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III. *COUNCIL OF EUROPE*

A. GENERAL

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b. *List of abbreviations*

A.Ae	Ars Aequi (Netherlands)
A.J.C.L.	American Journal of Comparative Law
A.J.I.L.	American Journal of International Law
A.F.D.I.	Annuaire français de droit international
AöR	Archiv des öffentlichen Rechts
B.B.	Der Betriebs Berater
C.D.E.	Cahiers de droit européen
Col.L.Rev.	Columbia Law Review
D.V.Bl.	Deutsches Verwaltungsblatt
D.Ö.V.	Die Öffentliche Verwaltung
Dir.com.scamb.int.	Diritto comunitario e degli scambi internazionali
Dr.Soc.	Droit Social
E.A.	Europa Archiv
E.E.R.	European Economic Review
E.I.R.R.	European Industrial Relations Review
E.L.Rev.	European Law Review
E.S.B.	Economisch Statistische Berichten
EuGRZ	Europäische Grundrechte Zeitschrift (Grundrechte)
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 Organization
J.B.L.	The Journal of Business Law
J.C.P.	Juris-Classeur Périodique (La Semaine Juridique)
J.C.M.S.	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
L.Q.R.	Law Quarterly Review
M.D.R.	Monatschrift für deutsches Recht
M.L.R.	Modern Law Review
NewL.J.	New Law Journal
N.J.	Nederlandse Jurisprudentie
N.J.B.	Nederlandse Juristenblad
N.I.L.Rev.	Netherlands International Law Review
N.J.W.	Neue Juristische Wochenschrift
Nor.T.I.R.	Nordisk Tidskrift for International Ret
RdC	Recueil des Cours de l'Académie de Droit International de La Haye
R.B.D.I.	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
R.G.D.I.P.	Revue générale de droit international public
Rev.int.dr.comp.	Revue international de droit comparé
R.T.D.E.	Revue trimestrielle de droit européen
Riv.Dr.Eur.	Rivista di diritto europeo
R.I.W./A.W.D.	Recht der internationalen Wirtschaft/Aussenwirtschaftsdienst
R.M.C.	Revue du Marché Commun
S.E.W.	Sociaal Economische Wetgeving
S.M.A.	Sociaal Maandblad Arbeid
Sol.J.	Solicitors' Journal
Stanford L.Rev.	Stanford Law Review
Tul.L.Rev.	Tulane Law Review
Va.L.Rev.	Virginia Law Review
W.R.P.	Wettbewerb in Recht und Praxis
W.u.W.	Wirtschaft und Wettbewerb
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
Z.H.R.	Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht
Z.U.G.R.	Zeitschrift für Unternehmens und Gesellschaftsrecht

I. INTEGRATION, GENERAL ASPECTS

M. Baumer, H.-D. Jacobsen, "Institutional Aspects of East-West Economic Relations", 10 *J.W.T.L.* 1976, 434-453.

Jérôme L. Heldring, "L'Europe: le cercle vicieux", 29 *Studia Diplomatica* 1976, 87-95.

R. E. M. Irving, "Italy's Christian Democrats and European Integration", 52 *International Affairs* 1976, 400-416.

Reinhard Lohrmann, "Wanderungsbewegungen in Europa, politische Auswirkungen der internationalen Migration", 31 *E.A.* 1976, 303-313.

After the stream of refugees from East to West Europe and the stream of emigrants from West Europe over the Atlantic Ocean, it is migration within Europe itself, particularly of guest-workers from the Mediterranean area, which now plays an important role. This migration is dependent on economic conditions and their effect on the employment market, and has been greatly reduced in the present recession. However, even in the future it will be necessary to take account of the employment of migrant workers as a structural phenomenon.

William Praff, "Unity in Europe", 14 *The Atlantic Community Quarterly* 1976, 188-195.

M. F. Rakowski, "Umdenken über Europa", 4 *Europäische Rundschau* 1976/3, 3-15.

Franz Schmid, J.-M. Dufour, "Le CERN, exemple de coopération scientifique européenne", 13 *Journal du Droit International (Clunet)*, 1976, 46-104.

This article is written by the former and present heads of the legal service of CERN.

The following themes are dealt with: the three stages in the historical development of CERN, the institutional structure and functioning of CERN as an intergovernmental organisation, and its scientific functioning. At the end of the study particular attention is also paid to the legal consequences of the special situation of the organisation, lying on opposite sides of the French and Swiss borders.

Donald Sassoon, "The Italian Communist Party's European Strategy", 7 *The Political Quarterly* 1976, 253-276.

Uwe Thaysen, "Das Europa der Regierungen und das Europa-Bewusstsein seiner Bevölkerung", 7 *Zeitschrift für Parlamentsfragen* 1976, 163-177.

Three questions relating to the future unity of Europe one looked at with the help of certain tables:

- the different economic and social development of the member states
- the objectives of Europe and the strength of political will which exists in order to realize them
- appraisal of European political will, its strategies and possibilities with regard to European unity.

Wolfgang Wagner, "Kommunisten im westlichen Bündnis? Atlantische Allianz und Europäische Gemeinschaft vor einem neuen Problem", 31 E.A. 1976, 315-325.

A heated discussion is underway as to how far the Atlantic Community and the European Community could maintain their present character if a Communist party should become part of the Government of one of the Member States. Quite apart from the question whether one Communist-ruled Member State and it would depend on which) would be able at all to determine the character of an organisation, it would seem that in such a case the effects on NATO would in any case be more far-reaching than on the E.C.

II. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

Heinz-Jürgen Axt, "Das Europa der Bürger—Ideologie und Wirklichkeit. Zum Tindemans Bericht über die Europäische Union und zur gegenwärtigen Lage der EG", 21 *Blätter für Deutsche und international Politik* 1976, 849-866.

Y. Davison, "Grossbritannien's Rolle in der Europäischen Gemeinschaft", 4 *Europäische Rundschau* 1976/2, 63-73.

L. Dubouis, "Fonctionnaires des Communautés Européennes", 11 R.T.D.E. 1975, 280-308.

Chronicle of staff cases.

J. R. Frears, "The French Parliament and the European Community", 14 J. Comm. Mark. Studies 1976, 140-157.

Wolfgang Kummer, "Die Problematik der Auswahlverfahren bei der Ernennung europäischer Beamten und die Rechtstellung entsandter deutschen Beamten", 11 EuR 1976, 31-47.

R. H. Lauwaars, "Juridische Kanttekeningen bij het rapport-Tindemans over de Europese Unie", 24 S.E.W. 1976, 267-279.

G. Meier, "Die Einzelperson und das Europäische Recht", 29 N.J.W. 1976, 1557-1562.

Discussion of the system of fundamental rights in the law of the European Communities. The authors distinguish two categories: rights which are expressly mentioned in the Treaty (the five freedoms, prohibition of discrimination, equal pay etc.) and those which have been developed by the Court. The author further discusses the extent to which such rights may be disregarded.

R. Monaco, "The limits of the European Community order", 1 E. L. Rev. 1976, 269-281.

The author, former judge of the Court of Justice, considers the limits of the Community legal order in the territorial, material and personal sense.

Reinhard Rommel, "Von der E.G. zur Europäischen Union", 27 *Aussenpolitik* 1976, 154-167.

Discussion of the Tindemans Report with particular reference to external relations.

A. G. Toth, "The individual and European law", 24 I.C.L.Q. 1975, 659-706.

Excellent and thorough survey of the system of judicial protection of citizens' rights in the Community. The author notes three gaps in the system:

1. the subject has no way of bringing about a condemnation by the Court of Justice of a violation of Community Law on the part of one of the Member States.

Moreover, in the EEC and Euratom there is no means of forcing the Commission to make use of its powers;

2. there is no direct appeal from normative acts of Community institutions;
3. the national systems of judicial protection are in need of harmonisation.

John A. Usher, "Presenting a Case before the European Court", 1 E.L.Rev. 1976, 109-114.

J. Vandamme, "Bedenkingen bij het rapport-Spiereburg", 24 S.E.W. 1976, 224-229.

Karl Wolf, "Kostenrecht und Kostenpraxis des Gerichtshofs der Europäischen Gemeinschaften", 11 EuR 1976, 7-31.

2. Relationship Community/National law

T. St. John Bates, "The Scrutiny of European secondary legislation at Westminster", 1 E.L.Rev. 1976, 22-42.

Survey of the procedures instituted in both Houses of Parliament in order to follow and influence the policy of the U.K. in the European Communities.

J. W. Bridge, "Community law and English Courts and Tribunals; General Principles and Preliminary Rulings", 1 E.L.Rev. 1976, 13-21.

Review of the 13 cases before English courts (up to April 1975) when questions of Community Law were raised. The author considers the attitude of these courts to general principles of Community Law and to the possibility of asking for a preliminary ruling. In regard to this last point in particular the conclusion is not very optimistic.

C. E. Costanza, "Regolamenti comunitari e normanazionali nella sentenza n. 232 del 30 ottobre 1975 della Corte Costituzionale", 16 Riv.Dir.Eur. 1976, 132-140.

W. R. Edeson and F. Woodbridge, "European Community Law and Fundamental Human Rights: some recent decisions of the European Court and national courts", L.I.E.I. 1976/1, 1-54.

The authors first consider the question of the absolute priority of Community over national law and then look at the consequences of this doctrine for the effective protection of fundamental rights in the EC and at the difficulties which have arisen in this regard in one of the Member States. The leading judgments here, *Stauder*, *Nold*, *Internationale Handelsgesellschaft* and the judgment of the German Constitutional Court of May 29, 1974, are dealt with in detail.

P. van Dijk, "De rechtsgrondslag voor de oplossing van een conflict tussen Gemeenschapsrecht en nationaal recht door de nationale rechter. Rechtsvergelijkende kanttekeningen bij een arrest van het Italiaanse Constitutionele Hof en bij arrest 46/75 van het Hof van Justitie der EG", 24 S.E.W. 1976, 280-287.

John Fitzmaurice, "National Parliaments and European policy-making: the case of Denmark", 29 *Parliamentary Affairs* 1976, 281-293.

J. Pirotte Grouville, "La primauté du droit international et la spécificité de l'ordre communautaire dans l'affaire Jacques Vabre", 12 R.T.D.E. 1976, 215-228.

L. Plouvier, "L'arrêt de la Cour constitutionnelle d'Italie du 22 octobre 1975 dans l'affaire ICIC", 12 R.T.D.E. 1976, 271-295.

Reinhard Riegel, "Ueberlegungen zum Problem EG-Richtlinien und nationale Rahmenkompetenz", 11 EuR 1976, 79-90.

The adoption by the Council of the directive concerning the quality of surface waters forms the starting point for a discussion of the problem of the implementation of directives in the Federal Republic. The existence of a *Rahmenkompetenz* on the part of the federal government complicates matters here. Relying on the case-law of the Court of Justice regarding the supremacy of

Community Law and its implementation in the Member States and also on the judgment of the German Constitutional Court of May 29, 1974, the author makes some suggestions with a view to a solution of these problems.

