

1975

## The Court of Justice of the European Communities: An Annotated Bibliography – 1951-1973

Igor I. Kavass

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Legal Writing and Research Commons](#)

---

### Recommended Citation

Igor I. Kavass, The Court of Justice of the European Communities: An Annotated Bibliography -- 1951-1973, 8 *Vanderbilt Law Review* 523 (2021)

Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol8/iss3/3>

This Article is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact [mark.j.williams@vanderbilt.edu](mailto:mark.j.williams@vanderbilt.edu).

**THE COURT OF JUSTICE OF THE  
EUROPEAN COMMUNITIES: AN ANNOTATED  
BIBLIOGRAPHY—1951-1973**

*Igor I. Kavass*

TABLE OF CONTENTS

I.	INTRODUCTION .....	525
II.	PRIMARY SOURCES .....	528
	A. <i>Treaties, Conventions, and Protocols</i> .....	528
	1. <i>General</i> .....	528
	2. <i>Official Compilations</i> .....	537
	3. <i>Unofficial Compilations</i> .....	538
	B. <i>Rules of the Court</i> .....	542
	C. <i>Instructions to the Registrar</i> .....	543
	D. <i>Community Legislation</i> .....	544
	E. <i>Law Reports and Digests</i> .....	547
	1. <i>Official Publications</i> .....	548
	2. <i>Commercial Publications</i> .....	550
III.	BIBLIOGRAPHIES AND INDICES .....	552
IV.	GENERAL INFORMATION ABOUT THE COURT .....	558
	A. <i>General Sources</i> .....	558
	1. <i>The Communities</i> .....	558
	2. <i>The Court of Justice</i> .....	560
	3. <i>Legal Developments in the Communities</i> ...	561
	B. <i>Major Common Market Periodicals</i> .....	562
V.	FOUNDATIONS OF THE COMMUNITIES .....	565
	A. <i>Institutions and their Functions</i> .....	565
	1. <i>Treaties and Monographs</i> .....	565
	2. <i>Articles</i> .....	574
	B. <i>Relationship of the Court to the Other Com-     munity Institutions and Member States</i> .....	581
VI.	ORGANIZATION AND PROCEDURE .....	585
	A. <i>Organization</i> .....	586
	B. <i>Procedure</i> .....	588
	C. <i>Methods of Interpretation and the Language     of the Court</i> .....	592
VII.	JURISDICTION AND POWERS .....	596
	A. <i>General Jurisdiction, Including the Relation-     ship of Community Law to National Law</i> .....	596
	B. <i>Access of Private Parties</i> .....	606
	C. <i>Supremacy of the Court's Decisions</i> .....	610

D.	<i>Abuse of Power (Détournement de Pouvoir)</i> . . . .	613
E.	<i>Annulment Proceedings</i> . . . . .	615
VIII.	SPECIAL JURISDICTIONAL AREAS . . . . .	617
A.	<i>Preliminary Rulings and the "Acte Clair"</i> . . . . .	617
B.	<i>The Community Rules of Competition</i> . . . . .	627
C.	<i>Miscellaneous: Labor, Social Security, Tariffs,     Rights of Third Parties, etc.</i> . . . . .	633
IX.	SELECTED CASE NOTES, COMMENTS, AND SURVEYS IN SPECIAL AREAS . . . . .	639
X.	INDEX OF AUTHORS . . . . .	645
XI.	APPENDIX . . . . .	649

The author gratefully acknowledges the assistance of Doris M. Bieber and Wendy E. Lehmann in compilation of this bibliography.

**THE COURT OF JUSTICE OF THE  
EUROPEAN COMMUNITIES: AN ANNOTATED  
BIBLIOGRAPHY—1951-1973**

*Igor I. Kavass\**

I. INTRODUCTION

No judicial tribunal, either national or international, has attracted so much attention and provoked so much comment—both descriptive as well as polemic—in the first twenty years of its existence as the Court of Justice of the European Communities. In this relatively brief period of time more than 7,000 books, articles, comments, notes, surveys, and other scholarly works have been published with varying degrees of perception about the Court and the different aspects of its highly specialized jurisdiction. This profusion of frequently repetitive literature on a subject of ostensibly limited scope is even more surprising in light of the uncertain progress of economic integration in Western Europe, which is definitely not as vigorous now as during the industrially affluent years of the late 1950's and early 1960's.

A considerable amount of early literature about the Court can be explained in terms of enthusiasm generated by protagonists of the Common Market; and there were many of them at that time. They tended to ignore the cleverly drafted legalistic circumscriptions of the Court's jurisdiction in the treaties which brought about the establishment of the Common Market, and concentrated instead on the marvel of its creation. Like all other Europeans, who had suffered from the ravaging effects of two devastating wars in a period of thirty years and who had felt even longer the political and cultural divisiveness created by a multitude of national boundaries, they regarded the Court as the ultimate apotheosis of a true and voluntary unification of Europe. The very existence of the Court was a novel concept to them because, in spite of innumerable previous efforts in its long history, Europe had never before succeeded in establishing a unified inter-governmental tribunal with jurisdictional powers extending, at least in some matters, beyond the boundaries of its individual national states. It is not surprising in these circumstances that the Court of Justice of the European Communities (as it is known now) was described by its admirers as a perfect model of an international judicial institution. There were some earlier writings about the Court which sub-

---

\* Professor of Law and Director of the Law Library, Vanderbilt University; Visiting Professor of Law, Free University of Berlin; First Vice-President, International Association of Law Libraries. LL.B., 1956, University of Melbourne.

mitted it to more critical scrutiny and analyzed its jurisdiction from the more jaundiced point of view of the legal profession, but such works were few.

This profusion of literature about the Court of Justice of the European Communities continued unabated in subsequent years even though the harsh realities of national interests began to encroach upon the earlier expectations of the Common Market as the prelude to the eventual complete integration of Europe. The new wave of writings began, however, to show signs of being more critical and analytical. Many of the works also became more practically oriented as Community institutions began to develop an ever increasing body of law to regulate the activities of commercial and industrial enterprises of the Member States and these, in their turn, began to engage a continuously expanding number of attorneys to deal with such regulations. A new type of a legal specialist—the Common Market lawyer—emerged, and his professional interests created a demand for more detailed and technical writings about Community law. As a direct result of this need, literature about the Court of Justice and the law it applies now includes an abundance of commentaries, digests, and other annotated works about Community treaties and laws in almost all official Common Market languages. Since the entry of the United Kingdom into the European Communities such works are also beginning to proliferate in English.

In addition to this incredible volume of private works about the judicial system and law of the European Communities, the Court of Justice and other Community institutions issue, either on a regularly repetitive basis or at random, an extensive number of their own official publications. Perhaps the two serial publications of most interest to lawyers are the *Reports of Cases Before the Court of Justice* and the *Official Journal of the European Communities*.

During the twenty years of its existence, the Court has been significantly instrumental in ensuring preservation and expansion of the Common Market. More than any other Community institution, the Court has been responsible for the development of Community law. Though it may be claimed that the Commission of the European Communities was the actual maker of Community laws by virtue of its power to issue regulations, directives, decisions, etc., which it has used extensively, there cannot be any doubt that the Court is the real source of the principles and theories which constitute the bases and means for expansion of Community law. According to Francois-Xavier Ortoli, President of the Commission of the European Communities in 1973, (*Sixth General Report on*

*the Activities of the Communities 1972*, 20 ANNUAIRE EUROPÉEN/EUROPEAN YEARBOOK 555 (1972)), “[the] legal order built up by the Community already constitutes a considerable monument: over and above this heritage, transmitted as such to the enlarged Europe, there certainly remains room, while respecting the basic principles governing European integration, for further progress in its construction.”

The scope of the Court’s work, as well as its “productivity,” may be glimpsed from the following statistical examples:

(i) From the establishment of the Court in 1952 to December 31, 1968, a total of 560 cases were submitted to the Court. One hundred ten cases were struck or withdrawn, and judgments were handed down by the Court in 418 cases.

(ii) In 1970 the Court received 80 new cases, of which four were withdrawn, and handed down 62 judgments.

(iii) In 1971, 96 new cases were filed with the Court. Eleven cases were withdrawn, and judgments were handed down by the Court in 78 cases.

(iv) In 1972, 82 new cases were submitted to the Court. Eleven cases were struck or withdrawn, and judgments were handed down in 90 cases.

(v) In 1973 the work of the Court more than doubled when 192 cases were submitted for hearing. Six cases were withdrawn, and the Court delivered judgments in 88 cases. At the end of 1973, 161 cases remained pending on the Court’s calendar.

(vi) Referrals from national courts of Member States for preliminary rulings of the Court under article 177 of the Treaty of Rome gradually increased over the years. This growth in the number of referrals amounts to a fairly reliable indicator of the Court’s increasing importance as a supranational judicial institution at a time when economic difficulties and differences within the Common Market should require it to show a downward trend. The number of referrals increased as follows:

1968 - 5 referrals  
1969 - 16 referrals  
1970 - 32 referrals  
1971 - 39 referrals  
1972 - 40 referrals  
1973 - 61 referrals

This bibliography attempts to bring together information about the publications of the Court of Justice and those of other Community institutions pertinent to the work of the Court, as well as relevant juridical writings about the Court and its activities published as books, essays, journal articles, comments, notes, etc. Wherever possible, individual entries are followed by short annota-

tions or explanatory comments. Annotations to the more important treatises or monographs include citations to book reviews.

This bibliography, like all legal bibliographies of its type, is selective in that it lists only those works which the compiler was able to identify and which he regards as important for research purposes. An effort is made to include entries about most, if not all, works on the Court of Justice of the European Communities published in English. Writings in the other official Community languages—Danish, Dutch, French, German, and Italian—have been treated more selectively.

The bibliography commences with a listing of official publications of the Court of Justice and other Community institutions. A list of bibliographies and other general informational materials about the Court of Justice follows. The remainder of the bibliography consists of entries of scholarly and professional works, with short annotations, dealing with the Court of Justice and its work. The entries are arranged by broad topics and alphabetically by author within each topic.

## II. PRIMARY SOURCES

### A. *Treaties, Conventions, and Protocols*

#### 1. *General.*

The Court of Justice of the European Communities owes its existence to three treaties: The Treaty Establishing the European Coal and Steel Community of April 18, 1951, the Treaty Establishing the European Economic Community of March 25, 1957, and the Treaty Establishing the European Atomic Energy Community of March 25, 1957. Together with several protocols and a number of provisions in subsequent conventions and treaties, which are listed and described in more detail below, these three main treaties define the structure, organization, and jurisdiction of the Court. [See especially: Treaty Establishing the European Coal and Steel Community, articles 31-45 and Protocol on the Statute of the Court of Justice (April 18, 1951); Treaty Establishing the European Economic Community, articles 164-188 and Protocol on the Statute of the Court of Justice of the European Economic Community (April 17, 1957); Treaty Establishing the European Atomic Energy Community, articles 136-160 and Protocol of the Statute of the Court of Justice of the European Atomic Energy Community (April 17, 1957); Convention on Certain Institutions Common to the European Communities of March 25, 1957, articles 3 and 4; Treaty Establishing a Single Council and a Single Commission of

the European Communities of April 8, 1965, article 30; and the Treaty of Accession of January 22, 1972, articles 17-20 and 142.] Furthermore, as the function of the Court consists of resolving disputes arising within the framework of the European Communities and ensuring observance of the treaties by the various Community institutions as well as Member States, a function which includes the intricate process of treaty interpretation, all of the other provisions of these treaties are also relevant to the Court's exercise of its substantive jurisdiction. In other words, such provisions determine the perimeters of the Court's power to hear cases and make decisions. A competent working knowledge of such instruments as well as sources where they are to be found is therefore essential to any research involving the Court of Justice of the European Communities.

