Private International Law Aspects of Corporate Social Responsibility; Catherine Kessedjian, Humberto Cantú Rivera (eds.); Springer International Publishing; 2020

Publisher’s note: This collection comprises 20 national reports from jurisdictions in Europe, North America, Latin America and Asia, addressing the private international law aspects of corporate social responsibility. They provide an overview of the legal differences between geographical areas, and offer numerous examples of how states and their courts have resolved disputes involving private international law elements. The book draws two preliminary conclusions: that there is a need for a better understanding of the role that private international law plays in cases involving transnational elements, in order to better design transnational solutions to the issues posed by economic globalisation; and that the treaty negotiations on business and human rights in the United Nations could offer a forum to clarify and unify several of the elements that underpin transnational disputes involving corporate human rights abuses, which could also help to identify and bridge the existing gaps that limit effective access to remedy.
Optional choice of court agreements in private international law; Mary Keyes; Springer; 2020

Publisher’s note: This book highlights the importance of optional choice of court agreements, and the need for future research and legal development in this area. The law relating to choice of court agreements has developed significantly in recent years, reflecting their increased use in practice. However, most recent legal developments concern exclusive choice of court agreements. In comparison, optional choice of court agreements, also called permissive forum selection clauses and non-exclusive jurisdiction clauses, have attracted little attention from lawmakers or commentators. This collection is comprised of 19 National Reports, providing a critical analysis of the legal treatment of optional choice of court agreements, including asymmetric choice of court agreements, under national laws as well as under multilateral instruments. It also includes a General Report offering an overview of this area of the law and a synthesis of the findings of the national reporters.

Economic sanctions in EU private international law; Tamás Szabados; Hart; 2019

Publisher’s note: Economic sanctions are instruments of foreign policy. However, they can also affect legal relations between private parties - principally in contract. In such cases, the court or arbitration tribunal seized must decide whether to give effect to the economic sanction in question. Private international law functions as a ‘filter’, transmitting economic sanctions that originate in public law to the realm of private law. The aim of this book is to examine how private international law rules can influence the enforcement of economic sanctions and their related foreign policy objectives. A coherent EU foreign policy position - in addition to promoting legal certainty and predictability - would presuppose a uniform approach not only concerning the economic sanctions of the EU, but also with regard to the restrictive measures imposed by third countries. However, if we examine in detail the application of economic sanctions by Member States' courts and arbitral tribunals, we find a somewhat different picture. This book argues that this can be explained in part by the divergence of private international law approaches in the Member States.

Commercial issues in private international law: A common law perspective; Vivienne Bath, Michael Douglas, Michael Crichton (eds.); Hart; 2019

Publisher’s note: This book considers key issues at the intersection of commercial law and private international law. The authors include judges, academics and practising lawyers, from Australia, New Zealand, Singapore and the United Kingdom. They bring a common law perspective to contemporary problems concerning the key issues in private international law: jurisdiction, choice of law, and recognition and enforcement of foreign judgments. The book also addresses issues of evidence and procedure in cross-border litigation, and the impact of recent developments at the Hague Conference on Private International Law, including the Convention on Choice of Court Agreements on common law principles of private international law.
Jurisdiction and Cross-Border Collective Redress: A European Private International Law Perspective; Alexia Pato; Hart; 2019

Publisher’s note: This book analyses thoroughly the dominant collective redress models adopted in the EU. Data from 13 Member States has been catalogued and categorised. The research mainly focuses on the consumer law field but frequent references to financial and data protection-related cases are made. The dominant collective redress models are then studied from a private international law perspective. In particular, the book highlights the current mismatch between collective redress on the one hand, and rules on international jurisdiction on the other. Additionally, it notes that barriers to cross-border litigation remain significant for victims and their representatives. The unprecedented empirical study included in this book confirms that statement. Observing that EU measures have not satisfactorily lowered those barriers, the author proposes the creation of a new head of jurisdiction for cases of international collective redress.

Private International Law: Contemporary Challenges and Continuing Relevance; Franco Ferrari, Diego P. Fernández Arroyo (eds); Edward Elgar Publishing Limited; 2019

Publisher’s note: Is Private International Law (PIL) still fit to serve its function in today’s global environment? In light of some calls for radical changes to its very foundations, this timely book investigates the ability of PIL to handle contemporary and international problems, and inspires genuine debate on the future of the field.

