

SURVEY OF LITERATURE

I. INTEGRATION, GENERAL ASPECTS

20 Ans d'Europe ... et demain? 20 *Annales du Marché Commun* 1977, no. 2, 19-14.

Paul J. Bailey & Ilka Bailey-Wiebecke, "All-European co-operation: the CSCE's Basket Two and the EEC", XXXII *International Journal* 1977, 386-407.

Andrea Chiti-Batelli, "Perspectives d'une politique culturelle européenne" XX *Problèmes de l'Europe* 1977 no. 75-76, 13-16.

Raphaella Bilshi, "The Common Market and the Growing Strength of Labour's Left Wing", 12 *Government and Opposition* 1977, 306-331.

M. A. Boisard, "Une politique européenne de co-operation culturelle", XXX *Studia Diplomatica* 1977, 263-272.

Marion Bywater, "La communauté européenne et la non prolifération", 1977 R.M.C. no. 206, 159-162.

Canada and the U.S.—important suppliers of enriched uranium to the Community—have almost ceased these supplies since the Indian nuclear bomb test and the energy policy of the Community is thereby seriously threatened. Canada demands new guarantees including IAEA inspections in France. But the risks of proliferation are even greater in regard to the enriched uranium originating mainly in the U.S. Concern about proliferation on the one hand, and about the continuation of supplies, on the other, is creating new tensions in the relations between Europe and the U.S. and Canada.

John C. Cairns, "France, Europe and 'the design of the world' 1974-7", XXXII *International Journal* 1977, 253-271.

Lawrence T. Caldwell & Steven E. Miller, "East European integration and European politics", XXXII *International Journal* 1977, 352-385.

Lawrence Freedman, "Britain and a European foreign policy", 33 *The World Today* 1977, 167-175.

Britain, now a world power of only secondary importance, is interested in a Community foreign policy. But tension exists between those who would like to see Europe speaking with one voice, and those who would like to impress a decidedly British stamp on the common foreign policy. Britain will have to make a choice between these alternative approaches.

Curt Castyeger, "Europa en de toekomst van het communisme", XXXI *Internationale Spectator* 1977, 231-237.

Reginald I. Harrison, "La mélancolie Britannique et la communauté européenne"

1977 R.M.C. no. 206, 163-170.

A study of British attitudes towards the E.C. In contrast to his equivalent on the continent, the average British worker associates the Community more with economic decline than with prosperity. The political and industrial elite also expresses growing criticism in regard to the methods of European integration. In spite of this rather negative attitude, the author of this article, writing before the event, is optimistic as to the chances of a successful British presidency of the Council.

Ronald Inglehart, "Long-Term Trends in Mass Support for European Unification", 12 *Government and Opposition* 1977, 150-177.

Roy Jenkins, "The United States and a Uniting Europe", 1977 *The Atlantic Community Quarterly* no. 2, 209-220.

Norman Kogan, "Italy, the European Community, and the alliance", XXXII *International Journal* 1977, 272-287.

After World War II the foreign policy of Italy was for a while dominated by party-political conflicts. With the oil crisis a change came about, and since 1975 a foreign policy has developed which is supported by the most important political groups. The author discusses in particular the attitude of the Italian Communist Party. He concludes that the communists have in regard to foreign policy gone their own way, independent of Moscow and Peking. They do not dominate Italian foreign policy, and at the most may be said to influence it: they, too, are so concerned about the economic crisis that they are very unlikely to push Italy into new adventures. Italy is best served by relaxed international atmosphere, in which commerce can flourish again.

Peter Merkl, "The Study of European Political Development", XXIX *World Politics* 1977, 462-475.

Richard Piper, "Liberal Communism in Western Europe?", 1977 *The Atlantic Community Quarterly* no. 2, 229-234.

What will happen if communists come to power in e.g. Italy or France? According to the author, 2 possibilities present themselves: 1) a greater degree of centralisation with as a result reduced productivity, black market *etc.* and eventually a "hard-line" system which will lean heavily on Moscow, 2) it does appear possible to construct socialism "with a human face"; but here a repetition of the situation in Czechoslovakia in 1968 must be feared.

Sergio Segre, "Eurokommunismus—eine strategische Entscheidung", 5 *Europäische Rundschau* 1977, no. 3, 3-9.

Y. Shishkov, "Little Europe in an impasse", *International Affairs—a monthly journal of political analysis (Moscow)* 1977, nr. 3, 53-61.

Pessimistic view of the European construction as seen from Moscow. 1976 was a year of acute crisis for the E.C. for which not only psychological factors are to blame. No attempt at integrating the economies into a regional complex can alter the capitalist nature of prevailing production relations, or halt the signs of growing economic illness: overproduction, unemployment, *etc.* Discontent

among working people is growing and there is a trend to politicisation. Further, reactionary forces are seeking to reverse detente, preferring the political instability which brought the smaller Western European countries into alliances.

A. Stoleshikow, "A new step to Consolidate Peace in Europe", *International Affairs* —a monthly journal of political analysis (Moscow) 1977, nr. 3, 79-84.

The Political Consultative Committee of the Warsaw Pact, when meeting in November 1976, reaffirmed that it could continue a policy of consolidating peace and security in Europe. The member countries propose in a draft treaty that all participants in the CSCE undertake not to be the first to use nuclear weapons against the others.

Herbert Weissenberger, "Die Südtiroler auf dem Weg nach Europa", 5 *Europäische Rundschau* 1977, nr. 3, 87-110.

N. Yuyev, "Towards a Europe of Security and co-operation", *International Affairs* —a monthly journal of political analysis (Moscow) 1977, nr. 2, 19-28.

II. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

J. Andrews, "European Convention on Products Liability", 1977 E.L. Rev., 242-245.

Léontin-Jean Constantinesco, "La constitution économique de la C.E.E.", 13 R.T.D.E. 1977, 244-281.

Investigation of the economic system on which the E.E.C. Treaty is founded. Under economic system the author understands "L'ensemble des normes établissant les structures précisant les facteurs économiques, leurs fonctions, et spécifiant les règles, régissant le déroulement du processus économique". This economic system is composed of 3 elements: the objectives, the means and the principles which govern the normal functioning of the means. The system has a dualistic basis, *i.e.* it is founded on two rather contradictory means: the institution of the common market and the co-ordination of economic policy. The political advantage of this is that the Member States remain competent in relation to the most important sectors of the economy. But it also has disadvantages:

1) the unity of the economic process is sacrificed and 2) an imbalance exists between the two means for achieving the objectives of the Treaty, Co-ordination of economic policy allows the Member States to protect their own national interests, whereas it is particularly in this area that far-reaching co-operation is required. The institutions of the Community have in this area up to now acquired very few powers.