The following checklist of treaties, annexes, protocols, conventions, and other instruments entered into by the Member States of the European Communities during the twenty-two year period from the establishment of the European Coal and Steel Community in 1951 to the latter part of 1973 offers a convenient overview of the documentary history of their evolution and development. The documents are arranged chronologically. Asterisks are placed in the lefthand margin alongside the principal treaties and other documents of special relevance to the Court of Justice.

1. \*Treaty Establishing the European Coal and Steel Community (April 18, 1951).
2. Protocol on Relations with the Council of Europe (April 18, 1951).
3. Exchange of Letters between the Government of the Federal Republic of Germany and the Government of the French Republic concerning the Saar (April 18, 1951).
4. Convention on the Transitional Provisions (April 18, 1951).
5. \*Protocol on the Statute of the Court of Justice of the European Coal and Steel Community (April 18, 1951).
6. \*Treaty Establishing the European Economic Community (March 25, 1957).
7. Protocol on the Statute of the European Investment Bank (March 25, 1957).



8. Protocol on German Internal Trade and Connected Problems (March 25, 1957).
9. Protocol on Certain Provisions Relating to France (March 25, 1957).
10. Protocol on Italy (March 25, 1957).
11. Protocol on the Grand Duchy of Luxembourg (March 25, 1957).
12. Protocol on Goods Originating in and Coming from Certain Countries and Enjoying Special Treatment when Imported into a Member State (March 25, 1957).
13. Protocol on the Treatment to be Applied to Products within the Province of the European Coal and Steel Community in Respect of Algeria and the Overseas Departments of the French Republic (March 25, 1957).
14. Protocol on Mineral Oils and Certain of their Derivatives (March 25, 1957).
15. Protocol on the Application of the Treaty Establishing the European Economic Community to the Non-European Parts of the Kingdom of the Netherlands (March 25, 1957).
16. Implementing Convention of the Association of the Overseas Countries and Territories with the Community (March 25, 1957).
17. Protocol on the Tariff Quota for Import of Bananas (March 25, 1957).
18. Protocol on the Tariff Quota for Imports of Raw Coffee (March 25, 1957).
19. Final Act (March 25, 1957).
20. Joint Declaration on Co-operation with the States Members of International Organisations (March 25, 1957).
21. Joint Declaration on Berlin (March 25, 1957).
22. Declaration of Intent on the Association of the Independent Countries of the Franc Area with the European Economic Community (March 25, 1957).

23. Declaration of Intent on the Association of the Kingdom of Libya with the European Economic Community (March 25, 1957).
24. Declaration of Intent on the Trust Territory of Somaliland currently under the Administration of the Italian Republic (March 25, 1957).
25. Declaration of Intent on the Association of Surinam and the Netherlands Antilles with the European Economic Community (March 25, 1957).
26. Declaration by the Government of the Federal Republic of Germany on the Definition of the Expression "German National" (March 25, 1957).
27. Declaration by the Government of the Federal Republic of Germany on the Application of the Treaties to Berlin (March 25, 1957).
28. Declaration by the Government of the French Republic on Applications for Patents covering Information to be Kept Secret for Defence Reasons (March 25, 1957).
29. \*Treaty Establishing the European Atomic Energy Community (March 25, 1957).
30. Protocol on the Application of the Treaty Establishing the European Atomic Energy Community to the Non-European Parts of the Kingdom of the Netherlands (March 25, 1957).
31. \*Convention on Certain Institutions Common to the European Communities (March 25, 1957).
32. \*Protocol on the Court of Justice of the European Economic Community (April 17, 1957).
33. \*Protocol on the Court of Justice of the European Atomic Energy Community (April 17, 1957).
34. Agreement Setting up an Association between the European Economic Community and Greece (July 9, 1961).
35. Agreement on the Measures to be Taken and the Procedures to be Followed for Implementing the Agreement Establishing an Association between the European Economic Community and Greece (July 9, 1961).

36. Convention on Methods of Administrative Co-operation for Implementing Articles 7 and 8 of the Agreement Establishing an Association between the European Economic Community and Greece (September 26, 1961).
37. Agreement Setting Up an Association between the European Economic Community and Turkey (September 12, 1963).
38. Agreement Concerning Measures to be Taken and the Procedures to be Followed for Application of the Agreement Setting Up an Association between the European Economic Community and Turkey (September 12, 1963).
39. \*Treaty Establishing a Single Council and a Single Commission of the European Communities (April 8, 1965).
40. Protocol on the Privileges and Immunities of the European Communities (April 8, 1965).
41. Decision of the Representatives of the Governments of the Member States on the Provisional Location of Certain Institutions and Departments of the Communities (April 8, 1965).
42. The Luxembourg Accords (January 28, 29, 1966).
43. Convention between Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands for Mutual Assistance between their Respective Customs and Administrations (September 7, 1967).
44. Convention on the Mutual Recognition of Companies and Bodies Corporate (February 29, 1968).
45. Convention on Jurisdiction and the Enforcement of Civil and Commercial Judgments (September 27, 1968).
46. Agreement Setting Up an Association between the European Economic Community and the Tunisian Republic (March 28, 1969).
47. Agreement Setting Up an Association between the European Economic Community and the Kingdom of Morocco (March 31, 1969).
48. Agreement on Standstill and Information for the Commission (May 28, 1969).

49. Convention of Association between the European Economic Community and the African and Malagasy States Associated with that Community (July 29, 1969).
50. Agreement Concerning Products Falling within the Competence of the European Coal and Steel Community (July 29, 1969).
51. Internal Agreement on the Measures to be Taken Applying the Convention of Association between the European Economic Community and the African and Malagasy States Associated with that Community and the Procedures to be Followed Therein (July 29, 1969).
52. Internal Agreement Concerning the Financing and Administration of Community Aids (July 29, 1969).
53. Agreement Establishing an Association between the European Economic Community and the United Republic of Uganda and the Republic of Kenya (ARUSHA II) (September 24, 1969).
54. Internal Agreement on the Measures to be Taken Applying the Agreement Establishing an Association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya and the Procedures to be Followed Therein (September 24, 1969).
55. Final Communiqué of the Conference of Heads of State and Government Meeting at the Hague on December 1 and 2, 1969.
56. \*Treaty Amending Certain Budgetary Provisions of the Treaties Establishing the European Communities and of the Treaty Establishing a Single Council and a Single Commission of the European Communities (April 22, 1970).
57. Agreement Creating an Association between the European Economic Community and Malta (December 5, 1970).
58. \*Protocol Concerning the Interpretation by the Court of Justice of the Convention of February 29, 1968, on the Mutual Recognition of Companies and Legal Persons (June 3, 1971).
59. \*Protocol Concerning the Interpretation by the Court of Justice of the Convention of September 27, 1968, on Jurisdiction and the Enforcement of Civil and Commercial Judgments (June 3, 1971).

60. Commission Opinion on the Applications for Accession to the European Communities by the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland (January 19, 1972).

61. Decision of the Council of the European Communities Concerning the Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Coal and Steel Community (January 22, 1972).

62. Decision of the Council of the European Communities on the Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community (January 22, 1972).

63. \*Treaty between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands (Member States of the European Communities), the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland Concerning the Accession of the the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community (January 22, 1972).

64. \*Act concerning the Conditions of Accession and the Adjustments to the Treaties (January 22, 1972).

65. Association Agreement Concerning the Accession of Mauritius to the Yaounde Convention (1969) (May 12, 1972).

66. Communiqué Issued by the Heads of State or of Government of the Countries of the Enlarged Community at Their Meeting in Paris on October 19 and 20, 1972.

67. Additional Protocols to the Association Agreement between the European Economic Community and Turkey (November 23, 1972).

68. Agreement Establishing an Association between the European Economic Community and the Republic of Cyprus (December 19, 1972).

69. Protocol Laying Down Certain Provisions Relating to the Agreement between the European Economic Community and the Arab Republic of Egypt Consequent on the Accession of New Member States to the European Economic Community (December 19, 1972).
70. Council Decision of the European Communities Adjusting the Instruments Concerning the Accession of New Member States to the European Communities (January 1, 1973).
71. Council Decision Altering the Number of Members of the Commission (January 1, 1973).
72. \*Council Decision Increasing the Number of Advocates-General (January 1, 1973).
73. Protocol Fixing Certain Provisions Relating to the Agreement between the European Economic Community and Spain in Consequence of the Accession of the New Member States to the European Economic Community (January 29, 1973).
74. Protocol Fixing Certain Provisions Relating to the Agreement between the European Economic Community and the State of Israel in Consequence of the Accession of the New Member States to the European Economic Community (January 30, 1973).
75. Protocol Laying Down Certain Provisions Relating to the Agreement Establishing an Association between the European Economic Community and the Tunisian Republic Consequent on the Accession of New Member States to the European Economic Community (February 28, 1973).
76. Protocol Laying Down Certain Provisions Relating to the Agreement Establishing an Association between the European Economic Community and the Kingdom of Morocco Consequent on the Accession of New Member States to the European Economic Community (March 2, 1973).
77. Agreement of the Representatives of the Governments of the Member States, Meeting in Council, on Information for the Commission and for the Member States with a View to Possible Harmonisation throughout the Communities of Urgent Measures Concerning the Protection of the Environment (March 5, 1973).
78. Agreement Amending the Agreement of the Representatives

of the Governments of the Member States, Meeting in Council, of May 28, 1969, Concerning Standstill and Information for the Commission (March 5, 1973).

79. Interim Agreement between the European Economic Community and Turkey Consequent on the Accession of New Member States to the Community (June 30, 1973).

80. Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States, Meeting in Council, on the Programme of Action of the European Communities on the Environment (November 22, 1973).

81. Communiqué Issued by the Foreign Ministers of the Nine Member States of the European Communities at Their Summit Meeting in Copenhagen on December 14, 1973.

The Communities and their Member States have also entered into numerous commodity and trade agreements with other countries. Most of these agreements do not bear directly on the work of the Court of Justice which makes their individual listing inappropriate in this bibliography. Information about them may, however, be found in any of the documentary compilations mentioned in this section.

The authoritative texts of the various Community treaties and other earlier instruments may be found in several official publications issued by the Office for Official Publications of the European Communities/Office des Publications Officielles des Communautés Européennes and the Publications Service of the European Communities/Service des Publications des Communautés Européennes in Luxembourg. Subsequent instruments are published in special supplements of the *Official Journal of the European Communities/Journal Officiel des Communautés Européennes* (bibliographically described below). In addition to these sources, authoritative texts of the treaties may also be found in the official treaty series of the Community Member States, and the principal treaties are also published in the French language together with unofficial English language translations in the *United Nations Treaty Series*. For example, the Treaty Establishing the European Coal and Steel Community appears in 261 U.N.T.S. 140 (1957), the Treaty Establishing the European Economic Community appears in 298 U.N.T.S. 3 (1958), the Treaty Establishing the European Atomic Energy Community may be found in 298 U.N.T.S. 167 (1958), and the Convention Relating to Certain Institutions

Common to the European Communities of March 25, 1957, appears in 298 U.N.T.S. 267 (1958).

