

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.

V. EFTA

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
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 International 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

C. Fred Bergsten, "Die amerikanische Europa Politik angesichts der Stagnation des Gemeinsamen Marktes", 29 E.A. 1974, 115-122.

Through the use of economic data the author tries to show that Germany has a preponderant position in Europe and that a DM-zone is evolving in Europe. Because of its present stagnation, the EEC can no longer be the driving force in Europe. Therefore, American policy must concentrate on relations with Germany.

"Between Sovereignty and Integration", 9 *Government and Opposition* 1974, No. 1.

A collection of papers prepared for the Ninth IPSA Worldcongress in Montreal, August 1973. Among the authors are Max Beloff, Léon Dion, Karl Deutsch, Dennis Kavanagh and Geoffrey Goodwin. The most interesting contribution is D. J. Puchala's who has looked into Europe's posture in world politics. He draws parallels with foreign policies of other integrating or recently integrated federations, such as the U.S. and Germany in the 19th century.

E. Gazzo, "Sécurité de l'Europe et rapports avec les Etats-Unis", (1974) *Problèmes de l'Europe*, No. 63, 7-12.

J. O. Goldsborough, "France, the European Crisis and the Alliance", 52 *Foreign Affairs* 1974, 538-555.

R. Hartmann, "Europa und die Zukunft der NATO", 28 E.A. 1973, 739-742.

Edward M. Kennedy, "Die Atlantische Welt in Krise und Bewährung", 29 E.A. 1974, 269-276.

R. Bodaert, "Unemployment-Inflation Trade-offs in E.E.C.-countries", 109 *Weltwirtschaftliches Archiv* 1973, 418-452.

Andrew J. Pierre, "What happened to the Year of Europe?", 30 *World Today* 1974, 110-119.

A survey of developments concerning the "Year of Europe" as proclaimed by Kissinger. It is remarkable that the author—notwithstanding the present discord within the EEC—still sets great store by the so-called European identity which according to him has reasserted itself during the past year. (Translation in 29 E.A. 1974, 131-140.)

Hans O. Schmitt, "International Monetary System: Three Options for Reform", 50 *International Affairs* 1974, 193-210.

II. INTEGRATION, GENERAL LEGAL ASPECTS

D. H. M. Meuwissen, "Constitutionele problematiek in West-Europa", 13 *Civis Mundi* 1974, 89-110.

The author subjects the concept of a "constitution" to analysis. He follows Kant in regarding the realization of liberty as the basic task of a constitution. In his further development of this thesis, however, he departs from the Kantian approach. He points out some recent problems which cannot be solved through classical constitutional techniques. The function of a constitution may vary with time and place, but the realization of liberty remains essential. Research into this central theme should be the task for a new discipline: European constitutional law.

A. Mulder, "Handhaving van Europees economisch recht", *Speculum Langemeijer*, 31 *Rechtsgeleerde opstellen* (Zwolle 1973), 345-364.

Do the European treaties, and the EEC-treaty in particular, contain articles which provide for sanctions in case of contraventions? Only a few, it turns out. Can sanctions be imposed only by virtue of these provisions or is there a general competence to do so? Mulder defends the latter position. But even then European economic law is difficult to enforce, since the number of sanctions is very limited (no prison sentences for instance). A federal criminal code for Europe is not yet feasible. So the national criminal codes will have to be adapted in order to cope with their European task. This could be done by way of a treaty comparable to the Benelux treaty on cooperation in criminal matters of 1969.

Joël Rideau ed., "Legal Aspects of Economic Integration", *Colloquium 1971 Hague Academy of International Law*.

This colloquium contains four papers on the legal aspects of economic integration in Africa, Latin America, the EEC and Eastern Europe. The contribution on the EEC is by Rideau himself and gives a survey of the sources of Community Law and of Community institutions in their relation to the national legal orders of the member States. The second half of the volume sets out the interventions by the rapporteurs and participants in the colloquium.

III. INTEGRATION, TECHNOLOGICAL ASPECTS

J. B. Mennicken, "Das Aktionsprogramm der Europäischen Gemeinschaften für die Wissenschafts- und Technologiepolitik", 29 E.A. 1974, 335-343.

Dieter Schumacher, "Forschungs- und Technologiepolitik der Europäischen Gemeinschaft: Gedanken zur Ueberwindung der herrschenden Dauerkrise", 29 E.A. 1974, 123-133.

IV. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

Hans Apel, "Europa am Scheideweg", 29 E.A. 1974, 99-104.

D. Astor, "The alternatives ahead", 11 *Atlantic Community Quarterly* no. 2, 222-228.

Georges Bidault, "Europe Européenne ou Europe Atlantique", 76 R.P.P. 1974, 9-21.

Henri Brugmans, "De Europese Gemeenschap op het nulpunt", 28 *Internationale Spectator* 1974, 117-121.

Maurice Delarue, "Frankreich—Für ein Europäisches Europa", 25 *Aussenpolitik* 1974, 134-146.

Frank Deppe, "Die Europäische Gemeinschaft in der 'Stagnation'", 19 *Blätter für Deutsche und Internationale Politik* 1974, 33-48.

A. Deringer and J. Sedemund, "Europäisches Gemeinschaftsrecht: Die Entwicklung bis Januar 1974", 27 N.J.W. 1974, 400-405.

A. Frisch, "Quelle Europe?", (1974) *Problèmes de l'Europe*, No. 63, 75-80.

F. Hartog, "Sanering van de Europese Gemeenschap", 59 E.S.B. 1974, 520-522.

L. J. Lagendijk, "Plaats en taak van Frankrijk in de Europese Gemeenschap", 13 *Civis Mundi* 1974, 123-126.

C. Lutz, "Das unmündige Europa; Bilanz eines Krisenjahres", 29 E.A. 1974, 1-8.

The author points out that many tasks enumerated in the final communiqué of the Paris summit were never fulfilled by the Communities. The Copenhagen summit also failed to get the Communities going again.

Walter Scheel, "Europa am Scheideweg", 25 *Aussenpolitik* 1974, 123-133.

Altiero Spinelli, "Les conditions d'une relance de la Communauté", 17 *Annales du Marché Commun* 1974, No. 2, 21-26.