Arved Deringer & Joachim Sedemund, "Europäische Gemeinschaftsrecht" (Die Entwicklung des Gemeinschaftsrechts bis März 1977), 30 N.J.W. 1977, 988-991.

G. Issac, "La Codification du droit communautaire", 13 R.T.D.E. 1977, nr. 1, 79-92.
A study of the codification of secondary Community Law, which occurs in particular in the areas of agricultural and customs law. The author discusses both the procedures used and the material content of the codification work.

Hans Ulrich Jessurum d'Oliveira, "Characteristic Obligation in the Draft EEC Obligation Convention", 25 A.J.C.L. 1977, 303-331.

Discussion from the theoretical and practical points of view of the question whether the theory of "characteristic obligation" should be applied in the EEC. Point of departure is the "Draft EEC Convention concerning the law applicable to contractual and non-contractual obligations" which does enshrine the theory of characteristic obligation a theory developed in Switzerland and which, up to now, does not have much support in the E.C.

Ernesto Loh, "Feuerversicherungsmonopole und Europäisches Gemeinschaftsrecht", 23 RIW/AWD 1977, 258-262.

Roger Morgan, "The Treaty of Rome—twenty years on", 33 *The World Today* 1977, 119-121.

"Open Letter to Roy Jenkins", 1976 *agenor* 60, 1-17.

Emilia Cortese Pinto, "Su alcune clausole di salvaguardia del Trattato CEE in funzione di garanzia del sistema comunitario", XVII Riv.Dir.Eur. 1977, 155-166.

In addition to judicial procedures, such as Arts. 169 and 170, the EEC Treaty has a number of procedures of a non-judicial character which also provide a guarantee for the respect by the Member States of the system of the Treaty, *i.e.* the so-called "escape clauses". The author considers in particular Arts. 37 (3), 107 and 115 EEC. These provisions permit the reduction or neutralization of the harmful effects of Member State actions taken in derogation of the Treaty.

G. Ponedelko, "EEC: In Search of New Ideas", 1977 *International Affairs—a monthly journal of political analysis (Moscow)* nr. 5, 135-138.

T. Ravà, "Quelques réflexions de droit comparé à propos d'une rencontre communautaire", 16 dir. com. scamb. int., 5-12.

Some reflections provoked by the academic and judicial conference held in Luxembourg in September 1976.

Reinhard Riegel, "Eigentumsbegriff", Sozialbindung und Enteignung im europäischen Gemeinschaftsrecht", 92 *Deutsches Verwaltungsblatt* 1977, 749-753.

R. van Rooij, "Rechtelijke bevoegdheid en interpretatie van het Europees Jurisdictionen Executieverdrag: beginselen en belangen", 52 N.J.B. 1977, 613-622.

Gérard Streiff, "Marché commun du traité de Rome au projet d'élection de l'assemblée européenne", *Cahiers du communisme* 1977, nr. 4.

A survey of the 20-year history of the Community through communist eyes. The French communist party opposes the decision to hold direct elections because the E.P., which will consist largely of reactionary elements, will be able to lay down the law to the French people.

P. Verloren van Themaat, "De universele planmethode van Jean Monet als verbindend element tussen nationaal, Europees en internationaal economisch recht", 25 S.E.W. 1977, 346-358.

Hans-Vigge von Hülse, "Ist die von der E.G.-Kommission vorgeschlagene Form der strikten Produzentenhaftung eine gute Lösung?", 23 RIW/AWD 1977, 373-383.

This question is answered in the negative. But first a comparative law survey is made of 3 kinds of fault: a production fault, a construction fault and a fault which comes to light after some time, as is often the case with medicinal products (research faults). Then follows an analysis of the draft EEC directive. The author concludes that the directive will change the present case law drastically, because the notion of fault is general and vaguely defined, and because it leaves open the application of differing national rules in regard to the question whether the fault is the relevant cause of the damage. As an alternative, the author proposes a strict product liability, a less strict liability in regard to construction faults, and no liability at all in regard to research faults.

Hans-Jochen Vogel, "Die Europäischen Gemeinschaften auf dem Weg zur Rechtsunion", 30 N.J.W. 1977, 977-982.

The twentieth anniversary of the Treaties of Rome forms the inspiration for an interim balance drawn up by the W. German Minister of Justice. Community Law is being extended to more and more areas and penetrates to an increasing extent the national legal systems. In particular, the recent common declaration of the EC institutions in regard to fundamental rights marks the transition from an economic to a legal Community (*Rechtsgemeinschaft*) which expresses the commonly-held values of the European citizens.

2. Relationship Community/National Law

Achille Accolti-Gil, "Il sistema normativo del Trattato CEE per la tutela degli interessi nazionali dopo la fine del periodo transitorio", XVII Riv. Dir. Eur. 1977, 111-154.

First part of a study which will investigate the role of escape clauses in the EEC Treaty. In this part the author describes the general system of escape clauses, with special reference to certain individual provisions.

A. Barav, "Some aspects of the preliminary ruling procedure in EEC law", 1977 E.L.Rev. 3-19.

An investigation of two important groups of decisions given by the Court in the context of the Art. 177 procedure, decisions relating to the interpretation of the Treaty and decisions concerning the validity of acts of the institutions. To date, there have been more requests for interpretation than questions relating to validity, but it may be expected that the number of the latter will increase as the volume of Community legislation increases. The author considers that the Court should make a clearer distinction between the two groups, since each has its own specific characteristics.

G. Bebr, "Article 177 of the EEC Treaty in the practice of the national courts", 1977 I.C.L.Q., 241-282.

Requests for a preliminary ruling form the majority of cases which come before

the Court. Most requests are sent by judges in the lower courts. Without this provision the Court would be very much more limited in its development of Community Law, and yet the application of Art. 177 depends entirely on the initiative of the national judge. The article considers further a number of concrete questions: whether Art. 177 is applicable to all kinds of procedures; the procedure of Art. 177 when commenced by a lower or the highest court; the binding force of preliminary rulings; the theory of the "acte clair". Finally, the significance of Art. 177 for national law is considered.

P. van Dijk, "De Franse Conseil Constitutionnel over de grondwettigheid van de rechtstreekse verkiezing van het Europees Parlement", 25 S.E.W. 1977, 186-190.

Andrew Z. Drzemczewski, "Fundamental Rights and the Communities", 2 *Human Rights Review* 1977, nr. 1, 69-83.

A clear survey of developments in Community Law in relation to fundamental rights, covering all the relevant case law of the Court of Justice, the special problems of Italy and Germany, and the attitude of the Community institutions.

