

## SURVEY OF LITERATURE

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## III. COUNCIL OF EUROPE

## A. GENERAL

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## b. List of abbreviations

AJCL	American Journal of Comparative Law
AJIL	American Journal of International Law
Ann. fr. dr. int.	Annuaire Français de Droit International
AöR	Archiv des Öffentlichen Rechts
Arch. VR	Archiv des Völkerrechts
AAe	Ars Aequi
BB	Der Betriebs-Berater
CDE	Cahiers de Droit Européen
Colum. J. Transnat'l. L.	Columbia Journal of Transnational Law
Colum. L. Rev.	Columbia Law Review
CML Rev.	Common Market Law Review
DVBl.	Deutsches Verwaltungsblatt
Dr. Soc.	Droit Social
ESB	Economisch-Statistische Berichten
EA	Europa Archiv
EuR	Europarecht
EIRR	European Industrial Relations Review
EL Rev.	European Law Review
Gaz. Pal.	Gazette du Palais
GRUR Int.	Gewerblicher Rechtsschutz und Urheberrecht Internationaler Teil
Harv. L. Rev.	Harvard Law Review
ICLQ	International and Comparative Law Quarterly
Int. Org.	International Organization
JBL	Journal of Business Law
J. Comm. Mark. Studies	Journal of Common Market Studies
Journ. dr. intern.	Journal du Droit International
JT	Journal des Tribunaux
JWTL	Journal of World Trade Law
JZ	Juristenzeitung
JCP	Juris-Classeur Périodique (La Semaine Juridique)
LIEI	Legal Issues of European Integration
MDR	Monatschrift für Deutsches Recht
NV	De Naamloze Vennootschap
NJB	Nederlands Juristenblad
NJ	Nederlandse Jurisprudentie
NILR	Netherlands International Law Review
NJW	Neue Juristische Wochenschrift
NLJ	New Law Journal
NTIR	Nordisk Tidskrift for International Ret
RIW/AWD	Recht der Internationalen Wirtschaft/Aussenwirtschaftsdienst
Themis	Rechtsgeleerd Magazijn Themis

RW	Rechtskundig Weekblad
RCADI	Recueil des Cours de l'Académie de Droit International de La Haye
Rev. inst. eur.	Revista de instituciones europeas
Rev. belge dr. int.	Revue Belge du Droit International
Rev. crit. dr. int. privé	Revue Critique de Droit International Privé
Rev. crit. jur. belge	Revue Critique de Jurisprudence Belge
Rev. dr. int.	Revue de Droit International
Rev. dr. int. et dr. comp.	Revue de Droit International et de Droit Comparé
Rev. fr. de sc. pol.	Revue Française de Science Politique
Rev. gen. dr. int. publ.	Revue Générale de Droit International Public
RMC	Revue du Marché Commun
RPP	Revue Politique et Parlementaire
RTDE	Revue Trimestrielle de Droit Européen
Riv. Dir. Eur.	Rivista di Diritto Europeo
SEW	Sociaal-Economische Wetgeving
SMA	Sociaal Maandblad Arbeid
Sol. J.	Solicitors' Journal
Stanford L. Rev.	Stanford Law Review
TPR	Tijdschrift voor Privaatrecht
TVVS	Tijdschrift voor Vennootschappen, Verenigingen en Stichtingen
Tul. L. Rev.	Tulane Law Review
U. Pittsburgh L. Rev.	University of Pittsburgh Law Review
Va. J. Int'l L.	Virginia Journal of International Law
Va. L. Rev.	Virginia Law Review
WRP	Wettbewerb in Recht und Praxis
WuW	Wirtschaft und Wettbewerb
Zeit. AÖRV	Zeitschrift für Ausländisches und Öffentliches Recht und Völkerrecht
ZHR	Zeitschrift für das Gesamte Handelsrecht und Wirtschaftsrecht
ZUGR	Zeitschrift für Unternehmens- und Gesellschaftsrecht

# I. INTEGRATION, GENERAL ASPECTS

Bailey-Wiebecke and P. J. Bailey, "ECE und KSZE-Folge Konferenz in Belgrad", 28 *Aussenpolitik* 1977, 256-272.

W. Dewachter, G. Tegenbos, E. Clijsters, "Europa, derde wereldmacht? Onderzoek naar het machtsquotum van een politiek Europa", 32 *Internationale Spectator* 1978, 245-250.

Guy Doly, "Sécurité de la France et union européenne", 43 *Politique étrangère* 1978, 265-282.

I. Dyumulen, "Trade Battles in the West", (1978) *International Affairs—a monthly journal of political analysis (Moskou)*, 46-54.

V. Lavrenov, "The trials and tribulations of little Europe", (1977) *International affairs—a monthly journal of political analysis (Moskou)*, 77-84.

Jan Reifenberg, "Europa und die U.S.A. seit Carters Amtsantritt", 6 *Europäischen Rundschau* 1978, 3-14.

Gerald Wright, "Europe: Policy planning on a seesaw", 33 *International Journal* 1978, 387-395.

A survey of the relations between Canada and Europe since the publication of the white paper "Foreign policy for Canadians" in 1970.

Wally Struys, "Les dépenses de défense dans les pays du Marché Commun: analyse globale des déterminants et évaluation de la charge économique", (1977) *Cahiers Economiques de Bruxelles*, 219-237.

## II. EUROPEAN COMMUNITIES

### 1. General

Frans A. M. Alting van Geusau, "Europese integratie en nationale soevereiniteit: meer dan een eenvoudige paradox", 17 *Civis Mundi* 1978, 10-13.

Albert Bleckmann, "Die Einheit der Europäischen Gemeinschaftsrechtsordnung-Einheit oder Mehrheit der Europäischen Gemeinschaften", (1978) *EuR*, 95-104.

Is it possible to speak of one Community legal order, or does each of the 3 Communities possess its own legal order? Bleckmann rejects both these alternatives, concluding that it is necessary to proceed from the existence of 3 separate European Communities, which together form one all-embracing European Community. Although it possesses no legal personality of its own, this Community does have a single legal order, to which the three Communities belong. The 3 separate Communities can then be compared with different statutes existing within the legal order of a state.

Albert Bleckmann, "Mitwirkung der Länder der Bundesrepublik Deutschland in den Europäischen Gemeinschaften", 24 *RIW/AWD* 1978, 144-147.

A number of the provisions of the treaties also have implications for the powers of the West-German *Länder*. Bleckmann investigates first the question to what extent it is possible on the basis of Art. 24 (1) GG to transfer powers of the *Länder* to international organizations. He then considers the involvement of the *Länder* in the preparation of Community decisions. There is no provision for their participation in the decision-making process as such, but in the author's view it is possible to derive from the constitution a duty on the part of the Federal Government to inform the *Länder* about decisions which may affect them. The author does not exclude a more far-reaching participation in the decision-making process for cases which closely affect the interests of the *Länder* but he does not consider this possibility in any detail.