A plea for the democratization of Europe. The task of drafting a treaty for a European Union should be given to the European Parliament as a constituent assembly.

2. Institutional

G. Bordu, "Parlement Européen; l'activité des Députés Communistes", (1974) *Cahiers du Communisme*, No. 2, 94-102.

In June 1973 the French communists were represented for the first time in the European Parliament. In October of the same year they were able for the first time to form a caucus with communist representatives from other countries. This article treats the attitude of the communist delegates *vis-à-vis* the EEC.

P. N. Brush, "Permanence of Powers: Commission of the European Communities v. France", 4 *Cal. Western International Law Journal* 1974, 43-60.

P. van der Burgh, "Delegatieverkiezingen voor het Europese Parlement", 23 *A.Ae.* 1974, 77-85.

A short treatment of the way in which the Dutch delegation to the European Parliament is designated. The current procedure is reviewed, followed by a critical examination of two members bills presently pending before the Lower House.

M. H. Davies, "Works Councils in the EEC", 124 *New Law Journal* 1974, 34, 150-152.

H. G. Krenzler, "Die Rolle der kabinette in der Kommission der Europäischen Gemeinschaften", 9 *EuR.* 1974, 75-79.

A review of the operations of the cabinet, whose task it is to assist each member of the Commission.

J.-C. Leygues, "La Commission de contrôle des Communautés Européennes", (1974) *R.M.C.* No. 172, 59-67.

An analysis of the proposal of the Commission to institute a European Audit Office. A comparison with the existing audit commission brings out the enormous differences in powers.

M. R. Pourvoyeur, "L'office des publications officielles des Communautés européennes", (1973) *R.M.C.* No. 171, 380-385.

W. A. Proctor, "The European Parliament", 54 *The Parliamentarian* 1973, 71-78.

H. Schmitt von Sydow, "Die Zusammenarbeit nationaler und europäischer Beamter in den Ausschüssen der Kommission", 9 *EuR.* 1974, 62-75.

This is a good survey of the organization of the various committees composed of national civil servants and members of the Commission's staff. Advantages and disadvantages of this kind of cooperation are given for both groups and a final evaluation of the functioning of these committees is made.

Avi Shlaim, "The role of summitry in EEC decision-making", (1974) *International Relations* 455-471.

After a factual recapitulation of the summit conferences held in the past, the author looks at their place in the Community system and their relation to Community institutions. He distinguishes two kinds of summit conferences. The first type is being held within the framework of the Community and is concerned with its internal problems. The other kind is part of the political cooperation among member States. The author thinks a summit can be useful to a certain extent. In the short run it can bridge the gap between the machinery for the coordination of foreign policy and the Community. In the long run summit conferences may be able to stimulate convergence and integration. (Translation in: 28 *Internationale Spectator* 1974, 325-336.)

3. Court of Justice

J. A. Borman, "Het Benelux-Gerechtshof", 23 A.Ae. 1974, 222-227.

On January 1, 1974 the treaty concerning the Benelux Court of Justice came into force. Statute, procedure and task of this new court are treated. The author also pays attention to its relationship with the Court of Justice of the European Communities. While most of the work of the latter court is in the field of administrative law, the Benelux court will be concerned principally with the application of criminal and civil law.

I. S. Blackshaw, "European Communities Court — to refer or not to refer?", 124 *New Law Journal* 1974, 549-550.

W. Duk, "Het Benelux-Gerechtshof", 22 S.E.W. 1974, 83-92.

P. Eeckman, "B.R.T. tegen Sabam", 37 R.W. 1974, 2320-2333.

Case note, Case 127/73 (*B.R.T. v. Sabam*).

L. Goffin, "Vingt ans de jurisprudence européenne", 26 *Rev. int. dr. comp.* 1974, 21-32.

This is the final address to the 6th FIDE-Conference at Luxemburg. The most important characteristics of the Community legal order are recalled and a sketch is given of the development of a European economic order as evidenced by the decisions of the Court.

Chr. Heinze, "Zur Vereinbarkeit des Investitionszulagen Gesetzes 1969 mit dem EWG-Subventionsverbot", 20 A.W.D. 1974, 128-130.

Case note, Cons. Cases 120-122/73 and Case 141/73 concerning the interpretation of Articles 92 and 93 of the EEC Treaty (State aids).

R. H. Lauwaars, Case note, Case 48/72 (*Brasserie de Haecht v. Wilkin & Janssen*), 23 A.Ae. 1974

Lord Mackenzie Stuart, "La Cour de Justice des Communautés européennes et le controle de pouvoir discrétionnaire", 29 *Rev. int. dr. comp.* 1974, 61-72.

A very interesting British view of the case law of the European Court. The author establishes a connection between Article 173 EEC and British administrative law and reviews various decisions of the Court on protective measures under Article 226 EEC from a common law perspective.

M. Maresceau, "De ontvankelijkheid van een beroep tot nietigverklaring van een communautaire handeling naar aanleiding van een beroep door een particulier ingesteld bij het Hof van Justitie van de Europese Gemeenschappen", 37 R.W. 1974, 2239-2256.

A comprehensive review of the case law of the Court of justice concerning Article 173, para. 2 EEC.

G. Nicolaysen, Case note, Case 9/73, 9 *EuR* 1974, 36-51.

P. Pescatore, "Rôle et change du droit et des juges dans la construction de l'Europe", 26 *Rev. int. dr. comp.* 1974, 15-19.

Text of the opening address to the 6th FIDE-conference at Luxemburg. Two

aspects of the role of the Court of Justice are touched upon: its prominent place in the Community system and the response of the national courts to the case law of the Court.

H. G. Schermers, Case note, Cons. Cases 21-24/72 (*International Fruit Company v. Produktschap voor Groenten en Fruit*), 23 A.Ae. 1974, 55-64.

5. Relationship between Community Law and National Law

J. Barmann, "Catégories et autonomie du droit communautaire", 26 Rev. int. dr. comp. 1974, 33-60.

Community Law is looked at from the viewpoint of the autonomy of its legal order. This autonomy is apparent not only from the powers of the Community institutions, but also from the sources of Community Law. This interesting viewpoint leads the author into some speculations of a comparative nature, which may be original, but may not always be correct. Thus he argues, for instance, that Article 90 EEC carries direct effect.

