

SURVEY OF LITERATURE*

I. INTEGRATION, GENERAL ASPECTS

Peter Coulmas, "Der europäisch-asiatische Dialog", 6 *Europäische Rundschau* 1978, 113-117.

F. E. Dowrick, "Overlapping European Laws", 27 *ICLQ* 1978, 628-660.

European legislation is brought about in two different frameworks—that of the European Communities and that of the Council of Europe. An overlap between the rules of the different organisations can occur in a number of different fields. The author considers the different methods and techniques which can be used in order to avoid a possible overlap. He also considers what would be the likely attitude of the Court of Justice of the EC, the European Court of Human Rights, the monistic French judge and the dualistic English judge if faced with a conflict of rules.

Gerhard Kade, "Die Bonner Gipfelkonferenz der 'Grossen Sieben' und die Widersprüche zwischen Westeuropa und den U.S.A.", 23 *Blätter für Deutsche und Internationale Politik* 1978, 912-926.

Christian Kind, "Europäische Sicherheit: Utopie oder Realismus", 7 *Europäische Rundschau* 1979, 3-9.

Walter Lipgens, "Towards a history of European Integration", 17 *J. Comm. Mark. Studies* 1978, 83-96.

A shortened version of the author's contribution to the International Colloquium on the History of European Integration, held in Florence from 29 Sept.-1 Oct. 1977. It forms an introduction to the research project undertaken by the European University Institute. As annex to the article the concluding document of the colloquium is also published; this gives a description of the structure and objectives of the research project.

Mohammed Masserat, "OPEC- und OECD-Kräfteverhältnisse und Perspektiven", 23 *Blätter für Deutsche und Internationale Politik* 1978, 1219-1229.

David G. Mayes, "The effects of economic integration on trade", 17 *J. Comm. Mark. Studies* 1978, 1-25.

A study of the different models which are used to calculate the effects of economic integration on trade. The writer also proposes a new model in which are assimilated *i.a.* the effects of previous integration and forecasts of future developments.

Kevin J. Middelbrook, "Regional Organizations and Andean Economic Integration", 17 *J. Comm. Mark. Studies* 1978, 68-82.

Description of the Andes group, its organs and the role of these organs in the process of integration. In the author's view, since 1969 competence has been drifting back from

* For the last Survey of Literature and for list of subjects and abbreviations see 16 *C.M.L.Rev.* 1979, 317-340.

these organs to the Member States. No international, independent secretariat has been established, and there is still no Court of Justice. It also appears inevitable that Chile will leave the group. A politically charged context and political instability in the Member States are the major obstacles to integration.

Charles Müller, "Die Rolle der EFTA in der Integration Europas", 6 *Europäische Rundschau* 1978, 47-57.

"The New International Economic Order", Summaries of the reports and discussions at the 1977 Annual Meeting of the Netherlands International Law Association, 25 NILR 1978, 217-233.

Daniel Procktor, "Gedanken über die Zukunft Europas", 6 *Europäische Rundschau* 1978, 35-46.

Jerzy Rajski, "Les relations extérieures du Conseil d'Aide Economique Mutuelle", 105 Journ. dr. intern. 1978, 534-552.

Michael Smith, "From the 'Year of Europe' to a year of Carter: continuing patterns and problems in Euro-American relations", 17 J. Comm. Mark. Studies 1978, 26-44.

Antonio Tizzano, "Sistema costituzionale, forze politiche e processi d'integrazione internazionale", 18 Riv. dir. eur., 1978, 173-218.

With particular reference to the thirtieth anniversary of the publication of the Italian Constitution, the author goes into the influence of international processes of integration on the national constitution. He also considers the attitude of the different Italian social and political forces to the process of European integration, and concludes that the Italian lack of involvement in this process should give cause for concern.

II. EUROPEAN COMMUNITIES

1. General

Karl Carstens, "Von der europäischen Wirtschaftsgemeinschaft zur europäischen Rechtsgemeinschaft", 31 NJW 1978, 1723-1726.

Text of a speech given by Carstens at the congress of the European Peoples' Party.

A. Deringer and J. Sedemund, "Europäisches Gemeinschaftsrecht" (Chronicle), 31 NJW 1978, 2428-2434.

P. Dubois, "Chronique législative (1er juillet-31 octobre 1978)", 14 CDE 1978, 731-746.

A. Durand, "European Citizenship", 4 ELRev. 1979, 3-14.

In the author's opinion a complete abolition of administrative obstacles to the free movement of persons and the introduction of a passport union must precede the granting of political or civil rights to migrant EEC citizens.

Geoffrey Edwards and Helen Wallace, "EEC: Germany in the Chair", 35 *The World Today* 1979, 4-6.

Christopher Hill and William Wallace, "Diplomatic Trends in the European Community", 55 *International Affairs (London)* 1979, 47-66.

An extremely interesting article concerning the different ways in which the EC and its Member States promote their external interests: the growing representation of the EC in the outside world and the bureaucratic conflicts this causes within the Commission: the development of the EPC which now appears to have reached a sort of plateau; and the centripetal as against the centrifugal tendencies which influence the diplomatic services of the Member States.