Until January 1, 1973, when the United Kingdom joined the European Communities, the official texts of treaties and other instruments were published only in the four official languages of the Communities—Dutch, French, German, and Italian. This fact alone made the use of these documents cumbersome for anyone not familiar with these languages. Of course, numerous relatively accurate translations of the main treaties were made available by the Service des Publications des Communautés Européennes and in the United Kingdom by Her Majesty's Stationery Office. Since the entry of the United Kingdom into the Common Market and acceptance of the English language as one of the official languages of the Communities, fully authenticated and official English texts are becoming more readily available. They are published, predominantly in pamphlet form, by both the Office des Publications Officielles des Communautés Européennes in Luxembourg and Her Majesty's Stationery Office in London. For example, the following authoritative treaty texts have been published by Her Majesty's Stationery Office: Treaty Establishing the European Coal and Steel Community together with its annexes, protocols, and other instruments in Treaty Series No. 2 (1973), Cmnd. 5189 (superseding Miscellaneous Series No. 4 (1972), Cmnd. 4863); Treaty Establishing the European Economic Community and Treaty Establishing the European Atomic Energy Community together with their accompanying annexes, protocols, etc., in Treaty Series No. 1 (1973), Cmnd. 5179-II (superseding Miscellaneous Series Nos. 3, 5, 6, 7, 8 (1972), Cmnd. 4862, 4864, 4865, 4866, 4867); and Accession Treaty of 1972 in Treaty Series No. 1 (1973), Cmnd. 5179-I (superseding Miscellaneous Series No. 3 (1972), Cmnd. 4862). These pamphlet editions are, however, less convenient to use than the few available official compilations and the much larger number of well-arranged and annotated private compilations published commercially.

## 2. *Official Compilations.*

1. Communautés Européennes. Cour de Justice. RECUEIL DES TEXTES: ORGANISATION, COMPÉTENCE ET PROCÉDURE DE LA COUR. Luxembourg: Service de Documentation des Communautés Européennes, 1963. [2d revised edition, 1967.]

This is a pamphlet in French containing the three principal treaties as they relate to the Court of Justice together with the Protocols on the Statute of the Court of Justice and the Rules of Procedure pro-



mulgated by the Court. In the form of a useful and timesaving aid, it includes a table of parallel provisions of the three treaties and protocols. A new revised edition of this publication is pending.

2. EUROPEAN COMMUNITIES: TREATIES AND RELATED INSTRUMENTS. London: Her Majesty's Stationery Office, 1972. 10 volumes.

Volumes I-VI contain treaties and related instruments concluded among member states. Volumes VII-IX contain treaties and related instruments concluded by the European Communities with non-member states and international organizations, based on unofficial translations. Volume X contains an index.

This compilation is gradually being replaced by official treaty texts in the English language which have so far been published in pamphlet form within the *United Kingdom Treaty Series of Command Papers*.

3. TRAITÉS INSTITUANT LES COMMUNAUTÉS EUROPÉENNES; TRAITÉS PORTANT REVISION DE CES TRAITÉS; DOCUMENTS ANNEXÉS. Luxembourg: Office des Publications Officielles des Communautés Européennes, 1971.

An inexpensive synoptic edition of the treaties and other related instruments as of January 1, 1971 in Dutch, French, German, and Italian. A new edition, including the English text, is due to appear in the near future.

3. *Unofficial Compilations.*

1. Campbell, Alan. COMMON MARKET LAW. London: Longman; and Dobbs Ferry, N.Y.: Oceana Publications, 1969-. Three bound volumes and one looseleaf supplement binder.

Without doubt, this is the best annotated compilation of Community treaties and related documents in English. It is thorough and detailed, and is kept up by supplementation in a loose leaf binder. It contains a detailed examination of the structure, jurisdiction, practice, procedures, and interpretative techniques of the Court of Justice. Volumes I and II include the authoritative 1969 English translation of the Treaty of Rome with annotations and commentaries on the relevant case law. It also contains references to all regulations, directives, and decisions of the Community institutions, including cases on Community law in the Court of Justice of the European Communities and municipal courts of the Member States. Volume III is a revised supplement of the first two volumes. It includes updated translations of the relevant treaties, annotations thereto, commentaries, and case notes, with a very thorough indexing system. *Common Market Law* supersedes an earlier work by the same author

and Dennis Thompson entitled *Common Market Laws, Texts and Commentaries*, published by Stevens & Sons in London in 1962, and supplemented by a bound volume in 1963.

2. Commerce Clearing House, Inc. COMMON MARKET REPORTER. Chicago: Commerce Clearing House, Inc., 1962- . Looseleaf service, 3 binders.

An annotated looseleaf publication of the Treaty Establishing the European Economic Community. It includes thorough and detailed notes about the individual provisions of the EEC Treaty, accompanied by copious references to relevant Community legislation, *i.e.*, regulations, directives, and decisions. It also contains full texts of opinions handed down by the Court of Justice of the European Communities pertaining to the EEC Treaty. At the end of each year texts of such opinions are placed in separate transfer binders, and this method of maintaining accumulated looseleaf material furnishes subscribers to this service with a convenient, competently indexed set of law reports containing the decisions of the Court.

Volume III is entitled "Doing Business in Europe" and discusses the legal aspects of commerce, finance, and industry in the Common Market countries as well as in Switzerland, Austria, and Greece.

Practically oriented, this work is speedily supplemented and contains a good working bibliography of writings in English about the European Economic Community, an information section about senior EEC personnel, and a reporting service about the latest developments.

It must be noted that this work does not deal with the European Coal and Steel Community or the European Atomic Energy Community.

3. de Richemont, Jean. COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER LA COUR DE JUSTICE: CODE ANNOTÉ. Paris: Librairie du Journal des Notaires et des Avocats, 1954. Pp. xi, 651. French.

This annotated text of the Treaty Establishing the European Coal and Steel Community is superseded by other publications in this section of the bibliography.

4. ENCYCLOPEDIA OF EUROPEAN COMMUNITY LAW. (K.R. Simmonds, gen. ed.) London: Sweet & Maxwell Ltd.; Edinburgh: W. Green & Son Ltd.; New York: Matthew Bender, 1973- . Looseleaf service.

This service, produced in London and published in English, contains official English versions of European Community treaties and other instruments, published by the Office for Official Publications of the European Communities in Luxembourg. It has, therefore, a broader scope than the *CCH Common Market Reporter*, but its anno-

tations and comments are more parsimonious. The first looseleaf volume reproduces texts of municipal statutes and subordinate legislative measures dealing with the entry of the United Kingdom into the Common Market. Subsequent volumes of the *Encyclopedia* will contain texts of Community legislation—regulations, decisions, and directives issued by the Council and the Commission of the European Communities. The Rules of Procedure of the Court of Justice are also expected to be included in this work when their revision is completed.

5. Gide-Loyrette-Nouel. *DICIONNAIRE DU MARCHÉ COMMUN*. Paris. Dictionnaires Andre Joly, 1968- . Looseleaf service, 4 binders. Detailed documentation of all Community treaties and other instruments in French.

Contents pertinent to the Court of Justice include:

Volume I—The principal treaties (ECSC, EEC, EURATOM, Merger, and Accession).

Volume II—Excellent section on the Court: organization, function, judges, procedure, competence, etc. This section is separately indexed.

6. Megret, Jacques; Louis, Jean-Victor; Vignes, Daniel; Waelbroeck, Michel; & Waegenbaur, Rolf. *LE DROIT DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE: COMMENTAIRE DU TRAITÉ ET DES TEXTES PRIS POUR SON APPLICATION*. Published under the auspices of the Institut d'Études Europeennes. Brussels: Éditions de l'Université de Bruxelles, 1970- . 7 volumes, and supplements. French.

The leading annotated Belgian compilation of Community treaties and other documents, updated by regular supplements.

7. Minot, Paul. *FULL TEXT OF THE ROME TREATY AND AN ABC OF THE COMMON MARKET*. London: C. Johnson Ltd., 1962. Pp. 114.

This unofficial English translation of the EEC Treaty together with general explanatory notes about the organization and operation of the Common Market is useful as an introductory work, but is definitely dated by subsequent treaty developments within the Common Market and superseded by later publications on the subject.

8. Pasetti, G. & Trabucchi, A. *CODE DES COMMUNAUTÉS EUROPÉENNES*. Milan: Dott. A. Giuffrè Editore, 1964. French.

This volume endeavors to bring together in an easily manageable form all of the legislative sources of Community law. For each of the three separate Communities it contains the relevant treaties, protocols, and conventions, as well as regulations, decisions, and directives of the Community institutions, and legislative and regulatory mea-

asures enacted by Member States (especially France, Belgium, and Luxembourg) to carry into effect Community laws. Another section contains selective summaries of Court decisions handed down between 1954 and early 1962. The work is well organized for easy reference by a comprehensive table of contents, but there is no index.

9. Peaslee, A.J. *INTERNATIONAL GOVERNMENTAL ORGANIZATIONS*. The Hague: Martinus Nijhoff, 1961. 2 volumes.

This work contains texts of the principal treaties and related instruments, including notes on organization of the Communities and a bibliography.

10. Quadin, Rolando; Monaco, Ricardo; & Trabucchi, Alberto. *TRATTATO ISTITUTIVO DELLA COMUNITA EUROPEA DEL CARBONE E DELL'ACCIAIO; COMMENTARIO*. Milan: Dott. A. Giuffrè Editore, 1970. 3 Volumes. Italian.

A leading annotated compilation of the Treaty Establishing the European Coal and Steel Community, this work includes an index.

11. *RECUEILS PRATIQUES DU DROIT DES AFFAIRES DANS LES PAYS DU MARCHÉ COMMUN*. Paris: Jupiter, 1958- . Multi-volume looseleaf service. [Popularly known as "Collection Jupiter"]. French.

Volume 0 contains a detailed and regularly supplemented commentary on the Treaty Establishing the European Economic Community.

German text: *HANDELS-UND WIRTSCHAFTSRECHT DER LAENDER DES GEMEINSAMEN MARKTES*. Frankfurt am Main, Berlin: Alfred Metzner Verlag, 1963.

Italian text: *TRATTATO DI DIRITTO E DI LEGISLAZIONE PER GLI OPERATORI ECONOMICI NEI PAESI DEL MERCATO COMUNE*. Rome: Luigi Russo, 1963.

12. Sweet & Maxwell Ltd., ed. *EUROPEAN COMMUNITY TREATIES*. London: Sweet & Maxwell Ltd.; New York: Matthew Bender, 1972. Pp. xii, 334.

English texts of ECSC, EEC, EURATOM, Merger, and Accession treaties together with the more important annexes, protocols, and other related documents are found in this convenient reference work aimed at United Kingdom lawyers in need of English translations of the pertinent Community documents. The translations are based on the official English language versions, up to date as of January 1, 1973. The second edition is in preparation.

