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For some years now the German publishers C.H.BECK and NOMOS have joined forces with Oxford-based Hart Publishing to publish a series of legal books in English under the common brand “Beck · Hart · Nomos”. The main focus of the joint programme are article-by-article commentaries on international and European law. This method of presentation suits the peculiarities of the largely codified European law and is increasingly appreciated by lawyers from common law countries as even there statutory law becomes more and more important. In addition to the commentaries, Beck · Hart · Nomos publish handbooks, monographs and textbooks.

Topics which are and will be addressed are Private and Public International Law, Foreign and International Business Law, Foreign and International Criminal Law, International Arbitration and Litigation, as well as various fields of European Union Law, such as Competition Law, Intellectual Property Law, Insolvency Law and Distribution.

In this flyer, we have compiled a selection of titles that have already been published in 2019 or will be published by the end of the year.

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The new European Insolvency Regulation (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings) has come into effect on 26 June 2017 for insolvency proceedings that are opened on or after that date. The Recast Regulation reforms the EC Regulation (1346/2000) on insolvency proceedings.

The main changes of the regulation are:

- the extension of its application to preventive insolvency proceedings;
- the creation of publicly accessible online insolvency registers;
- the possibility of avoiding the opening of multiple proceedings and preventing ‘forum shopping’;
- the introduction of new procedures with the aim of facilitating cross-border coordination and cooperation between multiple insolvency proceedings in different Member States relating to members of the same group of companies.

A team of experienced insolvency law experts, among them judges, insolvency practitioners and academics, have analysed the European Insolvency Regulation article by article. The authors focus on the new provisions and mechanisms as well as on the existing and to a great extent still relevant case law by the European Court of Justice and courts of the Member States.
The wealth of nations has been built upon trade and commerce. Trade and commerce have always been international and cross-border by nature. They transcend national borders and call for international rules. Many actors aspire at creating such rules. Some rules have gained international if not global acceptance and have become pivots of international trade and commerce.

Sale and carriage of goods are the most important branches of world trade for which international rules exist. Services, financing and security are about to follow. Soft law and clauses are combined with international treaties. International rules call for an international perspective and a uniform practice. They also have to transcend national borders.

The new commentary provides in-depth article-by-article analyses of:

- CISG plus Limitation Convention
- UNIDROIT Principles
- Incoterms
- CMR
- CMNI
- CIV
- CIM
- Montreal Convention
- Commercial Agents Directive
- Late Payment Directive
- Cape Town Convention
- UCP.

Business is international and dynamic. This commentary combines practical expertise and international perspective. It duly follows dynamic and development.
Dr Matthias Lehmann is a professor and director of the Institute for International Private and Comparative Law at the University of Bonn.

Dr Christoph Kumpan is a professor at the Martin Luther University of Halle-Wittenberg.

This volume analyses and explains EU legislation governing financial services. It is designed for legal practitioners in international law firms, the financial industry, regulators, and academics needing an in-depth understanding of financial services regulations. It is intended to serve as a handy reference book, providing both easy-to-understand overviews of complex topics and insightful analyses of difficult legal issues. Experts renowned in their fields explain, article by article, the important EU directives and regulations governing financial services. Examples illustrate how important provisions apply in practice. Level 2 and 3 measures are put into context.

The book is structured as follows:

Securities and markets service ▪ market behaviour ▪ market transparency and information ▪ funds ▪ securities clearing and settlement ▪ deposit protection ▪ payment services.

For each subject area, the most relevant directives and regulations have been selected. Legal texts covered in this book include, among others, the following:

MiFID II and MiFIR ▪ MAD and MAR ▪ Prospectus Directive and Regulation ▪ Short Selling Regulation ▪ Rating Agency Regulation ▪ UCITS IV and AIFMD ▪ EMIR ▪ SEPA Regulation.
Brussels IIa – Rome III
Article-by-Article Commentary
Edited by
Christoph Althammer

This new English commentary discusses the two directly applicable EU regulations and hence the central provisions of European divorce and family law:
- the so-called Rome III Regulation on enhanced cooperation in the field of separation and divorce
- the so-called Brussels IIa Regulation on the recognition and enforcement of judgments in matrimonial matters as well as matters of parental responsibility (Council Regulation (EC) No 2201/2003).

