

## SURVEY OF LITERATURE

## I. INTEGRATION: GENERAL ASPETS

R. J. Akkerman, "De Slotakte van Helsinki: recht, moraal of machtspolitiek?", 33 *Internationale Spectator* 1978, 29-35.

F. A. M. Alting von Geusau, "De Nàvo en de toekomst van Europa: Commentaar; wat bedreigt onze veiligheid?", (1977) *Internationale Spectator*, 720-722.

S. I. P. van Campen, "De NAVO en de toekomst van Europa", (1977) *Internationale Spectator*, 659-665.

James A. Coporaso, "The External Consequences of Regional Integration for Pan-European Relations", (1976) *International Studies Quarterly*, 341-392.

P. Dankert, "De Europees-Amerikaanse veiligheidsrelatie", (1977) *Internationale Spectator*, 722-724.

W. F. van Eekelen, "Europese veiligheid in de toekomst", (1977) *Internationale Spectator*, 724-728.

Théo Junker, "Cinq années de relations interparlementaires Parlement Européen-Congres des Etats-Unis (1972/1977)", (1977) R.M.C., 120-127.

"l'Europe: terre truquée ou terre promise?", (1978) *Revue Politique et Parlementaire*, 67-86.

Jean-Charles Leygues, "Le Problème des matières premières et le 'vieil ordre économique international' ", (1977) R.M.C., 10-26.

Herbert R. Northop and Richard L. Towon, "Multinational union-management consultation: the European experience", 116 *International Labour Review*, 1977, 153-170.

Alfred Pijpers en Chris Buyink, "De Frans-Duitse pacificatie en West Europa", (1978) *Internationale Spectator*, 102-110.

Lothar Ruehl, "Europas Sicherheitsprobleme im Mittelmeerraum", 33 E.A. 1978, 33-42.

J. Sizoo, "De NAVO en de EPS", (1977) *Internationale Spectator*, 728-730.

Gordon Smith, "Trends in Western European Party System?", 31 *Parliamentary Affairs* 1978, 37-51.

Friedl Weiss, "Austria's Permanent Neutrality in European Integration", (1977) L.I.E.I., 87-127.

Investigation of the question to what extent Austria's neutrality could eventually be reconciled with membership of the EEC.

## II. EUROPEAN COMMUNITIES

### A. COMMON SUBJECTS

#### 1. General

A. Bleckmann, "Zwangsmittel im Gemeinsamen Markt?", 24 RIW/AWD 1978, 91-95.

A very worthwhile article which considers the possibility of resort to sanctions in the context of the EC because of failure to fulfil treaty obligations by a Member State. In such a case, the writer argues that it should be permitted for another Member State to resort to sanctions, provided that beforehand all procedures and remedies before the Court of Justice and the national courts have been exhausted, and provided, too, that the Commission is involved beforehand.

Jeff Bridgford, "European Political Co-operation and its impact on the institutions of the European Communities", 30 *Studia Diplomatica* 1977, 393-412.

Brigid Burns and Trevor C. Salmon, "Policy-making coordination in Ireland on European Community Issues", 15. *Journ.Comm.Mark.Studies* 1977, 272-287.

Survey of the adaptations made at the level of government and administration to Irish membership of the EC. Two factors have exercised a particular influence on the policy-making process in regard to the EC: in the first place, the Irish attitude to the different Community policies: where an area of policy (e.g. social or regional) is advantageous for Ireland, the Ministries involved enjoy a certain freedom of movement. Where, on the other hand, a policy area implies expenses for Ireland, the Ministry of Finance plays a decisive role. In the second place, the Ministry of Foreign Affairs plays a leading role in policy coordination in general, as a consequence of the generally accepted view that the EC is a matter of foreign policy.

Paul Claeys et Nicole Loeb-Mayer, "Les groupements européens de partis politiques", (1977) *Res Publica*, 559-577.

H. Cousy, "Produktenaansprakelijkheid: een follow-up", (1977) *SEW*, 635-659.

A. Dashwood, "The EEC Commission's Proposal on Products Liability", (1977), *J.B.L.*, 202-209.

Elizabeth Emslie, "Recent literature on the law of the European Communities", 16 *Journ.Comm.Mark.Studies* 1977, 135-163.

Gerald A. Dorfman, "From the inside looking out (the Trades Union Congress in the EEC)", 15 *Journ.Comm.Mark.Studies* 1977, 248-271.

