

SURVEY OF LITERATURE

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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
Ann.fr.dr.int.	—	Annuaire français de droit international
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
Harv.L.Rev.	—	Harvard Law Review
I.C.L.Q.	—	International and Comparative Law Quarterly
J.C.P.	—	Juris-Classeur Périodique (La Semaine juridique)
Journ.Comm.Mark. Studies.	—	Journal of Common Market Studies
Journ.dr.intern.	—	Journal du droit international
J.T.	—	Journal des Tribunaux
J.Z.	—	Juristenzeitung
M.D.R.	—	Monatsschrift für deutsches Recht
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 Internationaal 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.	— Revue de droit international
Rev.dr.int. et dr.comp.	— Revue de droit international et de droit comparé
Rev.fr. de Sc.polit.	— Revue française de science politique
Rev.gén.dr.int.publ.	— Revue générale de droit international public
Rev.int.dr.europ.	— Revue internationale 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 in Recht und Praxis
Zeit.A.O.R.V.	— Zeitschrift für ausländisches öffentliches Recht und Völkerrecht

I. EUROPEAN COMMUNITIES

1. General

N. C. Braun, "Le patronat français et l'intégration européenne", (1969) R.M.C., no. 121, 134-138.

M. Kaser, "Réalités économiques et volonté d'intégration", 19 Rev.fr. de Sc.polit. 1969, 88-101.

E. Kobbert, "Die Europa-Politik nach dem Krisenjahr 1968", 24 E.A. 1969, 39-46.

The problem of Britain's adhesion to the EEC. Progress towards the economic union. Obstacles to the development of a common political will. The "technological Community". Priority for the further development of the existing Communities.

N. Kohlhase, "Die Europäische Gemeinschaft vor der Gefahr der Desintegration", 24 E.A. 1969, 263-268.

J. Kropholler, "Die Europäischen Gemeinschaften und der Grundrechtsschutz", 4 EuR. 1969, 128-146.

The author remarks that the Community Treaties do not themselves provide for the protection of human rights. This gap can be filled up in three ways:

by falling back on national human rights, on the Rome Convention or on the case law of the Court of Justice. As the Communities are neither obliged to respect national constitutions nor the Rome Convention, it is the Court that has to correct an eventual violation of human rights and has to develop unwritten Community Law in this respect.

R. Lahr, "Für und wider das handelspolitische Arrangement EWG-Grossbritannien", 24 E.A. 1969, 81-89.

The arguments for an interim-arrangement. The reduction of trade barriers as a first step to membership. Inclusion of the candidates for association. The question of the conformity with GATT and with the American trade interests.

Ph. Lemaitre, "Un compromis rapide entre les Six sur le dossier anglais demeure problématique", (1969) R.M.C., no. 119, 5-9.

H. Wickwar, "L'administration du développement communautaire dans les années 1960", 34 *Revue internationale des sciences administratives* 1968, 225-233.

M. Zuleeg, "Die Auslegung des Europäischen Gemeinschaftsrechts", 4 EuR. 1969, 97-107.

The interpretation of Community Law. The starting point must always be the text of the provision to be interpreted. Rejecting the historical method, the author prefers the systematic method, which means the interpretation of a provision in the context of the Treaties. As a last resort the teleological method can be applied.

2. Institutional

C. Constantinidès-Mégret, "La loi de août 1967 et l'exécution forcée de certains arrêts communautaires", 5 *Rev. belge dr.int.* 1969, 69-79.

The Belgian Act of August 6, 1967, concerning the execution of judgments and decisions of the European Communities which are enforceable as court judgments.

A. Deringer, "Europäisches Gemeinschaftsrecht. Die Entwicklung bis Januar 1969", 22 N.J.W. 1969, 360-364.

Survey of the development of Community Law until January 1969. The end of the transitional period. The accession problem. The international development of the Community. The monetary crisis. Common commercial policy. Limitations of import and export in the member States. Fiscal law. Competition law.

