

## SURVEY OF LITERATURE\*

### I. INTEGRATION, ECONOMIC AND POLITICAL

R. Aron, "The crisis of the European Idea", 11 *Government and Opposition* 1976, 5-20.

L. J. Brinkhorst, "De EEG en de nieuwe internationale economische orde", (1975) *Internationale Spectator*, 325-330.

J. Bryan, Colleser and H. Brunham, "Eurocontrol: A reappraisal of functional integration", 13 *J. Comm. Mark. Studies* 1975, 345-367.

Eurocontrol is used by the authors in order to develop a new variant of the functionalist theories of integration i.e. "protofunctionalism". This is a form of functionalism which in some respects closely resembles federalism because it is an integration strategy which is mainly carried out by regional public authorities and benefits the public as a whole rather than particular public or private groups of persons, as is the case with the (neo-)functionalist strategy. Organisations such as Eurocontrol, which provide international public services, have probably more chance of creating a "spill-over" effect than ordinary international organisations, because the public is directly involved in the services they provide.

David P. Calleo, "The European Coalition in a Fragmenting World", 54 *Foreign Affairs* 1975, 98-112.

According to the author, European integration proceeds not from the desire to hand over sovereignty to supranational communities, but rather out of the tendency to safeguard national sovereignty. The EC is a confederal structure, which by means of economic integration and certain common policies creates the conditions in which the modern, technologically highly-developed state can continue to exist. In the author's opinion, Europe has weathered the oil-crisis well: with their prompt individual actions, the global Mediterranean policy and the Euro-Arab dialogue, the European states have certainly reacted adequately to the situation, and by these means have brought about a more stable and lasting relationship with the Arab states, while also covering themselves on the Atlantic side by participation in the I.E.A. etc.

G. Colonna di Paliano, "International private investment problems: European Community-United States", (1975) *Aussenwirtschaft* Heft II/IV, 276-303.

The author discusses the problems created for the process of European integration as a result of direct American investment in the Member States. He further considers the proposals made in this regard by the Commission in the framework of the common industrial policy: no protectionism, but a strengthening of the competitive position of European undertakings.

Claude Evain, "Il faut une Europe politique", (1975) *Les Problèmes de l'Europe* no. 70, 7-16.

I. Fauvre, "La normalisation des produits sidérurgiques dans la Communauté européenne", (1975) *R.M.C.* no. 189, 457-463.

\* See for the classification of subjects and list of abbreviations, 12 *C.M.L.Rev.* 1975, 115-117.



L. A. Geelhoed, "De Europese Unie", 23 SEW 1975, 431-436.

S. Patijn, "De Europese Unie", 23 SEW, 655-668.

Contributions to the discussion on European Union written for the Netherlands Association for European Law. Geelhoed's report, drawing largely on German literature, goes thoroughly into the questions of coordination and judicial remedies, whereas that of Patijn treats rather the institutional aspects of the European Union.

M. Hirsch, "Influence without power: small states in European politics", 32 *The World Today* 1976, 112-188.

M. Hirsch, "Die Logik der Integration. Ueberlegungen zu Aussenbeziehungen westeuropäischer Kleinstaaten", 29 E.A. 1974, 447-456.

M. Hirsch, "La situation internationale des petits Etats", 24 Rev.fr. de sc.polit. 1974.

These three studies consider the problems encountered by small states in the wider European context. The approach to these problems is more theoretical in the French and German articles, more factual in the English article.

J. H. Leurdijk, "Nederland en de Europese veiligheid: het civiele Europa in discussie", 29 *Internationale Spectator* 1975, 554-565.

A discussion of the reports of the advisory committees—Spierenburg and Røling—in the wider context of the issue of European security.

J. Lodge, "Toward the European Political Community: EEC summits and European Integration", 19 *Orbis, a journal of world affairs* 1975, 626-652.

An analysis of the summit conferences of 1972, 1973, 1974 with regard to their significance for the Community decision-making process. A new institutional balance has been created whereby the role of the intergovernmental organs, such as the COREPER, has been strengthened, whereas that of the Commission has been weakened. The significance of the creation of the European Council is only briefly treated in the conclusion.

G. Møller, "Metoder til harmonisering og unifikation i Norden, EEC og USA", 44 *Nordisk Tidsskrift for International Ret* 1974/75, 229-263.