This very interesting article considers the extent to which membership of the EC has had an influence on the relationship between the TUC and the British Government. The TUC has tried in a number of different ways to influence decision-making on the Community level: in the first place, it has via the ETUC let its influence be felt in the Permanent Committee for Employment and at the Tripartite Conferences; in the second place, and more directly, in the frame-

work of the Economic and Social Committee. In both cases the activity of the TUC has proved successful, but its position still remains vulnerable. This is because so long as the priorities of the different national trade unions continue to differ, the ETUC will never have a noticeable influence; and also as far as activity within the ESC is concerned, the TUC is very dependent on support from the British Government, as support which it will not necessarily always receive, certainly not from an otherwiseminded (Conservative) government.

U. Everling, "Möglichkeiten und Grenzen der Europa Politik: Zum stand der Europäischen Integration", 33 *E.A.* 1978, 101-110.

The writer considers the present state of European integration and notes that since 1 January 1958 a good deal has been achieved, in particular in the area of the common market. The common economic policy, on the other hand, has only been realized in a couple of minor respects. The main problem for integration is posed by the tension which is the consequence of the interdependence of Community and national policy. A solution to this problem by means of the creation of the ENU is not possible for the moment. Moreover, the Community is not yet sufficiently legitimate in a democratic sense to make possible the transfer of powers which would be necessary for further construction. Further, even basic agreement between the Member States on political matters is lacking. Against this background Everling goes further into the basic principles of West-German policy in regard to Europe.

Geoffrey Goodwin and James Mayall, "The European Alternatives: International Commodity Policy: EEC Policies and Options", 13 *Government and Opposition* 1978, 3-20.

Fernand Herman "Le Marché Commun et les états-membres face à la crise économique, 29 *Studia Diplomatica* 1976, 673-678.

N. M. Hunnings, "Private International Law and the EEC", (1977) *J.B.L.*, 93-98.

P. Karpenstein, "Die Entwicklung des Gemeinschaftsrechtes", (1977) *EuR*, 375-387.

Bruno Nascimbene, "Projets et initiatives en vue d'une réglementation uniforme de la responsabilité du producteur", (1977), *C.D.E.*, 371-396.

A. Postelnicu, "Le recouvrement d'honoraires d'avocat dans le cadre de la Convention CEE du 27 Septembre 1968", (1977) *J.T.*, 633-634.

André-Louis Sanguin, "Propositions pour une capitale de la Communauté Européenne", (1977) *R.M.C.*, 468-472.

Stefan Scheffers, "Ministaten en de Europese Gemeenschap", (1978) *Internationale Spectator*, 111-117.

George Scott, "Britain in Europe and Europe in Britain, adjusting to a new national environment", (1978) *The Round Table*, 32-35.

A. Tunc, "La directive des Communautés européennes en matière de responsabilité du fait des produits défectueux", (1977) *J.T.*, 617-620.

P. VerLoren van Themaat, "De Europese aspecten van de voorgestelde wet investeringsverzekering", (1977) SEW, 743-757.

## 2. Relationship Community/national law

M. Ayrat, "La transposition des directives dans les droits nationaux", (1977) R.M.C., 411-422.

Ayrat describes three methods for implementing directives in national law. The date of publication and the expiry of the time limit in the directive are important in terms of its coming into force. In the last part of the article, the control exercised by the Commission and Court of Justice is described.

A. Barav, "La procédure communautaire de renvoi préjudiciel, l'assistance judiciaire, gratuite et les tribunaux britanniques: A propos de l'affaire Bouchereau", (1977) J.T., 706-707.

Y. Darras et O. Pirotte, "La décision du Conseil constitutionnel du 30 décembre 1976 peut-elle freiner le processus de l'intégration politique européenne?", (1977) R.T.D.E., 695-720.

Analysis of the decision of the French Constitutional Council concerning the compatibility of the decision to hold direct elections to the EP with the French constitution. This decision put an end to lengthy political and legal polemics, but on the other hand it also raised certain doubts regarding the measures of adaptation of French national structures to Community obligations, in particular in regard to the character of Community Law. A (partial) legal solution could be found in a revision of the statute of the *Conseil* or of provisions of the Constitution concerning the status in national law of general public international law. But a real solution can only be found at the political level.

J. Jekewitz, "Verfassungsbeschwerden wegen Verstoszes auch gegen Gemeinschaftsrecht? Zum Verhältnis von nationaler Verfassungsgerichtsbarkeit und gemeinschaftsrechtlichem Auslegungsmonopol", (1978) EuR, 26-31.

Brief but interesting discussion of the role of the German Constitutional Council in the application of Community law. The writer considers that an appeal to this court (*Verfassungsbeschwerde*) against provisions of national law on grounds of conflict with Community Law is admissible. This in no way amounts to a breach of the interpretative monopoly of the Court of Justice, for the Constitutional Court, like any court of last resort, is bound by the provision of Art. 177 (3) of the EEC Treaty.

