

SURVEY OF LITERATURE

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

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
E.E.R.	—	European Economic Review
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
Int.Org.	—	International Organisation
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.W.T.L.	—	Journal of World Trade Law
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

Robert A. Bernstein, "International Integration: Multidimensional or Unidimensional", 16 *Journal of Conflict Resolution* 1972, 403-408.

An attempt to show that integration is a unidimensional phenomenon.

Cal Clark and Susan Welch, "Western European Trade as a Measure of Integration: Untangling the Interpretations", 16 *Journal of Conflict Resolution* 1972, 363-382.

The authors compare the use of trade-flow statistics as a measure of integration by Deutsch, Inglehart and Brams. Though these authors use almost identical formulae, the outcomes of their respective research are vastly different. A careful re-examination of the theoretical connexion between integration and the aspects of it the indicators pretend to measure is necessary and a further refinement of either concept or indicator may be in order.

Also: Cal Clark, "The Impact of Size on the Savage-Deutsch RA Statistic", 6 *Comparative Political Studies* 1973, 110-120.

Richard W. Chadwick and Karl W. Deutsch, "International Trade and Economic Integration: Further Developments in Trade Matrix Analysis", 6 *Comparative Political Studies* 1973, 84-109.

This is a discussion and a further refinement of the earlier Savage-Deutsch model for measuring integration by trade-flows.

Henry H. Kerr Jr., "Changing Attitudes through International Participation: European Parliamentarians and Integration", 27 *Int.Org.* 1973, 45-83.

Kerr tries to test the hypothesis that the process of integration carries a learning effect and that it may cause a change in attitude among the participating elites. To this end French and German members of the European Parliament were interviewed and compared with a group of their colleagues from the national parliaments. It turned out that the members of the European Parliament had increased their expertise on European integration, but that their emotional attitude towards it had not changed. This outcome may be accounted for by a possible auto-selection by the members of the European Parliament who may have been strong supporters of the Community even before they entered the European Parliament.

Peter W. Schulze, "Zum Integrationsansatz von K. W. Deutsch—Versuch einer Kritik aus Marxistischer Sicht", 14 *Politische Vierteljahresschrift* 1973, 67-84.

Sir Kenneth Younger, "Europa im neuen System der Mächte", 24 *Aussenpolitik* 1973, 35-49.

IV. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

Hans Bachmann, "Der europäische Integrationsprozess in universeller Sicht", 27 *Aussenwirtschaft* 1972, 241-249.

Daniel Colard, "Réflexions sur la construction de l'Europe", 25 *Chronique de Politique étrangère* 1972, 573-588.

Frank Deppe, "Fünfzehn Jahre EWG", 18 *Blätter für Deutsche und Internationale Politik* 1973, 4-9.

Deringer and Sedemund, "Europäisches Gemeinschaftsrecht: Die Entwicklung bis Januar 1973", 26 *N.J.W.* 1973, 408-412.

Per Fischer, "Europa im Uebergang von wirtschaftlicher zu politischer Einheit. Rückblick und Vorschau nach einem Vierteljahrhundert europäischer Politik", 28 *E.A.* 1973, 95-104.

A. Fontigny, "Commission consultative des barreaux des pays des Communautés européennes", 87 *J.T.* 1972, 516.

Konrad Zweigert, "Das grosse Werk Ipsens über Europäisches Gemeinschaftsrecht", 7 *EuR.* 1972, 308-323.

2. Institutional

Roland Bieber, "Das Parlamentarische Misstrauensvotum in den Europäischen Gemeinschaften", 26 *N.J.W.* 1973, 405-408.

C. D. Ehlermann, "Problèmes institutionnels actuels de la Communauté", 8 *Cah.dr. europ.* 1972, 255-271.

Ehlermann puts forward some proposals to improve the process of decision-making in the Communities. These proposals were intended for immediate realization, i.e. during the Paris summit of October 1972. As we now know, the summit has taken no decision whatsoever on institutional matters. Neither do recent developments give much reason for hope that Ehlermann's proposals (which included among others the reinstatement of majority decisions in the Council, more delegation of executive powers to the Commission and a larger political role for the European Parliament) will be realized in the near future.

