

SURVEY OF LITERATURE*

I. INTEGRATION, GENERAL ASPECTS

H. A. H. Audretsch, "Het Benelux-Gerechtshof en het vraagstuk van de twee snelheden", (27) SEW 1979, 675-685.

A critical annotation of the judgment of the Benelux Court in Case 78/3 of 19 October 1978 (*Van Graaf & Co. v. Agio*), in which (in the author's view) the Court wrongly declared itself incompetent because the relevant treaty was only ratified by 2 of the 3 Member States. With reference to this judgment the author also goes into the question of "two-speed integration" in the context of the EEC.

Jean-Max Baumer, "Dezentralisierung der Weltwirtschaft?", 34 *Aussenwirtschaft* 1979, 240-256.

Georg Herde and F. J. Strauss, "Die Vertriebenenverbände und die Paneuropa-Union des Otto v. Habsburg", (1980) *Blätter für deutsche und internationale politik*, 63-77.

Y. Ivanov, "The Council for Mutual Economic Assistance and International Economic Relations", (1979) *International Affairs* (Moscow), 24-32.

Dominique Joly, "L'action de la Commission économique pour l'Europe de l'ONU en matière d'élimination des restrictions quantitatives", (1979) *Journ.dr.intern.*, 532-567.

Franz Karusek, "Der Europarat, die Europäischen Gemeinschaften und die gesamteuropäische Zusammenarbeit", (1980) *EA*, 1-10.

Brief analysis of the implications of the direct elections of the European Parliament for the institutions of the Council of Europe.

Richard Scherrer, "Sprachen viel falt,—Hemmschuh der europäischen Einigung?", 8 *Europäische Rundschau* 1980, 121-129.

In the author's view even the second enlargement of the EC should not be permitted to affect the principle of the equality of the different official languages. This principle is an essential condition for good relations between the European authorities and the peoples of Europe.

Michael Schweiber, "Dauernde Neutralität und Europäische Integration", (1979) *Arch. VR*, 357-358.

Alan Wood, "Pravda, Europe and the Helsinki Act, a Survey", (1979) *International Relations*, 645-661.

Charles Zorgbibe, "Quelles institutions pour une défense européenne de l'Europe?", 82 *RPP* 1979, 21-30.

This article discusses the various attempts which have been made in the past to create a European Defence Community (WEV, Plan Fouchet) and considers the possibilities which the future offers.

* For list of subjects and abbreviations used, see 17 *C.M.L.Rev.* 1980, 291-293.

II. EUROPEAN COMMUNITIES

A. COMMON SUBJECTS

1. General

Albert Bleckmann, "Teleologie und dynamische Auslegung der Europäischen Gemeinschaftsrechts", 16 EuR 1979, 239-260.

L. Cartou, "Chronique de législation communautaire", 15 RTDE 1979, 707-716.

P. Dubois, "Chronique législative", 15 CDE 1979, 97-107.

P. Dubois, "Chronique législative", 15 CDE 1979, 725-734.

Ghishkov, "Harder Trial for the EEC", (1979) *International Affairs* (Moscow), 41-51.

Peter Karperstein, "Die Entwicklung des Gemeinschaftsrecht", 16 EuR 1979, 300-311.

A. Th. S. Leenen, "Kroniek van het Europees Recht", (1979) *Themis*, 603-613.

Gert Meier, "Integrationskraft und Rechtsgemeinschaft: Zum Urteil des Europäischen Gerichtshofs vom 25.9.1979 in der RS 232/78", 26 RIW/AWD 1980, 39-41.

K. J. Mortelmans, "Omgekeerde discriminatie en het gemeenschapsrecht", (27) SEW 1979, 654-674.

Very interesting analysis of a number of recent judgments of the Court, in particular in regard to the free movement of persons, in which the problem of reverse discrimination (= less favourable treatment by a Member State of its own nationals) has arisen. It appears from this case law that there is no single solution for this problem: rather an appropriate solution must be sought in the framework of each policy area.

S. Patijn, "Moeizaam improviseren Europese integratie 1970-1980", 64 ESB 1979, 1343-1345.

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

A. Rusin, "EEC Political development", (1979) *International Affairs* (Moscow), 64-70.

Michele Tamburini, "L'ambito soggettivo del Trattato di Roma", 18 Dir.com.scamb.int. 1979, 539-526.

K. J. Twitchett, "Britain and Community Europe, 1973-1979", (1979) *International Relations*, 698-714.

"Wetgevingskroniek Europese Gemeenschappen, 1977 en 1978", (27) SEW 1979, 686-697.

2. Relationship Community/National law

Ronald Bieber, Note on the judgment of the Conseil d'Etat of 22.12.1978, *Cohn-Bendit*, 16 EuR 1979, 294-299.

A. Bleckman and others, "Le recours des individus devant les instances nationales en cas de violation du droit européen", (1979) *Ann.fr.dr.int.*, 137-138.

Giacinto Bosco, "Betrekkingen tussen het Gemeenschapsrecht en het nationale recht", 34 *Tijdschrift voor bestuurswetenschappen en publiekrecht* 1979, 275-285.

A. J. Easson, "'The direct effect' of EEC directives", 28 ICLQ 1979, 319-353.

Clear and thorough discussion of the question. The author shows that there are a number of unsolved problems in this area, such as the possible "horizontal direct effects" of directives, and the meaning of Member State freedom to choose the form and means in implementing directives.

