

SURVEY OF LITERATURE

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- 2. *Institutional*
- 3. *Court of Justice*
- 4. *Sources of Community Law*
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D. EURATOM

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VI. COUNCIL OF EUROPE

- a. *General*
- b. *Human Rights*

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

* This classification of the subjects is also used for the list of books appeared which follows the survey of literature.

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| 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 |
| Gaz.Pal. | — Gazette du Palais |
| 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 Inter-
national de la Haye |
| Rev.belge dr.int. | — Revue belge de droit international |
| Rev.crit.dr.int.privé | — Revue critique de droit international privé |
| 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.gen.dr.int.publ. | — Revue générale de droit international public |
| Rev.int.dr.comp. | — 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 |
| W.u.W. | — Wirtschaft und Wettbewerb |
| Zeit.A.O.R.V. | — Zeitschrift für ausländisches öffentliches Recht
und Völkerrecht |
| Z.H.R. | — Zeitschrift für das gesamte Handelsrecht und
Wirtschaftsrecht |

I. INTEGRATION, ECONOMIC AND POLITICAL

S. Aronson, "The autonomy of politics in an economically integrated region—The continental European Case", (1970) *Integration*, 298–307.

This article aims to explain the relationships between economics and politics in Western Europe without being committed to any integration theory. It rather attempts to try empirically to analyse the development of the Common Market, its successes and failures, according to its own strategy and planning during a relatively long period and in connection with a major issue (common agricultural policy).

M. E. de Bussy and others, "Approches de l'intégration européenne", 21 *Rev.fr. de Sc.polit.* 1971, 615–633.

The Europeans seem to concentrate mainly on the study of legal and economic aspects of European integration and leave it to the Americans to investigate this phenomenon with the tools of political scientists. This article offers a valuable survey of the theories of K. Deutsch, E. Haas and L. Lindberg etc. up to 1970.

R. Dahrendorf, "The Common Market, the U.S.A. and Japan", 9 *The Atlantic Community* 1971, 61–68.

H. von der Groeben, "Europa, Wunsch und Wirklichkeit. Eine Zwischenbilanz der Europa-Politik", 26 *E.A.* 1971, 1–8.

An assessment of the results of post-war European policy.

K. R. Simmonds, "International economic organisations in Central and Latin America and the Caribbean regionalism and sub-regionalism in the integration process", 19 *I.C.L.Q.* 1970, 376–397.

The author describes the integration efforts during the sixties in Latin America, providing an interesting survey of the various organizations and sub-organizations in South America, Central America and the Caribbean Region. Moreover, the mutual relations between the various organizations are outlined as well as their links with the British Commonwealth and the EEC.

IV. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

A. Deringer and J. Sedemund, "Europäisches Gemeinschaftsrecht, Entwicklung bis Januar 1971", 24 *N.J.W.* 1971, 312–316.

Current developments in the Communities from September 1970—January 1971.

P. E. Goose, Case note, 6 *EuR.* 1971, 60–68.

Annotation on the judgment of the French *Conseil Constitutionnel* of June 19, 1970, regarding the alleged unconstitutionality of the Treaty of April 21, 1970, amending certain budgetary provisions, and of the Council Decision of April 22, 1970, relating to the replacement of member States' financial contributions by resources of the Community itself.

E. V. Junker, "Das neue Haushaltsrecht der Europäischen Gemeinschaften", 26 *J.Z.* 1971, 48–51.

The amended budgetary provisions of the Community Treaties. See also Kohlhasse, *infra*.

N. Kohlhasse, "Probleme einer künftiger Finanzverfassung der Europäischen Gemeinschaften", 25 E.A. 1970, 857-862.

The budgetary powers of the European Parliament and the system of the Community's own resources.

Dieter Mitzka, "Die Finanzpolitik im Rahmen der Europäischen Gemeinschaften; Ansätze und Entwicklung", 47 *Zeitschr. für Zölle und Verbrauchsteuern* 1971, 4-9.

General survey of problems involved in equipping the Community with a financial policy of its own. Topics discussed are: the Community's self-financing system, direct and indirect taxes, the economic and monetary union, relations with non-member States.