Albert Bleckmann, "Die öffentlichrechtlichen Verträge der EWG", 31 *NJW* 1978, 464-467.

An interesting discussion of a little-known subject matter: the conclusion by

the EEC of public law contracts according to Article 81 EEC. The author considers in particular the public law character and the admissibility of such contracts. The question of the competence of the Court of Justice in the event of disputes concerning public law contracts is also considered: here the author is of the opinion that every contract of this kind should include a clause conferring competence on the Court.

Arved Deringer und Jochim Sedemund, "Europäische Gemeinschaftsrecht", 31 NJW 1978, 1087-1092 (chronicle).

Alain Dubois, "Une lettre de M. Callaghan sur la Communauté", (1978) RMC, 8-12.

Niels Gangsted-Rasmussen, "Les obligations des entreprises de droit privé en vertu du traité C.E.E.", (1978) RTDE, 18-32.

Paper prepared for the 1978 FIDE conference in Copenhagen.

Eberhard Grabitz, "Der Verfassungsstaat in der Gemeinschaft", 92 DVB 1977, 786-794.

Robert Grégoire, "L'action communautaire dans le secteur culturel", (1978) RMC, 229-238.

In November 1977 the Commission presented to the Council a Community action programme for the cultural field. Proceeding from this action programme, this article considers the extent to which there is free movement of cultural goods and freedom of movement and establishment for artists in the Community. The harmonisation of tax laws, and coordination of legislation in regard to copyright in the different Member States are also considered.

Hans J. Michelmann, "Multinational staffing and organizational functioning in the Commission of the European Communities", 32 Int. Org. 1978, 477-496.

Reasons both of a practical and political kind make it necessary to draw the staff of the Commission from the ranks of the nationals of all the member states. But the requirement of a certain balance between the nationalities has negative consequences for personnel policy in general and for the career perspectives and morale of the staff in particular. Informal ties based on common nationality may hold up the work of the organization; problems of language and communication are everyday, and friction between different national groups is also not uncommon. Moreover, functionaries are sometimes confronted with a conflict of loyalties between the Commission and their country of origin. Representation of the different nationalities plays the largest role in the D.G.s which have the politically most important activities. This implies that a growth in the powers of the Commission would lead to an increase in the importance of the nationality question.

Trevor Parfitt, "Turning tide in Brussels", (1978) *The World Today*, 245-248.

John Palmer, "Europe's Renegade? The Record and Reputation of Britain in the EEC", (1978) *The Round Table*, 134-138.

Willy Zeller, "Die Strukturkrise der europäischen Union", 33 EA 1978, 205-212.

Investigation of the problems presented by the seventies, in particular in the contexts of European political cooperation, enlargement and the functioning of the institutions.

## 2. Relationship Community law/national law

Fausto Capelli, "Conseguenze 'prevedibili' di una sentenza (Ancora sul conflitto fra norma comunitaria e norma nazionale posteriore)", 17 *dir. com. scamb. int.* 1978, 103-120.

Jacqueline Dutheil de la Rochère, "L'application du droit communautaire par les juridictions britanniques au cours de l'année 1977", 14 *RTDE* 1978, 250-265 (Chronicle).

Gert Meier, "Zur Garantiefunktion des Gemeinschaftsrechts bei der Durchsetzung individueller Rechte des Marktbürgers durch das Bundesverfassungsgericht", 92 *DVB* 1977, 798-801.

Gert Meier, "Anmerkung beim BFH Beschluss vom 27.9.1977: Die Restitutionsklage gegen ein BFH-Urteil kann nicht darauf gestützt werden, dass der EGH in einem späteren, in einer anderen Sache ergangenen Urteil eine vom BFH-Urteil abweichende Rechtsauffassung vertreten hat", 93 *DVB* 1978, 501-502.

G. E. Mulder, "Noot bij Hoge Raad 18 oktober 1977, Rechtsgevolgen van belofte van voorwaardelijke niet-vervolgung door Officier van Justitie; bezwaarschrift", (1978) *NJ*, 411-413, 740-743.

B. M. ter Kuile, "De Hoge Raad en de prejudiciële verwijzing ex. art. 117 E.E.G.", (1978) *NJB*, 212-216.

John Usher, "The primacy of Community Law", 3 *ELRev* 1978, 214-217.

Comment on case 106/77, *Italian Finance Administration v. Simmenthal*.

F. H. v. d. Burg, "Noot bij beslissing afdeling Rechtspraak Raad van State 15 juli 1977", (1978) *NJ*, 350-353.

Albrecht Weber, "Anmerkung bei BVerfG., Beschl. v. 8.6.1977—2 BvR 499/74/ 2 BvR 1042/75", 31 *DöV* 1978, 172-178.

## 3. Relationship Community/international law

A. Bleckmann, "Die Rechtsnatur des Europäischen Gemeinschaftsrechts", 31 *DöV* 1978, 391-398.

To what extent can Community Law still be considered to form part of international law? Although the Court has held that Community Law forms an autonomous legal order, there are still so many gaps in this law that it can be justified to apply general international law. This application is, however, excluded where Community Law does contain a contrary provision or where it would conflict with the basic principles of Community Law. Were Community Law to be completely separate from international law, then it would not be able to contribute to the development of the latter.

Max Sørensen, "Berührungspunkte zwischen der Europäischen Menschenrechtskonvention und dem Recht der Europäischen Gemeinschaften", 5 EuGRZ 1978, 33-36.

While taking it as read that the Community organs are bound to the European Convention on Human Rights, the author looks into the preliminary question of the extent to which the powers of the Community may encroach on the catalogue of fundamental rights laid down in the Convention. The author identifies two points of contact between Community Law and the Convention. In the first place, what he calls "marginal" points of contact proceeding from legal relationships which are governed both by Community Law and the Convention: examples are to be found in personnel law and in the field of free movement of workers. The second category of points of contact is of a more fundamental character, and comprises the general principles of law and methods used both in the application of Community Law and in the interpretation of the Convention, such as the non-discrimination principle, horizontal direct effects and the limitation of fundamental rights.

#### 4. Institutional

David Allen et Roger Morgan, "Les élections directes au parlement Européen: le dilemme Britannique", 43 *Politique Etrangère* 1978, 5-20.

M. de Ambris, "Elections au parlement européen: Modes de scrutin et système électoraux chez les Neuf", 80 *Revue politique et parlementaire* 1978, 52-65.

Albert Bleckmann, "Zur Entwicklung europäischer Grundrechte", 93 DVB 1978, 457-462.