M. Roggentin, "Zur Frage des Rechtsweges in EWG-Ausführerstattungsrecht", 1976 R.I.W./A.W.D., 239-241.

C. Shachor-Landau, "Protection of fundamental rights and sources of law in European Community Jurisprudence", 10 J.W.T.L. 1976, 289-300.

Manfred Simon, "Enforcement by French Courts of European Community Law", 91 L.Q.R. 1975, 92 L.Q.R. 1976, 85.

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

The Court of Justice has already been faced with this question in a number of cases (eg. cases 82/71, 31/74), but as yet no general rule such as that in relation to direct applicability has emerged.

John A. Usher, "The Influence of National Concepts on Decisions of the European Court", 1 E.L.Rev. 1976, 359-374.

Italienischer Verfassungsgerichtshof, Urteil nr. 232 betr. Unzulässige innerstaatliche Reproduktion von Gemeinschaftsrecht, mit Anmerkung von I. Feustel, 11 EuR 1976, 253-262.

Verwaltungsgericht des Saarlandes, Urteil vom 10-12-75, REWE-Zentralfinanz e.G. Köln gegen Landwirtschaftskammer für das Saarland, mit Anmerkung von E. Mil-larg, 11 EuR 1976, 162-172.

4. Institutional

C. Blumann, "Le Conseil européen", 12 R.T.D.E. 1976, 1-21.

This article sketches the origins and the place of the European Council in the institutional system of the European Communities.

Jean-Louis Burban, "Les gaullistes et l'élection du Parlement européen au suffrage universel direct", 1976 R.M.C., 75-86.

Cour de Justice, aff. no. 73/74, *Groupeement des fabricants de papier peints*, 26 Nov. 1975, with note by L. Defalque, 12 C.D.E. 1976, 227-248.

Cour de Justice, aff. no. 100/74, *Société C.A.M.*, 18 Nov. 1975, with note by R. Kovar and A. Barav, 12 C.D.E. 1976, 68-110.

John R. Dodsworth, "European Community Financing: an analysis of the Dublin Amendment", J. Comm. Mark. Studies 1976, 129-140.

The author attempts to sketch the likely effects of the Dublin Amendment with regard to the contribution of the U.K. to the Community budget in 1980, that being the date when the U.K. will play a full part in the Community's scheme

of finance. The author further considers the effect of the Amendment on the future expenditure of the E.C.

H. H. Maas, "Gemeenschapsbegroting in de prioriteitenraad", 61 E.S.B. 1976, 532-535.

Erwin Reister, "Parlamentarisches Budgetrecht und Rechnungshof der EG: Ornamentik oder Demokratisierung der gemeinschaftlichen Finanzverfassung", 11 EuR 1976, 69-79.

The Member States are once again being required to ratify a treaty concerning the financial provisions of the E.C. Treaties. This article considers the changes which will be brought about by this treaty particularly in regard to the strengthening of the budgetary powers of the E.P. and the setting up of a Court of Accounts.

E. J. W. van Rij: "Invloed fractievorming op de verdeling van functies en op werkzaamheden in Europees Parlement", 1976 *Nieuw Europa*, 55-68.

Henny G. Schermers, "The Law as it stands on the appeal for annulment" L.I.E.I. 1975/2, 95-142.

J. J. Schwed, "Le parlement européen et son élection au suffrage universel direct", 1976 R.M.C., 20-28.

Daniel Strasser, "Le budget pour 1976. Bilan d'une procédure, perspectives pour une nouvelle année", 1976 R.M.C., 10-19.

After a review of the budgetary procedure followed in 1975, the author concludes that this has led to a strengthening of the budgetary powers of the E.P. An overall picture of the budget in the form in which it was finally adopted is also given. An important outcome of the procedure followed in 1976 was the confirmation of the principle that *all* expenditure of the Communities must appear on the budget, and the Council appears to have dropped the opinion that credits can only be opened after the adoption of the necessary legal decision to this effect. The article concludes with a number of further suggestions for amendment to Article 203 EEC.

A. G. Toth, "The law as it stands on the appeal for failure to act", L.I.E.I. 1975/2, 65-94.

5. *Adhesion*

J. P. Bouvin, "L'Angleterre et l'Europe: le 5 Juin ou la journée des dupes", 26 Rev. fr. de sc. polit. 1976, 197-228.

R. E. M. Irving, "The United Kingdom Referendum June 1975", 1 E.L.Rev. 1975, 3-13.

D. Lasok, "Some legal aspects of fundamental renegotiations", 1 E.L.Rev. 1976, 375-390.

Manuel Medina, "Spain in Europe", 11 *Government and Opposition* 1976, 143-156.

John Pesmazoglou, "Der bevorstehende Beitritt Griechenlands zur Europäischen Gemeinschaft", 31 E.A. 1976, 215-225.

This article also appears in English under the title "Greece's proposed accession to the EEC" in 32 *The World Today* 1976, 142-152.

The accession of Greece is defended as the logical consequence of association and the problems which it will bring should not be overestimated.

David Rudnick, "Spain's long road to Europe", 32 *The World Today* 1976, 134-142.

The economic problems posed by an eventual accession of Spain to the E.C. are capable of solution: the real problem remains the political evolution in Spain itself.

