

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
Dir. com. scamb. int.	Diritto comunitario e degli scambi internazionali
Dr.Soc.	Droit Social
ESB	Economisch-Statistische Berichten
EA	Europa Archiv
EuGRZ	Europäische Grundrechte Zeitschrift
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	Nederlands 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. int. dr. comp.	Revue International 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

Klaus Bloemer, "Eine europäische-keine deutsche Option", 7 *Europäische Rundschau* 1979, 3-14.

Olivier Giscard d'Estaing, "Déclin ou renouveau de l'Europe", 81 RPP 1979, 21-27.

David Watt, "The European Initiative", 57 *Foreign Affairs* 1979, 572-588.

II. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

L. Cartou, "Législation communautaire", 15 RTDE 1979, 118-127 and 305-319.

A. Deringer and J. Sedemund, "Europäisches Gemeinschaftsrecht", 32 NJW 1979, 1075-1081.

Arved Deringer, Torsten Stein, "8. Internationaler Kongress für Europarecht in Kopenhagen im Juni 1978", 14 EuR 1979, 79-86.

N. Alexander Hobson, "The European Community and East-West German Relations", 19 Va.J. Int'l L. 1978, 45-68.

Analysis of the background and current significance of the Protocol on inter-German trade in the light in particular of the "Grundvertrag" between the two German States.

Roy Jenkins, "Actual problems of the European Communities", 32 *Studia Diplomatica* 1979, 117-122.

A. Mulder, "Europees Strafrecht", 27 SEW 1979, 466-471.

V. Pankov, "West European Integration on social-reformism models", (1979) *International Affairs—a monthly journal of political analysis* (Moscow), 79-85.

Giovanni Rastrelli, "Principio di non discriminazione e principio di ugaglianza nel Trattato Cee", 18 Dir.com.scamb.int. 1979, 90-98.

Stefan Riesenfeld, "Building the Common Market - And Beyond", 19 Va.J. Int'l L. 1978, 1-44.

Riesenfeld describes the history of the EEC from 1958 to the present day, with particular reference to the degree of economic integration attained by the Community and the prospects for the future. His conclusions are quite optimistic: in his view the requests made by Greece, Spain and Portugal to accede to the Community illustrate their confidence in the success of the integration process.

M. Schröder, "Plangewährleistung in europäischen Gemeinschaftsrechts", 32 NJW 1979, 1729-1733.

An investigation of the legal guarantees of undertakings in regard to planning activities of the EEC institutions. Although the ECJ has to date not explicitly recognised such guarantees, certain indications as to their existence can be derived from its jurisprudence.

Walter Schütze, "L'Europe des neufs: état présent et perspectives de la construction européenne", 44 *Politique Etrangère* 1979, 273-292.

J. Struyck, "Recente ontwikkelingen in het Belgisch en het Europees consumentenrecht", 27 SEW 1979, 384-396.

2. Relationship Community/National Law

Jean Boulois, "L'applicabilité directe des directives. A propos d'un arrêt Cohn-Bendit du Conseil d'Etat", (1979) RMC, 104-110.

L. Dubois, Note on the decision of the Conseil d'Etat in the Cohn-Bendit case, 15 RTDE 1979, 157-179.

J. Dutheil de la Rochère and A. Syngellati, "L'application du droit communautaire par les juridictions britanniques au cours de l'année 1978", 15 RTDE 1979, 290-304.

J. Ferstenbert, "L'application du droit communautaire et la situation constitutionnelle du juge national", 15 RTDE 1979, 32-72.

Assunta Nocerini Grisotti, "Note sull'inserimento e la qualificazione della normative comunitario derivata nell'ordinamento italiano", 18 Dir.com.scamb.int. 1979, 23-44.

Vincenzo Guizzi, "Parlamento italiano e comunità europee", 18 Riv.Dir.Eur. 1979, 123-145.

Guy Issac and Joël Molinez, Note on two decisions of the *Conseil Constitutionnel* of 30 December 1979, 15 RTDE 1979, 142-156.

Joseph Jaconelli, "Constitutional Review and Section 2(4) of the European Communities Act 1972", (1979) ICLQ, 65-71.

