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Anatol Dutta/ European Private International Law and Member State Treaties with Third States – The Case of the European Succession Regulation

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Giulio Bartolini/ A History of International Law in Italy

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Julian Krüper/ Organisationsverfassungsrecht

[A history of international law in Italy](#)

Bartolini, Giulio [HerausgeberIn]

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[Prospectus regulation and prospectus liability](#)

Busch, Danny [HerausgeberIn]; Ferrarini, Guido [HerausgeberIn]; Franx, Jan Paul [HerausgeberIn]

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European private international law and Member State treaties with third States : the case of the European succession regulation

Dutta, Anatol [HerausgeberIn]. [VerfasserIn einer Einleitung]. [VerfasserIn]; Wurmnest, Wolfgang [HerausgeberIn]. [VerfasserIn einer Einleitung]. [VerfasserIn]; Babić, Davor [VerfasserIn]

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[Exceptions in international law](#)

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Human Rights and 21st century challenges : poverty, conflict, and the environment

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[The Cambridge handbook of technical standardization law : further intersections of public and private law](#)

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