13. von der Groeben, Hans, von Boeckh, Hans, & Thiesing,

Jochem, eds. KOMMENTAR ZUM EWG VERTRAG. Baden-Baden: Nomos Verlagsgesellschaft, 1958. 2 volumes. [2d ed., 1974. 2 volumes.] German.

An exceptionally detailed commentary on the Treaty Establishing the European Economic Community written primarily for Community officials and experts having daily transactions with Community institutions, this work contains copious references to Community legislation under each provision of the EEC Treaty. Annotations include citations to decisions of the Court of Justice of the European Communities. It is considered the best work in the subject area.

14. Wohlfarth, Ernst; Everling, U.; Glaesner, H.J., & Sprung, R. DIE EUROPÄISCHE WIRTSCHAFTSGEMEINSCHAFT. Frankfurt am Main, Berlin: Verlag Franz Vahlen, 1960. Pp. 1,329. German.

A detailed and comprehensive commentary on the Treaty Establishing the European Economic Community with ample references to relevant legislative, judicial, and scholarly sources, this work contains a running comparison with the relevant provisions of the Treaty Establishing the European Coal and Steel Community.

It is difficult to choose between this work and the one by Groeben, *et. al.*, except that this work is dated and needs a new edition which is supposed to be in preparation.

### B. Rules of the Court

The Rules of Procedure of the Court of Justice of the European Communities were adopted by the Court on March 3, 1959, pursuant to the three Community treaties and the Statutes of the Court of Justice. Supplementary rules were promulgated by the Court on March 9, 1962, and Instructions to the Registrar were issued by the Court on June 23, 1960, and amended on April 6, 1962. A new revision of the rules is awaiting completion.

The official texts of the rules are published in all official European Community languages. An official English translation of the revised rules was approved by the Council of the European Communities on February 26, 1973 and may be found in the December 31, 1972 *Special Edition of the Supplement to the Official Journal of the European Communities*. This supplement of the *Journal* also contains the English text of Instructions to the Registrar. Eventually, these Rules and Instructions will also appear in the *Encyclopedia of European Community Law* (referenced at II(A)(3)(4) above). An earlier unofficial translation of the Rules and Instructions to the Registrar may be found in *Rules of Proce-*

*ture of the Court of Justice of the European Communities.* (London: Her Majesty's Stationery Office, 1965).

Official Dutch, French, German, and Italian texts of the rules have been published from time to time in the *Official Journal of the European Communities*. They have also been published in the various official compilations of Community documents—for example, *Recueil des Textes: Organisation, Compétence et Procédure de la Cour* (Luxembourg, Service de Documentation des Communautés Européennes, 1963 (2d revised ed., 1967))—as well as in the various commercial compilations of Community documents listed in the preceding section of this bibliography.

The following works provide annotated English translations of the earlier versions of the rules.

1. Brinkhorst, L.J. & Wittenberg, G.M., trans. THE RULES OF PROCEDURE OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES. (published under the auspices of the Europa Institut at the University of Leyden). Leiden: A.W. Sijthoff, 1962. Pp. 62 and index.

The value of this otherwise dated publication is that it contains commentaries and marginal notations of Dutch, French, German, and Italian terms employed in the four official versions of the earlier texts of the rules.

2. Valentine, D.G., THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES. London: Stevens & Sons Ltd.; South Hackensack, N.J.: Fred B. Rothman & Co., 1965. 2 volumes.

Volume 1 contains an unannotated English translation of the rules.

3. Wall, Edward H. THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES: JURISDICTION AND PROCEDURE. London: Butterworth & Co. Ltd., 1966. Pp. xxxi, 321.

Translations of individual rules are printed together with annotations and explanatory notes in the context of the subject matter throughout this work.

### C. *Instructions to the Registrar*

Instructions to the Registrar were issued by the Court on June 23, 1960, and amended by the Court on April 6, 1962.

Texts of the Instructions are invariably published with the Rules of Procedure of the Court. They may be found in most of the sources listed in the preceding section.

#### D. Community Legislation

While treaties, conventions, protocols, and other related instruments constitute the fundamental legal regime of the European Communities, they are not the sole sources of Community law. Subordinate law-making powers are also vested by the three principal treaties (EEC, ECSC, and EURATOM) in the main executive institutions or organs of the Communities. In the case of the European Coal and Steel Community this power was vested until July 1, 1969, when the Treaty Establishing a Single Council and a Single Commission of the European Communities of April 8, 1965 took effect, in the High Authority. According to article 14 of the Treaty Establishing the European Coal and Steel Community, the High Authority was authorized to "take decisions, make recommendations or deliver opinions." Article 14 also spells out the differences between these three types of measures by describing "decisions" as "binding in their entirety", "recommendations" as "binding as to the aims to be pursued but [leaving] the choice of the appropriate methods for achieving these aims to those to whom the recommendations are addressed", and "opinions" as not having any binding effect. Since July 1, 1969, these law-making powers under the European Coal and Steel Community Treaty are vested in the single Commission established by the Merger Treaty of 1965.

The law-making powers within the European Economic Community and the European Atomic Energy Community are vested in the Council and the Commission. According to article 189 of the European Economic Community Treaty and article 161 of the EURATOM Treaty:

[T]he Council and the Commission shall . . . make regulations issue directives, take decisions, make recommendations or deliver opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and method.

A decision shall be binding in its entirety upon those to whom it is addressed.

Recommendations and opinions shall have no binding force. Since July 1, 1969, this law-making authority is vested in a single Council and a single Commission for both Communities.

Regulations (and decisions made pursuant to the European Coal and Steel Community Treaty) must be published in the *Official*

*Journal of the European Communities* according to article 191 of the EEC Treaty and article 163 of the EURATOM Treaty; the ECSC Treaty, in article 15, requires publication, but does not specifically refer to the *Official Journal*. Nevertheless, a practice has been established to publish all regulations, directives, and decisions of the Communities (as well as all decisions and recommendations under the European Coal and Steel Community Treaty) in the *Official Journal*, which appears regularly in all official Community languages. In its format the *Official Journal* resembles the *Federal Register*. Since 1968 it is published in two parts: series "L" which contains Community legislation and series "C" which reports communications and information of a non-normative nature.

Since January 1, 1973, when the United Kingdom became a member of the European Communities, the *Official Journal* has been published in English. Authentic English translations of all Community laws published before that date and still in force are in the course of preparation. Several volumes of such translations have already appeared and may be obtained from the Office for Official Publications of the European Communities in Luxembourg. An unofficial English translation of Community legislation issued before November 10, 1971, and still in force on that date, was published in the United Kingdom under the title *European Communities: Secondary Legislation* (London: Her Majesty's Stationery Office, 1972. 42 volumes).

The European Communities also publish all of their legislative acts in series, similar to the *Code of Federal Regulations*, entitled *Collected Acts of the European Communities*. This series is published in looseleaf form and classifies legislation according to its subject matter. So far it has appeared only in the four original Community languages, but it is understood that an English language translation is in preparation.

A selective bibliographic list of the above publications as well as other works containing Community legislation appears below.

1. EUROPEAN COMMUNITIES: SECONDARY LEGISLATION ENGLISH TEXT. London: Her Majesty's Stationery Office, 1972. 42 volumes.

An unofficial English translation of Community legislation in force on November 10, 1971, and arranged by subject, this work includes several supplementary replacement volumes.

[For a checklist see Bowyer, *Community Legislation*, 9 COMM. MKT. L. REV. 511-519 (1972); 10 COMM. MKT. L. REV. 102-105 (1973).]



2. EUROPEAN ECONOMIC COMMUNITY REGULATIONS, 1958-1971. London: Her Majesty's Stationery Office, 1972.

Unofficial English translations of all European Economic Community regulations prepared by the Foreign and Commonwealth Office for departmental use. According to C. R. Lutyens' *Community Law*, (London: British and Irish Association of Law Librarians, 1973) this is the "only source of E.E.C. legislation in English no longer in force. Sets available in a limited number of libraries but no longer obtainable from the Department."

[For further details see GOVERNMENT PUBLICATIONS: SECTIONAL LIST No. 68: EUROPEAN COMMUNITIES. London: Her Majesty's Stationery Office, 1970- .]

3. JOURNAL OFFICIEL DES COMMUNAUTÉS EUROPÉENNES, Luxembourg: Office des Publications Officielles des Communautés Européennes, 1958- .

1. From 1952 to 1958 published as *Journal Officiel de la Communauté Européenne du Charbon et de l'Acier*.

2. Commencing with 1968 divided into two series: "L" dealing with legislation and "C" containing communications and information.

3. Under appropriate translations published also in other official Community languages. Since January 1973 published in Danish and English.

4. 1958-1969 available on microfilm.

5. For more complete bibliographic information see *Catalogue des Publications, 1952-1971*, Vol. 1 (Luxembourg: Office des Publications Officielles des Communautés Européennes, 1972. Pp. 306. Published as *Supplément hors série Bulletin des Communautés Européennes*) or its abbreviated English language translation under the name *List of the Publications of the European Communities: Supplement to the French Edition of the Catalogue of Publications of the European Communities 1952-1971* (Luxembourg: Office des Publications Officielles des Communautés Européennes, 1972. 127 p.)

4. JOURNAL OFFICIEL DES COMMUNAUTÉS EUROPÉENNES. SUPPLÉMENT AGRICOLE, 1962-1967. Luxembourg: Office des Publications Officielles des Communautés Européennes, 1968(?). Microfilm.

See note 5 in the preceding entry.

5. OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES: LEGISLATION. Special Edition (English), March 27, 1972. Luxembourg: Office for Official Publications of the European Communities, 1972.

Contains documents of Community organs concerning the accession to the European Communities by Denmark, Ireland, Norway, and the United Kingdom.

6. OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES: SPECIAL EDITION (ENGLISH), 1952-1972. London: Her Majesty's Stationery Office, 1972. 17 volumes.

Authentic English translations in chronological sequence of all Community legislation from 1952 to 1972 which was in force on January 1, 1973. Publication is in progress and some volumes are already available.

7. RECUEILS D'ACTES COMMUNAUTÉS EUROPÉENNES. Luxembourg: Office des Publications Officielles des Communautés Européennes. Irregular.

Looseleaf series of Community legislation arranged according to subject matter. Expected English language title: *Collected Acts of the European Communities*. For more bibliographic information see *Catalogue des Publications, 1952-1971*, Vol. 1 (Luxembourg: Office des Publications Officielles des Communautés Européennes, 1972. Pp. 306).

#### E. *Law Reports and Digests*

The functions of the Court of Justice of the European Communities consist in a broad sense of solving disputes falling within its jurisdiction pursuant to the provisions of the three principal Community treaties, as amended by the Merger Treaty of 1965. [See ECSC Treaty, arts. 31-45; EEC Treaty, arts. 164-88; EURATOM Treaty, arts. 136-60; Merger Treaty, arts. 8, 13, 26, 28, 30.] Adjudication of such disputes requires the Court to formulate decisions which involve interpretation of the Community treaties and related instruments, validity of legislation enacted by the main administrative organs of the Community, and the filling in of lacunae in the ensuing body of Community law. For these reasons, opinions of the Court have a much greater influence on the development of Community law than is traditional in civil law jurisdictions even though its decisions are not attributed the binding effect of precedent, which prevails in the United States and other common law countries.