P. J. G. Kapteyn, Note on the decision of the *Conseil d'Etat* in the Cohn-Bendit case, 27 SEW 1979, 396-413.

J. V. Louis, "L'exécutif et le législatif belges et l'intégration européenne", 14 Rev.belge dr.int. 1979, 296-394.

Thorough survey of Belgian legislation, parliamentary questions etc. concerning the application of Community Law in 1974-1976.

Giuseppete Sperduti, "In tema di attuazione del diritto comunitario nell'ordinamento italiano", 19 Riv.Dir.Eur. 1979, 119-122.

Christian Tomuschat, "La justice c'est moi/zum Cohn-Bendit Urteil der französischen Conseil d'Etat vom 22. Dez. 1978", 6 EuGRZ 1979, 257-261.

Friedl Weiss, "Self-executing treaties and directly applicable EEC Law in French Courts", (1979) LIEI, 51-84.

4. Institutions

M. Bangemann, "La procédure budgétaire de 1979: L'équilibre nécessaire de la répartition des pouvoirs entre le Conseil et le Parlement", (1979) RMC, 169-184.

Clear and lively description of the background to and the course of the conflict which arose between the EP and the Council with reference to the adoption of the general budget for 1979. The author concludes that the Council still has not recognised the essential political responsibility of the Parliament in budgetary matters. The conflict has also brought to light a number of weak points in the procedure of Art. 203 EEC.

E. F. Berthet, C. Brésard, M. Jacosson, "L'élection au suffrage universel direct des représentants à l'Assemblée des Communautés européennes", (1979) *Revue du droit public*, 347-341.

J. L. Burban, "Le Parlement Européen: Mythes et réalités" (2e partie), (1979) RMC, 70-83.

M. Bywater, "Le conflit budgétaire", (1979) RMC, 101-103.

Sergio M. Carbone, "Alcuni equivoci da rimuovere e obiettivida perseguire alle viglie delle elezioni del Parlamento europeo", 14 Riv.Dir.Eur. 1979, 40-44.

J. C. Couzinet, "Les Communautés européennes et l'emprunt", (1979) RMC, 55-62, 121-135, 207-218.

This very useful series of articles considers both legal (legal basis, powers of the institutions, budget law) and financial (amount of loans, conditions and guarantees) aspects of the Community power to contract loans which was introduced in 1978.

Xavier Deniau, "Europe: Souveraineté parlementaire et droit communautaire", 81 RPP 1979, 22-32.

A. J. Easson, "Can directives impose obligations on individuals", 4 EL Rev. 1979, 67-79.

The question of the "horizontal" direct effect of directives is one of great practical importance. The author considers the arguments for and against horizontal direct effects but finds it impossible to reach a firm conclusion. He does, however, think that the Court, applying the theory of the "effet utile", will be willing in a relevant case to decide that a directive can impose obligations on individuals.

Robert Edwards, "Experience of a Labour Member of the European Parliament", 14 *Government and Opposition* 1979, 134-148.

J. Foyer, "Le contrôle des parlements nationaux sur la fonction normative des institutions communautaires", (1979) RMC, 161-168.

Emanuele Gazzo, "Politische Aspekte der ersten europäischen Direktwahl, Rückschau und Ausblick", 34 EA 1979, 493-500.

H. Henrichs, "Kritische Betrachtungen zum Personalsreglement der Forschungszeitbediensteten der Europäischen Gemeinschaften", 14 EuR 1979, 198-205.

Robert Jackson, "Prospects for Europe's Parliament", 17 *The Atlantic Community Quarterly* 1979, 30-34.

E. A. Mangé, "Het Europees Parlement in de communautaire besluitvorming", 64 ESB 1979, 617-619.

Gert Maier, "Zur Kompetenz der EG-Mitgliedstaaten zur Durchführung von Sanktionsbeschlüssen des Sicherheitsrats der Vereinten Nationen", 25 RIW/AWD 1979, 247-250.

The author considers two questions; firstly, to what extent are the Member States, after the transfer of competence in the area of commercial policy, still competent themselves to carry out the decisions of the UN Security Council concerning sanctions against S. Africa; and, secondly, to what extent is the EC itself bound by these decisions? He concludes that the Member States have lost their competence in this area, and that the EC is competent to carry out the decisions, though it is not bound under international law to do so. The individual Member States, with the exception of the BRD, which joined the UN after the creation of the EEC, are bound pursuant to Art. 234 EEC to promote Community measures in this area.