"Les Droits fondamentaux et le citoyen européen", 20 *Les Annales du marché commun* 1977, nr. 3, 21-26.

T. C. Hartley, "Concurrent liability in EEC Law: A Critical Review of the Cases", 2 E.L.Rev. 1977, 249-265.

Francis Jacobs, "Which courts and tribunals are bound to refer to the European Court?", 2 E.L.Rev. 1977, 119-121.

Hans Kutscher, "Alcune tesi sui metodi d'interpretazione del diritto comunitario dal punto di vista d'un giudice", XVII Riv. Div. Eur. 1977, 3-24.

Text of a talk given on the occasion of the judicial and academic conference held in Luxembourg in Sept. 1976 and devoted in the main to the methods of interpretation of the Court of Justice.

"Vereinbarket eines Systems staatlicher Beihilfen mit dem EWG-Vertrag", 23 RIW/AWD 1977, 560-566.

4. Institutional

David Allen, "The European Assembly Elections Bill: the British perspective", 2 E.L.Rev. 1977, 315-319.

David Allen and Roger Morgan, "Rechtstreekse verkiezingen voor het Europese Parlement: het Britse dilemma", XXXI *Internationale Spectator* 1977, 489-496.

Diane de Bellescize, "L'article 169 du traité de Rome, et l'efficacité du contrôle communautaire sur les manquements des états membres", 13 R.T.D.E. 1977, 173-213.

C. Borman, "Goedkeuring van de akte inzake Europese verkiezingen", XXVI A.Ae. 1977, 645-653.

Jean-Louis Burban, "La dialectique des élections européennes", 27 *Rev. fr. de sc. polit.* 1977, 377-406.

Analysis of the political controversy which from the very start has surrounded the notion of direct elections. The first direct elections will be organised in each Member State according to its own rules and will therefore have a strongly national character. For this reason the author does not believe that the directly-elected EP will opt for a supranational Europe, nor for a Europe orientated on the U.S., as so many Frenchmen hope or fear.

P. Colard, "La France et l'élection du parlement européen", XXX *Studia Diplomatica* 1977, 213-226.

Analysis of the main political viewpoints in France in regard to the coming direct elections to the EP.

Alessandre Costa, "Controlli nazionali dei prezzi e sistema comunitario nell'ottica della Corte di giustizia dell Comunita", *Riv. Dir. Eur.* 1977, 52-64.

H. J. Dixon, "The European Unit of account", 14 *C.M.L.Rev.* 1977, 191-208.

As a result of far-reaching changes in the international monetary system, the use by the Community of a U.A. based on a fixed quantity of gold is running into increasing difficulties. The adoption of the European Unit of Account will greatly improve the situation. The worth of the EUA will be established on the basis of a "basket" of Member States' currencies. This EUA is already in use for the operations of the ECSC and for the European Development Fund. Attempts are now being made to draw up the Community budget in EUA.

Geoffrey Edwards and Helen Wallace, "EEC: The British Presidency in Retrospect", 33 *The World Today* 1977, 283-286.

M. R. Emerson and T. W. K. Scott, "The financial mechanism in the budget of the European Community: The hard core of the British 'renegotiations' of 1974-1975", 14 *C.M.L.Rev.* 1977, 209-229.

John Forman, "Direct elections to the European Parliament", 2 *E.L.Rev.* 1977, 35-41.

John Forman, "The European Assembly Elections Bill: the Community perspective", 2 *E.L.Rev.* 1977, 319-323.

John Forman, "The Joint Declaration on Fundamental Rights", 2 *E.L.Rev.* 1977, 210-215.

F. Gundelach, "Relations between the Commission and the European Court of Justice", 16 *dir. scamb. int.* 1977, 1-4.

Christian Hen, "La motivation des actes des institutions communautaires", 13 *C.D.E.* 1977, 49-91.

Analysis of the duty imposed on the Community institutions by Art. 15 ECSC and Art. 190 EEC to state the reasons on which legislative acts are based. First, the author considers the scope of the duty to motivate, as laid down in particular

Treaty provisions or by the case law of the Court; then he considers the content of the duty, which varies according to different factors, such as the kind of act involved, the objective of the act and its addressees. The content is further determined by the requirements imposed by the Court in relation to judicial control, and by the practice of the different directorates of the Community institutions. The author concludes that the duty to motivate is in danger of becoming a purely formal rule: the real reasons for a decision are not stated in the motivation and the motivation itself is becoming briefer. The author does not, however, want to impose a general duty to motivate on Member States which do not have such a rule; he suggests rather a duty to motivate in the case of decisions which affect individual rights, or alternatively, a general duty to motivate subject to certain exceptions.

Hans Peter Ipsen, "Der Europäische Gerichtshof im Tindemans-Bericht", 92 *Deutsches Verwaltungsblatt* 1977, 128-132.

R. H. Lauwaars, "The European Council", 14 *C.M.L.Rev.* 1977, 25-44.

A study of the origin and of the present role of the European Council. In the author's view, the institution of the Council has some positive aspects, but at the same time poses a threat to the institutional balance of the Community.

Guy I. F. Leigh, "Resurrection of the Provisional Decision", 2 *E.L.Rev.* 1977, 91-104.

Juliet Lodge, "Citizens and the E.E.C.: The Role of the European Parliament", 58 *The Parliamentarian* 19 7, 176-181.

Gérard Nafilyan, "La position des états membres et les recours en manquement des articles 169 C.E.E. et 141 C.E.E.A.", 13 *R.T.D.E.* 1977, 214-243.

Michael Palmer, "The role of a directly elected European Parliament" 33 *The World Today* 1977, 122-130.

Nicoletta Parisi, "Conference al vertice e Consiglio Europeo: un tentativo di sistemazione giuridica", *Riv. Dir. Eur.* 1977, 25-51.

This article investigates in the first place the legal character of the declarations of the former European summit conferences, and concludes that these, as the product of international diplomatic conferences, have no binding force in Community Law. The institutionalisation of the summits in the form of the European Council has in this respect brought about no change, since in the view of the author the European Council does not have the character of a Community Institution.