R. L. Peterson, "European bureaucrats in European regional organizations", 36 *Revue Internationale des sciences administratives* 1970, 333-346.

An attempt to clarify the attitudes and role of officials in the services of the Commission of the European Communities. This involves clarifying relationships between different sets of attitudes and between these attitudes and elements such as career experiences, the effectiveness of the organization in achieving organizational growth and attaining its objectives.

P. Quaroni, "European integration—an Italian view", 9 *The Atlantic Community* 1971, 5-16.

Some interesting views by a former Italian ambassador in Paris on reasons for opposition to Britain's entry into the Common Market and conclusions drawn from them.

H. Schneider, "Ressources propres pour la Communauté européenne", (1970) *La Fiscalité du Marché Commun* No. 41, 79-89.

A commentary on the Council Decision of April 21, 1970, concerning the Community's own financial resources and its impact on the activities in respect of harmonization of taxes.

2. Institutional

Cl. Lasalle, "L'initiative parlementaire dans la procédure normative communautaire", 7 *Cah.dr.europ.* 1971, 127-145.

In a draft Resolution, Armengaud and Jozeau-Marigné, members of the European Parliament, have presented a draft Regulation couched in the customary form in which Community measures are laid down. Considering the current tendency to reform the institutional set-up of the Community, this initiative merits attention.

G. Meier, "Die Mitwirkung der Bundesregierung bei der Gesetzgebung des Rates der Europäischen Gemeinschaften", 24 *N.J.W.* 1971, 961-966.

3. Court of Justice

L. J. Brinkhorst, Case note, 19 *S.E.W.* 1971, 479-484.

An annotation on Case 22/70 (*re* ERTA: see also 8 *C.M.L.Rev.* 1971, 392-401 and note at 550-556).

P. Cintura, "L'objectivisme juridique et la Cour de Luxembourg", 6 *Rev.trim.dr. europ.* 1970, 272-295.

The author analyses the Court's case law with a view to establishing whether the Community legal order is made up of both "objective law" (*i.e.* the natural order resulting automatically from the needs of the Communities)

and "positive law" concretized in the Court's rulings and enforced by the authorities.

E. Grabitz, "Entscheidungen und Richtlinien als unmittelbarwirksames Gemeinschaftsrecht", 6 EuR. 1971, 1-22.

Analysis of the "Leber-Pfennig" decisions of the Court. See also 8 C.M.L.Rev. 1971, 380 *et seq.* and Lauwaars, *infra*.

R. H. Lauwaars, Case note, 19 S.E.W. 1971, 287-294.

An annotation on the Court's Judgment in Case 9/70 (*Grad v. Finanzamt Traunstein*). See also 8 C.M.L.Rev. 1971, 380 *et seq.*

G. Meier, Case note, 16 A.W.D. 1970, 474-475.

A short comment on the Court's judgment in Case 9/70 ("Leber-Pfennig" case).

J. M. Mössner, "Die Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften im Jahre 1970", 17 A.W.D. 1971, 382-390.

A systematic survey of the Court's case law in 1970. The cases discussed are grouped under the following headings: 1. Fundamental questions; 2. Institutional questions; 3. Judicial remedies (Articles 177, 173, 169); 4. Customs legislation; 5. Agriculture; 6. Antitrust law; 7. Taxation.

Axel Werbkke, "Das Recht der Einzelnen zur Berufung auf staatengerichtete Entscheidungen", 23 N.J.W. 1970, 2137-2141.

The right of private individuals to request performance of duties imposed on the member States by virtue of decisions in the sense of Article 189 (See also other comments on the "Leber-Pfennig" case, elsewhere under this heading).

4. Sources of Community Law

M. van Empel, "L'acte public inexistant et le droit communautaire", 7 Cah.dr.europ. 1971, 251-283.

A study of the theory of the absolute nullity (non-existence) of public acts. The author concludes that it is fortunate that in Community Law this theory only plays a minor role, for the fewer the cases in which Community measures are null and void, the greater the possibility that notions "law" and "justice" coincide.