In the framework of its case law concerning general principles of law, the Court of Justice has applied certain fundamental rights, which have been developed on the basis of a comparison of the laws of the different Member States. The author considers which comparative method is the most appropriate for this purpose. A number of different models are rejected and he finally chooses a method which proceeds from a weighing up of the legal interests which in all Member States are protected by the fundamental rights against the interests which justify a restriction of the fundamental rights. This process of weighing-up must of course take place within the framework of Community Law. The author concludes that his chosen method is also in practice used by the Court.

Alan Dashwood, "The principle of direct effect in European Community Law", 16 *Journ. Comm. Mark. Studies* 1978, 229-245.

A very clear and useful survey of the developments in the Court's case law concerning the direct effects of Community Law provisions.

The author discusses the conditions for the direct effects of treaty provisions or rules of secondary law, in which context he pays particular attention to the judgment in case 51/76, V.N.O., concerning the direct applicability of directives. The essential contribution of the doctrine of direct applicability to the development of the common market is strongly emphasized.

H. Golsong, "Grundrechtsschutz im Rahmen der Europäischen Gemeinschaften. Ist der Katalog der in der Europäischen Menschenrechtskonvention enthaltenen Grundrechte für die EG verwendbar?", 5 EuGRZ 1978, 346-352.

How can fundamental rights best be guaranteed within the EC? The author rejects the present method, whereby fundamental rights are considered to form part of the general principles of Community Law. He has objections, too, to the elaboration of a catalogue of fundamental rights applicable to the EC, and to a unilateral declaration on the part of the EC that it considers itself bound by the substantive rights comprised in the ECHR. The possibility which remains is that of the accession by the Community to the European Convention. The limited treaty-making powers of the Community should not present any problems here, since it will not involve an extension of Community powers at the expense of the Member States. The accession to the Convention would, however, involve a number of changes to the procedural provisions of the Convention. As for the substantive provisions, only Article 14 might present difficulties.

K. E. Heinz, "Über der Charakter von 'Grundrechten' und 'Menschenrechten', Ihr Verhältnis zu den Statusgewährungen in den Europäischen Gemeinschaften", 31 DöV 1978, 398-404.

Rudolf Hrbek, "Parteibünde in der Europäischen Gemeinschaft auf dem Weg zu programmatischem Profit", 33 EA 1978, 299-310.

The author examines the different reasons for cooperation between political parties at the European level. A particular impulse to such cooperation has, of course, been given by the decision to hold direct elections to the European Parliament. In this context the author examines the manifestos of the different European parties. These are, in his view, very vaguely and generally formulated, but will no doubt be filled out in the course of the election campaigns, a process which may, of course, shatter the fragile unity established by the common manifestos.

Julian Crandall Hollick, "Direct elections to the European Parliament: The French debate", 33 *The World Today* 1977, 473-480.

M. Letemendia, "Retroactivité en droit communautaire", 13 CDE 1977, 518-570.

Thorough if rather dry investigation into the retroactivity of legislation in Community and United Kingdom law. The author distinguishes between "retroactivity in the true sense of the word" (*retroactivité véritable*) which relates to situations in the past and "material retroactivity (not in the true sense of the word)" (*retroactivité matérielle*) which relates to developments which are still under way and which may form a threat to acquired rights.

Roger Morgan and David Allen: "The European Parliament: direct elections in national and Community perspective", 34 *The World Today* 1978, 296-302.

A brief sketch of the different stages reached in the Member States in the preparations for the direct elections.

Mariano Pintus, "Osservatorio Istituzionale", 18 Riv. Dir. Eur. 1978, 75-81.

A discussion of various aspects of the present institutional development of the Communities, including the results of the Copenhagen meeting of the European Council (which the author welcomes for its serious attention to concrete problems), direct elections, European political cooperation, the "Community legal order", the EMU and enlargement.



Renato Ruggiero, "La comunità e il nuovo parlamento europeo eletto a suffragio universale", 17 dir. com. scamb. int. 1978, 185-193.

Text of a speech given by the Director-General for Information of the Commission in Milan in January 1978. The speaker's/writer's approach to the subject is very wide-ranging and rather vague.

Edouard Sauvignon, "Les communautés européennes et le droit de légation actif", (1978) RMC, 176-191.

Investigation into the legal fundaments of the "active law of representation" in the Communities in the light of the rapid increase of Community delegations in third countries and at international organizations. The double representation of the Community by the Council and the Commission raises a number of problems. In order to avoid unnecessary conflicts it is necessary to bring about a certain division of tasks between the 2 institutions.

Daniel Strasser, "Le budget 1978. Bilan d'une procédure, innovations juridiques, perspectives pour une nouvelle année", (1978) RMC, 13-29.

Examination of the procedure for the establishment of the budget for 1978 (development of the so-called concertation procedure, interpretation of Art. 203 EEC etc.) and of a number of novel features which for the first time in 1977 played a role in the budgetary consultation, in particular the introduction of the EUA. As far as the substantive evolution of the budget is concerned, the author ascertains that while the total amount of budgetary credits has risen, the expenditure in the agricultural area is still disproportionate to the whole and that the budget provides for few new activities.

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

Günther Ackermann, "Kurzfristige Einführung einer Ausgleichsabgabe auf Speisekartoffeln und der Grundsatz des Vertrauensschutzes", 24 RIW/AWD 1978, 262-264.

R. Barents, "Noot bij zaak 19/77", 26 SEW 1978, 503-504.

R. Barents, "Noot bij zaak 59/77", 26 SEW 1978, 501.

Hervé Carsan, "Chronique de la Jurisprudence sociale de la cour de justice des communautés européennes", (1978) RMC, 130-141, 192-209, 261-272.

Zaak 13/77 met noot A. D. de Clerq, 26 SEW 1978, 289-310.

G. Cohen Jonathan, "La Cour des communautés et les droits de l'homme", (1978), RMC, 74-100.

The Court has made 2 important contributions to the protection of human rights. Firstly, in its interpretation of Community Law it has built up the prohibitions of discriminations on grounds of nationality or sex into important guarantees of fundamental rights. Secondly, through its application of the term general principles of law, the Court has laid the basis for the recognition of human rights in the Community legal order. In conclusion the author also considers the significance of the European Convention for Community Law.

Although the Court has in a number of judgments acknowledged the Convention as a source of fundamental rights, the author does not consider that the convention legally binds the Community as such. It would, however, be desirable for the Community to declare that it considers itself bound by the substantive provisions of the Convention.

Zaken 71/76 en 11/77, Noot van Brigitte Dauwe, 26 SEW 1978, 221-230.

Giorgio Florida, "Forma giurisdizionale e risultato normativo del procedimento pregiudiziale davanti alla corte di giustizia", 17 dir. com. scamb. int. 1978, 1-41.

