SURVEY OF LITERATURE

It will be the purpose of this section to give brief notices of recent literature on the development of the law of the European Communities, which has appeared both in the form of articles and in the form of books. In view of the multitude of contributions on this subject, this survey does not pretend to be exhaustive. However, it will try to bring, as much as is possible, all important literature to the attention of the readers of this review.

Despite the abundance of literature on special subjects concerning the three Communities, there have been relatively few books covering the whole range of activities of a community. The best known general legal commentaries on the EEC Treaty have been so far those written by two groups of German scholars: *Wohlfarth—Everling—Glaesner—Sprung*, "Die Europäische Wirtschaftsgemeinschaft" (Verlag Franz Vahlen, Frankfurt a.M., 1960) and *Von der Groeben/Boeckh*, "Kommentar zum EWG-Vertrag" (2 vol., August Lutzeyer, Baden-Baden, Bonn, 1959). Although both of them are of high quality, they were published in the early years of the E.E.C., with the result that they do not cover the legislative developments in many fields during 1961 and 1962 (e.g. agricultural regulations, regulation on the first measures for the free movement of workers, cartel regulations and the general programme for the removal of restrictions on the freedom of establishment). The only general legal works of reference on the EEC Treaty in the English language have been so far "American Enterprise in the European Common Market: A Legal Profile" (Ann Arbor, 1960, 2 vols.), edited by *Stein* and *Nicholson*, which appeared in the series Michigan Legal Studies and "Common Market Law, Texts and Commentaries" by *Alan Campbell* and *Dennis Thompson* (Sijthoff, Stevens, Rothman, 1962) of which recently a First Supplement was published. The contributions by Prof. Stein on the institutional structure, S.A. Riesenfeld on the rules of competition in the EEC Treaty, particularly in the light of the American anti-trust provisions, and J. van Hoorn Jr. on the taxation aspects of the Treaty in "American Enterprise" deserve special attention. Both commentaries have been prepared with the primary purpose of helping those American and British lawyers who confront for the first time the problems of trading with and trading in the Common Market. They are designed to give them an over-all view of the legal framework of the Community itself and of the laws of business organisations, industrial property, restrictive trade practices and taxation, which exist in the six countries. A description of a more general nature (not only of the Communities but also of other European organisations such as the Economic Commission for Europe (E.C.E.), O.E.E.C. (now Organisation for Economic Cooperation and Development) and the Council of Europe may be found in such books as "European Organisations" by *Political and Economic Planning* (George Allan & Unwin, London, 1959) and *A.H. Robertson*, "European Institutions" (Stevens and Sons, 1959). Apart from some smaller introductions to the law of the Communities (*P.O. Lapie*, „Les trois communautés"; *Louis Cartou*, "Le marché commun et le droit public") no major works had been written in French until some time ago. It was therefore a pleasant surprise to receive the "Manuel de droit des communautés européennes" (455 pages) by *Nicola Catalano*, a former judge of the Court of Justice of the European Communities, published as volume 9 in the series Eurolibri, a co-venture of four continental publishers: August Lutzeyer (Germany), Dalloz et Sirey (France), Giuffrè (Italy) and Stenfert Kroese (Netherlands). In this book Catalano does not only deal with the EEC Treaty but also with the Euratom and ECSC treaties, which has a great advantage in view of the close connection between the legal structure of the three Communities. It is therefore logical that he has divided his treatise in one general part: Common elements of the three communities; and