Sergio M. Varbone, "'Affari comunitari', competenze dello Stato e partecipazione regionale", 10 *Rivista di diritto internazionale privato e processuale* 1974, 58-68.

This article is concerned with the question to what extent the Italian regional units should participate in the execution and assimilation of Community decisions within the Italian legal order.

E. van Cauwelaert, "De juridische aard van de Europese Gemeenschappen", 37 R.W. 1974, 1297-1317.

The decision of the Belgian *Cour de Cassation* in the so-called Le Ski case (May, 27 1971) is compared with the case law of the European Court of Justice and of certain other national courts. Attention is paid mainly to the arguments which support the primacy of Community law.

P. D. Dagtoglou, "European Communities and Constitutional Law", 32 *Cambridge Law Journal* 1973, no. 2, 256 *et seq.*

The special character of Community Law creates a new situation for the constitutional legal orders of the member States. English constitutional law encounters the special problem that the European Court is wont to base its decisions not only on the clauses of the Treaty *stricto sensu*, but also on the principles and goals of Community Law. The autonomy of the Community has not yet been completed. The problem of democratic rule within the Community should be solved before a European Union can be created.

J. G. Drysdale, J. A. Stephens-Ofner, "The Effect of Entry into the European Economic Community on the Legal Position in Great-Britain", 63 *Revue de Droit Intellectuel* 1973, 2-8.

Rudolf Graupner, "Zur Anpassung des Rechts in Grossbritannien an das Recht der Europäischen Gemeinschaften", 20 A.W.D. 1974, 261-264.

This article deals with two cases of adaptation of British Law to Community Law. The author severely criticizes the way in which the English legislature has restricted the competence of Courts to ask for preliminary rulings.

Valerio Grementieri and Cornelius Joseph Golden Jr., "The United Kingdom and the European Court of Justice: An Encounter between Common and Civil Law Traditions", 21 A.J.C.L. 1974, 664-690.

The authors review those aspects of the organisation of the Court of Justice, its procedure and its jurisdiction which may give rise to interesting developments now that Great-Britain has acceded to the EC. Thus the following subjects are treated: the dissenting opinion, the Advocate-General; the problems which arise when barristers and/or solicitors appear before the Court; the basis of the Court's decisions in administrative cases and the problems to which the preliminary ruling may give rise within the British legal order in connection with the principle of "*stare decisis*" as well as in relation to the question which are the Courts in Britain against whose decisions there is no judicial remedy within the meaning of Art. 177.

Robert Kovar, "L'applicabilité directe du droit communautaire", 100 Journ. dr. intern. 1973, 279-296.

Legal protection of individual rights is a central concept in the relationship between Community Law and national law. Direct effect of Community Law is a necessary precondition: its foundation was laid in the *van Gend en Loos* case. Later on the Court has extended this principle in its case law. The author arrives at the conclusion that the doctrine of direct effect has increased the authority of the Court in the short run, whilst in the long run it may be the most effective way to achieve juridical integration.

F. A. Trindade, "Parliamentary Sovereignty and the Primacy of European Community Law", 35 *Modern Law Review* 1972, 375-402.

This article is built on the presumption that the British courts will not accept that the sovereignty of Parliament must yield to the primacy of Community Law. This entails the problem that British Statutes may not be in conformity with existing Community Law and that there is a possibility that Community Regulations carrying direct effect may not be accorded priority over a British Statute. Various authors have devised different solutions for these problems, but no one of them is considered satisfactory by the author. The solution found by the European Communities Act also falls short. The author proposes to nominate a parliamentary committee which will have to decide whether bills pending before Parliament are incompatible with Community Law and whether proposed Community Regulations are contrary to British law. In both cases Parliament should make proposals for changes in or withdrawal of the bills or Statutes concerned. Moreover, the Courts should be obliged to suspend cases in which there is a conflict between British and Community Law and send them to this committee. Again the committee could advise Parliament to change or withdraw the legislation concerned.

6. Adhesion

G. Meier, "Die Beendigung der Mitgliedschaft in der Europäischen Gemeinschaft", 27 N.J.W. 1974, 391-394.

There are no express provisions concerning withdrawal from the Communities in the Treaties. Therefore the author looks at the goals of the Communities for implicit criteria. He makes a distinction between withdrawal, expulsion and dissolution. For all three eventualities there are possibilities in certain circumstances and after certain conditions have been fulfilled.

7. Association

Chr. von Arnim, "Das Verhältnis Guineas zur Europäischen Wirtschaftsgemeinschaft", 20 A.W.D. 1974, 139-141.

The scope of the provisions of Part IV of the EEC treaty reviewed in the light of the decision of the Court of Justice in the Case 147/73.

"Les malentendus à éviter dans les négociations avec les associés et les associables", (1973) R.M.C. No. 166, 247-251.

Roy Lewis, "Europe and the Commonwealth. The Progress of Association", (1974) *The Round Table*, 163-170.

A review of the negotiations conducted so far between the Community and the "associated and associable" States. The latter have been able to arrive at a uniform negotiation position, though there remain some differences of opinion between the francophone countries which put great trust in the existing association and the Commonwealth countries. Reverse preferences will disappear or continue only on a voluntary basis. Indeed the emphasis has shifted from preferences to guaranteed export earnings for the future partners in the Association. The future development of the European Investment Bank and of the European Development Fund as well as the question of reciprocal rights of establishment are still very controversial.

Ernst U. Petersmann, "Struktur und aktuelle Rechtsfragen des Assoziationsrechts", (1973) Z.A.O.R.V. 266-309.

A very good overall review of the law relating to the Association. The following subjects are treated: the international legal structure of the Association; the relationship between the law of the Association and EEC law and the scope of Article 238 of the EEC Treaty. The writer also gives an account of some topical problems: the international legal consequences of the independence of the so-called EAMA-countries, the legal problems inherent in the association as a first step to membership and the technical and financial aid to the associated states.

Kenneth J. Twitchett, "Das Assoziierungsmodell von Jaunde und die erweiterte Europäische Gemeinschaft", 28 E.A. 1973, 749-753.

Daniel Vignes, "La poursuite par la Communauté élargie de la politique d'association avec des pays en voie de développement", 19 *Annuaire Européen* 1971, 95-127.