Discussion of the purpose, working and effects of the preliminary rulings procedure according to Art. 177 EEC.

W. J. Ganshof van de Meersch, "Fragen von allgemeinem Interesse, die sich für einen Gedanken- und Informationsaustausch eignen", 5 EuGRZ 1978, 37-45.

This article is a contribution to the discussion which took place on 29-30 September 1977 in Luxembourg between the Court of Justice of the EC and the European Court and Commission for Human Rights. The author discusses a number of questions of interest to both Courts, such as the principle of non-discrimination, the reservation of public policy, the principle of proportionality and the general principles of law. A comparative survey follows of the methods of interpretation used by the two Courts. The author concludes that there is a growing agreement between the two sets of case law in regard to the protection of fundamental rights.

Zaken 32/77, 112/76 en 22/77 met noot A. W. Govers, 26 SEW 1978, 310-319.

Zaak 47/76 met noot L. de Gryse, 26 SEW 1978, 148-154.

Trevor Hartley, "Locus Standi in actions under Article 173 EEC", 3 ELRev. 1978, 209-212.

Comment on case 26/77, *Metro v. Commission*.

Trevor Hartley, "The protection of legitimate expectations: national court or European Court?", 3 ELRev. 1978, 212-214.

Comment on case 126/76, *Dietz v. Commission*.

A. W. H. Meij, "Overzicht van de bestuursrechtelijke jurisprudentie 1975-1976 van het Hof van justitie van de Europese gemeenschappen", 31 *Bestuurswetenschappen* 1977, 496-516.

Antonio Oddo, "Inadempimento degli obblighi incombenti sulla Repubblica italiana in forza della direttiva del Consiglio 19.2.1973, n. 73/23 CEE", 16 Dir. com. scamb. int. 1977, 713-716.

Annotation on case 123/76, *Commission v. Italy*, concerning the legal character of directives.

N. Parisi, "La decisione della Corte di Giustizia nella causa n. 118/76: Preminenza del diritto comunitario e principio di equità", 16 dir. com. scamb. int. 1978, 698-705.

Discussion of case 118/76, *Balkan Import-Export GmbH*, in which the Court

held that a national customs authority is not competent to take a reliance on a national principle of fairness into account where this would encroach on a rule of Community Law. The author stresses that the Court only rejected the application of the principle in the concrete case, not in general.

Nicoletta Parisi, "Il principio d'uguaglianza e la sua transposizione nel campo economico", 17 *dir. com. scamb. int.* 1978, 68-72.

Note on the judgments in the cases 124/76 and 20/77 *S.A. Moulins et Huileries de Pont à Moussons*.

E. A. Raffealli, "Su alcuni elementi fondamentali di sistema di finanziamento delle Comunità Europee", 16 *Dir. comm. scamb. int.* 1977, 682-693.

Annotation on case 110/76.

Reinhard Riegel, "Aktuelle Fragen des gemeinschaftsrechtlichen Verfahrens- und Haftungsrechts unter besonderer Berücksichtigung der neueren Rechtsprechung des EuGH", 93 *DVB* 1978, 469-478.

T. P. J. N. van Rijn, "Noot bij Zaken 177/76 en 16/77, 124/76 en 20/77", 26 *SEW* 1978, 496-499.

C. Schultsz, "Noot bij Hof van Justitie van de Europese Gemeenschappen 22 november 1977", (1978) *NJB*, 1169.

H. G. Schermers, "Noot bij zaak 107/76", 26 *AAe* 1977, 721-727.

Zaken 31/77 en 61/77, Noot van C. W. A. Timmermans, 26 *SEW* 1978, 230-238.

G. M. Ubertazzi, "La Corte di Giustizia negli atti del Parlamento europeo", 16 *dir. com. scamb. int.* 1977, 625-640.

With reference to the debates of the Parliament the author attempts to determine the attitude of that institution to the Court of Justice. He finds sharp criticism of the operation and internal organization of the Court, in particular the staff policy and procedures for the nomination of the judges and A.-G.s. The author further discusses the Court's role in the Community structure and its cooperation with national courts. He argues for more cooperation between the Court and EP and calls for initiatives of the Parliament to this end.

## 6. Adhesion

Andrea Chitti-Batelli, "Signification politique de l'élargissement", 20 *Problèmes de l'Europe* 1978, 113-119.

Reginald Dale, "Portugal Rejoins Europe", 15 *The Atlantic Community Quarterly* 1977, 316-320.

Description of the political and economic situation in Portugal against the background of future membership of the EC.

Ulrich Everling, "Ten Thoughts on an Enlarged EEC", 15 *The Atlantic Community Quarterly* 1977, 321-327.

Alfred Frisch, "L'élargissement: cauchemar ou espoir", 20 *Problèmes de l'Europe* 1977, 78, 6-11.

Loukas Tsoukalis, "A Community of twelve in search of an identity", 54 *International Affairs*, 437-451.

P. VerLoren van Themaat, "Enkele fundamentele rechtsvragen bij de uitbreiding van de Europese Gemeenschap met Griekenland, Portugal en Spanje", 26 *SEW* 1978, 87-104.

Critical analysis of the report of the Netherlands Social-Economic Council concerning the enlargement of the Community with Greece, Portugal and Spain, which contains not only much useful material relating to the substantive implications of enlargement but also suggestions for the adaptation and improvement of the Community institutional structure.

J. Soubeyrol, "Les droits de pêche des espagnols dans les zones maritimes gérées par la C.E.E. Etat actuel et perspectives", 14 *RTDE* 1978, 193-203.

C. Trojan, "Het gemeenschappelijk landbouwbeleid en de uitbreiding van de Gemeenschappen", (1977) *Nieuw Europa*, 147-155.

#### 7. External relations, association and development

"L'aide alimentaire de la C.E.E.", 21 *Annales du Marché Commun* 1978, 6-11.

David Allen, "The Euro-Arab Dialogue", 16 *Journ. Comm. Mark. Studies* 1978, 323-342.

In spite of the lack of concrete results to date, the dialogue between the EC and the Arab League remains one of the best examples of the operation of European political cooperation. Difficulties have been caused by the confusion as to the objectives of the dialogue (not all the Arab countries are exporters of oil) and by the encroachment of political factors. In institutional terms the dialogue operates via a General Commission assisted by a number of working groups. While expecting no spectacular breakthroughs, the author is moderately satisfied as to the progress of the dialogue.

D. Baumgartner: "Institutionnelle Aspekten des AKP-EWG-Abkommens von Lomé", (1978) *EuR*, 105-121.

After a short sketch of the history and contents of the Lomé Convention, this article discusses the composition and functioning of the institutions of the Convention: the Council of Ministers, the Committee of Ambassadors and the Advisory Assembly. Further, attention is also paid to other forms of cooperation such as the European Development Fund and industrial cooperation.