H. G. Schermers, "Procedures over ongeldige gemeenschapsnormen", 25 *S.E.W.* 1977, 587-605.

B. H. ter Kuile, "Procedures over ongeldige gemeenschapsnormen", 25 *S.E.W.* 1977, 606-631.

Texts of reports delivered to the 1977 annual meeting of the Dutch Association for European Law, which was devoted to the subject: Procedures in regard to

invalid Community norms. Schermer's approach is essentially theoretical, that of ter Kuile more practical. The emphasis in Schermers' report lies on the problem of concurrent actions against the Community and a Member State for liability arising out of the same facts. According to the Case Law of the Court of Justice, both that court and the National Court are competent to hear such a case (see *Kampffmeyer*) but Schermers advocates another approach: the national judge should alone be competent in such a case, with the possibility, of course, of his referring a request for a preliminary ruling to the Court of Justice. Ter Kuile, however, prefers the *Kampffmeyer* ruling: in his view, the system works well enough in practice. In addition, he also gives a survey of the procedures of Arts. 173, 177, 184 and 215 EEC, as seen from the point of view of the practitioner. Both reports contain a wealth of information and analysis which defies a brief summary here.

Mr. I. Steenberghe, "Het beleid van het Hof bij de ontwikkeling van het gemeenschapsrecht", 25 S.E.W. 1977, 415-432.

Report to the joint meeting of the Belgian and Dutch associations for European Law, held in April 1977 in Antwerp, and devoted to the subject: judicial policy and in particular that of the Court of Justice of the E.C. This article surveys the policy of the Court in the process of the development of Community Law. Also very useful are the detailed notes with abundant references to case law and doctrine.

Christopher Tugendhat, "Problems of Community budgeting", 33 *The World Today* 1977, 287-294.

The restricted volume and lack of balance in the Community budget effect the general development of the Community. But in the future the budget could play a significant role. Important developments are: the transition to a system of own resources, which will make the Community financially independent, and the holding of direct elections to the European Parliament, which *i.a.* will bring about a better control of budgetary policy.

The limited means of the Community must be used as effectively as possible, and alternative sources of finance, *e.g.* Community loans, should also be sought.

W. van Gerven, "Contribution de l'arrêt Defrenne au développement du droit communautaire", 13 C.D.E., 131-143.

Comment on Case 43/75, *Defrenne*, by O. Stocker, 1977 C.D.E., 176-226.

The same issue of the C.D.E. contains two important articles on the implications of the *Defrenne* case. Van Gerven considers in particular the two significant innovations of the judgment, *i.e.* the use of the technique of non-retroactivity and the subjection of individuals to obligations arising from Treaty provisions ("horizontal" direct effects). Van Gerven considers that the Court would have been better advised to opt for a fully retroactive effect for Art. 119. As for the second aspect, he considers that with the exceptions of Arts. 85 and 86 EEC, Treaty provisions can only impose obligations on individuals with the object of protecting fundamental rights.

The annotation of the case by Stocker gives a thorough analysis of all its aspects. Attention is also paid to national law in regard to sex discrimination.

5. Adhesion

L. J. Brinkhorst, "Uitbreiding: Verdieping of verwatering, of spiegel van een Gemeenschap in wording", XXXI *Internationale Spectator* 1977, 469-473.

Geoffrey Edwards, "How large a Community?" 15 *The Atlantic Community Quarterly* 1977, nr. 1, 67-79.

An analysis of the problems with which the Community and the adhering States, as well as third countries, will be confronted as a result of the further enlargement of the E.C. The present discussion over "profondissement" opposed to "élargissement" may well turn out to be quite irrelevant, but enlargement could well provide the stimulus for a re-evaluation of the objectives of the Community. The costs of a refusal to admit the candidate states are too high to be contemplated.

L. Hoffman, "E.G.: niet rijp voor uitbreiding", 62 *ESB* 1977, nr. 3120, 853.

H. H. J. Labohm, J. G. Petit, J. H. M. Tak, "Uitbreiding van de Europese Gemeenschap: Op Hoop van Zegen", XXXI *Internationale Spectator* 1977, 474-488.

Michael Leigh, "Mediterranean Agriculture and the enlargement of the EEC", 33 *The World Today* 1977, 207-214.

Although Italian and French politicians have declared that they are in principle in favour of the enlargement of the EEC, now it comes to the point their actual attitude is greatly influenced by different interest groups, in particular agricultural, which demand protective measures and guarantees to protect them from the competition presented by cheap Mediterranean products. These demands are certain to play a role in the negotiations with the candidate States.

Rudolf Morawitz, "Die wirtschaftlichen Probleme eines Beitritts Griechenlands zur Europäischen Gemeinschaft", 32 *E.A.* 1977, 249-258.

6. External relations, association and development

Luigi Boselli, "Die Beziehungen zwischen der Europäischen Gemeinschaft und Latein Amerika". Auf den Wege zu neuen Zielen? 32 *E.A.* 1977, 427-432.

Relations between the EC and SELA lands are characterised primarily by the fact that the latter are looking for an alternative to their relationship with the U.S.A. For commercial reasons they are looking for new markets. Further, the SELA countries feel that the Lomé convention has passed them by. The EC has no real Latin American policy. But on the credit side may be mentioned 1) four bilateral treaties 2) an EC aid programme to stimulate regional attempts at integration 3) the familiar instruments of EC development policy, i.e. the general system of preferences, promotion of exports and financial and technical assistance.

"EEC-Arab Co-operation Agreements" 11 *J.W.T.L.* 1977, 291-295.

Carl A. Ehrhardt, "EWG und RWG kommen sich nur langsam näher" 28 *Aussenpolitik* 1977, 161-176.

The author discusses the growing contacts between the EEC and the CMEA. Recognition may be said to have *de facto* taken place, although formally this is still an obstacle. The problem of fishing zones and the desire to make the CSCE and its follow-up a success have forced the East European countries to soften their attitude.

Agnès Hubert, "L'enjeu européen dans la négociation internationale sur le commerce des textiles" 1977 RMC no. 208, 279-281.

Neville March Hunnings, "Enforceability of the EEC-EFTA Free Trade Agreements", 32 E.L.Rev. 1977, 163-189.

Community Law derives not only from the EC Treaties, but also has an international dimension, since the Community is bound by many bilateral and multilateral treaties. The author considers in particular the bilateral free trade agreements between the EC and the EFTA countries. In a thorough survey, he considers to what extent internal Community law takes these agreements into account and to what extent they contain directly effective provisions.

P. Leopold, "The external relations of the EEC in theory and practice", 26 I.C.L.Q. 1977, 54-80.

Analysis of the external competence of the EEC with special reference to Arts. 111, 113, 228, 238, and to the ERTA judgment and Opinion 1/75 of the Court of Justice.

"Vers un nouveau Partnership: l'accord-cadre Communauté Européenne-Canada", 20 *Annales du Marché Commun* 1977, no. 1, 3-7 (to be concluded).

Claude Lucron, "La Convention de Lome, exemple de coopération réussie", XXIX *Studia Diplomatica* 1977, no. 1/2, 7-170.

