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New Law Titles Bulletin



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Law & Business

2-2007



Introduction

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Letter from the Publisher...

Alphen a/d Rijn, May 2007

Dear Customer

In order to keep our customers up-to-date, we have developed our "New Law Titles" bulletin no. 2, 2007 for the months March, April and May 2007.

We would like to bring to your attention that we have a large list of outstanding publications, which can be ordered on the order form enclosed or by contacting sales@kluwerlaw.com

In particular we would like to highlight certain publications which are sure to be of interest to you:

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Directory on EC Case Law on Competition on page 7

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Safeguard Measures in World Trade on page 13

Workplace Discrimination, Privacy and Security in an Age of Terrorism on page 16

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We are sure that the publications featured in this bulletin will make a welcome and necessary addition to your bookshop and / or practice.

Yours sincerely,

*Marketing Department
Kluwer Law International*

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LIST OF MAJOR IMPRINTS AND PREFIXES**

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978-904 Kluwer Law International

BACKLIST ISBN PREFIXES KLUWER LAW INTERNATIONAL:

978-906

Kluwer Law & Taxation

978-902

Chinese Banking Law

by Zhongfei Zhou

Because of the vast and growing economic powerhouse that is China today, businesses and other investors worldwide are looking more and more to that country's resources. Correspondingly, the Chinese government has developed (and continues to develop) a unique and complex system of banking law and regulation that merits the close attention of anyone doing business in China.

In this authoritative book, a leading Chinese expert on financial and economic law thoroughly explains the functions, activities and procedures that characterize the behaviour of financial institutions under current Chinese law. Organizing his presentation under three overarching headings – central banking law, domestic banking law, and foreign banking law – he describes such crucial distinctions and clarifications as the following in detail:

- control of monetary policy formulation and implementation by the People's Bank of China (PBOC);
- modern central banking functions of the PBOC;
- independence and accountability of the PBOC;
- requirements and procedures for banking entry;
- specific risk-based regulatory and supervisory requirements of the China Banking Regulatory Commission (CBRC);
- problem bank resolutions of the CBRC;
- foreign banking law developments before and post WTO transitional period;
- impact of new foreign banking regulations and rules on foreign bank activities in China.

Banking Laws in China is an essential guide for international bankers and their counsel, and a welcome source of important information and insight for business persons interested in the Chinese market or Chinese resources, as well as for international business lawyers. Academics in banking law and related economic disciplines will also find much to interest them here.

May 2007, 288 pp., hardbound

ISBN: 9789 0411 25194

Price: EUR 120.00/ USD 150.00/ GBP 81.00

International Banking and Finance Law 5

International Business Acquisitions

Major Legal Issues and Due Diligence, Third Edition

edited by Michael Whalley & Franz-Jörg Semler

In business enterprises of all kinds and sizes, international acquisitions—to access foreign markets, to provide foreign production or marketing capacity, to obtain regulatory approvals, to acquire complementary product or service lines, or simply to spread product, service or market risk and to reduce costs—have become the norm.

Today more than ever, legal practitioners and many others involved in cross-border acquisitions need a user-friendly source of information covering the most important jurisdictions. *International Business Acquisitions* has proven its great value over the ten years since the first edition as a clear guide to the major legal issues and to the allimportant process of informed due diligence in each jurisdiction.

The Third Edition retains the book's invaluable country-by-country presentation, with each country contribution in a common format to make comparison as straightforward as possible. And as in previous editions, the subject of due diligence is treated in a separate chapter, with individual country annotations.

In addition to updating and substantial expansion of content, notable features of the Third Edition include the following:

- new contributions from China, Finland, Israel, Luxembourg, Austria, and Argentina, making a total of 35 jurisdictions;
- effects of the spectacular growth of private equity investment vehicles as major players in the international mergers and acquisitions space;
- effects of the increasing impact of European Union regulations and directives on corporate transactions; and
- effects of the increasing sophistication and even harmonisation in competition (antitrust) laws.

International Business Acquisitions is the result of a co-operative effort by member firms of the World Law Group, an alliance of 48 independent firms with more than 10,000 lawyers in 37 countries and in more than 100 international business centres.