Karel van Miert, "Benoeming van voorzitter en leden van de Europese Commissie", 26 *Internationale Spectator* 1972, 1678-1701. See for English version of this article, 10 *C.M.L.Rev.* 1973, 257.

Articles 11 and 14 of the Merger Treaty provide for the appointment of the members of the Commission and the election of its President and Vice-Presidents. The author contrasts these provisions with the way in which members are appointed and the President elected in practice.

Jean Rey, "La Commission des Communautés européennes. La Commission des Quatorze", 18 *European Yearbook* 1970, 3-28.

The former President assesses the accomplishments of the European Commission 1967-70. This Commission clearly had a transitory character. Out of three Commissions of three Communities totalling twenty-three members finally one Commission (nine members) for one Community had to be shaped. The fourteen-member Commission considered it to be its main task to guide the Communities towards a successful conclusion of the transitional period (1958-70).

Ulrich Scheuner, "Bestandsaufnahme und Prognose zur Fortentwicklung des Europäischen Parlaments", 3 *Zeitschrift für Parlamentsfragen* 1972, 497-515.

After a survey of the institutional development within the European Communities, Scheuner arrives at the conclusion that it remains impossible to strive for long-term goals, such as institutions organized along federal lines. Only short-term improvements based on the EEC Treaty may be implemented with some measure of success.

Especially the accession of three new members and the establishment of the Economic and Monetary Union will make such improvements almost inevitable. The Vedel report may serve as a reservoir of ideas in this respect. Some of its ideas have already been espoused by the Commission in its proposal of May 25, 1972. But their realization still may take a long time and may need considerable effort.

3. Court of Justice

J. Amphoux, "Chronique de jurisprudence de la Cour de Justice des Communautés européennes (18 août 1971-15 juillet 1972)", 8 *Cah.dr.europ.* 1972, 487-543.

Christof von Arnim, "Die Vertragsschlusskompetenz der Europäischen Wirtschaftsgemeinschaft in der Rechtsprechung des Europäischen Gerichtshofes", 18 *A.W.D.* 1972, 215-221.

Paolo Fois, "La problematica degli accordi degli stati membri nella sentenza della Corte di Giustizia della Comunità Europea del 31 marzo 1971", 8 *Rivista di diritto internazionale privato e processuale* 1972, 432-449.

These two articles are annotations on the so-called *AETR* case (Case 22/70, *Commission v. Council*).

L. de Grijse and L. van Slycken, "Europees recht: rechtsbescherming. Overzicht van de rechtspraak 1968-1970", 9 *T.P.R.* 1972, 268-328.

A survey of the jurisprudence of the Court of Justice on judicial remedies 1968-70.

Mark van Hoecke, "Enkele opmerkingen over de interpretatie van economische begrippen door het Hof van Justitie van de Europese Gemeenschappen", 36 *R.W.* 1972, cols. 289-296.

The author tries to find an explanation for the imprecise character of the economic concepts in European anti-trust law. By analysis of a number of judgments by the Court of Justice a clarification of these concepts is attempted.

J. V. Louis, "Des primes à l'abattage des vaches et de l'applicabilité directe du droit communautaire", 8 *Cah.dr.europ.* 1972, 325-347.

Case note, case 91/71 (*Orsolina Leonesio v. Italy*).

Gert Nicolaysen, "Der Gerichtshof—Funktion und Bewährung der Judikative", 7 *EuR.* 1972, 375-390.

The Court of Justice has frequently been blamed for taking political decisions; in this respect it does not differ from other constitutional courts. Nicolaysen is of the opinion that the Court should give a teleological interpretation of Community Law so that the EEC may continue to function and integration may proceed. Gaps in Community Law should be filled by comparative evaluation of the legal orders of the member States. The best solution to be adopted is the one most according with the goals of the Community treaties. Thus the Court clearly has a legislative role to play, but at the same time it must take into account certain political and legal limits. Some of the

future problems for the Court will be: the confrontation with the common law; cases on policies which are not provided for in the treaties, *e.g.* social and industrial policies; finally a broader interpretation of the provisions concerning judicial remedies.