Peter Karpenstein, "Die Entwicklung des Gemeinschaftsrechtes", 13 *EuR* 1978, 373-381.

Kurt Lipstein, "Un juriste anglais dans la Communauté européenne", 30 *Revue internationale de droit comparé* 1978, 493-504.

U. Löhr, "Rechts-Datenbanken in der EG", 31 *NJW* 1978, 1904-1905.

Reinhardt Rummel, "EG-Wandel vom Dogmatismus zum Pragmatismus", 30 *Aussenpolitik* 1979, 24-36.

Analysis of the problems brought about by the coexistence of institutions and organs derived from the EEC Treaty and others which formally exist outside the Treaty.

Donald Sassoon, "Eurocommunism, the Labour Party and the EEC", 50 *The Political Quarterly* 1979, 86-99.

The hostile attitude of the Labour Party to the EEC is a logical result of the traditional vision of the left-wing of the party concerning the transition to socialism. The connection with Eurocommunism is not very clear, except that the author launches the idea that Labour could become an appropriate intermediary between the eurocommunists of Southern Europe and the social-democrats of the North.

2. Relationship Community/national law

A. Barav, "Les effets du droit communautaire directement applicable", 14 *CDE* 1978, 265-286.

Note on Case 106/77.

Fausto Capelli, "Conflitto fra corte di giustizia di Lussemburgo e corte costituzionale italiana", 17 *Dir. com. scamb. int.* 1978, 289-294.

Dominique Carreau, "Droit communautaire et droits nationaux: concurrence ou primauté. La contribution de l'arrêt Simmenthal", 14 *RTDE* 1978, 381-418.

Nigel P. Gravells, "Pornography and the free movement of goods", 3 *ELRev.* 1978, 442-449.

Note on the judgment of the Court of Appeal in the case of *R. v. Henn and Darby*. The author is (rightly) very critical of the Court's interpretation of Arts. 30 and 36, and of its refusal to request a preliminary ruling (in the meantime, the House of Lords has done so).

J. D. B. Mitchell, "The Sovereignty of Parliament and Community Law: the stumbling-block that isn't there", 55 *International Affairs (London)* 1979, 33-46.

An enlightened look at the old chestnut of the supremacy of Community Law and the Sovereignty of Parliament, with particular reference to the *Simmenthal* judgment. It is particularly refreshing that the author denies that this is a particularly English problem: the same questions have arisen earlier in other Member States and have been satisfactorily solved there.

Riccardo Monaco, "Sulla recente giurisprudenza costituzionale e comunitare in tema di rapporti fra diritto comunitario e diritto interno", 18 Riv. dir. eur. 1978, 287-298.

A discussion of the development of the relationship between Community and national law with special reference to the decision of the Italian Constitutional Court of 29.12.1977.

Derrick Wyatt, "National implementation of regulations", 3 ELRev. 1978, 303-305.

Note on Case 94/77.

4. Institutional

H. A. H. Audretsch, "Europees budgetrecht in ontwikkeling", (1978) NJB, 665-673.

Excellent survey of the development of European budgetary law: the questions of financial autonomy, the developing structure of the budget, and the powers of the European Parliament are all dealt with in detail.

Heinz-Jürgen Axt, "Direktwahlen zum Europäischen Parlament—ein Weg zu mehr Demokratie?", 23 *Blätter für Deutsche und Internationale Politik* 1978, 1098-1111.

Roland Bieber, "Die politischen Parteien im Demokratisierungsprozess der Gemeinschaft. Bericht über das VI Kolloquium der Wissenschaftlichen Gesellschaft für Europarecht in Bad Ems", 13 EuR 1978, 381-383.

Jean Paul Bouquin, "Les ressources propres des Communautés européennes", (1978) RMC, 321-339.

J.-L. Burban, "Le Parlement Européen: Mythes et réalités" (première partie), (1979) RMC, 16-26.

Jean-Louis Burban, "Les élections encore peu européennes", 80 *Revue Politique et Parlementaire* 1979, 18-24.

Marcello Capurso, "Interrogazioni parlamentari come strumento di controllo democratico del potere", 17 Dir. com. scamb. int. 1978, 233-244.

An investigation into the use of written and oral questions by the European Parliament and their significance as a means of democratic control.

L. Dubois, "Fonctionnaires et agents des communautés européennes, Commentaire de la jurisprudence de la Cour de Justice des communautés européennes", 14 RTDE 1978, 469-515.

E. Grabitz and Th. Meyer, "Die Direktwahl zum EP", 31 NJW 1978, 1705-1710.

Trevor Hartley, "Nationality and the right to vote in elections for the European Parliament", 4 ELRev. 1979, 50-52.

Beate Kohler, "Die Abgeordnete als Vertreter des europäischen Volkes? Die Demokratietheorie vor der Bewährungsprobe", 13 EuR 1978, 333-350.

Siegfried Magiera, "Organisationsformen der politischen Parteien auf Gemeinschaftsebene und ihre Funktion bei der politischen Willensbildung", 13 EuR 1978, 311-332.