As an easily-accessed desk reference for lawyers, business executives and others concerned with the acquisition of the securities or business assets of a company located outside their own national jurisdiction, *International Business Acquisitions, Third Edition*, has no peers. It is also directly relevant to those representing the sellers in such transactions, as they must anticipate and prepare for the foreign buyer's requirements and concerns.

June 2007, 544 pp., hardbound

ISBN: 9789 0411 24838

Price: EUR 170.00/ USD 212.00/ GBP 115.00

World Law Group 8

Piercing the Corporate Veil

A Transnational Approach

by Karen Vandekerckhove

When courts 'pierce the corporate veil', they disregard the separateness of the corporation and hold a shareholder responsible for the corporation's action as if it were the shareholder's own. Although as a general rule the courts are reluctant to allow corporate veil piercing, creditors of an insolvent corporation frequently attempt to hold the shareholders liable when they cannot obtain satisfaction from their debtor. In the United States, in fact, piercing claims constitute the single most litigated area in corporate law.

This study clears up some of the mists hanging around the concept of corporate veil piercing. What exactly is corporate veil piercing and in which situations does it occur? What are the legal rules involved? Following a short overview of the applicable law in the six legal systems that are the subject of this study—those of Belgium, the Netherlands, France, Germany, the United Kingdom, and the United States—the author proceeds with a more profound analysis from a functional comparative perspective, starting from particular situations that typically call for shareholder liability for the debts of subsidiary companies.

Among the grounds for veil piercing claims the author discusses the following, along with the substantive and procedural law and important cases associated with each in the six jurisdictions covered:

- undercapitalization;
- asset stripping;
- undue continuing of loss-making activities; and
- identification or the consideration of the corporate group as an economic unit.

In the course of the presentation, a thorough analysis of legal scholarship in the area leads to numerous applications of the various theories and doctrines that can be brought to bear on veil piercing cases. In addition, an in-depth discussion of the international dimension of corporate veil piercing focuses on the question of which laws should govern the liability of a parent corporation for the debts of its subsidiary. Throughout, the author's clear insight into the substantive law of veil piercing sheds light on traditional misconceptions in the conflict of laws on the issue.

She also details initiatives undertaken by various international bodies, including the United Nations, the Organization for Economic Cooperation and Development, the European Union, the International Court of Justice, and the International Labour Organization.

Dr Vandekerckhove's study is the most comprehensive, far-reaching, and up-to-date study of this important growing area of corporate law practice. As such it will prove of great value to practitioners, judges, and academics in the field, and will prove its worth anywhere in the world where the presence of multinational corporations is felt.

June 2007, 652 pp., hardbound

ISBN: 9789 0411 25910

Price: EUR 190.00/ USD 237.00/ GBP 129.00

European Company Law 2

The German Public Takeover Law

Bilingual Edition with an Introduction to the Law, Second Revised Edition

by *Thomas Stohlmeier*

Since it was enacted early in 2002, the German Securities Acquisition and Takeover Act has proven to be a well-functioning body of law for public takeovers. With ample opportunity to work with the rules, all parties – offerors, target company directors and managers, regulators, and courts – have established a firm basis for proceeding confidently with public mergers and acquisitions and public-to-private transactions in Germany.

This shift from the uncertain business environment in which the first edition of this book appeared in 2002 calls for an update. This new edition takes into account all the regulatory and judicial clarifications that have emerged during the intervening years, as well as the 2006 amendments that make use of the option not to apply the restrictive European model concerning defensive measures of target companies against public takeover attempts. Among the features of the Act (and the legal framework it represents) considered here are the following:

- the 'European passport' for public offers;
- squeeze-out options for offerors;
- sell-out option for shareholders of target companies;
- the role of the regulator (BaFin); and
- restructuring measures after a successful offer.

A substantial portion of the book is taken up with texts of the relevant German laws and regulations, synoptically arranged in both German and English. In particular it contains the complete Securities Acquisition and Takeover Act and all of its related regulations, together with substantial portions of the Stock Corporation Act and many other statutory materials that are relevant in public takeover and public-to-private transactions.

