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The new issue of "Rabels Zeitschrift für ausländisches und internationales Privatrecht – The Rabels Journal of Comparative and International Private Law" (RabelsZ) has now available. It contains the following articles:

Lord Reed, Comparative Law in the Supreme Court of the United Kingdom

Peter Mankowski, Über den Standort des Internationalen Zivilprozessrechts - Zwischen Internationalem Privatrecht und Zivilprozessrecht (International Procedural Law: Between Choice of Law and Procedural Law):

> *International procedural law is the link and the intermediary between choice of law and procedural law. Over the last decades it has developed into a fully grown sub-discipline of its own and of equal rank as choice of law. In fact, for practical purposes it has become even more important than choice of law. International procedural law benefits from its position in the middle and enjoys the best from its two neighbouring worlds of choice of law and procedural law.*

Susanne Lilian Gössl, Anpassung im EU-Kollisionsrecht (Adaptation in EU Private International Law):

> *Adaptation or adjustment has to date received little general attention in EU private international law (EU PIL) despite this tool being of high importance in maintaining the coherence between the EU PIL system and national law. The Brussels Ia Regulation, the Succession Regulation and the Matrimonial/Registered Partnership Property Regimes Regulation explicitly provide for the tool of adaptation. Nevertheless, those provisions only deal with one certain category of that tool, what is termed transposition. In general, adaptation refers to the judge's discretion to deliberately deviate from a rule in an exceptional case in which two different national laws apply in juxtaposition and the combined application could lead to a contradictory result intended by neither of the two national systems. Adaptation diminishes or eliminates those contradictions. The judge's discretion to adapt national and EU rules implicates questions about the relationship between EU and Member State competence.*

The present analysis is the first to address this topic comprehensively. It develops a system to decrease contradictions between EU PIL and national law. As the EU PIL system is still only fragmentary, the analysis is twofold. First, the article analyses the necessity, requirements and means of adaptation in a case that is governed by two EU PIL rules. Second, the article analyses whether the outcome changes if the applicable law is determined by one EU PIL rule and one national PIL rule.

Alexander Hellgardt, Das Verbot der kollisionsrechtlichen Wahl nicht-staatlichen Rechts und das Unionsgrundrecht der Privatautonomie (Fundamental Right of Party Autonomy and the Prohibition Against the Choice of Non-State Law):

Choice of law is a cornerstone of European private international law. However, existing secondary law continues to restrict the choice to state law, excluding non-state law regimes like the Principles of European Contract Law, the UNIDROIT Principles of International Commercial Contracts or detailed standard-form contracts. This article tests the restriction against the principle of party autonomy, which is shown to be a European fundamental right. Party autonomy encompasses the right to choose nonstate law regimes in international cases. Any restriction on the choice of non-state law regimes, therefore, needs to be justified. Where private international law does not impose any restrictions on the choice of law, as is the case in the choice of contract law between commercial parties, there is no apparent justification for excluding the choice of non-state law regimes. Hence, European secondary law has to be interpreted in the light of the fundamental right of party autonomy. This allows commercial parties to choose non-state contract law regimes for their international transactions.

Harald Baum, Andreas M. Fleckner & Mihoko Sumida, Haftung für Pflicht-verletzungen von Börsen – Deutschland und Japan im Vergleich (Liability for Trading Irregularities at Stock Exchanges):

It appears from public records that no German stock exchange, exchange operator, or host state has ever been held liable by a court for trading irregularities at the exchange (such as clearly erroneous executions). The Tokyo Stock Exchange, in contrast, was ordered to pay damages of almost eleven billion yen (roughly 80 million euros) following the Mizuho case. This paper

discusses how the issues raised by the Mizuho case would have been handled under German law and compares the results with the decisions of the courts in Japan.