Francesco Bigazzi, "Structural difficulties in the EEC-Comecon talks", 20 *Problèmes de l'Europe* 1978, 12-16.

Marion Bywater, "Les relations CEE/USA mises à l'épreuve", (1978) *RMC*, 225-228.

Carol Cosgrove Twitchett, "The European Community and development co-operation", 6 *International Relations* 1978, 257-271.

A short evaluation of the Lomé Convention in theory and practice in the context of the global development policy of the EC.

P. J. G. Kapteyn, "Het advies 1/76 van het Europese Hof van Justitie, de externe bevoegdheid van de Gemeenschap en haar deelneming aan een Europees oplegfonds voor de binnenscheepvaart", 26 *SEW* 1978, 276-288.

First of a two-part article concerning the implications of the Opinion 1/76 of the Court of Justice.

Axel Lebahn, "RGW und EG-Faktoren des Ost-West-Handels", 29 *Aussenpolitik* 1978, 123-144.

"Les relations entre la Communauté Européenne et les pays de l'Association Européenne de Libre-Echange", 20 *Annales du Marché Commun* 1977, 24-33.

Juliet Lodge, "New Zealand and the Community", 34 *The World Today* 1978, 303-310.

Klaus Meyer, "Der europäisch-arabische Dialog am Wendepunkt?", 33 *EA* 1978, 290-298.

Christian Philip, "A propos de l'Avis 1/76 de la Cour de Justice des communautés européennes: Reflexions concernant le champ de la compétence externe de la Communauté", (1978) *RMC*, 55-62.

Odile Quintin, "Le rôle de la Communauté dans le dialogue Nord-Sud depuis la fin de la conférence sur la coopération internationale et ses perspectives", (1978) *RMC*, 1-7.

Reflections on the role of the Community in the North-South dialogue and on the form and manner of Community participation in future negotiations.

Yves Renier, "Les accords de co-opération entre la communauté économique européenne et les pays du Maghreb", (1978) *RMC*, 123-129.

Stephen Taylor, "EEC co-ordination for the North-South conference, 33 *The World Today* 1978, 433-442.

The coordination for the CIES was a very complex matter. Whereas in the Kennedy Round the Commission had a specific task in a specific area, and in the ECSC policy was coordinated on the spot in Geneva, for the North-South dialogue the coordination of standpoints took place not just in Paris but in Brussels and the other capitals. This formula (known as "Kléberisation" from the site of the negotiations) appeared to work well in practice.

Branko Tomsa, "La C.E.E. et le Tokyo Round", 31 *Studia Diplomatica* 1978, 281-304.

A good, thorough survey of the issues involved for the EEC in the GATT Tokyo Round.

J. A. J. R. Vaessen, "UNCTAD en het algemene preferentie-stelsel van de EC", 63 ESB 1978, 750-755.

Description of the development of the EC general system of preferences and of the evaluation of this system within the UNCTAD. The system of preferences appears to be being extended slowly but surely, a development which, in view of the increasing protectionism in the face of economic recession, must be viewed as positive.

### C. EUROPEAN ECONOMIC COMMUNITY

#### 2. Agriculture

J. H. J. Bourgeois, "Het Hof van Justitie en het communautair landbouwbeleid" (contd.), 26 SEW 1978, 105-125.

Second part of an excellent and thorough article in which in particular attention is given to the instruments of the agricultural policy and to the relationship between Community and national policy.

Marion Bigwater, "Les anglais et la pêche", (1978) RMC, 111-115.

Two main factors—the extension of fishery zones to 200 miles and the threatened extinction of a number of fish species have made the establishment of a Community fisheries policy a matter of urgency. 8 Member States have reached agreement, but the U.K. continues to hold matters up. Since the U.K. has all the cards, it will have to take the initiative to break the deadlock. The author is surprisingly optimistic regarding this possibility.

Robert Pourvoyeur et Paul Roosens, "Disparités de salaires agricoles et non-agricoles dans la C.E.E. Fondements, remèdes théoriques et comparaison avec la politique agricole commune", (1978) RMC, 239-249.

Investigation of the causes of the still prevalent differences in income levels between the agricultural and non-agricultural working communities. In the authors' view one possible remedy lies in contributions from the different Community funds.

"Propositions de prix agricoles pour 1978-1979", 21 *Annales de marché commun* 1978, 3-5.

Marcel Scotto, "L'Europe verte, malade de ses monnaies", (1978) RMC, 109-110.

#### 3. Commercial policy

Charles Reich, "La politique commerciale commune de la C.E.E. et le contrôle de l'utilisation de la clause de sauvegarde de l'article 115 du traité C.E.E.", 14 RTDE 1978, 33-46.

#### 5. Competition and industrial property

Friedrich-Karl Beier, "Unterscheidene Zusätze als Mittel zur Lösung Marken- und Firmenrechtlicher Konflikte im Gemeinsamen Markt?", 24 RIW/AWD 1978, 213-220.

Investigation of the new topical question of whether products carrying the same trademark can be distinguished from each other by means of various additions to the mark. In the author's view the different national legislation on this matter cannot serve as a model for a future European regulation: the making of additions to a mark does not solve the underlying problem.

Alexander Böhlke, "Begünstigung der missbräuchlichen Ausnutzung einer beherrschenden Stellung durch ein interstädtisches Steuersystem", 24 RIW/AWD 1978, 253-259.

Discussion of the judgment in case 13/77, *INNO-ATAB*, in which in particular Arts. 30 and 86 played a role. In the author's view the significance of the judgment goes far beyond the area of tobacco taxes alone.

Philippe Delannay, "United Brands Company c/ Commission des C.E.", 14 RTDE 1978, 294-302.

Bernard Dhaeyer et Jean Thilmany, "La protection du consommateur et le droit antitrust européen", 14 RTDE 1978, 223-249.

The protection of the consumer does not appear as such among the objectives of the Community, but in the authors' view Articles 85 and 86 can be interpreted in such a way as to realise to some extent this protection.

B. van der Esch, "L'application des règles de concurrence du traité CEE à l'exercice du droit de marque", 13 CDE 1977, 499-505.

Sebastiano Guttoso, "Recenti sviluppi intema di brevetti alla luce della giurisprudenza della corte di giustizia", 17 dir. com. scamb. int. 1978, 43-58.

Discussion of the present state of law concerning patents, with reference in particular to the judgments in case 78/70 (*DGG/Metro*) and 15/74 (*Sterling Drug v. Centrafarm*).

Adolf Dietz, "Régime juridique des sociétés d'auteurs", 16 Dir. com. scamb. int. 1977, 641-679.

"European Commission: The Distillers' Case", 12 JWTL 1978, 182-184.