Gert Meier, "Direktwahl zum Europäischen Parlament und Europäisches Gemeinschaftsrecht", (1979) DVBl., 251-254.

Roger Morgan, "L'élection d'une assemblée européenne très diversifiée", 81 RPP 1979, 45-60.

Pierre Pescatore, "Bestand und Bedeutung der Grundrechte im Recht der Europäischen Gemeinschaften", 14 EuR 1979, 1-12.

In the first part of his article, the author gives a survey of the different legal sources, such as international treaties, which form the basis of the protection of fundamental right in the framework of the EC. International treaties concerning human rights to which all the Member States are parties form without doubt a part of the Community legal order. In a second part the significance of fundamental rights for the Community legal order is considered. They are important in two contexts: the protection of the individual in regard on the one hand to the actions of Community organs, and on the other hand in regard to violations by Member States of a legal position guaranteed by Community Law.

H. G. Rahm, "Zum Zeitpunkt des Inkrafttretens von EWG-Verordnungen", 25 RIW/AWD 1979, 262-264.

Note on the judgment in Case 99/78.

Reinhard Riegel, "Gliedstaat-kompetenzen im Bundesstaat und Europäischen Gemeinschaftsrecht", (1979) DVBl., 245-251.

V. Shvetsov, "The European Parliament", (1979) *International Affairs - a monthly journal of political analysis* (Moscow), 100-109.

D. Strasser, "Le budget 1979. Bilan d'une procédure. Difficultés pour une nouvelle année", (1979) RMC, 240-262.

Strasser's lively and interesting articles on budgetary questions are now a regular feature of the RMC. This article considers the conflict which arose in the framework of the adoption of the 1979 budget.

5. Court of Justice/Case Law

Berthold Engler, "Die Schadenersatzklage gegen die EG—Geringe Erfolgchancen für den Einzelnen. Anmerkungen zum EuGH-Urteil vom 25. Mai 1978", 6 EuGRZ 1979, 377-382.

Christine Gray, "Interim measures of protection in the European Court", 4 EL Rev. 1979, 80-103.

Thorough survey of the practice of the Court in granting interim relief on the basis of Arts. 185 and 186 EEC. Although it is difficult as yet to draw general conclusions, the author considers that the character of a case is decisive for the granting or refusal of interim measures. The plaintiff must prove that he would suffer damage if the measures were to be refused. The author considers that in granting interim measures the Court has never yet influenced or prejudiced the decision in the main action.

Valerio Grementieri, "Il ruolo della Corte di Giustizia delle Comunità Europee per la protezione dei diritti fondamentali in Europa", 18 Dir.com.scamb.int. 1979, 1-8.

Trevor Hartley, "Community Liability and Nationality", 4 EL Rev. 1979, 181-184.
Note on the judgment in Case 101/78.

Giovanni M. Ubertazzi, "Effetti della pronuncia di invalidità di un atto comunitario ex art. 177 - In particolare revoca a adattamento dell'Istituzione che to ha emanato", 18 Dir.com. scambi.int. 1979, 71-80.

6. *Adhesion*

Bernard Burrows, "A Community of Thirteen? The Question of Turkish Membership of the EEC", 17 J.Comm.Mark.Studies 1978, 143-150.

Marion Bywater, "L'adhésion grecque", (1979) RMC, 237-239.

Antonio Da Silva Ferreira, "The Economics of Enlargement: Trade Effects on Applicant Countries", 17 J. Comm. Mark.Studies 1978, 120-142.

Francisco Granell, "Les circonstances économiques du second élargissement de la CEE", (1979) RMC, 263-269.

In an analysis of the possible economic effects of the second enlargement, the economies of the three candidate States are compared with each other.

Pavlos Tzermias, "Griechenland und Europa", 7 *Europäische Rundschau* 1979, 111-116.

7. *External relations, association and development*

G. Apollis, "La délibération de la CJCE sur la participation d'Euratom à la Convention sur la protection physique de matières et installations nucléaires", (1979) RMC, 185-206.