The German Public Takeover Law, Second Edition, will greatly assist strategic and financial investors, their investment bankers, lawyers and other advisors in international and cross-border business to better understand what their German lawyers are advising them, as it facilitates communication between different legal cultures. The book is also an excellent guide to the current and future characteristics of the law governing German equity markets.

April 2007, 620 pp., hardbound

ISBN: 9789 0411 25125

Price: EUR 120.00/ USD 150.00/ GBP 82.00

Legislation in Translation 18

The Constitutional Law of Israel

by Suzie Navot

Israel is a young constitutional democracy, although it has no one official document known as "The Constitution". Following crucial evolutions during the 1990's, Israel - formally a state based on parliamentary sovereignty - became a constitutional state, its supreme norms expressed in Basic Laws. Israel's system of government also underwent changes, towards a semi-presidential system and back to a parliamentary democracy.

This book describes Israel's constitutional developments and focuses on the "constitutional revolution" of the 1990's, the evolution of judicial review and the special role of the Supreme Court of Israel in constitutional conflicts.

A general introduction of the constitutional history is followed up by the sources of constitutional law in Israel. The discussion on the form of Government deals with the changes in the system of government; the Head of State (the president); the legislature (the Knesset: its constituent power and its legislative power); the executive and the judiciary. Other chapters present the special rules of citizenship; fundamental rights and liberties; constitutional problems of minorities; judicial control of administrative actions; the relation between religion and State and the specific problems of emergency laws and war.

May 2007, 384 pp., hardbound

ISBN: 9789 0411 26511

Price: EUR 110.00/ USD 138.00/ GBP 75.00

Japanese Antitrust Law Manual

Law, Cases, and Interpretation of the Japanese Antimonopoly Act

by Akira Inoue

Japanese antitrust law stems from the virtually verbatim adoption of United States antitrust law during the occupation years following World War II. However, distinctive Japanese elements have emerged with major amendments to the original Japanese Antimonopoly Act (JAA) in 1953, 1977, and 2005, with the result that Japanese antitrust law stands today as a uniquely important body of legislation and case law playing a significant role in international trade.

This in-depth commentary by an internationally known practitioner and authority in the field fully details both the substance and procedure of the JAA, with close analyses of all the important cases that have been decided over the years. Among the crucial factors covered are the following:

- details of the 1953, 1977, and 2005 amendments with their rationales;
- the special JAA conception of "unfair trade practice";
- judicial interpretations of key terms in the law;
- interpretation of rules governing resale pricing and sales method restriction;
- merger regulations and guidelines;
- role of the Japanese Fair Trade Commission (JFTC);
- administrative procedure;
- judicial review;
- awards; and
- extraterritorial application of the JAA.

Especially valuable is a detailed sample compliance manual anticipating applicable contingencies likely to be encountered by any firm doing business in Japan. An appendix provides English texts of the JAA as amended, as well as important regulatory documents.

Akira Inoue's *Japanese Antitrust Law Manual* will prove indispensable to business persons and their counsel, and of great value to students and teachers of antitrust and competition law. It is a source to be consulted again and again, both for precise answers to specific questions and for keen insight into the workings of this complex body of law.

May 2007, 364 pp., hardbound

ISBN: 9789 0411 26276

Price: EUR 125.00/ USD 157.00/ GBP 85.00

International Competition Law Series 27

Directory on EC Case Law on Competition

edited by René Barents

Practitioners in the field of EC competition law know well how difficult it is to find specific references about specific subjects in the case law. Now this superb book – a collection of EC competition case law extracts sorted by subject – dispels the difficulty. Among its enormous practical advantages are the following:

- Under about 600 headings (44 chapters with numerous divisions and subdivisions), it presents virtually every point from which a researcher in the field is likely to start.
- The extracts are drawn from *all* the EC competition case law – encompassing *every* judgment, *every* order – of the Court of Justice of the European Communities (ECJ) and the Court of First Instance (CFI) since 1961.
- Because all pronouncements on the same subject are gathered together, inconsistencies among cases are immediately apparent.

The prodigious work of compiling this incomparable guide is accomplished by René Barents, who has been Head of Research and Documentation for the ECJ since 2000. The book thus carries tremendous authority.