5. Relationship between Community Law and national law

W. Bernhardt, "Die Erläuterung gemeinschaftlicher Begriffen durch nationale Normen", 47 *Zeitschr. für Zölle und Verbrauchssteuern* 1971, 72-76.

The author considers the permissibility of autonomous national rules giving interpretations of Community norms. See also the annotation of Ipsen on Case 74/69, *infra*.

J. Delva, "Toetsing van de interne overheidsdaad aan het Verdrag", (1970) *Tijdschr. voor Bestuurswetenschappen en Publiekrecht*, 397-411.

Description of the evolution in Belgian legal thinking and case law on the question of pre-eminence of the internal legislative and regulatory acts over provisions of international law and discussion of available legal remedies if violation of this law takes place because of the failure of the constitution to formalize the superior status of Community Law provisions in the hierarchy of legal norms in Belgium.

H. P. Ipsen, Case note, 6 EuR. 1971, 38-41.

An annotation on the Court's judgment in Case 74/69 (*Recueil XVI*, 451 *et seq.*) concerning the extent to which the member States are free to enact supplementary legislation for the clarification or interpretation of measures adopted at Community level (Regulation No. 191/62).

P. Pescatore, "L'attitude des juridictions nationales à l'égard du problème des effets directs du droit communautaire", 6 *Rev.trim.dr.europ.* 1970, 296-302.

The great variety of solutions given by national judicial authorities to the problem of the direct effect of Community provisions may be detrimental to maintaining the unity of Community Law and to securing its full effectiveness. These aims should be pursued by the procedure of preliminary rulings in particular. This is why the author disapproves of the use of the "acte clair" theory invoked by courts to get round the obligation to refer matters to the Court of Justice.

I. G. Torley-Duwel, "Incorporatie van communautaire verordeningen in de nationale vervoerswetgeving", (1971) *N.J.B.*, 457-466.

This article deals with the problem of the methods to be used for the incorporation of Community regulations in the sphere of transport into the national legislation of the Netherlands. Special attention is paid to the question as to whether and to what extent national authorities may diverge from the wording of the regulations in order to meet the demands of the national legislative system.

See also D. Edens in *19 Verkeersrecht* 1971, 73-77.

6. *Adhesion*

S. Aström, "Schweden und die europäische Integration", 26 *E.A.* 1971, 421-428.

T. E. Josling, "Agriculture and Britain's trade policy dilemma", 9 *The Atlantic Community*, 1971, 91-98.

The author discusses the problems experienced by the United Kingdom in the field of agricultural trade policy, in particular with reference to the Community's agricultural policy. He argues that the EEC should be willing to discuss plans for the evolution of its market support schemes and that the United Kingdom should be prepared to forgo short-run bargaining gains in the application of present policies to secure agreements on long-term directions.

Revue du Marché Commun No. 141 (1971), 89-156.

Issue devoted entirely to problems in connection with the enlargement of the Communities.

7. *Association*

C. von Arnion, "Der Stand der Assoziationsverhältnisse der EWG mit aussereuropäischen Staaten", 30 *Zeit.A.O.R.V.* 1970, 482-503.

Extensive comparative research leads the author to the conclusion that there is no fixed pattern in the association agreements concluded by the EEC and that its policy in this field lacks cohesion and clarity.

"Le Maroc et le Marché Commun", (1971) *R.M.C.*, No. 142, 3-344.

This special issue is devoted to the opinions expressed at a colloquium held in Casablanca in 1970 which dealt with the relations between Morocco and the EEC. The first part concerns "association between Morocco and the EEC, its

political and legal framework". The second deals with "Association and the development of trade relations". The third part treats "Development and industrialization of Morocco" and the fourth—and longest part—contains contributions on Morocco and its development.

C. EUROPEAN ECONOMIC COMMUNITY

1. *General*

R. Dahrendorf, "Möglichkeiten und Grenzen einer Aussenpolitik der EG", 26 E.A. 1971, 117–130.

Text of a speech in which the author comments on the common commercial policy of the Community, the relationship between the EEC and the U.S.A., and the periodic meetings of the Ministers of Foreign Affairs.