Decisions of the Court of Justice of the European Communities are widely reported either in full or in abbreviated form in a variety of serial publications. A likely explanation for the multitude of such publications is the unique importance, at least in European terms, of the Court's decisions.

Important Court of Justice decisions as well as cases on Community law coming before the municipal courts of the Member States are also discussed regularly by legal specialists in a growing number of periodicals devoted to European Community law, e.g., *Sociaal—Economische Wetgeving*, *Tijdschrift voor Europees en Economisch Recht*; *Neue Juristische Wochenschrift*; *Common Market Law Review*; *Europarecht*; *Revue Trimestrielle de Droit Européen*; *Il Diritto negli Scambi Internazionali*; etc. These periodicals and others, e.g., *Rivista di Diritto Internazionale Privato e Processuale*, also publish annual surveys of Community case law. For further information, see the periodicals and topical sections of this bibliography.

### 1. *Official Publications.*

#### 1. BIBLIOGRAPHIE DE JURISPRUDENCE EUROPÉENNE CONCERNANT LES DÉCISIONS JUDICIAIRES RELATIVES AUX TRAITÉS INSTITUANT LES COMMUNAUTÉS EUROPÉENNES.

Referenced at III(1) below.

#### 2. COMPENDIA OF COMMUNITY CASE LAW. Luxembourg: Court of Justice of the European Communities, 1954-1967.

Summaries of cases decided by the Court of Justice and municipal courts of member states. Discontinued.

#### 3. DÉCISIONS NATIONALES RELATIVES AU DROIT COMMUNAUTAIRE: LISTE SÉLECTIVE DE RÉFÉRENCES AUX DÉCISIONS PUBLIÉES. Brussels: Service Juridique de la Commission des Communautés Européennes, No. 1- , 1966- .

This irregularly published list of cases on Community law decided by national tribunals of the Member States since 1958 is a convenient search tool, but badly organized and rather difficult to use. It is, however, the only available list of its kind containing references to the court decisions of Member States on Community law.

#### 4. DÉCISIONS PRÉJUDICIELLES. 2d ed. Luxembourg: Court of Justice of The European Communities, 1971. Dutch, French, German, Italian.

An irregular publication containing summaries of cases referred to the Court for preliminary rulings by national tribunals of member states under article 177 of the European Economic Community Treaty. The first edition of this very convenient work was published in 1968; the third edition is in progress. It must be presumed that the third edition will also be available in English.

5. INFORMATION SUR LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES. Luxembourg: Court of Justice of the European Communities. No. 1- , 1968- .

A quarterly bulletin summarizing cases decided by the Court. Published in Dutch, French, German, and Italian, and since January 1, 1973 also in Danish and English.

6. LIST OF JUDGMENTS GIVING THEIR CITATIONS, 1954-1972. Luxembourg: Court of Justice of the European Communities, 1973.

A mimeographed, cumulative index of the Court's decisions.

7. PROCEEDINGS OF THE COURT OF JUSTICE. Luxembourg: Court of Justice of the European Communities, 1969- .

A weekly newsletter containing information about proceedings before the Court.

[French title: *Activités de la Cour de Justice des Communautés Européennes.*]

8. PUBLICATIONS JURIDIQUES CONCERNANT L'INTÉGRATION EUROPÉENNE.

Referenced at III(14) below.

9. RECUEIL DE LA JURISPRUDENCE DE LA COUR. Luxembourg: Court of Justice of the European Communities. Volume I- , 1954- .

This is the official and most complete series of reports of the Court, including opinions of the Advocates-General. Until 1973, Dutch, French, German, and Italian versions were published. Since January 1, 1973, Danish and English language texts are also available. Each volume is thoroughly indexed, and a cumulative index to volumes I-XVIII appears in volume XVIII (1972).

Since 1975 these reports are also available in English under the title *European Court Reports*. Annual volumes for 1973 and 1974 are already available. Volumes for the years 1962 to 1972 will appear at regular intervals in the latter part of 1975, and volumes for the years 1954 to 1961 will be published in 1976.

10. SYNOPSIS OF CASES HEARD BY THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES. Luxembourg: Court of Justice of the European Communities, 1969- .

1969: Publication No. 4898

1970: Publication No. 5242

1971: Publication No. 5614

1972: Publication No. 6042

An annual report of cases heard by the Court. Available in all official Community languages, including English.

## 2. *Commercial Publications.*

1. Brinkhorst, L.J. & Schermers, H.J. JUDICIAL REMEDIES IN THE EUROPEAN COMMUNITIES: A CASE BOOK. London: Stevens & Sons Ltd.; South Hackensack, N.J.: Fred B. Rothman & Co., 1969. Pp. xxii, 275.

Compiled in the form of a casebook on the Court of Justice of the European Communities and its legal system, this work contains extracts from important Community decisions. The material is arranged by subject matter with exhaustive references to other sources, but organization of the work can generate confusion.

2. Brinkhorst, L.J. & Vermaes, S.J., eds. ARRESTEN OVER EUROPEES RECHT: RECHTSPRAAK VAN HET HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN. Haarlem: Tjeenk Willink & Zoom, 1961. Pp. vii, 233. Dutch.

The compiler of this bibliography has not examined the above work. It is apparently a version of the preceding entry.

3. COMMON MARKET LAW REPORTS. London: Common Law Reports Ltd., Volume 1- , 1961- .

Includes principal decisions of the Court of Justice and the national courts of Member States on matters pertaining to Community law since 1961.

Each report contains headnotes, a summary of facts, submissions of the parties, and the full text of the Court's opinion. Cases are edited to be more comprehensible to readers trained in common law. Since 1970, opinions are printed in English as well as in the procedural language of the particular case. This series of reports includes an excellent indexing system based on the subject headings in the headnotes. Published six times a year.

4. COMMON MARKET REPORTER. Chicago: Commerce Clearing House, Inc., 1965- . Looseleaf, 3 volumes.

In addition to an annotated English translation of the European Economic Community Treaty and other relevant materials (described elsewhere in this bibliography), this looseleaf publication contains full English language texts of the decisions of the Court of Justice under the European Economic Community Treaty since 1961. Earlier decisions are kept in transfer binders entitled *Common Market Reporter: Court Decisions: Court of Justice*. The cases, edited for

use by American lawyers, are extensively indexed, and contain ample annotations and cross-references.

5. Dölle, Hans & Zweigert, Konrad. RECHTSPRECHUNGSSAMMLUNG ZUM EUROPARECHT. Tübingen: J.C.B. Mohr, 1966- . Looseleaf, 1 volume. German.

An extensive and thorough digest (or abridgment) of cases on Community law decided by the Court of Justice and the national tribunals of Member States. Arranged by subject with headnotes, ample references to the texts of the digested decisions, and numerous indices, this work is an indispensable research source for those familiar with German. Unfortunately, supplements tend to arrive late. The main work covers cases through 1960; and only one supplement, covering cases for 1961 and 1962, has been published thus far (in 1970).

6. EUROPEAN LAW DIGEST. London: Common Law Reports Ltd., 1973- .

A monthly digest of major court decisions and legislative developments in Western European countries. It includes short summaries of cases heard by the Court of Justice of the European Communities, and is arranged by subject and extensively cross-indexed within each issue. Annual cumulative indices tend to arrive late.

7. Eversen, H.J. & Sperl, H. EUROPÄISCHE RECHTSPRECHUNG, 1953- (Kölner Schriften zum Europarecht, Volumes 2-2j to date). Cologne, Berlin, Bonn, Munich: Carl Heymanns Verlag KG, 1965- . Two volumes and continuing. German.

An annotated case law history of Community law with selected excerpts from the decisions of the European Community Court of Justice and national courts of Member States. Arranged chronologically under each treaty article with extensive cross-references and indices, this work is an excellent source for interpretation of the principal Community treaties. Each volume follows the same pattern of organization, and research from one volume to another is aided by cumulative indices.

8. Eversen, H.J. & Sperl, H. RÉPERTOIRE DE LA JURISPRUDENCE RELATIVE AUX TRAITÉS INSTITUANT LES COMMUNAUTÉS EUROPÉENNES 1953- . (L'Institut de Droit Européen de l'Université de Cologne, Volumes 3-3j to date.) Cologne, Berlin, Bonn, Munich: Carl Heymanns Verlag KG, 1965- . Two volumes and continuing.

A French version of the above work.

9. Paone, Pasquale & Coltelli, Roberto. MASSIMARIO COMPLETO DI GIURISPRUDENZA DELLA CORTE DI GIUSTIZIA DELLE COMUNITA

EUROPEE. (Serie Giuridice, No. 1). Chieti: Universita degli Studi G. D. Annunzio, 1971. Pp. ix, 839. Italian.

A digest of European Community Court of Justice cases.

10. THE TIMES—EUROPEAN LAW REPORTS. London: Times Newspapers. May 8, 1972- .

This is the famous English newspaper which, in the tradition of olden days, occasionally publishes English language translations of the more important Court of Justice decisions.

11. Valentine, D.G. THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES. London: Stevens & Sons Ltd., 1965. 2 volumes.

Volume 2 contains edited translations of major Court of Justice cases up to 1961 when the *Common Market Law Reports* (referenced at II(E)(2)(3) above) began publication. Cases are edited to be more comprehensible to lawyers trained in common law and grouped comprehensively by subject. Each chapter includes introductory background information.

### III. BIBLIOGRAPHIES AND INDICES

Bibliographic documentation of what is popularly known as Common Market literature, including official publications of the European Communities, is quite extensive. In fact, there are so many bibliographies of writings about the European Communities that efficiency of research is hampered more by proper selection than a paucity of sources. An additional difficulty, which one may encounter in researching Common Market law, is the generality of most bibliographies. Regrettably few are exclusively concerned with a more comprehensive and detailed treatment of specific topics. It is fortunate that this broad characterization of bibliographic deficiencies does not apply to the Court of Justice of the European Communities. Writings about the Court, its decisions, and, more broadly, the judicial interpretation of the Common Market treaties in the national tribunals of Member States are excellently documented in two series of regularly supplemented bibliographies—*Bibliographie de Jurisprudence Européenne Concernant les Décisions Judiciaires Relatives aux Traités, Instituant les Communautés Européennes* and *Publications Juridiques Concernant l'Intégration Européenne*—compiled by the staff of the Court of Justice. Less fortunately, these bibliographies have been published thus far only in French, and are not generally found in American law libraries.

More information about these two excellent research sources as well as other bibliographies describing Community documents, the decisions of the Court of Justice, and literature about the Common Market in general and its Court of Justice in particular appears below.

1. BIBLIOGRAPHIE DE JURISPRUDENCE EUROPÉENNE CONCERNANT LES DÉCISIONS JUDICIAIRES RELATIVES AUX TRAITÉS, INSTITUANT LES COMMUNAUTÉS EUROPÉENNES. Luxembourg: Service de Documentation de la Cour de Justice des Communautés Européennes, 1965. Pp. xxiv, 261. French.