Anna Ferrante, "La natura giuridica della direttiva dettagliata", 18 *Dir.com.scamb.int.* 1979, 299-303.

Note on Case 69/77.

Ernst-Werner Fusz, "Souveränitätsdenken als Fessel der Integrationsfortschritts,—Die Judikatur des französischen Verfassungsrats zur europäischen Einigung", 95 DVBl. 1980, 98-106.

H. Grandernet-Fallon, Note on judgment of Cour de Cassation, 23 Jan. 1979, 68 *Rev.crit.dr.int.priv.* 1979, 817-825.

(Difficulties in applying the *De Bloos* judgment).

Assunta Nocerino Grisotti, "Note sull' inserimento e la qualificazione della normativa comunitaria derivata nell' ordinamento italiano", 18 *Dir.com.scamb.int.* 1979, 23-43.

The problem of ensuring the supremacy of Community Law in the Italian legal order, with special reference to Arts. 10 and 11 of the Italian Constitution.

Hans Peter Ipsen, "Die Rolle des Prozesrichters in der Vorrang-Frage: Zur Bedeutung des II. Simmenthal-Urteils (Rs. 106/77) des Europäischen Gerichtshofs", 16 EuR 1979, 223-238.

G. Isaac, "Le juge administratif français et les directives communautaires, (Jurisprudence: I-Décisions commentées)", 15 CDE 1979, 265-291.

Critical analysis of the judgment of the French Conseil d'Etat in the *Cohn-Bendit* case. The writer finds the decision objectionable because it ignores (1) the duty to refer in Art. 177 (3) EEC and (2) the Court's case law relating to the direct effects of directives.

Peter Knopf, "Europarecht und kommunale Selbstverwaltung", 95 DVBl. 1980, 106-110.

Jean-Victor Louis, "Chroniques—l'exécutif et le législatif belges et l'intégration européenne", 14 *Rev.belg.dr.intern.* 1978-1979, 296-390.

Antoine Lyon-Caen, Note on judgment of Conseil d'Etat (Ass.)—22 December 1978 (*Cohn-Bendit*), 68 *rev.crit.dr.int.priv.* 1979, 647-657.

Marc Maresceau, "The effect of Community Agreements in the United Kingdom under the European Communities Act 1972", (1979) ICLQ, 241-258.

The UK regulates the status of Community agreements in a unique way. According to the European Communities Act 1972 only agreements concluded by the Community institutions are regarded as Community agreements. "Mixed" agreements and the so-called "ancillary" agreements only acquire Community status as a result of the special assent of parliament.

F. Luchaire, "Le contrôle de constitutionnalité des engagements internationaux et ses conséquences relatives à la communauté européenne", 15 RTDE 1979, 391-428.

Discussion of the notion of the "supremacy" of international and Community Law in the French legal order.

H. Arno Petzold, "Anmerkung, Conseil d'Etat (Frankreich) van 22.12.1978 Entscheidung Nr. 11 604 (art. 56 EWGV)", 95 DVBl. 1980, 126-127.

S. Puhglisi, "Le problème du financement des reglements communautaires dans l'ordre juridique italien", 15 CDE 1979, 367-390.

This article discusses the special constitutional problem which have arisen in Italy in connection with the financing of expenditure which is imposed by Community regulations. Art. 81 of the Italian Constitution lays down that every statute (outside the budget) which provides for new or higher expenditure must also indicate the means of covering this expenditure, a condition which the Community regulations cannot always fulfil. This problem has however largely been solved by the institution, by a law of October 1977, of a special fund intended for the financing of expenditure resulting from Community regulations.

Manfred Simon and F. E. Dowrick, "Effect of EEC Directives in France: the views of the Conseil d'Etat", 95 LQR 1979, 376-385.

Josephine M. Steiner, "The Application of European Community Law in National Courts—Problems, pitfalls and precepts", 96 LQR 1980, 126-139.

J. J. M. Tromm, "Die Niederländische Rechtsprechung zum Gemeinschaftsrecht 1970 bis 1978 (Teil I)", 16 EuR 1979, 428-443.

J. A. Osher, "The direct effect of directives", 4 ELRev. 1979, 268-273.
Note on Case 148/78.

4. Institutions

H. A. H. Audretsch, "Europees budgetrecht in ontwikkeling", 55 NJB 1980, 94-96.

Jan van Beneden, "De spreekvrijheid van de Europese ambtenaar", 34 *Tijdschrift voor Bestuurswetenschappen en Publiekrecht* 1979, 456-471.

Guido van den Berghe, "Direct Elections in Accordance with a Uniform Procedure", 5 ELRev. 331-340.

The author argues not for an electoral system which would be identical in every Member State, but rather for the adoption of certain fundamental common rules or principles, which would leave room for national or regional differences.

Jurg G. Blumler, "Communication in the European Elections: The Case of British Broadcasting", 14 *Government and Opposition* 1979, 455-478.

Marion Bywater, "Le budget communautaire, une perspective britannique", 230 RMC 1979, 431-434.

Giovanni Cellamare, "Il diritto di voto dei cittadini italiani all'estero", 19 Riv.Dir.Eur. 1979, 260-278.

Discussion of the Italian Law implementing the Act and Decision relating to the direct elections of the EP, with special reference to the situation of expatriate Italian voters.

