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b. *List of abbreviations*

A.Ae	—	Ars Aequi (Netherlands)
A.J.C.L.	—	American Journal of Comparative Law
A.J.I.L.	—	American Journal of International Law
A.W.D.	—	Aussenwirtschaftsdienst des Betriebsberaters
B.B.	—	Der Betriebs-Berater
Buffalo Law Rev.	—	Buffalo Law Review
Cah.dr.europ.	—	Cahiers de droit européen
Dr.Soc.	—	Droit Social
E.A.	—	Europa Archiv
EuR.	—	Europarecht
G.R.U.R.Int.	—	Gewerblicher Rechtsschutz und Urheberrecht—Internationaler Teil

[1] The abstracts of the articles marked by an asterisk have been prepared by Alden Lowell Doud, Office of the Legal Adviser, U.S. Department of State, and Research Fellow, Fall Term 1968, University of Michigan Law School, Ann Arbor, Michigan.

Harv.L.Rev.	—	Harvard Law Review
I.C.L.Q.	—	International and Comparative Law Quarterly
Journ.Comm.Mark. Studies	—	Journal of Common Market Studies
Journ.dr.intern.	—	Journal du droit international
J.T.	—	Journal des Tribunaux
J.Z.	—	Juristenzeitung
New L.J.	—	New Law Journal
N.J.	—	Nederlandse Jurisprudentie
N.J.B.	—	Nederlands Juristenblad
N.J.W.	—	Neue Juristische Wochenschrift
N.T.I.R.	—	Nederlands Tijdschrift voor International Recht
N.V.	—	De Naamloze Vennootschap
R.C.A.D.I.	—	Recueil des Cours de l'Académie de Droit International de la Haye
Rev. belge dr.int.	—	Revue belge de droit international
Rev.crit.jur.belge	—	Revue critique de jurisprudence belge
Rev.dr.int. et dr.comp.	—	Revue de droit international et de droit comparé
Rev.trim.dr.europ.	—	Revue trimestrielle de droit européen
Riv.Dir.Eur.	—	Rivista di diritto europeo
R.M.C.	—	Revue du Marché Commun
R.W.	—	Rechtskundig Weekblad
S.E.W.	—	Sociaal Economische Wetgeving
S.M.A.	—	Sociaal Maandblad Arbeid
Sol.J.	—	Solicitors' Journal
Stanford L.Rev.	—	Stanford Law Review
T.P.R.	—	Tijdschrift voor Privaatrecht
Tul.L.Rev.	—	Tulane Law Review
T.V.V.S.	—	Tijdschrift voor Vennootschappen, Verenigingen en Stichtingen
U. Pittsburgh L.Rev.	—	University of Pittsburgh Law Review
Va.L.Rev.	—	Virginia Law Review
W.R.P.	—	Wettbewerb im Recht und Praxis
Zeit.A.O.R.V.	—	Zeitschrift für ausländisches öffentliches Recht und Volkerrecht

I. *EUROPEAN COMMUNITIES*

1. *General*

A. André, " Rechtswissenschaft und Europäische Integration ", 23 J.Z. 1968, 457–458.

Task and position of the learning of law in view of the European integration. The lawyer has to be able to find solutions for future problems. Therefore a thorough knowledge of economic law is indispensable.

M. Brothwood, " Parliamentary Sovereignty and U.K. entry ", 118 New L.J. 1968, 415–416.

The author considers the effect of U.K. entry on the supreme legislative authority of Parliament as it stands at present, and whether such a step involves a delegation or an abdication of Parliamentary sovereignty.

S. A. Dickschat, " Problèmes d'interprétation des traités européens résultant de leur pluri-linguisme ", 4 Rev. belge dr.int. 1968, 40–61.

The author pleads for identity of interpretation of the Treaty of Paris, of which only the French text is authentic (Article 100) and the Treaties of Rome, of which all four texts are equally authentic (Article 248 of the EEC Treaty

and Article 225 of the Euratom Treaty). The unity of Community Law demands the same interpretation of the same concepts, notwithstanding the fact that they are laid down in different Treaties. As a result of that the French text of the Treaty of Paris and the Italian, German and Dutch translations have to be equivalent with regard to interpretation.

A second question relates to the method of interpretation. The traditional method of interpretation of conflicting authentic texts in international law (*e.g.*, theory of " the common minimum ", " *in dubiis pro reo* " and the adoption of the clearest text) seems not to be in accordance with a legal system that aims at unity of interpretation of its rules in the member States belonging to it. The Court of Justice has not given a decision on these problems of interpretation. The author regrets that the Court did not say explicitly that the ordinary rules of interpretation "common to the law in general of member States" (Article 215 of the EEC Treaty) must be applied with regard to the Community Treaties.

H. Durant, " Public opinion and the EEC ", 6 Journ.Comm.Mark. Studies 1968, 231–248.

The results of Gallup Poll surveys, which have been held as from 1957 and concerned the opinion of the British people about the EEC.

C. W. Frey, " Meaning Business: The British application to join the Common Market, November 1966–October 1967 ", 6 Journ.Comm.Mark. Studies 1968, 197–230.

A survey, based on publications in the Press, of the political background of the second application of Great Britain to become a member of the EEC in May 1967, and of the reactions in Great Britain afterwards, as a result of the Press Conference of General de Gaulle on May 16, 1967, and the lack of any reaction from the EEC during the summer of 1967.

W. Heidelmeyer, " Wirkungen der Verträge über die E.G. in bezug auf Berlin ", 21 N.J.W. 1968, 337–338.

A reaction on the article of Von Meibom mentioned in 6 C.M.L.Rev., 1968–69, 140 on the position of Berlin with regard to the execution of the Community Treaties.

S. Hoffmann, " Die Idee eines ' europäischen Europa '. Vorschläge für die Zukunft der atlantischen Zusammenarbeit ", 23 E.A. 1968, 275–286.

The author proposes an alternative for the idea of an " Atlantic partnership ". In this alternative the reunification not only of Germany, but of the whole of Europe takes a central place. The alliance between the U.S. and Western Europe should be directed towards European cooperation; its worldwide character should be disposed of. A kind of association between both parties should be preferred to common decisions.

S. L. Mansholt, " Perspektive der E.W.G. für Gesamteuropa ", 23 E.A. 1968, 347–356.

Text of a speech by Dr. Sicco L. Mansholt to the " Deutsche Gesellschaft für auswärtige Politik ", on April 23, 1968, in Bad Godesberg. The question is discussed whether a United Europe is only a vague ideal or a political and economic necessity, if Europe wants to have an independent position in the world.

Post-war movements for European unity resulted in integration in the economic field and it was generally thought that political unity would be its logical consequence. In reality this is not the fact: a new expression of political will is again required.