Although it is primarily of value to barristers, solicitors, in-house lawyers of companies and associations of companies, officials of national competition authorities, and other active practitioners in EC competition law, *Directory on EC Case Law on Competition* will also be welcomed by scholars and others who need to obtain in a minimum of time an overview of what the European courts have actually stated about a specific point (including detailed references) in the field.

July 2007, 668 pp., hardbound

ISBN: 9789 0411 26566

Price: EUR 220.00/ USD 275.00/ GBP 150.00

International Competition Law Series 28

Innovation and Competition in the Digital Network Economy

A Legal and Economic Assessment on Multi-tying Practices and Network Effects

by Jung Wook Cho

Dozens of cases worldwide continue to challenge Microsoft Corporation's superdominance of the global digital network economy, focusing in particular on the multi-tying practices that leverage Microsoft's market power into adjacent markets and reinforce its dominance. This is the first book to analyze this international line of cases, detailing both grounds for legal action (including unfair competition, restriction of consumers' freedom of choice, abusive pricing) as well as Microsoft's defenses and administrative settlements. The author also demonstrates the serious economic repercussions of Microsoft's monopoly, such as accumulation of inefficiency and stifling of innovation in this crucial sector of twenty-first century economy and society.

Through an in-depth analysis of the Korea Fair Trade Commission (KFTC) case – which led to a December 2005 decision, currently under appeal at the Seoul High Court, condemning three fundamental tying practices embedded in Microsoft's global business strategy – the author clearly establishes the precise nature of Microsoft's anticompetitive practices, complete with clear technical descriptions of the underlying applications and digital media systems. The discussion develops valuable guidelines on such core issues as the following:

- network effect, tipping effect, and lock-in effect;
- separability of Microsoft's tied and tying products;
- forced purchase by consumers of multiple tied products;
- Microsoft's reinforcement of market entry barriers;
- Microsoft's "normal business practice" defense; and
- cumulative damage to consumers' interests.

The book's ultimate legal and economic assessment clarifies ways in which government competition authorities can select from globally available options on a case-by-case basis, enforce re-pricing measures, avoid belated remedies, and continuously monitor new types of anticompetitive conduct.

In its analytic rigor, focus on important economic issues, and its unwavering commitment to fair competition, this book will be of immeasurable value to practitioners and policymakers at every level concerned with the digital network economy, now and in the years to come.

July 2007, 668 pp., hardbound

ISBN: 9789 0411 26566

Price: EUR 220.00/ USD 275.00/ GBP 150.00

International Competition Law Series 28

Constitutional Law of the Netherlands

An Introduction

by *Constantijn A.M.J. Kortmann & Paul P.T. Bovend'Eert*

This book contains an outline of the constitutional law of the Kingdom of the Netherlands. It deals among others with the history of the Constitution, the form of state and the form of government, the head of state, the government, parliament, parliamentary scrutiny of government, legislation, the judiciary, fundamental rights and regional and local government.

The slightly different Dutch version of this book, "Inleiding constitutioneel recht", has been a successful teaching tool in the Netherlands for about 15 years.

Contents:

The Authors. List of Abbreviations. Glossary. Preface. General Introduction. Chapter 1. Constitutional History. Chapter 2. Form of Government. Chapter 3. Territory and Population. Selected bibliography. Part 1. Sources of Constitutional Law. Chapter 1. Supra- and International Law. Chapter 2. The Charter and the Constitution. Chapter 3. Statutes and Other Regulations. Chapter 4. Case Law. Chapter 5. Other Sources of Constitutional Law. Chapter 6. Codification, Interpretation and Hierarchy of Legal Rules. Part 2. The States and Its Subdivisions. Chapter 1. The Form of States: The Federation of the Kingdom of the Netherlands. Chapter 2. Decentralized Authorities. Part 3. Form of Government. Chapter 1. General Information. Chapter 2. Head of State. Chapter 3. The Legislature. Chapter 4. The Executive. Chapter 5. The Judiciary. Chapter 6. The Council of State, the General Chamber of Audit and the Permanent Advisory Bodies. Part 4 Citizenship and the Administration of Justice. Chapter 1. Rules Concerning Nationality and the Relevance of Nationality. Chapter 2. Legal Position of Aliens. Chapter 3. Fundamental Rights and Liberties. Chapter 4. Constitutional Protection of Minorities. Chapter 5. Judicial Review of Administrative Action. Part 5. Specific Items. Chapter 1. War, Treaties and Power in Foreign Affairs. Chapter 2. Taxing and Spending Powers. Chapter 3. Emergency Laws. Chapter 4. The Power of the Military. Chapter 5. The Constitutional Relationship Between the Church and the State. Appendix. Text of the Constitution (2006). Index.