Paul H. Claeys and Nicole Loeb Mayer, "Trans European Party Groupings: Emergence of New and Alignment of Old Parties in the light of Direct Elections to the European Parliament", 14 *Government and Opposition* 1979, 455-478.

C. A. Crisham, "De EG zonder begroting", 65 ESB 1980, 157-160.

Background to and implications of the rejection by the EP of the draft budget for 1980.

Etienne Davignon, "Renforcement de la Communauté Européenne: le rôle de la Commission", 32 *Studia Diplomatica* 1979, 465-476.

Ugo Draetta, "I rapporti tra Parlamento europeo e Commissione", 19 Riv.Dir.Eur. 1979, 215-225.

Discussion of the implications of the direct elections for the relationship between the EP and the Commission.

François G. Dreyfus, "Notes towards a Sociology of the June 1979 European Elections", 14 *Government and Opposition* 1979, 444-454.

Patrick Dubois, "Les élections du parlement européen: dispositions relatives à l'organisation de ces élections en Belgique", 14 Rev.belg.dr.int. 1978-1979, 274-295.

W. Fraeys, "Les élections européennes de 1979. Analyse des résultats pour la Belgique", 21 *Res Publica* 1979, 411-426.

Pascal Fontaine, "Le rôle de Jean Monnet dans la genèse du Conseil Européen", 229 RMC 1979, 357-365.

Helen Wallace, "The European Parliament: The Challenge of Political responsibility", 14 *Government and Opposition* 1979, 433-443.

R. M. M. Wallace, "Reform of the Commission of the European Communities and its Services", 130 NLJ 1980, 39-40.

W. J. F. Wispelweij, "De Staatsrechtelijke positie van de Nederlandse Minister-President naar aanleiding van zijn lidmaatschap van de Europese Raad", 29 AAe 1980, 69-76.

M. Hilf, "Die Berichtigung der Europa-Wahl in Frankreich/Anmerkungen zur Entscheidung der Conseil d'Etat, 22 October 1979", EuGRZ 1979, 664, 6 EuGRZ 1979, 667-670.

Ronald Inglehart and Jacques-René Ralier, "Europe elects a Parliament: Cognitive Mobilization, Political Mobilization and Pro-European Attitudes and Influences on Voter Turn-out", 14 *Government and Opposition* 1979, 497-507.

Thomas Läufer, "Das Europäische Parlament nach der Direktwahl: Positionsstärkung durch intrakonstitutionellen Wandel?", 16 *EuR* 1979, 261-276.

With reference to a number of examples the author considers the question to what extent a legal basis exists for a dialogue between the EC institutions and in particular between the EP and the other institutions.

E. A. Mangé, "Het Britse probleem", 64 *ESB* 1979, 1312-1314.

Luigi Mari, "L'impresa comune di diritto comunitario: aspetto normativo e realizzazioni pratiche—Considerazioni a margine della decisione costitutiva del Joint European Torus", 18 *Dir.com.scamb.int.* 1979, 221-262.

Discussion of certain legal aspects of the institution of the JET.

Roger Morgan, "Nieuwe taken voor het Europees Parlement", 33 *Internationale Spectator* 1979, 676-681.

Nicolas Nitsch, "Le vocabulaire politique juridique français et les élections européennes", 228 *RMC* 1979, 299-303.

Hans Nord and John Taylor, "The European Parliament before and after Direct Elections", 14 *Government and Opposition* 1979, 411-432.

Mariano Pintus, "Osservatorio Istituzionale", 19 *Riv.Dir.Eur.* 1979, 279-283.

Dusan Sidjanski, "Le Parlement Européen six mois après", 884 *RPP* 1980, 48-62.

5. Court of Justice/Case Law

Jean Amphoux, "Jurisprudence: chronique, Cour de Justice des Communautés Européennes, Décisions rendues du 28 août 1978 au 12 juillet 1979", 15 *CDE* 1979, 579-714.

Ami Barav, "Interpretation of preliminary rulings", 5 *ELRev.* 1980, 56-58.

Note on Case 40/70 (*Sirena*).

Alan Dashwood, "Costs in the European Court; activities of salaried lawyers", 4 *ELRev.* 1979, 357-359.

A. C. Evans, "The Enforcement Procedure of Article 169 EEC: Commission Discretion", 4 *ELRev.* 1979, 442-456.

This article investigates the case law of the court and the practice of the Commission in order to determine the limits of the Commission's discretion in regard to the Art. 169 procedure.

Valério Gremmentiré, "Il ruolo della Corte di Giustizia della Comunità Europea per la protezione dei diritti fondamentali in Europa", 18 *Dir.com.scamb.int.* 1979, 1-8.

F. Grondman, "Observations sur la notion de 'violation suffisamment caractérisée' en matière de responsabilité non-contractuelle, (Jurisprudence: décisions commentées)", 15 CDE 1979, 81-97.

Giannantonio Guglielmetti, "Competenza e procedura in caso di azioni relative ai marchi comunitari", 18 Dir.com.scamb.int. 1979, 393-417.

Trevor Hartley, "Locus standi under Article 173: the Japanese ball bearing case", 4 ELRev, 1979, 265-268.

Note on Cases 113/77, 118/77, 119/77, 120/77, 121/77.