The author is of the opinion that cooperation between parties of different Member States is—just like political decision-making—at the moment at a point of transition between the national and the European level. He further gives a useful survey of the structure and powers of the new European "parties". He also considers the powers and function of the EP, concluding that its main purpose should be to act as a forum for a continuous exchange of views.

Karl Josef Partsch, "Das Wahlverfahren und sein Einfluss auf die Legitimation des Europäischen Parlaments", 13 EuR 1978, 293-310.

After an analysis of the different national regulations for the election of the EP, the author concludes that so long as these regulations continue to differ so significantly from each other the national delegations will not enjoy the same degree of legitimation.

P. Pescatore, "L'exécutif communautaire: justification du quadripartisme institué par les traités de Paris et de Rome", 14 CDE 1978, 387-406.

Instead of the traditional tripartite structure the institutional system of the Communities is quadripartite. Within this system only the Commission can be said to be the "executive"; the Council has a specific function, namely, the participation of Member States in Community activities. Pescatore considers that this original structure is well adapted to the political realities, and argues against its weakening by means of a reinforcement of the intergovernmental element or the undermining of the Commission's position.

Fausto Pocar, "Evoluzione storica del problema delle elezioni a suffragio universale diretto del Parlamento Europeo, dal 1957 ad oggi", 17 Dir. com. scamb. int. 1978, 349-360.

The historical development of the question of direct elections from 1957 to now.

Geoffrey and Pippa Pridham, "The New European party federations and direct elections", (1979) *The World Today*, 62-70.

Alessandro Rottola, "Il problema della tutela dei diritti fondamentali nell'ambito dell'ordinamento comunitario", 18 Riv. dir. eur. 1978, 219-228.

Analysis of the problem of the protection of fundamental human rights in the Community legal order.

I. E. Schwartz, "Article 235 and Law-Making Powers in the European Community", 27 ICLQ 1978, 614-628.

Schwartz considers the question of the competence of the Member States to negotiate and conclude treaties when these concern matters which are not foreseen in the Treaty but which the Community institutions are competent to regulate on the internal level by resort to Art. 235 or Art. 100 EEC. The author is of the opinion that when the conditions for resort to these provisions are fulfilled, the Community is exclusively competent to act, also in the external field.

Giacinto de Thomasis, "I rapporti fra il consiglio di ministra della comunità europee e il parlamento europeo", 17 Dir. com. scamb. int. 1978, 385-391.

The relationship between the Council and the EP is unique and should not be compared with the political system of the nation State. A number of recent developments, in particular the budgetary treaties of 1970 and 1975, and the introduction in 1975 of the concertation procedure, have strengthened the position of the EP *vis-à-vis* the Council.

Rh. Ventujol, "La puissance tribunicienne du Parlement européen", 14 RTDE 1978, 419-430.

The Treaties confer on the EP an advisory and a controlling function. These functions could be developed into a sort of "*tribunicia potestas*", the power of the Roman tribune which the Roman voters had to take into account.

5. Court of Justice/case law

J. Amphaux, "Chronique de jurisprudence de la Cour de Justice, des Communautés européennes (1977-1978)", 14 CDE 1978, 634-730.

Richard Clutterbuck, "Article 177 EEC: two important questions", 3 ELRev. 1978, 292-294.
Note on Case 59/77.

James Dinnage, "Locus standi and Article 173 EEC: the effect of Metro SB Grossmärkte v. Commission", 4 ELRev. 1979, 15-35.

Patrick Dubois, "L'exception d'illégalité devant la Cour de Justice des Communautés européennes", 14 CDE 1978, 407-439.

The law as it stands on the exception of illegality in Community Law. The author considers *i.a.* the incidental and subsidiary character of the exception, the parties who may resort to it, the kind of acts against which the exception may be raised, and the legal grounds which may be advanced to support the exception.

Laura Forleti Pichio, "La neutrelizzazione degli effetti di atti amministrativi contrari al diritto comunitario", 17 Dir. com. scamb. int. 1978, 199-231.

Investigation of the possibilities of appeal against administrative acts which conflict with the EEC Treaty, with special reference to the Revue and Cornet cases and the problem of the recovery of unlawfully made payments.

Trevor Hartley, "Damages for invalid regulations", 3 ELRev. 1978, 300-303.
Note on Cases 83-94/76, 4, 15 and 40/77.

Trevor Hartley, "Article 173 EEC: Locus Standi to challenge regulations", 3 ELRev. 1978, 385-387.

Note on Case 123/77.

Robert Kovar, Jean-Marc Bischof, André Huet, "Chronique de jurisprudence de la Cour de Justice des Communautés européennes", 105 Journ. dr. intern. 1978, 356-408.

R. Kovar, "Chronique de jurisprudence de la Cour de Justice des Communautés européennes", 105 Journ. dr. intern. 1978, 936-975.

Robert Kovar, "La contribution de la Cour de Justice au développement de la condition internationale de la Communauté européenne", 14 CDE 1978, 527-573.