In addition to various other European standards and conventions, these two directly applicable EU regulations are the central provisions of the new European divorce law and thus of paramount importance for every legal user in family law in all binational family law cases.

The commentary is supplemented by a brief explanation of the Hague Convention on the Protection of Children (CISA).
Digital Revolution – New Challenges for Law

Edited by
Alberto De Franceschi and Reiner Schulze

Co-edited by
Michele Graziadei, Oreste Pollicino, Federica Riente, Salvatore Sica and Pietro Sirena

Digital Revolution – New Challenges for Law addresses the impact of digital technology on European Laws, taking inspiration from the work of the European Law Institute’s Digital Law Special Interest Group.

Contributions address such diverse issues as the notion of data, data protection, supply of digital content, digital inheritance, online platforms, artificial intelligence, algorithmic regulation, Internet of Things, 3D-Printing, blockchain technology, smart contracts and virtual currencies.

The analysis of these issues is not confined to one area such as contract law, but cuts across both legal subjects and other disciplines to highlight the breadth and depth of the challenges posed by digitalisation. In particular, this volume highlights the consequence of digitalisation by analysing new overlaps and relationships between different fields of law (e.g. the relationship between contract law and data protection, or private and criminal responsibility in the Internet of Things). Written by leading scholars, practitioners and policymakers, this volume provides answers to the challenges posed by the digital revolution and acts as a basis for further developments of EU law and beyond.
Can firms freely choose their place of incorporation and thus the applicable company law? And is it possible that a firm can subsequently reincorporate in another country, with the effect of a change of the law applicable to this company?

In the European Union, the answer to these questions has to consider the impact of the freedom of establishment and the corresponding case law of the Court of Justice. Beyond some general principles, there is, however, also considerable diversity between the laws of the Member States. This book therefore aims to provide an up-to-date analysis of this important area of law for all Member States. It is based on a comprehensive study, produced for the European Commission, on this topic.

This book should be of interest for practicing legal professionals who work in the field of cross-border transactions, as well as for legal scholars who specialise in company law, conflict of laws and EU law.

The benefits at one glance:
- written in English
- comprehensive, up-to-date analysis
- practical analysis based on academic research
Impediments of National Procedural Law to the Free Movement of Judgments

Luxembourg Report on European Procedural Law Volume I

Edited by Burkhard Hess and Pietro Ortolani

This volume presents a comparative examination and empirical evaluation of national procedural rules and practices, and further assesses the key procedural problems that impact mutual trust and the free movement of judgments in light of national and European Court of Justice case law. It provides an exhaustive overview of the similarities and differences of civil procedure in all EU Member States, and their impact on the recognition and enforcement of judgments.

Alongside The Luxembourg Report on European Procedural Law, Volume II: The Impact of National Procedures on the Protection of Consumers under EU Law, the volume offers the most comprehensive, empirically-driven comparative investigation of national civil procedure thus far undertaken in Europe. Using an extensive dataset comprising hundreds of interviews and responses to a multilanguage online survey, examines the rules of civil procedure in all EU Member States, and identifies their impact on mutual trust and the free movement of judgments.

This volume will be of interest for all practitioners, academics and policymakers with a focus on judicial cooperation and civil justice, and will facilitate a better understanding of the impact of national procedural laws on cross-border dispute resolution in Europe.

Dr Burkhard Hess is the Director of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. He is a Professor at the Universities of Heidelberg and Luxembourg.

Dr Pietro Ortolani has been a Senior Research Fellow at the Max Planck Institute Luxembourg for Procedural Law and now is an assistant professor at Radboud University.
EU consumer law affords a number of substantive rights to consumers. Often however, the protection of these rights is undermined as a consequence of the complexity and lack of knowledge in the Member States of EU consumer legislation and case law. This volume presents a comparative examination of the enforcement of these rights in the EU Member States, with an extensive empirical evaluation of national procedural rules and practices. Following a comprehensive assessment of the nature and characteristics of EU consumer law, the volume identifies and evaluates key procedural themes that shape the equivalent and effective protection of EU consumer rights in light of European Court of Justice case law.