The problems of the present technical revolution can only be met by an integrated Europe. Since the United States have to face many internal difficulties

Europe is challenged to take over a part of their world obligations. Similarly the solution of post-war problems seems only possible within an integrated Europe, which includes Germany.

J. Masquelin and F. Rigaux, " Force obligatoire et application dans le temps des conventions internationales modifiant un des traités ayant institué les communautés européennes ", 4 Cah.dr.europ. 1968, 276–288.

The Merger Treaty of April 8, 1965. The difference between the entry into force of treaties and laws gives rise to problems of transitional law. To prevent a conflict between Community Law and the law of the member States in the future, the authors propose that (1) a treaty modifying one of the European Treaties shall enter into force on the date of its publication in the J.O. (or after the expiration of a period of time after this publication) and (2) such a publication shall take place when the Community institutions know that in all member States the required national formalities (*e.g.*, publication in the national J.O.) have been fulfilled.

W. Zeller, " Die Europäischen Gemeinschaften an der Schwelle zur Zollunion. Erreichtes und Erstrebtes ", 23 E.A. 1968, 415–422.

The division of powers between the Community institutions and the member States; the autonomy of Community Law. The institutional balance. Expansion of trade. The problem of the extension of the Communities. Agricultural policy. Economic union. Monetary union. Political integration.

2. *Institutional*

H. Adriaens, " Overwegingen in verband met het statuut van de ambtenaren van de Europese Gemeenschappen ", 16 S.E.W. 1968, 202–207.

Some critical observations on the Statute of the officials of the European Communities.

N.-C. Braun, " Les débats sur l'Europe au Parlement Français ", (1968) R.M.C., 645–652.

A survey of the evolution of opinion in the French Assembly with regard to the European Communities, from the establishment of the EEC and Euratom in 1957 until 1968.

A. Deringer, " Europäisches Gemeinschaftsrecht. Die Entwicklung seit Oktober 1967 ", 21 N.J.W. 1968, 338–342.

Survey of the development of Community Law as from October 1967. The harmonization of national customs legislation. The Report of the Commission Segré concerning the establishment of a European market of capital. Common transport policy. Competition policy. The creation of a European company. The competences of the Court of Justice. The decision of the *Bundesverfassungsgericht* of October 18, 1967.

J. Feidt, " L'activité du Parlement Européen en 1967 ", (1968) R.M.C., 677–682.

The activities of the European Parliament in 1967. Internal developments of the EEC. The Community and the outer world.

W. Feld, " The French and Italian Communists and the Common Market: the request for representation in the Community Institutions ", 6 Journ.Comm.Mark. Studies 1968, 249–266.

The French and Italian Communist Parties requested in 1958/1959 and again

in 1966 to be represented in the Economic and Social Council and in the European Parliament. The author questions whether this substantial change as compared with their previous attitudes is a consequence of a " refreshing change " of mentality or merely tactical manoeuvres to attain old objectives. He concludes from statements made by communist leaders and communist publications to the latter.

H. Johannes, " Das Strafrecht im Bereich der Europäischen Gemeinschaften ", 3 EuR. 1968, 63–126.

Survey of the sporadic Treaty provisions concerning penal law or the law of procedures in criminal cases (Articles 87 para. 2 sub a of the EEC Treaty, 3 and 27 of the Statute of the Court attached to the EEC Treaty; 194 of the Euratom Treaty, 3 and 28 of the Euratom Court Statute; and 28 para. 4 of the ECSC Court Statute).

Provisions of national penal law executing Community Law. Difference between cases in which the member States are obliged to adopt such provisions (see, *e.g.*, Article 16 of Regulation No. 11 concerning the abolition of discriminatory measures, J.O., p. 1121/1960) and cases in which the Community decision refers to existing provisions of national penal law.

The competence of the EEC to adopt provisions concerning penalties and other provisions which oblige the member States to adopt provisions of national penal law or refer to existing law.

3. *Court of Justice*

(a) *General*

P. C. Calvert, " Beginnings of European law ", 111 Sol.J. 1967, 824–826.

The writer analyzes the beginnings of European law. He describes the sources of Community Law and its development by the European Court of Justice, dealing specifically with the constitution of the Treaty of Rome, access to the Court, its procedure and the significance of its decisions.

L. de Gryse, " Overzicht van Rechtspraak ", 5 T.P.R. 1968, 105–148.

The Articles 164–188 of the EEC Treaty in the light of the Court's case law.

M. Lagrange, " The Court of Justice as a Factor in European Integration ", 15 A.J.I.L. 1967, 709–725.

The role of the Court under the Treaties: general considerations; procedure and competence over subject-matter.

The actual functioning of the Court: a brief historical note; favourable elements for a useful functioning (frequency of litigation, procedure, drafting judgments) and the Court's methodology (methods of interpretation, harmonization of national laws, co-operation between the Court and national tribunals).

" Het Europees gerechtshof in 1967 ", 16 S.E.W. 1968, 68–70.

Survey of proceedings before the Court in 1967, prepared by the Court itself.

Information is given, *inter alia*, on the period within which the Court renders its decisions. During 1967, twenty-three requests were made by national courts for preliminary rulings, compared with only one in 1966.

H. Lecheler, " Der Fortgang der europäischen Integration im Spiegel der Rechtsprechung des E.G.H. und der nationalen Gerichte. Ansatzpunkte für eine ' europäische Bundestreue ' ", 23 E.A. 1968, 403–411.

The author considers the question whether the case law of the European Court

and of the national courts contains elements justifying the analogical application of the German concept of "*Bundestreue*" (respect by the constitutional organs of a federal state of the powers of the federation) with regard to the European Communities. The case law of the Court of Justice regarding the nature of Community Law (*cf.* Case 26/62, *Van Gend & Loos*; Case 6/64 *Costa-E.N.E.L.*) contains some elements that remind one of federal law.

Similarly decisions of courts in the member States have expressed themselves on the special character of Community Law, its direct applicability and its supremacy over subsequent national legislation. These various elements in national and European court decisions could be grouped together under the heading "prefederal characteristics" and justify the application of an unwritten constitutional principle of "European *Bundestreue*" to the Communities. On the other hand one may question whether federal analogies apply at all to the Communities, since the latter aim at functional, not at territorial integration. Moreover the question arises to what extent German federal concepts are valid for a Community in which no other federal states are present.

(b) *Preliminary rulings*

A. S. Fransen van der Putte, case-note, (1968) *Arbitrale Rechtspraak*, 192.

A short comment upon the judgment of the Court in Case 61/65 (4 C.M.L. Rev. 1966–67, 440).

P. Juillard, "Procédure des questions préjudicielles et renforcement du lien communautaire", 4 Rev.trim.dr.europ. 1968, 293–331.

The author argues that the Court of Justice does not make full use of its powers under Article 177 of the EEC Treaty.