A detailed discussion of Decision 1/78 of the Court of Justice.

H. A. H. Audretsch, "De externe betrekkingen van de EEG", 27 SEW 1979, 478-498.

Marion Bywater, "Le Tokyo Round: la dernière étape", (1979) RMC, 51-54.

Patrick Daillier, "Les Communautés européennes et le droit de la mer", 83 Rev.gen.dr.int. publ. 1979, 417-473.

The author begins with a general discussion of the different characters of Community Law and the International Law of the Sea and of the points of contact and conflict between them. He then considers the practice of the Community as an addressee of International Law. Attention is also paid to the direct and indirect participation of the Community in the development of the Law of the Sea.

Manfred A. Danser, "Beteiligung der Europäischen Gemeinschaften and Multilateralen Völkerrechtsübereinkommen", 14 EuR 1979, 138-170.

François Duchêne, "Aussenpolitik in einer erweiterten Europäischen Gemeinschaft", 34 EA 1979, 125-136.

Gabrielle Irik Hedri, "Gedanken über mögliche Beziehungen zwischen RGW und EG", 34 EA 1979, 291-298.

A Hungarian contribution to the discussion of the EEC-CMEA relationship. The author is optimistic: while integration in Eastern Europe is progressing the EC is losing its supranational character and resorting more and more to transnational cooperation. The difference in character between the two organisations is becoming progressively less apparent...

V. Kazakvičius, "The Common Market and the Developing Countries", (1979) *International Affairs - a monthly journal of political analysis* (Moscow), 57-66.

Laura Garnick and Carol Cosgrove Twitchett, "Human Rights and a successor to the Lomé Convention", 6 *International Relations* 1979, 540-557.

A review of the standpoints of the Community organs, the Member States and the ACP countries concerning the question of the place of human rights in a new Lomé Convention. Although the Convention has since been concluded without reference to human rights, the article is still interesting for its discussion of the whole question of the relationship between development cooperation and human rights.

Albert W. Koers, "Participation of the European Economic Community in a New Law of the Sea Convention", 73 *AJIL* 1979, 426-443.

Hans R. Krämer, "Die Stellung der EWG im Bereich der Ostsee", 34 *EA* 1979, 221-230.

D. F. van der Mei, "Les relations extérieures de la communauté européenne", 32 *Studia Diplomatica* 1979, 217-228.

"Le développement des relations entre la Communauté Economique Européenne et la Turquie (interview de M. Noël, Secrétaire Général de la Commission des Communautés Européennes par M. Ipekci, Directeur du quotidien turc Millyiet)", (1979) *RMC*, 63-69.

Rüdiger Freiherr von Preuschen, Note on Decision 1/78 (Euratom), 14 *EuR* 1979, 186-191.

B. EUROPEAN COAL AND STEEL COMMUNITY AND EURATOM

J. J. Heusdens and R. de Horn, "Crisisbeleid Europese Staalindustrie in het licht van het EGKS-Verdrag", 27 *SEW* 1979, 299-335.

Description of the development of the steel crisis since 1974 and analysis of the policy of the Community institutions. (A revised and up-to-date version of this article has since appeared in 17 *C.M.L. Rev.* 1980, 31.)

E. A. Mangé, "Het Europese staalbeleid (I) en (II)", 64 *ESB* 1979, 776-778, 848-850.

F. Zeketuer, "Verzugszinzen im Preisrecht der EG für Kohle und Stahl", 25 *RIW/AWD* 1979, 311-315.

Investigation into a neglected aspect of the discussion on the publication of prices and sales conditions under Art. 60 para. 2 ECSC, namely the possibility of moratory interest.

C. EUROPEAN ECONOMIC COMMUNITY

2. *Agriculture*

R. Barents, "De gemeenschapsrechtelijke positie van sanitaire keuringen en daaraan verbonden heffingen", 27 SEW 1979, 218-227.

Thorough discussion of the law relating to sanitary controls.

R. Barents, Note on Cases 70/77 and 138/77, 27 SEW 1979, 263-273.

Gérard Druèsne, "La jurisprudence de la Cour de Justice des Communautés européennes en matière agricole (1958-1977) - Cinquième thème: Principe de proportionnalité", (1979) RMC, 84-90.