Alongside The Luxembourg Report on European Procedural Law, Volume I: The Impact of National Procedural Laws and Practices on Mutual Trust and the Free Circulation of Judgments, the volume offers the most comprehensive, empirically-driven comparative investigation of national civil procedure thus far undertaken in Europe. Using an extensive dataset comprising hundreds of interviews and responses to a multi-language online survey, examines the rules of civil procedure in all EU Member States, and identifies their impact on the protection of consumers under EU consumer law.

This volume will be of interest for all practitioners, academics and policymakers with a focus on judicial cooperation, civil justice and consumer protection, and will facilitate a better understanding of the impact of national procedural laws on the effectiveness of EU consumer protection.
Yuanshi Bu is Professor of Law (Chair for East Asian Business Law) at the University of Freiburg, Germany.

In modern times, the codification of the entire civil law has become a rare phenomenon. Nevertheless, the Chinese lawmaker has decided to create the first Civil Code in the history of PRC and set out an ambitious timeline to achieve this goal. In the process of construction, the future Chinese Civil Code will principally follow the Pandectist System and, in particular, contain a General Part. On 15th March 2017, the General Part was enacted, as scheduled, in the form of a single statute for the time being. By 2020, the other books covering the law of personality, obligations, property law, family and estate law, should be codified as well. These books, together with the General Part, will form the future Civil Code.

The purpose of this book is to provide a concise and indepth practical guide to this new statute, namely the General Rules of Civil Law (GRCL). To this end, it seeks to deliver a general picture of the GRCL and to explore the important provisions in more detail. In addition, it strives to provide answers to the question of which laws apply in the case of conflict between the GRCL and other statutes.

What is also equally important is to provide the readers with information about the origin of legal concepts in the GRCL and the process in which Chinese lawmakers decided to adopt or reject certain foreign legal concepts.
Dr Stephan Hobe is a professor of public and international law at the University of Cologne and director of the Institute of Air and Space Law.

Whether space tourism, satellite applications or space resources utilization: human activities in space are steadily increasing on the basis of technological progress and increasing commercialization; not to mention military interests.

The new book “Space Law” by Stephan Hobe stands out through an in-depth and in the same time concise approach to all relevant legal aspects of space activities. After the basic astrophysical background of space exploration is given and the history of space travel is outlined, the legal concepts are examined in detail with reference to the most important space applications. In addition to international space law, the elements of national space legislation are described and examined. In 13 chapters, the book gives a profound overview of the past, the present and the future of space law and analyses issues of growing importance such as space transportation, space debris mitigation and remediation, space traffic management, the expansion of humanity on other space bodies as well as NewSpace and the search for extraterrestrial intelligence. In addition, the reader will find the five UN space treaties annexed.

Numerous graphics, illustrations and short summaries for each chapter facilitate a quick orientation and make the book an ideal companion for students and doctoral students as well as for practitioners.
Eleven teams of student participants attended the first Willem C. Vis International Arbitration Moot in 1993/1994. More than twenty-five years later, 378 teams from more than 80 countries gathered to participate in what is now considered one of the largest international arbitration events in the world. The cases dealt with are based on an international sales transaction governed by CISG, including procedural issues of arbitration.

The book is written for participants of the Vis Moot. It provides the reader with step-by-step practical advice in order to maximize his or her Vis Moot experience. It explains registration and offers tips on finding and organizing the team, analysing the case, writing memoranda, presenting the case in the oral pleadings, and organizing the trips to Vienna or Hong Kong. Any student considering taking part in the so-called 'Moot Experience' will find the information needed to make the Vis Moot a unique lifetime experience.

Contents:
- Chapter 1 – The Vis Moot: A Lifetime Experience
- Chapter 2 – The Vis Moot: Facts and Figures
- Chapter 3 – How to Start
- Chapter 4 – How to Write Effective Memoranda
- Chapter 5 – How to Present Your Case before the Arbitral Tribunal
- Chapter 6 – Seven Days in Vienna and Hong Kong
- Chapter 7 – Where to Go from Here
- Chapter 8 – Views from the Dachgeschoss
- Chapter 9 – Views from Around the World
- Bibliography
Bürgerliches Gesetzbuch (BGB)
A Commentary on Books 1 to 3 of the German Civil Code

Edited by Gerhard Dannemann, and Reiner Schulze

The Bürgerliches Gesetzbuch in the version as from 2 January 2002 is the very backbone of German civil law. Its institutions and principles are essential for the understanding of the law of Europe’s major legal systems.