Vignes starts out with the history of the Association and pays special attention to the way in which Germany and the Netherlands have "broken it open". The resulting of intent of 1963 which indicated the willingness of the Community to arrive at commercial relations equivalent to Association with all developing countries, is viewed as a prologue to the offer to the Commonwealth countries as contained in Protocol 22 annexed to the Act of Accession. Furthermore, the resistance against Association in some Commonwealth countries is analyzed. Vignes regards the EEC position *vis-à-vis* a market regulation for sugar as a test case for its general attitude in the coming negotiations on association.

C. EUROPEAN ECONOMIC COMMUNITY

2. Customs Union

Y. van der Mensbrugghe, "EEG en DDR, het Protocol betreffende de binnenlandse handel van Duitsland en het Basisverdrag van 21 december 1972", 21 S.E.W. 1973, 735-751.

The article begins with a short exposition on the Protocol concerning "inter-German" ("innerdeutsche") trade annexed to the Treaty of Rome. According to this Protocol trade between the G.D.R. and the B.R.D. will be considered internal trade, whilst trade between the G.D.R. and other member States of the Community will be considered external trade of the Communities. There follows a synopsis of the treaty between the two Germanies and an evaluation of its consequences for the interpretation and application of the Protocol. According to its answer to a question by EP-member Vredeling, the Council as yet sees no reason to change the Protocol.

Manfred Zuleeg, "Grundvertrag und EWG-Protokoll über den innerdeutschen Handel", 8 EuR. 1973, 209-226.

3. Agriculture

"Aménagement de la politique agricole commune 1973-1978", (1974) *Les Annales du Marché Commun*, No. 1, 9-17.

J. K. Benti, "Offer and Acceptance", 124 New L.J. 1974, 245-246 and 339-340.

M. van der Heijde, "De landbouwbelastingheffing in het Europa van de Negen, (1973) *De Pacht*, No. 10, 290-323.

A review and analysis of the taxes which are important to agriculture in the member States of the EEC, Norway, Austria, Switzerland and Portugal. The author reaches some conclusion on priority action for ironing out differences between the agricultural tax systems of the various countries.

C. Mégret, "Chronique agricole", 9 Rev. trim. dr. europ. 1973, 715-724.

G. Olmi and J. H. J. Bourgeois, "Les directives sur la réforme de l'agriculture dans la Communauté", 9 Cah. dr. europ. 1973, 511-546.

Just as the article by Mégret, this one is mainly concerned with the Directives of the Council of April 17, 1972. In the first Directive investment subsidies are used as an instrument for modernization of agriculture. The second Directive aims at creating incentives for the liquidation of non-viable farms and structural improvement of other enterprises. The third Directive concerns social and economic information and retraining of farmers. It is essential that those concerned can choose freely and consciously between modernization and liquidation. The authors are of the opinion that these Directives constitute the beginning of a new phase in the common agricultural policy.

W.O.C. thoe Schwartzenberg, "Granen en soja, twistappel tussen EG en VS", 58 E.S.B. 1973, 650-651.

Tullio Treves, "La crisi monetaria davanti alla Corte delle Comunità Europee". 10 *Rivista di diritto internazionale privato e processuale* 1974, 46-57.

On the basis of a number of recent preliminary rulings of the Court of Justice (among which the Cases 5/73, 9/73, 10/73 and 154/73) the author reviews the problems confronting the Community—and the agricultural policy in particular—as a consequence of the international monetary crisis.

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

P. J. W. de Brauw, "Dienstverlening van advocaten in het buitenland en het EEG-verdrag", 37 *R.W.* 1974, 1806-1812.

M. Briquet, "Liberté d'établissement et institutions financières", (1973) *R.M.C.* No. , 463-467.

J. Detienne, "La liberté d'établissement des banques et des autres établissements financiers", (1973) *Revue de la Banque*, 419-439.

The publication of the first directive concerning the establishments of banks and other financial institutions formed the occasion for this general review of the situation with regard to the integration of the right of establishment in this sector.

Guy Levie, "Een etape in de integratie van het Europese verzekeringswezen", (1973) *Bulletin des Assurances*, No. 232, 741-781.

This is an analysis of the first important directive concerning the right of establishment in the field of insurance. The writer also looks into the projected proposals for further directives by the Commission. (An abridged version has appeared in: (1974) *R.M.C.* No. 174, 194-210 under the title "Réalités et perspectives du droit européen des assurances".)

Rolf Wägenbaur, "Où en est la reconnaissance mutuelle des diplômes de médecin dans la C.E.E.", 9 *Rev. trim. dr. europ.* 1973, 426-437.

This is a review of the situation concerning the mutual recognition of university degrees and certificates in the field of medicine. This profession is used by the Commission as some sort of test-case in its policy on establishment. The proposed directives, completed in 1969, have never been acted upon by the Council because of a host of problems (some of them related to the accession of the new member States).

7. *Competition*

R. Bechtold, "Zwischenstaatsklausel und Vorrang des Gemeinschaftsrechts", 20 *A.W.D.* 1974, 258-261.

What meaning have Court and Commission accorded to the in Article 85 requirement that the prohibition of this Article applies if there is a possibility that trade between the member States may be affected by the cartel agreement in question? The author concludes that there is hardly any restriction of competition which does not satisfy this criterion. Even national cartels that tend to isolate the national markets satisfy it. Since after the *Walt Wilhelm* Decision the application of national anti-trust law may not endanger the application of Community Law, the author is of the opinion that national anti-trust law can be applied only in fields where the Commission is not active. (See also K. Markert in 11 *C.M.L.Rev.* 1974, 92-104.)

J. K. Bentil, "International Trade Fairs under EEC Competition Law", 124 New L.J. 1974, 193-195.

A. Borschette, "Les contrôles européens des concentrations", (1973) R.M.C. No. 1, 354-358.

B. van der Esch, "Het vonnis van het Hof van Justitie van de Europese Gemeenschappen in de zaak Continental Can", 16 T.V.V.S. 1973, 230-237.

Alfred Gleiss, "Fusionskontrolle im EWG-Kartellrecht? Zum Continental Can Urteil des Europäischen Gerichtshofs", 19 A.W.D. 1973, 268-271.