K. R. Simmonds, "The British Referendum 1975", 11 *EuR* 1976, 1-7.

6. External relations, association and development

E. van Bogaert, "De Associatieverdragen van Yaoundé en Lomé", 29 *Studia Diplomatica* 1976, 41-65.

K. P. Broadbent, "China and the EEC: the politics of a new trade relationship", 32 *The World Today* 1976, 252-265.

Y. Cohen, "Implications of a Free Trade Area between the EEC and Israel", 10 *J.W.T.L.* 1976, 252-265.

P. Coulmas, "Der Europäische Dialog", 4 *Europäische Rundschau* 1976/2, 111-117.

C. A. Ehrhardt, "Die EG und der Mittelmeerraum", 27 *Aussenpolitik* 1976, 219-232.

The countries of the European Community can no longer remain aloof from the problems of the Mediterranean area. With the association of Greece a process has got underway whereby the countries of that area orientate themselves more on Europe. This is shown also in the European-Arab dialogue and the various cooperation agreements. The Northern European countries in particular, will have to abandon the notion that the Mediterranean is only of marginal importance.

René Foch, "La Communauté et la Méditerranée", 41 *Politique Etrangère* 1976, 105-113.

Alfred Frisch, "La Chine et la Communauté européenne", 1976 *Les Problèmes de l'Europe* no. 72, 12-18.

H. D. Grenscher, "Notwendigkeit und Möglichkeit einer europäischen Aussenpolitik", 31 E.A. 1976, 427-435.

Amid all the pessimism surrounding Europe and European integration, the progress in the area of external policy is one matter for good cheer. The foundations of this were laid in the years of economic crisis, 1973-1975.

J. V. Gruhn, "The Lomé Convention; inching towards interdependence", 30 *International Organization* 1976, 241-262.

A survey of the origin of and the negotiations for the Lomé Convention, followed by a summary of the Convention and a preliminary assessment. But the attempt (announced in the introduction) to place the negotiations regarding "Lomé" in the framework of the theories regarding negotiations between big/strong and small/weak states is not in the end undertaken.

Bettina S. Hurni, "Evolution of the Generalized System of Preferences of the European Communities", 10 *J.W.T.L.* 1976, 383-389.

After describing the general system preferences of the EEC as it functioned until 1975, the writer concludes that such advantages as the system produced for developing countries will be reduced to nothing by about 1977. The improvements to the system effected in 1975 are briefly sketched, but their value is considered to be very limited. The conclusion of the article is that the system has brought more political profit to the EEC than economic profit to the developing lands. In the long term, such lands stand to gain more from a covering of tariffs under the most-favoured-nation clause than from the generalised system of preferences.

Bettina S. Hurni, "Ist das Abkommen von Lomé für die beteiligten Entwicklungsländer ein wirksames Instrument der Entwicklungshilfe?", 31 *Aussenwirtschaft* 1976.

The writer attempts to come to a preliminary assessment of the advantages and disadvantages of the Convention. As positive aspects she notes the administrative cooperation and financial assistance for which it provides. Problematic, though, is the balancing of the interests of the ACP lands against those of other associated and non-associated states, and also the bureaucratic tangle which the Convention threatens to bring with it. If one proceeds from the assumption that the African lands in effect had no alternative, then one will reach a positive evaluation: if, on the other hand, one is more inclined to regard the Convention as a political stunt on the part of the EC, which might lead to a far-reaching bi-polarisation of trade, then one will rather conclude that it smacks of neo-colonialism.

Karl Kaiser, "Iran and the Europe of the Nine: a relationship of growing interdependence", 32 *The World Today* 1976, 251-259.

A discussion on the EEC's "global Mediterranean policy" and in particular its relationship to Iran. See also 31 *E.A.* 1976, 407-417.

Rainier Lau, "Le dialogue euro-arabe et sa place dans la politique européenne des Neuf", 1976 *R.M.C.* 69-74.

Beate Lindemann, "Europe and the Third World. The Nine at the United Nations", 32 *The World Today* 1976, 260-269. See also 31 *E.A.* 1976, 435-448.

European political cooperation has produced its most significant repercussions in the General Assembly of the U.N. The increased cooperation in that framework coincides with the increase in the prestige of the E.C. deriving from the political isolation of the U.S. in that forum and from the disinterest of the U.S.S.R. for the economic questions which frequently dominate the agenda. But an analysis of the voting patterns of the Nine clearly shows the limits of

their unity. The special status of the U.K. and France in the U.N. also poses problems for European political cooperation. More agreement should be reached *a priori* in the framework of the U.N. subcommission of the Davignon Committee and this Committee should be better coordinated with the nine delegations in New York, which at present often only at the last moment contrive to present a united front.

J. P. Pietri, "La valeur juridique des accords liant la CEE", I and II, 12 R.T.D.E. 1976, 51-76 and 177-194.

A thorough survey of the problems which arise in relation to the conclusion of agreements by the EEC and its Member States. The writer first considers in what ways the EEC can become bound by an international agreement. Firstly, of course, by concluding one itself on the basis of Article 228, Article 235 or of its implied powers (E.R.T.A. judgment). But the Community may also be bound by agreements concluded by Member States, and in this context the writer looks more closely at certain specific questions such as that of agreements concluded before the Treaty of Rome, the Council Decision of December 16, 1969 regarding the prorogation of agreements, and the problems concerning the so-called "mixed agreements".

In the second part of the study, the consequences for the Community legal order which flow from agreements binding the Community are considered, in particular the place of such agreements in the hierarchy of Community norms. Lastly, the writer considers the Community procedures for control of compatibility with Community Law. The article was unfortunately finished before the Court delivered its first opinion under Article 228.