April 2007, 212 pp., softcover

ISBN: 9789 0411 26337

Price: EUR 45.00/ USD 56.00/ GBP 31.00

Free Movement of Persons within the European Community

Second Edition

by Friedl Weiss & Frank Wooldridge

The European Community's successes and failures in guaranteeing the fundamental right to free movement of persons continue to develop against the backgrounds of domestic civil rights and international human rights obligations. Although often justified merely in terms of economic efficiency, non-discriminatory rights and freedoms of movement can be seen as constituting an essential component of the legal foundation of all European projects, and as a powerful force in the forging of a new European identity beyond the traditional nation-state.

The present volume – a revised and updated edition of the important work first published in 2001 – provides a comprehensive, up-to-date overview of European law on the movement of persons. Its scope encompasses doctrinal basis, institutional framework, legal compliance, judicial development, and derogation on such grounds as security and health. The authors, both well-known experts in the field, comment extensively on matters including visas, free movement of workers, freedom of establishment for companies in the context of taxation, posted workers, harmonisation of professional qualifications, European citizenship, freedom to provide and receive services, agreements between the European Community and other states concerning free movement, and the rights of families and individuals to housing and education, as well as the increasingly important topic of the rights of third country nationals.

In addition to providing analysis of the relevant provisions of the European Community Treaty as amended by subsequent treaties including the Treaties of Amsterdam and Nice, the book takes considerable account of all relevant secondary legislation and sometimes soft law, for example draft treaties, resolutions, and draft legislation. All of these perspectives – legislative and judicial, at domestic, EC and international levels – are here fully updated, with special attention to the far-reaching implications of the recent Residence Directive.

In this new edition the authors clearly articulate what has been gained in recent years, and also consider what obstacles remain and what future developments might take place in this area of Community law. For these reasons and others, *Free Movement of Persons Within the European Community, Second Edition*, will continue to be of great value to legal practitioners, officials of the EC and other economic unions, academics, and students as well as to the wider public interested in the process of European integration.

May 2007, 244 pp., hardbound

ISBN: 9789 0411 25453

Price: EUR 110.00/ USD 138.00/ GBP 75.00

European Monographs 30



Taxpayers' Rights

Theory, Origin and Implementation

by Duncan Bentley

No government can be sustained without the ability to tax its citizens. Democratic societies typically guarantee, in varying forms and degrees, a basic set of taxpayer rights. These rights are essential in establishing an effective and reasonable taxation process.

Author Duncan Bentley's work argues that it is timely and beneficial to articulate a Model of taxpayers' rights as a guide to best practice in tax administration. It first finds a rationale for a Model in legal and rights theory and concludes that a Model is necessary, timely and a realistic option in the context of current developments in tax administration. Next, it articulates the principles that should underlie any Model. These are drawn from traditional analysis of tax systems and refined to provide a standard approach and interpretation. It is noted that the content of any Model will be determined in part by the approach taken to its interpretation.

A classification of taxpayers' rights in the context of the type of enforcement underlying the rights provides the basis for a detailed analysis of enforcement mechanisms. The analysis is conducted in the light of recent developments in the application of constitutional law and alternative dispute resolution theory. The lion's share of this work comprises a detailed analysis and articulation of the primary and secondary legal and administrative rights that should be available to taxpayers in conjunction with a comprehensive framework of principles of good governance and good practice. A wide-ranging comparative analysis and synthesis of the substantial available literature in both law and other disciplines provides support for the articulation of a Model of taxpayers' rights. The Model is appropriate for use as a guide to best practice in tax administration.

