebuilding practice in Cambodia and East Timor.

Buchholtz, Gabriele

Streiken im europäischen Grundrechtsgefüge

Zum Harmonisierungspotenzial des Art. 6 Nr. 4 ESC in der Anwendung des EGMR und des EuGH

Volume 97
2014. XXI, 489 pages.

ISBN 9783161535307
sewn paper 104,00 €

ISBN 9783161535314
eBook PDF 104,00 €

European nation states are being presented with great challenges when it comes to basic legal rights. This applies in particular to the right to strike, which was long considered an untouchable part of national rights. More recently however, both the European Court and especially the European Court of Human Rights have issued guidelines pointing the way ahead, which could make a harmonization of national rights necessary. Here, Gabriele Buchholtz drafts a conflict of laws rule for the European constitutional structure.

Lindemann, Helena

Kommunale Governance

Die Stadt als Konzept im Völkerrecht



Volume 96
2014. XI, 254 pages.

ISBN 9783161534683
sewn paper 59,00 €

ISBN 9783161534850
eBook PDF 59,00 €

Principles of participation, decentralization, privatization and Good Urban Governance are being standardized by international players such as the World Bank and the United Nations' Human Settlements Programme UN-Habitat. Here, Helena Lindemann places these concepts under scrutiny, seeking out their commonly held core elements, ideological implications and public law worthiness.

Wohlan, Martina

Das diplomatische Protokoll im Wandel

Volume 95
2014. XXIV, 308 pages.

ISBN 9783161529122
sewn paper 74,00 €

ISBN 9783161529597
eBook PDF 74,00 €

Taking a scholarly perspective as well as the practitioner's point of view, Martina Wohlan provides a comprehensive overview of the content and historical development of diplomatic protocol which as part of *courtoisie* can be assigned to international law.

Hieber, Thomas

Die Europäische Bürgerinitiative nach dem Vertrag von Lissabon

Rechtsdogmatische Analyse eines neuen politischen Rechts der Unionsbürger

Volume 94
2014. XX, 336 pages.

ISBN 9783161530234
sewn paper 74,00 €

The European Citizens' Initiative grants the citizens of the European Union a new political right in order to overcome the democratic deficit. In this study, the author considers the question of whether the initiative is merely a symbolic act or a real chance to bring the Union closer to the peoples of Europe.

Seidl, Johannes

Meinungsfreiheit in der Rechtsprechungspraxis des Interamerikanischen Gerichtshofs für Menschenrechte

Volume 93
2014. XV, 267 pages.

ISBN 9783161533396
sewn paper 69,00 €

ISBN 9783161533402
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The Inter-American Court of Human Rights sees freedom of expression as a cornerstone of any democracy. The author analyzes the normative foundations, the issuing of special orders by the court, compliance and the incorporation of the court's standard on freedom of expression into the national ambit.

Merhof, Katrin

Der internationale und innerstaatliche Schutz von Arbeitnehmerrechten in der kolumbianischen Blumenindustrie

Recht und Rechtswirklichkeit

Volume 92
2014. XVII, 384 pages.

ISBN 9783161532207
sewn paper 74,00 €

ISBN 9783161532214
eBook PDF 74,00 €

The discrepancy between law and reality is typical not only, but in particular, of developing countries. Katrin Merhof uses the example of Colombian labor law and its implementation in the flower industry to analyze this discrepancy. She takes a closer look at the role of international, constitutional and sub-constitutional law and at the national and international actors who influence the legal situation of employees in the flower sector.

Drohnen und das Recht

Völker- und verfassungsrechtliche Fragen automatisierter und autonomer Kriegführung

Hrsg. v. Robert Frau

Volume 91
2014. XII, 280 pages.

ISBN 9783161531408
sewn paper 64,00 €

ISBN 9783161532849
eBook PDF 64,00 €

Drones are at the center of the debate on modern warfare. However up to now they had not often been the focus of legal analysis. The contributors to this volume analyze the legal framework for drones and other sophisticated systems, such as naval systems, »killer robots,« or swarming technology. Along the lines of humanitarian law, human rights, international criminal law and German constitutional law, the book provides a comprehensive view of the legality of current and future warfare. The perspective of international law is supplemented by articles on constitutional law which deal with the requirement of parliamentary approval for the use of drones, government liability law and the purchase of armed drones by the German armed forces.

Survey of contents

Gunter Pleuger: Vorwort – *Robert Frau:* Vorwort des Herausgebers – *Carolin Mahn-Gauseweg:* Automated Warfare – Operationen unbemannter Systeme. Eine technische Systematisierung – *Rieke Arendt:* Der Einsatz autonomer Waffensysteme im Lichte des Verhältnismäßigkeits- und des Unterscheidungsgrundsatzes – *Olivia Platek:* Autonome Kriegführung und legitime militärische Ziele – *Dorota Banaszewska:* Kombattanten und Zivilisten weit weg vom Schlachtfeld. Rechtsstellung der Operateure unbemannter militärischer Luftfahrzeuge – *Olaf Seiring:* Drohneneinsätze gegen feindliche Kämpfer. Besteht eine Pflicht zur Gefangennahme als milderes Mittel? – *Marcel Schulz:* Autonomie zur See. Die völkerrechtliche Einordnung von unbemannten militärischen Seefahrzeugen – *Tassilo Singer:* Chancen und Risiken der Schwarmtechnologie – *Philipp Stroh:* Das Menschenrecht auf Leben im zunehmend »entmenschlichten« bewaffneten Konflikt – *Manuel Brunner:* Grundrechtsfragen beim Einsatz von Kampfdrohnen durch die Bundeswehr im Ausland – *Simon Gauseweg:* Der konstitutive Parlamentsvorbehalt beim Einsatz bewaffneter Drohnen – *Udo Moewes:* Staatshaftungsrechtliche Implikationen automatisierter Kriegführung – *Jana Hertwig:* Bundeswehr und Kampfdrohnen. Empfehlungen für ein sicherheitspolitisches Konzept der Bundesregierung – *Robert Frau:* Völkerstrafrechtliche Aspekte automatisierter und autonomer Kriegführung – *Alexander Schwarz:* Terrororganisationen und die Voraussetzungen einer »organisierten bewaffneten Gruppe«. Völkerrechtliche Aspekte der Einordnung von Terroristen als zulässiges militärisches Ziel im Rahmen von Drohneneinsätzen

Michl, Walther

Die Überprüfung des Unionsrechts am Maßstab der EMRK

Individualgrundrechtsschutz im Anwendungsbereich des Unionsrechts unter den Vorzeichen des Beitritts der EU zur EMRK

Volume 90
2014. XXII, 273 pages.

ISBN 9783161526206
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ISBN 9783161526251
eBook PDF 64,00 €

Walter Michel examines the previous and the future role of the European Convention on Human Rights as well as of the individual complaints procedure at the European Court of Human Rights in the protection of fundamental rights in matters related to European Union law.

Engbrink, S. Dennis

Die Kohärenz des auswärtigen Handelns der Europäischen Union



Volume 89
2014. XIX, 278 pages.

ISBN 9783161531873
sewn paper 74,00 €

ISBN 9783161531880
eBook PDF 74,00 €

Can the EU achieve a coherent external policy? The author analyses the legal order of the EU's external action set up by the Lisbon Treaty and examines the institutions, competence order, principles of coherence and external representation of the EU. The analysis includes a practical perspective based on the author's research period with the Council of the EU and the European External Action Service.

Peters, Anne

Jenseits der Menschenrechte

Die Rechtsstellung des Individuums im Völkerrecht

Volume 88
2014. XXIV, 535 pages.

ISBN 9783161527494
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eBook PDF 114,00 €

Anne Peters argues that a paradigm change has occurred which has made human beings the primary international legal persons. This argument unfolds against the backdrop of historical concepts and doctrines concerning the status of the individual under international law. It is based on practice in numerous areas of public international law, ranging from the law of international responsibility over the law of armed conflict, the law of humanitarian assistance, international criminal law, international environmental law, the law of consular relations and the law of diplomatic protection, international labor law and refugee law to international investment law. In these fields, substantive rights and obligations of individuals arguably flow directly from international law, and in some instances procedural mechanisms for enforcing them exist. All this manifests an international legal personality of individuals which is based on customary law, which constitutes a general principle and which can be derived from the human right to legal personality. The new status of the individual goes far beyond human rights.

Lindner, Christoph

Die Effektivität transnationaler Maßnahmen gegen Menschenhandel in Europa

Eine Untersuchung des rechtlichen Vorgehens gegen die moderne Sklaverei in der Europäischen Union und im Europarat

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In 21st century Europe, there are still human beings who are treated as mere objects and shamelessly exploited. Human trafficking is the slavery of modern times. During the past years, both the European Union and the Council of Europe have strengthened their efforts to combat this phenomenon. Christoph Lindner examines how effective these measures are.