## 3. Relationship Community/international law

Fausto Capelli, "Réglementation communautaire et réglementation du GATT (réflexions sur les rapports entre le droit communautaire et le droit international)", (1977) R.M.C., 27-43.

## 4. Institutional

J.-L. Burman, "Les socialistes et l'élection du parlement européen au suffrage universel, (1977) R.M.C., 87-96.

The idea of direct elections divides the socialists in the 9 Member States. In the Benelux and Ireland, the socialists are for direct elections, in Denmark and the U.K. their attitude is very reserved, in Italy and Germany they are against and in France they are divided. Burban investigates in particular the situation in Denmark, Germany, France and the U.K. The Socialist and social-democratic parties have, in their own way, all problems with direct elections. They do not dispute the importance of direct elections or of the general suffrage, but rather the objectives and form of the elections.

Jean-Louis Burban, "La France et les élections européennes de 1978", (1977) R.M.C., 337-343.

Roberto Ducci, "Das Europäische Parlament—und was nach ihm kommt", 6 *Europäische Rundschau* 1978, 25-30.

Ducci gives a brief sketch of the history and present stagnation of the EEC. For the usual term "EEC" he uses the term "European Association". In his view the Commission is not able in the short term to give a new impulse to the Association nor does he expect this of the Council, for the national governments are not capable of going beyond national egoism. Ducci therefore fixes his hopes on a directly-elected European Parliament, which, although it will still have few powers, can exercise great authority, because it will act in the name of the people of Europe.

M. Hilf, "Gemeinsame Erklärung des Europäischen Parlaments, des Rates und der Kommission zum Grundrechtsschutz in der E.G.", (1977) *EuGRZ*, 157-161.

G. Isaac, "La rénovation des institutions financières des Communautés Européennes depuis 1970 (cronique)", (1977) R.T.D.E., 236-310.

T. Koopmans, „Euro-verkiezingen: symbol of panacee", (1978) *SEW*, 2-11.

Keith Kyle, "Bringing Democracy to Brussels, towards a directly elected European Parliament", (1976) *The Round Table*, 323-330.

J. Lodge and V. Herman, "Citizenship, direct elections and the European Parliament", (1977) *Res Publica*, 579-605.

Hans Rattinger, "Bundesliste oder Landeslisten bei der Direktwahl zum Europäischen Parlament: Auswirkungen auf die Stärke bei Parteien", (1977) *Zeitschrift für Parlamentsfragen*, 189-196.

M. Sacchetti "Un nouvel organa des communautés Européennes: La Cour des Comptes", (1977) R.M.C., 344-347.

Daniel Strasser, "Histoire Budgétaire des Communautés Européennes, expliquée en chiffres, IIe partie: Histoire budgétaire de la C.E.E. et de la C.E.E.A.", (1977) R.M.C., 44-59.

Daniel Strasser, "Histoire Budgétaire des Communautés Européennes, expliquée en chiffres, IIIe partie: Mythes et réalités des finances communautaires".

Continuation of a very useful and interesting review of the history of the Community budget.

Daniel Strasser, "Le Budget 1977. Bilan d'une procédure, perspective pour une nouvelle année", (1977) R.M.C., 128-137.

John Tinnion, "Interpretation of the 'own resources' Decision", 2 EL Rev. 1977, 358-359.

##### 5. Court of Justice/case law

J. Amphoux, "Chronique de jurisprudence de la Cour de Justice des communautés européennes (1976-1977)", (1977) C.D.E. 571-651.

J. M. Bisschof et André Huet, "Chronique de jurisprudence de la Court de Justice des communautés Européennes: La Convention de Bruxelles du 27 septembre 1968", (1977), *journ.dr.int.* 702-739.

"Diskriminierungsverbot (Art. 40 Abs. 3 UAbs. 2 EWGV) und allgemeiner Gleichheitsgrundsatz als ein Grundprinzip des Gemeinschaftsrechts", 13 EuR (1978), 48-51.

R. Geimèr, "Zur Auslegung des Brüsseler Zuständigkeits- und Vollstreckungsübereinkommens in Zivil- und Handelssachen vom 27 September 1968. Eine kritische Uebersicht über die Rechtsprechung des EuGH", (1977) EuR 341-365.

R. D. Hacker, "References to the European Court of Justice", (1978), N.L.J., 35-36.

Francis Jacobs, "Reference to the European Court in interlocutory proceedings" 2 E.L. Rev. 1977, 354-358.