Trevor Hartley, "Compensation for loss caused by illegal regulations", 5 ELRev. 1980, 58-63.

Note on Cases 64, 113/76, 1/67, 239/78, 27, 28, 45/79, 238/78, 241, 242, 245-250/78, 261, 262/78, 116, 124/77, 143/77. (quellmehl, gritz and isoglucose).

André Huet, "Chronique de jurisprudence de la Cour de Justice des Communautés européennes", 4 Journ.dr.intern. 1979, 663-691.

Francis Jacobs, "European Court—Amendments to the Rules of Procedure", 5 ELRev. 1980, 52-56.

Giuseppe Federico Mancini, "Politics and the Judges—The European perspective", 43 MLR 1980, 1-17.

Gregg Myles, "The Court of Justice of the European Communities", 4 ELRev. 1979, 336-337.

Armando Toledano-Laredo, "Protezione indiretta dei singoli nel diritto Comunitario", 18 Dir.com.scamb.int. 1979, 373-378.

Giovanni M. Ubertazzi, "Effetti della pronuncia di invalidità di un atto comunitario ex art. 177. In particolare revoca e adattamento dell'atto invalido da parte dell'Istituzione che lo ha emanato", 18 Dir.com.scamb.int. 1979, 71-79.

J. A. Usher, "The use of Article 184 EEC by individuals", 4 ELRev. 1979, 273-276.

Note on Case 92/78.

6. Adhesion

S. Haritos, "Le gel de l'accord d'Athènes. La Communauté et la Grèce", 21 Res Publica 1979, 641-66.

Spyros Haritos, "L'Harmonisation des politiques agricoles entre la Grèce et la Communauté. De l'accord d'association à la demande d'adhésion", 15 CDE 1979, 575-596.

C. J. Heringa and E. F. Ch. Niehe, "De toetreding van Griekenland tot de Europese Gemeenschappen. Een overzicht van de Toetredingsinstrumenten", (27) SEW 1979, 599-635.

Thorough discussion of the Accession instruments and the progress of negotiations.

Agnès Hubert, "L'adhésion de l'Espagne: nous le signe de la crise", 231 RMC 1979, 487-489.

Livio Missier, "L'Europe et le problème de la langue en Grèce moderne", 228 RMC 1979, 313-320.

7. *External relations; association and development*

Marion Bywater, "Lomé II", 228 RMC 1979, 295-298.

"Cooperazione industriale e Convenzione di Lomé", 18 Dir.com.scamb.int. 1979, 189-201.

Carl. A. Ehrhard, "66 Länder auf dem Wege zum Abkommen Lomé II", 30 *Aussenpolitik* 1979, 438-450.

Pierre Maillet, "L'Europe face à son environnement international: les travaux d'un colloque", 230 RMC 1979, 464-471.

Klaus Meyer, "Die Zweite Konvention von Lomé, 1 EA 1980, 11-20.

M. Francis Nicollas, "Coopération industrielle entre les pays de la Communauté Economique Européenne et ceux de l'Association des Nations du Sud-Est Asiatique", 229 RMC 1979, 383-394.

J. Raux, "Les accords externes de la C.E.E. (1er janvier-31 dec. 1978)", 15 RTDE 1979, 664-697.

Carol Cosgrove Twitchett, "Lomé II; die Enttäuschungen der AKP-Länder", 5 EA 1980, 81-88.

J. A. Usher, "International Competence of Euratom", 4 ELRev. 1979, 302-307.
Note on Decision 1/78 given under Art. 103 of the EAEC Treaty.

Gerth-Willmann, "Das ADP-EG-Abkommen von Lomé, 30 *Aussenpolitik* 1979, 472-473.

C. EUROPEAN ECONOMIC COMMUNITY

2. *Agriculture*

Pierre Baudin, "La fixation des prix agricoles pour 1979/1980", 229 RMC 1979, 366-382.

André Brand, "Le marché des produits laitiers", 230 RMC 1979, 454-463.

D. Carreau, "Le système agro-monnaire de la communauté économique européenne", 15 RTDE 1979, 607-630.

Robin Churchill, "Scope of national fishery measures", 5 ELRev. 1980, 71-73.
Note on Case 141/78 (*France v. U.K.*).

R. Churchill, "Revision of EEC's Common Fisheries Policy—Part 1", 5 ELRev. 1980, 3-37.

Robin Churchill, "Scope of National Security Measures", 4 ELRev. 1979, 391-396.
Note in Case 61/77, 88/77 and 185-204/78.

C. Mégret, "La politique agricole commune et le principe de non-discrimination dans la jurisprudence de la CJCE", 15 RTDE 1979, 480-487.

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

P. Tiedeman, "Restriktive Tendenzen in der Rechtsprechung der EuGH zum Machtordnungsrecht", 16 EuR 1979, 393-406.

Christopher Vajda, "Some aspects of Judicial Review within the Common Agricultural Policy—Part I", 4 ELRev. 1979, 244-262, Part II, ELRev. 1979, 341-355.
Excellent survey of the remedies of the individual in the area of the CAP.

Derrick Wyatt, "British import controls on main crop potatoes", 4 ELRev. 1979, 359-362.
Note on Cases 118/78 and 231/78.

Derrick Wyatt, "Compatibility of co-responsibility in milk sector with objectives in Article 39 EEC", 4 ELRev. 1979, 389-391.
Note on Case 138/78.