Joël Rideau, "Jurisprudence de la Cour de Justice des Communautés européennes (2e trimestre 1972)" (1972) R.M.C., No. 159, 728-747.

David Ruzié, Case note, case 48/71 (*Commission v. Italy*), 8 Rev.trim.dr.europ. 1972, 670-677.

Case concerning export tax on works of art.

Alfred Wolf, "Das Ausführungsgesetz zu dem EWG-Gerichtsstands- und Vollstreckungsübereinkommen", 26 N.J.W. 1973, 397-401.

5. Relationship between Community Law and national law

Hans Arnold, "Ist Artikel 34 des EWG-Gerichtsstands und Vollstreckungsübereinkommen mit Artikel 103 Abs. 1 GG vereinbar?", 18 A.W.D. 1972, 389-392.

V. O'Donovan, "EEC regulations and national constitutions" (1972) 122 New L.J. 956-959.

R. C. van Houten and F. H. M. Possen, "Nederlandse jurisprudentie betreffende de totstandkoming van een Europese economische orde", 21 S.E.W. 1973, 63-113.

R. H. Lauwaars, H. G. Lyklema and M. J. Kuiper, "De Nederlandse jurisprudentie met betrekking tot de algemene leerstukken van het recht der Europese Gemeenschappen", 21 S.E.W. 1973, 3-38.

J. M. M. Tromm (ed.), "Nederlandse jurisprudentie betreffende de totstandkoming van een Europese economische orde", 21 S.E.W. 1973, 113-134.

P. VerLoren van Themaat, "Rechtspraak over de problemen in verband met de opbouw van een Europese economische orde", 21 S.E.W. 1973, 134-211.

Gert Meier, "Die Europäische Rechtsprechung zu den allgemeinen Problemen der politischen und rechtlichen Integration", 26 N.J.W. 1973, 922-926.

In May 1973 the "Fédération Internationale pour le Droit Européen" held its sixth Conference in Luxembourg. The theme of this Conference was "European jurisprudence after twenty years of Community experience". The first three articles cited above contain the three Dutch reports to the conference. Lauwaars *et al.* treat the general doctrines of Community Law as interpreted by Dutch courts while Van Houten and Possen are concerned with the realization of a European economic order and the contribution of the Dutch courts. Tromm restricts himself to cases on free movement of persons and social problems. The article by VerLoren van Themaat is his general report to the Conference. Meier reviews the German report on the application of the general doctrines by municipal courts written by Professor Carstens. All reports to the Conference contain extremely valuable collections of municipal and Community case law on the European Community treaties. The official publication of these twenty-four reports should be eagerly expected.

Frans du Pré and Gertrud Steiner, "Enforceable Community Right in de Britse rechtsoorde. Een stukje Britse folklore", 22 A.Ae. 1973, 65-77.

A short survey of the theoretical problems involved in the direct applicability of Community Law within the British legal order and their practical solution in the European Communities Act 1972.

Gerold Schmidt, "Durchführungsvorschriften zum gemeinschaftlichen Aussenwirtschafts-Verwaltungsrecht", 26 N.J.W. 1973, 402-405.

A treatment of the German measures of implementation of Community policy on trade with non-member countries.

I. G. Torley Duwel, "Communautaire Medebewind" (1973) N.J.B. 189-198.

Georges Vandersanden, "Primauté du droit communautaire sur le droit national (un arrêt de la Cour de Cassation de Belgique)", 24 Rev.int.dr.comp. 1972, 847-858.

This article contains a commentary on the so-called *Le Ski* judgment of the Belgian Court of Cassation of May 27, 1971.

6. Adhesion

Geoffrey Howe, "The European Communities Act 1972", 49 *International Affairs* 1973, 1-13.