J. M. H. Faull and J. H. H. Weiler, "Conflicts of Resolution in European Competition Law", 3 ELRev. 1978, 116-139.

Discussion, with reference to relevant case law (*De Haecht II*, *Concordia* and *De Bloos-Bouyer*) of the problems raised by the parallel competences of the Commission and national authorities in competition matters. In the authors' view a functional division of competences might be a solution, but this would go against the letter of the Treaty. A better alternative might be to introduce some degree of choice.

Aldo Frignani, "Das 'Selektive Vertriebssystem' in der EWG: Eine falsch ausgelegte und schlecht gelöste Frage", 28 WuW 1978, 365-374.

Description of the legal regulation of the selective distribution system under EEC law and of the relevant decisions of the Commission. Author also indicates where in his view improvements could be made to the present rules.

Ch. Gielen, "Minnelijke regelingen in merkenzaken en het Europees mededingingsrecht", 26 SEW 1978, 464-471.

In Gielen's view informal out-of-court settlements between conflicting parties do fall under the EEC competition rules where such agreements go further than the solution that could be reached by judicial intervention. Further, Gielen is critical of the views of the Commission concerning the substance of the trademark right.

H. J. E. van Kersbergen, "Waren de bananen te duur?" 63 E.S.B. 1978, 585-587.  
Discussion of the *United Brands* case.

Martin Röttger, "Unanfechtbarkeit der Europa-Marke und Amtsrecherche", 24 RIW/AWD 1978, 220-224.

Comparison between the two drafts, made respectively in 1964 and 1977, for a regulation concerning a European trademark.

Thomas Sharpe, "Crisis Cartels", 3 ELRev 1978, 222-224.

Investigation into the competence of the Commission to take action on the basis of Article 85 in regard to the so-called crisis cartels.

Alexander W. Sierck, "Emerging Common Market Antitrust Enforcement Trends: A Survey", (1977) *California Western International Law Journal*, 418-453.

Romuald Singer, "The European Patent Office becomes a reality", 12 JWTL 1978, 361-368.

Following the coming into force of the European Patent Convention, the European Patent Office was established on 1 June 1978. In 1973 16 European countries had signed the Convention and in the meantime it has been ratified by 8 of them. Next to the European Convention there is another convention of world-wide applicability and a further treaty to which only EC Member States are parties; the Community Patent Treaty. The article further considers the rules and procedures which will govern the operation of the Patent Office.

E. Steindorff, "Zur Anwendbarkeit des Art. 85, Abs. 1 EWG-Vertrag auf Gemeinschaftsunternehmen in der EG-Praxis, 32 BB 1977, 1613-1617.

From the different decisions of the Commission on the basis of Art. 66 ECSC and Art. 85 EEC the author distinguishes a group of eight ground rules which apply to the setting-up of joint ventures.

George S. Swan, "The EEC *United Brands* Decision: Can Chiquita Banana Find Happiness in Europe?", 7 *California Western International Law Journal* 1977, 385-417.

J. Temple Lang, "L'affaire National Carbonising", 13 CDE 1977, 506-517.

John Temple Lang, "The position of Third Parties in EEC Competition Cases", 3 ELRev 1978, 177-190.

Discussion of the role of third parties in competition cases with particular reference to the recent SABA case.



#### 6. Economic and monetary policy

Jean Burner, "Après le sommet de Copenhague, la relance politique et monétaire de l'Europe est-elle possible?", (1978) RMC, 155-157.

Alan Butt Philip, "The integration of financial markets in Western Europe", 16 Journ. Comm. Mark. Studies 1978, 302-322.

Geoffrey Denton, "Reflections on fiscal federalism in the EEC", 16 Journ. Comm. Mark. Studies 1978, 283-301.

Andreas Kees, "Die Rechnungseinheit als Finanzinstrument der Europäischen Gemeinschaften", (1978) EuR, 122-141.

After a survey of the different units of account at present used in the EC, the author goes on to demonstrate the advantages of the use of one European Unit of Account.

Manfred Lahnstein, "Über die Währungsunion zur Wirtschaftsunion?", 33 EA 1978, 263-270.

Yves le Portz, "Reprise économique et financements communautaires", 31 *Studia diplomatica* 1978, 177-185.

J. Rey, "Les réactions de l'Europe devant le problème de l'inflation", 37 *Annales de droit* 1977, 345-349.

Niels Thygesen, "Inflation and Exchange Rates. Evidence and policy guidelines for the European Community", 8 *Journal of International Economics* 1978, 301-317.

Roland Vaubel, "Real Exchange-rate changes in the European Community. A new approach to the determination of optimum currency areas", 8 *Journal of International Economics* 1978, 319-339.

#### 7. Education and research

Ronald Brickman, "National science policy co-ordination in the EC", 31 Int. Org. 1977, 473-496.

In January 1974 the Council adopted a resolution calling for the co-ordination of the scientific and technological policy of the Member States. For this purpose the committee for scientific and technological research (CREST) was set up. Brickman looks into the progress of co-ordination of Member State policies and identifies a number of problems of an institutional, political and procedural kind. He concludes that it will be a long time before it will be possible to speak of genuinely co-ordinated European activity in this area.

#### 8. Energy policy

Bodo Börner, "Communautair energiebeleid en gemeenschapsrecht", 26 SEW 1978, 452-463.

Plea for a genuine Community energy policy with a discussion of the basic principles and the methods of such a policy.

Pascal Girerd, "La première session des: 'Hearings nucléaires de Bruxelles' (29 nov.-1 déc. 1977). Une initiative heureuse mais limitée: l'exemple de l'approvisionnement en énergie nucléaire", (1978) RMC, 63-74.

Pascal Girerd, "L'action du parlement européen en matière de politique communautaire de l'énergie", 14 RTDE 1978, 204-222.

Ulf Lantzke, "Energy as a factor in evolving North-American-European relations", 31 *Studia Diplomatica* 1978, 255-270.

In this article the Executive Director of the International Energy Agency gives a sketch of the energy scarcity which is anticipated in the second half of the eighties. He stresses the need for international cooperation and the role which the IEA can play in this by means of the coordination and reorientation of national energy policy.

Jean-René Lecerf et Alex Turk, "Le pari nucléaire des communautés est-il encore crédible? Essai de synthèse critique d'une politique communautaire", (1978) RMC, 116-122, 158-175, 250-260.

This series of articles forms part of a larger project of the law and economics faculties of the University of Lille concerning the energy policy of the Community. The first article of the series deals with the Commission's report on a new energy policy for the Community (May 1974), and the second article concerns the original Commission proposals of 1974-1975. The third article analyses the various obstacles which have arisen to the development of a Community policy particularly in regard to the building of nuclear reactors. The authors of this useful survey conclude that there is as yet little indication of a "Community" policy, let alone a "common" policy. Recent statements of Commissioner Brunner regarding a "pragmatic approach" appear to indicate that the Commission shares this view.