Böhringer, Ayşe-Martina

Die Kooperationsvereinbarungen der Sekretariate multilateraler Umweltschutzübereinkommen

Ayşe-Martina Böhringer deals with the cooperative arrangements of the secretariats of multilateral environmental agreements from the perspective of international law and examines their role in global environmental governance.

Volume 86
2014. XXIV, 349 pages.

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Rademacher, Timo

Realakte im Rechtsschutzsystem der Europäischen Union

Volume 85
2014. XXII, 420 pages.

ISBN 9783161530876
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The EU's system of judicial review seems to ignore factual conduct and non-legally binding acts of EU institutions and agencies. Thus, individuals may find it impossible to obtain effective judicial protection of their rights. The author examines this gap and proposes solutions for its closure.

Asemissen, Konrad

Berufsanerkennung und Dienstleistungen im europäischen Binnenmarkt

Die EU-Richtlinien aus der Perspektive der Methodik der Rechtsangleichung und des Wettbewerbs der Rechtsordnungen

Volume 84
2014. XV, 359 pages.

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The EU directives on recognition of professional qualifications and on services are pivotal to the methods of legal harmonization in the single European market. Konrad Asemissen analyzes the context of the two directives in regard to their regulatory structure and their impact on institutional competition.

Vilsmeier, Ingrid

Tatsachenkontrolle und Beweisführung im EU-Kartellrecht auf dem Prüfstand der EMRK

Based on the qualification of EU antitrust proceedings as criminal charge in the sense of the European Convention on Human Rights, Ingrid Vilsmeier examines the judicial review of facts and evidence by the Court of Justice of the European Union in EU antitrust proceedings and its compatibility with the requirements of the ECHR.

Volume 83
2013. XV, 269 pages.

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eBook PDF 64,00 €

Krämer, Rike U.

Die Koordinierung zwischen Umweltschutz und Freihandel im Mehrebenenrechtsverbund am Beispiel des Vergaberechts

The relationship between environmental protection and free trade is complex. Rike U. Krämer describes a new perspective on how to deal with this relationship with and in the law without losing sight of multi-level governance. She elaborates on the conflict of laws idea using public procurement law in Europe and in the World Trade Organisation as an example.

Volume 82
2013. XIV, 235 pages.

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Knop, Daniel

Völker- und Europarechtsfreundlichkeit als Verfassungsgrundsätze



Volume 81
2013. XV, 380 pages.

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Openness towards international and European Union law as unwritten principles of the German constitution are generally accepted. These principles allow to overcome the shortage of written conflict of law rules and define regulations to solve conflicts of laws within the multilevel legal system.

Hofmann, Claudia

Internationale Sozialstandards im nationalen Recht

Eine Untersuchung am Beispiel des Systems sozialer Sicherheit in Südafrika

Volume 80
2013. XIX, 318 pages.

ISBN 9783161523830
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eBook PDF 79,00 €

What influence do international social standards have on national legislation and jurisprudence? Combining the perspectives of the law and of political science, Claudia Hofmann looks into this question, focusing on the South African social security system.

Bubrowski, Helene

Internationale Investitionsschiedsverfahren und nationale Gerichte

Investment arbitration proceedings and national court proceedings are in many ways intertwined. By conducting a dogmatic examination and systematization of this complex relationship, this work contributes to the development of coherence in international investment law.

Volume 79
2013. XX, 346 pages.

ISBN 9783161522413
sewn paper 69,00 €

ISBN 9783161525070
eBook PDF 69,00 €

Henninger, Hartmut

Menschenrechte und Frieden als Rechtsprinzipien des Völkerrechts

Das Handeln der Vereinten Nationen in der Konfliktnachsorge aus der Perspektive einer völkerrechtlichen Prinzipienlehre

Volume 78
2013. XVII, 429 pages.

ISBN 9783161524486
sewn paper 89,00 €

Hartmut Henninger examines international law as a constitutional and value-based system of legal principles in which competing goals are to be balanced. Based on this, he deals with pressing legal issues of post-conflict peacebuilding by the United Nations and evaluates cases taken from the Organization's practice.

Krönke, Christoph

Die Verfahrensautonomie der Mitgliedstaaten der Europäischen Union

Procedural autonomy of the Member States of the European Union is one of the most controversial principles of European administrative law. Christoph Krönke reconstructs procedural autonomy on the basis of the principles theory, elaborating on the strained relationship between Member State autonomy and European integration.

Volume 77
2013. XXII, 383 pages.

ISBN 9783161526411
cloth 74,00 €

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eBook PDF 74,00 €

Wiesinger, Nicola

Innovation im Verwaltungsrecht durch Internationalisierung

Eine rechtsvergleichende Studie am Beispiel der Aarhus-Konvention

Volume 76
2013. XXIV, 394 pages.

ISBN 9783161523410
sewn paper 79,00 €

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eBook PDF 79,00 €

Nicola Wiesinger describes the development of the rights regarding access to information based on the field of environmental information and the innovations in administrative law which are linked to this. In doing so, she examines German law as well as the law in England, France and the European Union. This enables her to show the differences as well as the similarities in its development.

Nöhmer, Sabrina

Das Recht auf Anhörung im europäischen Verwaltungsverfahren

Volume 75
2013. XX, 392 pages.

ISBN 9783161525643
sewn paper 79,00 €

ISBN 9783161525650
eBook PDF 79,00 €

The right to be heard is one of the important procedural rights in national as well as in European administrative procedure. Sabrina Nöhmer studies this right in European Union institutions, the Member States in indirect enforcement as well as in staggered administrative procedures and shows prospects for reform in regard to selective and structural modifications of national administrative procedure law as well as of a European administrative procedure law.

Thies, Carla

Kulturelle Vielfalt als Legitimitätselement der internationalen Gemeinschaft

Volume 74
2013. XI, 419 pages.

ISBN 9783161518836
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Carla Thies studies the function and the meaning of the concept of legitimacy in public international law as exemplified by the subject of cultural diversity. She attaches particular importance to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which gives the subject of cultural diversity a specific legal form and establishes it as an element of legitimacy.

Kruis, Tobias

Der Anwendungsvorrang des EU-Rechts in Theorie und Praxis

Seine Durchsetzung in Deutschland. Eine theoretische und empirische Untersuchung anhand der Finanz- und Verwaltungsgerichte und Behörden

Volume 73
2013. XXVII, 713 pages.

ISBN 9783161520075
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eBook PDF 104,00 €

Primacy of EU law is one of the fundamental principles of EU law. Tobias Kruis begins by studying the theoretical derivation, requirements and scope of primacy for courts and public authorities. Parts three and four of the book deal with the reality of its application. In part five, the author provides recommendations regarding a regulation de lege ferenda.

Ehm, Frithjof

Das völkerrechtliche Demokratiegebot

Eine Untersuchung zur schwindenden Wertneutralität des Völkerrechts gegenüber den staatlichen Binnenstrukturen

Volume 72
2013. XXIX, 359 pages.

ISBN 9783161520396
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Democracy has been spreading around the world in the past decades. It was this development which prompted Frithjof Ehm to show that international law now demands a democratic state structure from the individual governments. In his study, the author makes an important contribution to the transition in international law towards an international legal system based on values.

Höfer, Martin F.

Gezielte Tötungen

Terrorismusbekämpfung und die neuen Feinde der Menschheit

Volume 71
2013. XV, 280 pages.

ISBN 9783161523908
sewn paper 74,00 €

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Are countries allowed to kill alleged terrorists on foreign sovereign territory? Is the war on terrorism an international or a non-international armed conflict? Is targeted killing permitted in the fight against terrorism or does it violate humanitarian law? In this book, the author deals comprehensively with these and other current problems in international law, partly by applying solution approaches off the beaten path.

Straßburger, Benjamin

Die Dogmatik der EU-Grundfreiheiten

Konkretisiert anhand des nationalen Rechts der Dividendenbesteuerung

Volume 70
2012. XIII, 281 pages.

ISBN 9783161521911
sewn paper 64,00 €

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eBook PDF 64,00 €

The doctrine established by the European Court of Justice on the fundamental freedoms in the European Union is still lacking a foundation of clear and comprehensible principles. Based on this, Benjamin Straßburger develops a new basic approach to the legal standards of European law and establishes his own concepts for an effective doctrine. As a point of reference for this, he uses the law of dividend taxation.

Gaßner, Katrin

Die Rechtsprechung zur Versammlungsfreiheit im internationalen Vergleich

Eine Analyse anhand von Entscheidungen des Bundesverfassungsgerichts, des EGMR, des EuGH, der Obersten Gerichtshöfe der Russischen Föderation und des U.S. Supreme Courts

Volume 69
2012. XX, 400 pages.

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ISBN 9783161521560
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Katrin Gassner analyzes and compares the decisions made by various supreme courts regarding freedom of assembly. She describes the general principles, similarities and differences in the rulings as well as the changes in these rulings throughout the years and also deals with those cases in which rulings from different legal systems overlap.

Mellech, Kathrin

Die Rezeption der EMRK sowie der Urteile des EGMR in der französischen und deutschen Rechtsprechung

Volume 68
2012. XVII, 270 pages.