A survey (and a defence) of the European Communities Act. The author pays special attention to the solution found for the problem of direct applicability of Community Law, to the sovereignty of Parliament and to the difficulties concerning the implementation of directives.

Walter Much, "Rechtliche Grundsatzfragen zur Erweiterung der Europäischen Gemeinschaften", 7 EuR. 1972, 324-340.

This is a treatment of the principles of accession to the European Communities in general (instruments, procedures) as well as of the actual accession by three new members in January 1973. As far as the latter is concerned the article comments on: the automatic extension of Community Law to the new member States; the incorporation of Community Law within the legal orders of the new member States; the adjustment of the Community treaties and secondary Community Law; and the transitional legal provisions.

Klaus Otto Nass, "Die erweiterte Gemeinschaft zwischen Identität und Wandel", 26 N.J.W. 1973, 393-397.

Viewed from a formal standpoint the identity of the European Communities has remained the same after accession. The preconditions maintained during the negotiations about accession—e.g. acceptance of the "*acquis communautaire*", restriction to technical adjustments of Community Law—have taken care of this. However, the material changes effected—e.g. larger Council, reorganization of the Commission, introduction of the common law—may in the long run exert considerable influence and in fact may lead to a "different Community".

Torkel Opsahl, "Le non norvégien" (1972) R.M.C., No. 159, 715-720.

Michael Stewart, "Now We Are In, What Are We Going to Do?" (1973) 44 *The Political Quarterly* 1-8.

7. Association

J. Westhoff, "Het Associatiebeleid van de Europese Gemeenschappen", 27 *Internationale Spectator* 1973, 149-155.

A short description of the Association and its institutions and an analysis of the problems that will arise when the number of associated States are increased.

C. EUROPEAN ECONOMIC COMMUNITY

2. *Customs Union*

C. J. Berr, "L'union douanière (chronique)", 9 Rev.trim.dr.europ. 1973, 77-86.

Jacques Mégret, "L'aménagement des monopoles français en exécution de l'article 37 du traité constituant la CEE", 8 Rev.trim.dr.europ. 1972, 558-577.

3. *Agriculture*

Colette Mégret, "L'élargissement des Communautés européennes et la politique agricole commune (chronique)", 8 Rev.trim.dr.europ. 1972, 752-765.

E. Peyroux, "Problèmes juridiques de la pêche dans le Marché commun", 9 Rev.trim.dr.europ. 1973, 6-64.

The article gives a survey of the Council regulations on fish products. The first regulation is concerned with establishing a common regime for the markets of fish products. The most important provisions regulate the free access by subjects of the Community to fishing grounds which fall under the jurisdiction of member States. These provisions are extensively commented upon and ample attention is paid to the international agreements that preceded the regulation. The second regulation tries to establish a common structural policy in the fisheries sector of the economy. The provisions of the regulation are compared to the socio-economic circumstances which made this structural policy necessary. Unfortunately the article is not very well organized and the conclusions remain somewhat vague.

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

Claude Degand, "Le Marché Commun, le Cinéma et les Syndicats" (1972) R.M.C., No. 158, 663-670.

K. R. Simmonds, "Immigration Control and the Free Movement of Labour: A Problem of Harmonisation", 21 I.C.L.Q. 1972, 307-319.

6. *Transport*

R. Rodière and A. Chemel, "Transports. Mise en place générale du droit communautaire des transports (années 1970 et 1971)", 8 Rev.trim.dr.europ. 1972, 766-775.

7. *Competition*

Marly Grünning, "Die Anwendbarkeit der Wettbewerbsregeln des EGKS-Vertrages in der erweiterten Europäischen Gemeinschaft und den Ländern der Freihandelszone", 23 W.u.W. 1973, 173-178.

René Joliet, "Der Begriff der missbrauchliche Ausnutzung in Art. 86 EWG-Vertrag", 8 EuR. 1973, 97-123.