Fr. de la Serre, "La CEE et la crise de 1965", 21 Rev.fr. de Sc.polit. 1971, 402–420.

The author examines, among other questions, whether the French attitude in the EEC at the time of the crisis amounted to an "important exercise of power politics". If so, she queries, on what level, with what aims and with what immediate results?

2. *Customs Union*

L. Anselme-Rabinovitch, "Réglementation douanière de la CEE (II)", 6 Rev.trim. dr.europ. 1970, 317–331.

The objectives pursued within the framework of the 1963 Programme for the establishment of a Customs Union are: the uniform application of the Customs tariff; common rules concerning temporary import and export of goods; measures to secure free circulation of Community produced goods and foreign goods brought into free circulation. The author describes the various regulations (concerning origin of goods, customs valuation, nomenclature, transit regulations, etc.) and directives (inward processing traffic, bonded warehouses, free zones, etc.) which have been adopted to implement the programme.

A. Deringer, "Die staatliche Handelsmonopole nach ablauf der Übergangszeit", 6 EuR. 1971, 193–208.

At the end of the transitional period hardly any state monopoly of a commercial nature had been adjusted in accordance with the requirements of Article 37. According to Deringer there is no doubt that not only the second paragraph ("stand-still") of this provision, but, as of the end of the transition period, also the first paragraph has become directly effective. All one is waiting for now is whether the Court will get an opportunity to rule on the compatibility of the subsisting monopolies with Article 37.

3. *Agriculture*

P. Gueben, and others, "Juridische aspecten van het visserijbeleid der Europese Gemeenschap", 19 S.E.W. 1971, 439–458. See for French text: (1971) R.M.C. No. 144, 246–258.

An article on the legal problems of the Community's fisheries policy (Regulations Nos. 2141/70 and 2142/70, J.O. 1970, L 236, 1–20).

R. Thiele, "Die EWG Milkmarktordnung", 46 Zeitschr. für Zölle und Verbrauchssteuern 1970, 257–263.

Description of the common market organization for dairy products.

4. *Free movement of persons, establishment and services*

G. Lyon-Caen, "Les sociétés de travail temporaire dans la CEE", (1971) *Dr.Soc.*, 308-314.

G. Lyon-Caen, "Les sociétés de travail temporaire en France et dans la CEE" (1971) *Recueil Dalloz*, 93-98.

7. *Competition*

B. Baardman, 'De beschikkingspraktijk in kartelzaken van de Europese Commissie in de jaren 1968 tot 1970', 19 *S.E.W.* 1971, 119-140.

The author reviews the decisions by which the Commission in recent years has granted negative clearances and exemptions, or has found certain enterprises guilty of infringing Article 85 of the Treaty. The author's main objective is to enable the reader to perceive the broad lines of the Commission's policy in respect of cartel agreements.

B. Goldman, "Les champs d'application territoriale des lois de concurrence", (1969) *R.C.A.D.I.*, 631-730.

A comprehensive study of the problem of the territorial effectiveness of anti-trust legislation.

R. Joliet, "Prix imposés et droit européen de la concurrence", 7 *Cah.dr.europ.* 1971, 16-52.

With regard to the problem of the imposition of prices the author finds that the Commission should change its stand and move towards the U.S. practice on this point. Moreover, he recommends a more extensive use of the procedure of Article 177 in this connection and also favours placing a wide interpretation on the scope of application of Article 85.

K. Markert, Case note, 6 *EuR.* 1971, 41-60.

Annotation on the Quinine cases. See 8 *C.M.L.Rev.* 1971, 86-92.

G. van der Sanden, Case note, 7 *Cah.dr.europ.* 1971, 327-355.

An annotation on the Court's judgments in the Quinine cases (Cases 41/69, 44/69 and 45/69; *Recueil XVI*, 661 *et seq.*; see also 8 *C.M.L.Rev.* 1971, 86-92).

H. W. Wertheimer, "Enige Prep-notities", 19 *S.E.W.* 1971, 249-270.

A critical commentary on the Court's decision in Case 40/70 (*Sirena v. Eda and others*; *Recueil XVII*, 69; this issue, pp. 38 *et seq.*, 83).