J. Guyénot, "The Continental Can Case: A European View", 8 J.W.T.L. 1974, 107-112.

H. W. de Jong, "Wending in de Europese mededingingspolitiek; de zaak continental Can", 58 E.S.B. 1973, 209-212.

J. de Richemont, "Concentrations et abus de positions dominantes, Article 86, Affaire Continental Can", 9 Rev. trim. dr. europ. 1973, 463-491.

Robert S. Singley, "Case note on the Continental Can Case", 12 Colum. J. Transnat'l L. 1973, 359-386.

Six articles on the (in)famous Continental Can cases. Singley and de Richemont both give a very critical review of the decision. Gleiss is of the opinion that there is no legal basis for the decision; he represented Continental Can before the Court at the time. Van der Esch, the agent for the Commission, points out the importance of the decision and tries to make some extrapolations towards the future. De Jong gives an economist's viewpoint.

N. March Hunnings, "Antitrust rules in the EEC-EFTA area", 124 New L.J. 1974, 642-643.

The author poses the question whether the competition clause in the treaties between the EEC and the rest-EFTA (Article 23) carries direct effect within the Community legal order. Are treaties concluded by the Communities directly applicable (monism) or are they subject to transformation by Community legislation (dualism)? The case law of the Court of Justice clearly points towards a monistic system and thus the article will be directly applicable. Its wording, according to the author, strongly suggests that it carries direct effect as well. Whether it does so within the national legal systems of the member States depends on their respective systems of incorporation of treaty law.

Folkmar Koenigs, "Das Verfahren der EWG in Kartellsachen", 8 EuR. 1973, 289-305.

Joachim Sedemund, "Das Verfahren der EWG in Wettbewerbsachen", 8 EuR. 1973, 306-327.

These two articles are complementary, they treat different aspects of the same problem. Koenigs treats the competence of the EEC institutions to initiate proceedings under Article 85 and 86, the delimitation of the competences of the national authorities and the legal consequences of the notification of restrictive practices. He arrives at the conclusion that the Commission's competence to initiate proceedings depends on whether the trade between the member States has been adversely affected. Until such time as the Commission has initiated proceedings the national authorities remain competent to take action against these restrictive

practices (cf. Art. 9 of Reg. No. 17). Here he refers to the Court's decision in the *Bilger-Jehle* and *Walt Wilhelm* cases. After publication of this article the decision in *B.R.T. v. Sabam* has introduced some new elements. With respect to notification and provisional validity of agreements Koenigs analyzes the now controlling case *Haecht II*. He also pays attention to claims for performance of cartel agreements and claims for compensation of damages.

Sedemund is concerned primarily with more technical procedural matters. The importance of legal protection of individual rights before the Court and the Commission is his central theme. Especially before the Commission this protection is insufficient, whereas the Court restricts itself too much in exercising its control of the facts of the case. The author is of the opinion that parties concerned should get the right of inspection of the official documents during the proceedings before the Commission and that they should be notified of the opinion of the Advisory Committee. Furthermore, he inquires into the distribution of the burden of proof and he points out some gaps in the legislation concerning the statute of limitations and the right to refuse information. Finally he proposes—in order to speed up proceedings—to institute a special service under direct supervision of the Commission. This service should be competent to investigate cases on its own initiative and to propose decisions which might be approved by the Commission through written procedure.

Valentine Korah, "Exemption of a rationalisation agreement between Prym and Beka from Article 85 (1) of the Treaty of Rome", 23 I.C.L.Q. 1974, 447-453.

D. Lyons, "Europe's Merger Monarchs—EEC Merger Proposals", 124 New L.J. 1974, 435-436.

Ernst-Joachim Mestmäcker, "Concentration and Competition in the EEC", 6 J.W.T.L. 1972, 615-647 and 7 J.W.T.L. 1973, 36-63.

In his consideration of this problem, the author pays attention not only to the rules concerning competition in the EEC, but also to EEC company law. In this way he tries to better define the notion of "concentration of enterprises". Moreover, he also takes into account the desire of business circles for a policy promoting concentrations in order to achieve a European counterbalance to the huge American enterprises. There is no consensus in the literature on the applicability of Article 85 and 86 to concentrations of enterprises. There is hardly any case law on this point. Then, the author tries to establish whether a regulation could be based on Articles 85 and 87 instituting a control of mergers. Contrary to the Commission, Mestmäcker arrives at a positive conclusion.

"Nietigheid van mededingingsbeperkende overeenkomsten", 58 E.S.B. 1973, 455-457.

P. van Ommeslaghe, "Les Articles 85 et 86 à travers les arrêts de la Cour de Justice et les décisions de la Commission", 9 Cah. dr. europ. 1973, 383-460 and 548-590.

This remarkable review of the most important decisions of Court and the Commission on the basis of Articles 85 and 86 could best be paraphrased by entitling it: EEC Competition Law through the cases. The author treats the EEC policy in general in terms of the application of the two articles as well as separately as to the kinds of agreements. Though this entails the danger of repeated consideration of a decision in two different contexts, it has the advantage of making the article very useful as a reference for legal practitioners.

J. F. Picard, "L'aménagement du monopole français des allumettes", 9 Rev. trim. dr. europ. 1973, 29-45.

This article is concerned with the adaptation of the french public monopoly on matches. The recommendations of the Commission as well as the Statute of December 4, 1972 abolishing the monopoly with respect to import from member States are subject of discussion.

G. Reinhart, "Die Kartellrechtliche Behandlung vertikaler Verträge nach Artikel 85 EWG-Vertrag", 20 A.W.D. 1974, 187-195.

To what extent is Article 85 EEC treaty applicable to vertical agreements? The author recalls that many used to be of the opinion that Article 85 was not applicable to this kind of agreement. The Court of Justice, however, had a different opinion and doctrine has followed suit. On the basis of the text of Article 85, para. 1 and of a number of examples, the author tries to bring out the difficulties involved in applying Article 85 to various types of vertical agreements. He then critically analyzes the solutions found to those difficulties by the Commission and by the Court. Finally, he gives a short treatment of the application of Article 85 (3) to vertical agreements.

