

ILM

International Legal Materials

INSIDE THIS ISSUE

- Germany v. Philipp (U.S. Sup. Ct.)
Marie Greenman
- Immunities and Criminal Proceedings (Equatorial Guinea v. France) (I.C.J.)
Péter Kovács
- Supreme Site Services v. Shape (C.J.E.U.)
Salim S. Sleiman
- Telenor Magyarország Zrt. v. Nemzeti Média- És Hírközlési Hatóság Elnöke (C.J.E.U.)
Jason A. Biros
- Case C-66/18 Comm'n v. Hungary (C.J.E.U.)
Tamás Kende and Gábor Puskás

INTERNATIONAL LEGAL MATERIALS®

Foreword

From its inception, the collection, publication, and dissemination of important international legal materials has been among the primary functions of the American Society of International Law. These materials were originally published as a section of the *American Journal of International Law*, and for the past 50 years they have been produced as a freestanding publication. Throughout this period, *International Legal Materials* has filled a critical need by giving scholars and practitioners access to primary source materials that were often difficult to find.

Today, with the advent of the Internet, many of these materials are widely available. However, the explosion of online information related to international law has made it impossible for busy international lawyers to sift through the vast array of documents and identify those that are truly significant. Fortunately, our editorial staff, working with an Editorial Advisory Committee, is able to devote the time and expertise to selecting the most significant materials and highlighting them in *International Legal Materials* and our blog, *International Law in Brief*. In addition, the Society's *ASIL Insights* series provides analyses of particularly significant developments.

Beginning in 2007, we have introduced all documents published in *International Legal Materials* with a prefatory note by experts from among our membership. These notes provide summaries of the documents and offer insight into their significance. In this volume, we feature notes by Marie Greenman, Péter Kovács, Salim S. Sleiman, Jason A. Biros, and Tamás Kende and Gábor Puskás. We are extremely grateful to these authors, and we are confident that you will find their contributions of value.

We invite your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Mark David Agrast
Chair
Editorial Advisory Committee
International Legal Materials

STATEMENT OF EDITORIAL POLICY

International Legal Materials (ILM) is a publication of the American Society of International Law that reproduces texts of documents reflecting the broad scope and evolution of international law. The range of covered subjects has expanded from traditional topics such as international organizations, jurisdiction, and international trade to include developments in fields such as intellectual property, environmental law, nuclear non-proliferation, human rights, and international criminal law.

ILM serves as both a bi-monthly information service and a widely recognized archive of international law documents for a diverse, global community of legal scholars, government officials, private practitioners, and institutions with a common interest in international law. To meet the varied demands of such a readership, documents are selected from world-wide sources on the basis of their present and future legal significance.

ILM is prepared for publication in Washington, D.C., with the guidance of an Editorial Advisory Committee and the assistance of a team of Corresponding Editors around the world. In order to reproduce texts of selected documents under tight production schedules, the best available source is used, whether electronic or printed.

Readers are invited to send comments to:

Dr. Justine N. Stefanelli
Attorney-Editor
International Legal Materials
2223 Massachusetts Avenue, NW
Washington, DC 20008-2864
Telephone: (202) 939-6012
jstefanelli@asil.org

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law (ASIL) is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. Headquartered in Washington, D.C., its mission is “to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice.” ASIL holds Special Consultative Status with the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

ASIL’s 3,500 members come from more than one hundred nations with nearly 40 percent residing outside the United States. Its members include scholars, jurists, practitioners, government officials, leaders in international and nongovernmental organizations, students, and others interested in international law. Through its many publications, conferences, briefings, and educational events, ASIL seeks to serve the needs of its diverse membership and to advance understanding of international law among policymakers and the public.

ASIL is a volunteer-led organization governed by an elected Executive Council and administered by an executive director and professional staff.