Supplements with continuing consecutive pagination:

Supplement 1 (1967), pp. 263-370;  
Supplement 2 (1968), pp. 371-475;  
Supplement 3 (1969), pp. 477-688;  
Supplement 4 (1970), pp. 689-775;  
Supplement 5 (1973), pp. 777-1091;  
Supplement 6 is in preparation.

[Official English title since 1973: *Bibliography of European Case Law Concerning Court Rulings on the Treaties Establishing the European Communities*].

A comprehensive bibliography of all publications dealing with the activities and cases of the Court of Justice of the European Communities from 1953 through 1972. In addition to publications specifically concerned with the Court of Justice, it includes also references to books, articles, and notes discussing normative measures of the European Communities as well as decisions of national tribunals and administrative authorities of Member States pertaining to Community law. In spite of its exceptional thoroughness, the bibliography has one serious flaw. It does not indicate anywhere the coverage of literature it purports to document. The foreword states that bibliographic entries are based on publications received by the library of the Court of Justice, but one is left to guess whether the library receives in timely sequence all publications on the subject of the European Communities or, at least, Community law. In spite of this shortcoming, a brief examination of its contents seems to indicate that the bibliography has picked up, so far, most books and articles about Community law published in the English language.

Another weakness of this otherwise excellent bibliography is its confusing indifference to primary and secondary sources which tend to be listed together in a somewhat haphazard manner.

The bibliography is divided into five parts:

Part I lists general collections of cases and treaties, and other works of general nature;



Part II is divided into three chapters dealing respectively with the structure and jurisdiction of the Court, its decisions, and, decisions referred to it for preliminary rulings by the national tribunals of Member States;

Part III is also divided into three chapters dealing respectively with the jurisdiction, procedure, and decisions of the Commission of European Communities;

Part IV contains entries on literature about the activities of the national courts of Member States in Community matters, and it is also divided into three chapters; and

Part V lists writings about arbitration proceedings within the terms of Community treaties.

Chapters are divided into sections, and within each section the arrangement is alphabetical by author or main entry of the work listed therein.

In the chapter of Part II dealing with decisions of the Court, notes, comments, and even major articles are listed under the names of relevant cases. This is an interesting and useful feature, rarely employed in European bibliographies or indices. It is not as sophisticated as Shepard's Citator or West's "key system", but its inclusion of major articles under individual case names certainly extends beyond the customary practice of case note indices.

An author index is included in the main volume and in each supplement. Commencing with the first supplement, the bibliography contains also a cumulative, chronologically arranged, table of cases decided in the Court of Justice as well as the national courts of Member States, which are discussed or analyzed in the indexed literature. The fifth supplement introduces also an index of all treaty articles, provisions and protocols, and Community regulations, directives, and decisions, which are discussed in the literature cited in this supplement.

This bibliography is a major information source for any research of the Court of Justice of the European Communities or Community law.

2. BIBLIOGRAPHY OF EUROPEAN CASE LAW CONCERNING COURT RULINGS ON THE TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES. Luxembourg: Court of Justice of the European Communities, 1966. Pp. 290. (offset). 1967 Supplement.

Apparently this is an English translation of the bibliography described in the preceding entry and its first supplement, but the compiler has been unable to locate it. It is possible that the title is simply an English translation of the original French title included in other bibliographies for the convenience of English language readers. The entry is included here for completeness and on the off chance that the work actually exists.

3. BIBLIOGRAPHIE MÉTHODIQUE TRIMESTRIELLE. Strasbourg: Direction de la Documentation Parlementaire et de l'Information (under the auspices of the European Parliamentary Assembly), 1956- . French.

A general bibliography of literature about European organizations and institutions. It includes very broad coverage of writings of interest to lawyers interested in European Community law, with few entries on English language publications.

4. Commission of the European Communities. LIST OF THE PUBLICATIONS OF THE EUROPEAN COMMUNITIES IN ENGLISH. Supplement to the French edition of the CATALOGUE OF PUBLICATIONS OF THE EUROPEAN COMMUNITIES 1952-1971. Provisional edition. Brussels, Luxembourg: Office of the Official Publications of the European Communities, 1972. Pp. 127.

An abbreviated provisional translation of the preceding entry demonstrating the paucity of official documents of the European Communities in English language. Since the entry of the United Kingdom into the European Communities this shortcoming is being rapidly alleviated by appearance of official English language publications as well as by many unofficial translations of Community documents either by Her Majesty's Stationery Office in London or by private publishers. The list is useful, but will soon become outdated as more Community publications become available in English.

5. COMMON MARKET REPORTER. Chicago: Commerce Clearing House, Inc., 1965- . Looseleaf, 3 volumes.

Contains a detailed bibliography of books and periodicals in English dealing with the legal system of the European Economic Community.

6. COMMUNAUTÉS EUROPÉENNES: CATALOGUE DES PUBLICATIONS, 1952-1971 (Supplément hors série de Bulletin des Communautés Européennes). Luxembourg: Office des Publications Officielles des Communautés Européennes, 1972. Volume I, Pp. 306. Volume II in preparation. [Also published as Special Supplement to 5 BULLETIN OF THE EUROPEAN COMMUNITIES (1972)]. French.

Probably the most complete list of Community documents. Serves as an excellent checklist for serial publications of European Communities. Publications of the Court of Justice are listed on pp. 233-39.

7. Cosgrove, Carol Ann. A READER'S GUIDE TO BRITAIN AND THE

EUROPEAN COMMUNITIES. (European Series, No. 14). London: Chatham House: REP, 1970. Pp. 106.

A general guide to English literature about the Common Market with very few references to legal sources.

8. GOVERNMENT PUBLICATIONS; SECTIONAL LIST No. 68: EUROPEAN COMMUNITIES. London: Her Majesty's Stationery Office, 1970.

A rather confusing and now definitely incomplete price list of European Community documents available from Her Majesty's Stationery Office in English translations.

9. Green, A.W. POLITICAL INTEGRATION BY JURISPRUDENCE: THE WORK OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES IN EUROPEAN POLITICAL INTEGRATION. Leiden: A.W. Sijthoff, 1969. Pp. 847.

A lengthy bibliography of interesting and unusual works, many of them concerned with the Court of Justice of the European Communities, appears on pp. 545-59 of this work.

10. Koenigs, Falkmar & Hunscha, Axel. *Supranationale Europäische Gemeinschaften und internationale Wirtschaftsorganisation: Rechtsquellen und Schrifttum*, 1967 DER BETRIEB, No. 38, Beilage (Supplement) No. 11/67. German.

An interesting and useful bibliography on Community law for those who are familiar with German.

11. Lutyens, C.R. *et al.* COMMUNITY LAW: A SELECTION OF PUBLICATIONS ON THE LAW OF THE EUROPEAN ECONOMIC COMMUNITY AND THE RELEVANT LAW OF THE ORIGINAL MEMBER STATES. London: British and Irish Association of Law Librarians, 1973. Pp. v, 64.

More of a purchasing list for British law libraries than a comprehensive research tool, this guide lists treatises and major periodicals of the six original Member States of the European Communities. Nine pages are devoted to literature on the Community law and legal system. It includes good bibliographic information.

12. Paklons, L.L. BIBLIOGRAPHIE EUROPÉENNE. (College of Europe series, Cahiers de Bruges). Bruges: De Tempel, 1964.

A general guide to literature on European organizations, including the European Communities. Emphasis is placed on works dealing with political, social, and economic issues with few references to documents or legal treatises.

13. Pehrsson, Hjalmar & Wulf, Hanna. *THE EUROPEAN BIBLIOGRAPHY*. Leiden: A.W. Sijthoff, 1965. Pp. 472.

An extensive bibliography listing general works about the Common Market in six languages, predominantly concerned with European politics, economics, history, art, and culture. Each work is followed by a short commentary in English and French. It includes very little information about Community law.

14. *PUBLICATIONS JURIDIQUES CONCERNANT L'INTÉGRATION EUROPÉENNE*. Luxembourg: Service de Documentation de la Cour de Justice des Communautés Européennes, 1966. Pp. 1xviii, 994.

Supplements:

1967 - Pp. 1ii, 314.

1968 - Pp. xliv, 230.

1969 - Pp. xlv, 254.

1971 - Pp. xliii, 251.

[Probable English title: *Legal Commentary on European Integration—Legal Bibliography*]. Dutch, French, German, Italian.

A general bibliography of literature on European integration and the development of European Community law. The main volume contains entries for the period from 1952 to 1966. Rather sparse with writings on the Court of Justice or the judicial development of Community law, but may be of assistance in tracking down works of general nature. Includes a table of contents and an author index.

15. *Selected Literature on the European Common Market*, 14 *THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK* 400-404 (1959), 17 *THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK* 263-279 (1962), 18 *THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK* 308-315 (1963).

Several extensive lists of articles, books, pamphlets, and periodicals on the Common Market in English and foreign languages arranged within broad topical sections by names of authors. It is somewhat dated, but nevertheless a useful set of introductory guides to the law of the European Communities.

16. Society of Public Teachers of Law, Committee on Libraries, *Statement of Minimum Holdings of the Law of the European Communities and of Their Member States*, 13 *JOURNAL OF THE SOCIETY OF PUBLIC TEACHERS OF LAW* 113-141 (1974).

A list of recommended holdings in Common Market law for British law school libraries. The contents are similar to the bibliography by C.R. Lutyens (referenced at III(11) above).

17. **TARIF DES PUBLICATIONS DES COMMUNAUTÉS EUROPÉENNES.** Luxembourg: Office des Publications Officielles des Communautés Européennes, 1972. Pp. 162. French.

A sales catalogue of Community publications. In the absence of other bibliographies, it can be quite valuable as a checklist of Community documentary series, including the reports of the Court of Justice.

18. **WHERE TO FIND YOUR COMMUNITY LAW.** (Guides to Common Market Law, No. 1). London: British Institute of International and Comparative Law, 1972. Pp. 25.

This brief bibliographic guide to the European Communities and their legal system is very selective and lists predominantly works published in English.

19. **WHERE TO FIND YOUR COMMUNITY LAW.** 2d ed. London: British Institute of International and Comparative Law, 1973. Pp. 13.

A shorter updated edition of the preceding entry.

20. **Wild, J.E. EUROPEAN COMMON MARKET.** Revised ed. London: Library Association, 1962. Pp. 64.

Another general guide to predominantly English literature on the Common Market, for all practical purposes superseded by Cosgrove's *Reader's Guide* (referenced at III(7) above). It includes some references to pamphlets and articles.

#### IV. GENERAL INFORMATION ABOUT THE COURT

##### A. *General Sources*

A large amount of general informational material is published by the official organs of the European Communities as well as by commercial enterprises. Some of these publications contain valuable information; others concentrate on publicity usually found in tourist brochures. An attempt is made in this section of the bibliography to select the more useful of these publications which may bear some relevance to the study of the Court of Justice of the European Communities and Community law.

##### 1. *The Communities.*

1. **AGENCE EUROPE.** Luxembourg: Agence Europe.

A daily news bulletin reporting activities of the European Communities.

2. **ANNUAIRE—MANUEL DU PARLEMENT EUROPÉEN.** Luxembourg: Service de Publications des Communautés Européennes. [Probable English title: Yearbook and Manual of the European Parliament.]