Jean-Marie Rainaud et Joël Rideau, "Jurisprudence de la Cour de Justice des Communautés Européennes 1975-1976 (1e partie)", (1977) R.M.C., 423-436.

Victor E. Stewart, "The EEC Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial matters should be interpreted by reference to the objectives of the Convention and the General Principles of the National Legal Systems", 17 *Virginia Journal of International Law*, 553-567.

A thorough discussion of the *Eurocontrol* judgment.

Richard Wainwright, "Art. 186 EEC: interim measures and Member States", 2 EL Rev. 1977, 349-354.

Arrêt du 9 mars 1977, Affs. jointes 41, 43 et 44/73, Société anonyme générale sucrière et autres c. Commission des C.E. et autres, with note D. Carreau, (1977) R.T.D.E., 562-573.

Aff. 12/76, Soc. Tessili, en 14/76, Etablissements de Bloos, 66 Rev.crit. dr. int.priv. 1977, 751-772 with note P. Gothot and D. Holleaux.

Aff. 21/65, Soc. Handelskwekerij G. J. de Bier c. Mirès de potasse d'Alsace, 66 Rev.crit.dr.int.priv. 1977, 563-576 with note P. Bourel.

Aff. 24/76, Soc. Estasis Salotti, and Aff. 25/76, Soc. Galeries Segoura, 66 Rev.crit.-dr.int.priv. 1977, 576-593, with note E. Metzger.

Aff. 29/76 EUROCONTROL c. Firme L.T.U., 66 Rev.crit.dr.int.priv. 1977, 772-785, with note G. Droz.

Rechtssache 41/76, Donckerwolcke u. Schou c. Procureur de la République, with note G. Schmidt, (1977) EUR 263-271.

Zaak 47/76, Brouwerij Concordia, with note L. de Grijse, (1978) SEW, 148-154.

Aff. 71/76. Jean Thieffry c. Conseil de l'ordre d'Avocats, with note J.-V. Louis, (1977) J.T. 570-573.

Rechtssache 71/76, Jean Thieffry c. Conseil de l'ordre des avocats, Paris, with note of G. Nicolaysen, (1977) EuR, 285-289.

Zaken 74/76, Lanelli and Volpi, and 70/76, Steinike and Weinlig, with note R. Barents, (1977) SEW, 718-736.

Rechtssache 74/76, Fa. Lanelli & Volpi g. Fa. Meromi, with note A. Maag, (1978) EuR, 51-55.

Rechtssache 79/76, Carlo Fossi g. Bundesknappschaft, Bochum, with note W. Wanders, (1978) EuR, 65-72.

Zaak 90/76, van Ameyde vs. V.C.I. with note J. van Damme en Th. Janssens, (1978) SEW, 882-889.

Zaak 101/76, Koninklijke Scholten Honig vs. Raad en Commissie van de EG, with note P. van Dijk, (1977) SEW, 713-718.

Arrest Hoffmann-La Roche, zaak 107/76 with note H. G. Schermers, (1977) A.Ae. 721-728.

Zaak 111/76, Officier van Justitie t. B. van der Hazel, (1978) SEW, 62-69, with note R. Barents.

Rechtssachen 117/76 und 16/77, Fa. Ruckdeschel g. H.Z.A. Hamburg-St. Annen und Fa. Diamalt AG g. H.Z.R. Itzehoe with note, (1978) EuR, 48-51.

Gutachten 1/76 vom 26-4-1977 with note H. Weis, (1977) EuR, 271-285.

## 6. *Adhesion*

Ian Davidson, "Angst von der Erweiterung der E.G.", (1977) *Europäische Rundschau*, 55-63.

It is strange, the writer considers, that fears concerning the further enlargement of the EC to include 3 new members are of such recent origin. This fear derives

from 3 main factors: agriculture, migrant workers and, the waning progress on the road to integration within the present EC.

U. Everling, "Struktur und Funktionieren der erweiterten Gemeinschaft", 13 *EuR* 1978, 1-11.

In the coming adhesion of Greece, Spain and Portugal, political motives will play an important part as well as economic. After enlargement the Community will be able to make a contribution to the reduction of tension in the Mediterranean area. Everling describes briefly the consequences of adhesion for the agricultural market, the common policies and the institutions. His conclusion is that enlargement will bring about substantial changes in the Community.

"Greece, Portugal, Spain and the EEC", 69 *Agenor* 1977, 1-24.

This article is the outcome of a number of discussions within *Agenor*. The motives of the governments of the Member States in wanting the adhesion of these 3 lands are investigated. Attention is also paid to the consequences which enlargement will produce on the political and economic levels both in the 9 present Member States and in the 3 new members.