A. Deringer, "Europäisches Gemeinschaftsrecht. Die Entwicklung bis April 1969", 22 N.J.W. 1969, 968-971.

Survey of the development of Community Law until April 1969. The general development of the Community. Free movement of goods and customs law. Taxes and the free movement of capital. The right of establishment and the free provision of services. Competition law. Patent law.

P. Gigon, case-note, 5 *Cah.dr.europ.* 1969, 350-357.

Annotation on the decision of the Belgian *Conseil d'Etat* of October 7, 1968 (*Y. Corveleyn v. Belgian State*), concerning the direct applicability of a specific provision of a directive.

H. J. Glaesner, case-note, 4 EuR. 1969, 153-155.

Annotation on the judgment of the Court of Justice of July 11, 1968, in Case 6/68 (*Zuckerfabrik Watenstedt GmbH v. Council of the European Communities*, *Recueil* XIV, 596).

G. van Hecke, "Het economisch recht in het perspectief van de fusie der Europese Gemeenschappen", 32 R.W. 1969-1970, 1297-1304.

A report for the annual meeting of the Belgian Association for European Law, held on December 6, 1968. The author deals with the economic law of the Communities in the light of the merger of the Communities. The merger of the Treaties should be based on the EEC Treaty. The differences between the ECSC and the EEC Treaty. The need for a common energy and industrial policy.

A. E. Kellerman, "Les directives de la CEE dans l'ordre juridique néerlandais", 5 Cah.dr.europ. 1969, 247-312.

The first of a number of articles concerning the application and execution of directives in the member States. The application and execution of Community Law and directives by the member States. The system of execution of directives in the Dutch legal system.

J. Mertens de Wilmars, "De directe werking van het Europese recht", 17 S.E.W. 1969, 62-83.

The direct applicability of Community Law. The concept of direct applicability. The conditions which a rule of Community Law has to fulfil in order to be directly applicable. The effect of a directly applicable provision in disputes before a municipal court.

L. Peeters, "L'impôt communautaire sur les rémunérations des fonctionnaires et agents des Communautés européennes", 34 *Revue internationale des sciences administratives* 1968, 255-268.

P. Soldatos, "L'introuvable recours en carence devant la Cour de Justice des Communautés européennes", 5 Cah.dr.europ. 1969, 313-334.

The appeal against inaction (Articles 35 of the ECSC, 175 of the EEC and 148 of the Euratom Treaty). The appeal does not differ from the appeal for annulment because of its nature, but only because of the behaviour of the institutions.

P. Verloren van Themaat, "Het economisch recht na de fusie van de Europese Gemeenschappen", 32 R.W. 1969-1970, 1305-1314.

The second report for the meeting of the Belgian Association for European Law mentioned above. This time, national economic law after the Communities merger is discussed.

3. Court of Justice

(a) Indemnity actions

L. J. van der Burg, "De niet-contractuele aansprakelijkheid van de Europese Gemeenschappen en de jurisprudentie van het Hof van Justitie", 17 S.E.W. 1969, 198-237.

A report for the annual meeting of the Dutch Association for European Law concerning the non-contractual liability of the European Communities and the case law of the Court of Justice. The author describes the problems which arise from the relationship between Articles 33 and 34/40 of the ECSC Treaty,

173 and 215, para. 2, of the EEC Treaty, as well as the kind of liability applied by the Court in its interpretation of the provisions above (until now the liability for "*faute de service*"). He also describes, with reference to the *Kampffmeijer*-judgment of 1967, the problems related to the close co-operation between the Community and the national administrations where there is a case of their joint liability, but where the plaintiff attacks the Community first.

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

L. Constantinesco, "Effets et rang des traités et du droit communautaire en droit français", 8 *Riv.Dir.Eur.* 1968, 259-301.