three special parts, each devoted to the individual aspects of a Community. Of particular interest to British lawyers is the chapter on the legal sources of the Communities and the relationship between the legal orders of the Member-States and the Community laws. Catalano tries to demonstrate time and again the extent to which the characteristics of a federal state are already embodied in the European Communities. Sometimes he goes very far in this effort, but as a whole he has given a very useful survey of what has been done so far to implement the Treaties of Paris and Rome. One must therefore regret that there are so many obvious inaccuracies in the text. These flaws and the fact that practically no reference is made to any consulted literature give the impression that the book was written with great haste. It is to be hoped that future editions will be written with more care. This could certainly greatly increase the practical value of this book. Another publication of a general character is the new treatise on the E.C.S.C. by *Raymond Prieur*, "La Communauté européene du Charbon et de l'Acier—Activité et Evolution" (éd. Montchrestien, 1963, 496 pages). Since the excellent studies by *Paul Reuter* („La C.E.C.A.") ten years ago, and *Diebold* („The Schuman Plan") in 1959, on the working of E.C.S.C., no major analysis of the activities of the Coal and Steel Community had been written. Special attention has been paid to the economic policy of the High Authority in different fields and the way in which the case-law of the Court of Justice has contributed to the development of the law of this Community.

Of great interest to lawyers in the Anglo-Saxon world for the understanding of the functioning of the Communities with respect to the outer world, are the lectures which *Pierre Pescatore* held before the Hague Academy of International Law in 1961 entitled "Les relations extérieures des Communautés Européennes". (Recueil des Cours, 1961, T. II, pages 1-244, Sijthoff, 1962). The author takes an implicit stand in the actual controversy on the functions of the E.E.C. in the world by declaring one of his purposes to be to analyse the instruments with which an "open door policy"—which he thinks is prescribed both by the preamble and by the relevant articles of the Treaty—can be pursued by the Europêan Economic Community. The legal basis of these instruments—the negotiating instrument, the treaty-making power, the material content of such treaties—should indeed be made as clear as possible. Difficulties have already arisen because of uncertainties about the legal capacity of the E.E.C., e.g., the Association Treaty with Greece has not been concluded between the Community and Greece, in accordance with article 238, but between the Community, the six Member-States and Greece. This procedure has resulted in an unnecessarily complicated institutional system, creating even more legal difficulties than the one which the Council of Ministers did not want to solve.

Mr. Pescatore has chosen to study the case of the Communities on the basis of a catalogue of the external functions of a state. This does not imply that he thinks of the Communities as superstates. On the contrary, he considers the *analogy* with a state false, because the state is an institution which distinguishes itself precisely by the "plénitude de ses pouvoirs", whereas the Communities have only limited functions. The essence of these functions and the manner in which they should be exercised can only be derived from an analysis of "le droit positif" (which in the opinion of the author implies the goals of the Communities, as has been shown above). The real problem then appears to be to what extent the Communities are able to establish relations with the external world, i.e. with legal subjects outside their internal juridical order. Mr. Pescatore very rightly points out that the Communities imply something quite different to third states than they do to the Member-States. Third states should therefore be well informed about the effect of legal bonds with the Communities. After some very interesting observations on the nature of the legal personality ("personnalité internationale") of international organisations in general and of the Communities in particular, the author shows what sort of competences with respect to third parties have been given to international organisations past and present. There then follows an exhaustive analysis of the powers conferred upon

the Communities: commercial policy, treaties concluded by the communities (competence, form and procedure, effects, the association treaties, adherence to multilateral treaties), the way conflicts of obligations may be solved and the *ius legationis* of the Communities. The book is concluded by a chapter on the Communities and the law of international responsibility.

Although the problems connected with Britain's entry into the European Economic Community are primarily of an economic and political nature, they are not the only ones that exist. This is confirmed by a contribution from *P.B. Keenan* in Public Law (autumn 1962, pp. 327-343), in which the author discusses some legal consequences of Britain's entry, above all the problem of incorporating the Treaty of Rome and the legislative acts of the Community institutions into the law of the United Kingdom. Other matters to which he devotes his attention are the relationship between the English courts and the Community court in Luxembourg and the problem of approximation of laws. Similar questions are dealt with in an article by *D.G. Valentine* on "Community and English law" (*Journal of Common Market Studies*, vol. I, no. 2, 1962, pp. 180-186). From a wider angle *Ignaz Seidl-Hohenveldern* writes on "The transformation or adoption of international law into municipal law" (*International and Comparative Law Quarterly*, 1963, pp. 88-124), in which he deals with the problem of the absorption of international law, either customary or by way of treaty, into the domestic law of Austria, France, Germany, Italy and The Netherlands. He comes to the conclusion that the countries where international law is most readily received without any transformation being necessary are France and The Netherlands.