In the first place the Court of Justice in preliminary proceedings does not allow individuals to challenge before the Court the validity of acts of the member States. This rigid principle elaborated for the first time in the *Van Gend & Loos* case (Case 26/62, *Recueil* IX, 3 *et seq.*, 1 C.M.L.Rev. 1963–64, 82–92), has been somewhat mitigated in later judgments both with regard to the admissibility and with regard to the material contents of the preliminary rulings. As to the latter in several cases the Court interpreted not only the provisions of Community Law specially referred to in the application by national courts, but also of other relevant texts. Also the distinction between questions of interpretation and of application tends to be blurred.

Secondly, the Court does not give an absolute authority to its preliminary rulings, as is evident by its ruling in the *Da Costa/Schaake* case (Joint Cases 28–30/62, *Recueil* IX, 61 *et seq;* 1 C.M.L.Rev. 1963–64, 213–218). It has thereby endangered the unity of interpretation of the Treaties by national courts. For this reason the author endorses the view by the Commission in this case where it proposed that the Court reject the request because the demand had "lost its object".

H. Lesquillons, "Les juges français et l'article 177", 4 Cah.dr.europ. 1968, 253–275.

The author describes in which manner the French judges are finding their way between national traditions and new forms of judicial co-operation. Two factors are of interest: on the one hand the lower judicial organs, which are free to refer to the Court, pronounce themselves for a limited free choice, on the other hand the highest judges do not want to follow automatically the obligation to refer. The advocates as well as the opponents of a reference to the Court of Justice appeal to the theory of the "*acte clair*". According to the author

a critical attitude is not so much necessary with respect to the notion "*acte clair*" itself as with regard to the use made thereof.

(c) *Indemnity actions*

J. Jurina, "Die Auslegung von Art. 215 Abs. 2 EWG", 28 Zeit.A.O.R.V. 1968, 365–387.

Annotation on the judgment in the *Kampffmeyer* case (5 C.M.L.Rev. 1967–68, 208–211).

4. *The relationship between Community Law and national law*

C. Constantinidès-Mégret, case-note, 4 Rev.trim.dr.europ. 1968, 388–404.

Annotation on the judgment of the French *Conseil d'Etat* of March 1, 1968.

H. P. Ipsen, case-note, 3 EuR. 1968, 137–141.

Annotation on the judgment of the German Constitutional Court of October 18, 1967 (5 C.M.L.Rev. 1967–68, 483–484).

U. Immengar, case-note, 21 N.J.W. 1968, 1036–1037.

Annotation on the same judgment.

G. Meier, "Zur Geltung von Gemeinschaftsnormen im staatlichen Bereich", 14 A.W.D. 1968, 205–212.

The validity and effect of rules of Community Law in the municipal legal spheres, in particular their application by municipal courts. Only self-executing Community provisions are integrated with the national legal system. The author disputes the view of the Court of Justice in the *Molkerei-Zentrale* case (28/67, 6 C.M.L.Rev. 1968–69, 132–138) that Article 97 of the EEC Treaty was not a directly applicable rule, because it authorizes the member States to issue implementing provisions.

Y. Prats, "Incidences des dispositions du Traité instituant la CEE sur le droit administratif français", 4 Rev.trim.dr.europ. 1968, 19–49.

The author discusses the effects of the EEC Treaty on French administrative law. He differentiates between the effects on administrative policy and those on the control of this policy. The policy is subjected by the Treaty to the principle of free competition. The establishment of a public enterprise is, however, not forbidden by the Treaty; it only requires that the enterprise does not act in violation of its purposes.

The control of the administrative policy is also affected. Treaty provisions prevail over national laws. The place of the secondary Community Law can, however, not be sketched in general.

B. Schloh, "L'application en République Fédérale Allemagne du droit communautaire", (1968) R.M.C., 774–775.

Short summaries of the decisions of the *Finanzgericht Rheinland-Pfalz* of November 14, 1963 (1 C.M.L.Rev. 1963–64, 463–465), of the *Bundesfinanzhof* of April 25, 1967 (5 C.M.L.Rev. 1967–68, 211–212) and of the *Bundesverfassungsgericht* of July 5, 1967 (5 C.M.L.Rev. 1967–68, 481–482).

K. R. Simmonds, "Common law and Community Law", 111 Sol.J. 1967, 644–645.

The author deals with the 1967 White Paper on "Legal and Constitutional Implications of United Kingdom membership of the European Communities", which examines (1) the application and effect of Community Law in the U.K.; (2) harmonization and approximation of laws; (3) the effect of membership on

the Treaty relations of a member State with a non-member State (see Mitchell, " What do you want to be inscrutable *for*, Marcia? ", 5 C.M.L.Rev. 1967–68, 112–132).

M. Torrelli, " La Cour Constitutionnelle Fédérale Allemande et le droit communautaire ", (1968) R.M.C., 719–723.

Annotation on the judgment of the German Constitutional Court of October 18, 1967 (5 C.M.L.Rev. 1967–68, 483–484).

H. G. Schermers, case-note, 17 A.Ae. 1968, 101–106.

Annotation on the judgments of the Court of Justice of December 13, 1967, in case 17/67 (*Firma Max Neumann* v. *Hauptzollamt Hof/Saale*, *Recueil* XIII, 571) and of the German Constitutional Court of October 18, 1967.

A. *EUROPEAN ECONOMIC COMMUNITY*

5. *Customs union*

R. C. Béraud, " Les mesures d'effet équivalent au sens de l'article 30 et suivants du Traité de Rome ", 4 Rev.trim.dr.europ. 1968, 265–292.

Different categories of measures having the same effect as a quantitative restriction. Description of concrete cases. Analysis and juridical appreciation of the effect involved. Community Law.

Doctrine. It has to be a measure of a national authority. This measure must have the same effect as a quantitative restriction. Limits and exceptions recognized by the doctrine.

M. Ditges, " Die Harmonisierung des Wertzollrechts in der EWG ", 14 A.W.D. 1968, 97–99.

A short comment upon the Regulation of the Council concerning the customs valuation of goods (J.O. 1968, L 148/6).

M.-H. Ehlert, " Harmonisierung des Zollagerverfahrens ", 14 A.W.D. 1968, 71–75.

The proposal for a directive of the Council concerning the harmonization of the legislative and administrative provisions with respect to customs warehouses.

H. Laubereau, " Der gemeinsame Zolltarif und seine Handhabung ", 3 EuR. 1968, 192–208.

In this article the character of the common customs tariff and its autonomous maintenance are dealt with. According to the author the common customs tariff, which consisted of the customs tariffs applied by the member States, formed an integral part of the Treaty. He argues that the decisions of the Council which altered parts of the tariff violated Articles 177 and 23, para. 3, of the EEC Treaty. This violation could have been avoided if the tariff had been laid down in a regulation (as has recently happened; *cf.* Regulation No. 950/68 of June 28, 1968, J.O. 1968, L 172/1. Ed.).