In its first edition, this article-by-article commentary covers books 1 to 3 of the code, i.e. General Part, Law of Obligations, Law of Things. The commentary takes into account all the changes up to 1 January 2018 and provides a consolidated version of the BGB.

The commentary of each article is headed by the current version of the article both in the German original and an English translation followed by a clearly and uniformly structured analysis of the provision. Focus is laid on the understanding of the meaning of the provision in the context of the code and the proper use of the terminology both in German and English. As the meaning of the BGB does not always follow from the wording of its provisions, especially if translated into another language, they need further explanation. Taking into account the origin of the BGB in 19th century Germany and the difficulties inherent in any legal translation, the proper use of terminology is the real challenge of the commentary.

Facing this challenge, the commentary meets the expectations both of German and foreign lawyers by providing the proper terminology and explanation in English to lawyers and translators and by offering a systematic overview on the BGB to lawyers who are not very familiar with the German civil law.
New York Convention
Convention on the Recognition and Enforcement of Foreign Arbitral Awards
Article-by-Article Commentary
2nd Edition

Edited by
Reinmar Wolff

The New York Convention has celebrated its 60th anniversary in 2018. It has become the most successful (and most important) treaty in the field of international trade law and one of the cornerstones of international arbitration. The specific challenge that comes with the Convention’s global importance is ensuring that it is uniformly interpreted and applied in its roughly 160 Contracting States, especially since no single court has the power to authoritatively determine the proper understanding of the Convention. This commentary makes accessible the wealth of global case law and scholarly writing and provides a comprehensive in-depth discussion of the Convention’s sixteen articles. It contributes to the Convention’s uniform interpretation by outlining the contemporary global discourse surrounding each element of the Convention and providing the expert opinions of the authors. Its first edition has not only become a respected point of reference for legal professionals and academics, but has also been drawn upon by courts around the world.

Praises for the 1st edition:

‘It is masterfully done. … In my own future work as a professor, it is unlikely that I will ever teach or write anything about the Convention without first reviewing the relevant sections of the Commentary.’

‘With this new commentary, … both practitioners and academics alike are now provided with an up-to-date, comprehensive and reliable analysis of the legal issues involved in recognizing and enforcing arbitral awards under the New York Convention…’
Dennis Solomon, in: European Yearbook of Int. Economic Law 2014, 455
Institutional Arbitration
Article-by-Article Commentary
2nd Edition

Edited by
Rolf A. Schütze

This book provides a comprehensive article-by-article commentary of the rules of arbitration of 16 important arbitration institutions:

AAA (American Arbitration Association) ■ CIETAC (China International Economic and Trade Arbitration Centre) ■ DIAC (Dubai International Arbitration Centre) ■ DIS (German Institution of Arbitration) ■ HKIAC (Hong Kong International Arbitration Center) ■ ICC (International Court of Arbitration) ■ ICSID (International Centre for Settlement of Investment Disputes) ■ KLRCA (Kuala Lumpur Regional Centre for Arbitration) ■ LCIA (The London Court of International Arbitration) ■ MKAS (Moscow International Commercial Arbitration Court) ■ PCA (Permanent Court of Arbitration) ■ SCC (Stockholm Chamber of Commerce Arbitration) ■ SIAC (Singapore International Arbitration Centre) ■ Swiss Rules ■ Uncitral Rules ■ Vienna Rules

Praise for the 1st edition:

‘… It would be worthwhile to make room for it on your bookshelf, whether you are an academic, practitioner or worker in connection with institutional arbitration. Ultimately, it will provide parties and their counsels with a strong basis on which to base their choice of institution.’