Sixième thème: "Principe de sécurité juridique", 136-141.

Septième thème: "Principe de la préférence communautaire", 219-226.

Feld, W. J., "Implementation of the European Community's Common Agricultural Policy, expectations, fears, failures", (1979) Int.Org., 335-364.

Description and discussion of the problems of the common agricultural policy with particular reference to the decision-making process and to the influence of agricultural pressure groups on the formation of policy.

E. Peyroux, "Les difficultés actuelles de la politique commune des pêches", (1979) RTDE, 270-289.

Description of the current difficulties in establishing a common fisheries policy, both on the internal and the external levels.

Hermann Priebe, "Die deutsche Agrarpolitik und die Europäische Gemeinschaft", 34 EA 1979, 537-546.

Tullio Scovazzi, "Le competence degli Stati membri dell Cee in materia di conservazione delle risorse ittiche", 18 Dir.com.scamb.int. 1979, 57-68.

John A. Usher, "Agricultural Markets: Their Price-systems and Financial Mechanisms", 4 EL Rev. 1979, 147-165.

Frank Wooldridge, "Some recent decisions concerning the ambit of Art. 37 of the EEC Treaty", (1979) LIEI, 105-121.

Manfred Zuleeg, Note on the decisions in the Cases 125/77, 103/77 and 145/77, 14 EuR 1979, 191-197.

5. *Competition and industrial property*

C. W. F. Baden Fuller, "Price Variations: The Distillers case and Article 85 EEC", 28 ICLQ 1979, 128-131.

R. Barents, Note on Case 85/76, 27 SEW 1979, 521-534.

C. Bellstedt, "Anti-dumpingsverfahren der Kommission der EWG", 25 RIW/AWD 1979, 530-537.

Useful discussion of anti-dumping procedures under the EEC and ECSC Treaties. Attention is also paid to the possibility of appeal against Community decisions taken in the course of such procedures.

T. J. Bennett, "Hoffmann-La Roche: Abuse of dominance on the vitamins market confirmed", 4 EL Rev. 1979, 210-221.

Wide-ranging article concerning the background to the decision in Case 85/76, and covering the proceedings taken in Switzerland, the discussions in the EP, the Commission decision, the Advocate-General's opinion and the judgment itself.

T. A. Downes, "Exclusive Dealing Agreements: A change for the worse", 4 EL Rev. 1979, 166-180.

In the author's view the proposed amendments to Reg. 67/67 should be put off until 1982, when the Regulation must anyway be completely revised.

Alexander Costa, "Disciplina Comunitaria dell libertà di concorrenza e normativa statale avente effetti restrittivi: due casi recenti", 19 Riv.Dir.Eur. 1979, 158-169.

Hans Rudolf Ebel, "Kartellrechtliche Entscheidungspraxis 1978", 34 BB 1979, 864-867.

Discussion of legal provisions and of recent case law both in the Federal Republic and under Community Law.

European Court, "Dumping of Japanese Bearings", 13 JWTL 1979, 361-366.

Discussion of the Court's decision in the Cases 13 and 118-121/77 in which it annulled Reg. 1778/77 relating to the dumping of ball bearings, with reference to the relevant GATT provisions and the basic Regulation No. 549/68.

R. J. ter Kuile, "Het beroepsrecht voor de klager ex artikel 3, lid 2, sub B, van Verordening 17/62 EEG", 27 SEW 1979, 228-236.

A. Lyon-Caen, "Etude comparée de la loi française et de la proposition européenne relative au contrôle des concentrations", 15 RTDE 1979, 1-31.

In this first part of a two-part article the author considers the system of control envisaged in the French Bill concerning the control of mergers in the light of the EEC Treaty. (The second part has since been published in the third and not the second number of 1979, as is announced here.)

P. J. Slot, Note on Cases 103/77, 145/77 and 125/77, 27 SEW 1979, 508-521.

Ernst Steindorff, "Europäisches Kartellrecht und Staatenpraxis", 142 ZHR 1978, 525-556.

Severin de Wit, "Centrafarm III/IV; een merkenrechtelijke ontwikkeling", 27 SEW 1979, 472-477.

6. Economic and monetary policy

Jean-Paul Bouquin, "De l'unité de compte à l'écu", (1979) RMC, 270-282.