ISBN 9783161519994
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eBook PDF 64,00 €

By taking the guarantees given by the ECHR into consideration in their search for justice, the national courts can make a large contribution to avoiding convictions in Strasbourg. Taking into account the structural differences between the legal systems in Germany and France, Kathrin Mellech studies the behavior of the courts in these two countries in comparison to their European counterpart.

Ripke, Stefan

Europäische Versammlungsfreiheit

Das Unionsgrundrecht der Versammlungsfreiheit im Grundrechtsschutzsystem aus Grundrechtecharta, EMRK und gemeinsamer Verfassungsüberlieferung

Volume 67
2012. XLI, 697 pages.

ISBN 9783161516948
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The Treaty of Lisbon changed the European system of fundamental rights. Using freedom of assembly to exemplify this, Stefan Ripke analyzes the effects of the Charter of Fundamental Rights on the system for the protection of fundamental rights in the European Union. He identifies the existence and at the same time the range of a guarantee of freedom of assembly by the European Union Treaty, the Charter of Fundamental Rights and the European Convention on Human Rights.

Janik, Cornelia

Die Bindung internationaler Organisationen an internationale Menschenrechtsstandards

Eine rechtsquellentheoretische Untersuchung am Beispiel der Vereinten Nationen, der Weltbank und des Internationalen Währungsfonds

Volume 66
2012. XXI, 608 pages.

ISBN 9783161519062
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ISBN 9783161521577
eBook PDF 109,00 €

The main goal of international human rights law has been to protect individuals from human rights violations by state governments. However, international organizations have been likewise criticized for violating human rights, such as the UN Security Council for its blacklisting activities. Cornelia Janik has developed methodological approaches in order to establish that international organizations do have human rights obligations under international law as well.

Meurs, Christian

Normenhierarchien im europäischen Sekundärrecht

Volume 65
2012. XXII, 235 pages.

ISBN 9783161519659
sewn paper 64,00 €

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eBook PDF 64,00 €

Christian Meurs shows that, unlike the EC Treaty, the Treaty on the Functioning of the European Union is based on a hierarchy of norms in secondary law. Reviewing and considering both, their historical development and their theoretical background, he describes the hierarchy of norms in the EC Treaty and TFEU. He further elaborates on the scope and significance of the legal forms of the TFEU.



Vondung, Julie

Die Architektur des europäischen Grundrechtsschutzes nach dem Beitritt der EU zur EMRK

Volume 64
2012. XX, 376 pages.

ISBN 9783161509179
sewn paper 69,00 €

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eBook PDF 69,00 €

After the EU's accession to the European Convention on Human Rights, the European Court of Human Rights will be able to rule on appeals against the EU. This not only changes each individual's situation in regard to legal protection but also means that the relationship between the European Court of Human Rights and the Court of Justice of the European Union will have to be redefined.

Dimitropoulos, Georgios

Zertifizierung und Akkreditierung im Internationalen Verwaltungsverbund

Internationale Verbundverwaltung und gesellschaftliche Administration

Volume 63
2012. XXIV, 418 pages.

ISBN 9783161509889
sewn paper 79,00 €

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eBook PDF 79,00 €

The certification and accreditation system is a new kind of administrative mechanism. Georgios Dimitropoulos analyzes conformity assessment, product safety, sustainability and climate protection, and using these as reference fields he shows the development of an international administrative "*Verbund*". Its development is accompanied by the emergence of further administrative phenomena such as integrated administration and societal administration.

Frohwerk, Arno

Soziale Not in der Rechtsprechung des EGMR

Volume 62
2012. XVIII, 380 pages.

ISBN 9783161517006
sewn paper 74,00 €

ISBN 9783161519383
eBook PDF 74,00 €

Arno Frohwerk examines how the European Convention on Human Rights deals with social hardship. He shows that the European Court of Human Rights seldom and only in exceptional cases applies the Convention for the Protection of Human Rights and Fundamental Freedoms to social hardship. He uses the individual decisions of the European Court of Human Rights to develop a model, based on legal practice, for criteria to determine this exceptional case.

Lutzhöft, Niels

Eine objektiv-rechtliche Gewährleistung der Rundfunkfreiheit in der Europäischen Union?

Nationales Rundfunkverfassungsrecht und unionsrechtlicher Grundrechtsschutz im Spiegel divergierender Tradition, Funktion und Konzeption der Grundrechte

Volume 61
2012. XX, 370 pages.

ISBN 9783161517013
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Constitutional courts in Europe emphasize the key role of the freedom of broadcasting as a pillar of a democratic system. Hence, EU Member State measures aimed at safeguarding media diversity are regularly under scrutiny of European Union institutions for potential breach of EU market freedoms. The author develops a genuine fundamental rights approach to the broadcasting media at EU level to capture the dual nature of broadcasting as a cultural and an economic good in European law.

Markard, Nora

Kriegsflüchtlinge

Gewalt gegen Zivilpersonen in bewaffneten Konflikten als Herausforderung für das Flüchtlingsrecht und den subsidiären Schutz

Volume 60
2012. XVIII, 413 pages.

ISBN 9783161517945
sewn paper 79,00 €

ISBN 9783161519376
eBook PDF 79,00 €

Examining the international protection of war refugees under the Refugee Convention, EU and human rights law, Nora Markard shows how a human rights and anti-discrimination law perspective can increase the inclusiveness of refugee protection, also against gender-specific wartime violence and in so-called new wars.

Grosche, Nils

Rechtsfortbildung im Unionsrecht

Eine Untersuchung zum Phänomen richterlicher Rechtsfortbildung durch den Gerichtshof der Europäischen Union

Volume 59
2011. XVII, 351 pages.

ISBN 9783161509926
sewn paper 74,00 €

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eBook PDF 74,00 €

Whenever judges decide, questions as to the limits of interpretation arise. This applies to decisions made by the European Court of Justice in general and especially to those considered to be judge-made law. At the same time, the specifics of EU law give cause for basic reflections on the interpretation of judge-made law.

Bolle, Ulrike

Das Intergovernmental Panel on Climate Change (IPCC)

Eine völkerrechtliche Untersuchung

Volume 58
2011. XIV, 165 pages.

ISBN 9783161516658
sewn paper 44,00 €

ISBN 9783161517570
eBook PDF 44,00 €

The Assessment Reports of the Intergovernmental Panel on Climate Change (IPCC) provide the basis for international climate protection efforts. In this work, Ulrike Bolle gives the first comprehensive analysis of the institution, its mode of functioning and its powers as well as its effects from the perspective of international law.

Lehnardt, Chia

Private Militärfirmen und völkerrechtliche Verantwortlichkeit

Eine Untersuchung aus humanitär-völkerrechtlicher und menschenrechtlicher Perspektive

Volume 57
2011. XVII, 299 pages.

ISBN 9783161507649
sewn paper 69,00 €

ISBN 9783161517563
eBook PDF 69,00 €

The concept of international responsibility is central to the enforcement of international humanitarian law and human rights law obligations. Chia Lehnardt examines the significance of this concept in situations where states or the UN rely on private military companies instead of their own armed forces.



Karrenstein, Daniela

Der Menschenrechtsrat der Vereinten Nationen

Volume 56
2011. XVIII, 313 pages.

ISBN 9783161509094
sewn paper 69,00 €

ISBN 9783161517556
eBook PDF 69,00 €

Taking stock of the reform process which led to the establishment of the Human Rights Council in replacement of the Commission on Human Rights and the subsequent institution-building process, Daniela Karrenstein depicts new avenues as well as limitations for the body whose establishment was inextricably connected with the hope for a new era in human rights protection by the United Nations.

Mangold, Anna Katharina

Gemeinschaftsrecht und deutsches Recht

Die Europäisierung der deutschen Rechtsordnung in historisch-empirischer Sicht

Volume 55
2011. XXII, 586 pages.

ISBN 9783161506505
sewn paper 94,00 €

ISBN 9783161517549
eBook PDF 94,00 €

Europeanization has had a formative influence on the development of the German legal system. In this study, the author analyzes the changes in academia and legal education as well as in the three branches of government both historically and empirically and systematizes the impact mechanisms. As a result, a picture of Europeanized German law appears.

Frenzel, Matthias

Sekundärrechtsetzungsakte internationaler Organisationen

Völkerrechtliche Konzeption und verfassungsrechtliche Voraussetzungen

Volume 54
2011. XXIV, 340 pages.

ISBN 9783161508813
sewn paper 74,00 €

ISBN 9783161511929
eBook PDF 74,00 €

Matthias Frenzel studies the international legal order of universal international organizations which pass secondary laws that are binding for their Member States and also examines the effects of these normative actions on the constitutional order of the Federal Republic of Germany.

Pilniok, Arne

Governance im europäischen Forschungsförderverbund

Eine rechtswissenschaftliche Analyse der Forschungspolitik und Forschungsförderung im Mehrebenensystem

Volume 53
2011. XV, 434 pages.