Olivia Staines in: Association for International Arbitration Newsletter, ‘In Touch’

‘… Schütze’s commentary will set new standards within the international discussion on international arbitration…’

Arian Nazari-Khanachayi in: dierezensenten.blogspot.de

Dr Rolf A. Schütze is an attorney-at-law in the Stuttgart-based law firm Thümmel Schütze & Partner, a professor of law at the University of Tübingen, as well as an experienced international arbitrator. The authors are practicing lawyers and international experts in arbitration from Germany, Austria and Switzerland.
The European Commission adopted its Digital Single Market Strategy in May 2015. Three years later, legislative measures are emerging which aim to tackle the unique legal problems arising from the supply of digital content and which will shape the development of national and European law in the future. The Digital Content Directive is set to play a central role in this development. Its provisions on conformity and remedies for non-conforming digital content concern the heart of the protection for the consumer. Its rules will not only have to be transposed into national law over the coming years but will also interact with existing provisions from the Consumer Rights Directive 2011/83/EU, the E-Commerce Directive 2000/31/EU, and the Portability Regulation 2017/1128 in order for the legal framework on the supply of digital content to function.

The commentary contains an in-depth, article-by-article analysis of core provisions concerning the supply of digital content: from the pre-contractual information duties and cancellation rights to conformity and portability of digital content. The contributors are legal experts from across the EU. Their comments give not only detailed explanations of the background and purpose of the provisions in order to assist interpretation, but also indicate potential difficulties and solutions in order to ease transposition and implementation of the rules on the supply of digital content. It will be an essential guide for legislators, practitioners, scholars, and students.
The book provides rule-by-rule commentaries on the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market. The eIDAS regulation aims at proving a framework for secure and trustworthy electronic transactions in the EU. This volume offers comprehensive comments on all provisions of this regulation containing references to European scholarly writing. As a cross-border project this book is written by an international group of contributors and provides analysis with the view from different European countries. In order to assess the arising legal issues the contributions to this book reflect both aspects of the eIDAS regulation: On one hand the technological-neutral approach intended by this regulation, but also the nevertheless technically determined definitions and provisions of this very specific field of law.

Dr Dr h.c. Alessio Zaccaria was a full Professor of civil law at the University of Verona.
Dr Martin Schmidt-Kessel is Director of the Research Center for Consumer Law and Professor for German and European Consumer Law, Private Law and Comparative Law, University of Bayreuth
Dr Dr h.c. Reiner Schulze is a Professor of German and European civil law at the Westphalian Wilhelms-University of Muenster and Director of the Centre of European Private Law.
Alberto M. Gambino is a full professor at European University of Rome and President of the Italian Academy of the Internet Code (IAIC).
The Regulation on the establishment of the European Public Prosecutor’s Office (EPPO) provides the legal framework for an entirely new Union body with the power to investigate and prosecute criminal offences affecting the financial interests of the Union. Expected to start its operational work by the end of 2020, the EPPO will be an additional and powerful player in at least 22 national criminal justice systems, working closely together with national law enforcement authorities and exercising the functions of prosecutor in the competent courts of the Member States.

The commentary on the EPPO Regulation is intended to guide practitioners – within EPPO as well as in the national prosecution services and law enforcement agencies, courts, and law offices – in the interpretation of the Regulation. By providing an in-depth analysis of the intricate interplay of the Regulation’s provisions and their legal and practical context, it will also provide a valuable source for further academic research on individual aspects relating to the EPPO. In addition, the commentary will assist political decision-makers in assessing the practical implementation of the EPPO Regulation by clarifying its relations to national law and national judicial and law enforcement authorities.
The commentary on the European Banking Union presents an article-by-article analysis of the legal acts which constitute the basis of the two main pillars of the European Banking Union, that is the Single Supervisory Mechanism, with the European Central Bank as single supervisory authority for large banking institutions (mainly) in the Eurozone, and the Single Resolution Mechanism and the Single Resolution Fund, with the Single Resolution Board as a centralised decision-making body for the resolution of banks (mainly) in the Eurozone.

Dr Jens-Hinrich Binder is a professor of law at the Eberhard Karls Universität, Tübingen.

Dr Christos Gortsos is an associate professor of law at the Panteion University of Athens as well as a visiting professor at the University of Athens and the University of Saarland.

Dr Klaus Lackhoff worked more than 15 years for an international law firm and heads since 2015 the Banking Law Section in the supervisory law division of the ECB.

Dr Christoph Ohler is a professor of law at Friedrich-Schiller-University Jena.
This monograph aims to offer an in-depth analysis of the crime of aggression as covered by the Rome Statute of the International Criminal Court.