J. Raux, C. Flaesch-Mougin, "Les accords externes de la CEE" (1 Jan. 1973-31 Dec. 1974), 11 R.T.D.E. 1975, 227-280.

J. Raux, D. Perrott, "Les accords externes de la CEE" (1 Jan.-31 Dec. 1975), 12 R.T.D.E. 1976, 295-374.

Eberhard Rhein, "Die Europäische Gemeinschaft auf der Suche nach einer gemeinsamen Aussenpolitik", 31 E.A. 1976, 171-180.

Particularly interesting for its analysis of the internal and external impulses which have impelled the Community to a common external policy. This external policy finds its limits in the dependency on the U.S. in security matters and on imports from the third world in economic matters.

Marcel Scotto, "La politique méditerranéenne de la CEE prend tournure", 1976 R.M.C., 123-126.

Catherine de Vallois, "L'attrait de la Convention de Lomé pour les entreprises privées", 1976 R.M.C. 194-200.

The title of the article is rather misleading. In fact it amounts to little more than a summary of the Convention with here and there mention of matters of particular interest to private undertakings.

Gillian White, "The Lomé Convention—A Lawyer's View", 1 E.L.Rev. 1976, 196-212.

A careful summary and legal analysis of the contents of the Lomé Convention. Mention is made *inter alia* of the fact that as a consequence of a recent judgment of the Court of Justice (case 87/75, 1976 E.C.R., 129) certain parts of the Convention may produce direct effects.

C. EUROPEAN ECONOMIC COMMUNITY

1. General

B. Asso, "Le contrôle de l'opportunité de la décision économique devant la Cour européenne de Justice", 12 R.T.D.E. 1976, 21-51 and 177-194.

A thorough, two-part study of the control of the discretionary exercise of economic decision-making powers by the Court of Justice.

A. Bleckmann, "Art. 5 EWG-Vertrag und die Gemeinschaftstreue", 91 D.V.Bl. 1976, 483-487.

An analysis of the potential significance of Art. 5 EEC (potential because there has as yet been no case of a concrete application of this provision). In the writers view, Art. 5 imposes both a positive duty on the Member States to act in accordance with the objectives of the Treaty, and a negative duty not to act in conflict with these objectives. Art. 5 also gives rise to certain secondary duties: The foundation of these principles of "European administrative law" as the author calls it, is formed by the notion of the "*Rechtsstaat*", which is inherent to the Community. The article ends with a discussion of the broader notion of "*Gemeinschaftstreue*" which imposes obligations both on the Member States and the Community institutions.

U. Everling, M. E. Schwartz, C. Tomuschat, "Die Rechtsetzungsbefugnisse der EWG in Generalermächtigungen insbesondere Art. 235 EWGV", 11 EuR 1976/sonderheft.

The whole of this special issue of *Europarecht* is devoted to the texts and reports submitted to the Munich Conference of September 1975. The reports basically discuss the two fundamental questions in this regard: firstly, to what extent can Art. 235 serve as the legal basis for new areas of Community policy, and, secondly, to what extent do the Member States remain free, if the conditions of Art. 235 are fulfilled, to adopt the alternative method of intergovernmental agreements. The report of Schwartz is particularly devoted to this second question.

See also M. E. Schwartz, "Le pouvoir normatif de la Communauté, notamment en vertu de l'article 235—une compétence exclusive ou parallèle?", 1976 R.M.C. 280-291 French translation of report published in *Europarecht*.

R. H. Lauwaars, "Art. 235 als Grundlage für die flankierenden Politiken in Rahmen der Wirtschafts- und Währungsunion", 11 EuR 1976, 100-130.

A contribution to the heated discussion concerning Article 235 EEC. Lauwaars has a restrictive view of the possibility of the use of Art. 235 to ground the various policy areas which form the foundation of the EMU (social, regional, environment and energy policy, etc.). In his view the EMU does not amount to one of the objectives of the Community, and Art. 235 may not therefore be used to this end. At the most, it may be used as a kind of transitional measure, pending the revision of the Treaty.

J. Mertens de Wilmars, "La jurisprudence de la Cour de Justice comme instrument de l'intégration communautaire", 12 C.D.E. 1976, 135-148.

Joël Rideau, J.-M. Rainaud, "Chronique de jurisprudence de la Cour de Justice des Communautés Européennes", 2 parts in 1976 R.M.C., 94-111 and 139-151.

P. G. Slot, "Vrijwaringsclausules en vrijwaringmaatregelen in het recht van de EEG", 24 S.E.W. 1976, 473-503.

In this discussion of the "escape" clauses of the Treaty the author distinguishes three kinds: those clauses in the Treaty which have only a limited period of validity; those in the Treaty which are of unlimited validity; and those "escape" clauses which have been adopted under secondary Community Law. The following are also discussed: the functions, authorisation, conditions of application and the content of the "escape" clauses, as well as the questions of judicial control and protection in this area. Finally, an indication is given of the functions which the "escape" clauses have fulfilled or may yet fulfil in the process of integration in the E.E.C.

2. Agriculture

Pierre Baudin, "Politique agricole commune: réflexions sur un bilan", 1976 R.M.C., 127-139.

An evaluation of the survey submitted by the Commission to the Council and Parliament on Febr. 27, 1975.

A. J. Braakman, "Over de codificatie van het communautaire landbouwwrecht", 24 S.E.W. 1976, 347-356.

The frequent modifications of the E.E.C. regulations in the agriculture area make codification desirable. The Community has chosen the "constitutive" procedure of codification. The writer discusses certain practical and legal aspects of the procedure.