With reference to the leading case law in this area, Kovar gives an almost complete survey of the external position of the Communities. The author considers not only the treaty-making power, and the power to participate in international organisations, but also the obligations which proceed for the Communities from public international law and from Community Law.

Hans Krück, "Deutsche Rechtsprechung in völkerrechtlichen Fragen 1977-XI. Europäische Gemeinschaften und Organisationen", 39 ZaöRV 1979, 111-119.

Vanna G. Levi, "Sulle competenza delle corte di giustizia comunitaria nelle controversie fra la B.E.I. e i suoi dipendenti", 18 Riv. dir. eur. 1978, 229-240.

The competence of the Court of Justice to decide conflicts between the EIB and its employees, with particular reference to the Mills case and the unclear relationship between Art. 179 and Art. 180 EEC.

José M. Peláez Marion, "Ambito de la apreciación prejudicial de validez de los actos comunitarios", 5 *Revista de Instituciones Europeas* 1978, 739-778.

Italo Telchini, "Le pronunzie pregiudiziali sulla validità degli atti comunitari secondo la giurisprudenza della corte di giustizia", 17 Dir. com. scambi. int. 1978, 245-257.

Two articles on the preliminary rulings procedure.

Giovanni Maria Ubertaini, "La tutela dei diritti acquisiti e del legittimo affidamento nel diritto comunitario", 17 Dir. com. scambi. int. 1978, 415-462.

The problem of the protection of acquired rights and legitimate expectations with reference to the case law of the Court of Justice.

John Usher, "Article 177 EEC, when the facts matter", 3 ELRev. 1978, 298-300.

Note on Case 131/77.

John Usher, "Article 173 EEC: breach of a general principle as a ground for annulment", 3 ELRev. 1978, 383-385.

Note on Case 112/77.

6. Adhesion

George Casfikis, "La marine marchande Grecque dans le cadre de l'adhésion", (1979) RMC 9-15.

The problems of the Greek accession are not all concerned with agriculture. The important Greek commercial fleet will have to adapt itself to new structures and to Community social regulations. On the other hand, the Greek fleet can play an important role in maritime transport which for the Community—because of its dependence on international trade—is of such essential importance.

José Casas Pardo, "Nota sobre la solicitud de adhesión de España, al Mercado Común Europeo", 5 *Revista de Instituciones Europeas* 1978, 789-795.

François Duchène, "Aussenpolitik in einer erweiterten europäischen Gemeinschaft", 34 EA 1979, 125-136.

Agnès Hubert, "Adhésion de la Grèce à la C.E.E.: Dix états membres pour quelle Europe?", (1978) RMC, 427-430.

7. External relations, association and development

Marion Bywater, "Une aventure sur l'Extrême-Orient", (1978) RMC, 489-490.

F. X. de Dorlodot, "Le régime applicable en matière d'établissement dans le cadre de la convention de Lomé", 14 CDE 1978, 250-259.

Hella Gerth-Wellmann, "Die EG und die Dritte Welt (wenn nützt das Lomé-Abkommen)", 23 *Blätter für Deutsche und Internationale Politik* 1978, 1429-1440.

Jean Groux, "Le parallélisme des compétences internes et externes de la communauté économique européenne. A propos de l'avis 1/76 de la Cour de Justice du 26 Avril 1977", 14 CDE 1978, 3-32.

E. A. Mangé, "Een balans van de Lomé-Conventie, (I) Handelsbetrekkingen en Stabex", 63 ESB 1978, 1097-1100.

R. Pomfret, "The Economic Consequences for Israel of Free Trade in Manufactured Goods with the EEC", 114 *Weltwirtschaftliches Archiv* 1978, 526-539.

Jean Raux, "Les accords externes de la CEE (1^{er} janvier-31 décembre 1977)", 14 RTDE 1978, 431-446.

J. Schwarze, "Die EWG in ihren völkerrechtlichen Beziehungen", 32 NJW 1979, 456-462.

The external competences of the EEC, the relationship to Member States' competences and the influence of public international law on Community Law.

Kurt Wochenth, "Vorläufiges Scheitern der Verhandlungen zwischen den Europäischen Gemeinschaften und dem COMECON", 25 RIW/AWD 1979, 49-50.

B. EUROPEAN COAL AND STEEL COMMUNITY AND EURATOM

R. Barents, "De Europese staalproblematiek", (1978) *Nieuw Europa*, 29-35.

B. Engler, "Le marché sidérurgique américain et la pénétration européenne. Données et procédures", (1978) RMC, 505-515.

Franz Zehetner, "Neuerungen im Kriseninstrumentarium auf dem Stahlmarkt der Europäischen Gemeinschaft für Kohle und Stahl", 24 RIW 1978, 499-503.

C. EUROPEAN ECONOMIC COMMUNITY

2. Agriculture

Pierre Baudin, "La fixation des prix agricoles pour 1978/79", (1978) RMC, 287-303.

Paul Candusseau, "La Communauté à l'apprentissage de la pêche", (1979) RMC, 1.