Michael Palmer, "EEC: the road to better political co-operation", 32 *The World Today* 1976, 25-30.

The author expresses the fear that in direct negotiations with Comecon the EEC may be led to make concessions in the area of commercial policy, without obtaining in return concessions in the field of human rights and arms reduction. The EEC must therefore broaden its political cooperation, and be prepared to work together to a certain extent with NATO.

J. Pinder, "Europe as a Tenth Member of the Community", 10 *Government and Opposition* 1975, 387-397.

H. Schneider and W. Wessels, "Gestalt und Inhalt einer "Europäischen Union"; Ein Diskussionsbeitrag zur Tindemans-Mission", 30 E.A. 1975, 587-597.

P. H. Scott, "Beyond the Eurogroup: new developments in European defence", 32 *The World Today* 1976, 31-38.



D. P. Spierenburg, "Het Rapport-Tindemans: een kritische beschouwing", 30 *Internationale Spectator* 1976, 143-152.

The author believes that the Tindemans Report gives a correct analysis of the problems of European integration at the present time, but cannot fully support the solutions suggested by Tindemans.

M. van der Stoep, "Europese eenwording: de Nederlandse waardering van idealen en werkelijkheden", 30 *Internationale Spectator* 1977, 39-48.

A clear analysis of the re-orientation of Dutch policy with regard to Europe, which is now strongly based on the ideas of the Spierenburg Report; the EMU as a motor of further integration, and the European Union as an in-between stage on the way to a federal Europe and the old Dutch hobby-horse of increased powers for the European Parliament.

W. Wallace, "Wider but weaker: the continued enlargement of the EEC", 32 *The World Today* 1976, 104-111.

A description of the problems which will arise with the further enlargement of the European Community. Economically weak States, such as Greece and Spain, apply for membership, whereas economically strong States, such as Norway and Sweden, particularly for political reasons, show little interest. This development emphasizes the need for political motivation in the process of European integration.

## II. INTEGRATION, GENERAL LEGAL ASPECTS

Manfred Zuleeg, "Die innerstaatliche Anwendbarkeit völkerrechtlicher Verträge am Beispiel des GATT und der Europäische Sozialcharta", 35 *Zeit.A.O.R.V.* 1975, 341-363.

## III. INTEGRATION, TECHNOLOGICAL ASPECTS

G. Laffender, "Les organisations spatiales européennes", 21 *Annuaire Européen* 1973, 67-81.

A clear review of the re-structuring of ELDO and ESRO to form the European Space Agency (ESA). Mention is also made of the programmes (present and prospective) of these organisations.

## IV. EUROPEAN COMMUNITIES

### A. COMMON SUBJECTS

#### 1. General

R. Pourvoyeur, "Effets de redistribution des revenus. Approche théorique et réflexions sur ses applications au marché Communautaire", (1975) *R.M.C.*, 565-581.

G. Thompson, "Europe after the British referendum", 28 *Studia Diplomatica* 1975, 621-629.

Carol and Kenneth Twitchett, "The Common Market Referendum in Retrospect", 5 *International Relations* 1975, 917-934.

A critical review of the literature concerning the Community and British membership



thereof which appeared at the time of the referendum. The authors conclude that the British people, in spite of the positive result of the referendum, are far from being convinced Europeans.

## 2. Institutional

J. L. Burban, "Les républicains indépendants et l'élection du Parlement européen au suffrage universel", (1975) R.M.C. no. 190, 495-500.

R. Cohen, "De samenwerking van de socialistische partijen in de Europese Gemeenschap", 29 *Internationale Spectator* 1975, 670-679.

J. L. Giraudy, "Le budget des 'Neuf' ne traduit pas une volonté de faire progresser la construction européenne", (1975) R.M.C. no. 190, 491-495.

A critical review of the 1976 draft budget of the European Communities.

W. E. Paterson and A. H. Thomas (ed.), "Social Democratic Parties of the European Community", 13 *J.Comm.Mark Studies* 1975, 415-503.

R. Pourvoyeur, "Den Europaeiske Beslutningsproces og ens reformering", 44 *Nordisk Tidsskrift for International Ret* 1974/75, 39-49.

M. Quintin, "Participation de l'Assemblée parlementaire européenne au déroulement des accords commerciaux", 11 *R.T.D.E.* 1975, 211-226.