Ever since the first regulation for the implementation of Articles 85 and 86 of the E.E.C. Treaty has entered into force in March 1962, a whole series of articles, commentaries and notes have appeared on the new European cartel law, and its relationship to other systems. Early commentaries which are still of great interest were written by *Arved Deringer*—the rapporteur of the report of the European Parliament on the original draft regulation—in *Gewerblicher Rechtsschutz und Urheberrecht* (Ausländs und Internationaler Teil, 1962, pp. 283-309) and—together with *Dr. Klaus Tessin*—in *Neue Juristische Wochenschrift* (1962, pp. 989-993), by *Dr. W. Schlieder* in the *Betriebs Berater* (1962, pp. 305-312) and by *Prof. G. van Hecke* and *L.P. Suetens* in the Belgian *Journal des Tribunaux* (1962, pp. 361-369). The value of these articles results from the fact that they give a thorough analysis of the cartel regulation as a whole and also discuss particular aspects of it.

Of a more recent date is "Zum Kartellrecht der EWG", an article by *Ernst Wolf* (*Wirtschaft und Wettbewerb*, October 1962, pp. 645-661). In this article the author tries to clarify the material question of which agreements are prohibited pursuant to Article 85 (1) of the Treaty, taking as a starting-point the American antitrust legislation and case-law, which, as he states, are of prime importance for the understanding of the philosophy behind the rules of competition on the Common Market. He is in favour of application of the American rule of reason, according to which only those cartels are prohibited which unfavourably affect inter-state commerce. The same author writes on the same subject in the French journal *Jurisclasseur Périodique* (no. 41, 10 October, 1962). The contribution by *Karl Droste* in *Neue Juristische Wochenschrift* (1962, pp. 1937-1942) contains sharp criticism on the many unclear aspects of Regulation No. 17; much of this criticism is not completely deserved. His advice to business men is not to risk too much but to notify those agreements which fall under the terms of Articles 4 (1) and 5 (1) of the cartel Regulation, because they have to take into account an "unfavourable interpretation"!

Since the November issue of 1962 there appears in each issue of the German review *Wirtschaft und Wettbewerb* a comprehensive commentary annotating all articles of the Treaty provisions concerning rules of competition and of the implementation regulations under Article 87, entitled "Das Wettbewerbsrecht der Europäischen Wirtschaftsgemeinschaft". The commentary is written under the over-all respon-

sibility of *Arved Deringer*, the German specialist in this field. The first four parts of this study confirm the excellent impression which previous publications by Dr. Deringer have given.

The short article by *Y. Loussouarn* in *Revue Trimestrielle de Droit Commercial* (1962, pp. 529-534) treats only two questions of the cartel Regulation: first, the question whether there should be an *a priori* or only an *a posteriori* control of restrictive trading agreements and the system embodied in Regulation No. 17 is dealt with, the second part is devoted to the conditions upon which a case may be started before the Court in Luxembourg in the light of the Court judgment of April 6, 1962 in the Bosch case.

Three articles dealing with the external effects of the cartel Regulation must be mentioned: The *Journal of Business Law* (January 1963, pp. 60-69) contains in its Common Market Law Section an article on "British Business and the Restrictive Practices Regulations of the Common Market" by *G.A. Zaphirou*. This gives a summary of the notification procedure with the E.E.C. Commission and its effect in the municipal courts of the United Kingdom. Where performance is connected with one or more Community countries the English courts may refuse to enforce the transaction. Fines and penalties, in the view of the author, although enforceable against the assets of British enterprises within the jurisdiction of the Community would not be enforced by English courts in view of their basic penal character, notwithstanding Art. 15 (4) of Regulation 17.