Gérard Druesne, "La jurisprudence de la Cour de Justice des Communautés européennes en matière agricole (1958-1977). Quatrième thème: Principe d'Unité du Marché", (1979) RMC, 27-34.

(The first, second and third articles of this series appeared in RMC nos. 200, 221 and 222).

E. Grabitz, Note on Case 61/77, 13 EuR 1978, 276-278.

Nicoletta Parisi, "Tutela del principio d'affidamento e rispetto del principio di uguaglianza", 17 Dir. com. scamb. int. 1978, 277-279.

Note on Case 126/76.

John Usher, "Limits on non-discrimination", 4 ELRev. 1979, 42-47.

Note on Cases 103/77, 154/77 and 125/77.

John Usher, "Common organisations: no escape from fundamental treaty rules", 3 ELRev. 1978, 305-308.

Note on Cases 80 and 81/77.

Derrick Wyatt, "National price fixing rules and Article 30 EEC", 3 ELRev. 1978, 308-312.

Note on Cases 13/77 and 82/77.

Derrick Wyatt, "Non-discrimination under the CAP", 3 ELRev. 1978, 329-332.

Note on Cases 117/76, 16/76 and 20/77.

Dimitri Yandais, "La communauté et la pêche", 14 CDE 1978, 158-201.

Thorough review of the fisheries question. The author looks first at the period before the first enlargement, then at the implications of that enlargement, and finally at the present situation. This situation is analysed from various standpoints, including those of the Commission, the Member States and third States.

3. Commercial policy

Neville March Hunnings, "Enforceability of the EEC-EFTA Free Trade Agreements: A rejoinder", 3 ELRev. 1978, 278-290.

Continuation of the dialogue begun between March Hunnings and Waelbroeck in earlier issues of ELRev. concerning in particular the implementation of treaties in the Community legal order and the question of whether Art. 23 of the Free Trade Agreements can be said to be directly effective.

4. Company Law

Ulrich Immenga, "Konzernverfassung ipso facto oder durch Vertrag? Zum stand der Konzernrechtsdiskussion in der europäischen Gemeinschaft", 13 EuR 1978, 242-258.

5. Competition and industrial property

J. S. Chard and M. J. MacMillan, "Sectoral Aids on Community Competition Policy: The Case of Textiles", 13 JWTL 1979, 133-157.

Discussion of the Community policy in regard to state aids, with particular reference to the textiles sector. The authors are critical of the Commission's action: the Commission's objectives were vague; the effectiveness of the aids was not properly checked and evaluated; the criteria for evaluation were not sufficiently sound in economic terms; further, attempts to make the aids more "transparent" have failed.

Athanassios Christoyannopoulos, "La nouvelle loi grèque contre les restrictions de la concurrence", 14 CDE 1978, 219-227.

Accession to the EC implies that Greece will have to adapt her legislation in a number of areas. As far as fair competition is concerned Greece has already adopted a law for which Arts. 85 and 86 of the EEC Treaty served as a model.

A. Christoyannopoulos, "Cour de Justice, aff. no. 26/76, United Brands, 14 février 1978", 14 CDE 1978, 581-633.

Alan Dashwood, "New light on Article 86 in the banana case", 3 ELRev. 1978, 314-328.
Note on Case 27/76, *United Brands*.

L. Defalque, "Filiales communes et droit de la concurrence", 14 CDE 1978, 59-97.

Description of the economic aspects of joint subsidiaries and of the attitude of the Commission regarding the application of Arts. 85 and 86 EEC, followed by comparison with US and German Law.

Lazar Focsaneanu, "La jurisprudence de la Cour de Justice de CEE en matière de concurrence (1976-1977). Les règles applicables aux entreprises (art. 85 et 86 du traité de Rome et droit dérivé corrélatif)", (1978) RMC, 340-351 and 437-467.

A. Frignani, "Observations (l'affaire Metro-Saba)", 14 CDE 1978, 461-479.

Aldo Frignani, "Recenti sviluppi in Italia in tema di concorrenza e concentrazioni (1975-1977)", 17 Dir. com. scamb. int. 1978, 555-564.

Ulrich Huber, "Aktuelle Probleme des Gemeinschaftsrechtsunternehmens im deutschen und europäischen Wettbewerbsrecht", 28 WuW 1978, 677-701.

The author makes a distinction in the concept of the Joint Venture (JV) between the cooperation element and the concentration element. This distinction is elaborated in regard to four possible forms of JV:

1. The JV as merger, whereby the "mothers" withdraw from the JV's market;
2. The JV in which the emphasis lies on the concentration element but where cooperation does play a role and where the "mothers" remain actual or potential competitors;
3. The JV as a form of cooperation, where the JV forms the organ of the cartel;
4. The JV in which the emphasis falls on the cooperation element but where the concentration element does play a role, and where the "mothers" only cooperate in a particular area.

A. McClellan, "La convention sur le brevet communautaire", 14 CDE 1978, 202-218.

Description of the Community Patent Convention signed in Luxembourg in 1975. The author relates this to the earlier 1973 Munich Convention which introduced a uniform patents system for the contracting States. He further describes the working of the

Convention as part of the Community legal order, and explains certain economic clauses in the Convention, which are based on the principle of exhaustion of rights.