Hans-Joachim Meyer-Marsilius, "Die Bewährung des Freihandelsabkommens Schweiz-EG aus der Sicht der Wirtschaft". 32 *Aussenwirtschaft* 1977, no. 1, 30-54.

The free trade agreement between the EC and Switzerland, which came into force on 1/1/73, reached an important stage on 1/7/77: the achievement of a completely free trade area for industrial goods (with the exception of a few "sensitive" products). The system only covers goods originating in the territory of the treaty partners. The notion of origin has been recently adapted, but at the same time new non-tariff barriers to trade have come into being. There are also differences of opinion concerning the interpretation of competition rules. The institutions of the agreement are, however, working well, and in the recent period of recession the agreement has in general shown that it is sufficiently flexible and balanced to guarantee advantages to both treaty partners.

Charles Pentland, "Linkage politics: Canada's contract and the development of the European Community external relations". XXXII *International Journal* 1977, 207-231.

John Pinder, "The Community and Comecon: what could negotiations achieve?" 33 *The World Today* 1977, 176-185.

The USSR is interested in negotiations with the EC, hoping thereby to promote

integration in its own region. The EC prefers bilateral negotiations with the different Comecon countries, in order to some extent to reduce the influence of the USSR there. Negotiations between the EC and the USSR itself are rather pointless: no direct economic interests require this and in any case the EC is in a politically weak position as against the USSR. Matters are different in regard to the other Comecon countries: they export agricultural and industrial goods to the EC (and the USSR primarily raw materials) and are thus involved with powerful economic interests in the Community.

Hanns H. Schumacher, "Kooperationsverträge und RWG, Sackgasse für die Gemeinsame Handelspolitik", 12 *EuR* 1977, no. 2, 26-42.

At the end of the transitional period, it appeared that the Council had made little use of the many possibilities in the area of the common commercial policy. In the meantime, a number of bilateral treaties were concluded between Member States and East European countries. The Commission found no adequate response to this threat to the commercial policy. Art. 113 EEC is not a proper basis for cooperation agreements since it is restricted to a number of concrete measures. Art. 238 on the other hand does provide a sufficient basis, so long as the commission remains within the limits of its competences. A mixed agreement with Comecon may well necessitate a revision of the Treaty, as provided for in Art. 238 (3).

Karl Unger, "Die EG und die Entwicklungsländer. Das Abkommen von Lomé als Grundstein einer neuen Weltwirtschaftsordnung?", 22 *Blätter für Deutsche Internationale politik* 1977, 301-317.

The Lomé Convention is not a model of co-operation between industrialized and underdeveloped countries such as in the future will increasingly be required. The Yaoundé convention attempted to be such a model, but amounted to no more than a consolidation of the relations such as they then were between developing and industrialised lands. There was no Yaoundé III and there will be no Lomé II. It is difficult to judge whether Lomé amounts to a step in the direction of a new international economic order, in view of the fact that both the EAP and the EC lands have derived benefits from it.

Bénito Ponce Vasques, "L'accord préférentiel Espagne-CEE: Limites et développements". 1977 *RMC* no. 208-219.

Contacts between Spain and the EC in the 'sixties were determined not only by political but also by economic factors. In the context of the latter, the authors considers the preferential agreement concluded between the EEC and Spain in 1970. The limits of the agreement are taken under review, as also the dynamic effect on the export of important products. The agreement is further considered in the light of an eventual enlargement of the Community.

C. EUROPEAN ECONOMIC COMMUNITY

2. Agriculture

Pierre Baudin, "La fixation des prix agricoles pour 1977-78". 1977 *R.M.C.* no. 207, 213-226.

This year the Ministers for Agriculture have done more than simply fix the

prices for agricultural produce; they have also considered fundamental problems of agricultural policy, such as the implications of the end of the transitional period for the new Member States and the questions of inflation and the system of monetary compensatory amounts. A very instructive article.

A. Costa, "Controlli nazionali dei prezzi e sistema comunitario nell'ottica della Corte di Giustizia della Comunità", 17 Rev. Dir. Eur. 1977, 52-64.

Analysis of the case law of the court in relation to the national control of prices and Community law, with reference in particular to the *Galli* case (31/74).

Dr. A. W. Koers, "Enige ontwikkelingen ten aanzien van de externe bevoegdheden van de EEG inzake de zeevisserij". 25 S.E.W. 1977, 191-219. See also 14 C.M.L.Rev. 1977, 269-301.

Jean Lecerf, "Pourquoi les prix agricoles sont-ils fixés à Bruxelles?", 20 *Annales du Marché Commun* 1977, no. 1, 15-17.

J. Marsh, "De Europese landbouwpolitiek: een federale oplossing", 1977 *Nieuw-Europa* no. 1, 1-19.

G. Marengo, "Le limitazioni dei poteri degli stati per effetto delle organizzazioni comuni dei mercati agricoli", 16 *dir.com.scamb.int.* 1977, 13-57.

Thierry Martin, "Pour une politique européenne de la mer", 1976 *Strategie*, no. 46, 13-160.

Gert Meier, "Rechtsprobleme einer EG-Alkoholmarktordnung", 23 *RIW/AWD* 1977, 410-415.

The complex position of alcohol in the policy of the Member States explains the slow progress on this front in the context of the EEC agricultural policy. In the new draft for an organisation of the market in alcohol, the author pinpoints a number of legally doubtful points, such as a tax on consumers which he considers in violation of the EEC Treaty, and the applicability of the draft regulation to distilled alcohol from non-agricultural products. Further, the author considers that the regulation involves an unlawful use of Art. 235 E.E.C.

C. C. Meijers, "Na het groene het blauwe Europa", 1977 *Nieuw-Europa*, no. 1, 25-43.

L. A. M. Mulders, "Het Gemeenschappelijk landbouwbeleid: groenten en fruit", 62 *ESB* 1977, no. 3119, 845-848.

E. Peyroux, "Les incidences du nouveau droit de la mer sur la régime des pêches des Neuf", 13 *R.T.D.E.* 1977, no. 1, 53-77.

Dr. Hans-Georg Rahn, "Einfuhr- und Ausfuhrlicenzen im Marktordnungsrecht der EWG", 23 *RIW/AWD* 1977, 181-186.

D. C. Watt, "The EEC and Fishing: New Venture into unknown seas", 48 *The Political Quarterly* 1977, 328-336.

Discussion of the Commission proposals relating to the 200-mile zone and the conservation measures. The author doubts that the EEC is the most appropriate framework within which to develop a conservation policy for the North Sea. He is also critical of the content of the proposals.

4. *Company Law*

"Les entreprises publiques dans la communauté européenne, 20 *Les Annales du Marché Commun* 1977, no. 3, 20-21.