8. *Taxation*

W. Dreskornfeld, "Le régime du transport routier de marchandises en Europe", (1970) *La Fiscalité du Marché Commun*, No. 40, 47-57.

No uniform tax system on transport of goods by road has been instituted as yet in the Common Market. After reviewing the pertinent Treaty provisions, the author discusses the effects of turnover taxes, motor vehicle taxes and taxes on mineral oils, on the competitive position of international road transport carriers.

H. Eichelberg, "Fortentwicklung der Harmonisierung der Umsatzsteuer in den E. G. im Rahmen der Integrationspolitik", 46 *Zeitschr. für Zölle und Verbrauchsteuern*, 1970, 353-357.

Since the introduction of VAT in the member States, the problems remaining are turnover taxes in the agricultural sector, the abolition of tax borders and

co-ordination of these tax measures with the steps for harmonizing excise taxes. The author suggests a levelling out of the difference in VAT rates (differences of 3 per cent. may be maintained), the abolition of tax borders and introduction of a clearing system to assure that the importing country receives the tax revenue.

G. Meyer, "Steuerliche Probleme bei Zusammenschlüssen von Unternehmern verschiedener Nationalität", 6 EuR. 1971, 23-30.

There is as yet no way to prevent cumulative taxation in the case of undisclosed distribution of profits between sister companies in different EEC countries. Regulation of international mergers is not to be expected soon. Considering the increasing importance of frontier crossing co-operation, bilateral tax agreements will have to be made between the countries concerned.

A. J. Rädler, "Structure de l'impôt sur les sociétés du point de vue allemand", (1970) *La Fiscalité du Marché Commun* No. 42, 103-116.

The author disagrees with the conclusions of Professor van den Tempel, who, in his report to the Commission on the double taxation of corporate profits and shareholders' dividends, opted for the classical system (full double taxation). The ideal solution, according to Rädler, is the differentiated system (split rate), known in Germany, but for various reasons this system cannot now be introduced. So the author's second choice is the French solution (compensation system: lower income tax rates on shareholders' dividends receipts).

W. Schröter, "Warum ist eine Harmonisierung der Tabaksteuer in der EWG so schwierig?", 46 *Zeitschr. für Zölle und Verbrauchsteuern* 1970, 230-231.

Difficulties in harmonizing taxes on tobacco.

F. Teucci, "La fixation des taux communs du droit d'apport dans le cadre de l'harmonisation des impôts indirects frappant les rassemblements de capitaux appliqués par les états membres de la CEE", (1971) *La Fiscalité du Marché Commun*, No. 45, 27-32.

On February 1, 1971, the Commission submitted to the Council a draft Directive concerning the fixing of common tax rates applicable to the raising of capital. This draft, which supplements the Council Directive of July 17, 1969, stipulates that, as of January 1, 1974, the member States shall be bound to apply common rates for taxing the raising of capital on their territory.

9. Harmonization of legislation

Ars Aequi, March 1971, 79-139.

Special issue devoted to harmonization of laws in the European Communities (penal law, company law, taxation, private international law, etc.).

J. J. Beuve-Méry, "Les applications des articles 100, 101 et 102 du Traité CEE de 1958-1970", 6 *Rev.trim.dr.europ.* 1970, 303-306.

Harmonization of legislation during the transitional period has mainly taken place in respect of free movement of goods for which field the Treaty contains special harmonization provisions such as Articles 27, 43 and 99. Consequently Article 100 has not been applied very often during the period under review, but the development of the Common Market requires continued use of this provision in many fields (taxation, customs legislation, quality standards of merchandise, etc.). Articles 101 and 102 will be dealt with in future issues of the *Revue*.

G. Keutgen, "L'harmonisation des législations relatives aux denrées alimentaires dans la CEE", (1970) *Rev.dr.int. et dr.comp.*, 7-23.

An inventory of progress made and to be made in the field of harmonization of national laws concerning foods.