This is a critical analysis of the *Continental Can* judgment. Joliet is of the opinion that Article 86 has not been intended for the kind of merger control as envisaged in that judgment. Moreover, he criticizes the decisions of the Commission concerning GEMA, ZOJA and the European sugar cartel. In these decisions the industries concerned are considered to abuse their dominant position when their actions contribute to eliminating competition. Joliet argues that this cannot be subsumed under the concept of "abuse" in Article 86; at most it amounts to exploitation of consumers. In his opinion, not only should a comprehensive control on horizontal, vertical and conglomerate mergers be

instituted, but also a prohibition of monopolization similar to the one in section 2 of the Sherman Act should be introduced.

F. A. Mann, "The Dyestuffs Case in the Court of Justice of the European Communities", 22 I.C.L.Q. 1973, 35-50.

Kurt Spormann, "Förderung europäischer Spezialisierungskartelle", 23 W.u.W. 1973, 165-173.

The author, a civil servant of the EEC Directorate-General for competition, gives an analysis of the regulation of December 1972, which declared Article 85 (1) inapplicable to specialization agreements (category exemption: Art. 85 (3)).

Paul de Vroede, "Een selectief distributiesysteem in het licht van het Europees economisch recht", 36 R.W. 1972, cols. 785-794.

A comment on the so-called "*Omega* decision" of the EEC Commission.

10. *Economic and monetary policy*

Henri F. Simonet, "Naar de tweede etappe van de economische en monetaire unie", 27 *Internationale Spectator* 1973, 203-207.

An analysis of the problems involved in the transition to the second stage of the Economic and Monetary Union. The interdependence of EMU, the international monetary reform and the talks with the United States about trade and Atlantic defence are discussed.

11. *Regional policy*

Hugh M. Begg and J. Allan Stewart, "Britain and EEC Regional Policy" (1973) 44 *The Political Quarterly* 58-69.

Survey of the results of and future plans for an EEC regional policy.

13. *Commercial policy*

Paul Bähr, "Handel und Händel zwischen Ost und West", 28 E.A. 1973, 173-182.

A treatment of the prospects and problems in the trade between the EEC countries (old Six) and State trading countries. As from January 1, 1973, member States of EEC can no longer conclude separate trade agreements with third countries. What will be the consequences of this for trade with the COMECON countries? The latter organization lacks the competence to act for its members. It has been suggested, therefore, to have any agreements between Eastern European countries and EEC registered with COMECON. Bähr himself adds some other possible forms of co-operation. Apart from co-operation between corporations he mentions co-operation between EEC and COMECON members within international organizations, for instance within the ECE and GATT. If it turns out to be impossible to conclude firm agreements, the EEC may take unilateral measures for trade with Eastern Europe.

Gérard Léonard and Denys Simon, "Les relations préférentielles de la C.E.E. (chronique)", 8 *Rev.trim.dr.europ.* 1972, 604-669.

16. *Company law—Bankruptcy law*

B. J. van de Graaf, "Enige beschouwingen omtrent het voorstel voor een vierde richtlijn voor de jaarrekening van kapitaalvennootschappen", 50 N.V. 1972, 121-128.

Some important highlights of the draft fourth directive concerning company law (annual report) are subjected to critical analysis. The draft directive is

compared to the new Dutch Act on the annual report of companies and a number of basic differences are spotted.

H. C. J. G. Janssen, "De structuurrichtlijn voor de NV", 50 N.V. 1972, 134-138.

The author gives a general outline of the draft fifth directive concerning company law (structure of the limited company). If implemented, the directive will give rise to important changes in Dutch company law.

P. Kravaritou-Manitakis, "Le régime juridique de la participation dans la Société Anonyme européenne. Pour son émancipation à l'égard du droit allemand", 8 Cah. dr.europ. 1972, 299-324.

A description of the provisions on labour participation in the European Company. The author argues that in some respects they are inadequate. The drafters have relied too much on the German model which probably will not be always applicable or effective in the rest of the Community.