B. J. Cohen, "Europe's money, America's problem", (1979) *Foreign Policy*, 31-48.

Critical analysis of the EMS in which in particular the limited chances of this system's

contributing to a solution of the international monetary problems or to the restoration of monetary stability in Europe are brought out.

Ferdinand Kielmann, "Die Umstellung auf die Europäische Rechnungseinheit (ERE) im Zollbereich", 25 RIW/AWD 1979, 84-90.

N. Kloten, "Das Europäische Währungssystem aus der Sicht des Bundesrepublik", 24 *Aussenwirtschaft* 1979, 84-90.

In the author's view the EMS can contribute in the short term to monetary stability in Europe, but to ensure that this lasts further (political) steps towards monetary integration will have to be made. Moreover, the failure of the EMS would mean a sharp decline in the process of European integration.

J. V. Louis, "Het Europees Monetair Stelsel", 27 SEW 1979, 336-357.

A penetrating legal analysis of the decisions relating to the creation of the EMS, with particular reference to the roles of the European Council, the Council, Commission and Central Banks in the decision-making within the EMS. In the author's view the EMS represents from a legal standpoint no progress as far as the rules for monetary cooperation in the EEC are concerned. Finally, the author explains why the most important legal decisions have been postponed until two years after the creation of the EMS. The conclusions of the Presidium of the European Council of 4 and 5 Dec. 1978 are attached as annex to the article.

F. Machlup, "The EMS, the odds for stability, the U.S. Dollar, and the IMF", 34 *Aussenwirtschaft* 1979, 77-83.

Discussion of a number of questions arising in connection with the operation of the EMS. Will it encourage monetary stability in the participant lands and thus have a positive effect on the degree of inflation? Will it contribute to dollar stability? And what will be its effect on the role of the IMF?

E. A. Mangé, "De doelstellingen van het Europees Monetair Systeem", 64 ESB 1979, 536-537.

J. E. Marthinsen and S. M. Miller, "European Monetary Unification and the Eurodollar Market", 115 *Weltwirtschaftliches Archiv* 1979, 255-271.

H. Mayer, "Der Eurowährungsmarkt, seine makroökonomische Problematik und Auswirkungen", 34 *Aussenwirtschaft* 1979, 37-58.

J. J. Rey, "Les Techniques du Système Monétaire Européen (SME)", 34 *Aussenwirtschaft* 1979, 158-164.

A comparison between the "snake" agreement and the EMS.

Martin Seidl, "Das Europäische Währungssystem—Rechtliche Grundlage und Ausgestaltung", 14 *EuR* 1979, 13-29.

René Smits, "Het Europees Monetair Stelsel", 28 *AAe* 1979, 303-311.

Jocelyn Statler, "British foreign policy to 1985—VIII: The European Monetary System: from conception to birth", 55 *International Affairs* (London) 1979, 206-225.

Manfred Wegner, "Das Europäische Währungssystem und die Folgen", 34 EA 1979, 189-198.

8. *Energy policy*

R. Barents, "Het aardoliecrisismechanisme van de EEG en het IEA", 64 ESB 1979, 713-718.

Michel Bochetta, "The Crisis in Oil-Refining in the European Community", 17 J.Comm. Mark.Studies, 97-119.

Guido de Clerq, "Energiecrisisbeleid en voorraadvorming", 27 SEW 1979, 336-357.
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19. *Regional policy*

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20. *Social policy*

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21. Taxation

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III. COUNCIL OF EUROPE

A. GENERAL

C. Villars, "Social Security standards in the Council of Europe: the ILO influence", 118 *International Labour Review* 1979, 343-352.

The influence of the ILO on the establishment of rules in the European Code on Social Security and the protocol attached to it has been very important. The control of implementation of the rules also takes place largely within the ILO framework. The author also considers British social security law in the light of the European rules.

B. HUMAN RIGHTS

E. A. Alkema, "Enkele 'sociale' aspecten van de Europese Conventie", 34 SMA 1979, 380-386.

With reference to recent case law, the author considers a number of points of contact between the European Convention and social law.