As to the autonomous maintenance of the tariff, the Council is competent to take all necessary measures by virtue of Article 28 of the EEC Treaty.

N. N., " Harmonisation dans le domaine du droit douanier ", (1968) *La Fiscalité du Marché Commun*, 49–52.

The proposals of the Commission concerning the harmonization of the customs legislation of the member States.

P. Verloren van Themaat, " Bevat art. 30 EEG slechts een non-discriminatie-beginsel t.a.v. invoerbeperkingen ", 15 S.E.W. 1967, 632–643.

A critical discussion of the answers of the Commission on parliamentary questions of Mr. Deringer regarding the opinion of the Commission on measures having the same effect as a quantitative restriction mentioned in Article 30 of the EEC Treaty (J.O. 1967, p. 901/1967 and No. 169/11). In this connexion the Commission said that provisions which are applicable to import as well as to internal production, in most cases do not constitute such a measure. According to the author, however, the Commission should have stated that Articles 30–34 of the EEC Treaty are in principle also applicable to provisions which pertain to import as well as to internal production, but that the greater part of these provisions are exempted from the prohibition of Article 30 by virtue of Article 36 of the EEC Treaty.

6. *Agriculture*

G. Bréart, " Une amorce de la politique des structures: les programmes communautaires " (1968) R.M.C. 57–59.

The Community programme on structural policy.

V. Götz, case-note, 3 EuR. 1968, 209–213.

Annotation on the judgment of the Court of Justice of December 13, 1967 in Case 17/67 (*Firma Max Neumann* v. *Hauptzollamt Hof/Saale, Recueil* XIII, 571).

S. Patijn, " British Entry and the EEC Agricultural Fund ", 8 *Common Market* 1968, 67–70.

The need to adopt a new regulation at the end of the transitional period concerning the financing of the common agricultural policy. French interests involved. The necessity to take into account Britain's interests too. Consequences of a veto of a member State on the new regulation.

7. *Free movement of persons and services*

J. Baeten, " De harmonisatie van de Sociale Zekerheid in het raam van de Europese Economische Gemeenschap ", 31 R.W. 1968, 1582–1600.

Social policy in the EEC: purposes and means. The social provisions of the Treaty of Rome. The instruments for the development of a common social policy.

The harmonization of the national systems of social security. The notion " harmonization ". The determination of the social security. Extent and conditions for benefits. Development of the field of application of the social security. Activities of the Commission within the framework of Article 118 of the EEC Treaty.

J. P. de Crayencour, " Le droit d'établissement pour les architectes " (1968) R.M.C. 570–577.

The proposals for directives concerning the right of architects to practise and to receive fees for unsalaried work, adopted by the Commission on May 3, 1968.

K. A. Dahlberg, " The EEC Commission and the Politics of the Free Movement of Labour ", 6 Journ.Comm.Mark. Studies 1968, 310–332.

A detailed description of the decision-making procedures in the cases of Regulations Nos. 15 and 38/64 concerning the free movement of workers.

H. A. Desmedt, " Het beroep van advocaat en de EEG ", 48 *Advocatenblad* 1968, 347–353 (also published in 31 R.W. 1967, 721–730).

The profession of solicitor and the EEC. General remarks. Is Article 55 (1) a preliminary exception? The freedom to render services, specially concerning consultation and pleadings.

S. Dittrich, " Stand der Arbeiten auf dem Gebiet des Niederlassungsrechts für die freien Berufe innerhalb der Europäischen Gemeinschaft ", 21 N.J.W. 1968, 336–337.

A short article about the right of establishment for the free professions. Guiding principles of the Commission. Time schedule.

R. Escaich, " L'avocat dans le Marché Commun " (1968) *La Vie Judiciaire,* No. 1142, 1.

The role of the advocate within the EEC. The existence in Paris of an association of advocates registered at a foreign bar and of foreign advocates.

Ph. van Praag, " L'harmonisation et l'égalisation au niveau europeen; systèmes de sécurité sociale ", (1968) Dr.Soc., 259–284.

The possibilities for harmonization and equalization of the systems of social security within the EEC. Although Article 118 of the EEC Treaty leaves the responsibility for harmonization to the member States, a certain kind of harmonization already takes place. The role of the preliminary rulings of the Court of Justice.

D. C. Turack, " Freedom of Movement and Travel Documents in Community Law ", 17 Buffalo Law Rev. 1968, 435–453.*

The development of labour mobility in the law of the European Communities. Although the Communities have gone far, the author maintains they have not gone far enough. Indeed, he believes the Communities should give attention to establishing a passport union along Benelux lines to promote a maximum of free mobility of persons for a more viable Europe in the future.

G. M. J. Veldkamp, " De harmonisatie van de sociale zekerheid in EEG-verband ", 31 R.W. 1968, 1561–1582.

The difficulty to realize a systematic and simple approach in social security legislation. The author pleads for a rewriting of the provision on social security in the EEC Treaty on occasion of the merger of the Treaties. The following action of the Commission is desired: examination of possible harmonization of notions and definitions; examination of the extent of the financial charges and, if possible, ratification of treaties regarding minimum-standards concluded in other international organizations.

M. Voirin, " Sécurité Sociale des Travailleurs migrants " (1968) Dr.Soc., 329–351.

A critical discussion of the judgments of the Court of Justice of July 5, 1967, in Cases 1/67 (*Ciechelski, Recueil* XIII, 235), 2/67, (*de Moor, Recueil* XIII, 255) and 9/67 (*Colditz, Recueil* XIII, 297). These judgments confirmed earlier jurisprudence of the Court according to which the Articles 27 and 28 of Regulation No. 3 concerning the social security of migrant workers are not applicable in case an entitlement to benefit is acquired in one member State without invoking qualifying periods completed under the legislation of other member States.

This interpretation is, in the opinion of the author, incompatible with Regulations Nos. 3 and 4 and with Article 51 of the EEC Treaty. He argues that in all cases the benefit has to be divided according to the periods in which

the worker involved has worked in the different member States (*cf.* the article by Séché, elsewhere in this issue).

8. *Transport*

L. Schaus, " Les transports dans la CEE; aspects politiques, économiques et juridiques " (1968) Dr.Soc., 285–293.

The place of transport within the system of the EEC Treaty. The realization of a common transport policy. Perspectives.

R. Wägenbaur, " Grünes Licht für die gemeinsame Verkehrspolitik in der EWG? ", 14 A.W.D. 1968, 41–44.

The decision of the Council on certain measures in the field of common transport policy (J.O. 1967, 322/4). New proposals of the EEC Commission. The opinion of the Commission concerning the plan for a (national) transport policy of the German Minister Leber.