R. Ledoux, "La société anonyme européenne et l'état présent du droit communautaire des sociétés", 87 J.T. 1972, 513-515.

C. Ae. Uniken Venema, "De erkenning van buitenlandse vennootschappen volgens het 'EEG-Erkenningsverdrag' tegen de achtergrond van de Nederlandse 'structuurwetgeving'", 50 N.V. 1972, 113-121.

Jean Virole, "Formes juridiques de la collaboration des entreprises publiques dans le cadre de la politique industrielle de la Communauté", 8 Rev.trim.dr.europ. 1972, 735-751.

Public (State-owned) companies have an important role to play in the industrial policy of the EEC. Even so they will have to adjust to the larger framework in which industrial policy will be conducted in the future. This will necessitate co-operation with other public and private companies. Such co-operation on national as well as on international level is already under way and a number of obstacles have been cleared, but many difficulties remain to be solved. The author shows how presently existing legal constructions make such co-operation possible. Nevertheless they do not quite meet the needs and, therefore, new legal structures such as the European Company, the "Groupe-ment d'Intérêt Economique" (GIE) and the Joint Undertaking (Euratom Treaty, Art. 45) are necessary. According to Virole one should even go further and totally overhaul the structure of the public company by establishing European public companies and European utility companies.

18. *Industrial property*

Willy Alexander, "La licence exclusive et les règles de concurrence de la CEE", 9 Cah.dr.europ. 1973, 3-19.

Alexander examines to what extent exclusive licensing agreements are subject to the rules on competition of the EEC Treaty. Originally the Commission decided that this was not the case. This decision has been criticized in the past by Alexander himself and by Koch, who argued that only an exclusive licensing agreement which juridically and economically could be equated with a transfer of rights was not subject to the EEC competition rules. Then the author reviews the decisions of the Commission in the cases of *Burroughs* and *Davidson Rubber*. These decisions provide that an exclusive licensing agreement may fall under the ambit of Article 85 (1), but may also qualify for an exemption ex Article 85 (3). These decisions lead to the conclusion that the so-called "Christmas message" of 1962 has been superseded. The Commission should make this explicit as quickly as possible. Finally the author pleads for a category exemption for exclusive licensing agreements.

W. Blumenberg, "Die ältere Anmeldung im künftigen europäischen Patentrecht" (1972) G.R.U.R.Int. 261-268.

Paul Demaret, "Circulation des produits et loi uniforme Bénelux sur les marques", 8 Rev.trim.dr.europ. 1972, 523-557.

The author is a proponent of an interpretation of Article 33 and Article 13 of the Benelux uniform law of trade-marks which will make an appeal to Article 85 EEC Treaty in order to admit parallel imports of products protected by the uniform law unnecessary. He considers the experiences with the Benelux uniform law in this respect to be very valuable and relevant to a possible future regulation of trade-marks on EEC level. In his opinion, the *Sirena* judgment of the European Court of Justice to a certain extent constitutes a danger to trade-mark law.

John Drysdale, "EEC Industrial Property Rights" (1972) 122 New L.J. 873-875.

Dennis Thompson, "The Draft Convention for a European Patent", 22 I.C.L.Q. 1973, 51-82.

Thompson gives a systematic survey of the realization of the draft for the Convention for a European Patent. Next to the discussion of several important subjects from the Convention, e.g. patentability, accessibility of the Convention for applicants from non-party States, patents by employees and the location of the European Patent Office, he also pays attention to the development of international patent conventions, for instance the Patent Co-operation Treaty and the Convention for the Community Patent, and to the course and procedure of the negotiations. Thus the article is of general interest and people who are not expert in the field of patents may well profit by reading it, too.

19. External relations

Kurt Birrenbach, "Partner oder Rivalen? Das Verhältnis zwischen den Vereinigten Staaten und Westeuropa", 28 E.A. 1973, 77-84.

Alfred Bosshardt, "Der Brückenschlag zwischen EWG und EFTA", 27 *Aussenwirtschaft* 1972, 264-274.