Roy Jenkins, "Die Integration der Europäischen Gemeinschaft angesichts der Erweiterung", 33 *E.A.* 1978, 1-10.

Jenkins explains why, at the same time as the adhesion of 3 new States, the Community is concerned with the bringing about of a monetary union. He gives seven arguments in favour of a monetary union, and describes his views on these arguments.

Gert Meier, "Die rechtlichen Grenzen für einen Beitritt zu den Europäischen Gemeinschaften", 13 *EuR* 1978, 12-25.

Meier summarises the objections to the adhesion of Greece, Spain and Portugal in 10 points. He describes the legal limits which govern adhesion to the EEC, Euratom and ECSC Treaties, contained in Arts. 237 EEC, 205 Euratom and 38 EGKS respectively.

Marcel Scotto, "Adhésion de la Grèce, du Portugal et de l'Espagne à la C.E.E. l'Elargissement retardé?" (1977) *R.M.C.*, 117-119.

P. VerLoren van Themaat, "Enkele fundamentele rechtsvragen bij de uitbreiding van de Europese Gemeenschappen met Griekenland, Portugal en Spanje", (1978) *SEW*, 87-104.

### 7. External relations, Association and Development

Mehmet Ali Bizand, "Turkey and the European Community", (1978) *The World Today*, 52-61.

The association agreement with Turkey dating from 1963, as well as the supplementary protocol of 1970, were mainly motivated by political considerations. Economic considerations remained in the background. In the 'seventies the relationship between Turkey and the EC deteriorated as a result of different political and economic factors, in which the factual inequality of treaty obligations laid down in the protocol also played a role. The writer sees in the further



enlargement of the Community a good opportunity to improve relations with Turkey. Full membership lies far in the future, but a new, more balanced protocol could make a contribution to Turkey's economic development and strengthen ties with the West.

Van Coufoudehis, "The European Economic Community and the 'Freezing' of the Greek Association", 1967-1974", 16 *Journ.Comm.Mark. Studies* 1977, 124-131.

Analysis of the significance and effect of the decision of the European Community to 'freeze' the association agreement with Greece. In the writer's view, this decision achieved its purpose and the attitude of the EC did contribute to the restoration of democracy in Greece.

Geoffrey L. Goodwin and James Mayall "The European Alternatives: International Commodity Policy: EEC Policies and Options", 13 *Government and Opposition* 1978, 3-20.

The UNCTAD proposal for an integrated Programme for Raw Materials and a Common Fund form the kern of a new international economic order, in attempting to find a solution to the main problems in relation to raw materials. The writers have their doubts as to the extent of solidarity of the Group of 77. On the other side, the lands of the EC are finding it difficult to reach a common standpoint, although it is clear that Europe is increasingly dependent on imports of raw materials from developing countries. The EC lands are divided over the basic principles of a new international system (*laissez-faire* or *dirigisme*). The EC must accept a greater influence of the developing countries on economic relations between North and South. The problem is, what kind of influence? The EC will probably support some kind of compensatory financing. But the problem of buffer supplies will remain, as well as many problems concerning the management of a Common Fund. A common EC standpoint in this regard is also desirable.

E. Grabitz, "Die Entwicklungspolitik der Europäischen Gemeinschaften. Ziele und Kompetenzen", (1977) *EuR*, 217-239.

Agnès Hubert, "Le sens du rapprochement C.E.E.-Chine: Pragmatisme commercial et Alliance Stratégique", (1977) *R.M.C.*, 452-455.

D. E. L. M. Jolivet, "Les accords de Coopération des états membres et la CEE", (1977) *R.M.C.*, 361-367.

M. F. G. M. Legnier, "Les relations entre la République Populaire de Chine et les Communautés Européennes", (1977) *R.M.C.*, 76-86.

The writer considers the ideology and history of Chinese economic policy, and describes the structure of Chinese foreign trade. Finally, he describes trade relations between the EC and Member States.

Albert Maes, "La Communauté Européenne, les organisations intergouvernementales et les accords multilatéraux", (1977) *R.M.C.*, 395-400.

Farzeen Nasri, "The external relations of the European Community", 15 *Journ.-Comm.Mark.Studies* 1977, 288-293.

Sam Olefin, "Ecowas and the Lomé Convention: an experiment in incomplementary or conflicting customs union arrangements?", 16 *Journ.Comm.Mark.Studies* 1977, 53-72.