Global private international law: Adjudication without frontiers; Horatia Muir Watt et al. (eds.); Edward Elgar Publishing; 2019

Publisher’s note: Providing a unique and clearly structured tool, this book presents an authoritative collection of carefully selected global case studies. Some of these are considered global due to their internationally relevant subject matter, whilst others demonstrate the blurring of traditional legal categories in an age of accelerated cross-border movement. The study of the selected cases in their political, cultural, social and economic contexts sheds light on the contemporary transformation of law through its encounter with conflicting forms of normativity and the multiplication of potential fora.
Stone on Private International Law in the European Union; Fourth Edition; Peter Stone; Edward Elgar Publishing; 2018

Publisher’s note: Within Europe the private international law rules have been harmonized to a very large extent by legislation adopted at EU level and case-law on the interpretation of this legislation. Recent developments include the entry into operation of revised versions of the Brussels I Regulation on civil jurisdiction and judgments and the Regulation on insolvency proceedings, as well as numerous decisions of the European Court and the English courts. The new edition of this authoritative work takes account of recent developments at both EU and UK levels.

Private International Law and Arbitration; Jack J. Coe, Donald Childress III; Edward Elgar Publishing Limited; 2018

Publisher’s note: This groundbreaking research review analyses leading work at the intersection of private international law and arbitration. Written by two recognised experts in the field, it covers wide range of topics, from international arbitration agreements and choice of law to the enforcement of awards and arbitration involving states. This authoritative study provides an essential research resource for students, academics and practitioners alike.

Rome I Regulation; Peter Mankowski, Ulrich Magnus (eds.), Otto Schmidt: Sellier European Law Publishers; 2017

Publisher’s note: One of the great steps towards a European Private International Law and for the facilitation of transborder trade is the Rome I Regulation which europeanised the applicable law for international contracts throughout the Union (though except Denmark). This Regulation has to be applied since the end of 2009. It has moderately reformed and replaced the former Rome Convention which had already proven its practical value for over two decades as many national decisions and also judgments of the European Court of Justice evidence. It is therefore high time for a truly pan-European Commentary on the Rome I Regulation which takes account of the European nature of this instrument. This is reflected by the team of contributors that originates from all over Europe assembling first experts in their countries. The editors are Ulrich Magnus and Peter Mankowski who have already edited the well-received pan-European Commentaries on the Brussels I Regulation and the Brussels IIbis Regulation. The Commentary (in English) provides a thorough article-by-article analysis which intensely uses the rich case law and doctrine and suggests clear and practical solutions for disputed issues. It gives a comprehensive and actual account of the present state of the European international contract law.
European commentaries on private international law, ECPII. Volume IV,
Brussels IIbis Regulation: Commentary; Peter Mankowski, Ulrich Magnus
(eds.); Otto Schmidt; 2017

Publisher’s note: The Brussels IIbis Regulation is the magna charta of cross-
border divorce and cross-border lawsuits concerning responsibility in Europe. It
has dramatically changed the law and the practice of the law for families in the
European Union. The book combines in-depth analysis with a genuine and truly
European perspective and covers the jurisprudence of the European Court of
Justice (ECJ). Furthermore, it integrates thorough and important national case
law.

Encyclopedia of Private International Law; Jürgen Basedow et al. (eds);
Edward Elgar Publishing; 2017

Publisher’s note: The role and character of Private International Law has
changed tremendously over the past decades. With the steady increase of global
and regional inter-connectedness the practical significance of the discipline has
grown. Equally, so has the number of legislative activities on the national,
international and, most importantly, the European level. With a world-class editor
team, 500 content items and authorship from almost 200 of the world’s foremost
scholars, the Encyclopedia of Private International Law is the definitive reference
work in the field. 57 different countries are represented by authors who shed light
on the current state of Private International Law around the globe, providing
unique insights into the discipline and how it is affected by globalization and
increased regional integration. The Encyclopedia consists of three inter-linked
pillars, enhanced by sophisticated search and cross-linking functionality. The first
pillar consists of A-Z coverage of the scope and substance of Private Interna-
tional Law in the form of 247 entries. The second pillar comprises detailed overviews of the Private International Law regimes of 80 countries. The
third pillar presents valuable, and often unique, English language translations of the national codifications and Private International Law provisions of those countries.

European Private International Law; Geert van Calster; Bloomsbury
Publishing Plc; 2016

Publisher’s note: As one of the most definitive texts on the market, European
Private International Law provides an essential guide for both students and
practitioners to the complex field of international litigation within the EU. The
private international law of the Member States is increasingly regulated by
European law, making private international law ever less 'national' and ever
more EU based. Consequentially EU law in this area has penetrated national law
to a very high degree, making it an essential area of study and an area of
increasing importance to practising lawyers. This book provides a thorough
overview of core European private international law, including the Brussels I,
Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and
tort), while additional chapters deal with the recently adopted Succession
Regulation, private international law and insolvency, freedom of establishment, and the impact of PIL on
corporate social responsibility.
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E-ARTICLES

> **Product liability and protection of EU consumers: is it time for a serious reassessment?**; Giorgio Risso; *Journal of Private International Law*; 04 May 2019; Vol. 15(2); pp. 288-314