"Travaux de recherche sur la sécurité nucléaire au centre commun de recherche de la Commission des communautés européennes", 21 *Annales du Marché Commun* 1978, 19-22.

Ursula Wasserman, "ECE: The Future of coal", 12 JWTL 1978, 368-370.

#### 9. *Environment policy and consumer protection*

Fritz Behrens, "Die Umweltpolitik der Europäischen Gemeinschaften und Art. 235 EWGV", 93 DVB 1978, 462-469.

After some introductory remarks concerning the question of a Community environment policy in general, the author goes into the question to what extent Art. 235 can be used as the legal basis for such a policy. The answer to this question depends on whether the action of the EC in this area can be regarded as necessary. It is in the author's view difficult to reach a definitive standpoint in this regard, and in any case there are a number of objections as a matter of legal policy against a too frequent resort to Art. 235. This provision is intended to fill gaps in the Treaty, not to serve as the actual legal basis for the creation of a new policy.

Menno T. Kamminga, "Who can clean up the Rhine: The European Community or the International Rhine Commission?", 25 NILR 1978, 63-79.

This article deals with the treaties which have come about in the framework of the International Commission for the Protection of the Rhine against pollution, the EEC directives concerning the quality of surface waters and the relationship between the two. The EEC is now a member of the international commission (together with the four Member States who are members in their own right), but the extent of the Community's competence in this area is still an open question. Author argues that the Community cannot claim to have exclusive external competence here because the Community directives permit the Member States to adopt more stringent measures than can be found in the directives. He is also of the opinion that the International Commission is better equipped than the EEC to clean up the Rhine, but fears that the question of the competence of the Community could serve to delay the necessary decision-making in the International Commission.

"La C.E.E. et la recherche dans le domaine de l'environnement", 20 *Annales du Marché Commun* 1977, 26-29.

Norman Lee and Christopher Wood, "The assessment of Environmental Impacts in Project Appraisal in the European Communities", 16 *Journ. Comm. Mark. Studies* 1978, 189-210.

"Les programmes communautaires de gestion et de stockage des déchets radioactifs", 21 *Les Annales du Marché Commun* 1978, 13-19.

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

Winfried Veelken, "Massnahmen gleicher Wirkung wie mengenmässige Beschränkungen", 12 *EuR* 1977, 311-340.

Woodridge and Plender, "Charges having an effect equivalent to customs duties: a Review of the Cases", 3 *ELRev* 1978, 111-115.

A very clear and instructive article on the state of case law concerning the notion of "charges of an equivalent effect".

#### 12. *Free movement of workers and social security*

Roland Bieber, "'Besondere Rechte' für die Bürger der Europäischen Gemeinschaften", 5 *EuGRZ* 1978, 203-207.

In the author's view both the holding of direct elections to the EP and the initiatives for the introduction of special political and civil rights for EC citizens form part of a wider movement towards an European identity and towards a greater identification of the citizens with the process of European identification. There are, however, considerable obstacles to the introduction of special rights, in particular in connection with the loss of national sovereignty which it implies. The author also goes into the content of the notion of "special rights" and the procedure for their introduction, in which in particular the question of the legal basis is problematic.

J. P. Giltay Veth, "Uitsluiting van buitenlandse voetballers: mogelijk binnen de E.E.G.?", (1978) NJB, 504-513.

This article looks into the question of the compatibility with Community Law of the so-called nationality clauses in the regulations of national football federations in the light of the judgments of the court in case 36/74, *Walrave*, and case 13/76, *Donà-Mantero*. In the author's view, the fact that the Commission has in negotiations with the European federations approved a transitional arrangement for the 1978/79 season does not alter the fundamental illegality of these clauses.

T. C. Hartley, "The Internal Personal Scope of the EEC Immigration Provisions" 3 ELRev 1978, 191-207.

A useful explanation of the law regarding the beneficiaries of the right to free movement, in which in particular attention is given to the definition of the notion "worker".

Trevor Hartley, "Community nationals at British universities: the issue of students grants and fees", 3 ELRev 1978, 217-222.

The author investigates the compatibility with Community Law of various kinds of discrimination practised against students from other EC Member States who are studying at British universities. He finds that discrimination in the giving of study grants to students whose parents do not live in the U.K. does not conflict with the Treaty. On the other hand, the fact that these students have to pay higher fees than British students is not justified, having regard not only to the Treaty rules but also to the fact that the U.K. itself sends far more students to study in other EC countries than it receives in British universities.

Reinhard Riegel, "Zum Anwendungsbereich der Art. 48 ff. EWGV", 31 NJW 1978, 468-470.

With reference to the recent case law of the court, the author investigates the extent to which tourists (as recipients of services) may benefit from the requirement of equal treatment in Article 48 *et seq.* He concludes that only workers (whether salaried or self-employed) or those seeking work fall under these provisions, with the consequence that a national court is for example, competent to extradite a tourist from another EEC Member State on grounds other than these stated in Dir. 64/221.

Christoph Sasse, "Bahnstrahl des EuGHS gegen deutsches EG-Ausländerrecht?", 5 EuGRZ 1978, 230-234.

The judgment in Case 8/77, *Sagulo*, produced confusing results in German case law regarding aliens: different judges drew different conclusions from the judgment. In the author's opinion this confusion is not the fault of the Court but rather of the inadequacy of the Community legislation in this area. Dir. 68/360 should be revised in order to clarify the situation.

Albrecht Weber, "Die Rechtsprechung des EuGH zum Vorbehalt der öffentlichen Ordnung und Sicherheit im Bereich der Freizügigkeit", 5 EuGRZ 1978, 157-169.

A critical analysis of the Court's case law concerning the reservation of public policy and security in the area of the free movement of persons, with particular reference to the *Bouchereau* judgment (Case 30/77).

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

Jürgen Kranz, "Die Entwicklung der Dienstleistungs- und Niederlassungsfreiheit der Rechtsanwälte innerhalb der Europäischen Gemeinschaften", 24 RIW/AWD 1978, 160-166.

Sketch of the state of law regarding the freedom of establishment and freedom to provide services of lawyers in the EC, with reference to the Treaty rules, the case law of the Court and in particular the directive of 22 March 1977 regarding the free provision of services. This directive marked the end of a long period of stagnation in this area but a complete freedom of movement required also the liberalisation of establishment rules, and this is not yet in sight.

Geoffrey Morse, "Application of Art. 59 EEC to passing-off actions", 3 ELRev 1978, 249-250.

Peter S. Wilson, "EEC: Freedom to Provide Services for EEC lawyers", 19 *Harvard International Law Journal* 1978, 379-384.

Discussion of the background to and content of Dir. 77/244 concerning the free provision of services by lawyers.