The author describes first the economic situation in the subregion where the Economic Community of West Africa States was established in 1975. After a survey of various theories of economic integration, he looks at the problems confronting ECOWAS. Finally, he compares the text of the ECOWAS agreement with the Lomé convention, which provides for a customs union. He expects conflicts between the two, in particular in the area of liberalisation of trade. Further, in contrast to ECOWAS, Lomé does not make provision for industrialisation.

Albert te Pass "Le protocole no. 3 sur le sucre ACP annexé à la Convention de Lomé", (1977) *R.M.C.*, 401-410.

Te Pass describes the history of the sugar policy of the EEC before and after the accession of the UK to the EEC and the termination of the Commonwealth Sugar Agreement. In the Third protocol to the Lomé Convention, the EEC accepts the obligation to import sugar from the ACP lands against guaranteed minimum prices; on the other side, the ACP lands are required to export sugar to the EEC. Special provisions are included only for the case of *force majeure*. The author further describes the problems which have arisen in 1976 and 1977 in regard to the guaranteed prices and the solutions which have been found. Finally, he considers the future prospects of the third protocol.

J. Raux et J. Lebullenger, "Les accords externes de la CEE (1er janv.-31 déc. 1976: Chronique), (1977) *R.T.D.E.*, 435-464.

Michael Rom, "Restrictive Business Practices in EEC Agreements with Less Developed Countries", 12 *J.W.T.L.* 1978, 37-55.

Investigation of the provisions regarding competition included in the agreements between the EEC and the EPTA lands, Greece, Turkey and other Mediterranean countries. In the author's view, these provisions are vague, illogical and ineffective. He supports a new approach which would take the needs of less developed countries more into account.

Marcel Scotto, "Vers une guerre commerciale entre la C.E.E. et le Japon?" (1977) *R.M.C.*, 1-3.

Branko Tomsa, "CEE-CAEM: Vers la normalisation des relations?" (1977) *R.M.C.*, 368-375.

Cathérine de Vallois, "La participation de la Communauté Européenne au développement économique mexicain à la suite de l'accord C.E.E.-Mexique", (1977) *R.M.C.*, 73-75.

The agreement concluded between Mexico and the EEC in November 1975, serves as the background to a discussion of what Mexico has to offer to the European investor.

G. N. Yannapoulos, "The Mediterranean Policy of the EEC, its impact on the Associated Developing Countries", 11 *J.W.T.L.* 1977, 489-500.

C. EUROPEAN ECONOMIC COMMUNITY

2. Agriculture

J. H. J. Bourgeois, "Het Hof van Justitie en het communautaire landbouwbeleid (continuation), (1978) SEW, 105-125.

François Clerq, "Agriculture et méditerranée: une difficile synthèse pour la communauté européenne", (1977) R.M.C., 4-9.

Donald Hedges, "La pêche dans la Communauté, quelques difficultés". (1977) R.M.C., 449-451.

Jean-Guy Letellier et Peter Smith, "Problématique de l'application éventuelle de l'unité de compte européenne à la politique agricole commune", (1977) R.M.C., 456-467.

Derrick Wyatt, "The comptability of national measures with price formation under common organization of the market", 2 EL Rev. 1977, 374-377.

4. Company law

C. Connerton, "Directors' liability and the EEC Draft Convention on Bankruptcy" (1977) J.B.L., 8-16.

J. H. Farrar, "The EEC Draft Convention on Bankruptcy and Winding Up", (1977) J.B.L., 320-337.

C. W. A. Timmermans, "Les comptes consolidés dans la CEE", (1977) Rev.dr.int.-dr.comp., 341-354.

5. Competition and industrial property

B. I. Cawthra, "Exclusive and Non-Exclusive Rights in Patent Licence Agreements", (1978) N.L.J., 37-38, 137-138.

A. Dashwood, "Preliminary rulings on the EEC State aid provisions", 2 EL Rev. 1977, 367-372.

Dashwood analyses 2 judgments of the Court of Justice, namely in the *Ianelli-Meroni* (174/76) and *Steinike* cases, and discusses the implications of these judgments for cases of state aids.

Christian Dilleman, "Les conditions d'approvisionnement des organismes concertée de concurrence", (1977) R.M.C., 138-143.

The telecommunications industry in each Member State has an almost autarchic character. Dilleman considers that for an efficient use of available capacity a competition policy on the European level is necessary. The problems which need to be solved are particularly to be found on the technical, legal and financial levels. The CEPT has made some steps in order to bring about a degree of harmonisation. In conclusion, the article considers the prospects for Community action in this area.

B. van der Esch, "L'application des règles de concurrence du traité CEE à l'exercice du droit de marque", (1977) C.D.E., 499-505.