The repeated attempts by the European Parliament to obtain more say by the EEC has led to the creation of a procedure whereby the Parliament has, in comparison with national assemblies, acquired a relatively large competence. But care must be taken that the procedure does not become too unwieldy.

## 3. Court of Justice

L. Dubouis, "Fonctionnaires des Communautés européennes. Commentaire de la jurisprudence de la Cour de Justice des Communautés européennes", 11 *R.T.D.E.* 1975, 280-307.

Claus Gulmann, "EF-Domstolen 1974", 44 *Nordisk Tidsskrift for International Ret* 1974/75, 50-87.

K. Hagel-Sørensen, "Unmittelbart Anvedelig EF-Ret Belijst ved EF-Domstolen Praksis 1974", 44 *Nordisk Tidsskrift for International Ret* 1974/75, 88-112.

C. S. P. Harding, "Decisions addressed to member states and Article 173 of the Treaty of Rome", 25 *I.C.L.Q.* 1976, 15-34.

A critical look at the case-law of the Court of Justice concerning the conditions which must be fulfilled by an individual before he can appeal against a decision which is addressed to another person, including to a Member State.

L. P. Kristensen, C. Kønigsfeldt, "AETR-dommen", 44 *Nordisk Tidsskrift for International Ret* 1974/75, 160-228.

Mackenzie Stuart, "La Cour de Justice des Communautés européennes et le contrôle du pouvoir discretionnaire", 26 *Rev.int.dr.comp.* 1974, 61-72.



In this article Lord Mackenzie Stuart, judge at the Court of Justice, compares the possibilities which exist in the different Member States for appeal against administrative decisions. The situation in the United Kingdom is particularly brought to the fore. The United Kingdom could learn much from the case-law of the Court of Justice and of the courts of the other Member States. This kind of interaction is useful, the more so in that the Court of Justice has itself drawn largely on the administrative law of the original six Member States.

J. M. Mössner, "Haftung der europäischen Gemeinschaft für legislatives Unrecht", 22 A.W.D. 1976, 93-95.

A critical analysis of the CNTA judgment (Case 74/74).

W. Van Gerven, "De niet-contractuele aansprakelijkheid van de Gemeenschap wegens normatieve handelingen", 24 S.E.W. 1976, 2-29.

M. Wathelet, "Pratiques concertées et comportements parallèles en oligopole. Le cas des matières colorantes", (1975) R.T.D.E., 663-699.

On the basis of the *Deystuffs* case, the author discusses certain aspects of concerted and parallel behaviour in an oligopolistic market situation.

##### 5. *Relationship between Community Law and national law*

S. AUKen, J. Buksti, C. Lehmann, "Denmark joins Europe: Patterns of adaptation in the Danish political administrative processes as a result of membership of the European Communities". 14 J.Comm.Mark.Studies 1975, 1-37.

The authors distinguish between the "scope of integration" (integration by means of international cooperation, which is supported by Denmark) and the "level of integration" (integration by means of increasing supranationality, which is rejected by Denmark). This support of the confederal approach has brought about a centralisation of political and administrative processes as far as the Danish Community policy is concerned.

G. Bebr, "Examen en validité au titre de l'article 177 du traité CEE et la cohésion juridique de la Communauté", 11 C.D.E. 1975, 379-424.

This article gives a review of the case-law of the Court of Justice concerning the control of validity of Community acts in the framework of the Art. 177 procedure. The author investigates the nature and scope of the control of validity, the grounds of invalidity and the consequences of the decisions of the Court. He also investigates the connection with the exception of illegality and the appeal for a declaration of nullity. Bebr concludes that the control of validity is more an objective control of the "constitutionality" of Community acts than a means for the judicial protection of individuals. For that reason it is of the greatest importance that only the Court is competent to control the validity. In this context, the author strongly criticises the judgment of the German Constitutional Court of May 29, 1974 which poses a danger for the legal cohesion of the Community which it is the purpose of Art. 177 to assure.

"Französisches Kassationsgericht Urteil von 24-5-75, n. 115, betr. Vorrang des EWG-Vertrages vor später erlassenen französischen Recht" mit Anmerkung von Roland Bieber, 10 EuR. 1975, 326-334.



Michel Fromont, "Die französische Rechtsprechung zum Gemeinschaftsrecht Januar 1972-December 1974", 10 EuR. 1975, 334-354.