In the *Northwestern University Law Review* (September/October 1962, pp. 400-454) *Kathleen Devine* has written a contribution on "Foreign Establishment and the Antitrust Law". This article deals with the antitrust consequences of the principal forms of investment by American corporations in foreign markets. Such investment may be carried out by means of an unincorporated foreign branch, a wholly owned subsidiary, or a partially owned one, or even by means of a joint venture, all of which are separately considered. The third article, published in the *Business Lawyer* (November, 1962, pp. 275-296), contains an account by *George C. Seward* on "Antitrust Law Problems of American Business in dealing with Common Market Countries". This is based on a paper delivered to the International Bar Association in Edinburgh in 1962 and includes an appreciation of the effects of American and E.E.C. antitrust laws in their extra-territorial application.

Article 37 (1) of the E.E.C. Treaty provides that the Member-States shall gradually adjust any state trading monopolies so as to ensure that, when the transitional period (of 12-15 years) expires, no discrimination exists any longer between the nationals of Member-States as regards the supply or marketing of goods. In a short contribution in *Wirtschaft und Wettbewerb* (February 1963, pp. 107-111), *Werner Nissen* analyses the discriminations which have to be abolished pursuant to Article 37. He comes to the conclusion that, in fact, Article 37 contains a complete prohibition of state trading monopolies, since the most essential functions of these monopolies are hereby forbidden.

On November 14, 1962 a draft convention relating to a European Patent Law was published by the European Commission (an unofficial English translation by the Board of Trade may be obtained from H.M. Stationery Office). *F. Froschmaier*, secretary of the working party of the Six—instituted upon the initiative of Hans von der Groeben, member of the European Commission—which has prepared this draft, already summarised the draft convention in *Gewerblicher Rechtsschutz und Urheberrecht* (1962, no. 9, pp. 433-438). It has not been the specific purpose or task of the working party to unify or approximate existing legislations, but rather to create a "European patent", which can exist in all Member States of the E.E.C., besides the national patents. Nevertheless, as *Angelo Grisoli* clearly states in his summary of this convention (*Journal of Business Law*, 1963, pp. 69-76), ratification of this draft would undoubtedly be a first step in the unification of the European law of industrial property. *Gewerblicher Rechtsschutz und Urheberrecht* (A.u.I.T.) for November/Decem-

ber 1962, pp. 537-616, gives further valuable information on the development of the law of industrial property. This issue is devoted solely to the three draft conventions for the unification of patent law which exist at present. Apart from the German text of the EEC-draft, it reproduces the much shorter draft (twelve articles) for the unification of certain concepts of patent law, which originated in the Council of Europe and the Scandinavian proposal for a uniform patent law (with an official explanatory comment). All three draft conventions contain similar characteristics as is clear from the articles by *Professor Ulmer* (pp. 537-545), *Dr. Pfanner* (pp. 545-554) and the Swedish expert *von Zweigbergk* (pp. 554-561), who each write on one draft proposal.

E.J. Cohn and *C. Simitis* contribute a major article in the *International and Comparative Law Quarterly* (January 1963, pp. 189-225) on " "Lifting the veil" in the company laws of the European Continent". This is based on material collected for the purpose by the British Institute of Comparative and International Law with the additional co-operation of Professors René David of Paris and Giuseppe Sena of Milan. The authors point to the increasing tendency, particularly in respect of the one-man company, or person virtually owning the company, of the courts to attach personal liability to him in respect of debts incurred on behalf of the company. This article deals with the laws of Germany, Switzerland, France and Italy and the authors can point to developments in these countries which show certain striking similarities. In this same issue of the *International and Comparative Law Quarterly Walter D. Malcolm* writes on "The Uniform Commercial Code in the United States" and suggests that American experience may be of considerable help for uniform development of commercial law in the European Community (pp. 226-246).

The *Journal of Common Market Studies* (1962, Vol. I, no. 2) contains two articles which are of interest to those concerned with commerce within the Community. *Roy Smith* contributes an analysis of "Marketing in Europe" (pp. 128-140), and *J.P. Clay*, an investment expert, has written on "The analysis of European Company accounts" (pp. 141-153). His comparison between the various laws of the European countries indicates that none of them has reached the development achieved in the United Kingdom under the Companies Act, 1948. In none of the European countries are there rules which provide for the publication of the accounts of a holding company and its subsidiaries, along the lines laid down in the United Kingdom, nor do there appear to be any indications that changes will be made in this respect in the near future.