ISBN 9783161507397
sewn paper 79,00 €

ISBN 9783161511912
eBook PDF 79,00 €

A multi-level network for research funding has developed in the European Union. Arne Pilniok examines its governance structures and analyzes the challenges for the constitutional form and the democratic legitimation which arise out of the embedding of research funding in the supranational context.



Bewusstes Erinnern und bewusstes Vergessen

Der juristische Umgang mit der Vergangenheit in den Ländern Mittel- und Osteuropas

Hrsg. v. Angelika Nußberger u. Caroline von Gall

Volume 52
2011. XIV, 400 pages.

ISBN 9783161508622
sewn paper 89,00 €

ISBN 9783161517532
eBook PDF 89,00 €

Coming to terms with the past in Central and Eastern Europe – legal approaches. The contributors to this volume study the relationship between law and history in Central and Eastern Europe. They discuss the law's potential for coming to terms with the Communist past and also deal with the interdependence of law and history as exemplified by the demarcation of the international boundaries, the rights of minorities and the system of property ownership.

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Nusser, Julian

Die Bindung der Mitgliedstaaten an die Unionsgrundrechte

Vorgaben für die Auslegung von Art. 51 Abs. 1 S. 1 EuGrCh

Volume 51
2011. XVIII, 239 pages.

ISBN 9783161508721
sewn paper 59,00 €

ISBN 9783161511905
eBook PDF 59,00 €

What are the requirements and the restrictions for a commitment of the Member States to the fundamental rights of the European Union? Julian Nusser studies the respective court rulings as well as the literature and Article 51 Paragraph 1 Section 1 of the EU Charter of Fundamental Rights. Based on this, he develops his own approach.

Stewen, Susanne

Die Entwicklung des allgemeinen Freizügigkeitsrechts der Unionsbürger und seiner sozialen Begleitrechte

Volume 50
2011. XX, 287 pages.

ISBN 9783161507601
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eBook PDF 64,00 €

Although the general right of free movement as formulated in the Maastricht Treaty was non-committal, the European Court of Justice has given it a broad interpretation. Citizens of the European Union are entitled to benefits for maintaining a minimum standard of subsistence and social security benefits may be exported. It is almost impossible to terminate the residence status of foreign nationals on the basis of insufficient finances. Susanne Stewen analyzes and systematizes this development in judicial decisions.



Klein, Daniel R.

Umweltinformation im Völker- und Europarecht

Aktive Umweltaufklärung des Staates und Informationszugangsrechte des Bürgers

Volume 49
2011. XXII, 518 pages.

ISBN 9783161507106
sewn paper 94,00 €

ISBN 9783161511882
eBook PDF 94,00 €

As a premise for effective environmental protection, availability of information to citizens is governed by a large variety of norms of modern public international and European law. Daniel Klein presents a comprehensive systematic analysis of states' obligations on environmental information with regard to their different functions, forms and limitations.

Weiß, Michael

Hybride Regulierungsinstrumente

Eine Analyse rechtlicher, faktischer und extraterritorialer Wirkungen nationaler Corporate-Governance-Kodizes

Volume 48
2011. XVII, 195 pages.

ISBN 9783161504877
sewn paper 54,00 €

ISBN 9783161511875
eBook PDF 54,00 €

Based on the German Corporate Governance Code, Michael Weiß studies the legal, real and extra-territorial effects of national corporate governance codes. He classifies these as »hybrid regulatory instruments,« which like a »living institution« are caught between state regulation and private commitment.

Bleckmann, Moritz

Nationale Grundrechte im Anwendungsbereich des Rechts der Europäischen Union

Die Kooperation des Grundrechtsschutzes in der Europäischen Union unter Berücksichtigung der besonderen Ausprägungen des nationalen Grundrechtsschutzes

Volume 47
2011. XXVII, 431 pages.

ISBN 9783161507236
sewn paper 89,00 €

ISBN 9783161511868
eBook PDF 89,00 €

In the field of application of EU law, EU member states have to comply with the fundamental rights enshrined in the EU Charter of fundamental rights, the national constitution and the ECHR. Moritz Bleckmann examines the circumstances under which national authorities can implement the national human rights standard.

Koikkara, Sonia Elisabeth

Der Patentschutz und das Institut der Zwangslizenz in der Europäischen Union

Volume 46
2010. XXII, 235 pages.

ISBN 9783161504501
sewn paper 64,00 €

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eBook PDF 64,00 €

The problems of access to a patent caused by refusals to license a patent have recently given rise to the question of whether the instrumentalization of the compulsory license could offer a solution. Sonia Elisabeth Koikkara studies the extent to which patent law is covered and shaped by substantive and procedural law in the European Union and the extent to which EU law provides for the granting of compulsory licenses.

Schwerdtfeger, Angela

Der deutsche Verwaltungsrechtsschutz unter dem Einfluss der Aarhus-Konvention

Zugleich ein Beitrag zur Fortentwicklung der subjektiven öffentlichen Rechte unter besonderer Berücksichtigung des Gemeinschaftsrechts

Volume 45
2010. XXVI, 351 pages.

ISBN 9783161504235
sewn paper 74,00 €

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eBook PDF 74,00 €

The Aarhus Convention stipulates the right of individuals and environmental associations to wide access to justice in environmental matters as well as the expansion of procedural rights. In contrast to this, German administrative law is characterized by a narrow access to justice and the marginal significance of procedural law. To what extent is it possible within German law to resolve the tension resulting from this?

Lock, Tobias

Das Verhältnis zwischen dem EuGH und internationalen Gerichten

Volume 44
2010. XVIII, 332 pages.

ISBN 9783161504389
sewn paper 69,00 €

ISBN 9783161511837
eBook PDF 69,00 €

The growing number of international courts and tribunals has led to conflicts of jurisdiction and conflicts of interpretation. Due to the European Union's increasing activity on an international level, the European Court of Justice has been affected by these conflicts. Before the background of the ECJ's exclusive jurisdiction, the book discusses the relationship between the European Court and international courts, and examines whether the solutions found in international law can be applied to the ECJ.

Akteure in Krieg und Frieden

Hrsg. v. Jelena Bäumler, Cindy Daase, Christian Schliemann u. Dominik Steiger

Volume 43
2010. X, 240 pages.

ISBN 9783161503078
sewn paper 59,00 €

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The articles in this volume analyze the role and the status of various non-state actors in international law, such as terrorists, minorities, climate refugees, the United Nations and transnational corporations. In accordance with the current manifold challenges, the articles cover the entire spectrum of war and peace as well as transformation phases.

Survey of contents

R. Nikol: Stellung und Schutz von Terroristen im humanitären Völkerrecht – *R. Evertz*: (Kein) Umgang mit Militärfirmen – *J. Finke*: Kohärenz in der völkerrechtlichen Behandlung nichtstaatlicher Gewaltakteure – *S. Mehring*: Ärzte als Akteure im Krieg – *J. Drohla*: Die Bindung der Vereinten Nationen an das Humanitäre Völkerrecht – *L. Moos*: Menschenrechtliche Verpflichtungen internationaler Organisationen aus dem Völkergewohnheitsrecht – *C. Daase*: Friedensabkommen zwischen staatlichen und nicht-staatlichen Parteien – *K. Göcke*: Völkerrechtssubjektivität indigener Völker – *C. Schliemann*: Minderheitenautonomie auf Grundlage des Europäischen Rahmenübereinkommens zum Schutz nationaler Minderheiten – *H. Kahl*: Klimaflüchtlinge. Eine Herausforderung für das Völkerrecht – *S. Kirchner*: Transnationale Unternehmen als Objekte und Subjekte des Völkerrechts

Glaser, Markus A.

Internationale Verwaltungsbeziehungen

Volume 42
2010. XXIV, 324 pages.

ISBN 9783161503672
sewn paper 64,00 €

ISBN 9783161511813
eBook PDF 64,00 €

In relationship networks, the actions of domestic and foreign administrations mesh in order to cope with the separateness of legal systems and national territories. Markus A. Glaser provides a systematic analysis of the coordination activities and processes with a view to German constitutional and administrative law. In doing so, he explores the horizontal dimension of an international administrative law which is in the process of reconceptualization.



Schmidt, Johannes

Die Grundsätze im Sinne der EU-Grundrechtecharta

Volume 41
2010. XVII, 264 pages.

ISBN 9783161505195
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ISBN 9783161511806
eBook PDF 59,00 €

Johannes Schmidt deals with the new norms category of principles in the Charter of Fundamental Rights of the European Union. Using a structural model for fundamental rights norms, he analyzes the principles in regard to their legal effects. In addition, he develops guidelines for dealing with these norms in practice.

Müller-Rüster, Jannis

Product Placement im Fernsehen

Die Legalisierung programmintegrierter Werbung im Lichte der deutschen und europäischen Kommunikationsgrundrechte

Volume 40
2010. XXI, 573 pages.