Piero Pennetta, "La posizione dominante 'Qualitativa'. Profili interpretativi dell'art. 86 del Trattato CEE nel caso 'Chiquita'", 18 Riv. Dir. Eur. 1978, 312-337.

Ine-Marie Schulte, "Die Rechtspraxis der Kommission der europäischen Gemeinschaften bei Marktinformationsverfahren", 28 WuW 1978, 566-575.

Ine-Marie Schulte, Note on Case 27/76, 24 RIW/AWD 1978, 602-606.

Michael Staines, "The right to sue in Ireland for violation of the EEC rules on competition", LIEI 1977/2, 53-70.

It should be possible to bring about a regulation, based on Art. 87 EEC, making it possible to sue a Member State violation of Arts. 85 and 86. This has, however, not been done. In the meantime there remains in the author's view and as far as Irish law is concerned only the possibility of resort to the law of torts, in particular the concepts of breach of statutory duty and conspiracy.

Jacques Vandamme, "Stratégies de compétitivité et politique de concurrences", (1978) RMC, 431-436.

The author opposes the idea that the rules of competition in the EEC Treaty should be seen as an obstacle to private initiative: he sees them rather as making a contribution to a dynamic industry policy.

6. Economic and monetary policy

R. Z. Aliber, "The Integration of National Financial Markets: a review of theory and findings", 114 *Weltwirtschaftliches Archiv* 1978, 448-480.

Guido Bernardini, "Les interventions financières communautaires: Essai de bilan", (1978) RMC, 492-594.

Philippe Costberg, "Une nouvelle donnée pour l'Europe des monnaies", (1979) RMC, 2-8.

Jürgen Gündisch, "Grenzen der Wirtschaftslenkenden Eingriff der europäischen Organe", 24 RIW/AWD 1978, 771-774.

E. A. Mangé, "Het Bremens muntplan", 63 ESB 1978, 780-782.

E. A. Mangé, "Integratie en coördinatie van het economisch beleid van de lidstaten", 63 ESB 1978, 856-859.

E. A. Mangé, "Een gekortwiekt Europees Monetair Systeem (I)", 64 ESB 1979, 99-102; "Een gekortwiekt Europees Monetair Systeem (II)", 64 ESB 1979, 175-177.

A. Pinck and L. Schröder, "Das europäische Währungssystem—eine erweiterte 'DM-Zone'?", 32 *Blätter für Deutsche und Internationale Politik*, 164-173.

Will the EMS give Germany the possibility of bringing the member countries with weak currencies into line with German ideas of monetary discipline? In the author's view it will, but Germany will probably also be forced to accept a higher rate of inflation.

Armando Taledano Laredo, "Il coordinamento dei mezzi finanziari di intervento comunitario", 17 *Dir. com. scamb. int.* 1978, 591-600.

Jacques Vandamme, "Union économique et monétaire et intégration différenciée", 14 *CDE* 1978, 127-138.

9. *Environment policy and consumer protection*

René-Christian Beraud, "Fondements juridiques du droit de l'environnement dans le traité de Rome", (1979) *RMC*, 35-38.

Margaret Brusasco-MacKenzie and Alexandre Charles Kiss, "Quelques réflexions sur l'action des Communautés européennes en matière de protection de l'environnement", (1978) *RMC*, 310-320.

Heinz Keune, "Neu Isenburg; Probleme der Umsetzung der E.G.-Gewässerschutz—Richtlinie in deutsches Wasserrecht", 94 *DVBL* 1979, 222-225.

11. *Free movement of goods and customs union*

Chr. von Bar, "Abweichende Schutzfristen in der Urheberrechte Handelsschranken in der EG", 32 *NJW* 1979, 466-468.

E. P. Burki, "Amélioration ou altération d'une formule de la Cour de Justice", 14 *CDE* 1978, 101-110.

Note on Case 77/76, *Cucchi v. Avez*.

"E.G.Regelung über Erstattung und Erlass von Eingangsabgaben", 25 *RIW/AWD* 1979, 50-55.

John Usher, "The consequences of the notion of a single market: recent decisions of the Court on the free movement of goods", (1977) *LIEI*, 39-52.

John A. Usher, "Health inspection charges at the Community's external frontier", 3 *ELRev.* 1978, 412-416.

Note on Cases 70/77, 137/77 and 138/77.

12. *Free movement of workers and social security*

Ami Barav and Sandy Thomson, "Deportation of EEC nationals from the United Kingdom in the light of the Bouchereau case", (1977) *LIEI*, 1-37.

H. C. de Groot, "De EEG-verordeningen 1408/71 en 574/72 en het recht op geneeskundige verzorging", 34 *SMA* 1979, 11-23.

Joël-Yves Plouvin, "La libre circulation des sportifs professionnels à l'intérieur de la communauté", (1978) *RMC*, 221, 516-526.

Cesare Ribolzi, "Evoluzione della giurisprudenza comunitario in materia di sicurezza sociale dei lavoratori migranti", 17 *Dir. com. scamb. int.* 1978, 373-383.