Jean-Louis Girandy, "Les excédents européens de poudre de lait: le choc des lobbies", 1976 R.M.C., 233-236.

A very interesting analysis of how the Community's excess of powdered milk was brought about. In particular, light is thrown on the role of the sudden fluctuations of American soja imports and on the activities of the European animal feed industry.

S. J. Haarscher Revol, "Le problème de l'huile d'olive dans le cadre du Marché Commun: son evolution", 1976 R.M.C., 237-251.

An analysis of the market organisation for olive oil and its development since 1966.

V. Lavrenov, "The troubles of 'green Europe'", 1976 *International Affairs* (Moscow) 61-69.

It is astonishing to see the problems of agricultural Europe explained in terms of the conflicts inherent to capitalism: agricultural Europe, built on "the quicksands of capitalist integration", is doomed to destruction by these essential contradictions.

C. G. Trojan, "Vrijwaringsclausules op het gebied van de landbouw", 24 S.E.W. 1976, 503-526.

One of the 2 reports prepared for the annual meeting of the Netherlands Association for European Law in 1976, which was devoted to the subject of "escape" clauses. This report is particularly concerned with such clauses in secondary Community Law, such as are found in the different regulations governing the common organisation of the agricultural markets. Special attention is paid to the "horizontal escape clauses" and to Article 31 (2) of the wine regulation, which played such an important role in the "wine war".

3. Commercial policy

E. Lasnet, "L'élimination des entraves techniques aux échanges dans la CEE", 12 C.D.E. 1976, 4-32.

An investigation into the progress of the Community in eliminating technical restrictions on trade. The definition of these restrictions, the instruments for their elimination and the methods of harmonisation of legislative provisions are all discussed.

M. Quintin, "Participation de l'Assemblée parlementaire européenne au déroulement de la procédure de négociation des accords commerciaux", 11 R.T.D.E. 1975, 211-227.

4. Company law

Peter Behrens, "Rechtspolitische Grundsatzfragen zu einer Europäischen Regelung für Uebernahme-angebote", 4 Z.U.G.R. 1975, 433-458.

Wilhelm Ersil, "Neues 'Tief' der EWG-Gruppierung", 21 *Deutsche Aussenpolitik* 1976, 1024-1042.

Muir Hunter, "The Draft EEC Bankruptcy Convention—A further Examination", 25 I.C.L.Q. 1976, 310-329.

B. S. Markesinis, "The law of agency and section 9 (2) of the European Communities Act", 35 *Cambridge Law Journal* 1976, 112-134.

Section 9 of the E.C. Act of 1972 affects important principles of British company law, including the law of agency. Section 9 is intended to effect the implementation in the U.K. of the first directive of the council concerning the harmonisation of company law. The article discusses some shortcomings in the U.K. law before the E.C. Act with respect to the protection of third parties, and the situation as it is now as a result of section 9 (2). Finally, a review is made of the situation in the other E.C. Member States.

C. M. Schmitthoff, "The success of the harmonisation of European Company Law", 1 E.L.Rev. 1976, 100-108.

C. de Valois, "Le bureau de rapprochement des entreprises", 1976 R.M.C., 264-269.

5. *Competition and industrial property*

J. M. Bischoff, R. Kover, "L'application du droit communautaire de la concurrence aux entreprises établies à l'extérieur de la communauté", 102 *Journ.dr.intern.* 1975, 675-727.

B. I. Cawthra, "Patent licence agreements in the E.C. Two new decisions of the Commission", 6 *I.I.L.* 1975, 428-455.

Lazar Foscaneanu, "La jurisprudence de la Cour de Justice des communautés européennes en matière de concurrence", parts 9 and 10 respectively, 1976 *R.M.C.*, 35-57 and 151-173.

"Het Suikerarrest", 61 *E.S.B.* 1976, 347-350.

Alexandre Oser, "Réglementation communautaire de la concurrence et sécurité juridique", 1976 *R.M.C.*, 28-33.

G. Repaci, "Vers un droit européen des brevets, une deuxième et décisive étape: la convention sur le brevet communautaire", 1976 *R.M.C.*, 86-94.

6. *Economic and monetary policy*

A. Aszkenazy, "Les bourses et l'évolution conjoncturelle dans le Marché Commun", 1976 *Les Problèmes de l'Europe*, 18-32.

Review of the developments in recent years on the most important European stock exchanges.

J.-C. Leygues, "Le système de change communautaire: un serpent difficile à charmer", 1976 *R.M.C.*, 1-10.

C. J. Oort, "The future of Europe's exchange rate policies", 32 *The World Today* 1976, 287-295.

The growing divergence between snake and non-snake members in the EEC is an alarming development. The writer makes four proposals in relation to the exchange rate system which might help to solve this problem.

E. Rhein, "Europäische konzertierte Aktion. Ein Beitrag zur gemeinschaftlichen Wirtschaftspolitik", 31 *E.A.* 1976, 497-505.

Not only economic and monetary policy, but also social policy is necessary for the realisation of an E.M.U. The objective of community action is concerted behaviour of state and trade unions. In this respect, the Tripartite Conference of 1974 of the Ministers of Social Affairs with the Commission and the leaders of the employers' associations and trade unions made an important first step.

C. H. Rijnvos, "Verleden en toekomst van de monetaire integratie in West-Europa", 1976 *E.S.B.*, 37-43.

D. C. Stafford, "Mutual Funds in the EEC", 14 J. Comm. Mark. Studies 1976, 240-254.

The article discusses the growth, legal status and investment of investment funds which are registered and sold in the lands of the E.C. The writer concludes that the legal regulations with regard to the administration and supervision of the funds are clearly defined but differ widely from one E.C. Member State to the other.