ISBN 9783161504563
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ISBN 9783161511790
eBook PDF 104,00 €

Product placement – modern marketing or legal surreptitious advertising? Product placement has been allowed on German television since 1 April 2010. However, the regulations in the Inter-State Broadcasting Agreement have given rise to questions in regard to constitutional law. Jannis Müller-Rüster shows how mixing advertising and the television program jeopardizes the media's independence and can deceive the viewers.

Kaienburg, Nils

Compliance in High Profile-Fällen der WTO

Legal Case Management am Beispiel des Airbus-Boeing-Falls

Volume 39
2010. XXI, 358 pages.

ISBN 9783161504396
sewn paper 74,00 €

ISBN 9783161511783
eBook PDF 74,00 €

In his work, Nils Kaienburg establishes the concept of legal case management and offers suggestions on how the WTO dispute settlement system can be improved in order to deal with so-called high profile cases more effectively. The focus lies on developing an improved mediation procedure to offer the parties a much needed alternative to the panel procedure, because if these cases are not solved, they will have the potential to disrupt the whole dispute settlement system.

Reimold, Tobias

Der Handel mit Bildungsdienstleistungen nach dem GATS

Volume 38
2010. XIII, 268 pages.

ISBN 9783161501951
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ISBN 9783161511776
eBook PDF 64,00 €

The awareness of the economic importance of the international market for education has led to negotiations among WTO members on a liberalization of trade in educational services. In this work, Tobias Reimold analyzes the respective legal framework of the GATS and focuses on possible conflicts between a liberalization of trade and national and European politics in the education sector. The author shows that the right to education contributes to a legal recognition of education as a core responsibility of the state in international law and questions whether or not this recognition could be reflected in the interpretation of the provision in Article I:3 GATS which excludes services supplied in the exercise of governmental authority from the scope of the agreement.

Huerkamp, Florian

Gleichbehandlung und Transparenz als gemeinschaftsrechtliche Prinzipien der staatlichen Auftragsvergabe

Volume 37
2010. XXIV, 361 pages.

ISBN 9783161502316
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eBook PDF 69,00 €

Public procurement law is increasingly turning into a »matter of principle« rather than a »matter of policy.« It is the principle of equal treatment in Community law which is responsible for this, a principle in which the European Court of Justice sees the obligation to make the awarding of a contract transparent. Increasing the scope of the principle of equal treatment – not only its content, which would make it the standard criterion for government procurement, demanding more than merely applying the same conditions to all applicants when calling for tenders, but also its range, could cause theoretical and practical problems. Florian Huerkamp outlines a theory of basic principles of Community law for awarding contracts in which the obligations for the national contracting authority resulting from the principle of equal treatment are structured in such a way that they allow for a legally compliant application by the procurement agencies.

Nunner, Michael

Kooperation internationaler Gerichte

Lösung zwischengerichtlicher Konflikte durch herrschaftsfreien Diskurs

Volume 36
2009. XXXII, 483 pages.

ISBN 9783161501593
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ISBN 9783161511752
eBook PDF 99,00 €

Since the end of the 20th century, the number of international courts and tribunals has more than tripled, which means that an increasing number of international disputes are being settled peacefully in judicial proceedings. This development has aroused fears that the marginal external coordination of the courts could lead to a fragmentation of international law and could weaken the peaceful settlement of disputes. Based on a study of just under 300 decisions made in seven major jurisdictions, Michael Nunner disproves this theory. International courts preserve the unity and the integrity of international law by establishing a non-hierarchical discourse and by recognizing and referring to the decisions of other courts. Using a game theory analysis, it is possible to identify the long-term interests of the courts and reciprocal cooperation as fundamental causes of this reception and to document the evolution of the cooperation between courts.

Görisch, Christoph

Demokratische Verwaltung durch Unionsagenturen

Ein Beitrag zur Konkretisierung der europäischen Verfassungsstrukturprinzipien

Volume 35
2009. XXI, 472 pages.

ISBN 9783161498749
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ISBN 9783161511745
eBook PDF 119,00 €

The European administrative agencies (i.e. the European Trademarks Registration Office) play an important role in the discussion about the »democratic deficit« in the European Union. Difficulties result from a lack of special provisions for the agencies in the founding treaties complementing the Union's general commitment to the principle of democracy according to Article 6 EU. Christoph Görisch seeks to clearly define the respective democratic requirements by looking at evaluative comparative law and providing a critical analysis of the case law of the European Court of Justice. The conclusions are also of particular relevance for the current proposals of the European Commission to establish new regulation agencies in the telecommunications and energy sector.

Kaiser, Friederike

Gemischte Abkommen im Lichte bundesstaatlicher Erfahrungen

Volume 34
2009. XV, 230 pages.

ISBN 9783161500114
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ISBN 9783161511738
eBook PDF 54,00 €

In the area of foreign policy, the capacity of the EC to act and the individual interests of the member states are often diametrically opposed. Against this backdrop, Friederike Kaiser analyzes mixed agreements of the EC and compares this treaty practice with other federal systems. In doing so, she draws on the federal experiences as a basis for comparison, giving a horizontal comparison of the federal and comparable national constitutional systems and a vertical comparison of the EC and the result of the horizontal comparison. Analyzing the jurisdiction of the ECJ, the author shows the links between the results of her comparison and uses them for problem solving. The practical background of this study, whose aim is to find an appropriate reconciliation of interests between the European Community and its member states, makes this an important work for dealing with mixed agreements in the future.

Germelmann, Claas Friedrich

Die Rechtskraft von Gerichtsentscheidungen in der Europäischen Union

Eine Untersuchung vor dem Hintergrund der deutschen, französischen und englischen Rechtskraftlehren



Volume 33
2009. XXVII, 515 pages.

ISBN 9783161511721
eBook PDF 89,00 €

The ancient proposition »res judicata pro veritate habetur« (i.e. the matter which has finally been adjudicated is deemed to be the truth) reveals how central the principle of res judicata is to a legal system in general. Apart from its significance in procedural law, the concept of res judicata has a serious impact on questions of substantive law. It is common to the legal traditions of all the member states of the European Union and it is generally acknowledged that it also applies to decisions of the ECJ. Claas Friedrich Germelmann examines the res judicata principles in German, French and English law and shows that although being influenced by the different legal traditions of the member states, the concept of res judicata in the case law of the ECJ has several specific features which have to be seen in the context of the general purposes and characteristics of EC law.

Schulte Westenberg, Hendrik

Zur Bedeutung der Keck-Rechtsprechung für die Arbeitnehmerfreizügigkeit

Volume 32
2009. XIV, 264 pages.

ISBN 9783161499913
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ISBN 9783161511714
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Since the *Bosman* judgment, the European Court of Justice has pointed out that article 39 of the Treaty prohibits not only all discrimination but also national rules which are applicable irrespective of the nationality of the workers concerned but impede their freedom of movement. Furthermore, the Court has held on numerous occasions that the Treaty provisions relating to freedom of movement for persons preclude measures which might place Community nationals at a disadvantage when they pursue an economic activity in another Member State. Many legal commentators have nevertheless raised the question of whether the prohibition of non-discriminatory obstacles is considered to be effective without being subjected to any restrictions. Hendrik Schulte Westenberg pursues this question, asking whether it is possible to apply the court's jurisdiction since *Keck* concerning the free movement of goods to article 39 and whether it is generally possible to lead the four internal market freedoms to a consistent dogmatic system.

Simon, Sven

Liberalisierung von Dienstleistungen der Daseinsvorsorge im WTO- und EU-Recht

Volume 31
2009. XVII, 416 pages.

ISBN 9783161500008
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eBook PDF 74,00 €

The liberalization of public services is subject to heated political debate. Sven Simon analyzes the liberalization structure in the two relevant treaties and explores the question of whether or not public services are inevitably subject to liberalization in WTO or EU law. He addresses the complex constitution of the GATS, discusses the scope of the application as well as the potential justification for restrictions with regard to the single market in the EC Treaty, and evaluates the effects of the new protocol concerning public services included in the Lisbon Treaty. The results of his interpretation are presented in a wider socio-economic and political context, and accordingly show how international and European law can contribute to introducing notions of public welfare into the process of globalization.

Pfeffer, Robert

Das Verhältnis von Völkerrecht und Landesrecht

Eine kritische Betrachtung alter und neuer Lehren unter besonderer Berücksichtigung der Europäischen Menschenrechtskonvention

Volume 30
2009. XIV, 254 pages.

ISBN 9783161499760
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ISBN 9783161511691
eBook PDF 64,00 €

The reactions to decisions of the Federal Constitutional Court concerning »Maastricht« or »Görgülü« show that the conflict between monistic and dualistic theories has not been settled. Robert Pfeffer takes a very basic approach to assessing this subject. Based on the freedom of the individual, he develops a legal view of the world and takes a definite stance on questions pertaining to the real meaning of the words »law« and »states,« what they can do, and the status of international law in relation to these concepts. In this context, he discusses and studies old and new theories and applies the knowledge he has acquired to an assessment of the significance of the European Convention on Human Rights. In doing so, he provides a critical analysis of popular views such as the precedence of Community law or the constitutionalization of international law.