F. M. Scherer, "Europäische Fusionskontrollpolitik, die 'Rule of Reason' und die Regel der Geheimhaltung", 24 W.u.W. 1974, 81-90.

Helmut Scheufele, "Behandlung der 'beherrschende Stellung' von Nachfragern im EWG-Kartellrecht", 28 B.B., Beilage 4/73 zu Heft 9/1973.

Guy Schrans, "Over collectieve prijshandhaving en weigering van verkoop in het EEG-mededingsrecht", 36 R.W. 1973, 1697-1702.

P. Verloren van Themaat, "Kartelrecht der EEG", 6 *Maandblad voor het Notariaat* 1973, 165-169.

F. O. W. Vogelaar and D. Guy, "The second Brasserie de Haecht case: a delphic oracle", 22 I.C.L.Q. 1973, 648-667.

R. Wengle, "Auswirkungen des Wettbewerbsrechts der E.W.G. in der Schweiz", 70 *Schweizerische Juristen Zeitung* 1974, 101-105.

D. A. Wyatt, "Restraint of trade, Tied Houses and 'Solus Agreements' ", 124 New L.J. 1974, 243-245.

A comparative study of British and European law with regard to tied houses and solus agreements.

D. A. Wyatt, "Company merger and Competition in the United Kingdom and the E.E.C.", 124 New L.J. 1974, 31-33 and 149-150.

8. Taxation

G. van der Gaag, "Harmonisatie van directe belastingen in de EEG", 52 *De Naamloze Vennootschap* 1974, No. 3 (april).

The title of this article is misleading. It is not only concerned with the harmonization of direct taxes, but also with the fiscal aspects of the EEC Treaty in general, the distinction between direct and indirect taxes and the harmonization of indirect taxes.

P. Guieu, "La proposition de la sixième directive du Conseil en matière de TVA — assiette uniforme", (1973) *Intertax*, No. 4-5, 97-103.

J. Reugebrink, "De ontwerp zesde richtlijn nader beschouwd", 103 *Weekblad voor Fiscaal Recht*, No. 5180, 465-475 and No. 5181, 493-502.

A critical exposition on the sixth Directive of the Council concerning the V.A.T. The author shows considerable scepticism on this attempt to change a tax which was introduced only very recently and on the desirability of collecting the EEC's own resources by fiscal means. He also objects to the institution of a Committee on the V.A.T. and lists numerous points of critique against technical aspects of the V.A.T. He is of the opinion that considerable time is needed for reflection and a fruitful exchange of views. Accordingly the enactment of the Directive should be delayed for some time yet.

9. Harmonization of legislation

P. de Haan, "Harmonisatie van de wetgeving inzake de landinrichting van Nederlands standpunt beschouwd", (1973) *De Pacht*, No. 12, 354-375 and (1974) *De Pacht*, No. 12, 32-53.

Report to the 7th Colloquium of the "Comité Européen de Droit Rural".

A. de Leeuw, "De harmonisatie van de nationale wetgevingen betreffende de landinrichting", (1973) *De Pacht* No. 11, 326-345.

An inquiry, into the desirability and the possibility of harmonizing national legislation concerning rural development. (General report to the 7th Colloquium of the "Comité Européen de Droit Rural".)

10. Economic and Monetary Policy

R. Dahrendorf, "Exposé sur la situation économique de la Communauté de l'année 1974", 17 *Les Annales du marché Commun* 1974, No. 1, 3-8.

L. Gleske, "Stand und Zukunftsperspektiven der Wirtschafts- und Währungsunion", 9 *EuR*. 1974, 6-24.

This is a survey of the development of the economic and monetary union since 1969 until the end of the first stage. Emphasis is put on the achievements in the monetary sector (Agreement between Central Banks and the European Fund for Monetary Co-operation.)

G. Isaac, "La rénovation des institutions financières des Communautés européennes depuis 1970", 9 *Rev. trim. dr. europ.* 1973, 670-714.

After an introduction on the creation of the Community's own resources, the author pays attention to the adaptation of the percentages made necessary by the accession of the new members. He then looks into the financial autonomy which the Community slowly is developing through its own resources. Finally, he treats the implementing regulation (No. 2/71) concerning the audit of the own resources.

G. Meier, "Das Aktionsprogramm der Kommission für die Zweite Stufe der Wirtschafts- und Währungsunion", 8 *EuR*. 1973, 328-338.

Comments on the Programme of Action of the Commission of April 19, 1973 for the second stage of the economic and monetary union.

H. O. C. R. Ruding, "Monetaire integratie, margever Nauwing en kapitaal liberalisatie in de E.G.", 58 E.S.B. 1973, 44-47.

C. J. Rijnvos, "Economische wetenschap en monetaire unie", 58 E.S.B. 1973, 7-9.

A. R. A. Theunissen and P. J. G. Kapteyn, "De implicaties van de Economische en Monetaire Unie voor het Gemeenschapsrecht en voor het nationale recht (Preadviezen)", 21 S.E.W. 1973, 591-654.

Theunissen pleads for a change of the EEC Treaty, which at present lacks the instruments to realize the economic and monetary union. Title II of the third Part of the Treaty should be renamed "The Economic and Monetary Union". This title should contain provisions concerning the free movement of capital, taxation, fiscal policy, balance of payments, structural policy, coordination of budgetary policies and a Community system of central banks. The Commission should be given larger powers, especially in the legislative field and the European Parliament should acquire a more important role. The Community system of central banks should be constructed along the lines of the German model.

Kapteyn argues from the hypothesis that it is not absolutely necessary for the realization and the functioning of an economic and monetary union to transfer discretionary decision-making powers to institutions which decide by majority vote and independently of the governments of the member States. He is of the opinion that the necessary harmonization of economic policies can be achieved also by planning and by the establishment of policy guidelines of a normative character.

R. Caesar, "Politische Aspekte einer Europäischen Zentralbank", 29 E.A. 1974, 325-334.

The Council of Ministers has declared repeatedly that a Community system of central banks ought to function in 1980. The transfer of powers from national central banks to a European central bank has vertical as well as horizontal aspects. The vertical aspect is the relationship between national and supranational authorities. The horizontal aspect concerns the relationship between the central bank and the political authorities and in particular the measure of independence of the central bank.

