

Dear Readers,

We are honoured to present you with a new volume of Polish Yearbook of International Law (no. 37/2017). Before discussing the contents of this present volume, we would like to inform you about two important developments that strengthen the position of the Yearbook on the international level. First, PYIL has been recently accepted for indexing in the European Reference Index for the Humanities and the Social Sciences (so-called ERIH PLUS) – a prestigious database maintained by the Norwegian Centre for Research Data. Second, our journal is now available (free of charge) in a new online library established by the Polish Academy of Sciences. The library currently hosts our last seven volumes, and new ones will be added gradually – normally nine months after their publication. The library web page of our journal can be found at: <http://journals.pan.pl/dlibra/journal/109865>.

The present volume includes our three regular sections: General articles; Polish practice of international law; and Book reviews. In addition, in the current volume we also publish papers that are outcomes of the mini-symposium on the general principles of international law that was held in 2017.

The General articles section opens with a paper by the eminent scholar prof. Christian Tomuschat. His contribution, which was originally presented as a lecture delivered on 18 October 2017 as a part of the series commemorating Krzysztof Skubiszewski, introduces us to the specific questions of identity of individuals and states in contemporary public international law. The next article, written by Alessandra La Vaccara (*Past Conflicts, Present Uncertainty: Legal Answers to the Quest for Information on Missing Persons and Victims of Enforced Disappearance*), discusses why and how the legal frameworks of contemporary international humanitarian law and international human rights law offer tools to address the uncertainty, lack of information, and the consequences thereof in relation to missing persons and victims of enforced disappearances in the context of armed conflicts which predated the adoption the legal frameworks in place today. Subsequently Maryna Rabinovich, in her article entitled *The Rule of Law Promotion through Trade in the “Associated” Eastern Neighbourhood*, deals with the rule of law promotion exercised by the European Union through the Deep and Comprehensive Free Trade Agreements (based on examples of the DCFTAs with Ukraine, Moldova and Georgia). Hanna Kuczyńska, in her article *Changing Evidentiary Rules to the Detriment of the Accused? The Ruto and Sang Decision of the ICC Appeals Chamber*, offers some interesting insights into the issue of international procedural criminal law, while Maciej Szpunar, in his provocatively titled article (*Is the Court of Justice Afraid of International Jurisdictions?*) discusses the relationship between the jurisdiction of the Court of Justice and other international dispute settlement bodies/processes. His analysis also includes the recent, and highly

controversial, decision rendered in the *Achmea* dispute. In the next contribution: *Member State Interests and EU Law: Filtering, Moderating and Transforming?* Marton Varju addresses the problem of the engagement of EU law with the interests represented and pursued by the Member States within the EU framework. In the article that follows (*European “Ghost Airports”: EU Law Failure or Policy Failure? The Need for Economic Analysis in State Aid Law*), Jakub Kociubiński deals with the problem of so-called ghost airports from the perspective of EU state aid law. Justyna Maliszewska–Nienartowicz, in her contribution entitled *A New Chapter in the EU Counterterrorism Policy? The Main Changes Introduced by the Directive 2017/541 on Combating Terrorism*, analyses the updated legal framework for the EU’s counterterrorism policy, critically assessing various changes introduced by the new directive. The last article in this section, written by Mirosława Mysze-Nowakowska (*Insolvency Forum Shopping: What Can Be Learned from the ECJ and US Supreme Court Case Law on International Company Law and Insolvency Procedures?*), provides an in-depth analysis of the jurisprudence of the ECJ and the US Supreme Court relating to insolvency proceedings, and in this context concentrates on the problem of insolvency forum shopping.

The next section includes four texts presented at the mini-symposium on the general principles of international law, organized at the end of 2017 by the Institute of Law Studies of the Polish Academy of Sciences. The subject matter is introduced by Artur Kozłowski (*Systematicity of General Principles of (International) Law – An Outline*), and followed by the texts of Roman Kwiecień (*General Principles of Law: The Gentle Guardians of Systemic Integration of International Law*), Przemysław Saganek (*General Principles of Law in Public International Law*) and Izabela Skomerska-Muchowska (*Some Remarks on the Role of General Principles in Interpretation and Application of International Customary and Treaty Law*).

The third section looks at recent developments in the Polish practice of international law. It concentrates on the act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against Polish Nation, the amendment of which has recently provoked a lot of (justified) criticism both inside and outside of the country. Although the controversial amendment was adopted only in 2018, we have decided, considering the importance of the topic and the fact that most of the legislative work took place in 2017, to include this analysis in the present volume. In this context, Karolina Wierczyńska analyses those provisions of the act which allow for the prosecution of individuals for international crimes, while Patrycja Grzebyk offers an insightful look into the substantive content of the recent amendment and assesses it against public international law standards.

The last section includes reviews of five books that were published in 2017 and which appeared to us as particularly interesting.

Last but not least, we would like to kindly encourage you to submit your papers for the 2018 volume of the Polish Yearbook of International Law. The call for papers will be traditionally announced in September 2018. Of course, we are also delighted to receive feedback from our Readers concerning the current issue or ideas for the future. Please email us at: pyil@inp.pan.pl.

Karolina Wierczyńska, Łukasz Gruszczyński