Verlage, Christopher

Responsibility to Protect

Ein neuer Ansatz im Völkerrecht zur Verhinderung von Völkermord, Kriegsverbrechen und Verbrechen gegen die Menschlichkeit



Volume 29
2009. XVIII, 433 pages.

ISBN 9783161511684
eBook PDF 79,00 €

In the autumn of 2005, all UN member states were unanimous in adopting a resolution in the UN General Assembly stating that both the individual state and the international community have a responsibility to protect their populations from genocide, war crimes and crimes against humanity. Due to this »R2P,« the legal debate dealing with humanitarian interventions has shifted profoundly. It no longer deals primarily with the mere justification of military interventions; it addresses the collective duty of the international community to react. Thus the legal debate in the coming years could be predominantly determined by the question of whether it is consistent with public international law not to intervene in cases of mass atrocities. In this book, Christopher Verlage analyzes whether or not R2P is already a binding norm and explores its implications for the UN Security Council and regional organizations. This book won the Harry-Westermann-Award of the Law Faculty of the University of Munich.

Karalus, Kirstin

Die diplomatische Vertretung der Europäischen Union

Volume 28
2009. XVII, 245 pages.

ISBN 9783161498558
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ISBN 9783161511677
eBook PDF 64,00 €

Up to now, the diplomatic representation of the European Union has not been regulated in the Treaty of the European Union. There are, however, a great number of activities in the sector of diplomatic representation. Kirstin Karalus examines whether or not these activities can be classified as diplomatic representation. She begins by defining the characteristic traits of diplomatic representation. Using these, she analyzes the powers and the institutions involved, such as for example the European Commission and the Council of the European Union. She shows that the so-called foreign delegations of the Commission can definitely be regarded as a diplomatic representation of the European Union. In conclusion, the author describes the extent to which the regulations of the Treaty of Lisbon, which provide for the establishment of a European foreign service, can lead to a further improvement of the present situation.

Ottaviano, Marco

Der Anspruch auf rechtzeitigen Rechtsschutz im Gemeinschaftsprozessrecht

Volume 27
2009. XVI, 278 pages.

ISBN 9783161495847
sewn paper 59,00 €
ISBN 9783161511660
eBook PDF 59,00 €

The overly long duration of legal proceedings at the European Court of Justice is the Achilles' heel of the Community legal system. Marco Ottaviano explains the reasons for this, examines existing suggestions for a reform and in addition develops his own approaches for a solution. His dogmatic basis is the right to legal redress laid down in Community law. He explains the content of this right and studies the measures which should be taken by those concerned, such as for example Community lawmakers, Community courts and Community Member States in order to meet their obligations.

Baach, Florian

Parlamentarische Mitwirkung in Angelegenheiten der Europäischen Union

Die Parlamente Deutschlands und Polens im europäischen Verfassungsverbund

Volume 26
2008. XVI, 294 pages.

ISBN 9783161498008
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ISBN 9783161511653
eBook PDF 64,00 €

In the widespread debate on the democratic legitimacy of the European Union, national parliaments often seem to be a kind of knight in shining armor. In its decision on the Maastricht Treaty, the German Federal Constitutional Court put national parliaments at the center of the Union's legitimacy. Florian Baach examines the competences of the German and the Polish parliament in European Union affairs, focusing on the German Bundestag and the *Sejm* of the Republic of Poland. Based on the concept of a constitutional network formed by the European treaties and national constitutional law, the author describes a European democratic principle and its standards for the role of national parliaments. These standards are applied to the relevant competences of the German and the Polish parliament.

Neidhardt, Stephan

Nationale Rechtsinstitute als Bausteine europäischen Verwaltungsrechts

Rezeption und Wandel zwischen Konvergenz und Wettbewerb der Rechtsordnungen

Volume 25
2008. XXII, 273 pages.

ISBN 9783161498602
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ISBN 9783161511646
eBook PDF 69,00 €

Since the beginning of European integration, Community law and the administrative law systems of the Member States have been linked by a constant exchange between legal institutions. In order to enable a more in-depth analysis of this ongoing process, which is the development of a European administrative law, Stephan Neidhardt focuses on those national legal institutions which have been integrated into Community law. He examines the reception and the transformation of the German *Vertrauensschutz* as well as of the French *intérêt pour agir* as they progress from their creation in the administrative law of one Member State, then to Community law and finally to their implementation in the law of another Member State. He places the results of his study in the context of the debate on convergence or competition between the national administrative law systems in Europe.

This work was awarded the »Carl-von-Rotteck-Preis« 2008 by the University of Freiburg and the »Rhodia-Acetow-



Legalität, Legitimität und Moral

Können Gerechtigkeitspostulate Kriege rechtfertigen?

Hrsg. v. Thomas Bruha, Sebastian Heselhaus u. Thilo Marauhn

Volume 24
2008. VIII, 265 pages.

ISBN 9783161488979
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ISBN 9783161511639
eBook PDF 64,00 €

Since the early 1990s, several military interventions have been justified on the basis of arguments coming close to the ancient theory of just war. This has been the case with so-called humanitarian interventions, anti-terrorist measures, and the initiation of 'preventive' war against 'rogue states'. Increasingly, the principles of the UN Charter-based *ius ad bellum*, which include formal mechanisms for the authorization of military force, have been superseded by political claims for justice and opportunist arguments or they have been negated by military facts accomplis. The present volume, which is based on a conference sponsored by the German Foundation for Peace Research and hosted by the Justus Liebig University, Gießen, Germany, presents an interdisciplinary dialogue and a critique of the so-called 'new wars' and their moral justifications.

Last, Christina

Garantie wirksamen Rechtsschutzes gegen Maßnahmen der Europäischen Union

Zum Verhältnis von Art. 47 Abs. 1, 2 GRCh und Art. 263 ff. AEUV

Volume 23
2008. XIII, 306 pages.

ISBN 9783161496943
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ISBN 9783161511622
eBook PDF 69,00 €

With the insertion of the Charter of Fundamental Rights and Article 47 thereof in particular, the European right to an effective remedy will be part of the future written primary law according to Article 6 EU. Christina Last deals with the theoretic structures of this fundamental right, its basic statements and its relationship to the provisions of primary law, which contain the rules of procedure at the European Court of Justice. Her insight that the procedural rules are destined to activate the right to an effective remedy without extending the Union's powers determinates the interpretation of the former provisions. Using the individual action for annulment, which will be amended in future primary law, as an example, the author explains the effects of this interpretation. In doing so, she shows possibilities of improving the legal protection of the individual against acts of the European Union within the legal protection system.

Naumann, Kolja

Eine religiöse Referenz in einem Europäischen Verfassungsvertrag

Volume 22
2008. XVII, 281 pages.

ISBN 9783161497049
sewn paper 64,00 €

ISBN 9783161511615
eBook PDF 64,00 €

During the preparation of the new European constitution, the reference to religion in the preamble was one of the main points of contention. From the standpoint of comparative law, Kolja Naumann deals with the legal effects of the various suggestions under discussion. He ascertains that it is not possible to substantiate the acceptance of legal standards according to the law of nature or of a special evaluation of religious arguments in European law using a reference to religion. It is more likely that the preamble expresses a new and higher regard for religion in the law of the European Union and emphasizes the historical origins of the European Union's values. The author studies the effects of this part of the preamble on the other terms of the treaty and focuses on the effects of the reference to religion on the interpretation of the new religious constitutional norms in the treaties.

Sachs, Bärbel

Die Ex-officio-Prüfung durch die Gemeinschaftsgerichte

Volume 21
2008. XV, 274 pages.

ISBN 9783161497018
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ISBN 9783161511608
eBook PDF 64,00 €

The parties concerned determine the scope of the legal examination in legal actions before the European Community courts by submitting specific pleas. The Community courts examine certain pleas in law *ex officio* only in exceptional cases. Bärbel Sachs describes and analyzes the scope of application, the conditions and modalities of this *ex officio* examination. She scrutinizes its procedural framework, taking into account the different types of judicial actions. She focuses on setting a benchmark for the system of legal protection provided by the Community courts against the right to an effective judicial remedy and the general objective of implementing Community law.

Metje, Tim M.

Der Investitionsschutz im internationalen Anlagenbau

Eine Untersuchung unter besonderer Berücksichtigung internationaler BOT-Projekte

Volume 20
2008. XVI, 213 pages.

ISBN 9783161496950
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ISBN 9783161511592
eBook PDF 54,00 €

Due to the enormous need for infrastructure investment world-wide and due to governments' inability to finance such investments, innovative financing techniques have been developed, BOT (build, operate, transfer) techniques being one of them. Governments and private investors should be on an equal footing when negotiating BOT contracts in order to allocate risks in a way which will be acceptable for all parties involved. In his study, Tim Metje analyzes the risks and opportunities inherent in BOT project financing and evaluates pertinent new developments in international investment law.

50 Jahre Römische Verträge

Geschichts- und Rechtswissenschaft im Gespräch über Entwicklungsstand und Perspektiven der Europäischen Integration

Hrsg. v. Reiner Schulze u. Christian Walter

Volume 19
2008. VII, 101 pages.