Because of the decision of the French *Conseil d'Etat* of March 1, 1968 (see 6 *C.M.L.Rev.* 1968-1969, 419-420) the author discusses the effects and the place of treaties and Community Law in French law. Although the priority of treaties has been codified in the constitutions of 1946 and 1958, the greater part of doctrine denies any practical significance to the provisions involved. This attitude is followed by the judges. The author suggests entrusting a Community institution with the supervision of the compatibility of national laws with Community Law.

L. Constantinesco, "Droit communautaire et droit constitutionnel néerlandais", 73 *Rev.gén.dr.int.publ.* 1969, 378-420.

The relationship between Community Law and Dutch law. The author considers the amendments of the Dutch constitution of 1953 and 1956 as a daring solution which completely satisfies the needs of Community Law.

L. Constantinesco, "L'introduction et le contrôle de la constitutionnalité des traités et en particulier des traités européens en droit allemand", 5 *Rev. belge dr.int.* 1969, 425-460.

The relationship between Community Law and German law: The powers of the president concerning the conclusion of treaties. The treaties and parliamentary approval. The functions of the ratification law. The supervision of the constitutionality of treaties, especially of the Community Treaties.

P. Hay, "Supremacy of Community Law in National Courts. A progress report on referrals under the EEC Treaty", 16 *A.J.C.L.* 1968, 524-552.

The most recent case law of the Court of Justice and of national courts concerning Article 177 of the EEC Treaty and the supremacy of Community Law. It is stated that the lower courts' discretionary power to refer cases is not unrestricted. It should be exercised by balancing considerations of expediency based on a functional analysis of the case in a Community Law meaning rather than on formalistic national distinctions or considerations. A number of decisions of Italian, German and French courts are discussed which deal with the constitutionality and supremacy of Community Law.

W. Kleinmann, "Verfassungsbeschwerde gegen deutsche Gesetze, die Europäisches Gemeinschaftsrecht transformieren", 22 *N.J.W.* 1969, 355-358.

Can "Verfassungsrecht" be raised against German legal measures which repeat or complement Community Law? The author gives an affirmative answer. As Community Law prevails, according to the author, even above German fundamental rights, such an appeal will above all succeed when the Community provision involved exceeds the powers of the institution.

P. Pescatore, "Droit communautaire et droit national selon la jurisprudence de la Cour de Justice des Communautés européennes", (1969) *Recueil Dalloz*, 179-184.

The case law of the Court of Justice covering the relationship between Community Law and national law. The autonomy of Community Law. Its direct applicability and supremacy.

A. EUROPEAN ECONOMIC COMMUNITY

5. Customs union

Astolfi, "Obligo di 'standstill' e diritti soggettivi nel l'art. 31 del Trattato CEE (App. Roma, ord. del 26-3-1968)", 7 *Il diritto negli scambi internazionali* 1968, 542-551.

K. Tipke, case-note, 4 *EuR.* 1969, 169-171.

Annotation on a judgment of the *Bundesfinanzhof* of July 23, 1968.

6. Agriculture

F. Clerc, "Passé et avenir de la politique agricole européenne, 11 *Les problèmes de l'Europe* 1969, no. 42, 49-54.

G. Meier, case-note, 22 *N.J.W.* 1969, 388-392.

Annotation on the judgment of the *Bundesfinanzhof* of July 10, 1968 (*cf.* Hopt's report on recent German Decisions, elsewhere in this issue).

N.N., "Vers une agriculture communautaire", 12 *Les Annales du Marché Commun* 1969, no. 43, 3-7.

S. Patijn, "Agriculture 1980", 9 *Common Market* 1969, 34-38.

Teucci, "Linamenti del regime istituzionale della politica agricola comune nella CEE", 8 *Riv. Dir. Eur.* 1968, 221-235.

K. Tipke, case-note, 4 *EuR.* 1969, 162-167.

Annotation on the judgment of the *Bundesfinanzhof* of July 10, 1968.

P. Verloren van Themaat and W. H. Vermeulen, "Mansholts nieuwste marathon-dossier: Het programma Landbouw 1980", 17 *S.E.W.* 1969, 3-9.

The Community programme on structural policy.

