

First View Articles for International and Comparative Law Quarterly Issue 1 of 2024

The first view articles for ICLQ issue 1 of 2024 was recently published. As regards, private international law, it contains one research article and a book review as follows:

T Marzal, “The Territorial Reach of European Union: A Private International Law Enquiry into the European Union’s Spatial Identity”

This article offers a reconstruction of how the Court of Justice of the European Union (EU) justifies the territorial scope of application of EU law. Scholarship on this issue tends to advocate for an expansive projection of EU norms in the pursuit of global values, subject to the external limits of public international law. This article will develop a critique of this approach by pointing to its underlying assumptions as to the territorial dimension of the EU’s rule, the insoluble practical issues that it leads to, and the need to consider differently the EU’s spatial identity and relation to the wider world. It will also be argued that, in fact, other case law sometimes already reflects an alternative vision, by imagining the EU implicitly, not as a ‘global actor’ promoting universal values, but as a concretely situated and spatially bounded community. It will be shown that this is so with the methodological help of private international law, and in particular three doctrines that are traditional to this discipline—the localisation of cross-border relations, international imperativeness, and the public policy exception. This will ultimately allow for a more sophisticated understanding of the EU’s territory to emerge—irreducible to the physical coordinates of its acts of intervention, or the mere sum of the physical spaces under Member State sovereignty, but as a distinct space of social relations, informed and delineated by the particular axiology and structure of the EU legal system.

C Okoli, “Jurisdiction Over Non-EU Defendants: Should the Brussels Ia Regulation be Extended?” by Tobias Lutzi, Ennio Piovesani and Dora Zgrabljic Rotar (eds)

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