Niels Gangsted-Rasmussen, "Primaute du droit communautaire en cas de conflit avec le droit danois", 11 RTDE. 1975, 700-707.

Carlo Curti Gialdino, "Rapporti fra la legislazione ambientale nazionale e la normativa comunitaria. In margine alle osservazioni della commissione delle comunità europee sulla proposta di legge n. 3193 dettante "norme per la tutela delle acque dell'inquinamento", 15 *Rivista di diritto europeo* 1975, 97-115.

K. Hagel sørensen, "Forholdet mellem EF-retten og de nationale grundlove," 44 *Nordisk Tidsskrift for International Ret* 1974/75, 113-145.

J. Leyten, "Wie beslist over de vraag of er een prejudiciële vraag is?" (Article 177 of the EEC Treaty), 50 NJB 1975, 1187-1190.

J. Lodge, "The organisation and control of European integration in the Federal Republic of Germany", 28 *Parliamentary Affairs* 1975, 416-431.

An overview of the organisational structures established in the Federal Republic in order, on the one hand, to create a European policy, and on the other, to implement the policy of the Communities. Beginning with the situation of the 1950's, when the Federal Republic could only carry out a restricted foreign policy, the growing influence of the EC on German institutions is described. The Chancellor's Office and the Ministries of Foreign and Economic Affairs play a particularly important role. This increase in competences made it necessary to set up coordination committees and interministerial workgroups. The role of the two chambers of parliament is mainly limited to the establishment of channels of information and control.

D. D. Miedema, "Prioriteit van Communautair recht?", 10 S.E.W. 1975, 614-618.

Is it possible to demand repayment of a charge which has been declared invalid "ex tunc" by the Court of Justice because of conflict with a directly applicable Treaty provision, once the national appeals deadline had gone by? The author expects in the future a good deal of case-law on this question.

F. Sabiani, "L'incidence du droit de la CEE sur la réglementation française des prix", 11 R.T.D.E. 1975, 470-517 and 633-662.

The EEC Treaty contains no specific provisions for the area of prices policy. But the more Community policies come into being in different areas, whereby national competences are transferred to the Community, the more shall the Member States indirectly lose their autonomous powers in the field of prices policy, and will only be competent to implement the Community policy. The French prices policy in the different areas of economic activity is examined in this context.

G. Ubertazzi, "L'impact du droit communautaire dans le procès pénal interne", 11 R.T.D.E. 1975, 196-210.

## 6. Adhesion

Bengt Beutler, "Der Beitritt Grossbritanniens zur Europäischen Gemeinschaft", 24 *Jahrbuch des Öffentlichen Rechts* 1975, 1-25.



One must be acquainted both with the heterogeneous basis of Community Law and the British legal system before being able to reach a judgment on the European Communities Act. From the point of view of Community Law, the author discerns several doubtful points in this otherwise impressive document.

John Pasmazoglu, "Greece's proposed accession to the EEC", 32 *The World Today* 1976, 142-151. German version in E.A. 1976, 215-225.

Pasmazoglu, who led the Greek delegation in the association negotiations argues for a speedy accession of Greece to the Community. He demonstrates that Greece is already, through its long period of association, strongly integrated into the Community, that this association (in spite of the maladministration of the Colonels) has had a very positive influence on the development of the Greek economy, and that it is also politically desirable that Greece should join the Community as soon as possible. He rejects the attitude of the Commission on this question. Finally, he discusses the economic, institutional and political aspects of an eventual Greek membership.

David Rudnick, "Spain's long road to Europe", 32 *The World Today* 1976, 134-141.

### C. EUROPEAN ECONOMIC COMMUNITY

#### 1. General

H. Batifol and R. van der Elst, "Projet de Convention CEE sur la loi applicable aux obligations contractuelles et non-contractuelles", 11 R.T.D.E. 1975, 181-195.

There are in fact two articles here, one dealing with obligations arising out of a contract, and the other with obligations arising other than from a contract, as regulated in the draft convention. A short but clear analysis of some of the problems.

"Choice of Law in the field of contracts in the EEC", 12 *Netherlands International Law Review* 1975, 183-203.

Report of the 1975 annual meeting of the Netherlands Association for International Law, concerning the EEC Preliminary Draft Convention on the Law Applicable to Contractual and Non-Contractual obligations.