Ian Fletcher, "The proposed Community Convention on Bankruptcy and Related Matters", 2 *E.L.Rev.* 1977, 15-33.

Geoffrey Morse, "The Second Directive: raising and maintenance of capital", 2 *E.L.Rev.* 1977, 126-132.

5. *Competition and industrial property*

Uwe Albrecht, "Entwurf einer EG-Richtlinie zur Harmonisierung des Werberechts", 23 *RIW/AWD* 1977, 258-262.

W. Alexander, "Het EEG-verdrag en het nationale merkenrecht", 52 *N.J.B.* 1977, 517-525.

B. Baardman, "De beschikkingspraktijk op mededingingsgebied van de Commissie Ortolí" (Jan. 1973 - jan. 1977), 25 *SEW* 1977, 433-449.

First part of a regular survey of the practice of the Commission in competition cases, this time covering the years 1973-76. The author concentrates on some important decisions, showing the evolution of commission policy. This part of the survey is concerned with decisions on horizontal and on vertical agreements.

Dr. Christiaan von Bar, "Vorentwurf eines Ubereinkommens über ein Europäisches Markenrecht, Gemeinschaftspatentübereinkommen und freier Warenverkehr in der EG", 23 *RIW/AWD* 1977, 468-470.

Friedrich-Karl Beier, "Vers la marque communautaire. Objectifs et fondement du futur droit européen des marques", 104 *Journ.dr.intern.* 1977, 16-42.

P. Demaret, "Le brevet communautaire après Centrafarm: un instrument dépassé ou inachevé?", 13 *R.T.D.E.* 1977, no. 1, 11-52.

B. van der Esch, "Non-economic boycott and the Articles 7, 85 and 86 of the EEC Treaty", 46 *NTIR*, 1977, nr. 1, 12-19.

This article discusses a number of different kinds of boycotts. Whenever a boycott restricts trade between Member States, or whenever it is the expression of an abuse of a dominant position, then it will fall under the competition rules of the EEC Treaty. Not only Arts. 85 and 86, but also Art. 7 can play a role in

cases where this provision produces direct effects: in this context the author mentions in particular boycotts for political motives.

C. S. P. Harding, "Jurisdiction in EEC Competition Law: Some Recent Developments", 11 J.W.T.L. 1977, 422-440.

Through the application of Art. 86 the Commission has extended the reach of the competition rules of the EEC beyond the geographical frontiers of the common market. This extension has been brought about *i.a.* by means of a wide interpretation of the notion of "affecting trade between Member States" by the Court and the Commission. This article goes into the legal problems which arise in connection with this extension of jurisdiction.

Peter Hay and Dieter Oldekop, "EMI-CBS and the rest of the world: trade-mark rights and the European Communities", 25 A.J.C.L. 1977, 120-151.

After a short review of the existing case law on industrial property rights in the context of the rules of competition and the free movement of goods, the authors discuss the EMI-CBS case, covering *i.a.* the history of the trademark "Columbia", the interpretation of Arts. 30, 85 and 86 EEC by the Court, and considering also what happens to a trade-mark after a restrictive agreement has been dismantled. Two conclusions are drawn from the case: 1) that Art. 30 regulates only the free movement of goods within the EEC and does not affect movement between the EEC and third States, 2) that agreements between undertakings from the EEC and from third countries, whereby the EEC as a whole is isolated, can be restrictive of competition.

Frans van Kraay, "Towards a regulation on the control of mergers". 2 E.L.Rev. 1977, 54-57.

R. H. Lauwaars, "Beschikkingspraktijk Europese Commissie en Jurisprudentie Europees Hof Art. 85 van het E.G.-verdrag in de afgelopen jaren", 1977 *Onderneming* nr. 6, 3-11.

Guy I. F. Leigh, "Resurrection of the Provisional Decision", 2 E.L. Rev. 1977, 91-104.

In the light of 2 recent decisions, based on Art. 15 (b) of Reg. No. 17 (Sirdar-Phildar, Bronbemaling-Heidemij) the author discusses first the nature of the provisional decision, referring also to the judgment of the Court in the Cement Accord case (6-11/69). He then looks at the procedure followed by the Commission in such a case; this procedure appears to be governed by Reg. No. 99/63 and is for this reason rather lengthy and slow. In order to speed up the procedure, the author suggests that it is not necessary to follow Reg. 99/63 in such cases: the parties would not then have to be heard and it would not be necessary to consult the Advisory Committee.

Wernhard Möschel, "Le contrôle des prix d'après le droit allemand et européen sur les restrictions de la concurrence", 1977 R.M.C. no. 207, 262-267.

After an historical survey of the French and German legal systems in relation to restrictive practices, the author draws a comparison between para. 22 BGW and Art. 86 EEC. Art. 86 is applied as a means to combat price control, whereas para. 22, at least at first sight, does not appear to allow this. This has only

been possible since the judgment of the BGH in the Hoffmann-Laroche case. The author further considers a number of legal limits which competition law sets on price control.

Carl Wolfgang Neumann, "Zur ersten Aufhebung eines Wettbewerbsverbots nach Art. 85 EWG-Vertrag durch die Kommission der Europäischen Gemeinschaften", 23 RIW/AWD/1977, 196-203.

For the first time in the Reuter-Basf case the Commission has declared that a prohibition of competition is unlawful. Interesting here is that the Commission arguments are couched in very general terms, so that it appears that it is trying to make an example of this agreement. The Commission's new decision shows that the *Votrapo* Decision of 1964 may now be considered as out of date.

Dr. Hans-Heinrich Schmieder, "Patentrecht zwischen nationaler Tradition und europäischer Harmonisierung", 30 N.J.W. 1977, 1217-1225.

"Towards an EEC Trade Mark", 11 J.W.T.L. 1977, 197-200.

The success of its efforts in relation to patents has inspired the Commission to bring out a new draft regulation relating to an EEC trade-mark. A new fact of this improved version of the 1964 initiative is the possibility (under stringent conditions) of opposing registration.

"Vereinbarkeit eines Vertriebssystems mit EWG-Kartellrecht", 23 RIW/AWD 1977, 158-161.

Philip L. Williams, "The ABG Decision; competition or fair shares?", 2 E.L.Rev. 1977, 294-301.

The preamble to the EEC Treaty mentions fair competition: but in the *Continental Can* case the Court did not consider this aspect and looked only to effective competition. The same opposition between fair and effective competition is to be found in the Commission's ABG case. With reference to the *United Brands* case, the author considers whether the ABG decision was really fair.