Derrick Wyatt, "Irish regulation of the pigmeat market and Community law", 4 ELRev. 1979, 472-482.
Note on Case 177/78.

Dimitri Yandais, "La politique de pêche suivie par la Communauté lors de l'adoption de la zone de 200 miles (La Communauté et la pêche)", 15 CDE 1979, 185-245.

3. *Commercial policy*

Ivo van Bael, "Ten Years of EEC Anti-Dumping", 13 JWTL 1979, 395-408.

Michael Lux, "Ausschluss von der Gemeinschaftsbehandlung bei Umwegeinführen (Art. 115 EWGV)", 16 EuR 1979, 359-392.

Discussion of the problem of trade diversion in the light of Article 115, as shown by the practice of the Commission and the caselaw of the Court. The author argues that even after the end of the transitional period national measures of commercial policy directed at the limitation of imports are possible.

C. W. A. Timmermans, "Troebel water ofwel de beschikkingenpraktijk ex art. 115 EEG", (1979) SEW, 636-653.

Cosimo Rucellai, "Diritti anti-dumping e tutela Cee per gli importatori", 18 Dir.com.scamb.int. 1979, 527-529.

David G. Tarr, "Cyclical Dumping", 9 *Journal of International Economics* 1979, 57-63.

5. Competition and industrial property

J. W. Aarts, "Mededingingspolitiek en economische crisis", 28 SEW 1980, 16-31.

Discussion of crisis cartels from both the legal and economic point of view.

W. Alexander, "Observations—Droit de marque et droit communautaire (Jurisprudence: décisions commentées)", 15 CDE 1979, 75-82.

Discussion of Cases 102/77, *Hoffmann-La Roche v. Centrafarm* and 3/78 *Centrafarm American Home Products* and of some of the practical consequences arising from the new elements in these judgments.

C. W. Baden Fuller, "Article 86 EEC: Economic Analysis of the Existence of a Dominant Position", 4 ELRev. 1979, 423-441.

Jean-François Bellis, "Le reglementation anti-dumping de la Communauté Economique Européenne", 15 CDE 1979, 495-539.

Tim Bennett, "Article 86: 'effect on trade between Member States' re-examined", 4 ELRev. 1979, 294-298.

Note on Case 22/78.

J. A. van Damme, "La politique de concurrence de la commission en matière de cooperation verticale", 15 CDE 1979, 127-177.

P. Eeckman, Note on Case 28/77, 28 SEW 1980, 61-68

M. van Empel, "Rechter en administratie in het Europese mededingingsbeleid", 28 SEW 1980, 32-43.

with further articles by:

H. W. de Jong, *idem*, 44-46

W. L. Snijders, *idem*, 47-50

W. Alexander, *idem*, 50-57

B. van der Esch, *idem*, 57-59

W. L. Haardt, *idem*, 59-60.

F. Espion, "Evolution recente en ce qui concerne l'application des articles 85 et 86 aux accords de distributions et d'approvisionnements", 15 CDE 1979, 177-185.

Jonathan Faull, "Extraterritorial application of Article 86 EEC", 5 ELRev. 1980, 64-68.

Note on Case 22/79 (*Greenwich Film Production v. SACEM*).

Giorgio Florida, "Infrazione valutaria e invalidità negoziale", 18 Dir.com.scamb.int. 1979, 203-220.

M. Glais, "La filiale commune et l'article 85 du Traité de Rome", 231 RMC 1979, 494-506.

R. D. Hacker, "Article 86—Some Recent Developments—I", 130 NLJ 1980, 40-42.

Bryan Harris, "The 'exhaustion principle' and the Centrafarm cases", 4 ELRev. 1979, 379-389.

Analysis of the judgment in Cases 102/77 and 3/78. The author shows that the clarification of the application of the "exhaustion principle" in these cases may have consequences for Community legislation.

Eberhard Körner, "Die Abhängigkeit von Lizenzverträgen vom Patentschutz oder von geheimen Know how", 29 WuW 1979, 785-792.

Discussion of the American, German and European Community application of the principle that the validity of licence agreements should depend on the effectiveness of the underlying patent or know how protection. Author concludes that this clear principle has been restricted in German and recently American law for economic reasons, but that licence fees should still be payable after the expiry of legal protection only if there are measurable economic advantages.

A. Lyon-Caen, "Le contrôle des concentrations: étude de la loi française et de la proposition européenne", 15 RTDE 1979, 440-465.

A. Marchini Camia, "Disciplina Cee della Concorrenza e prezzi imposti sui prodotti", 18 Dir.com.scamb.int. 1979, 379-392.

Giovanni Rastrelli, "Une pericolosa inerzia della Commissione", 18 Dir.com.scamb.int. 1979, 472-481.

Note on Case 14/78, concerning Arts. 5 and 10 of Directive 74/63.

John Tillotson, "The GKN-Sachs Affair: A Case Study in Economic Law", 14 JWTL 1980, 39-47.

Peter Ulmer, "Gemeinschaftsunternehmen in EG-Kartellrecht", 29 WuW 1979, 433-447.

J. van Uytvanck, "Problèmes relatifs aux Filiales Communes", 15 CDE 1979, 25-38.

Ernst Steindorff, "Nationale Warenzeichen und EWG-Vertrag", 143 ZHR 1979, 557-565.