L. Collins, "Contractual and non-contractual obligations—EEC Preliminary Draft Convention", 25 I.C.L.Q. 1976, 15-35.

H. Lesguillons, "L'extension des compétences de la communauté économique européenne par l'article 235 du Traité de Rome", 20 *Annuaire Française de Droit International* 1974, 886-904.

The recent practice of the Council shows an astonishing increase in the resort to Art. 235 EEC in order to create new Community competences in different areas. This development has been made possible by an extensive interpretation of the objectives of the Community. But in spite of its increasing importance, the application of Art. 235 is limited: the object in question must fall within the economic objectives of the Community and the application of Art. 235 may not threaten the decision-making process of the Community nor conflict with the general principles of law enuniated by the Court of Justice.

W. Van Gerwen, "De niet-contractuele aansprakelijkheid van de Gemeenschap wegens normatieve handelingen", 24 S.E.W. 1976, 2-29.



J. M. Mössner, "Haftung der europäischen Gemeinschaft für legislatives Unrecht", 22 R.I.W./A.W.D. 1976, 93-95.

An analysis of the CNTA judgment (case 74/74).

R. Pourvoyeur, "Effets de redistribution des revenus. Approche théorique et réflexions sur ses applications au Marché Communautaire", (1975) R.M.C., 565-581.

### 3. Agriculture

"Compte-rendu sténographique de la XXVIIIe Table Ronde (Paris 11 et 12 avril 1975—Thème: "Face aux nouvelles perspectives mondiales repenser la politique agricole commune", 18 *Les Problèmes de l'Europe* 1975, no. 69, 17-145.

A report of the introduction to and the discussion at the 28th *Table Ronde*, organised by the "Association pour l'étude des problèmes de l'Europe. The preliminary documents appeared in no. 68 at pp. 17-65. Central theme: sufficient production, stable price levels and fair distribution of income both in the EC and in the world at large.

Peter Kalbe, "Europäisches Agrarrecht, Internationales Verwaltungsrecht im Werden", 90 *Deutsches Verwaltungsblatt* 1975, 753-758.

With references to case-law and practice, this article examines the influence of European agricultural law on national agricultural law, the significance of basic principles and the system of market organisation for the interpretation of the law governing the organisation of the markets. Further, the author goes into a number of questions concerning the administrative agricultural law which is gradually developing at European level. In this respect the author considers the question as to how more unity is to be attained in the implementation of Community Law by the nine national administrations in the cases where the latter are allowed a certain degree of discretion, and the question of the recognition and violability of administrative acts from one Member State to the other. The general scope of this article means that it can be warmly recommended also to the non-specialist in European agricultural law.

J. Lardinois, "Effets de l'élargissement des Communautés sur la politique agricole commune", 21 *Annuaire Européen* 1973, 39-53.

After a description of the "*acquis communautaire*" of the common agricultural policy, the author considers the significance for this policy of the enlargement of the Community. The enlarged Community should recognise its responsibility in the world by the granting of preferences to developing countries. He concludes with an evaluation of the first year of the enlarged Community, made exceptionally difficult through the oil crisis and the shortage of raw materials.

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

A. Fresia, "La libre circulation des personnes et le principe de non-discrimination dans la jurisprudence de la Cour de Justice des Communautés", (1975) R.M.C., 550-565.

There is little national case-law relating to the free movement of persons, apart from in the area of social security, so that it is not possible to draw any conclusions here. But the author's survey does not appear to proceed beyond 1973. There follows a detailed discussion of the case-law of the Court of Justice, with an analysis of the notion of "free movement" and of the principle of non-discrimination on which the notion is based.



Y. Loussouarn, "Droit d'établissement", 11 R.T.D.E. 1975, 518-531.

An overview of the recent judgments of the Court of Justice concerning freedom of establishment and freedom to provide services (cases 2/74, 33/74).

#### 6. Transport

R. Rodière, A. Chémel, "Transport mise en place générale du droit communautaire des transports (Années 1973 et 1974)" 11 R.T.D.E. 1975, 550-560.

After a preliminary slowing-down following the accession negotiations, the transport policy appears to be acquiring a certain impetus again. But the length of the article speaks for itself.