Christian Lutz, "Nachruf auf die Europäische Währungsschlange", 29 E.A. 1974, 285-290.

A very helpful survey of the vicissitudes of the snake within and outside the tunnel from the beginning of the Economic and Monetary Union.

11. Regional Policy

A. Emanuel, "Un rapport sur la politique régionale", (1974) *Problèmes de l'Europe*, No. 63, 25-29.

E. Gateau, "Les structures régionales en Europe", (1974) *Problèmes de l'Europe*, No. 63, 20-24.

J. van Ginderachter, "De regionale politiek van de Europese Gemeenschappen", 59 E.S.B. 1974, 64-69.

This is a description of the regional imbalances within the Community. In an economic and monetary union these imbalances gradually should be corrected. To this end the Commission has put a number of proposals before the Council during 1972 and 1973, which, however, have not yet been accepted.

G. M. Thomson, "Die integrationspolitische Bedeutung Europäischer Regionalpolitik im Rahmen der Neun", 29 E.A. 1974, 37-44.

This article treats the interdependence between the further development of an EEC regional policy (creation of a Regional Development Fund) and the growth of the Economic and Monetary Union.

12. *Energy policy*

Friedrich Fichel, "Die Versagungs- und Absatzkrise als Regelungsgegenstand des Europäischen Energierechts", 26 N.J.W. 1973, 1529-1532.

Friedrich Fichel, "Neuere Entwicklungstendenzen des Europäischen Energierechts", A.W.D. 1973, 444-448.

K. Mortelmans, "Het aardoliebeleid van de Europese Gemeenschappen", 59 E.S.B. 1974, 126-131.

After a short description of the general policy of the Community on petroleum, attention is focused on the special measures taken by Commission and Council during the oil crisis of 1973.

K. Zijlstra, "Energie in het Europa van de Negen", 58 E.S.B. 1974, 928-929.

13. *Commercial Policy*

H.-F. Beseler, "Straffung des europäischen Anti-dumping-Verfahrensrechts", 20 A.W.D. 1974, 264-266.

A discussion of the changes made in the anti-dumping regulation by Regulation No. 2011/73. Although as far as substance is concerned these changes are of a minimal significance, they are still interesting, because they clearly show the small problems that hamper the day-to-day work of the Communities. The changes are procedural and aim at granting the Commission the weight it should have had in the original anti-dumping regulation, but could not get because of the crisis atmosphere of 1966.

Wolfgang Bijok, "Deutsches und europäisches Aussenhandelsrecht", 20 A.W.D. 1974, 19-26.

A short survey of the EEC law of external trade and of the way in which the EEC rules are fitted into the German system of the law of foreign trade.

Gerold D. Schmidt, "Vollendung der Gemeinsamen Handelspolitik", 24 *Aussenpolitik* 1973, 392-399.

14. *Social Policy*

A. Coppé, "Remarques sur l'harmonisation des conditions des licenciements collectifs dans la perspective économique et social", (1974) R.M.C. No. 173, 145-147.

P. Gilot, "Conflictenregeling in het Sociaal Zekerheidsstelsel van de EEG — Verhaal in het Buitenland van de Belgische Verzekeraar van Arbeidsongevallen op grond van de Wettelijke Subrogatie", 37 R.W. 1974, 1871-1874.

Ernst Heying, "Le programme d'action sociale de la Communauté Européenne", (1974) R.M.C. No. 173, 111-120.

P. Kravaritou-Manitakis, "La proposition de directive de la Commission sur les licenciements collectifs et les mesures de protection des travailleurs", (1974) R.M.C. No. 173, 129-144.

A detailed inquiry into the proposal of the Commission on protective measures against mass dismissals and the protective measures presently in force in the member States. The possibility of collective dismissal is viewed as a *conditio sine qua non* for healthy growth within EEC. Therefore, harmonisation on as high a level as possible should be the aim. Moreover a right of timely information for the employees should be laid down and greater emphasis must be put on the continuation of employment.

M. Lisein-Norman, "Les licenciements collectifs, faits et orientations", (1974) R.M.C. No. 173, 123-128.

An inquiry into the causes and the magnitude of mass dismissal, the powers of the employer and the measures for the protection of employees. The author also indicates some solutions to these problems. A distinction can be made between solutions that aim to maintain the level of employment in a particular enterprise and those which strive to safeguard the continuation of employment in general.

F. Netter, "L'évolution financière de la sécurité sociale dans les états membres de la Communauté", 9 Rev. trim. dr. europ. 1973, 725-733.

Some statistical surveys of the financial consequences of the systems of social security in the original six member States of the Community.

Rüdiger Thiele, "Die Europäische Gemeinschaft auf dem Wege zur Sozialunion", 26 N.J.W. 1973, 930-934.

16. *Company law — Bankruptcy law*

P. E. Goose, "Die Prüfung staatliche Beihilfevorhaben durch die EWG", 20 A.W.D. 1974, 94-98.

A comment of the decisions in the Cases 120-122/73 and 141/73 of the Court of Justice concerning State aid to undertakings.

C. W. A. Timmermans, 'De structuur van de naamloze vennootschap en het voorstel voor een vijfde EEG-richtlijn', 6 T.V.V.S. 1973, 167-174.

T. Wälde, "Die 'Europäische Aktiengesellschaft' und multinationale Unternehmen", 20 A.W.D. 1974, 82-87.

H. Würdinger, "Die Konzernregelung im Statut der 'Societas Europaea' und der Harmonisierung der nationalen Rechte in den Europäischen Gemeinschaften", 9 EuR. 1974, 25-35.

Both articles are concerned with Title VII of the Draft Regulation on the European Company (J.O. 1970, C 124/43). Würdinger pays special attention to the legal consequences of the proposed Statute with regard to the position of dominating enterprises vis-à-vis subordinate companies. Wälde is of the opinion that the balance between advantages and disadvantages for non-European companies is about even. He wonders whether the European Company Statute cannot serve as a first stage in

securing control over multinational enterprises. He argues that the EEC anyway is the best organisation to tackle the problem of the multinationals. So why not use the European Company Statute as a first step?