Detailed review of the book by Hefermehl, Ipsen, Schluep, Sieber entitled "Nationaler Markenschutz und freien Warenverkehr in der Europäischen Gemeinschaft" (Beck-verlag München, 1979, IX 309 pp.). Reviewer draws attention to fundamental questions of national trademark law and free movement of goods which are comprehensively discussed in the book.

Christopher Vajda, "Selective Distribution in the European Community", 13 JWTL 1979, 409-435.

Alexander Vandencastele, "Libre concurrence et intervention des Etats dans la vie économique, la mise en œuvre des art. 5, al. 2, 90, par. 1 et 3 85 et 86 du traité CEE", 15 CDE 1979, 540-574.

J. F. Verstrynge, "Problèmes relatifs aux filiales communes", 15 CDE 1979, 13-25.

R. D. Visser, "Het wetsontwerp tot wijziging van de Wet economische mededinging (voorzieningen m.b.t. prijsbinding en minimumprijzen) bezien in internationaal perspectief", 28 SEW 1980, 5-15.

6. *Economic and monetary policy*

Dominique Carreau, "Vers une zone de stabilité monétaire: la création du système monétaire européen au sein de la CEE", 229 RMC 1979, 399-417.

Edgar Faure, "L'union économique et monétaire et les déséquilibres régionaux", 231 RMC 1979, 481-486.

Hugo Hahn, "Das Europäische Währungssystem—Systemvergleich und Funktionsweise", 16 EuR 1979, 337-358.

An evaluation of the first year of the functioning of the EMS.

Giovanni Magnifico, "Stato attuale e prospettive della cooperazione montaria in Europa", 18 Dir.com.scamb.int. 1979, 163-167.

E. A. Mangé, "De overheidsfunctie in een Economische en Monetaire Unie", 64 ESB 1979, 1145-1147.

Discussion of the optimal repartition of competences between regional, national and supranational authorities in an economic and monetary union.

P. S. R. F. Mathijsen, "Structuurbeleid van de Gemeenschap versus structuurbeleid van de Lid-Staten", 27 SEW 1979, 545-569.

Th. A. M. Wöltgens, "Europees en national structuurbeleid—taakverdeling of tegenstelling?", 27 SEW 1979, 570-596.

Both these articles, which were reports presented to the 1979 meeting of the Netherlands Assn. for European Law, consider the relationship between Community and national structural policy. Both articles also concentrate on two topical matters, namely, sectoral and regional policy, but the approach taken by each author to the subject is different. Mathijsen (a lawyer) approaches the problem from the standpoint of coordination, whereas Wöltgens (an economist) looks rather to the question of the division of tasks.

8. *Energy policy*

Guido Brunner, "De Europese energiepolitiek en de wereldeconomie", 33 *Internationale Spectator* 1979, 682-691.

A. Fuquit, "Problème posé à l'Europe communautaire par la protection physique des matières et installations nucléaires", 15 RTDE 1979, 631-652.

9. *Environnement policy and consumer protection*

S. Erçman, "European Environmental Law", 34 *Tijdschrift voor bestuurswetenschappen en publiekrecht* 1979, 359-372.

Antione-Marie Gazano, "L'action communautaire en matière de pollution de la mer par le transport d'hydrocarbures", 228 RMC 1979, 304-312.

11. *Free movement of goods and customs union*

R. Barents, Note on Cases 120/78, 91/78, 86/78 and 119/78, 27 SEW 1979, 746-752.

R. C. Becaude, "L'aménagement des monopoles nationaux prévu à l'article 7 du traité C.E.E. à la lumière des récents développements jurisprudentiels", 15 RTDE 1979, 573-606.

Fausto Capelli, "Il nuovo disegno di legge Italiano relativo al divieto di pubblicità per i prodotti da fumo alla luce della normativa comunitaria e delle disposizioni costituzionali interne", 18 Dir.com.scamb.int. 1979, 419-442.

Patrick Daillier, "La libre circulation intracommunautaire des marchandises dans la jurisprudence de la CJCE, (1975-1978)", 228 RMC 1979, 321-340.

Nigel P. Gravells, "Equivalent charges: definition and rationale", 4 ELRev. 1979, 362-367.
Note on Case 132/78.

Gert Meier, Note on judgment in Case 91/78 (*Hansen v. HZA Flensburg*), 16 EuR 1979, 281-291.

E. Millarg, Note on Case 120/78 of 20.2.79 (*Branntwein*), 16 EuR 1979, 420-427.

Peter Oliver, "La législation communautaire et sa conformité avec la libre circulation des marchandises", 15 CDE 1979, 245-265.

With reference to case law this article considers the question of the extent to which Community legislation can infringe the free movement of goods.

Dino Rinoldi, "Appunti in materia di scambi internazionali di taluni prodotti industriali. Ostacoli di natura tecnica, commercio intracomunitario ed extracomunitario: aspetti concernenti la normativa italiana", 18 Dir.com.scamb.int. 1979, 304-328.

12. *Free movement of workers and social security*

Carlos Castro-Almeida, "Problems facing second generation migrants in Western Europe", 118 *Int. Labour Review* 1979, 763-773.

Guy Desolre, "De la notion au concept communautaire de travailleurs", 15 CDE 1979, 38-57.