Christian Hootz, "Freistellung selektiver Vertriebssysteme nach EWG-Kartellrecht", 24 RIW/AWD 1978, 108-115.

The author briefly reproduces the facts of the *SABA* case and discusses the legal issues raised there: the question as to when a third party can contest a Community act, and when that party can be considered to be individually and directly affected; the applicability of Arts. 86 and 85 EEC; the grounds for an exemption from the prohibition of Art. 85.

V. Korah, "Proposals for amendment of group exemption Regulations", 2 E.L. Rev. 1977, 365-367.

Alan W. Salzman, "IATA, Rate-fixing and the EEC Competition Rules" 2 E.L.Rev. 1977, 409-427.

The author investigates the compatibility of pricing agreements within the IATA Treaty. In particular, he looks at the possible application of Arts. 85 and 90. He concludes that Art. 85 (1) is certainly applicable (see esp. para. a), but that an exemption under Art. 85 (3) is probably not obtainable because the conditions of that paragraph are not fulfilled. But the Commission has only restricted possibilities for intervention here. Regs. 17/62 and 1017/6 are not applicable. Only Art. 89 therefore remains, for in the author's view the conditions of Art. 90 are also not fulfilled.

J. Temple-Lang, "L'affaire National Carbonising", (1977) C.D.E. 506-517.

#### 6. *Economic and monetary policy*

Loukas Tsoukalis, "Is the Re-launching of Economic and Monetary Union a feasible proposal?" 15 Journ.Comm.Mark.Studies 1977, 231-247.

#### 8. *Energy policy*

Jean Burner, "Le Marché Commun de l'énergie n'est pas pour demain", (1977) R.M.C., 71-72.

Marion Bywater, "La politique énergétique: des performances satisfaisantes mais peu de stratégie", (1977) R.M.C. 333-336.

#### 9. *Environment policy*

Fritz Behrens, "Unweltschutzsubventionen, Verursacherprinzip und Europäisches Gemeinschaftsrecht", (1977) EuR, 240-258.

#### 11. *Free movement of goods and customs union*

"Einfuhrabgaben und sonstige Beiträge zugunsten einer Körperschaft des öffentlichen Rechts, Verwengung als Produktionsbeihilfe, Erstattungs Art. 30, 92 f., 95 EMGV", 13 EuR 1978, 51-65.

Hans-Ernst Folz und Franz Zehetner, "Mindestpreise und Angleichungsbeschränkungen in der EGKS und in den Freihandelszonen zwischen der Gemeinschaft und ihren Freihandelspartnern", 13 EuR 1978, 32-47.

The authors consider how far Decision 962/77 ECSC of the Commission (OJ 1977 L114/1), which establishes minimum prices for reinforced steel and restricts the possibility for undertakings to adapt their prices to lower offers, is compatible with Community Law. In their view the Decision is invalid, which raises the interesting question whether the lands which together with the ECSC form a free trade area are also obliged to implement this Decision. The writers, however, answer this question in the negative.

John Tinnion, "Charges having an effect equivalent to customs duties", 2 E.L.Rev. 1977, 359-363.

Sabine Urban, "Les difficultés pour parvenir à l'unité communautaire de marché. Les cas des échanges franco-allemands", (1977) R.M.C., 348-360.

Winfried Veelken, "Massnahmen gleicher Wirkung wie mengenmässige Beschränkungen. Die Rechtsprechung des Gerichtshofs der EG: eine Zwischenbilanz", (1977), EuR, 311-340.

The author draws up an interim balance sheet of the case law of the Court of Justice concerning measures of equivalent effect. After an introductory analysis of the views of the Commission and leading writers, the well-known definition of measures of equivalent effect from the *Dassonville* judgment is closely analysed. A definitive conclusion is, however, impossible because a number of questions still remain open.

## 12. Free movement of workers and social security

A. Barav, "La libre circulation des travailleurs, l'ordre public et le pouvoir des sanctions des Etats membres. A propos d'une jurisprudence récente de la C.J.C.E.", (1977) R.T.D.E., 721-735.

This article considers in particular the judgments in *Bouchereau* (30/77) and *Sagulo* (8/77). The author emphasises the important contribution which the Court, largely by means of preliminary rulings, has made to the development of European Social Law. Nonetheless, some differences in treatment between own subjects and migrant workers from other Member States still remain.

D. Bennett, "EEC Nationals in the United Kingdom: 1 - Rights of entry and residence; II - Employment and Equality of Treatment", (1978), N.L.J. 43-46, 67-69.