An increasing number of studies is written on the effects of the Common Market on a particular branch of industry or business. *Der Volkswirt* of November 30, 1962 (no. 48) contains a supplement entitled "Versicherungswirtschaft und Gemeinsamer Markt". In this supplement *Ulrich Kuhn* (p. 10) explains the significance of the right of establishment for the insurance business, since in practice insurances can only be concluded abroad through an independent establishment or an agency. Articles 52 et seq. fully apply to this branch of business, but the general programme for the removal of restrictions on the freedom of establishment contains a special time-table for insurances on the basis of a distinction between reinsurance, direct insurance and life insurance. In this same supplement *Martin Herzog* (p. 8) analyses the possibilities and limits of the freedom of provision of services with respect to insurances. He rightly points out that even after the transitional period restrictions can remain on the basis of Articles 60, paragraph 3, 55 and 56 in conjunction with Article 66. In the field of reinsurance a near to complete freedom does exist already. When dealing with restrictions in the branch of direct insurances he distinguishes between national restrictions (e.g. compulsory insurances) and inter-state restrictions.

The third issue of the French-German fiscal law quarterly *La Fiscalité du Marché Commun / Europäische Steuerzeitung* (publishers Kluwer-The Netherlands and Gehlsen-Germany) contains a summary of the proposals by the Commission on the harmo-

nisation of turnover taxes, a subject on which Professor Antal reports more fully elsewhere in this issue, and a survey of the fiscal legislation in Luxembourg and the difficulties which are likely to arise in connection with the approximation of fiscal legislation within the E.E.C.

The case-law of the Court of Justice of the European Communities is of increasing value for the understanding of the development of the law of the Communities. Through it the Court already has contributed significantly to the interpretation of numerous articles of the Treaties of Paris and Rome. The official law reports of the Court are published in the four languages of the Communities: Dutch, French, German and Italian. Since 1962 the decisions of the Court are reproduced in an English language publication named *Common Market Law Reports*. These texts cannot, however, be treated as official or authentic. The case-law of the Court has been the subject of numerous articles, but only a few books have been written in the English language. *D. G. Valentine* has written a study on the Court at a time when the E.C.S.C. Treaty only existed and few cases had been decided: "The Court of Justice of the European Coal and Steel Community" (Martinus Nijhoff, 1955). A full account of the case-law of the Court until the end of 1960 can be found in "Judicial Control of the European Communities" (XIX + 268 pages, Stevens and Sons, London, 1962) by *Gerhard Bebr*. This is an interesting study which examines the control of the Court over the exercise of the powers of the institutions of the three Communities. A study of the procedure before the Court has been set out by *Charles van Reepinghen* and *Paul Orianne* in "La Procédure devant la Cour de Justice des Communautés européennes" (Bruxelles/Paris, 1961). It should be noted that this commentary is somewhat limited in scope since it only draws comparisons between the procedure before the Court and Belgian and French civil procedure, whereas the other Common Market countries have contributed to the procedural system before the Court as well.