7. Free movement of persons and services

R. Bonnet, "L'Europe du travail est-elle réalisée?", (1969) *Dr.Soc.*, 160-171.

Regulation no. 1612/68 of the Council of July 29, 1968 concerning the free movement of workers (J.O. 1968, L 257). The author mentions that the principle of the priority of a common labour market is weakened by Article 42 of the Regulation. According to this Article the Regulation does not derogate from obligations of the member States laid down in agreements with third countries, with which the State involved maintains institutional relations.

Clouet, "Travaux publics et le Marché Commun", (1969) *R.M.C.*, no. 120, 83-86.

E. Heynig, "La libre circulation des travailleurs à l'intérieur de la Communauté est instituée définitivement", (1969) *R.M.C.*, no. 120. 65-72.

The free movement of workers. The number of foreign workers in the member States.

P. Kalbe, "Neue Massnahmen zur Verwirklichung der Niederlassungsfreiheit und des freien Dienstleistungsverkehrs im Gemeinsamen Markt", 15 A.W.D. 1969, 8-9.

New directives of the Council regarding freedom of establishment and the free movement of services.

M. Van Look, "Het vrije verkeer van werknemers in de EEG, nu een realiteit", 17 S.E.W. 1969, 274-288.

Regulation no. 1612/68 of the Council of July 29, 1968 concerning the free movement of workers.

G. Lyon-Caen, "La libre circulation des travailleurs", 43 J.C.P. 1969, 2222 *et seq.*

Same subject.

N.N., "The Free Movement of Workers within the Common Market", 9 *Common Market* 1969, 38-41.

A. J. Pouyat, "Freedom of movement within the Common Market, 9 *Journal of the I.C. of Jurists* 1969, 45-60.

8. Competition

A. Braun, "Simples propos sur la coexistence pacifique des droits de propriété industrielle et du droit européen de la concurrence", 84 J.T. 1969, 129-134.

J. P. Dubois, "Les groupements des intérêts économiques et les règles de concurrence en droit français et en droit européen", 43 J.C.P. 1969, 2236 *et seq.*

Chr. Hootz, case-note, 4 EuR. 1969, 151-153.

Annotation on the judgment of the Court of Justice in Case 14/68 (6 C.M.L. Rev. 1968-69, 488).

R. Ledoux, "La loi belge sur les concessions de vente exclusive et les conflits de compétence dans le Marché Commun", 84 J.T. 1969, 329-333.

The effect in the other member States of the Belgian Law of July 27, 1961 concerning the unilateral termination of a sole agency agreement which has been concluded for an unlimited period.

R. Belke, "Gerichtliche Nachprüfbarkeit von Schiedssprüchen auf Verstösse gegen EWG-Kartellrecht", 15 A.W.D. 1969, 214-221.

An extensive article about the judicial supervision of arbitration decisions with regard to possible violation of the EEC antitrust law. The judgment of the *Bundesgerichtshof* of February 27, 1969 (15 A.W.D. 1969, 230-232), in which it refused to recognize and declare enforceable an arbitration decision because the agreement at stake violated Article 85, para. 1 of the EEC Treaty and therefore the recognition of the decision would violate the German *ordre public*.

M. R. Mok, "Zweischrankenleer aanvaard- of toch niet?", 17 S.E.W. 1969, 24-27.

Some remarks about the judgment of the Court in Case 14/68.

O. Sandrock, "Kritische Bemerkungen zum Entwurf über die zweite Kartellgesetz-Novelle", 19 W.u.W. 1969, 205-230.

An analysis of the proposal made in October 1968 by the German Federal Minister of Economic Affairs concerning an amendment of the *Gesetz gegen Wettbewerbsbeschränkungen*.

9. *Taxation*

Cl. Brändel, case-note, 4 EuR. 1969, 52-57.

Annotation on the judgment of the *Bundesfinanzhof* of July 11, 1968 (6 C.M.L.Rev. 1968, 414-419).