Derrick Wyatt, "Recent cases on Regulation 1408/71", 3 ELRev. 1978, 391-400.
Note on Cases 84/77, 35/77, 126/77, 66/77, 55/77.

Derrick Wyatt, "Social security benefits and discrimination by a member state against its own nationals", 3 ELRev. 1978, 488-494.
Note on Case 1/78.

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

P. J. W. de Brauw, "La libéralisation de la profession d'avocat en Europe après la directive émise par le conseil des ministres des communautés européennes du 22 Mars 1977", 14 CDE 1978, 33-58.

G. A. Dal, "Droit de libre établissement et équivalence des diplômes", 14 CDE 1978, 237-245.

H. P. Ipsen, "Grenzen der Dienstleistungsfreiheit: Das Niederlassungserfordernis des deutschen Versicherungsaufsichtsrechts und die Dienstleistungsfreiheit des Gemeinschaftsrecht", (1978) EuR, 199-241.

Ipsen concludes that the requirement of establishment in the German Insurance Law is compatible with Art. 59 *et seq.*: according to the Court's case law the right to freely provide services may be restricted with reference to the general good.

Cl. Lempereur, "Le Code de conduite européen concernant les transactions relatives aux valeurs mobilières", 55 Rev. dr. int. et dr. comp. 1978, 249-266.

D. B. Walters, "Uncertain steps towards a European legal profession", 3 ELRev. 1978, 265-277.

In the author's view Dir. 77/249 concerning the provision of services by lawyers gives an inadequate answer to three problems: (1) the distinction between the giving of assistance and representation. Since the directive attaches different conditions to the exercise of these two functions, a precise delimitation is necessary; (2) the existence in the UK of three separate jurisdictions; (3) the differing national regulations regarding the lawyer's right of audience. The UK knows no restrictions (except for solicitors) but in other states restrictions of a territorial or other kind are imposed.

15. *Harmonisation of legislation*

Paolo Clarotti, "La prima direttiva di coordinamento in materia di attività degli enti creditizi e prospettive degli sviluppi futuri dell'armonizzazione della legislazione bancaria", 17 Dir. com. scambi. int. 1978, 393-410.

George Close, "Harmonisation of laws: use or abuse of the powers under the EEC Treaty?", 3 ELRev. 1978, 461-482.

R. Haigh, "Harmonisation des législations des denrées alimentaires ainsi que des additifs et contaminants alimentaires", (1978) RMC, 304-309.

Robert Hennion, "L'harmonisation des règles relatives aux établissements de crédit dans la communauté économique européenne", 14 CDE 1978, 574-580.

Geoffrey Morse, "Harmonisation of Laws. New and proposed legislation", 4 *ELRev.* 1977, 40-42.

Ivo E. Schwartz, "Voies d'uniformisation du droit dans la Communauté européenne: règlement de la Communauté ou conventions entre les Etats membres?", 105 *Journ. dr. int.* 1977, 751-804.

Uniformity in the law of the EC Member States can be brought about either by means of directives or of conventions. The author considers the effectiveness of these two instruments as regards the procedure for bringing them about, democratic legitimacy, the substantive qualities of the instruments and judicial protection. He concludes that the directive is to be preferred: this is already happening in practice.

Armando Zimolo, "L'armonizzazione del settore assicurativo nelle direttive della Comunità Economica Europea", 17 *Dir. com. scamb. int.* 1978, 565-589.

Discussion of Community measures for harmonisation in the area of insurance. The author is of the opinion that it is primarily the Member States which are hindering the creation of a common insurance market by not adopting in time the necessary national legislation.

17. *Jurisdiction and recognition of judgments*

Andrea Giardina, "The European Court and the Brussels Convention on Jurisdiction and Judgments", 27 *ICLQ* 1978, 263-276.

Trevor Hartley, "Meaning of 'instalment credit sale'", 4 *ELRev.* 1979, 47-49.

Note on Case 150/77.

D. Holleaux, "La convention de Bruxelles du 27 septembre 1968 sur la compétence judiciaire et l'exécution des décisions en matière civile et commerciale: cinq années d'application en France", 105 *Journ. dr. intern.* 1978, 520-533.

19. *Regional policy*

Rosario Solima, "I piu recenti sviluppi della politica regionale comunitaria", 17 *Dir. com. scamb. int.* 1978, 361-372.

20. *Social policy*

Rolf Birk, "Auf dem Weg zu einem einheitlichen europäisches Arbeitskollisionsrecht", 31 *NJW* 1978, 1825-1831.

Text of paper submitted to the 9th International Congress of the Association for Labour and Social Security Law in Munich in 1978.

R. Blanpain, "Gelijke behandeling van mannen en vrouwen naar Belgisch recht", 34 *SMA* 1979, 66-73.

Leo Crijns and André Laurent, "Action by the Commission of the European Communities in the field of social security", (1978) *International Labour Review*, 569-581.