6. Economic and monetary policy

E. A. Mangé, "De convergentie-beschikking en het economisch beleid in 1976", 62 ESB 1977, no. 3110, 635-637.

E. A. Mangé, "Het vierde programma voor de economische politiek op middellange termijn", 62 ESB 1977, no. 3106, 521-523.

"La monnaie, élément de division ou d'unité en Europe?", 78 *Revue Politique et Parlementaire* 1977, no. 869, 35-49.

J. C. Morel en Ch. André, "La politique économique à moyen terme de la communauté", 1977 R.M.C. no. 207, 227-232.

Jacques Riboud, "Des erreurs fécondes sur l'eurodollar", 79 *Revue Politique et Parlementaire* 1977, no. 866, 15-33.

Joanne Salap, "Dollar Intervention within the snake", XXIV *International Monetary Fund Staff Papers* 1977, no. 1, 64-76.

8. Energy policy

Jean Herbert, "Un renouveau de l'activité réglementaire communautaire dans le domaine nucléaire? Le nouveau système de contrôle de sécurité", 13 *R.T.D.E.* 1977, 282-291.

Although in 1976 2 important documents appeared relating to nuclear energy, it is not yet possible to speak of a renewal of activity in this area. The Commission has, however, been able to change considerably the system of security control, in particular by bringing the system of the Euratom and that of the IAEA closer together.

11. Free movement of goods and customs union

H. E. Brunner, "Die Ursprungsregeln im europäischen Freihandelsraum", 32 *Auswirtschaft* 1977, no. 1, 55-63.

Now that the EFTA has established internal rules regarding the origin of goods, it is for the Mixed Council to find a solution to the problems which have arisen in this regard in the context of the EC-EFTA free trade agreement. The author approaches the question from a Swiss point of view. He goes into the rules contained in protocol No. 3 of the Treaty between the EC and Switzerland, which concern the origin of goods. It is important to continue to interpret this protocol in a dynamic fashion. In view of the many different interpretations to which it has been subject, it may even be preferable to re-write it.

"Einfuhrungsumsatzsteuer bei Fahrzeugreparaturen in anderen EG-Staaten", 23 *RIW/AWD* 1977, 171-173.

C. Jacquemart, "L'entre aide douanière entre les états-membres", 1977 *R.M.C.* no. 208, 300-310.

Gert Meier, "Sanitäre Grenzkontrollen und Gebühren", 23 *RIW/AWD* 1977, 218-225.

A. C. Page, "The Concept of Measures Having an Effect Equivalent to Quantitative Restrictions", 2 *E.L.Rev.* 1977, 205-117.

After an historical review of the development of the notion, there follows an analysis of the case law of the Court. The author wonders whether the Court will in the future apply the broad *Dassonville* formula, whereby also non-discriminating measures may be prohibited, to matters falling outside the organization of the agricultural markets.

Hans-Georg Rahn, "Ausfuhrabgaben nach EWG-Recht", 23 *RIW/AWD*/1977, 481-486. "Stand und Perspektiven der EG-Zollunion", 23 *RIW/AWD* 1977, 341-346.

On 1/7/77 the transitional period for the new Member States expired. From that date on there is one common customs tariff for all 9 Member States and as between the Member States no further import duties are imposed (with the exception of a few products, for which the transitional period has been extended

to 1/1/78). In a communication, the Commission has described the influence which the customs union has had on European integration. This article considers the instruments of the customs union, its weak points and the measures which could be taken to make it function better.

R. Streckmann, "Haftung und Bürgschaft im gemeinschaftlichen Versandverfahren", 23 RIW/AWD 1977, 549-554.

Discussion of liability arising during Community transit, as regulated by Reg. No. 222/77. Topical in view of recently discovered cases of fraud.

Nikolaas Vaultont, "Die Vereinfachung der Verfahren und Förmlichkeiten im innergemeinschaftlichen Warenverkehr im Lichte der Rechtssprechung des Europäischen Gerichtshofs zum Verbot der Erhebung von Abgaben zollgleicher Wirkung", 12 EuR 1977, 1-25.

This article considers not only customs formalities, but also the harmonisation of taxes in the context of the Court's case law in relation to charges having an equivalent effect.

Kh. Zachmann, "Elimination des entraves techniques aux échanges des produits industriels, signification, problèmes et objectifs", 1977 R.M.C. no. 207, 246-261.

12. *Free movement of workers and social security*

M. Bogdan, "Free movement of Tourists within the EEC?", 1977 J.W.T.L., 468-475. The free movement of persons, governed by Art. 48-51 EEC, does not cover all persons, but only those who satisfy certain requirements (*i.e.* those who are workers and subjects of a Member State). The author poses the question whether the free movement rules are also applicable to tourists. The case law of the Court is not decisive here, but with reference to Dir. No. 73/148, he reaches a positive answer. The directive provides *i.a.* that persons who receive services (and tourists fall under this definition) have a right to free movement. The tourist of today is also an economic factor in the sense of Arts. 48-51, and it would be contrary to the spirit of the Treaties to exclude him from the rules of free movement.

J. A. Huy: D. Baars, "Bepalingen in de EEG-verordeningen inzake gezins- en kinderbijlagen", 32 S.M.A. 1977, 401-409.

F. Wooldridge, "Free movement of EEC Nationals: The Limitation Based on Public Policy and Public Security", 2 E.L.Rev. 1977, 190-207.

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

Hans Hinrich Boie, "Einschritt zur Freizügigkeit der Rechtsanwälte in den Europäischen Gemeinschaften", 30 N.J.W. 1977, 1567-1569.

H. Bronkhorst, "Lawyers' freedom under the new Directive", 2 E.L.Rev. 1977, 224-229. Louis Pettiti, "La directive sur la libre prestation de services des activités d'avocats", 1977 R.M.C., no. 207, 239-245.

Commentaries on the Council Directive of March 23, 1977 concerning the free provision of services by advocates.

J. de Vries, "De wederzijdse erkenning van de artsdiploma's in de Europese Gemeenschappen", 1977 *Tijdschrift voor Gezondheidsrecht* nr. 1, 27-38.

Rolf Wägenbauer, "La mise en oeuvre de la libre circulation des médecins dans la communauté européenne", 1977 *RMC* no. 208, 311-318.

Text of a talk given to a medical conference in Strasbourg. The author considers the basic principles of the directives: mutual recognition of the declarations of the competent authorities; in the event of establishment, recognition of diplomas; coordination of professional training with reference to certain minimum norms, *etc.* In relation to a number of special problems, *e.g.* public service, temporary measures have been taken. The author further considers the state of implementation in the Member States and the special problems arising in this regard, in particular the admissibility of a certain level of language knowledge and the connection between free movement of doctors and social security (the general practitioner).