Ralf Dahrendorf, "The Foreign Policy of the EEC", 29 *The World Today* 1973, 47-57.

This is an abridged version of a speech made on December 1, 1972, for a conference on the external relations of European Communities after accession. Dahrendorf defends the idea of a Mediterranean policy for EEC and he also touches upon the coming trade negotiations within the GATT, the reform of the international monetary system and the relationship between EEC and USA. He elaborates on what, in his opinion, should be the leading principles (*in dubio pro communitate; in dubio pro libertate*) for the EEC during the European Conference on Security and Co-operation.

Ralf Dahrendorf, "Zoveel te doen, zo weinig volbracht", 27 *Internationale Spectator* 1973, 3-8.

The same subjects are treated as in the previous article.

Jürgen Fischer *et al.*, "Oekonomische und politische Widersprüche im Verhältnis zwischen EWG und USA I und II", 18 *Blätter für Deutsche und Internationale Politik* 1973, 237-254 and 483-498.

The article begins with an historical survey of the birth and development of EEC and the evolution in the American standpoint *vis-à-vis* this phenomenon. Next the problems of the American export of capital to EEC and transatlantic

trade relations are reviewed. Finally, the article gives a survey of the points of difference between EEC and USA, e.g. agricultural policy, preferences and the consequences of accession. The article is written from a Marxist point of view.

M. Jager, "Die sogenannte Entwicklungsklausel in den Abkommen der EWG mit den Rest EFTA-Staaten insbesondere der Schweiz", 27 *Aussenwirtschaft* 1972, 323-339.

Mario Levi, "La C.E.E. et les pays de la Méditerranée", 37 *Politique Etrangère* 1972, 801-820.

Survey of the plans of the European Commission for a Mediterranean policy and of their treatment in the Council of Ministers in November 1972. Review of the political and economic aspects of the projected policy.

H. W. Popp and U. Hermann, "Die schweizerische Landwirtschaft und die EWG", 27 *Aussenwirtschaft* 1972, 340-354.

J. P. Pronk, "Naar een geïntegreerd Europees Ontwikkelingsbeleid", 27 *Internationale Spectator* 1973, 166-173.

The author, presently State Secretary for Development Assistance in the new Dutch Government, poses the question whether, and to what extent, a further integration of European development policy may be able to contribute to an international development co-operation, which will combine a maximum amount of aid with an optimum efficiency of decision-making. He is very critical of the present European development policy, especially of its almost exclusive concentration on Africa and of the role of the association. He therefore rejects proposals for a further harmonization of development policy within the Community and for a transfer of authority in this area to the Community level.

H. J. Tieleman, "De Derde Wereld en de uitbreiding van de EEG", 27 *Internationale Spectator* 1973, 156-165.

A critical analysis of the consequences for world trade of the accession by the United Kingdom, Ireland and Denmark to EEC. Special attention is paid to the situation in which the less-developed countries of the Commonwealth find themselves and the alternatives they face in their relation to EEC. Finally the author gives an outline of the procedure of negotiations that should be followed between EEC and the less-developed countries.

D. EURATOM

Emm. Libbrecht, "Les caractères essentiels des entreprises communes de l'Euratom selon le titre II, chapitre V du Traité instituant la CEEA", 7 *Rev.trim.dr.europ.* 1971, 623-686.

VI. COUNCIL OF EUROPE

a. General

A. H. Robertson, "Relations between the Council of Europe and the United Nations", 18 *European Yearbook* 1970, 80-117.

A discussion of the development of the relations between the Council of Europe and the United Nations. These have been intensified during the last few years. In 1965 the then Secretary-General of the UN, U Thant, visited the Council; later on there were frequent visits by the Presidents of the General Assembly. Moreover, the Council maintains frequent contacts with some specialized agencies of the UN (UNESCO, WHO and FAO) and it has permanent

missions with ECOSOC and UNCTAD. Robertson, however, wants to make the bonds even tighter. He pleads for a UN observer status for the Council similar to OAS and OAU, as well as for a permanent mission with the UN in New York.