ISBN 9783161496493
sewn paper 29,00 €

This volume contains the main results of an interdisciplinary conference on the history of European integration, which was attended by historians and legal scholars. After analyzing the methods of these two disciplines, the authors take a look at the creation of the European Union using the parameters of »integration,« »legitimation,« »identity« and »constitutionalization.« The articles provide an incentive for defining further individual issues which can be used to show the common ground and the differences in the perceptions of historians and legal scholars in a manner which will be beneficial to both disciplines.

Survey of contents

Christian Walter und Reiner Schulze: Einleitung: 50 Jahre Römische Verträge – *Vassilios Skouris:* 50 Jahre Römische Verträge – Rückblick und Ausblick aus der Perspektive der Europäischen Gerichtsbarkeit – *Gertrude Lübbe-Wolff:* Staatenintegration und Bürgerintegration – *Jochen A. Frowein:* 50 Jahre Römische Verträge – *Rainer Hudemann:* Europas Weg zur Union. Forschungsfragen und Methoden – *Wilfried Loth:* Europa zwischen Nationalstaatlichkeit und Supranationalität – *Jürgen Elvert:* Der europäische Integrationsprozess zwischen Konstitutionalisierung und Krise

Rieckhoff, Henning

Der Vorbehalt des Gesetzes im Europarecht

Volume 18
2007. XXI, 312 pages.

ISBN 9783161494567
sewn paper 64,00 €

ISBN 9783161511578
eBook PDF 64,00 €

The European Court of Justice and legal scholars view the principle of legality as a general principle of European Community law. Unlike in national and in particular in German law, the concept has remained rather vague on a European level and requires further systematic and dogmatic development. Henning Rieckhoff shows that in European law the principle of legality is already firmly based on the rule of law, whereas its basis in democracy and basic rights has just started to gain ground. Due to its limited normative impact, it is questionable whether or not the thread of legitimation between the individual European citizen and the exercise of public power is strong enough. The author also questions how it is possible to compensate for the loss of significance of the traditional German principle of legality in the course of European integration by introducing a European theory of the principle of legality, and in doing so creates a comprehensive concept for this.

Heußner, Kristina

Informationssysteme im Europäischen Verwaltungsverbund

Volume 17
2007. XX, 485 pages.

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eBook PDF 89,00 €

A regular exchange of information is essential for effective administration in the European Union. Thus, the authorities responsible in the Community Member States are provided with the information they require in order to carry out administrative measures which are indicated by Community law or to prepare Community policies. . The number of information systems, which are a special kind of inter-administrative cooperation, is on the rise. Information systems can satisfy the increasing need for information more efficiently than other limited information obligations. Kristina Heußner studies the structures and the functions of information systems, their legal organization and those questions pertaining to data protection, legal protection and liability with which citizens and companies are confronted by information systems.



Internationales Verwaltungsrecht

Eine Analyse anhand von Referenzgebieten

Hrsg. v. Christoph Möllers, Andreas Voßkuhle u. Christian Walter

Volume 16
2007. VIII, 426 pages.

ISBN 9783161511554
eBook PDF 74,00 €

In the classical law of sovereign states, the distinction between the outer and the inner sphere led to a clear separation of administrative law and international law. As a result of this, the international dimensions of administrative law remained very small. This has changed fundamentally in the past years. The authors of the articles in this volume analyze the origins of an »international administrative law« by studying the examples (administration of aid to developing countries, social security law, environmental law, international tax law, supervision of financial markets, international migration law, international standardization).

Survey of contents

Christoph Möllers: Internationales Verwaltungsrecht – *Philipp Dann:* Grundfragen eines Entwicklungsverwaltungsrechts – *Franz C. Mayer:* Internationalisierung des Verwaltungsrechts? – *Markus Glaser:* Internationales Sozialverwaltungsrecht – *Wolfgang Dürmer:* Internationales Umweltverwaltungsrecht – *Matthias Rossi:* Europäisiertes internationales Umweltverwaltungsrecht – *Ekkehart Reimer:* Transnationales Steuerrecht – *Christian Tietje:* Kommentar zum Beitrag von Ekkehart Reimer »Transnationales Steuerrecht« – *Anne van Aaken:* Transnationales Kooperationsrecht nationaler Aufsichtsbehörden als Antwort auf die Herausforderung globalisierter Finanzmärkte – *Christoph Ohler:* Internationale Regulierung im Bereich der Finanzmarktaufsicht – *Jürgen Bast:* Internationalisierung und De-Internationalisierung der Migrationsverwaltung – *Nico Krisch:* Das Migrationsrecht und die Internationalisierung des Verwaltungsrechts. 313 – *Hans Christian Röhl:* Internationale Standardsetzung – *Oliver Lepsius:* Standardsetzung und Legitimation – *Karl-Heinz Ladeur:* Die Internationalisierung des Verwaltungsrechts: Versuch einer Synthese – *Matthias Ruffert:* Perspektiven des Internationalen Verwaltungsrechts

Lochen, Tobias

Die völkerrechtlichen Regelungen über den Zugang zu genetischen Ressourcen

Volume 15
2007. XXI, 307 pages.

ISBN 9783161493867
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ISBN 9783161511547
eBook PDF 69,00 €

For decades, those states which are rich in resources have been complaining about so called »biopiracy,« meaning that scientists export plants without permission and patent parts of them without giving the country of origin fair compensation. Tobias Locher examines the access regulations of the Convention on Biological Diversity, and the International Treaty on Plant Genetic Resources for Food and Agriculture. He provides a survey of regional access regulations and the access to genetic resources in the Antarctic and the oceans of the world and analyzes those regulations pertaining to intellectual property which are significant for the granting of access, in particular the TRIPS Agreement and the UPOV Convention as well as the corresponding regulations on the European level and in American law.

Die Sicherung der Energieversorgung auf globalisierten Märkten

Hrsg. v. Stefan Leible, Michael Lippert u. Christian Walter

Volume 14
2007. XII, 184 pages.

ISBN 9783161493874
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ISBN 9783161511530
eBook PDF 49,00 €

There is an increasing shortage of fossil fuels and a growing demand for them around the world. From the perspective of private and public international commercial law, the authors of this volume examine those instruments which can be used in the future to guarantee the energy supply. After providing a strategic and political analysis of the regulatory framework, the authors study the efficiency of the instruments available in regulatory administrative law, in the law for the protection of investments, in international commercial law and in antitrust law.

Survey of contents

Michael Lippert: Sicherheit der Energieversorgung: Renaissance eines energierechtlichen Leitziels? – *Friedemann Müller:* Strategische Bedingungen für die Nutzung der Weltenergieserven: Energiesicherheit und internationale Sicherheitspolitik – *Christian Walter:* Gewährleistungs- und Erfüllungsverantwortung auf globalen Energiemärkten. Brauchen wir eine »Rohstoffbeschaffungsverantwortung?« – *Ulrich Ehrlicke:* Equity-Joint Venture-Verträge als Instrument zur Sicherung der Versorgung mit ausländischen Energieträgern – *Helga Steeg:* Erschließung ausländischer Energiereserven und Investitionsschutz – *Frank Schorkopf:* »Energie« als Thema des Welthandelsrechts – *Michael Fehling:* Energieversorgung zwischen Daseinsvorsorge und internationaler Liberalisierung – *Mathias Wolkewitz:* Rechtssichere Gestaltung von internationalen Energielieferungsverträgen – *Wulf-Henning Roth:* Kartellrecht als Instrument der sicheren Energieversorgung – *Carsten Schmidt:* Diskussionsbericht: Erneuerbare Energien und sichere Energieversorgung

Benesch, Sebastian

Das Freizügigkeitsabkommen zwischen der Schweiz und der Europäischen Gemeinschaft

Ein Beitrag zum schweizerischen Europäisierungsprozess



Volume 13
2007. XXVII, 279 pages.

ISBN 9783161493232
sewn paper 64,00 €

Historically, culturally, linguistically and economically, Switzerland is part of the European Community, but it is politically and legally outside the European Community. In his work, Sebastian Benesch explains the reasons for this, and shows how this resulted in the need to regulate freedom of movement. Before the bilateral Agreement on Freedom of Movement between Switzerland and the European Community, which took effect in 2002, freedom of movement was a domestic affair regulated by the individual countries. The purpose of the new Agreement is to reduce legal barriers and to facilitate freedom of movement based on European law. The author deals with the legal situation of migrant employees, self-employed persons, service providers and unemployed persons with regard to short-term and permanent residence. Taking into account that the relationship between Switzerland and the European Community is based on several different bilateral agreements, the author analyzes whether Switzerland is already part of the European Union's system of freedom of movement and takes a look at Switzerland's alternatives in regard to its prospective role in Europe and the European Union.

Leifer, Christoph

Das europäische Umweltmanagementsystem EMAS als Element gesellschaftlicher Selbstregulierung

Volume 12
2007. XII, 209 pages.