Manfred Wilms, "Money Creation in the Euro-Currency Market", 112 *Weltwirtschaftliches Archiv* 1976, 201-231.

10. *European Investment Bank*

J. Käser, "Europäische Investitionsbank und die Deutsche Wirtschaft—Rechtliche Möglichkeiten der Finanzierung von Projekten", 11 EuR 1976, 130-155.

This article investigates the legal framework within which the German economy can call on the financial assistance of the E.I.B. in this respect the financing of projects in the Federal Republic itself come first into consideration, although the question of projects in foreign countries, insofar as these are important for German project organisers is also investigated.

11. *Free movement of goods and customs union*

P. Daillier, "La jurisprudence douanière de la Cour de Justice des Communautés européennes (1958-1975)", Parts I and II, 1976 R.M.C., 291-301, 346-358.

Deutsche Biersteuer verstößt gegen EWG-Vertrag, mit Urteilsanmerkung von G. Meier, 22 R.I.W./A.W.D. 1976, 529-532.

Ursula Wassermann, "Second EEC Directive on Pharmaceutical Products", 10 J.W.T.L. 1976, 393-398.

12. *Free movement of workers and social security*

A. Bleckmann, "Zum Rutili-Fall des EuGH", 3 *Grundrechte* 1976, 265-267.

Urteil vom 26-2-1975, Rechtssache 67/74, *Bonsignore v. Obsterstad-direktor der Stad Köln*, mit Anmerkung von Helmut Rittstieg, 11 EuR 1976, 47-54.

Giorgi Conetti, "La legge regolatrice delle assicurazioni sociali secondo i regolamenti comunitari", 16 *Riv. Dir. Eur.* 1976, 97-131.

G. Druesne, "La réserve d'ordre public de l'article 48 du Traité de Rome", 12 R.T.D.E. 1976, 229-259.

Cour de Justice, aff. 36/75, *R. Rutili c. Ministère de l'Intérieur*, 28 octobre 1975, met noot T. Tomuschat, 12 C.D.E. 1976, 50-68.

Urteil vom 28-10-1975 Rechtssache 36/75 im Vorabentscheidungsverfahren *Roland Rutili gegen Minister des Innern*, mit Anmerkung von T. Stein, 11 EuR 1976, 237-246.

Denys Simon, "Ordre public et libertés publiques dans les communautés européennes, à propos de l'arrêt Rutili", 1976 R.M.C., 201-224.

T. Stein, "Die Einschränkung der Freizügigkeit von EWG-Ausländern aus Gründen der öffentlichen Sicherheit und Ordnung", 29 N.J.W. 1976, 1553-1557.

Refers in particular to the Van Duyn, Bonsignore, Rutili and Royer judgments of the Court.

Cour de Justice, aff. 36/74, Union cycliste internationale, 12 dec. 1974, with note by P. Delannay, 12 C.D.E. 1976, 204-227.

Arrêts du 4 décembre 1974, Van Duyn; du 26 février 1975, Bonsignore; du 28 octobre 1975, Rutili (notion d'ordre public) avec observations G. Lyon-Caen, 12 R.T.D.E. 1976, 128-145.

Urteil vom 4-12-1974, Rechtssache 41/74, Van Duyn v. Home Office, mit Anmerkung von Helmut Rittstieg, 11 EuR 1976, 52-54.

13. *Freedom of establishment and freedom to provide services*

H. J. Bronkhorst, "De ontwikkelingen op het gebied van het vestigingsrecht en het vrij verrichten van diensten sedert de arresten Reyners en Van Binsbergen", 24 S.E.W. 1976, 330-347.

J.-C. Séché, "Les directives du Conseil des Communautés européennes du 16 juin 1975 concernant les activités du médecin", 12 C.D.E. 1976, 32-50.

A thorough description of the Council directives concerning the free establishment of doctors.

14. *Free movement of capital of payments*

C. W. M. van Ballegooijen, "Het betalingsverkeer in het EEG-verdrag (art. 67 en 106)", 24 S.E.W. 1976, 174-181.

16. *Industrial and technological policy*

Jacques Faure, "Législations communautaires dans le domaine de la métrologie", 1976 R.M.C., 187-194.

17. *Jurisdiction and recognition of judgments*

R. Greimer, "Anerkennung gerichtlicher Entscheidungen nach dem EWG-Übereinkommen vom 27-9-1968", 22 R.I.W./A.W.D. 1976, 139-149.

A detailed analysis of the 1968 Convention on jurisdiction and recognition of judgements and of the Protocol concerning the interpretation of the Convention by the Court of Justice.

Caroline-Jane Pointon, "The EEC Convention on the recognition and enforcement of civil and commercial judgments and its implications for English law", L.I.E.J. 1975/2, 1-64.

The Convention of 1968 is very much more far-reaching than the scope of Art. 220 EEC would lead one to expect. Its progressive character can be seen *inter alia* in the rules governing competence, and in the liberal rules concerning enforcement and the special rules for exceptional cases. The article discusses the main provisions of the Convention with particular reference to English law.

18. *Public undertakings and state aids*

D. Ehle, "Auswirkungen der Urteile des Europäischen Gerichtshofes zum Branntwein- und Tabakmonopol", 22 R.I.W./A.W.D. 1976, 177-194.