16. *Industrial and technological policy*

Heinz-Jürgen Axt, "Stahlkrise und westeuropäische Integration. Die Krise-Hemmnis oder Triebkraft der Verflechtung?", 19 *Politische Vierteljahresschrift* 1978, 157-200.

A very useful, largely factual article concerning the causes and general background of the present crisis in the steel industry, and the measures taken both at national and at Community level in the framework of the ECSC Treaty to combat the crisis.

17. *Jurisdiction and recognition of judgments*

M. A. Sanson-Hermitte, "Psychoanalyse en trois mouvements pour l'article 43 de la Convention de Luxembourg", 105 *Journ. dr. int.* 1978, 38-70.

19. *Regional policy*

"La politique régionale de la communauté", 20 *Annales du Marché Commun* 1977, 33-36.

"New Guidelines For EC Regional Policy", (1977) EIRR, 17-18.

B. H. ter Kuile, "Nieuwe EEG-richtlijn betreffende steunverlening aan de scheepsbouw", (1978) NJB, 340-342.

20. *Social policy*

"Commission proposes new employee protection measures", (1978) EIRR, 21.

"Community funds to boost national subsidy schemes", (1978) EIRR, 20.

"EC Commission Proposals For Reform of the Social Fund", (1977) EIRR, 22-23.

"EC Commission Proposals On Revaluation Social Security Benefits", (1977), EIRR, 5-6.

"EC Commission Proposals on Work Sharing", (1977) EIRR, 2-3.

"EC—Social Security and equal treatment: European Parliamentary opinion", (1977) EIRR, 24-25.

"EEC, Would more part-time work create jobs?", (1978) EIRR, 23-24.

"Implementing the EC Equal Opportunities Directive: The Belgian Approach", (1977) EIRR, 20-23.

Georges Laudat, "Une nouvelle instance communautaire: les conférences tripartites", (1978) RMC, 30-39.

Interesting discussion of the origins and function of the Tripartite Conference. While the author has a fairly positive opinion of the functioning to date of this new organ, he regrets the fact that when the Conference was created the opportunity was not seized to establish a single system for the representation of the different economic and social groups in the EC institutions. At the moment a number of different organs share this function, and in particular the Economic and Social Committee, established under the Treaty, is gradually losing its former importance.

"Major initiative on work sharing", (1978) EIRR, 23-24.

"More Social Fund Aid for Women", (1977) EIRR, 19-20.

J. A. Muilwijk, "Het Europees Sociaal Fonds", 33 SMA 1978, 415-419.

Brief sketch of the background to and implications of the revision of the European Social Fund in December 1977.

"Reforming the Social Fund", (1977) EIRR, 20-23.

W. Siddri, "Een EG-werkloosheidsfonds", 63 ESB 1978, 647.

"Social trends in the Nine", (1978) EIRR, 24.

## 22. Transport policy

Michel G. Folliot, "La communauté économique européenne et le transport aérien", 32 *Revue française de droit aérien*, 1978, 137-144.

After years of stagnation the Community appears to be taking an interest in air transport again. An important impulse was given by the judgment in Case 167/73, according to which the general rules of the Treaty are applicable to air and sea transport.

## III. COUNCIL OF EUROPE

## B. HUMAN RIGHTS

E. A. Alkema, "Noot bij Europees Hof voor de Rechten van de mens, 7 december 1976", (1978) NJ, 809-814.

Note on the judgment of the Court in the Danish case concerning the inclusion of sex education as an obligatory part of primary education in state schools.

E. A. Alkema, "Noot bij Europese Commissie voor de rechten van de mens, 15 december 1977, 8088/77", (1978) NJ, 1329-1331.

Note on the judgment in the Gallagher case, concerning the extradition of an Irish hunger-striker.

John Andrews, "The Northern Ireland case before the Court", 3 ELRev 1978, 250-258.

André Cocatre-Zilgien, "De quelques effets actuels et éventuels de la ratification de la convention européenne des droits de l'homme sur la politique et le droit français", (1978) *Revue de droit public et de la science politique*, 645-678.

A critical discussion of the French attitude towards the Human Rights Convention. In the author's view France still has a number of reserves with regard to the convention: this is demonstrated by the refusal to acknowledge the right of individual petition, the objections made in connection with the first two provisions of the first protocol, the non-ratification of the second protocol and the reservations made by France in regard to a number of provisions of the convention. The French attitude stems not to much from a lack of sympathy for human rights as from a nationalistic tradition from which neither the (political) left nor the (political) right has been able to free itself.

James E. S. Fawcett, "Aussprache des Präsidenten der Europäischen Kommission für Menschenrechte", 5 EuGRZ 1978, 46-47.

In this contribution to the exchange of views between the Court of Justice of the EC and the European Commission and Court for Human Rights, a number of questions of a largely procedural nature are discussed. After a brief survey of the possibilities which the three above-mentioned organs possess for the realisation of the rights laid down in the European Convention, the author makes a number of suggestions for improvements.

Cora Feingold, "The little red schoolbook and the European Convention on Human Rights", 3 *Human Rights Review* 1978, 21-47.

Discussion of the implications of the judgment of the European Court of 7 December 1976 in which the application of the Obscene Publications Act to the "Little Red Schoolbook" was held to be compatible with Art. 10 of the Convention. The Court reached this conclusion by subjecting the judgment of the English judge to only a marginal control. Author goes further into the development of the theory of marginal control in the case law of the Commission and Court. She concludes that marginal control is gaining in importance and that thereby the independence of the Commission and the Court and their possibilities for establishing violations of the Convention are threatened.

F. van Hoof, "Noot bij zaken no's 5577-5573/73, Europese Commissie voor de Rechten van de Mens", 27 AAe 1978, 156-166.

Note on the two actions brought by a number of citizens of Northern Ireland against the United Kingdom, in which the main issues are the requirement of the exhaustion of local remedies and the existence of an administrative practice in conflict with Art. 3 of the Convention.

D. H. M. Meuwissen, "Noot bij Europees Hof voor de Rechten van de Mens, 23 november 1976", (1978) NJ, 781-783.

Note concerning the award of damages in the case of the five soldiers against the Netherlands.

Eibe H. Riedel, "Bundesverfassungsgericht und Europäischer Gerichtshof für Menschenrechte zur Frage der Sexualkunde an öffentlichen Schulen", 5 EuGRZ 1978, 264-268.

Kersten Rogge, "Reform des Schwangerschaftsrechts in der Bundesrepublik Deutschland mit EMRK vereinbar", 5 EuGRZ 1978, 186-188.

E. van der Schans, "Procederen in Straatsburg", 58 *Advocatenblad* 1978, 271-277.

Brief but clear survey of the procedures before the Commission and Court of Human Rights.