Published annually for the guidance of parliamentarians, this work includes a considerable amount of useful information.

3. **BULLETIN OF THE EUROPEAN COMMUNITIES.** Brussels: Commission of the European Communities. Volume 1- , 1968- . Monthly (with frequent supplements). [Continues **BULLETIN OF THE EUROPEAN ECONOMIC COMMUNITY, 1958-1967.**]

Consists predominantly of news releases, but occasionally contains newsworthy items about organizational developments within the framework of the European Communities. Supplements can be very useful. Published in Dutch, English, French, German, Italian and Spanish.

4. **BULLETIN OF THE EUROPEAN ECONOMIC COMMUNITY.** Brussels: Commission of the European Economic Community, 1958-1967. 10 volumes. [Continued by **BULLETIN OF THE EUROPEAN COMMUNITIES.**]

5. Cocks, B. **EUROPEAN PARLIAMENT: STRUCTURE, PROCEDURE AND PRACTICE.** London: Her Majesty's Stationery Office, 1973.

6. Commission des Communautés Européennes. **RECOURS JURIDICTIONNELS CONTRE LES ACTES ADMINISTRATIFS SPECIALEMENT ÉCONOMIQUES DANS LE DROIT DES ÉTATS MEMBRES DE LA CEE.** Luxembourg: Office des Publications Officielles des Communautés Européennes, 1971. (Études-Série "Concurrence— Rapprochement des Législations," No. 12.) French, German, Italian, Dutch.

7. Commission of the European Communities. **GENERAL REPORT ON THE ACTIVITIES OF THE COMMUNITIES.** Brussels: Commission of the European Communities, No. 1- , 1967- . Annual.

An excellent source of information about the work of the Court of Justice and the development of Community law during the year covered by the report.

8. Commission of the European Economic Community. **GENERAL REPORT ON THE ACTIVITIES OF THE COMMUNITY.** Brussels: Commission of the European Economic Community, 1958-1967 (10 issues). [Continued by Commission of the European Communities, **GENERAL REPORT . . .**, no. 1- , 1967- .]

See comment to preceding entry.

9. DIRECTORY OF THE COMMISSION OF THE EUROPEAN COMMUNITIES. Brussels: Commission of the European Communities, 1972.

10. FORWARD IN EUROPE: LEGAL COOPERATION IN EUROPE: INFORMATION BULLETIN OF THE DIRECTORATE OF LEGAL AFFAIRS. Strasbourg: Directorate of Press and Information, Council of Europe, No. 1- , 1969- .

11. JOURNAL OFFICIEL DES COMMUNAUTÉS EUROPÉENNES: ANNEXE: DÉBATS DU PARLEMENT EUROPÉEN. Luxembourg: Office des Publications Officielles des Communautés Européennes, 1952- . [1952-1958: published as COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER: DÉBATS. 1958-1961/1962: published as ASSEMBLÉE PARLEMENTAIRE EUROPÉENNE: DÉBATS. 1962/1963-1967/1968: published as PARLEMENT EUROPÉEN: DÉBATS]

French, German, Italian and Dutch texts and from January, 1973, English and Danish texts. Very selective.

12. OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES: ANNEX: DEBATES OF THE EUROPEAN PARLIAMENT. Luxembourg: Office for Official Publications of the European Communities, No. 157- , 1973- .

French, German, Italian, Dutch, English and Danish texts. Nos. 1-156 not available in English or Danish. Selective.

13. Parlement Européen. DOCUMENTS DE SÉANCE. Luxembourg: Parlement Européen, 1953- . [1953-1957/1958 published as COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER: ASSEMBLÉE COMMUNE: RAPPORTS. 1958/1959-1962/1963 issued as ASSEMBLÉE PARLEMENTAIRE EUROPÉENNE: RAPPORTS.]

French, German, Italian and Dutch Texts, and from 1973 English and Danish texts.

14. PARLEMENT EUROPÉEN: INFORMATIONS. Luxembourg: European Parliament, 1967- . French.

One English issue, entitled *European Parliament: Information*, is published each year following the annual parliamentary conference of the E.E.C. Associated African and Malagasy States. It duplicates the French issue. See also *The Sittings*, published monthly.

## 2. *The Court of Justice.*

1. APERÇU DES TRAVAUX DE LA COUR DE JUSTICE DES COMMUNAUTÉS

EUROPÉENNES. Luxembourg: Service des Publications des Communautés Européennes, 1968- . 1968: pp. 10; 1969; pp. 22; 1970: pp. 24; 1971: pp. 32. Dutch, French, German, Italian.

2. COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES: SES COMPÉTENCES, SON ORGANISATION, SA PROCÉDURE. Luxembourg: Service des Publications des Communautés Européennes, 1962. Pp. 20. Dutch, French, Italian, German, English.

English title: THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES: ITS JURISDICTION, ITS ORGANIZATION, ITS PROCEDURE.

3. COUR DE JUSTICE DES Communautés EUROPÉENNES: DIXIÈME ANNIVERSAIRE: 1958-1968. Luxembourg: Service des Publications des Communautés Européennes, 1969. Pp. 36. Dutch, French, German, Italian.

4. Cour de Justice des Communautés Européennes. AUDIENCES SOLENNELLES, 1970. Luxembourg: Service des Publications des Communautés Européennes, 1971. Pp. 53. Dutch, French, German, Italian.

5. Cour de Justice des Communautés Européennes. AUDIENCES SOLENNELLES, 1953-1968. Luxembourg: Service des Publications des Communautés Européennes, 1969. Pp. 88. Dutch, French, German, Italian.

### 3. *Legal Developments in the Communities.*

Without doubt, the most valuable source of immediate information in English about the latest legal developments in the Common Market is the *Economist* (published weekly in London). Its reports about the European Communities, including important cases pending before the Court of Justice, are accurate, intelligently selective, and speedy. Research is greatly expedited by availability of detailed quarterly and cumulated annual indices.

A less comprehensive source is the *New York Times Index*, published twice monthly and cumulated annually by the New York Times Company. References in the *New York Times Index* are to the *New York Times* newspaper, which reports only the broadest or more sensational news about the Common Market.

The British Institute of International and Comparative Law in London has published since 1966 a short biweekly survey of world legal news called the *Bulletin of Legal Developments*. It is no more than a broadsheet of information, quite useful to pick up items of personal interest among a variety of reported changes in the legal



systems of all countries. It includes sections reporting developments in international and regional organizations, including the European Communities. Unfortunately, unless one wishes to receive it by airmail, it is late arriving in the United States. Regular summaries of information are subsequently reported in greater depth in the *Current Legal Developments* section of *International and Comparative Law Quarterly* which is also published by the Institute.

A considerable amount of valuable information about the work of the Court and the development of Community law may be found in separate chapters in the annual *General Reports on the Activities of the Communities* (referenced at IV(A)(1)(7) above), which are presented by the President of the Commission of European Communities. Practically complete texts of these reports can also be found in the annual volumes of the *Annuaire Européen/European Yearbook* (published under the auspices of the Council of Europe; The Hague: Martinus Nijhoff, 1955- ). Unfortunately, the *General Reports on the Activities of the Communities* are inevitably published with considerable delays, and they do not usually appear in the *Annuaire Européen* until about two or three years after the year covered in the report.

### B. Major Common Market Periodicals

Many law reviews publish occasional articles or comments about the Common Market, Community law, or, even more specifically, about the Court of Justice of the European Communities. There are, however, some law reviews and other periodicals which specialize in the Common Market or publish articles about it on a more frequent basis. For the convenience of readers, these law reviews and periodicals are listed below.

1. ANNUAIRE EUROPÉEN/EUROPEAN YEARBOOK. Published under the auspices of the Council of Europe. The Hague: Martinus Nijhoff. 1955- .

This annual is published "to promote the scientific study of European organizations and their work," and includes articles, documents, and bibliographies. It reproduces the annual general reports of the European Communities, which include detailed chapters on the Court of Justice and Community Law.

The annual reports are published in English and French. Treaties and other documents are sometimes published in French only. Articles appear in either language with a good summary in the other. The bibliography is annotated in English.

2. ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL. Paris: Centre National de la Recherche Scientifique. v. 1, 1955- .

Includes articles, comments and notes about the Common Market, its Court and laws. A notable and useful feature is its yearly survey of the Court, including complete listings of the Court's decisions, as well as discussions of new trends and issues in its practice.

An excellent cumulative index is available for 1955-64, which includes tables of cases decided by the Court of Justice and other European courts.

Surveys of the Court's activities may be found in the following volumes of this periodical:

I (1955): pp. 312-324; VII (1961): pp. 267-279; XIII (1967): pp. 245-259  
 II (1956): pp. 441-452; VIII (1962): pp. 347-362; XIV (1968): pp. 260-278  
 III (1957): pp. 221-238; IX (1963): pp. 410-438; XV (1969): pp. 290-306  
 IV (1958): pp. 307-324; X (1964): pp. 396-417; XVI (1970): pp. 346-365  
 V (1959): pp. 375-389; XI (1965): pp. 333-352; XVII (1971): pp. 366-385  
 VI (1960): pp. 489-527; XII (1966): pp. 169-182; XVIII (1972): pp. 422-437

3. AUSSENWIRTSCHAFTSDIENST DES BETRIEBS-BERATERS. Heidelberg: Verlagsgesellschaft "Recht und Wirtschaft." Vol. 1, 1954- . German.

Semi-monthly publication about various aspects of foreign trade and legal developments in the European Communities.

4. CAHIERS DE DROIT EUROPÉEN. Louvain: Éditions Nauwelaerts, 1965- . Bimonthly. French.

An excellent source for materials about the Court, including authoritative articles, bibliographies, reviews of current periodicals, and books. Each issue contains a full, authoritative discussion of the Court's current cases, and a detailed examination of its major decisions. Each issue is thoroughly indexed, and a cumulative index by author, subject, treaty articles, and case names is available in a separate volume for 1965-70.

For a useful, annotated list of recent cases decided by the Court, the reader is referred to *Chronique de Jurisprudence de la C.J.C.E.* (October 4, 1972-July 12, 1973) by J. Amphoux in 1973, pp. 661-718.

5. COMMON MARKET LAW REVIEW. London: Stevens & Sons Ltd. Vol. 1, 1963- .

Authoritative articles in English on legal problems and developments of the European Communities. This work covers proceedings and decisions of the Court and relevant national tribunals, includes excellent bibliographies with summaries, and has an index of cases arranged by dates with citations to relevant treaty provisions and comments in the review itself.

6. **EUROPARECHT.** Munich: C.H. Beck'sche Verlagsbuchhandlung. Vol. 1, 1966- . German.

Contains authoritative articles about the development of European law with continuous references to the practice of the Court of Justice of the European Communities. Excellent reviews of important cases decided by the Court, good bibliographies, and book reviews are included. It is indexed by author and subject.

7. **EUROPEAN TRANSPORT LAW.** Antwerp: Wijffels. Vol. 1, 1966- .

Many articles deal with transportation policies of the European Communities and decisions of the Court of Justice of the European Communities in relation to such policies. Multilingual.

8. **JOURNAL DU DROIT INTERNATIONAL.** Paris: Éditions Techniques S.A. Vol 1, 1874- . French.