Common Market Law Reports (Vol. 1, Parts 2-4, January 1963) reproduce a number of decisions of the Court of Justice of the European Communities, namely: *Re Dutch Transport Charges, the Netherlands Government* v. *The High Authority* (Case 9/61); "*Geitling*" *Ruhrkohlen-Verkaufsgesellschaft m.b.H. and others* v. *The High Authority* (Case 13/60); *De Bruyn* v. *The European Parliamentary Assembly* (Case 25/60); *Re Italian Customs Duties on Radio Valves, Commission of the E.E.C.* v. *The Italian Government* (Case 10/61); *Modena* v. *The High Authority* (Case 16/61); and *Société Fives Lille Cail and others* v. *The High Authority* (Cases 19/60, 21/60, 2/61 and 3/61). The Reports also contain two most interesting decisions from national courts, the *Nicolas and Société Brand* case from the French *Cour de Cassation*, and the case of the *Grundig Radio-werke* from the Dutch *Hoge Raad* concerning Article 85 of the E.E.C.-Treaty. The first preliminary ruling of the Court pursuant to Article 177 of the Treaty in the Bosch case (case 13/61, April 6, 1962) has resulted in a number of annotations. This interest can be easily understood in view of the important issues which were raised not only with respect to Article 85, but also with respect to the interpretation of Article 177 itself. The decision was commented upon by *Jean Robert* in *Recueil Dalloz*, May 31, 1962, Jurisprudence, pp. 359-364; *Arved Deringer, Gewerblicher Rechtsschutz und Urheberrecht*, June 1962 (Ausl. und Int. Teil) pp. 283-309; *Dr. W. Schlieder*, "Die Anwendung der Artikel 85 und 86 des E.W.G.-Vertrages nach dem Erlass der ersten Durchführungsverordnung", *Betriebsberater* (May 20, 1962, pp. 305-312), annotated by *Fernand Charles Jeantet, JurisClasseur Périodique*, June 13, 1962, no. 24, Jurisprudence 12726; *Dr. Weyer*, Berlin, *Der Betriebsberater*, April 30, 1962, p. 467 with annotation "E.W.G.-Vertrag und Ausfuhrverbote", "The Bosch Case", *Dennis Thompson* in *International and Comparative Law Quarterly*, July 1962, pp. 721-737.

The law of the Communities is applied not only by the Court of Justice, but to an increasing extent also by national courts. In this connection a French case, decided by the Conseil d'Etat (December 22, 1961) Re *S.N.C.F.* (French nationalised railroad) v. *Minister of Public Works* is of considerable interest. France was held liable

to indemnify S.N.C.F. for the (unfavourable) consequences of the application of so-called "direct transport tariffs" ex Article 70 E.C.S.C. *R. Chevallier* has annotated this interesting case in the *Revue du Droit Public et de la Science Politique.* (July/August 1962, pp. 646-663).

The importance of the Community law—in particular of the first cartel Regulation—for the courts of the Member-States is illustrated as well by the decision of the Cour d'Appel de Paris of January 26, 963. This decision, which was published in *Recueil Dalloz* of March 13, 1963 (Jurisprudence p. 189) with an annotation by *Jean Robert* and in *Journal des Tribunaux*, March 10, 1963, p. 169, annotated by *Antoine Braun*, related to Article 9 (3) of Regulation no. 17, which reads as follows: "As long as the Commission has not initiated any action pursuant to Articles 2, 3 or 6 the authorities of the Member-States shall remain competent to enforce Article 85 (1) and Article 86 in accordance with Article 88 of the Treaty, even if the time-limits for notification laid down in Article 5 (1) and Article 7 have not expired." Since this decision will reproduced in the next issue of Common Market Law Review, a short comment must suffice. The facts of the case (which were very similar to those in the Bosch case) were—sole-agency contract between Grundig and Consten, a French company; an outsider, Union Nationale des Economies Familiales, importing Grundig products outside the regular channels from German dealers, who thereby acted in violation of their contract with Grundig; request for injunction by Consten against U.N.E.F.. While the case was still before the Tribunal de Commerce, the court of first instance (decision of May 21, 1962), U.N.E.F. requested the E.E.C. Commission to take a decision to the effect that the Grundig—Consten agreement infringed upon Article 85 (1) of the E.E.C. Treaty and was therefore null and void. Upon this request the Commission sent a letter to the Tribunal stating that it had initiated action pursuant to Article 3 of Regulation no. 17. Despite this request to suspend the proceedings, the Tribunal de Commerce nevertheless decided that the case involved a dispute between two French companies and that consequently a solution could only be found under French law. The Cour d'Appel annulled this decision by the Tribunal de Commerce, mainly on the grounds that the contract between Grundig and Consten was subject to the cartel provisions of the E.E.C. Treaty and the implementation regulations, that the Commission had sole power under Article 9, first paragraph of Regulation no. 17 to declare Article 85 (1) inapplicable pursuant to Article 85 (3) and that consequently the Tribunal de Commerce was bound to suspend its decision ex Article 9 (3) of the same regulation until the Commission had taken a definitive decision with respect to the Grundig—Consten agreement. Two points of this decision are of special importance for British lawyers: first, the fact that the Cour d'Appel clearly accepts the law of the Communities as binding upon national courts, a statement to which both annotators refer at length and second, that the Cour d'Appel unhesitantly declares the national judge to belong to the "competent authorities of the Member-States" of Article 9 (3) who lose their competence to enforce Articles 85 (1) and 86 as soon as the Commission has commenced proceedings. The latter statement is much disputed in literature: it is not certain at all that "competent authorities" should be read as widely as to include the national courts (Cf. *Samkalden, Sociaal-Economische Wetgeving* (Social Economic Legislation), 1962, p. 208 and 273-274 and Schlieder, *Der Betriebsberater* of March 20, 1962, p. 310). *Dr. Schlieder* has recently annotated this case in the German *Betriebsberater* (*Aussenwirtschaftsdienst*, March 30, 1963, p. 84 et seq.).