R. Wägenbaur, " Die EWG Kartellregelung für den Verkehr vor der Verabschiedung ", 14 A.W.D. 1968, 256–258.

The proposal for a regulation of the Council on the application of the rules of competition to transport. Background. Differences between the proposal and the rules applicable to other industrial sectors. The starting-point is the prohibition of agreements which restrict competition. Two legal exceptions, however, deviate from this principle.

9. *Competition*

W. Alexander, " Incidence du droit communautaire sur l'exercise de droit de brevets. Observations sous Cour de Justice, 29 février 1968, Aff. no. 24/67 ", 4 Cah.dr.europ. 1968, 297–323.

Annotation on the judgment of the Court in Case 24/67 (6 C.M.L.Rev. 1968–69, 129–132).

J. F. Bagnell, " International Incompatibility: A Conflict Between the Robinson-Patman Act and the Laws Governing Competition in the European Communities ", 29 U. Pittsburgh L.Rev. 1968, 599–612.*

The Robinson-Patman Act (Title 15, United States Code, para. 13) ordinarily prohibits price discrimination in any two sales of like goods in interstate commerce where the discrimination may injure competition, unless the seller can muster a defence based on valid quantity discounts or on meeting competition. Mr. Bagnell demonstrates that these prohibitions are applicable in much broader areas of trade practice than the anti-discriminatory features of Articles 85 and 86 of the Rome Treaty or of Articles 4 and 60–65 of the ECSC Treaty. Moreover, in the narrow area where American export companies are permitted to make price discriminations in favour of foreign distributors, the anti-discrimination prohibitions of Article 85, para. 1 are applicable to the distributors.

The author also sets forth effectively the areas in which US-Community competition policies differ and the reasons for the differences. He concludes that a Community businessman is given valuable advantages over American competitors in methods of sale and distribution, and foresees that discrimination by Common Market sellers between US and Common Market buyers may lead Americans to attempt to invoke the Robinson-Patman Act in situations where discrimination by the Common Market seller violates neither Community treaties nor Community policies.

F.-K. Beier, "Territorialität des Markenrechts und internationaler Wirtschaftsverkehr" (1968) G.R.U.R.Int., 8–17.

The territoriality of the right of trademark and international trade. Facts and interests involved. Juridical problems. The problem of parallel imports as seen by the German courts. Conclusions.

A. Deringer, "Gewerbliche Schutzrechte und EWG Vertrag" (1968) G.R.U.R.Int., 105–109.

Recent decisions about the relationship between rights of industrial property and the EEC Treaty.

A. Deringer, "Internationale Lizenzvertrage und Antitrustrecht" (1968) G.R.U.R. Int., 179–192.

Introduction. Principles of antitrust legislation. General principles for the evaluation of licence agreements. Special problems of licence agreements (for example, the freedom of the owner of a patent; temporal limitations; territorial limitations; quantitative limitations; prohibitions of competition). Details of know-how licence agreements (for example, differences between know-how and patents). Trademark licence agreements.

A. Deringer, "EEC Antitrust Laws and Industrial Rights—Latest Developments", 13 *The Antitrust Bulletin* 1968, 341–353.*

A summary of recent movement in EEC antitrust law. The author takes up developments in the following areas: a *per se* rule of violation (or lack thereof); *de minimis* restrictions of competition or effects on interstate trade; exclusive dealing agreements; agency agreements; patents and parallel patents; trademarks; know-how licences; and horizontal specialization agreements. Mr. Deringer believes that the new member of the European Commission having charge of competition policy will be much more flexible in dealing with concentrations and mergers capable of competing with US enterprises. He also believes European competition law is now highly enough developed to continue to function in face of another political crisis within the Common Market.

P. A. Donovan, "Antitrust Considerations in the Organization and Operation of American Business Abroad", 9 *Boston College Industrial and Commercial Law Review* 1968, 239–353.*

This article concerns the interrelation of the forms of American business operations abroad, the mode of actual operation under the chosen form, and the risks of violating substantive provisions of United States antitrust law. It is a valuable and thoroughly readable examination of a complex if only partly formed area of United States law. The article might be useful to readers interested in the extraterritorial impact of United States antitrust law.

B. Goldman, case-note, 95 Journ.dr.intern. 1968, 448–452.

Annotation on the judgment of the Court in the Case 23/67 (5 C.M.L.Rev. 1967–68, 478–480).

W. C. L. van der Grinten, "Concentratie van ondernemingen en vennootschapsrecht", 16 S.E.W. 1968, 142–161.

One of the Dutch reports for the Fourth International Colloquium of the International Federation for European Law, held at Rome (November 1968), which concerned the legal aspects of concentration. The reporter treats the relationship between corporation law and concentration. Dutch procedures get most attention in the first part of his report, but international concentrations

(including those taking place in the EEC) are discussed in the second and third parts. The fourth part gives some facts regarding Dutch concentration movements during the 1958–1967 period and other answers to the questions posed in preparation for the colloquium mentioned above.

F.-Ch. Jeantet, case-note, 95 Journ.dr.intern. 1968, 455–463.

Annotation on the judgment of the Court in the Case 24/67 (6 C.M.L.Rev. 1968–69, 129–132).

R. Joliet, case-note, 22 Rev.crit.jur. belge 1968, 146–165.

Annotation on the judgment of the Court in the Case 23/67 (5 C.M.L.Rev. 1967–68, 478–480).

F. Kirschstein, " Sanctions contre la conclusion et l'exécution des ententes d'après le droit communautaire et la loi allemande contre les restrictions à la concurrence ", 4 Rev.trim.dr.europ. 1968, 92–107.

French translation of an article by Kirschstein which has been published in 13 A.W.D. 1967, 209–216 (see 5 C.M.L.Rev. 1967–68, 337–338).

R. Lecourt, A. Marchal, J. Houssiaux, *et al.*, " Coopérations, concentrations, fusions d'entreprises dans la CEE " (1968) Dr.Soc., No. 2.

Proceedings of the colloquium organised by the Centre of University Studies of the European Communities at the Faculty of Law and Economic Sciences of Paris on Cooperation, concentration and fusion of undertakings in the EEC, held at Paris on October 26–28, 1967 (also published in (1968) R.M.C., No. 109).

A. Magen, case-note, 21 N.J.W. 1968, 1061–1063.

Annotation on the judgment of the Court in the Case 24/67 (6 C.M.L.Rev. 1968–69, 129–132).

J. Malherbe, case-note, 83 J.T. 1968, 435–438.

Annotation on the judgment of the Court in the Case 23/67 (5 C.M.L.Rev. 1967–68, 478–480).

K. E. Markert, " Internationale Kartelle und Rechtsordnung ", 23 B.B. 1968, 217–226.

Review of the book of H. Kronstein, *Das Recht der internationalen Kartelle, zugleich eine rechtsvergleichende Untersuchung von Entwicklung und Funktion der Rechtsinstitute im modernen internationalen Handel (Recht der internationalen Verwaltung und Wirtschaft, Band 5, Berlin* 1967).