10. *Economic and monetary policy*

D. Mitzka, "Die Schlussfolgerungen im Bericht über die stufenweise Verwirklichung der Wirtschaft- und Währungsunion in der Gemeinschaft", 46 *Zeitschr. für Zölle und Verbrauchssteuern* 1970, 228-230; 47 *ibid.* 1971, 70-71; 47 *ibid.* 1971, 161-164.

Description of the interim report and the final report of the Werner Committee and of the Resolution of March 22, 1971 (J.O. 1971, C 28; see 8 C.M.L. Rev. 1971, 206-212).

S.E.W. Volume 19, No. 6/7, 305-436.

Special issue devoted to the Plan for an Economic and Monetary Union (see 8 C.M.L. Rev. 1971, 206-213). This issue includes contributions by Wauters, Kapteyn, Maas, Beraud/Ventura, VerLoren van Themaat and Van Gerven.

M. Seidel, "Die Industriepolitik der EWG", 26 E.A. 1971, 9-16.

A summary of the Commission Memorandum on the industrial policy in the Community of March 1970. No effect has as yet been given to the proposals contained in the Memorandum since the Council has refrained from taking any action apart from referring this matter to a study group composed of representatives of the Commission and officials of the member States.

J. Thalman, "Strukturelle Unterschiede der EWG-Länder als Hindernis für die Wirtschafts- und Währungsunion", 2 E.A. 1970, 781-790.

Further development of the Common Market depends on unity in the economic and monetary fields. This requires an international agreement settling the institutional questions of an economic and monetary union, an efficient system of decision-making and management of the union, and clear answers to the problems resulting from structural differences between the member States' economies.

H. Tietmeyer, "Europäische Wirtschafts- und Währungsunion—eine politische Herausforderung", 26 E.A. 1971, 409-420.

Account of the origins of the Plan in stages for the establishment of an economic and monetary union. Comparison between the final report of the Werner Committee and the Resolution of March 22, 1971.

16. *Company law—Bankruptcy law*a. *European company*

C. A. Hoogma, "De vertegenwoordiging van werknemers binnen de organen van de Europese N.V.", 26 S.M.A. 1971, 403-420.

The problem of the representation of labour in the organs of the European company.

H.-G. Koppensteiner, "Das Konzernrecht du EWG-Verordnungsentwurfs über eine europäische Aktiengesellschaft aus kollisionsrechtlicher Sicht", 16 A.W.D. 1970, 433-441.

P. Kravaritou-Manitakis, "La convention collective de la société anonyme européenne", 7 *Cah.dr.europ.* 1971, 284-305.

The draft statute for a European company sets forth some provisions regarding collective bargaining agreements on a Community scale. The host of problems involved can manifestly not be solved on the basis of these provisions. It will therefore be necessary to resort to subsidiary sources of law and to proceed to the approximation of national laws.

F. A. Mann, "The European Company", 19 I.C.L.Q. 1970, 468-482.

M. R. Mok, "De Europese Vennootschap", 26 S.M.A. 1971, 301-311.

P. Sanders and others, "De Europese N.V.", 49 N.V. 1971, 1-65.

Special issue in which twelve authors deal with all the major aspects of the Commission's draft Statute for a European Company.

P. VerLoren van Themaat, "De Europese Naamloze Vennootschap", 19 S.E.W. 1971, 231-248.

b. other subjects

Ankele, "Zum Vorschlag der Kommission der EG für eine zweite gesellschaftsrechtliche Richtlinie", 25 B.B. 1970, 988-992.

See Meyer-Ladewig, below.

C. A. Boukema, "Vernieuwing van het vennootschapsrecht", 13 T.V.V.S. 1970, 293-300, 341-349.

A systematic survey of the reform of Dutch company law which is partly the result of the first Community Directive for the harmonization of company laws in the member States under Article 54, para. 3 (g) of the EEC Treaty.

L. F. Ganshof van der Meersch, "L'élaboration d'un droit européen de la faillite dans le cadre de la CEE", 7 Cah.dr.europ. 1971, 146-189.

A broad discussion of the bankruptcy legislation of the member States and the draft Convention of the EEC concerning bankruptcy and allied proceedings. The author values the draft Convention highly but fears that member States will not be quick to sign and to ratify it.