In the *Revue du Droit Public et de la Science Politique* of September/October 1962 (pp. 873-930), there is published the first part of a very useful survey of the case-law of the Court by *Jean Breban*, a French lawyer. This first part contains the general principles which are applied by the Court, whereas the second part, which will appear in one of the next issues, will be primarily devoted to a discussion of the various forms of jurisdiction of the Court. The method which Breban uses can be

compared with the one which was used in a survey published some years ago in the Belgian *Chronique de Politique étrangère* (1960, no. 3). Lengthy citations from the Court's decisions and the conclusions of the advocate-general are ranged under general headings. We must here suffice with a reference to the subjects treated: relationship between on the one hand Community law and on the other hand national and international law; methods of interpretation and the special meaning of Articles 2-4 inclusive of the E.C.S.C. Treaty; right of appeal of the various subjects against acts by Community organs; the status of officials and other employees and finally the responsibility of the Communities for torts.

The *Oesterreichischer Zeitung for öffentliches Recht* (1962, Heft 3, pp. 332-344) contains a contribution from *Professor A. Migliazza* on "La jurisprudence de la Cour de Justice des communautés européennes et le problème des sources du droit". This subject was previously dealt with in a thesis by *Pierre Mathijsen*, "Le droit de la Communauté du Charbon et de l'Acier" (Nijhoff, 1957). The author points out that the Court is very free in the interpretation of the most important legal source, namely the Treaties themselves. In his opinion it is quite understandable that the Court attaches much importance to the principle that the Treaty should be interpreted as literally as possible: *in claris non fit interpretatio*. One must wonder whether this statement is true when phrased so broadly, if one only thinks of the wide interpretation which the Court has given to the so-called exception of illegality in the first Meroni case (no. 9/56). Another question mark should be placed after a remark by this Italian professor, namely that the procedure before the Court is "singulièrement proche" to the procedure before international tribunals, particularly the International Court of Justice. This conclusion is only correct if one remembers that the latter procedure is a mixture of the rules of civil procedure of continental Europe and the Anglo-Saxon world. Professor Haardt of the University of Leyden recently showed that five out of seven main principles of procedure in civil cases can be retraced in the procedure before the Court at Luxembourg.

The Dutch monthly *Sociaal-Economische Wetgeving* (Social Economic Legislation) has celebrated its tenth anniversary with a special issue devoted to points of contact between the law of the Communities and various other branches of the law. Five authorities from Belgium and The Netherlands have contributed articles in this issue. *François Rigaux* and *Professor G. van Hecke* write about Community law and public and private international law respectively. *Professor Mulder*'s contribution is on *Europees recht en internationaal strafrecht* (European Law and international penal law), *J. Mertens de Wilmars* discusses the relationship of the law of the Communities with the principles of adminstrative law and *Professor Samkalden* treats the constitutional aspects of the Communities in the light of five years experience with the quasi-parliamentary system which is embodied in the Treaties.