K. E. Markert, " Recent Developments in International Antitrust Cooperation ", 13 *The Antitrust Bulletin* 1968, 355–372.*

The author reviews recent attempts to create international antitrust laws or policies in the OECD, the Council of Europe and EFTA. Mr. Markert believes that, in international antitrust enforcement, the OECD recommendation for notification, consultation and exchange of information is only a first step, the success of which depends on national co-operation and initiative. He raises doubts whether the Council of Europe's project to avoid jurisdictional conflicts can accomplish anything in absence of substantive harmonization of laws. The EFTA complaints procedure in his view has not generated enough information for judgment on its effectiveness. The basic problem as Mr. Markert sees it is the absence of any international uniform standard in evaluating private restraints of trade. As an interim programme, co-ordination and co-operation are superior to isolated extraterritorial enforcement. Co-operation will, he believes, create

common ground from which an international standard may in the long run be derived.

P. Rabels, case-note, 3 EuR. 1968, 221–228.

Annotation on the judgment of the Court in the Case 23/67 (5 C.M.L.Rev. 1967–68, 478–480).

J. A. Rahl, " Overseas Distribution, Franchising, and Licensing-Comparison with Domestic Techniques ", 13 *The Antitrust Bulletin* 1968, 193–214.*

The author discusses the extent to which American antitrust law applies to overseas distribution methods and the ways in which choice of distribution method is further complicated by the impact of UK, EEC member and Economic Community antitrust legislation. Professor Rahl succinctly enumerates the major areas of concern. He sounds two major warnings. The relative lack of US enforcement in foreign commerce probably reflects administrative restraint arising out of the desire to avoid foreign resentment and out of the relatively small American interest involved, rather than from serious doubts about applicability of laws. Since it is moreover mistaken to believe Europeans do not care very much about antitrust, the conflicts of permissible practices and technicalities under the various laws should only be faced with expert advice.

Y. Saint-Gal, " Importance des droits de propriété industrielle pour les firmes exportatrices plus spécialement dans le cadre de la CEE ", 3 Rev.trim.dr.eur. 1967, 779–816.

The position of French firms against the increase of competition within the Common Market. The role of rights of industrial property. These rights constitute indispensable instruments to penetrate into the markets of other countries.

H. Scheufele, " Bemerkungen zur ' Verbraucherbeteiligung ' im Sinne des Artikels 85 Abs. 3 des EWG-Vertrages ", 14 A.W.D. 1968, 173–178.

An analysis of the condition of Article 85, para. 3, of the EEC Treaty that the agreement, decision or practice *must allow consumers a fair share of the benefit* resulting from the improvement of the production or the distribution of goods, realized by the agreement, etc., at stake.

G. Schrans, " Een belangrijk arrest van het Hof van Justitie der Europese Gemeenschappen over de verhouding tussen het Europees kartelrecht en de nationale octrooiwetgevingen ", 32 R.W. 1968, 1889–1916.

Annotation on the judgment of the Court in the Case 24/67 (6 C.M.L.Rev. 1967–68, 129–132).

H. Schumacher, " Gedänken zur Entscheidung Parke Davis (Eur. Gerichtshof, 29 Februar 1968) und zur Entscheidung ' Voran ' des BGH vom gleichem Tage ", 18 W.u.W. 1968, 487–498.

Annotation on the judgments of the Court in the Case 24/67 and of the *Bundesgerichtshof* in the *Voran* case (see pp. 217 and 236 of this issue).

J. van Soest, " Concentratie van ondernemingen. Fiscale aspecten ", 16 S.E.W. 1968, 187–201.

The second Dutch report for the Rome Conference on the legal aspects of concentration mentioned before. The reporter discusses, following the order of the questions posed for the Conference, the fiscal aspects of concentrations. He treats prevailing Dutch law, anticipating some changes in private law and sales tax regulations, both as regards national and international concentrations.

K. Spormann, " Konturen einer Europäischen Wettbewerbspolitik ", 14 A.W.D. 1968, 131–140.

A retrospect view on the cartel policy of the EEC Commission. Exclusive dealing agreements, respectively, with business agents; without absolute territorial protection; including such a protection, with parties in third countries or with respect to these countries. Horizontal agreements (for example, collective and reciprocal exclusive relations cartel; share-out of the market; quota sharing of outlets with price control and export cartels). Rights of industrial property. Co-operation. Improper exploitation of a dominant position and concentrations.

E. Steindorff and K. Hopt, " The Grundig-Consten case ", 15 A.J.C.L. 1967, 811–822.

Annotation on the judgment of the Court in the Consolidated Cases 56 and 58/64 (4 C.M.L.Rev. 1966–67, 209–220).

P. Verloren van Themaat, " Grensoverschrijdende fusies binnen de EEG ", 16 S.E.W. 1968, 162–186.

The third Dutch report for the Rome Conference on the legal aspects of concentration mentioned before. The reporter discusses European concentrations from the point of view of competition policy. Both Dutch and EEC law get attention. In the second part of his report—concerning EEC law—the author proposes a system of control of mergers lying between Article 66 of the ECSC Treaty, which implies preventive control, and Article 86 of the EEC Treaty, which regulates abuse of economic power.

P. Verloren van Themaat, " Dialoog ter ere van Prof. Dr. Walter Hallstein ", 16 S.E.W. 1968, 309–318.

Review of the book *Probleme des Europäischen Rechts, Festschrift für Walter Hallstein zu seinem* 65. *Geburtstag* (Vittoria Klostermann, Frankfurt a.M. 1966), the anniversary volume on the occasion of Prof. Hallstein's sixty-fifth birthday. Introduction. Summary of the volume. Continuation of the dialogue in respect of the right of veto. Social-economic law and perfect competition.

M. Waelbroeck, case-note, 22 Rev.crit.jur. belge 1968, 105–148.

Annotation on the judgment of the Belgian Court of Cassation of June 8, 1967 (5 C.M.L.Rev. 1967–68, 323–325).

H. W. Wertheimer, " Enige kanttekeningen bij het Parke Davis-arrest ", 16 S.E.W. 1968, 271–288.

Annotation on the judgment of the Court in the Case 24/67 (*Parke Davis*).

10. *Taxation*

H. Fischer, " Harmonisierung der Steuergezetzgebung in der EWG ", 21 N.J.W. 1968, 321–325.

The notion of the Common Market. The abolishment of the frontiers between the member States. Automatic harmonization. Juridical basis for the harmonization of taxation. Formal legal force of provisions of secondary Community Law. Rank of the Community Law. The harmonization of indirect taxes. The harmonization of direct taxes. Abolishment of double taxation.

G. Meier, "Die April-Urteile des Europäischen Gerichtshofes im Rechtsstreit um die Umsatzausgleichsteuer ", 14 A.W.D. 1968, 167–173.