#### 7. Competition

J. F. Bellis, "Potential competition and concentration policy; Relevance to EEC Antitrust", 10 J.W.T.L. 1976, 24-50.

The author discusses the notion of potential competition which is also significant in terms of European cartel law, and considers this notion in the light of Articles 85 and 86. The significance of potential competition for an effective competition policy is considered, in particular with reference to concentrations.

Edwin H. Clock and Jin Lee John, "Art. 85 and European antitrust litigation: a search for economic balancing", 27 *Stanford Law Review* 1974/1975, 1275-1301.

The authors discuss the economic policy which they believe lies behind the application of Art. 85 by the Commission and the Court. They distinguish three schools in the practice of recent years, and argue for a more economically-orientated approach to the application of Art. 85. The application in practice of their approach would imply that an optimal competition policy would involve a legally-supervised cost-benefit analysis with respect to vertical agreements and a *per se* prohibition of horizontal agreements.

L. Focsaneanu, "La jurisprudence de la Cour de Justice des Communautés européennes en matière de concurrence; VI — Les pratiques concertées", (1975) R.M.C., 463-479.

Maurice Kay, "Company Mergers and the EEC", (1975) *Journal of Business Law*, 88-107.

The author's central argument is that there is in the EEC no consistent doctrine concerning mergers. He discusses the means whereby the Commission wishes to encourage mergers in order to fare better against competition from third States: the possibility of transnational mergers and the European Limited Company. Thereafter he discusses the question of the control of mergers, in particular Art. 86 and its application in the *Continental Can* case. The author concludes that the merger phenomenon in Europe is only at a very early stage. He considers it possible that competition provisions which differ according to sector will come into being. Where transnational mergers are difficult to realise, much can also be achieved by less far-reaching forms of cooperation. In particular, the Commission's policy with regard to cooperation agreements gives much scope for experiment.

#### 8. Taxation

G. Montagnier, "Fiscalité", 11 R.T.D.E. 1975, 532-549.



W. E. Pool, "Jersey, Guernsey and EC plans for direct taxation", (1975) *Intertax* no. 8, 295-299.

At the moment the Channel Islands are an important tax haven, not only for wealthy Britons but also for international corporations. While the first category may be said to amount to a national problem, the tax evasion and flight of the second category has unfavourable consequences for the whole of the Community. The author discusses the plans drawn up by the Commission to check this practice.

#### 9. *Harmonisation of legislation*

N. Bel, "L'oeuvre communautaire en matière d'harmonisation des législations des produits pharmaceutiques", (1975) *R.M.C.*, 505-515.

M. B. Burgio, "Le nouveau régime fiscal des dividendes en Italie par rapport aux perspectives de l'harmonisation communautaire", (1975) *Intertax* no. 8, 315-321.

The author criticises the new Italian tax on dividends, not only in the context of the Community plans for harmonisation, but also because it is a system which "*pratiquement légalise une sorte d'évasion pour les hauts revenus qui restent anonyme*".

M. Gaudet, "Vers un marché européen de l'assurance", 23 *Annuaire Européen* 1973, 113-141.

A clear review, up to the middle of 1974, of the problems which hinder the establishment of a European insurance market. The author does not discuss the legal and technical side of the draft directives, but gives rather a background analysis.

#### 10. *Economic and Monetary Policy*

A. Carlsen, "Den Økonomiske OG monetaere union: EF", 44 *Nordisk Tidskrift for International Ret* 1974/75, 146-159.

I. C. Leygues, "A la recherche de la convergence des politiques économiques des Etats Membres", (1975) *R.M.C.*, 436-441.

V. Sengeant, "Le droit économique des états membres dans une union économique et monétaire", 11 *C.D.E.* 1975, 464-479.

R. Triffin, "The Community and the disruption of the world monetary system", *Banca Nazionale del Lavoro Quarterly Review* no. 112, March 1975.

The author argues that the EMU would not only contribute to the solution of the problem of market inflation and the international monetary chaos, but that it is also necessary for the realisation of the eventual economic, monetary and political unification of Europe. He also discusses the measures which, in his view, should be taken in the near future with regard to exchange rates, the European currency and the European Monetary Cooperation Fund.