Starting from the legal history of its inclusion in 2010, it analyses the relevant articles 8bis, 15bis and 15ter of the Rome Statute – covering the definition of the crime of aggression, the exercise of jurisdiction over the crime of aggression through State referrals and the proprio motu powers of the ICC Prosecutor, and the exercise of jurisdiction over the crime of aggression through UN Security Council referrals. Likewise, the book covers current and upcoming developments on the crime of aggression and the ICC post-2017 (the year when the Court’s jurisdiction on the crime was officially activated by the Assembly of State Parties). It addresses the significant challenges faced by the three ways in which the Court may exercise such jurisdiction, also with regard to the general (political) obstacles for the work of the ICC.
Dr Thomas M. J. Möllers is Professor of Law at the University of Augsburg.

Legal decisions are accepted if they are well-reasoned. This work provides lawyers with more than 100 legal interpretation figures that are used by lawyers worldwide to justify their legal decisions. German law is exemplary for the technique of Legal Interpretation and Legal Construction, which is applied in Europe and all over the world. The new publication puts lawyers in a position, to develop step by step - a solution for a hitherto unsolved legal problem in such a way that it convinces the opposing party of the content his/her solution.

Addressed will be in an interdisciplinary and legal-dogmatic context, legal sources, classic and modern figures of interpretation, the challenging concretization and construction of law, influence of the constitution and European law as a higher-ranking law, determination of the limits of permissible further development of the law, and very relevant for practice the hermeneutics of facts.

Benefits at a glance: Combination of classic and modern methodology, a lively presentation with numerous examples from literature and jurisprudence, cases for in-depth reflection.

This work addresses students, legal clerks, and postgraduate students, but also judges, lawyers and administrative lawyers as well as all those interested in the basics of law.
Dr Wolfgang Weiß is Full Professor of Public Law, European Law and Public International Law at the German University of Administrative Sciences Speyer.

The book explores the impact of WTO law on domestic regulatory autonomy. It identifies and critically analyses the mechanisms working in WTO law that cause increasing interferences with domestic law and thus restrain the regulatory autonomy of the WTO members. The book proposes ways how WTO law be conceptualized to enhance the policy space of WTO members. Therefore, the book demonstrates the flexibilities in interpreting and applying WTO core principles and provisions and explores interpretive and institutional conceptions that could serve as a pathway of allocating greater policy leeway to WTO members.

The analyses presented address the disturbing observation that even though WTO law appreciates the regulatory leeway of WTO members in several provisions across agreements, the WTO judiciary’s case law, but also other governance mechanism active in the WTO appear to narrow down the WTO members’ regulatory autonomy and to considerably limit the space for domestic policy choices. Wide spread, even scholarly perception of the WTO, and most recently the Trump administration blame the WTO, in particular its dispute settlement branch, for being biased towards free trade and unduly restraining even legitimate domestic policies, and voiding the domestic policy space needed for addressing societal concerns and global problems. A closer look at the development of GATT/WTO law, however, reveals that, in GATT era, panels were aware of the effect their interpretations had on domestic policy space, and that some of the more recent WTO dispute settlement reports show attempts to expand WTO member’s leeway again. These observations are the starting point for an in-depth analysis of the different mechanisms present in WTO law which impact on domestic regulation.
Activities of intelligence agencies have recently moved into the focus of public critical review all over Europe. The publication of the Snowden documents have revealed a surveillance practice of unknown extent. Intelligence surveillance no longer focuses on state organizations or political decision-makers alone; technical innovation rather allows an unprovoked mass surveillance of individual communication. Considering this development, the media and politicians have demanded legal limitations of such practices. This handbook takes into account the various facets of intelligence activities in Europe spanning from chapters on intelligence operations to intelligence cooperation within different policies in Europe, within the EU and without (e.g., NATO).

The handbook covers:

- Part 1 Introduction
- Part 2 European Intelligence Agenda
- Part 3 European Intelligence Cooperation
- Part 4 European Intelligence and the Rule of Law
- Part 5 European Intelligence in national legislation and legal practice (with peculiar regard to Germany, France and the United Kingdom)

This book is suitable for academic and practical purposes alike. Political, social and historical analyses are presented within the context of the legal discourse.
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