Meyer-Ladewig, "Der Kommissionsvorschlag für eine dritte Richtlinie des Rates zur Koordinierung des Gesellschaftsrechts (Nationale Fusion)", 25 B.B. 1970, 1517-1520.

The second (Ankele) and third (Meyer-Ladewig) draft Directives of the Commission for the harmonization of national company laws, based on Article 54, para. 3 (g) of the Treaty.

P. Sanders, "The participation of labour in the control of Dutch enterprises", 13 T.V.V.S., 271 *et seq.*

An account of the new structure bill recently introduced in the Netherlands.

18. *Industrial property*

a. patents

P. Demaret, "Justification et problèmes d'élaboration d'un droit européen de brevet", 6 Rev.trim.dr.europ. 1970, 215-271.

A comprehensive article on the origins and justification of a separate Convention for the creation of a European patent for the Common Market alongside a Convention establishing a European system for the granting of patents drawn up by a larger group of States than the EEC countries. Discussion of the problems encountered in 1962 when the first attempts were made to draw up a Community patent convention. Description of the two draft Conventions of 1970 and critical evaluation of the solutions proposed in these documents.

b. trade-mark law

The Benelux Convention on a Uniform Trade Mark Law

Apart from the articles mentioned in 8 C.M.L.Rev. 1971, 431, this subject has also been treated in 38 *Bijblad bij de Industriële Eigendom* 1970, 303-306 (Haardt), 214-218 (J. W. van den Zanden). Articles by J. P. van der Stock and

L. de Grijze appeared in 33 R.W. 1970, 1665-1676 and 34 R.W. 1971, 303-319. An analysis of the uniform law by J. Geertman was published in 48 N.V. 1970, 19-23; L. J. M. van Bauwel, M. Gotzen and A. Braun contributed on this subject in 87 *La Propriété Industrielle* 1970, 130-132; (1970) G.R.U.R., 207-214; and 85 J.T. 1970, No. 4697, respectively.

19. *External relations*

J. V. Louis, "Droit et politiques des relations extérieures des Communautés européennes", 7 *Cah.dr.europ.* 1971, 3-15.

In this article, written before the Court rendered its judgment in Case 22/70, the author describes the powers of the Community in the external field (Articles 111, 113 and 238 of the EEC Treaty). He characterizes Community Law in the field of foreign relations as "pretorian law", i.e. law that possesses enough flexibility to be adapted to changing circumstances.

G. I. Minerbi, "Israel et la CEE", 14 *Problèmes de l'Europe* 1971, 5-13.

An examination of the main lines of the preferential agreement between Israel and the EEC concluded on October 1, 1970 (J.O. 1970, L 183) and some comments on the economic effects and political repercussions expected to result from this agreement.

VI. COUNCIL OF EUROPE

b. Human rights

W. Hannfried, "Die Untersuchungshaftdauer als verfahrensrechtliches Problem der Europäischen Menschenrechtskonvention. Verfahrensgegenstand und Rechtser schöpfung", 30 *Zeit A.O.R.V.* 1970, 321-346.

A study of the case law (especially the Matznetter and Stogmüller cases) of the European Court of Human Rights concerning the conditions justifying preventive custody and its length (Article 5, paras. 1 (c) and 3 of the Convention).

S. Marcus-Helmons, Case note on the judgment of the European Court of Human Rights of January 17, 1970 (*Delcourt v. Belgium*), 7 *Cah.dr.europ.* 1971, 190-211.

C. Morisson, "Restrictive interpretation of sovereignty-limiting treaties: the Practice of the European Human Rights Convention System", 19 *I.C.L.Q.* 1970, 361-375.

The author concludes that the rule according to which sovereignty-limiting treaties must receive narrow interpretation, does not apply to the European Convention because the Commission of Human Rights has not hesitated to give this Convention a wide interpretation.

"La France devant la Convention des Droits de l'Homme", 3 *Revue des droits de l'homme* 1970, 552-738.

A summary of a conference held in Besançon in November 1970 on the attitude of France with regard to the European Convention of Human Rights.