R. Wägenbaur, "Das Verbot steuerlicher Diskriminierung nach dem EWG-Vertrag im Lichte der Rechtsprechung des Gerichtshofs", 4 EuR. 1969, 20-36.

An extensive analysis of the judgments of the Court of Justice of April 3 and 4, 1968 (6 C.M.L.Rev. 1968-69, 132-138). The author compares *inter alia* the interpretation of the Court in Case 28/67 of the term "indirect taxation" (Article 95 of the EEC Treaty) with its interpretation of the same term in Article 96. He criticizes the Court's interpretation of Article 95, para. 2, of the EEC Treaty.

10. *Harmonization of legislation*

F. U. Beier, "Stand und Aussichten der europäischen Rechtsvereinheitlichung auf dem Gebiete des gewerblichen Rechtsschutzes, (1969) G.R.U.R. Int., 145-153.

The harmonization and uniformization of the law of industrial property in Europe. The draft agreement concerning a European patent. The draft Patent Co-operation Treaty.

11. *Economic policy*(a) *Monetary policy*

G. Brändmüller, "Verstösst das Währungsabsicherungsgesetz gegen den EWG-Vertrag?", 24 B.B. 1969, 119-120.

von Horn, "Zahlungsbilanz-Schwierigkeiten und Zahlungsbilanz-Krisen nach dem EWG-Vertrag", 4 EuR. 1969, 37-44.

G. Meier, "Währungsabsicherungsgesetz und EWG-Vertrag", 15 A.W.D. 1969, 1-7.

N.N., "Monetary integration in the EEC", 9 *Common Market* 1969, 16-18.

After a survey of the Treaty provisions involved, attention is given to the most recent balance of payments difficulties of some of the member States, which raises the question of the possibility and admissibility of alterations of the rates of exchange.

P. Vigier, "Quitte ou double monétaire", (1969) *Agenor*, 4-13.

(b) *Energy policy*

J. M. van Dijk, "First Orientation for an Energy Policy; but in what Direction?", 9 *Common Market* 1969, 79-84.

W. Haferkamp, "Gründzüge einer Energiepolitik in der Europäischen Gemeinschaft", 24 E.A. 1969, 115-122.

The necessity of a common energy policy. Objects and means. The Commission's new programme of December 18, 1968.

E. Tamchina, "Erste Orientierung für eine gemeinschaftliche EWG-Energiepolitik", 15 A.W.D. 1969, 191-193.

12. *Social policy*

F.-K. Läge, "Lohn- und Arbeitszeitdifferenzen in der Europäischen Wirtschaftsgemeinschaft", 14 A.W.D. 1968, 469-472.

The differences between wages and working-hours in the EEC member States.

M. Voirin, "La sécurité sociale des migrants et les droits de l'homme", 4 Rev.trim.dr.europ. 1968, 720-746.

The author makes a comparison between the social rights of the migrant worker in the EEC and the protection of social and human rights according to public international law. He further assesses the machinery in the European Communities to secure social rights against the procedures used in the I.L.O. and established in the European Social Charter and the European Convention for Human Rights.

13. *Company law*

W. Kästner, "Zur Europäischen Aktiengesellschaft", 91 *Juristische Blätter* 1969, 127-139.

M. Lutter, "Die erste Angleichungs-Richtlinie zu Art. 54 Abs. 3 Lit. g) EWGV und ihre Bedeutung für das geltende deutsche Unternehmensrecht", 4 EuR. 1969, 1-20.

The Directive of the Council of March 9, 1968 concerning the co-ordination of the guarantees required in the member States of firms or companies in order to protect the interests, both of members and of outsiders (J.O. 1968, L. 65/8). Its contents. The admissibility and binding effect of the directive. The significance of the directive for German company law.

J. M. M. Maeijer, "De eerste EEG-richtlijn en de rechtsgeldigheid van de verbintenissen van de Belgische en Nederlandse vennootschappen", 6 T.P.R. 1969, 27-51.

Same subject.