A discussion on the judgments of the Court of April 3 and 4, 1968, regarding

the German compensatory turn-over tax (summarized in 6 C.M.L.Rev. 1968–69, 132–138).

T. C. Outram, " Tax aspects of entering the EEC ", 117 New L.J., 1001–1003.

The author distinguishes three overlapping stages of tax harmonization: (1) the establishment of a customs union and the adoption of a common external tariff; (2) the harmonization of all forms of internal direct taxation; (3) the harmonization of systems and rates of direct taxation to the extent necessary to avoid distortion of competition between one country and another.

A. Ries, " L'application de la taxe sur la valeur ajoutée à l'agriculture de la CEE " (1968) R.M.C., 560–566.

The agriculture of the EEC in front of the added value tax. The situation of the farmers. The common agricultural policy. The fiscal situation of agricultural products.

The proposal of the Commission concerning a third directive on the applicability of the added value tax to agriculture.

S. S. Surrey, " Implications of Tax Harmonization in the European Common Market ", 46 *Taxes Magazine* 1968, 398–413.*

The author sees the formation of the EEC as the catalytic agent for efforts to ameliorate problems created by earlier European systems of high rate sales taxes through imposing taxes on value added which have common structures. To him, a " TVA " such as the new German tax, designed to avoid economic distortions, is the best alternative for a country using a high rate sales tax which is unwilling to use a retail sales tax. However, he seriously questions its usefulness as a US federal tax on the grounds that it is regressive, at least as a substitute for corporate income taxes, that it is complex, that tax incentives for domestic investment already exist (assuming a TVA would indeed create them), and that state and local governments have already somewhat occupied the sales tax field. Continued study is desirable, he says, but such studies must examine the whole scope of effects a TVA might have. Mr. Surrey points out that the shift to TVA can be expected to produce more accurate, more favourable export rebates to European exporters. The US and other countries not having general systems of high rate sales taxes have not had general export rebate systems, even though their taxes may be reflected to some extent in export sales prices. Accordingly, a need for careful, specific examination of incidence of taxation is greater than ever before, especially because fixed exchange rates and generally high taxes compound the importance to international trade of errors in assumptions about incidence of taxation. To the extent that assumptions underlying export cost policies are not fully valid, Mr. Surrey sees disparities in indirect tax levels operating to the disadvantage of the US in international trade. Therefore, Mr. Surrey concludes, devices for harmonizing diverse tax systems must be found. Nations must be free to levy taxes differing both in kind and in burden imposed in order to pursue their own domestic goals, but without creating mutual difficulties.

11. *Harmonization of legislation*

F. Ermacora, " Probleme der europäischen Rechtsvereinheitlichung ", 9 *Zeitschrift für Rechtsvergleichung* 1968, 99–107.

The unification of law in Europe. Unification is preceded by comparison of law. The need for an effective co-ordination of both activities. The importance of the judgments of the Court of Justice.

Th.J. Scoenbaum, " Harmonization of laws concerning pharmaceuticals in the EEC ", 15 A.J.I.L. 1966–67, 525–537.

12. *Economic policy*

(a) *General*

P. Lemaître, " La Communauté face à sa première crise économique " (1968) R.M.C., 740–742.

Some short comments on the economic difficulties to be experienced by France upon the completion of the customs union.

(b) *Monetary policy*

K. Albrecht, " Die Reservewährungen, das Währungssystem und die Politik der EWG ", 23 E.A. 1968, 543–557.

Opinions concerning the role of the Pound Sterling. The French monetary crisis of June 1968 and the measures taken. The monetary problem within the EEC. According to the author a European monetary union could only be reached by unchangeableness of the rates of exchange among the values of the member States.

(c) *Commercial policy*

J. R. Rehm, " Developments in the Law and Institutions of International Economic Relations. The Kennedy-Round of Trade Negotiations ", 62 A.J.I.L. 1968, 403–434.*

The author discusses each of the five multilateral agreements signed on behalf of the United States, *i.e.*, the Final Act, the Agreement on Tariff Reductions, the Agreement on American Selling Price, the Agreement on Grains, and the Agreement on Anti-dumping Measures. The relation of each to the course of the negotiations is set forth along with the principal policy objectives of and obstacles to agreement among major trading units, particularly the United States, the EEC and the United Kingdom.

S. Scott Miller, " Access to Do Business Across International Boundaries ", 42 Tul.L.Rev. 1968, 795–828.*

The author, who writes from the perspective of a capital exporting country, discusses on an abstract level the interaction of the values, objectives, and application of authority of capital importing states on foreign investment and other international business activity. He discusses the primary legal and practical impediments to such activity, the primitive state of international legal development in the area, and the phenomenon of variation in result from state to state.

13. *Social policy*

J. A. V. M. van Grevenstein, " Het Europees Sociaal Fonds in nieuwe banen? (II) ", 23 S.M.A. 1968, 97–104.

A second article about the reforming of the European Social Fund (*cf.* for a summary of the first article, 5 C.M.L.Rev. 1967–68, 511). The meeting of the Council of December 21, 1967. Further elaboration by the author of his idea to differentiate between the benefits of the Fund in order to stimulate the most desirable measures for schooling.

E. Heynig, " Europäische Tariffvertrage? ", 14 A.W.D. 1968, 212–216.

The possibility of European collective labour agreements. Juridical aspects. Political and practical aspects (position of the organizations of employers and workers; actual situation). New developments.

E. Heynig, " La réforme du Fonds Social? " (1968) R.M.C., 703–718 and 757–764.

The first part of this study sets out the present position of the Fund and the results obtained. Then the author analyses the basis of new tasks, the possibilities of reform under Article 123 of the EEC Treaty and practical problems of employment. In the second part the author puts forward some practical suggestions for the reform of the Fund.

14. *European Investment Bank*

J. Käser, " Darlehen der Europäischen Investitionsbank—Darlehen der Weltbank ", 2 EuR. 1967, 289–319.

15. *Company law*

G. Beitzke, " Zur Anerkennung von Handelsgesellschaften im EWG-Bereich ", 14 A.W.D. 1968, 91–79.

A survey of the Convention on the Mutual Recognition of Companies concluded between the member States by virtue of Article 220 of the EEC Treaty. The necessity for such a convention. Its field of application. When the U.K. becomes a member of EEC, the Convention will have to be changed in order to assimilate the British " company " with the companies mentioned in Article 58 of the EEC Treaty. The author regrets the insertion into the Convention of a clause concerning the refusal of recognition for reasons of public order.

E. Cerexhe, " La reconnaissance mutuelle des Sociétés et personnes morales dans la CEE " (1968) R.M.C., 578–590.

Three problems connected with the Convention on the Mutual Recognition of Companies: the determination of the companies and legal persons which have been recognized; effects and limits of the recognition, and the exception of public order.