Become a Member
asil.org/membership

Join one of the Society’s Partner Programs and Receive Complimentary Ad Space in *ILM*
asil.org/financial-support/sponsors-and-institutional-supporters

Follow the Society on Twitter
twitter.com/asilorg

Like us on Facebook
facebook.com/AmericanSocietyofInternationalLaw

JOURNAL INFORMATION

ILM (ISSN: 0020-7829) is published six times a year, every other month, in print and online by Cambridge University Press (One Liberty Plaza, 20th floor, New York, NY 10006) on behalf of the American Society of International Law. Periodicals postage rate paid at New York, NY, and at additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to: *International Legal Materials*, Cambridge University Press, Journals Fulfillment Department, One Liberty Plaza, 20th floor, New York, NY 10006. Send address changes elsewhere to **International Legal Materials**, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, England. To reduce time between acceptance and publication, contributions may appear online as *FirstView* publications in advance of their scheduled publication in an issue. Discover the entire *ILM* back archive at cambridge.org/core/journals/international-legal-materials/all-issues.

As a nonpartisan organization whose members hold a diversity of views, the Society refrains from taking positions on policy matters, except in accordance with the formal process set forth in the ASIL Constitution and Regulations. Views expressed do not necessarily represent the views of the Editorial Advisory Committee or the Society.

Subscriptions

The electronic version of *ILM* is available to all members of the American Society of International Law by logging in to the ASIL website www.asil.org. Print copies are available to members for an additional fee. To subscribe as a nonmember or recommend a subscription to your librarian go to cambridge.org/core/journals/international-legal-materials/subscribe.

Submission of Material

Primary material included in each issue of *ILM* is carefully chosen by the *ILM* Editorial Advisory Committee. Authors are solicited to write an Introductory Note to preface each document. The *ILM* editorial office welcomes efforts to bring suitable primary material to their attention. Those submitting material will be notified of the acceptance of their document for publication. Full instructions on how to submit primary material can be found at cambridge.org/core/journals/international-legal-materials/information/instructions-contributors

Claims and Address Updates

subscriptions_newyork@cambridge.org (in the USA, Canada and Mexico)
journals@cambridge.org (elsewhere)

Copyright and Permissions

cambridge.org/about-us/rights-permissions

To Advertise in *ILM*

ad_sales@cambridge.org

Abstracting and Indexing Services

cambridge.org/core/journals/international-legal-materials/information/abstracting-indexing-services

For Other ASIL Publications

www.asil.org

Proper Citation

ILM shall be cited according to the following example:
60 *ILM* 12 (2021)

International Law in Brief

The Attorney-Editor of *International Legal Materials* also edits the blog *International Law in Brief*, which contains objective abstracts of recently released documents pertinent to international law. Documents abstracted in *International Law in Brief* are later considered for reproduction in *ILM*. To view *International Law in Brief*, please visit www.asil.org/ilib.

ISSN: 0020-7829

E-ISSN: 1930-6571

© American Society of International Law

Attorney-Editor

Justine N. Stefanelli

Editorial Advisory Committee

Mark Agrast, <i>Chair</i>	Sarah Freuden	Mairée Uran Bidegain
Andrew Boyle	Paul Herrup	Jeremy M. Weinberg
Lee M. Caplan	Nikoleta Paraskevi Chalanouli	Thomas Weatherall
Christina M. Cerna	Salim S. Sleiman	
Uché Ewelukwa Ofodile	Peter Tzeng	