Professor Bentley's book effectively tackles a host of important issues:

- The theory and framework of taxpayers' rights to provide support and reassurance for particular approaches to tax administration design;
- the updated principles for analysis of any tax system;
- the classification of taxpayers' rights so that they can understand why much tax administration and procedure operates in the way it does;
- the design of legislative mechanisms to assist in the design and drafting of tax administration;
- the design and implementation of dispute resolution systems in tax administration;
- specific detail on the powers and duties of tax administrators and how they should be exercised;
- the design and implementation of taxpayers' charters and other guidelines on taxpayers' rights;
- specific detail on the rules and procedures in tax administration, relating in any way to taxpayers' rights, and how they should be applied; and
- a clear and articulated standard of best practice in tax administration and governance for quality assurance purposes.

In sum, this work will address a number of important issues faced by international tax professionals - including government officials, academics, and practitioners - in a way that's both instructive and constructive.

July 2007, 390 pp., hardbound

ISBN: 9789 0411 26504

Price: EUR 165.00/ USD 207.00/ GBP 113.00

Series on International Taxation 10

Tax Treaty Law and EC Law

edited by Michael Lang, Josef Schuch & Claus Staringer

There is an immense tax treaty network between European Union Member States and third countries. These tax treaties are bilateral conventions, governed by international law. At the same time, these agreements are part of the internal law of the various Member States. European Community (EC) law has supremacy over domestic law and, therefore, over tax treaties as well. Consequently tax treaties must conform with EC law.

This book examines the areas of tension between EC law and tax treaty law. Since most rules of primary and secondary law are directly applicable, they can substantially impact the implementation of tax treaty provisions and consequently result in serious practical ramifications. As part of its analysis this work devotes particular attention to the growing number of decisions of the European Court of Justice concerning fundamental freedoms and direct taxation. Thus, this book provides an up-to-date and comprehensive analysis of the interaction of national tax law, double tax treaties, and the EC Treaty.

June 2007, 366 pp., hardbound

ISBN: 9789 0411 26290

Price: EUR 120.00/ USD 150.00/ GBP 82.00

Series on International Tax Law 30

Safeguard Measures in World Trade

The Legal Analysis, Second Edition

edited by Y. S. Lee

Among restrictions on imports, safeguard measures are particularly controversial in that they are invoked in the absence of any unfair trade practice. Safeguards interfere substantially with the normal stream of trade, and their improper application undermines the objectives of the WTO. Recent WTO cases have brought the attention of trade lawyers to the absence of comprehensive materials on this complex subject, and highlighted the need for a reliable guide to the WTO rules on safeguards. Dr. Y.S. Lee, perhaps the world's foremost authority on safeguard measures, has provided such a guide, here updated in its second edition.

Readers may expect from this book comprehensive coverage on safeguards to date with legal analysis of the important issues in the interpretation and application of the current rules on safeguards. The author also proposes modifications to enhance and clarify the discipline of safeguards. The crucial issues raised include the following:

- economic and political justifications of safeguards;
- applicability of GATT Article XIX;
- interpretation and application of the Agreement on Safeguards, including non-discriminatory application of safeguards and justification of safeguards-in-response;
- transitional product-specific safeguard measures against China; and
- emergency safeguards to trade in services.

The focus of the book is on the WTO Agreement on Safeguards, as interpreted by WTO Panel and Appellate Body reports in key cases, including Korea Dairy Products, Argentina Footwear, United States Wheat Gluten, United States Lamb Meat, Chile Price Band System, United States Line Pipe and United States Steel Products. Dr. Lee summarizes the various key findings and provides lucid and well-balanced analysis of these reports. Other WTO rules considered include GATT Articles XIX, XII, and XVIII; the Understanding on Balance of Payments of the GATT 1994; the Agreement on Agriculture; the Agreement on Textile and Clothing; Article XII of the General Agreement on Trade in Services (GATS); and the Protocol on the Accession of the People's Republic of China.

Safeguard Measures in World Trade comes at a time when safeguard measures continue to mount in various parts of the world and a possible domino effect can destabilize the international trading system. It will be of inestimable value to government officials, trade lawyers, international business people, and academics in trade law and related fields.