ISBN 9783161492211
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eBook PDF 54,00 €

EMAS is generally regarded as a classic example of social self-regulation. However, the widespread lack of EMAS certification shows that in the discussion surrounding the governmental instruments of environmental policy on the one hand and forms of social self-regulation on the other hand the main issue must not be alternative solutions but rather cumulative solutions. Christoph Leifer studies the question of the correct relationship and the interaction between both parts in the case of the EMAS and examines whether or not the advantages of social self-regulation systems are being used without disregarding the protective obligations of the government as well as private positions on fundamental rights in order to achieve efficiency in the entire system.

Dünnes-Zimmermann, Sibylle

Gesundheitspolitische Handlungsspielräume der Mitgliedstaaten im Europäischen Gemeinschaftsrecht

Dogmatische Verortung im Rahmen der Grundfreiheiten

Volume 11
2006. XVIII, 419 pages.

ISBN 9783161491511
sewn paper 74,00 €

In its rulings, the ECJ has emphasized the application of the fundamental economic freedoms of the EC Treaty, especially of the provisions relating to the free movement of goods and the freedom to provide medical services within the social security systems of the Member States. Community law does however not detract from the powers of the Member States to organize their own social security systems. Since Community law provisions on social security and public health do not permit the European Community to decide on far-reaching regulations which affect the national social security systems of the Member States, they have the exclusive competence to regulate social security and public health law under the EC Treaty. In this work, Sibylle Dünnes-Zimmermann analyzes the relationship between the fundamental economic freedoms and the competence for legislation in social security and public health law. As the rulings of the ECJ suggest, the Court dissolves this conflict by cautiously verifying the proportionality of the national measure in issue. The author shows that this concept not only has its basis in the EC treaty but is determined in the structure of the economic basic freedoms themselves as they have been developed by the Court.

Bührle, Folko

Gründe und Grenzen des »EG-Beihilfenverbots«

Art. 87 Abs. 1 EG-Vertrag – Eine europäische Norm im Spannungsfeld von ökonomischer Rationalität und staatlichem Gestaltungsanspruch

Volume 10
2006. XXV, 389 pages.

ISBN 9783161490309
sewn paper 79,00 €

Folko Bührle's study of the system of state aid and the law pertaining to state aid ranges from theoretical problems outside the law and the difficulties in constitutional law and European Community law in general to the specific problems of the individual constituent facts of the ban on state aid. Where does a decision have to be made between prohibited patronage and permitted policy-making, and what are the criteria for this? The author believes that the strict adherence to a clearly defined functional framework for state aid along with a corresponding proportionality principle and a differentiating allocation of assessment prerogatives and the burden of proof could be the possible solutions, in particular for delimiting jurisdiction and restraining a European Community which is noticeably exchanging its role as that of a protector of the market for a role as a political policy-maker.

Eekhoff, Meike

Die Verbundaufsicht

Gemeinschaftsrechtliche Aufsichtsverfahren und -mechanismen außerhalb des Vertragsverletzungsverfahrens

Volume 9
2006. XIX, 349 pages.

ISBN 9783161491078
sewn paper 74,00 €

The European Community depends on the national authorities for the proper enforcement of Community law. The treaty violation proceeding, which the Commission basically has at its disposal in order to ensure that the Member States conduct themselves according to Community law, is however very time-consuming. For this reason, Meike Eekhoff studies the extra-judicial supervisory proceedings and mechanisms which are available to the European Community. She deals with the structures of the supervision of the Member State administrations and exposes inconsistencies. She also studies the legality of the codification of supervisory mechanisms in secondary law as well as the legality of the application of these mechanisms in individual cases by the European Community. Finally, the author shows the opportunities of legal protection for the Member States and their citizens against the mentioned measures of supervision.

Srock, Gregor

Rechtliche Rahmenbedingungen für die Weiterentwicklung von Europol

Perspektiven im EU-Vertrag und in der Verfassung von Europa

Volume 8
2006. XVI, 278 pages.

ISBN 9783161490941
sewn paper 59,00 €

Europol is embedded in a dynamic development procedure of international police cooperation. Gregor Srock analyzes the perspectives for Europol's development by looking at the varying regulations of Article 30 Paragraph 2 of the EU Treaty and the European constitution. He shows the difficulties involved in the necessity of a common course of action on the one hand and the hesitation demonstrated by the Member States in delegating powers as well as the necessity of a sufficiently stable legal framework on the other hand. He concludes by giving an explanation of Europol's position in the European Constitutional Treaty. The author shows that the constitution does not include those steps which would be necessary for the development of Europol.

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Gesamtergebnis

Schenk, Wolfgang

Strukturen und Rechtsfragen der gemeinschaftlichen Leistungsverwaltung

Volume 7
2006. XVI, 441 pages.

ISBN 9783161490026
sewn paper 74,00 €

The European Community's budget presently shows a total amount of considerably more than 100 billion euros. In addition to agriculture, the Community also finances measures in the areas of infrastructure or research. Wolfgang Schenk examines the allocation of these financial aids. His study focuses on the necessary processes for implementing these. In his view, the most influential factor is the Commission's responsibility for the budget, which is anchored in primary law. This means that the Commission has a much more influential position than it normally has in the enforcement of Community law. In the final chapter, the author examines the supervision of the use of funds by the European Anti-Fraud Office and by the European Court of Auditors.

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Fazit und Ausblick

Müller, Felix

Schutzmaßnahmen gegen Warenimporte unter der Rechtsordnung der WTO

Die materiell-rechtlichen Anwendungsvoraussetzungen der »Safeguard Measures« gem. Art. XIX:1(a) GATT 1994 und Art. 2.1 des Agreement on Safeguards

Volume 6
2006. XVIII, 324 pages.

ISBN 9783161490132
sewn paper 69,00 €

Felix Müller analyzes the World Trade Organization's position on safeguards, focusing mainly on the substantive prerequisites of safeguard measures which arise from Article XIX of the GATT and Article 2.1 of the Agreement on Safeguards. He discusses the economic, political and legal aspects in detail. Against this backdrop, the author develops new models for the application of safeguard measures and makes suggestions as to how the current WTO's safeguard mechanisms can be worded more clearly.

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Ausblick

Schorkopf, Frank

Der Europäische Haftbefehl vor dem Bundesverfassungsgericht

Hrsg. v. Frank Schorkopf



Volume 5
2006. LIII, 538 pages.
ISBN 9783161489839
sewn paper 94,00 €

In its judgment of 18 July 2005, the Federal Constitutional Court declared the European Arrest Warrant Act void. This volume includes the comments, decisions and – in particular – the complete transcript of the oral proceedings before the Second Senate in April 2005. An introduction explores the legal framework for extraditions from the perspectives of German constitutional and European law.

Held, Simeon

Die Haftung der EG für die Verletzung von WTO-Recht

Volume 4
2006. XVIII, 343 pages.
ISBN 9783161488429
sewn paper 64,00 €

EC liability for the violation of WTO law is one of the central issues in connection with the effects of world trade law in the EC legal order. Based on the legal effects of WTO law according to the case law of the European Court of Justice, Simeon Held demonstrates the significance of these legal effects for legal protection in the European Community, especially the liability of the EC. He shows that a claim for damages based on the liability established in Article 288 (2) TEC can basically only be taken into consideration if there is also a violation of Community law since WTO law is not directly applicable. More importance can be attached to the liability of the Community for a lawful act. The author also deals with the compatibility of claims for damages under EC law with the WTO subsidy regulations.

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Vogt, Matthias

Die Entscheidung als Handlungsform des Europäischen Gemeinschaftsrechts

Volume 3
2005. XVIII, 399 pages.

ISBN 9783161487859
sewn paper 74,00 €

The decision as described in Article 249 Paragraph 4 of the Treaty establishing the European Community is undoubtedly that form of taking action in European Community law which up to now has been given little attention by legal experts. Matthias Vogt bases his work on a broad review of the practice of law-making and develops a typology of decisions. He shows that decisions are much more than the Community law counterpart to the administrative act in domestic law. The decision surpasses all the other instruments of Community law not only in the flexibility of the way it is used but also in the heterogeneity of the legal rules to be applied. Up to now, too little significance has been attached to the decision as a central component of the »European legislative-administrative association«, especially in the field of normative control.

Ebner, Timm

Streitbeilegung im Welthandelsrecht

Maßnahmen zur Vermeidung von Jurisdiktionskonflikten

Volume 1
2005. XXI, 288 pages.

ISBN 9783161487316
sewn paper 59,00 €

This work is a profound analysis of the current problem of how conflicts of jurisdiction in public international law should be solved, avoided or used for one's own advantage. Timm Ebner discusses conflicts between the dispute settlement mechanisms of the WTO and the ICJ, ITLOS and environmental dispute settlement systems. In addition to dealing with current solutions for conflicts of jurisdiction, the author focuses on measures with which states can avoid and coordinate conflicts before they arise. The work includes proposals for preventive measures which will serve as guidelines for practitioners.

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