#### 11. *Regional Policy*

T. Buch, "Regional Policy of European Integration", (1975) *J.Comm.Mark.Studies*, 368-378.

The author first discusses the kinds of regional problems from a theoretical point of



view (though his analysis of the role of price effects in the automatic restoration of balance in the interregional balance of payments is not quite correct). He concludes that regional unemployment is rather a consequence of immobility as between sectors of industry than between regions, for which the solution is government intervention in order to bring about structural changes within the region (e.g. subsidies). The author further discusses the effects of economic integration on the regional problem and explains the regional policy of the EC and the proposal for the establishment of a European Fund for Regional Development.

J. van Doorn, "European Regional Policy: an evaluation of recent developments", (1975) J.Comm.Mark. Studies, 391-401.

A critical analysis of the EC regional policy and of the EFRD. The author considers that no proper criteria have been established for the distribution of the Fund's resources and that no underlying analysis of regional problems has been made. The author investigates the operation of the Fund with regard in particular to the UK and concludes that the establishment of a Regional Development Fund is not so much an instrument to deal with regional disparities as a means to cope with national disparities regarding contributions to and payments from the Community budget.

W. J. Feld, "Subnational regionalism and the European Community", 18 *Orbis, a journal of world affairs* 1975, 1176-1193.

Proceeding from the notion of A. Marc and G. Herard of "*L'Europe des Régions*", i.e. of a maximum autonomy for all regions as a basis for the process of European integration, the author investigates two factors: firstly, the attitude of leading politicians in particular regions to this idea and, secondly, the attitude of the EC as an institution to regional-national and regional-EC relations.

R. J. Jarrett, "Disincentives; the other side of regional development policy", (1975) J.Comm.Mark. Studies, 37 9-390.

Looks at the regional problem from another angle, namely, the measures taken by various Member States to limit over-development in particular regions.

B. Mennis and K. P. Sauvart, "Describing and explaining support for regional integration: an investigation of German business elite attitudes towards the European Community", 29 *Int.Org.* 1975, 973-995.

P. Romus, "Les facteurs delocalisation industrielle dans le développement régional de la Communauté européenne", 69 *Cahier Economique de Bruxelles* 1976, 5-19.

#### 14. Social Policy

J. Detienne, "La Communauté économique européenne et la lutte contre la pauvreté", (1975) R.M.C., 500-505.

P. Hillery, "European policy—a new face for the Community", 21 *European Yearbook* 1973, 21-38.

An investigation of how more substance could be given to the objectives of the 1974 Social Action Programme.

"Sex discrimination in employment", a comment on Case 43/75, *Defrenne v. SABENA*, 1976 *The Journal of Business Law*, 296-298.



16. *Company Law—Bankruptcy Law*

J. Noel, "Lignes directives du projet de convention de la CEE relative à la faillite", 11 R.T.D.E. 1975, 159-171.

J. Lemontey, "Perspectives d'unification du droit dans le projet de convention CEE relative à la faillite", 11 R.T.D.E. 1975, 172-186.

17. *Recognition of judgments*

J. P. Verheul, "The EEC Convention on jurisdiction and enforcement of judgments of 27 September 1968 in the Netherlands legal practice", 22 *Netherlands International law Review* 1975, 203-213.

Commentary on two judgments regarding the Convention.

18. *Industrial Property*

W. R. Cornish, "The European Patent Conventions", 1976 *The Journal of Business Law*, 112-129.

O. F. van Gamm, "Die Auswirkungen der Rechtsprechung des Gerichtshofs der Europäischen Gemeinschaften auf das Warenzeichenrecht", (1975) G.R.U.R. Int., Heft 6, 185-190.

19. *External Relations*

D. Colard, "L'Europe et le tiers monde: un acte constructif", 18 *Les Problèmes de l'Europe* no. 69, 7-15.

The author sees the Lomé Convention, brought about according to the harmony model, as the first step towards a new worldwide economic order, which should serve as a model to the coming international negotiations.

V. Constantinesco and D. Simon, "Quelques problèmes des relations extérieures des Communautés Européennes", 11 R.T.D.E. 1975, 432-469.

The authors investigate the effect on the internal legal order of the Community of international agreements which bind the Community. These agreements form part of the internal Community legal order on the condition that they do not conflict with primary Community Law which takes priority over international agreements. With regard to secondary Community Law, international agreements take priority where they create rights for individuals which may be relied on in legal proceedings.

Huib Coppens *et al*, "Grondstoffenveiligheid, ontwikkeling en de Conventie van Lomé", 30 *Internationale Spectator* 1976, 113-121.