14. *Recognition of judgments*

H. Arnold, "Das EWG-Gerichtsstandes- und Vollstreckungsübereinkommen vom 27.9.1968", 15 A.W.D. 1969, 89-93.

The Convention on the jurisdiction of the courts and the enforcement of decisions in civil and commercial matters. The signing and coming into force of the Convention. Amendments with regard to the draft agreement. The uniform interpretation of the Convention.

15. *Bankruptcy*

J. Noël and J. Lemontey, "Aperçus sur le projet de convention européenne relative à la faillite, aux concordats et aux procédures analogues", 4 Rev.trim.dr.europ. 1968, 703-719.

Some remarks about the draft European Treaty concerning bankruptcy, compositions and analogous procedures. Justification of the Convention. Its general plan (the rules of conflict of laws and jurisdictions; the uniform laws; the machinery for recognition and execution).

16. *External relations*

J. L. Burban, "Le problème de la dénonciation politique des accords d'association entre la Communauté et les pays tiers", (1969) R.M.C., no. 122, 188-193.

The possibility of terminating an association-agreement with the EEC. Some agreements (e.g., those with Turkey and Greece) lack a denunciation-clause. In these cases a formal denunciation can only be achieved by agreement between all parties concerned (the member States, the Community and the associated State).

M. Hardy, "The diplomatic activities of international organisations: The U.N. and the European Communities", 5 *Rev.belge dr.int.* 1969, 44-61.

The author compares the active right of international personality of the European Communities with that of the United Nations.

S. Mihailovic, "La Yougoslavie et la CEE", 11 *Les Problèmes de l'Europe* 1968, no. 42, 85-88.

The problems which have risen for Yugoslavia because of the protectionistic agricultural policy of the EEC. Especially when the ultimate goal of the EEC was a European general economic or mondial integration, one has to establish that the EEC is on the wrong track. The Community has given greater priority to relations with developing countries and to economic co-operation with the rest of the world.

E. Rhein, "L'aide alimentaire, un nouveau domaine d'action de la CEE", (1969) *R.M.C.*, no. 120, 60-65.

Food aid as a new task for the EEC. After having sketched the origins of this new activity (the Kennedy-round) and its development, the author discusses the different possibilities for its execution.

J.-L. de Soye and Th. Dage, "Evolutions des échanges entre les pays du Marché Commun et les Pays Tiers depuis l'entrée en vigueur du Traité de Rome", (1969) *R.M.C.*, no. 121, 139-145.

There have been considerable changes in the foreign trade of Common Market countries since 1958, both in destination and in trade structure. The essential characteristics of this change are examined in this study, mainly in connection with trade with other countries.

E. Wirsing, "Der Gemeinsame Markt und die Entwicklungsländer. Zum Beginn der Verhandlungen um eine neue Periode der Assozierung der afrikanischen Länder und Madagaskars", 24 *E.A.* 1969, 89-100.

The results of the association of the African States with the EEC. It is noted that the trade of the African States with the EEC has not increased more than that of other developing countries. In this respect the preferential system has not brought the disadvantages which were feared by the non-associated States.

B. EURATOM

F. Riccardi, "Requiem pour l'Euratom", (1969) *Agenor*, no. 9, 68-72.

J. Guéron, "Une géographie cordiale de l'Europe atomique", 11 *Les problèmes de l'Europe* 1968, no. 42, 28-34.

II. COUNCIL OF EUROPE

A. General

L. Couvreur, "De Raad van Europa en de Europese eenheidsgedachte", 23 *Internationale Spectator* 1969, 758-805.

F. Rosenstiel, "Jeunesse du Conseil de l'Europe", 11 *Les problèmes de l'Europe* 1968, 97-99.

B. Human rights

H. Mahler, "Die Angemessenheit der Untersuchungshaftdauer nach der Menschenrechtskonvention", 22 N.J.W. 1969, 353-355.

J. Vanhalewijn, annotation on the judgment of the European Court of Human Rights of June 27, 1968, 5 Cah.dr.eur. 1969, 217-223.