17. Jurisdiction and recognition of judgments

"Fremdenarrest und Europäische Gemeinschaft-Fragen einstweiligen Rechtsschutzes nach dem EWG-Gerichtsstandes- und Vollstreckungsübereinkommen", 23 *RIW/AWD* 1977, 359-364.

Trevor Hartley, "Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters", 2 *E.L.Rev.* 1977, 57-63, 143-149.

Peter Hay et Robert J. Walker, "Le projet anglo-américain de convention sur la reconnaissance des décisions et la convention communautaire", 13 *C.D.E.* 1977, 3-24.

P. Leleux, "Jurisprudence relative à l'application de la convention du 27 septembre 1968 sur la compétence judiciaire et l'exécution des décisions en matière civile et commerciale", 13 *C.D.E.* 1977, 144-167.

20. Social Policy

Heinz-Jürgen Axt, "Sozialpartnerschaft als Modell für Europa? 'Dreierkonferenzen' als Konzertierte Aktion auf EG-Ebene", 22 *Blätter für Deutsche internationale Politik* 1977, 455-469.

Several tripartite conferences with the participation of the social partners have now been held on the Community level. The author sees them as an element of the attempt to transpose the German "social-liberal" model on to the Community level. He speaks of a "European concerted action", aimed at the suppression of class conflict and directed against the autonomy of the social partners. Quoting EC Commissioner Haferkamp, the author states that such a concept requires a reformist labour movement. The ETUC is following such a course, but is said to be disappointed with the results to date of the tripartite conferences. The article ends with a survey of the most recent developments in national labour relations, which is supposed to indicate how illusory is the attempt at integration represented by the tripartite conferences.

"EC Commission Proposals for Reform of the Social Fund", 40 E.I.R.R. 1977, 22-23.

"EC Commission Proposals on Revaluation of Social Security Benefits", 38 EIRR, 1977, 4-5.

"EC Commission Proposals on Work Sharing", 41 E.I.R.R. 1977, 2-3.

"EC Commission revises programme on health and safety at work", 37 E.I.R.R. 1977, 3-4.

"EC Commission Social Report for 1976", 39 E.I.R.R. 1977, 18.

"Implementing the EC equal opportunities Directive: The Belgian Approach", 42 E.I.R.R. 1977, 20-23.

I. M. McCallum and I. Snaith, "EEC Law and United Kingdom Occupational Pensions Schemes", 2 E.L. Rev. 1977, 266-273.

Analysis of the U.K. Law and government proposals relating to complementary systems of social security in the light of the two *Defrenne* judgments (80/70 and 43/75) and of the EC directives concerning equal pay and equal treatment for men and women workers.

"Reforming the European Social Fund", 37 E.I.R.R. 1977, 2-3.

Benjamin C. Roberts, "Ziele der Gewerkschaften in Westeuropa", 32 E.A. 1977, 499-506.

Because the trade unions exercise an ever-greater influence on the economic balance they are increasingly implicated in economic and social questions. The extent to which they are involved, differs from one land to the other. The author investigates in particular the situation in the U.K. and in Sweden. He considers that, as far as the future is concerned, the economic climate will work to the advantage of the trade unions.

A. Tizzano, "La démocratisation des institutions européennes dans la mise en oeuvre de la politique sociale", 16 dir.comm.scamb. 1977, 59-69.

The early seventies witnessed a resurrection of the Community social policy, but in the present economic situation, the social policy is seriously threatened by the protectionist measures of the Member States. The author argues for an effective Community policy, capable of surviving the present economic difficulties. In order to establish such a policy, the co-operation of all social forces is necessary.

F. van Damme, "Concentrations d'entreprises et protection des travailleurs", 13 C.D.E. 1977, 25-48.

Analysis of the Council Directive of February 14, 1977 on the safeguarding of employees' rights in the event of transfers of undertakings, *etc.*

21. Taxation

Auguste Bette, "La T.V.A. Communautaire, état des travaux", 1977 R.M.C. nr. 207, 233-238.

Pierre Guieu, "EC: Sixth Council Directive on VAT (Uniform Basis of assessment), 1977 *Intertax* nr. 7, 245-254.

E.C.: Proposal for a Council Directive on the Elimination of Double Taxation in connection with the Adjustment of Transfers of Profits between Associated Enterprises", 1977 *Intertax* nr. 1, 7-16.

"E.C.: State of Harmonization of Fiscal Legislations", 1977 *Intertax* nr. 4, 125-140.

"E.C.: Taxation Policy 1976", 1977 *Intertax* nr. 3, 98-102.

Michèle Vleminckx, "Prévision des effets de mesures-types d'harmonisation des taux de la taxe sur la valeur ajoutée dans la communauté Economique Européenne (horizon 1980)", *Cahiers Economiques de Bruxelles*, nr. 73, 81-104.

III. COUNCIL OF EUROPE

A. GENERAL

John Andrews, "European Convention on the Suppression of Terrorism", 2 *E.L. Rev.* 1977, 323-326.

P. H. Bakker Schut, I. Prakken, D. Hartkamp en G. Mols, "Kanttekeningen bij een anti-terrorisme verdrag", 52 *N.J.B.* 1977, 698-705.

The authors argue against the ratification by the Netherlands of the European Anti-Terrorism Convention. They fear that the initiator of the Convention, the Federal Republic, which for some years now has attempted by means of the term "terrorism" to criminalize ever more forms of political opposition, will attempt by means of the convention to apply its ideas and practices concerning internal security to the whole of Europe.

M. R. Mok, "Het Europese verdrag tot bestrijding van terrorisme", 2 *N.J.B.* 1977, 665-671.

The European Convention on the suppression of Terrorism, signed in Strasbourg at the beginning of 1977, attempts to fill a gap in the legal instrumentarium relating to the prosecution of terrorists. Basic principles of the Convention are the depolitisation of certain terrorist delicts and the application of the principle "aut dedere aut punire".

W. H. Nagel, "Het Europese verdrag over de bestrijding van terrorisme van 27 januari 1977", 52 *N.J.B.*, 817-822.

Wolfgang Walter, "Das Europäische Uebereinkommen über die Rechtshilfe in Strafsachen", 30 *N.J.W.* 1977, 983-987.

Ursula Wasserman, "Council of Europe: Products Liability Convention", 11 *J.W.T.L.* 1977, 192-196.

B. HUMAN RIGHTS

Kirsten Rogge, "Einstweilige Massnahmen im Verfahren vor der Europäischen Kommission für Menschenrechte", 30 *N.J.W.* 1977, 1569-1570.