A. van der Hek, "De Associatiepolitiek van de Europese Gemeenschap", 29 *Internationale Spectator* 1975, 531-535.

W. J. Schuijt, "Commentar", 29 *Internationale Spectator* 1975, 736-740.

A. va der Hek, "Antwoord", 29 *Internationale Spectator* 1975 740-741.

A heated discussion between two Dutch politicians—both members of the European Parliament—on the advantages and disadvantages of the present EC policy of association.



Ernst U. Petersmann, "Auswärtige Gewalt, Völkerrechtspraxis und Völkerrechtsbindungen der EWG", 35 *Zeit.A.O.R.V.* 1975, 213-281.

A very thorough review of the legal aspects of the external relations of the EEC. The first part looks at the competences of the EEC in the external area, at the association and commercial agreements, at legal relations with other international organisations and at the legal relationship between the Community and the changing law of the other international economic organisations (esp. the IMF and GATT). The second part deals with the relationship between Community Law and international law from the Community point of view, and this leads to a discussion of the "conflict" rules laid down in Arts. 232-234 EEC and in Arts. 4 and 5 of the Act of Accession. Attention is also paid to the judgments of the Court of Justice in the ERTA and GATT cases and to the relationship between Community Law and the treaties concluded by Member States since 1958 (the problem of cooperation agreements).

J. Raux, C. Flaesch-Mougin, "Les accords externes de la CEE" (1-1-73/1-1-74), 11 *R.T.D.E.* 1973, 227-279.

The first of what is to be an annual review of the external agreements concluded by the EEC (not the ECSC or Euratom). The authors consider the following aspects of the agreements: the legal basis, the manner of conclusion, the object, the content and the institutions.

U. Wasserman, "EEC-Israel Trade Agreement", 10 *I.W.T.L.* 1976, 92-95.

## 20. *Environment Policy*

M. Bijwater, "La politique d'environnement de la Communauté", (1975) *R.M.C.*, 545-550.

H. Scheuer, "Aspects juridiques de la protection de l'environnement dans le Marché Commun", (1975) *R.M.C.*, 441-457.

A description of the recent legislation concerning the protection of the environment in the Member States, and an analysis of the principles and legal instruments of a Community environment policy.

## VI. *COUNCIL OF EUROPE*

### A. *General*

"Célébration du vingt-cinquième anniversaire du Conseil de l'Europe le 6 mai 1974", 21 *Annuaire Européen* 1973, 3-20.

A. Manin, "La Grèce et le conseil de l'Europe du 12 décembre 1969 au 28 novembre 1974", 20 *Annuaire Français de Droit International* 1974, 875-885.

A discussion of the consequences of the withdrawal of Greece from the Council and its eventual re-accession.

M. Wiederkehr, "La Convention européenne sur l'immunité des Etats du mai 1972", 20 *Annuaire Français de Droit International* 1974, 924-945.

The Convention concerning the immunity of States has been offered for ratification by the Member States of the Council of Europe. The Convention contains provisions governing the scope of the immunity which a State may enjoy in regard to judicial



proceedings in other States and concerning the implementation of judgments made against a State. The Convention has not yet come into force. There is also a supplementary protocol concerning a procedure for the resolution of disputes.

B. *Human Rights*

E. A. Alkema, "Gelden grondrechten ook voor militairen", 50 *N.J.B.* 1975, 1429-1438.

A discussion of the case of *Engel v. The Netherlands* concerning the compatibility of military disciplinary procedures with the European Convention.

E. A. Alkema, "Het Europees Verdrag voor de Rechten van de Mens; Overzicht rechtspraak 1972-1975", (1975) *Bestuurswetenschappen*, 611-627.

R. Pelloux, "L'affaire Ringeisen devant la Cour européenne des droits de l'homme — Arrêts de 16 juillet 1971, 22 juin 1972 et 23 juin 1973", 20 *Annuaire Française de Droit International* 1974, 334-353.

P. Siedel, "Der Rang der Europäischen Menschenrechtskonvention in den Mitgliedstaaten", 90 *Deutscher Verwaltungsblatt* 1975, 747-753.

A very useful review of the status of the European Convention in the different legal orders of the 18 member States.

H. Walter, "Die Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte 195-1974", 24 *Jahrbuch des Oeffentliches Rechts* 1975, 25-61.