"Soziale Sicherheit, Geltungsbereich der EWG - Ver. Nrn. 3 sowie 1408/71, Ermessensleistung aus deutschen Versicherungszeiten ausserhalb des Gebiets der Bundesrepublik Deutschland, Kriegsfolgelastregelung", 13 EuR 1978, 65-72.

Ch. Tantaroudas, "Droit social: Jurisprudence de la CJCE en matière de sécurité sociale (1976)", (1977) R.T.D.E., 541-561.

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

A. Brunois, "Le barreau et la libération des prestations de services et des établissements dans la CEE", (1977) R.T.D.E., 397-434.

Thorough discussion of the present stage of liberalisation of the freedom of establishment and provision of services for lawyers, covering the case law of the Court, the directive of 22 March 1977 concerning the provision of services by lawyers, and the role of the consultative Bar Committee of the European Community in the realisation of European professional rules and the implementation of the Treaty.

G. Morse, "Freedom of establishment", 2 E.L.Rev. 1977, 363-365.

15. *Harmonisation of laws*

G. Morse, "Harmonisation of laws, some recent developments", 2 E.L.Rev. 1977, 373-374.

20. *Social policy*

M. F. G. M. Legnier, "Transferts d'entreprises et protection des travailleurs dans le cadre communautaire" (1977) R.M.C., 473-482.

Dir. 77/187 concerns the harmonisation of the legalisation of the Member States in regard to the rights of employees in the event of the transfer of (parts of) undertakings and of mergers. The legal basis is Art. 100 EEC. The directive must be implemented within 2 years. Legnier also goes further into the position of employees before and after the transfer of the undertaking and concludes that the directive can only be seen as a first, cautious step.

F. Rigaux, "Les migrations de travailleurs dans la C.E.E." (1977) Rev.dr.cont., 73-95.

21. *Taxation*

R. T. Bartelt, "The Harmonisation of Company Taxation within the EEC" (1977) J.B.L., 292-295.

"EC: Council Directive Concerning Mutual assistance by the competent Authorities of the Member States in the Field of Direct Taxation" (1978) *Intertax*, 7-13.

"EC: Problems Posed by Excise Harmonization", (1978) *Intertax*, 37.

N. M. Hunnings, "Value Added Tax and EEC Directives" (1977) J.B.L., 289-291.

G. Montagnier, "Fiscalité (Chronique)", (1977), R.T.D.E., 508-540.

Geoffrey Morse, "Art. 95 EEC, the scope of discrimination", E.L.Rev. 1977, 372-373.

Donald J. Puchala and Carl F. Lankowski, "The Politics of Fiscal Harmonization in the European Communities", 15 *Journ.Comm.Mark.Studies* 1977, 155-179.

### III. COUNCIL OF EUROPE

#### A. GENERAL

J. J. A. Salmon, "La Convention Européenne pour la répression du terrorisme: un vrai pas en arrière", (1977), *J.T.*, 497-502.

A highly critical discussion of the provisions of the Convention for the suppression of terrorism.

John Siddle, "The Role of the Council of Europe in the Legal Field" 2 *E.L.Rev.* 1977, 335-347.

An interesting discussion of the normative role of the council of Europe, in which the question of relations with the EC is also considered.

#### B. HUMAN RIGHTS

A. A. Cançado Trindade, "Exhaustion of local remedies in the jurisprudence of the European Court of Human Rights: an Appraisal" (1977) *Revue des Droits de l'homme/Human Rights Journal*, 141-185.

A good and thorough survey.

A. Drzemczewski, "The Domestic Status of the European Convention on Human Rights: new dimensions", (1977) *L.I.E.I.*, 1-85.

After an analysis of the obligations assumed by the contracting parties, a survey is given of the status of the European Convention in national law. The implementation of the Convention by the national courts is considered with particular emphasis on the effects of provisions of the Convention as between individuals. In conclusion, the author argues the necessity of a harmonisation and uniform application of the Convention, referring to the possibility of a procedure after the model of Art. 177 EEC.

P. van Dijk, "A European Ombudsman for Human Rights: re-opening of the discussion", 10 *Revue des Droits de l'Homme* (1977), 198-211.

At a meeting of the legal affairs committee of the Consultative Assembly of the Council of Europe, held on 18 and 19 April 1977 in Paris, the question was discussed of the desirability of appointing an independent person to assist persons bringing complaints to the European Commission of Human Rights. Thought was also given to the possibility of the creation of a European Ombudsman.

Hurst Hannum and Kevin Boyle, "The Donnelly Case, Administrative Practice and Domestic Remedies under the European Convention: One step forward and two steps back", 71 *A.J.I.L.* 1977, 316-321.