



Editorial of Volume 38, Issue I of the Utrecht Journal of International and European Law

EDITORIAL

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Dear Readers,

I am delighted to introduce Volume 38, Issue I of the Utrecht Journal of International and European Law. Since the creation of the journal, UJIEL has been a leading Dutch publication that fosters contributions and debate in diverse areas within the field of International and European Law. To achieve this, we have several people dedicated to the content produced in our editions. Therefore, I wish to thank the competent work of our board of editors, external referees, and authors for making it possible to publish such an interesting issue.

The present publication consists of five research articles, which will be briefly summarized below.

In “The Concept of a Virtual Registered Office in EU Law: Challenges and Opportunities” Virginijus Bitė and Ivan Romashchenko analyse the innovative corporate law concept of “virtual registered offices” (VRO) in the European Union, using the Lithuanian and Estonian jurisdictions for evaluation.¹ The authors proceed to define the concept and characteristics, while applying relevant substantive and procedural law, such as Directive (EU) 2017/1132 relating to certain aspects of company law and 95 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.² They conclude with a recommendation for EU intervention to stipulate requirements for organizations that provide VROs in Member States, thus establishing a sound legal basis for selecting a virtual address and for effective communication between domestic and foreign actors.³

The contribution “Providing Remedy for Corporate Human Rights Abuses Committed Abroad: The Extraterritorial Dimension of Home States’ Obligation under ICESCR” written by Wubushet Tiruneh, argues that the territorial model that allocates human rights obligations within and between territorial States suffers serious limitations regarding corporate human rights abuses.⁴ Therefore, the question that guides the study is whether States’ obligation to provide remedy is limited to abuses committed within States’ territories or does it also apply extraterritorially regarding corporate human rights abuses committed abroad.⁵ The Author concludes that in accordance with the Committee on ICESCR current practice, the obligation to provide remedy for corporate human rights abuses possesses an extraterritorial scope, therefore States should take measures, to enable victims of overseas corporate human rights abuses to seek and obtain remedy and hold perpetrators accountable.⁶

In the article “Legal nature of the Climate Change Regime in the light of Sharm el-Sheikh Implementation Plan: Fluctuation between *Lex Lata* and *Lex Ferenda*” Hojjat Salimi Turkamani tackles the question whether the current developments of the climate change regime belong to a *lex lata* or *lex ferenda* approach.⁷ He proceeds to analyse the legal nature of the United Nations Framework Convention on Climate Change and the Kyoto Protocol, consequently

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noticing a strong shift to *lex lata*.⁸ Finally, due to the inefficiency of the Protocol arising from the institutional design failure, the Paris Agreement became *lex ferenda*.⁹ The author proposes that it is necessary to gradually transition to a *lex lata* approach in order to increase the efficiency of the climate change regime.

In “Discharge of Debts of Insolvent Entrepreneurs under the Restructuring and Insolvency Directive”, Remgijus Jokubauska inquires about the discharge procedure of the Directive (EU) 2019/1023 on restructuring and insolvency.¹⁰ The author assesses how the concept of an ‘entrepreneur’ should be perceived under the scope of the Directive, the requirements of commencement of discharge of debt procedure and whether it indeed provides a fresh start for entrepreneurs after the end of this procedure.¹¹ The author concludes that the Directive fails to regulate several variables, such as the procedure on persons legally related to the insolvent entrepreneur, to sufficiently sustain a fresh start procedure and to provide a clear role on courts in the discharge procedure.¹²

Finally, the contribution “Will victims’ rights be lost in translation?: Bridging the information gap in universal jurisdiction cases” by Thomas Becker, Claudia Ionita, Willemijn Kornelius, and Rana Kuseyr aims on identifying and establishing how Germany should recognize the right to information in universal jurisdiction cases.¹³ They proceed to analyse the theoretical basis of the right of information in light of the aims of universal jurisdiction and to evaluate the universal jurisdiction cases of Germany.¹⁴ In the last chapter, they advise on some practical recommendations for the cases to be more accessible to directly participating victims and communities affected by the crimes, therefore solving an information gap that should follow the policy shift that happened in Germany.¹⁵

NOTES

- 1 Virginijus Bitė and Ivan Romashchenko, ‘The Concept of a Virtual Registered Office in EU Law: Challenges and Opportunities’ (2023) 38(1) *Utrecht Journal of International and European Law* 1,2.
- 2 *Ibidem*, 12, 17.
- 3 *Ibidem*, 25.
- 4 Wubushet Tiruneh ‘Providing Remedy for Corporate Human Rights Abuses Committed Abroad: The Extraterritorial Dimension of Home States’(2023) 38(1) *Utrecht Journal of International and European Law* 1.
- 5 *Ibidem*. 2.
- 6 *Ibidem*, 16.
- 7 Hojjat Salimi Turkamani, ‘Legal nature of the Climate Change Regime in the light of Sharm el-Sheikh Implementation Plan: Fluctuation between Lex Lata and Lex Ferenda’ (2023) 38(1) *Utrecht Journal of International and European Law*, 1.
- 8 *Ibidem*, 9.
- 9 *Ibidem*, 16.
- 10 Remgijus Jokubauska, ‘Discharge of Debts of Insolvent Entrepreneurs under the Restructuring and Insolvency Directive’, (2023) 38(1) *Utrecht Journal of International and European Law* 1.
- 11 *Ibidem*, 8, 11.
- 12 *Ibidem*, 20, 21.
- 13 Thomas Becker, Claudia Ionita, Willemijn Kornelius, Rana Kuseyr, ‘Will victims’ rights be lost in translation?: Bridging the information gap in universal jurisdiction cases’, (2023) 38(1) *Utrecht Journal of International and European Law*, 4.
- 14 *Ibidem*, 10–12, 24–26.
- 15 *Ibidem*, 31–32.

COMPETING INTERESTS

The author has no competing interests to declare.

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