E. A. Alkema, "Noot bij de zaak van Klass e.a. tegen de Duitse Bondsrepubliek", 1979 AAe 28, 327-334.

John Andrews, "Control of secret surveillance in Germany", 4 EL Rev 1979, 139-143.
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John Andrews, "Preliminary rulings by the European Court of Human Rights", 4 EL Rev 1979, 229-232.

Hans-Jürgen Bartsch, "25 Jahre europäischer Menschenrechtsschutz - Eine Bilanz", 14 EuR 1979, 105-123.

The balance which the author makes of the 25 years' functioning of the Convention is a positive one. Thanks to the addition of new rights in separate protocols, and to the dynamic interpretative methods of the Strasbourg organs, the Convention manages to stay up to date. The author regards the exclusion of fundamental social rights as a positive factor, since the character of the Convention as an instrument which can be directly relied upon by the individual can thus be preserved. The Commission and Court seem also to be becoming more daring, and leave ever less freedom to the States to restrict the scope of fundamental rights.

Albert Bleckmann, "Der Beurteilungsspielraum in Europa- und im Völkerrecht", 6 EuGRZ 1979, 485-495.

Discussion and comparison of the theory of "marginal control" in European Law (Convention and EC), Public International Law and national law.

Andrew Drzemczewski, "The authority of the findings of the organs of the European Human Rights Convention in domestic courts", (1979) LIEI, 1-50.

Interesting survey of the significance attached by national courts to the case law of the Strasbourg organs. This significance is particularly apparent in States where the Convention is considered as forming part of national law, but it is also present elsewhere. The most authority is attached to judgments of the Court, followed by the opinions on admissibility issued by the Commission, and lastly to the decisions of the Committee of Ministers.

P. J. Duffy, "The case of Klass and others: secret surveillance of communication and the European Convention on Human Rights", 4 *The Human Rights Review* 1979, 20-40.

Wolfgang Th. Exner, "Menschenrecht-Privatphäre-psychodiagnose", 30 *Österreichische Zeitschrift für Öffentliches Recht und Völkerrecht* 1979, 133-138.

The problem of psychodiagnostic methods in the light of Art. 8 of the Convention.

Heribert Franz Köck, "Der Schutz des Eltenrechts in der Europäischen Menschenrechtskonvention", 30 *Österreichische Zeitschrift für öffentliches Recht und Völkerrecht* 1979, 23-64.

Note on the judgment of the Court of 7 Dec. 1976 in the case of Kjeldsen and others.

Pierre Laroque, "La charte sociale européenne", (1979) *Droit Social* 100-119.

A clear review of the background, content and functioning of the European Social Charter. Particular attention is paid to the question of the adequacy of the control mechanism.

Pierre-Mari Martin, "L'arrêt de la Com. européenne des droits de l'homme dans l'affaire *Irlande c. Royaume-Unie*", 83 *Rev.gen.dr.int.publ.* 1979, 104-125.

Paolo Menzonni, "Le contrôle du respect des droits de l'homme de la convention européenne par rapport au système de mise en oeuvre interaméricain", 14 *Riv.Dir.Eur.* 1979, 3-39.

Discussion of the system for protection of human rights established in the framework of the OAC. The author considers that the member states of the Council of Europe could usefully learn something from the inter-American system: in particular, he sees possibilities for an extension of the activities of the Secretary General and of the Parliamentary Assembly of the Council of Europe.

Wolfgang Penhert, "Die überlange Verfahrensdauer (art. 6 Abs. 1 EMRK) in der Rechtsprechung der Strassburger Instanzen", 6 *EuGRZ* 1979, 261-274.

Hans-Werner Rengeling, "Grundrechtsschutz in den Europäischen Gemeinschaften: Beitritt der Gemeinschaften zur Europäischen Menschenrechtskonvention?", 14 *EuR* 1979, 124-137.

Rengeling considers that the EC should accede to the European Convention. They should accept the whole of the Convention procedures, with the exception of the procedure before the Committee of Ministers. An EC "representative" should be included in both the Commission and the Court. The formal objections which hinder the EC accession could be removed by means of special protocol.

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R. J. Spjut, "Torture under the European Convention on Human Rights", 73 *AJIL* 1979, 267-272.

Note on the judgment of the Court of Human Rights in the case of *Ireland v. The United Kingdom*.