18. *Industrial Property*

Th. L. J. Bod. "De regeling van de uitputting van het Gemeenschaps- en het nationaal octrooi in het ontwerpverdrag betreffende het Europese octrooi voor de gemeenschappelijke markt", 42 *Bijblad bij de Industriële Eigendom* 1974, 75-78.

B. I. Cawthra, "Licensing Patents", 124 *New L.J.* 1974, 115-117.

J. G. Drysdale and O. J. Orchard, "The European Patent", 124 *New L.J.* 1974, 547-549.

Hartmut Johannes, "La propriété industrielle et le droit d'auteur dans le droit des Communautés Européennes", 9 *Rev. trim. dr. europ.* 1973, 369-411 and 557-582.

A very extensive comment on the decision of the Court of Justice in the case of *DGG v. Metro* with numerous references to earlier decisions (*Parke Davis, Gundig/Consten* and *Sirena*). Finally, the author devotes some remarks to the difference between the *existence* and the *exercise* of industrial property rights, as established by the Court of Justice.

L. W. Mellville, "Trade Marks in Europe", 124 *New L.J.* 1974, 433-434.

A comment on the decision of the English courts in the so-called *Löwenbrau*-case accompanied by some scathing criticism of the decision of the European Court in the cases of *Sirena v. Eda* and *DGG v. Metro*.

F. T. Panel, "Die künftige Patentpolitik der Europäischen Industrie", *G.R.U.R.* 1974, 111-118.

Herbert Stumpf und Wolfgang Lindstaedt, "Ausschliessliche Patentlizenzen und Exportverbote in der Entscheidungspraxis der E.G. Kommission", 28 *B.B.* 1973, 406-409.

Dennis Thompson, "Patents in Europe and the Enlargement of the Community", 19 *European Yearbook* 1971, 23-35.

With the help of some simple statistical material Thompson shows that co-operation in the field of patents was highly desirable, if not inevitable. He then subjects the Patent Cooperation Treaty, the European Patent Convention and the Convention for the Community Patent each to a short and clear analysis.

Ernst Windisch, "Gemeinsamer Markt und Schutzrechtsverbrauch", 66 *Archiv für Urheber-, Film-, Funk- und Theaterrecht* 1973, 75-91.

19. *External relations*

"Canada and the European Community", 32 *Behind the Headlines* (1974) No. 6.

Michael Lipton and Peter Tulloch, "India and the Enlarged European Community", 50 *International Affairs* 1974, 49-66.

The authors argue that India and the EEC are each other's economic complements and that therefore they both can draw considerable profit from mutual exchanges.

Accordingly they plead for a broad agreement on trade and co-operation between the two; otherwise the enlargement of the EEC might have a negative influence on the trade relations with India. They are advocates of giving aid outside the normal channels of Association Agreements.

Andreas F. Lowenfeld, " 'Doing unto others' — The Chicken War Ten Years After", 4 *J. of Maritime Law and Commerce* 1973, 599-617.

A short history of the Chicken War in which special attention is paid to the problems of the American executive and the U.S. courts with regard to the measures of retaliation under Article XXVIII of GATT. From these problems and from some statistical material on the effects of retaliation the author tries to draw some conclusions concerning the applicability of the basic principles of GATT on the CAP and on retaliation under GATT in general.

R. Morgan, "Can Europe have a Foreign Policy?", 30 *The World Today* 1974, 43-50.

G. Peeters, "L'article 235 du Traité C.E.E. et les relations extérieures de la C.E.E.", (1973) R.M.C. No. 164, 141-145.

John Pinder, "A Community Policy towards Eastern Europe", 30 *The World Today* 1974, 119-128.

The common commercial policy of the Community is a limited instrument, since tariffs and quantitative restrictions are declining in importance as policy instruments. Therefore the Community will have to develop activities in the area of industrial and financial co-operation. Much will depend on the position the Soviet Union and its allies decide to take. (Also in: 29 E.A. 1974, 105-114).

F. Singleton, "Finland, Comecon and the EEC", 30 *The World Today* 1974, 64-73.

A short survey of the relations between Finland on the one side and the EEC and the USSR on the other. The focus is on the agreement between Finland and the Community of November 16, 1973.

20. *Environment policy*

Michel Carpentier, "Un programme communautaire en matière d'environnement", 19 *Annuaire Européen* 1971, 52-62.

VII. COUNCIL OF EUROPE

a. *General*

J. E. S. Fawcett, "Council of Europe and Integration", 50 *International Affairs* 1974, 242-250.

What is the possible role of the Council of Europe in European integration? A clear and correct delimitation of competences and tasks is necessary. In the long run an agreement between the Community and the Council of Europe, comparable to those concluded between the U.N. and its specialized agencies, might be a possibility.

A. Stempels, "Parlementaire Experimenten van West-Europa", 28 *Internationale Spectator* 1974, 318-324.

b. *Human Rights*

E. A. Alkema, "West-Europa en de Rechten van de Mens", 13 *Civis Mundi* 1974, 111-123.

Jan de Meyer, "La situation des 'personnes physiques', 'organisations non-gouvernementales' et 'groupes de particuliers' dans la procédure devant la Cour européenne des droits de l'homme", 34 *Annales de Droit* 1974, 65-74.

According to Article 48 of the European Convention persons, non-governmental organisations and groups of individuals have no standing before the Court of Human Rights. In practice, however, they can appear before the Court indirectly. The author traces the development of this practice.

H. Munro, "Britain and European Human Rights", 124 *New L.J.* 1974, 340-342.

Herbert Petzold, "Le Règlement de la Cour Européenne des Droits de l'Homme", 34 *Annales de Droit* 1974, 165-188.

A survey of the changes in the Rules of the European Court of Human Rights since 1959.

Max Sørensen, "The Enlargement of the European Communities and the Protection of Human Rights", 19 *European Yearbook* 1971, 3-17.

The EC Commission in its answers to questions by members of the EP always carefully avoids the field of human rights, but the Court of Justice in its recent case law begins to pay attention to certain fundamental rights. The relation of the European Convention of Human Rights to Community law is discussed in this article and Sørensen's concern is mainly the liability of member States for acts of the Community in breach of the Convention. He also makes a comparison between the systems of legal protection of individual rights of the Community and under the Convention. According to Sørensen the Council of Europe should be concentrating in the first place on the safeguarding of human rights.