  **Abstract by the author:** The European Union (EU) has not enacted a coherent and fully-fledged product liability regime. At the substantive level, the Product Liability Directive – adopted in 1985 – is the only piece of legislation harmonising the laws of the Member States. At the private international law level, the special choice-of-laws provision in the Rome II Regulation coexists with the general rules in the Brussels I-bis Regulation. Cross-border product liability cases are therefore subject to different pieces of legislation containing either “general” or “specific” provisions. In turn, such general and specific provisions do have their own rationales which, simplistically, can be inspired by “pro-consumer”, “pro-producer”, or more “balanced” considerations, or can be completely “indifferent” to consumer protection. This article examines the interactions between the Directive, the Rome II and the Brussels I-bis Regulations in cross-border product liability cases. The aim of this article is to assess whether the piecemeal regime existing at the EU level risks undermining the protection of EU consumers. The analysis demonstrates that the regime is quite effective in guaranteeing an adequate level of consumer protection, but reforms are needed, especially to address liability claims involving non-EU manufacturers or claims otherwise connected to third States, without requiring a complete overhaul of the EU product liability regime.

> **Changing balances of PIL theories in a Europeanized Private International Law**; Klea Vyshka; *Maastricht Journal of European and Comparative Law*; October 2018; Vol. 25(5); pp. 533-550

  **Abstract by the author:** This article offers a reading of the case law of the Court of Justice of the European Union (CJEU) from a private international law perspective (PIL). The developments that the CJEU thus gave start to in the field of company law, and especially in EU citizenship, invites for a reshaping of the balances between Union law and Member State private international laws, especially in the field of methods of application. This article aims to shed light into the question ‘To what extent has the EU citizenship as a connecting factor in the context of a Europeanized PIL changed the PIL traditional methods of application?’ The host Member State is obliged to recognize the duly created rights in the original Member State, with respect to the mutual recognition principle. The return of the vested rights theory as opposed to the use of the traditional conflict-of-law approach seems on its way.

> **Formation, development and modern state of private international law in the European Union**; Oksana Rudenko; *European Journal of Law and Public Administration*; 2018; Vol. 5(2); pp. 34-46

  **Abstract by the author:** The article discloses the formation, development and modern state of private international law in the European Union. The concept of “European private international law”, including an analysis of the term in a narrow, wide and broadest sense is revealed in the article. The author analyses three main stages in the development of the private international law (PIL) in the EU, in
particular: formation (1957 – 1999); active development — after the entry into force of the Amsterdam Treaty (1999 – 2009); modern period — after the entry into force of the Lisbon Treaty (2009 – present). This article examines the limits of EU legislation as the source of a single law and highlights the difficulties associated with projects on the codification of private law in the EU. Such an approach may be appropriate in the current state of EU integration if it is limited by the rules of binding contract law and the provisions of private international law. Further harmonization of private law in Europe also requires significant changes in the institutional structure for the creation of uniform rules and the development of new methods of regulation.

> **The private international law communitarization**; Maria João Mimoso, Maria do Rosário Anjos, André Almeida; Tribuna Juridicã; 2018, Vol. 8(17); pp. 614-623

**Abstract by the authors:** The Community impact on private international law (PIL) began to be felt in the late 1990s. A phenomenon that would become a visible reality through an exponential increase in legal texts of community origin on issues related to PIL. Such was anchored in the concern to ensure the proper functioning of the internal market and the need to regulate private relationships that went beyond the limits of each state, enhanced by the freedom of movement (people, goods, services and capital), one of the cornerstones of European Union. This study aims to reflect on the creation of the International Law European Private and its impact on state PIL.

> **Brexit and EU private international law: May the UK stay in?**; Mateusz Pilich; Maastricht Journal of European and Comparative Law; June 2017; Vol. 24(3); pp. 382-398

**Abstract by the author:** Procedure of the British withdrawal from the European Union, officially launched on the 29th of March this year, opens not only questions of the general public-law governance but, first and foremost, gives rise to concern about its overall impact on the cross-border private-law transactions involving the UK and the rest-EU Member States. The article is focused on the regulatory risk within the framework of the Judicial Cooperation in Civil Matters (JCCM), encompassing the EU common private international law (PIL) provisions. Some misapprehensions about a possible continuity of the cooperation based on the existing PIL international treaties (e.g. the Lugano Conventions or the 1980 Rome Convention) on the one hand, and the deficiencies of the post-Amsterdam JCCM legislative mechanisms on the other hand, have been considered. The current European legislative policy dramatically lacks consistency even with regard to the EU countries which have not been vested with a special status comparable to the UK, Ireland, or Denmark. Thus the article suggests a possibility of restructuring the JCCM so as to encourage the UK to cooperate with the EU in the form of a ‘Continental PIL Partnership.’

**TO GO FURTHER**

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