ILM Corresponding Editors

Philip C. Aka (Int'l Hum. Rts. L.)	Yarik Kryvoi (Int'l Arb., Russia)
Valentina Azarova (Int'l Humanitarian L.)	Vicheka Lay (Int'l Inv.)
Chloe Baldwin (Int'l Arb., Int'l Disp. Res.)	Ben Love (Pub. Int'l L., Int'l Arb.)
Paolo Bargiacchi (Pub. Int'l L., EU L.)	Julie B. Martin (Int'l Crim. L., Int'l Hum. Rts. L.)
Ronald Brand (Priv. Int'l L., Int'l Econ. L.)	Charbel Moarbes (Int'l Arb., Int'l Inv.)
Gian Luca Burci (Int'l Health L.)	Hilly Moodrick-Even Khen (Int'l Humanitarian L., Int'l Hum. Rts. L.)
J. Jarpa Dawuni (Int'l L., Gender L., Int'l Hum. Rts. L.)	Jason Morgan-Foster (ICJ, Int'l Hum. Rts. L.)
Alice de Jonge (Asian L., In'l Bus. L.)	Boldizsár Nagy (Int'l Refugee L.)
Constance de la Vega (Int'l Hum. Rts. L., Int'l L. Dom. Cts.)	Marko S. Novakovic (Int'l Admin. L.)
Kabir Duggal (Pub. Int'l L., Int'l Arb.)	Erin Louise Palmer (Int'l Hum. Rts. L.)
Alison Dundes Renteln (Pub. Int'l L.)	Aubin Nzaou (Pub. Int'l L., African Union)
Richard I. Fine (Pub. Int'l L., Anti-Corruption)	Jason Scott Palmer (Int'l Litig., Int'l Arb.)
Maria Gavouneli (LOS)	Rafael A. Porrata-Doria (EU L., Int'l Com. L.)
Thomas D. Grant (Pub. Int'l L.)	Gustavo Ribeiro (Int'l Econ. L.)
Kevin R. Gray (Int'l Trade, Int'l Env. L.)	Christopher M. Ryan (Int'l Arb., Int'l Inv. L.)
Eckhard Hellbeck (Int'l Disp. Res., Pub. Int'l L.)	Ewa Sałkiewicz-Munnerlyn (Peaceful Disp. Settlement, I.C.J., Atrocity Prevention, EU)
Jean-Marie Henckaerts (Int'l Humanitarian L.)	Richard F. Scott (Int'l Energy L., Int'l Orgs.)
Maria Angela Jardim de Santa Cruz Oliveira (Int'l Disp. Res., Int'l Trade)	William Slomanson (Pub. Int'l L.)
Scott T. Johnson (Int'l Crim. L., Extradition)	Frédéric G. Sourgens (Int'l Disp. Res.)
Jorge Kamine (Int'l Inv. and Fin.)	Tom Syring (Int'l Humanitarian L., Int'l Refugee L.)
Michael Kelly (Pub. Int'l L., Int'l Crim. L.)	Patricia Vella de Fremeaux (Mallia) (LOS, Maritime Sec., Maritime Mig.)
Nathaniel Khng (Int'l Inv. Arb.)	Anatoly Vlasov (Int'l Crim. L., Int'l Hum. Rts. L.)
Theodore P. Kill (Int'l Disp. Res.)	Rebecca M. Wallace (Int'l Hum. Rts. L., Int'l Refugee L.)
Kenneth Klein (Int'l Tax'n)	Todd Weiler (Int'l Econ. L., Int'l Arb.)
Riikka Koskenmäki (Pub. Int'l L., Int'l Orgs.)	Simon N.M. Young (Int'l Hum. Rts. L.)
Artur Kozłowski (Pub. Int'l L.)	

INTERNATIONAL LEGAL MATERIALS®

Vol. 60

August 2021

No. 4

— Contents —

Germany v. Philipp (U.S. Sup. Ct.) Introductory Note by Marie Greenman.....	531
Immunities and Criminal Proceedings (Equatorial Guinea v. France) (I.C.J.) Introductory Note by Péter Kovács	541
Supreme Site Services v. Shape (C.J.E.U.) Introductory Note by Salim S. Sleiman.....	637
Telenor Magyarország Zrt. v. Nemzeti Média- És Hírközlési Hatóság Elnöke (C.J.E.U.) Introductory Note by Jason A. Biros.....	653
Case C-66/18 Comm'n v. Hungary (C.J.E.U.) Introductory Note by Tamás Kende and Gábor Puskás.....	667
UNITED NATIONS SECURITY COUNCIL RESOLUTIONS	700
BRIEFLY NOTED	709