M. R. Mok ," De EEG en het Vennootschapsrecht ", 11 T.V.V.S. 1968, 165–174.

The First directive on the co-ordination of company law. The EEC and the renewal of company law. Co-ordination of company law by virtue of Article 54, para. 3 (g) of the EEC Treaty. Advantages and disadvantages of co-ordination of company law. Elaboration of the First directive. Some general aspects of the First directive. Contents of the directive.

D. Thompson, " The Creation of a European Company ", 17 I.C.L.Q. 1968, 183–190.

Background of the idea of a European Company. Problems of principle with respect to the statute of such a Company. Short descriptions of each section of the draft convention concerning the statute for a European Company.

16. *External relations*

R. E. Bresler, " Consequences of Yaoundé for Developing Nations ", 8 Va.L.Rev. 1968, 394–418.*

The author argues for prompt implementation of some form of generalized trade preferences to mitigate economic dangers for developing countries not members of the Yaoundé Convention. He believes that, although Latin American exports to the EEC have been growing at a rate faster than exports of the eighteen Afro-Malagasy states to the EEC, the full impact of tariff-free entry of Yaoundé-nation exports will be serious when it is felt. This free entry for the

Eighteen's processed products may not only limit Latin American exports to primary commodities and raw materials, but may hamper Latin America's industrialization and its efforts to remedy over-reliance on U.S. markets.

Mr. Bresler reviews the efforts in GATT and UNCTAD I and II to deal with preferences for lesser developed countries. He concludes that there is little chance for dissolution of existing preferences. The U.S. should, in Mr. Bresler's opinion, press for implementation of the UNCTAD II resolution on preferences over the widest range possible as the best alternative to no relief for " outside " developing nations.

J. J. Huhs, " Trade Preferences for Developing Countries: Options for Ordering International Economic and Political Relations ", 20 Stanford L.Rev. 1968, 1150–1186.*

The author commences by exploring the relations of the EEC with its associated African states. Despite the near elimination of reverse preferences in the Association Agreement with Nigeria, Mr. Huhs concludes that the EEC's behaviour shows that it will very likely insist on continued, significant reciprocity in a renewal of the Yaoundé Convention.

He further points out that GATT, while refusing to forbid a variety of discriminatory arrangements, has nevertheless been unable to go beyond *ad hoc* treatment of preferential schemes. The resulting dissatisfaction has led the developing countries to rely on UNCTAD.

N. N., " Free Trade and Preferential Tariffs: The Evolution of International Trade Regulation in GATT and UNCTAD ", 81 Harv.L.Rev. 1968, 1806–1817.*

This note speculates on how a system of generalized trade preferences for developing countries can be administered. The reasons are listed why the GATT framework has been an inadequate instrument for international trade policy from the view-point of developing countries. Membership in UNCTAD has, on the other hand, not involved restrictive advance trade policy commitments for the developing nations. It is suggested that UNCTAD should work on preferences, while GATT continues its free trade work.

A. Saché, " L'association dans le traité de Rome ", 4 Rev.trim.dr.europ. 1968. 1–18.

The definition of the notion association. The lessons of experience (the developing African countries; the less developed European countries; the developed countries).

B. *EUROPEAN COAL AND STEEL COMMUNITY*

E. Broes, " L'approvisionnement en minerai de fer des pays de la CECA " (1968) R.M.C., 692–702.

The need of the steel industry for iron-ore. The manner in which this need is met, either by way of internal production or by import. Factors which determine the choice of a certain kind of iron-ore.

C. *EURATOM*

F. Carbone, " Navires nucléaires, lois nationales et droit européen ", 4 Rev.trim.dr. europ. 1968, 332–349.

Nature and sources of the law of nuclear navigation. The Convention of Brussels of May 25, 1962. Special laws effective within the countries of the European Communities.

M. Cizkorsky, "Les entreprises communes dans la sphère du Conseil d'Aide Economique mutuelle", 4 Cah.dr.europ. 1968, 289–296.

The revision of the manner in which the members of Comecon will manage their national economies approaches the Western European notion of common enterprise.

S. Patijn, "Euratom, the Non-Proliferation Treaty and International Control", 8 *Common Market* 1968, 40–43.

The compatibility of Article III of the draft Non-Proliferation Treaty concerning inspection by the International Atomic Energy Agency (IAEA) and the Euratom Treaty.

II. *COUNCIL OF EUROPE*

A. *Human rights*

E. A. Alkema, "Griekenland en de Mensenrechten" (1968) N.J.B., 468–471.

C. F. Amerasinghe, "Protection of Human Rights and Exhaustion of Domestic Remedies", 28 Zeit.A.O.R.V. 1968, 258–300.

The author compares the existence of the rule of exhaustion of local remedies with respect to diplomatic protection and to the protection of human rights. In the former case the rule grew up as a result of the practice of States, at a time when they had exclusive control over matters taking place within their jurisdiction. The recognition of individual fundamental human rights, involves a surrender of these exclusive jurisdictional rights. Therefore, the exhaustion of local remedies-rule does not normally apply where human rights are violated, unless the existence of the rule has been expressly stipulated in the governing instrument (art. 41 (c), U.N. International Covenant on Civil and Political Rights; art. 26, European Convention on Human Rights; art. 50, Inter-American Convention on Human Rights) or when it applies by necessary implication.

The author describes the functioning of the rule in several conventions and its interpretation in a number of cases before the European Commission of Human Rights. He concludes that certain interests of the individual and the international community should be given somewhat greater importance in the international protection of human rights.

D. R. Gilmour, "The Sovereignty of Parliament and the European Commission of Human Rights" (1968) *Public Law*, 62–73.

J. Guinand, "La règle de l'épuisement des voies des recours internes dans le cadre des systèmes internationaux de protection des droits de l'homme", 4 Rev. belge dr.int. 1968, 471–484.

P. Mertens, "Le droit à un recours effectif devant l'autorité nationale compétente dans les conventions internationales relatives à la protection des droits de l'homme", 4 Rev. belge dr.int. 1968, 446–470.

E. Muller-Rappard, "Le droit d'action en vertu des dispositions de la Convention européenne des droits de l'homme", 4 Rev. belge dr.int. 1968, 485–509.

Special Issue on Human Rights, 9 *Journal of the International Commission of Jurists* 1968, No. 1.

H. Wiebringhaus, " Le droit européen des Libertés Fondamentales et l'Année Internationale des Droits de l'Homme ", 8 Riv.Dir.Eur. 1968, 3–17.

A study of human rights and of the European organs entrusted with their application.

B. *Other conventions*

T. Koopmans, " Kanttekeningen bij het Europees Sociaal Handvest ", 23 S.M.A. 1968, 311–313.

W. Pfennigstorf, " Unification of the protection of traffic victims in Europe ", 15 A.J.C.L. 1966–67, 430–456.