G. Druesne, "Remarques sur le champ d'application personnel du droit communautaire: des 'discrimination à rebours' peuvent-elles tenir en échec la liberté de circulations des personnes", 15 RTDE 1979, 429-439.

J. Raux, "La mobilité des personnes et des entreprises dans le cadre des accords externes de la CEE", 15 RTDE 1979, 466-479.

Alfredo Sardella, "Ordine pubblico valutario e dissuasione degli stranieri da negoziazioni con italiani", 18 *Dir.com.scamb.int.* 1979, 512-517.

Philippa Watson, "Unemployment benefit", 4 *ELRev.* 1979, 367-369.
Note on Case 139/78.

Derrick Wyatt, "Discrimination on grounds of nationality: schemes for the victims of war or its consequences", 4 *ELRev.* 1979, 369-371.
Note on Case 9/78.

Derrick Wyatt, "Regulation 1408/71: duplication of orphans' benefits and family allowances", *ELRev.* 1979, 371-373.
Note on Case 115/77.

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

Geoffrey Morse, "Provision of services: the professional supervision exception", 4 *ELRev.* 1979, 375-377.
Note on Cases 110 and 111/78.

Geoffrey Morse, "Facilitating directives and reverse discrimination", 4 *ELRev.* 1979, 377-378.
Note on Case 115/78.

Geoffrey Morse, "Establishment: restrictions based on qualifications", 4 *ELRev.* 1979, 378-379.
Note on Case 136/78.

R. Wägenbaur, "L'Europe des vétérinaires", 15 *RTDE* 1979, 653-663.
Brief discussion of the most important provisions of the directives of December 1978 concerning the freedom of establishment and freedom to provide services of veterinary surgeons.

15. *Harmonisation of legislation*

C. W. Nobes, "The Harmonization of Company Law Relating to the Published Accounts of Companies", 5 *ELRev.* 1980, 38-50.

Antonio Oddo, "La responsabilità del produttore nel progetto di direttiva Cee", 18 *Dir.com.scamb.int.* 1979, 179-187.

Winfried Schmeder, "Die Rechtsangleichung als Integrationsmittel der Europäischen Gemeinschaft", 29 *WuW* 1979, 583-584.

Peter M. Wiesner, "Wann kommt die Europäische Kooperationsvereinigung?", 29 *WuW* 1979, 741-744.

16. *Industrial and technological policy*

Olivier Giscard D'Estaing, "Le financement de l'industrialisation mondiale", (1979) *RPP*, 54-61.

Giulio Querini, "Critères pour une politique industrielle européenne", 231 RMC 1979, 507-515.

Raymond Mourareau, "Une étape décisive vers l'organisation du Marché Commun dans le secteur de la construction", 229 RMC 1979, 395-398.

Italo Telchini, "A proposito delle misure comunitarie contro la crisi della siderurgia, con particolare riguardo all'imposizione dei prezzi minimi", 17 Dir.com.scamb.int. 1979, 9-22.

17. *Jurisdiction and recognition of judgment; bankruptcy (Community Conventions)*

Lazar Focsaneau, "Compétence judiciaire, reconnaissance et exécution des décisions civiles et commerciales dans la Communauté Economique Européenne. Les accords multilatéraux conclus en application de l'article 220 du Traité de Rome et leur interprétation par la Cour de Justice de Communautés européenne", 231 RMC 1979, 516-527.

T. C. Hartley, "Beyond the Proper Law: Mandatory Rules under Draft Convention on the Law Applicable to Contractual Obligations", 4 ELRev. 1979, 236-243.

Trevor Hartley, "Scope of the Convention: bankruptcy, winding up and analogous proceedings", 4 ELRev. 1979, 482-484.

Note on Case 133/78.

Trevor Hartley, "Employment contracts and choice of jurisdiction clauses", 5 ELRev. 1980, 73-74.

Note on Case 25/79 (*Sanicentral*).

Jacques Lemontey, Note on Case 133/78, judgment of 22 February 1979 (*Gourdain v. Nadler*), 68 Rev.crit.dr.int.priv. 1979, 657-668.

J. C. Schultz, "Noot bij de uitspraak van het Hof van Justitie in zaak 23/78 van 9 november 1978", (1978) NJ, 538.

20. *Social policy*

Gabriella Catalano Sgroso, "Il Principio della parità di trattamento tra lavoratori e lavoratrici nel diritto Comunitario", 19 Riv.Dir. Eur. 1979, 245-259.

Brief survey of the actions undertaken by the Community in regard to the equal treatment of men and women in employment.

A. C. Evans, "Development of European Community Law regarding the Trade Union and Related Rights of Migrant Workers", 28 ICLQ 1979, 354-366.

Critical discussion of the present provisions of Community Law regarding the exercise of trade union and related rights, with particular reference to the situation in France.

Florence Hervé, "Frauen in den EG Ländern—ein Situationsvergleich", 24 *Blätter für deutsche und internationale Politik* 1979, 1498-1507.

"Judicial decisions in the field of labour law", 119 *International Labour Review* 1980, 79-97.

Ingolf Pernice, Note on Case 147/77 of 15.6.1978. (*Defrenne III*), 16 EuR 1979, 410-417.

Ennio Triggiani, "Il Contratto Collettivo di Diritto Comunitario", 19 Riv.Dir.Eur. 1979, 226-244.

