area of international investment law. On the other hand, the weakest part of the book is the conclusion of chapter VI. It lacks convincing arguments for its strong assertion that the language in preambles referring to state powers to regulate in public interest is more effective in safeguarding host state policy space, rather than positive language in other treaty provisions.

The book under review is coherent in its focus, however it is not suitable as an introductory text into the field of international investment law; on the contrary Titi's work is intended for readers, who have attained a certain level of knowledge in the field.

This book came out at a time when the right to regulate is at the centre of discussions on the legitimacy of the system of protection of foreign investments. The book provides expert analysis of various provisions of international investment agreements safeguarding the right to regulate. As such, it is valuable to academics, advanced students of international law and practitioners and particularly to negotiators of these agreements, because it demonstrates, which drafting can best protect state's regulatory powers. To conclude, the Titi's book is a timely and competent assessment of current state of right to regulate in international investments law as a key component of international investment agreements.

Ondřej Svoboda*

Prague Law Working Papers Series No II/2017 – New Issue of Charles University in Prague Faculty of Law Research Papers

The new issue of Prague Law Faculty's open source electronic periodical offers a set of working papers on various topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from http://www.prf.cuni.cz

Václav Šmejkal contributed an article titled **Ten Years after the Viking Judgment: EU Court of Justice Still in Search of Balance between Market Freedoms and Social Rights.** The author suggests that ten years after the well-known *Viking* and *Laval* judgments, there is still no end to the debate about the appropriateness of the EU Court of Justice (CJEU) approach to cases of conflict between the fundamental freedoms of the EU internal market and the fundamental, especially social, rights protected by EU law as well. The CJEU does not abandon its pre-Lisbon case law, only the accent seems to change. In its recent decisions however - in particular the *AGET Iraklis* one from December 2016 - a quite more socially responsive approach can be traced. The analysis outlined in the article attempts to sum up the path that the CJEU has made between the Viking and *AGET Iraklis* judgments. It wonders whether the CJEU has found the optimal solution for clashes between fundamental freedoms and fundamental rights. It shows that this is not yet the case, because even in the *AGET Iraklis* judgment CJEU did not abandon the one-sided test of proportionality, which treats basic social rights and their protection as possible exceptions to the freedoms of movement that could be acceptable only if they are reasonably justified by the protection of overriding reasons in public interest.

Martin Hobza contributed a paper about **Independent Investment Advice under MiFID II**. In his view the distinction of independent and "non-independent" investment advice along with related duties of investment firms is one of the highlights brought by the recast of Markets in financial instruments directive to the area of European investment services regulation. Within the scope of the paper, the attention is focused mainly on answering the important question: what makes independent investment advice independent? In other words, distinction of both above-mentioned ways

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the investment firm provides its advisory services, along with the question of "limited" independent investment advice, i.e. advice of an investment firm with a limited scope of financial instruments considered, is addressed. The regulatory regime of independent investment advice is a superstructure of the general regime in three following levels: the level of variety of financial instruments considered, the level of taking into account the relationship between respective investment firm and providers, issuers or distributors of financial instruments considered within the provided investment advice and finally in the level of inadmissibility of receiving incentives related to the provided investment advice. Analysis of the first conceptual characteristic, namely the assessment of a sufficiently wide range of financial instruments, is then carried out. Relevant issues connected with prospective application of the regulatory regime, as well as several questionable issues that might lower the legal certainty level of the investment firms providing independent investment advice in the future are also pointed out.

Kristýna Březinová analyzed in her paper the issue of **Company Criminal Liability for Unlawful Attacks against Information Systems within the Scope of EU Law.** Unlawful attacks against information systems are everyday reality for large international companies such as Apple or Facebook as well as for SMEs, national information systems and individuals who are more and more often objects of such attacks. Her paper thus carries out an analysis of the most important legal instruments primarily at the level of the European Union in the field of cybercrime committed by companies and other legal persons. It explores the history of regulation of cybercrime and it especially analysis crimes of illegal access to information systems and illegal system interference governed above all by the Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA. It also looks at corporate criminal liability in this field and at sanctions which can be applied on legal entities according to the EU and Czech regulation for committing unlawful attacks against information systems. At the same time this thesis concerns with the implementation of the Directive on attacks against information systems into the Czech legal framework, i.e. Act No. 40/2009 Coll., the Criminal Code, also it concerns with the regulation of criminal liability of legal persons by Czech Act No. 418/2011 Coll., on Criminal Liability of Legal Entities and their Prosecution, and it critically evaluates these legal instruments.

Zuzana Císařová treated in her paper the issue of **Copyright in The Digital Age - Private Copying from Illegal Sources: Framing, Embedding and other Forms of Linking in the CJEU Case Law.** Her article deals with the right of communication of the work to public in the information society. The different types of use of the work on the Internet are discussed as browsing, uploading and downloading, streaming, webcasting and making the work available to public in general. The major part of the Article is focused on legal aspects of hyperlinking in its various forms. The article aims on the concept of "new public" and its compatibility with international copyright treaties. The CJEU case law forming the concept of "new public" is analyzed, especially in the context of hyperlinking, when in the latest decisions, the basic principles of copyright protection related to hyperlinking are set out. The practical influence in other areas of law, as for example law on unfair competition or rights to databases, is also dealt with. Likewise, the differences from the common-law system are pointed out with a special focus on Australian law. The article also deals with the historical heritage in copyright law and its sufficiency for nowadays digital society in relation to the newly prepared EU legislation framework on copyright law. Finally, the key issues, most crucial for the future development of copyright law in the digital society, are pointed out and analyzed.

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