Sketch of the activities of the EC in this area since the publication of the social action programme in 1974. Authors also consider the problems currently facing the Member

States, especially the financing of social security, the relationship between social security and employment policy, and in general the role of social security in a time of economic stagnation.

"International rights of workers' representatives in Europe", (1978) EIRR, 19-27.

D. Plas, "Droit social européen. Les licenciements collectifs", (1978) *Revue de Droit Social* — *Tijdschrift voor Sociaal Recht*, 305-325.

Thorough analysis of the directive of 17 February 1975 with particular reference to the situation in Belgium and France.

Reinhard Riegel, "Arbeitsplatzschutzgesetz und Europäischer Gemeinschaftsrecht", (1978) BB, 1422-1423.

With reference to the case law of the Court of Justice, Riegel attempts to refute the argument of Schimana (in 1978 BB, 1017 *et seq.*) that the German *Arbeitsplatzschutzgesetz* is not applicable to the citizens of other EC Member States. He does however consider it desirable that the Court should have the opportunity to decide expressly on the matter.

21. Taxation

Helmut Becker, "Steuerliche Möglichkeiten einer europäischen Zusammenarbeit und Unternehmensverschmelzung", (1978) BB, 1321-1329.

Richard Burke, "Harmonization of Taxations in Europe", (1979) *Intertax*, 46-53.

Günther Frey, "Die Behandlung steuerlicher Sachverhalte nach der 4. EG-Richtlinie", 25 (1978) BB, 1225-1230.

Alain E. Genot, "Fiscal Harmonization and European Integration. A 1978 Appraisal", 3 ELRev. 1978, 355-369.

Geoffrey Morse, "Taxation, VAT draft directives: opinions of the Economic and Social Committee", 4 ELRev. 1979, 39-40.

M. A. Wisselink, "EG-concept richtlijnen tegen tax-havengenootschappen op komst?", 64 ESB 1979, 49-54.

22. Transport policy

Nuria Bouza Vidal, "La cooperación europea en el ámbito de los transportes interiores de mercancías", 5 *Revista de Instituciones Europeas* 1978, 695-737.

III. COUNCIL OF EUROPE

A. GENERAL

Mario Aguilar Navarro, "El Consejo de Europa contemplado por un parlamentario español", 5 *Revista de Instituciones Europeas* 1978, 35-52.

Adolfo Miaja de la Muela, "Ética y Derecha del Consejo de Europa: Reflexiones y datos en el momento del ingreso de España", 5 *Revista de Instituciones Europeas* 1978, 9-34.

Antonio Viñal Casas, "Historia de las negociaciones para el ingreso de España en el Consejo de Europa", 5 *Revista de Instituciones Europeas* 1978, 93-113.

B. HUMAN RIGHTS

John Andrews, "Corporal Punishment in the Isle of Man", 3 *ELRev.* 1978, 346-351.

Note on the decision of the European Court in the *Tyrer* case.

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John Andrews, "Human rights and professional discipline in Germany", 4 *ELRev.* 1979, 54-56.

Note on the judgment of the European Court in the *König* case.

A. Bleckmann, "Anmerkungen, zum Nord-Irland-Fall des Europäischen Gerichtshof für Menschenrechte", 6 *EuGRZ* 1979, 188-191.

David Bonner, "Ireland v. United Kingdom", 27 *ICLQ* 1978, 897-907.

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Report of the colloquium devoted to the questions of special rights and a charter of Human Rights for the EC, which was held in Florence in October 1978 at the initiative of the European Parliament.

A. A. Cançado Trindade, "L'épuisement des recours internes dans des affaires interétatiques. La procédure de la convention européenne des droits de l'homme", 14 *CDE* 1978, 139-157.

Discussion of the local remedies rule as regards complaints of States under the Human Rights Convention (Art. 24), with particular reference to the case of *Ireland v. The United Kingdom*.

G. Cohen Jonathan, "Cour européenne des droits de l'homme. Chronique de jurisprudence 1967-1977", 14 *CDE* 1978, 341-370.

Andrew Drzemczewski, "The European Human Rights Convention and French Law; recent developments", 18 *Riv. dir. eur.* 1978, 299-311.

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S. Marcus-Nelemens, "Chronique des droits de l'homme", 55 Rev. dr. int. et dr. comp. 1978, 408-416.

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N. J. Polak, "Inbewaringstelling krachtens de Faillissementswet en het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden", 53 NJB 1978, 810-815.

Eibe K. Riedel, "Auslieferung und Asylgewährung am Beispiel der Terrorismusbekämpfung in Europaratstaaten", 32 DöV 1979, 27-35.

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The author illustrates the use of the notion of proportionality, which is one of the most important of the general principles developed by the Court and Commission of Human Rights, by reference to case law relating to Art. 14 (where the principle expressly plays a role), to Arts. 15, 17 and 18, and to Arts. 8 and 10 where the principle of proportionality is applied in an indirect manner.

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Notes by Antonio Ortiz Arce on the March 1978 text of the Community draft agreement on the law applicable to contractual obligations, by Carlos Corral Salvador and Antonio Marquina on the European episcopal conferences.

Survey of Community developments and case law.

Book reviews.