The situation regarding in particular the French and German alcohol monopolies in the light of 3 important judgments of the Court concerning national monopolies.

20. *Social policy*

Y.-L. Burban, "Y-a-t-il une politique sociale européenne", 12 C.D.E. 1976, 179-204.

Although in the early years of the Community it was hardly possible to talk of a social policy, it would appear that since 1969 the social policy has gained in significance. Summit conferences gave the first impulse to this development, which was consolidated in the social action programme of 1974. The writer is not, however, led to modify his conclusion that the Community has never had a proper social policy. The reasons for this are to be found in the Treaty itself, in particular the problems posed by "progressive" harmonisation, and in the lack of interest and participation on the part of the trade unions.

1976 *Droit Social* no. 5. A special issue devoted to the position of guest workers in France, which does not appear to differ greatly from their position elsewhere in Europe. In a number of different articles the general problems of guest workers regarding work, residence and expulsion, as well as social life and rights are considered. The article by Daniels Loschat at pp. 83-89 also considers the free movement of workers in the EEC.

P. Kravaritou-Manitakis, "L'emploi selon le Traité de Rome et l'action communautaire. Textes et réalités", 16 Riv. Dir. Eur. 1976, 20-37.

G. Lyon-Caen, "La situation dans les pays de la CEE et au plan communautaire", 36 *Annales de droit* 1976, 195-209.

An analysis of the conditions for and the methods for achieving the participation of workers in industrial management. The present state of affairs in the different Member States, and in particular France and Germany, is described, as well as the initiatives which have been taken in this regard on the Community level, such as the draft statute for a European S.A. and the draft fifth directive regarding the structure of companies.

E. A. Mangé, "Tripartite conferentie tegen werkloosheid en inflatie", 61 E.S.B. 1976, 718-720.

P. S. R. F. Mathijssen, "Gelijke beloning voor mannen en vrouwen (noot Defrenne)", 25 A.Ae. 1976, 473-481.

Particularly interesting for the discussion of the notions of "direct applicability" and "direct effects".

Jörn Pipkorn, "Die Diskussion über die wirtschaftliche Mitbestimmung der Arbeitnehmer in der EG. Zur Regelung im vorgeschlagenen Statut für Europäische Aktiengesellschaften", 31 E.A. 1976, 376-383.

R. Rifflet, "Employment policy and prospects in the European Communities", 113 *International Labour Review* 1976, 139-159.

An extremely interesting and readable article on employment policy since the Second World War. The former inexhaustible confidence in the process of economic growth, in which employment policy played only a marginal role, has been broken down by structural inflation leading to a recession with rising unemployment. Moreover, the belief in an automatic evolution towards social harmony has been shaken by the Report of the Club of Rome. More emphasis will have to be placed in future on an active employment policy and on planning.

C. Schieffmann, "La conférence tripartite de Luxembourg, un consensus de façade", 1976 R.M.C., 315-319.

21. Taxation

F. Hellinger, "Harmonisierung der Steuern nach den allgemeinen Rechtsangleichsvorschriften des EWG-Vertrages?", 22 R.I.W./A.W.D. 1976, 363-367.

The author investigates the question whether a harmonisation of indirect taxation can proceed as well as on the basis of Article 99 EEC as on the basis of Article 99 EEC as on the basis of the general harmonisation provisions, Articles 100 and 101 EEC.

Michele Soldati, "Taxing Corporate Income: European Harmonisation and the Italian experience", 24 A.J.I.L. 1976, 246.

M. A. Wisselink, "Informatie-uitwisseling tussen EG-belasting-administraties", 61 E.S.B. 1976, 650-652.

III. COUNCIL OF EUROPE

A. GENERAL

J. G. Lammers, "The Draft European Convention of the Council of Europe for the protection of international watercourses against pollution", 6 N.J.I.L. 1975, 167-198.

An analysis of the provisions of the draft Convention and discussion of certain problems of interpretation.

B. HUMAN RIGHTS

A. Drzemczewski, "European Human Rights in the United Kingdom: some observations", 9 *Revue des Droits de l'Homme* 1976, 123-129.

In the light of recent case law, the writer investigates how far the European convention has influenced English law.

"Die Europäische Menschenrechtskonvention und ihre Anwendung in der Schweiz", 94 *Zeitschrift für Schweizerisches Recht* 1975.

J. Jaconelli, "The European Convention on Human Rights—the text of a British Bill of Rights?", 1976 *Public Law*, 226-255.

The question as to whether the United Kingdom should have a Bill of Rights is again very topical. The article discusses the possible adoption of the European Convention as a basis for such a Bill of Rights, with reference to the influence of the Convention on English law.

T. E. McCarthy, "The International Protection of Human Rights—ritual and reality", 25 *I.C.L.Q.* 1976, 261-292.

A very interesting analysis of the case brought by some vagrants against the Belgian Government.

G. Sperduti, "De la notion de delai raisonnable qualifiant la durée de la Convention européenne des droits de l'homme", 8 *Revue des droits de l'homme* 1975, 865-867.

C. Triffterer, "Zur Einschränkung der Menschenrechte und zur Anwendbarkeit von Verfahrensgrundsätzen bei freiheitsbeschränkenden Disziplarmassnahmen in besonderen Gewaltverhältnissen" (comment on the Five Soldiers case of 8-6-1976), 3 *EuGRZ* 1976, 363-370.

"Wehrdisziplinarrecht vor dem Europäischen Gerichtshof für Menschenrechte" (comment on Engel judgment) by T. Stein, 3 *EuGRZ* 1976, 285-287.