March 2007, 288 pp., softcover
ISBN: 9789 0411 26184
Price: EUR 75.00/ USD 94.00/ GBP 51.00

Charter of Social Rights of the Council of Europe

by *Andrzej Marian Świątkowski*

The legal term “social rights” refers to the specific human rights addressed by labour law and social security law. On the European continent, these rights are protected not only by domestic law, but also by the European Social Charter of the Council of Europe of 1961, its three additional protocols (1988, 1991, and 1995), and the Revised European Social Charter of 1996. These instruments comprise a fundamental international treaty which not only specifies the relevant rights but also includes an array of supervisory mechanisms to monitor compliance, a regulatory role undertaken by the European Committee of Social Rights.

This important book offers an in-depth analysis of the substantive and procedural issues of protecting social rights in Europe under the Social Charter. Analysing the standards promulgated by the Committee, and drawing on the extensive legal literature on the subject, the author focuses on the administrative aspects of all the social protections afforded by the Charter, including the following:

- workers’ right to freedom of association;
- right of workers’ representatives to protection;
- due process in termination of employment;
- protection of employed women on maternity;
- social integration of disabled persons;
- right of migrant workers to protection and assistance; and
- right to housing.

Practitioners specialising in labour and employment law or social security law, students of comparative labour and social security law, and specialists in international social policies will greatly appreciate the rigor of the analysis as well as the insights offered in this remarkable book.

April 2007, 372 pp., hardbound

ISBN: 9789 0411 26085

Price: EUR 120.00/ USD 150.00/ GBP 82.00

Series in Employment and Social Policy 33

European Framework Agreements and Telework

Law and Practice, A European and Comparative Study

edited by Roger Blanpain

The Framework Agreement on Telework (2002) was the first of the non-legally binding (soft law) agreements concluded by the European Social Partners – the employer organisations UNICE, CEEP, and UEAPME, and the trade union organisation ETUC. Although the forum on which this book is based focused on the telework agreement, the subject matter of the papers and discussion centred on the nature of the framework agreements themselves, on the role of the social partners, and on implications for the future of European labour law. The forum took place in Brussels with the support of the Royal Flemish Academy in September 2006.

The book prints sixteen papers by distinguished labour law authorities – representing legal academic, managerial and policy dimensions – either originally presented at the forum or emerging from it. Among the far-reaching questions raised are the following:

Do the framework agreements constitute a 'new way' of developing European employment law?

Under what circumstances will a teleworker be able to act to obtain social protection under a framework agreement?

Are we heading for a social Europe where mere recommendations, rather than labour market rules, are the norm?

Where is the line between 'regular' and 'non-regular' telework?

A consensus seems to emerge that the framework agreements, in their support of the transition from 'job security' to 'employability,' are leading soft law into what may aptly be called 'liquid law.'

The papers include reports on implementation and development of framework agreements in individual countries including Belgium, the Netherlands, France, Germany, Italy, Poland, Sweden, the United Kingdom, as well as a report on the United States.

For the important and urgent questions it raises about telework and the 'new world of work' that telework so clearly represents, this book will engage the committed attention of everyone involved in the fields and activities shaped by labour and employment law in Europe and throughout the world.

May 2007, 300 pp., softcover

ISBN: 9789 0411 25606

Price: EUR 100.00/ USD 125.00/ GBP 68.00

Bulletin of Comparative Labour Relations 62

Workplace Discrimination, Privacy and Security in an Age of Terrorism

Proceedings of New York University 55th Annual Conference on Labour

edited by Samuel Estreicher & Matthew Bodie

The waves rippling out from the attacks of September 11, 2001 have touched the U.S. workplace profoundly. From policy-driven rationales for discrimination to marked increases in workers' emotional disorders, the entire fabric of employment in the U.S. bristles with a web of unprecedented legal issues.

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- vulnerability to labor strikes in an age of terror;
- efforts to limit labor's freedom of association based on security-related arguments;
- impact of national security concerns on federal government employees;
- employee assistance programs;
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- workers' stress in the context of federal workplace statutes.

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