Sketch of the legal problems surrounding the possible creation of European collective agreements. The author considers *inter alia* the possible sources, content and legal basis of such agreements.

21. Taxation

"EC Tax Harmonization Outlook 1980", 1 *Intertax* 1980, 1-2.

Geoffrey Morse, "Article 95 and the treatment of spirits coming from within the Community", 4 *ELRev.* 1979, 298-299.

Christopher Nobes, "Fiscal Harmonization and European Integration: A 1978 Appraisal", 4 *ELRev.* 1979, 262-263.

22. Transport policy

R. Rodière et A. Chemel, "Mise en place du droit communautaire des transports (années 1977 et 1978)", 15 *RTDE* 1979, 698-706.

Pierluigi Rossi, "Le tachygraphe, instrument communautaire de progrès technique, économique et social", 231 *RMC* 1979, 490-493.

III. COUNCIL OF EUROPE

A. GENERAL

Virginia Longley-Cook, "The Reform of Family Law in Europe", 4 *ELRev.* 1979, 325-326.

B. HUMAN RIGHTS

E. A. Alkema, "Het arrest Winterterp (Europees Hof 24-10-1979)", 5 *NLCM Bulletin, Nederlands Tijdschrift voor de Mensenrechten* 1980, 65-61.

John Andrews, "Human Rights and the illegitimate child. The case of Paula and Alexandra Marckx", 4 *ELRev.* 1979, 494-499.

John Andrews, "Legal aid in the Republic of Ireland", 5 *ELRev.* 1980, 84-86.

Note in the judgment of 9.10.79 in the *Airey* case.

John Andrews, "Unlawful detention under the Convention", 5 *ELRev.* 1980, 87-90.

Annotation of the judgment of the European Court in the *Winterwerp* (24.10.79) and *Schliesser* (4.12.79) cases.

M. de Blois, "Winterwerp tegen Nederland", 29 *AAe* 1980, 105-120.

Note on the *Winterwerp* judgment.

Andrew Drzemczewski, "The European Human Rights Convention and Relations between Private Parties", 26 NILR 1979, 163-181.

The author discusses the horizontal direct effect of provisions of the EHRC. In states where the Convention is accepted as forming part of the legal order there is a tendency in case law to recognize such effects. The case law of the Commission tends also in this direction. The court has however not yet spoken on the question.

G. Cohen Jonathan, "Chronique de jurisprudence 1978, Cour européenne des droits de l'Homme", 15 CDE 1979, 464-485.

P. Dubois, "L'article 6 de la convention européenne et les procédures administratives et disciplinaires, (Observations, Jurisprudence: A.—Décisions commentées, II)", 15 CDE 1979, 407-425.

Note on the *König* case.

Ulrich Fastenrath, "Passivlegitimation der EG und Ihrer Mitgliedstaaten in Verfahren vor der Europäischen Kommission für Menschenrechte/Anmerkung zur Entscheidung der EKMR im C.F.D.T.-Fall (EuGRZ 1979, S 413f)", 6 EuGRZ 1979, 534-536.

E. Jayme, "Europäische Menschenrechts Konvention und deutsches Nichteelichen recht", 32 NJW 1979, 2425-2429.

Discussion of the implications of the Marckx judgment for German Law.

F. A. Mann, "Contempts of Court in the House of Lords and the European Court of Human Rights", 95 LQR 1979, 348-354.

E. Myjer, "Tekenen van een Hollandse lente", 5 NJCM Bulletin, *Nederlands Tijsschrift voor de mensenrechten* 1980, 21-29.

The author points to a number of positive developments in regard to the protection of human rights under the Convention. The Strasbourg authorities have lately adopted a freer and more confident stance in relation to the member States. The Dutch courts are also showing an increasing readiness to rely on the Convention, in particular in regard to criminal procedure.

Bernard Paulin and Mary Minch, "The European Community and the European Convention of Human Rights", 15 *Government and Opposition* 1970, 31-47.

Analysis of the background to and content of the Commission's memorandum concerning accession by the EC to the ECHR.

Giuseppe Sperduti, "Le raccord entre la charte sociale Européenne et la Convention Européenne des droits de l'homme", 4 CDE 1979, 361-365.

Can the "potential" rights embodied in the European Social Charter be regarded as civil rights in the meaning of Art. 6 (1) ECHR?

A. J. H. Swart, "Luedicke, Belleacem en Koch tegen Bondsrepubliek Duitsland", 28 AAe 1979, 549-55.

Theo Vogler, "Das Recht auf unentgeltliche Beiziehung eines Dolmetchers (Art. 6 Abs 3 buchst. e EMRK)", 6 EuGRZ 1979, 640-647.

Two annotations of the judgment of the Court of 28.11.78.

Humphrey Waldock, "Die Wirksamkeit des Systems der Europäischen Menschenrechtskonvention", 6 EuGRZ 1979, 599-603.

The author considers in the first place the interpretation of the convention by the Court and Commission. Here two aspects are particularly important: the interpretation of the Convention in the light of legal and social developments in Europe, and the supplementing of the Convention with secondary rights which are necessary for the effective realisation of the human rights guaranteed by the Convention. Even within the Commission and the Court opinions differ as to the practical significance of these questions, a fact which is indicated by the different view as to the extent of the "margin of interpretation" which is left to the member States in applying the Convention. The author also considers the status of the Convention in national law.