Contains annual surveys of the Court's case law.

9. **JOURNAL OF COMMON MARKET STUDIES.** Oxford: Blackwell. Vol. 1, 1962- .

Aimed at promoting understanding of the Common Market in English speaking countries. This work contains good book reviews and surveys of current literature, and a "Register of Current Research"—index of work in progress. It is not oriented toward legal aspects or the Court in particular.

10. **RECUEIL DES COURS.** The Hague: Académie de Droit International; Leiden: A.W. Sijthoff, 1923- .

This is a yearly multivolume publication of courses given at the Académie, dealing with both private and public international law. Lecture series dealing with the Court of Justice and Community law are included. Multilingual.

11. **REVUE DU MARCHÉ COMMUN.** Paris: Revue du Marche Commun. Vol 1, 1958- . French.

A law review specializing in Community law.

12. **REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC.** Paris: Editions A. Pedone. Vol. 1, 1894- . French.

Contains useful surveys of the Court's work and short notes about recent developments in Community law.

13. **REVUE TRIMESTRIELLE DE DROIT EUROPÉEN.** Paris: Éditions Sirey Vol. 1, 1965- . French.

An excellent source for articles, bibliographies, case annotations, and annual reviews of the Court's case law by Françoise Aubert since 1967.

14. RIVISTA DI DIRITTO EUROPEO. Rome. Vol. 1, 1961- . Italian.

Yearly survey of the Court's decisions.

15. RIVISTA DI DIRITTO INTERNAZIONALE. Milan: Dott. A. Giuffrè Editore. Vol. 1, 1906- . Italian.

Recent volumes contain notes about the general jurisprudence of the Court for a given period of time, or specific decisions.

16. RIVISTA DI DIRITTO INTERNAZIONALE PRIVATO E PROCESSUALE. Padua: CEDAM, Casa Editrice Dott. Anotonio Milani. Vol. 1, 1965- . Italian.

Since 1965, this law review regularly publishes surveys of the Court's decisions written by Italo Telchini under the title *La Giurisprudenza della Corte di Giustizia delle Comunità Europee*.

For some of these surveys, see Vol. 1: pp. 437-448; Vol. II: pp. 267-286 and 711-738; Vol. III: pp. 745-758; Vol. IV: pp. 302-330; Vol. V pp. 1067-1081; and Vol. VII: pp. 434-473.

17. SOCIAAL-ECONOMISCHE WETGEVING. Zwolle: Tjeenk Willink N.V., 1952- . Monthly. Dutch.

An important law review containing leading articles and notes about the Court of Justice of the European Communities and Community law.

## V. FOUNDATIONS OF THE COMMUNITIES

This section of the bibliography lists and annotates some of the books and articles describing the organization of the European Communities and the Court of Justice. The list is by no means complete. It represents a rigid selection of English language publications and the more accessible or important works in the other languages of the European Communities.

### A. *Institutions and Their Functions*

#### 1. *Treatises and Monographs.*

1. Axline, W.A. EUROPEAN COMMUNITY LAW AND ORGANIZATIONAL DEVELOPMENT. Dobbs Ferry, N.Y.: Oceana Publications, 1968. Pp. ix, 214.

This book describes and analyzes the legal system of the European

Communities. It sees the system mainly as part of a favorable process of political and economic integration of Europe.

Favorably reviewed:

Doman, 55 A.B.A.J. 476 (1969);

Costonis, 17 AM. J. COMP. L. 483 (1969);

Kozolchyk, 11 ARIZ. L. REV. 601 (1969);

Green, 34 SASKATCHEWAN L. REV. 283 (1969).

2. Bebr, Gerhard. *JUDICIAL CONTROL OF THE EUROPEAN COMMUNITIES*. London: Stevens & Sons Ltd., 1962. Pp. xix, 268.

Contains a thorough discussion of the role of the Court in the development of Community judicial control, which Bebr sees as one of the primary forces for European integration. The main functions of the Court in exercising this judicial control are (1) "to secure the legality and constitutionality of the administration and quasi-legislature and (2) protect the interests of the parties." Bebr writes a thorough analysis of how the Court has exercised these functions, and concludes that it has been fairly successful at developing a delicate balance between Community interests, national interests, and private parties' interests.

3. Brinkhorst, L.J. & Schermers, H.G. *JUDICIAL REMEDIES IN THE EUROPEAN COMMUNITIES—A CASE BOOK*. Deventer: Kluwer; South Hackensack, N.J.: Fred B. Rothman & Co., 1969. Pp. xxii, 275.

This casebook on the Court and its legal system includes extracts from judgments together with comments and extensive references to other sources.

4. Brinkhorst, L.J. & Vermaes, S.J., eds. *ARRESTEN OVER EUROPEES RECHT; RECHTSPRAAK VAN HET HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN, verzameld en nitg*. Haarlem: H.D. Tjeenk Willink, 1969. Pp. viii, 223. Dutch.

A volume of essays about the development of Community law by the Court.

5. Catalano, Nicola. *MANUEL DE DROIT DES COMMUNAUTÉS EUROPÉENNES*. 2d ed. Paris: Dalloz et Sirey, 1965. Pp. 663. (1st ed. 1962. Pp. 455). French.

Italian edition: *MANUALE DI DIRITTO DELLE COMUNITA EUROPEE*. 2d ed. Milan: Dott. A. Giuffrè Editore, 1965. Pp. 753 (1st Italian ed. 1962. Pp. 543).

A highly useful and practical commentary on Community law by a leading expert. Dutch and German translations are supposed to be available.

6. Colin, Jean-Pierre. *LE GOUVERNEMENT DES JUGES DANS LES COMMUNAUTÉS EUROPÉENNES*. Paris: Librairie Générale de Droit et de Jurisprudence, 1966. Pp. 554. French.

A fine analytical work defining the role of the Court within the legal regime of the Communities. It includes a description of the Court from a historic perspective as well as from the point of view of the contemporary political framework of Europe, an analysis of its functions, a discussion of its methods of interpretation, sources of law, and jurisdiction, as well as an examination of its political power and influence. The author believes that the Communities are an inevitable product of a long historical development with the Court being the crowning achievement of this movement towards European integration. He is of the opinion that the Court can exercise an immense influence on the structure of European society, thereby threatening the prevailing democratic decision-making process of the Communities. In this respect, he seems to exaggerate the extent of the Court's conceptual and real powers, and he also misstates somewhat the role of the United States Supreme Court during the New Deal, which he discusses by analogy. Nevertheless, this is a leading treatise about the Court. It is fully indexed and contains a good bibliography.

7. Constandinides-Megret, C. *LE DROIT DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE ET L'ORDRE JURIDIQUE DES ÉTATS MEMBRES*. Paris: Librairie Générale de Droit et de Jurisprudence, 1967. Pp. 224. French.
8. Delvaux, Louis. *LA COUR DE JUSTICE DE LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER. Exposé Sommaire des Principes*. Paris: Librairie Générale de Droit et de Jurisprudence, 1956. Pp. 334. French.

A brief but thorough coverage of the basics of the Court's organization, competence, and procedure, and the law in force in the Community, written by one of the judges of the Court.

9. de Soto, Jean. *LA COUR DE JUSTICE DE LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER*. Paris: Institut des Hautes Études Internationales, 1958-1959. Pp. 177. French.
10. de Soto, Jean. *LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES*. Strasbourg: Thèse, 1962. Pp. 72. French.

11. Donner, Andre M. *THE ROLE OF THE LAWYER IN THE EUROPEAN COMMUNITIES*. (Rosenthal Lectures, Northwestern University School of Law). Evanston, Ill.: Northwestern University Press, 1966. Pp. 89.

General, but thought-provoking lectures on the lawyer's role in shaping Community law.

12. Elles, Neil P.M. & Vallatt, J.M. *COMMUNITY LAW THROUGH THE CASES*. London: Stevens & Sons Ltd.; New York: Matthew Bender, 1973. Pp. xxviii, 411.

In spite of its title, this work is really a case book with some descriptive annotations and comments. Case selection is quite good.

13. Feld, Werner. *THE COURT OF THE EUROPEAN COMMUNITIES: NEW DIMENSION IN INTERNATIONAL ADJUDICATION*. The Hague: Martinus Nijhoff, 1964. Pp. viii, 127.

A general description of the Court's constitution, structure, and functions. As an introductory work, it is replaced by more recent publications.

14. Ganshof van der Meersch, W.J., ed. *DROIT DES COMMUNAUTÉS EUROPÉENNES*. (Séries: Les Nouvelles). Brussels: Maison Ferdinand Larcier, 1969. Pp. cxiv, 1193. French.

One of the most comprehensive handbooks on the law of the European Communities. It is the collective product of sixty co-authors, all recognized specialists on the Common Market, and represents a complete encyclopedic treatment of Community law as it stood on July 1, 1968. It includes a detailed description of the Court.

Reviewed:

Hay, 17 *AM. J. COMP. L.* 479 (1969);

Riesenfeld, 64 *AM. J. INT'L L.* 966 (1970);

Tallon, 5 *CAHIERS DE DROIT EUROPÉEN* 737 (1969);

Iglesias Buignes, 23 *REVISTA ESPAÑOLA DE DERECHO INTERNACIONAL* 876 (1970).

15. Green, Andrew W. *POLITICAL INTEGRATION BY JURISPRUDENCE: THE WORK OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES IN EUROPEAN POLITICAL INTEGRATION*. Leiden: A.W. Sijthoff, 1969. Pp. xxvii, 847.

This is an excellent jurisprudential analysis of the Court's functions and activities within the European Communities. The language of the book may be too technical and the analysis overly intricate, but it is a work of great importance about the integrating role of the Court.

It contains, in an appendix, a compilation of opinions issued by the Court, which are classified as to the character of the parties, the subject matter of the suit, and remedy, as well as a list of cases on Community law heard in the national tribunals of Member States.

It includes also a detailed bibliography and an excellent index and several useful tables.

Reviewed by Manuel R. Angulo in 11 VA. J. INT'L L. 275 (1971).

16. Grementieri, Valerio. *IL PROCESSO COMUNITARIO (PRINCIPI E GARANZIE FUNDAMENTALI)*. Milan: Dott. A. Giuffrè Editore, 1973. Pp. ix, 262. Italian.

A recent work about Community law and its development by such Community institutions as the Court and the Commission as well as the extent and scope of its application within Member States. The work emphasizes the procedural and remedial aspects of the Court's jurisdiction. It has an author index, but lacks a subject index or a bibliography.

Reviewed in 68 AM. J. INT'L L. 221 (1975).

17. Grisoli, A. *ASPETTI GIURIDICI DELLA INTEGRAZIONE ECONOMICA EUROPEA*. Padua: CEDAM, Casa Editrice Antonio Milani, 1967. Pp. 341. Italian.

18. Ibarra-Escamilla, Juan-Luis. *LA CONSTRUCTION D'UNE ORGANISATION JUDICIAIRE COMMUNAUTAIRE DANS LES PAYS DE LA CEE*. Strasbourg: Thèse, 1970. Pp. 178. French.

- 18.1. Ipsen, Hans Peter. *EUROPÄISCHES GEMEINSCHAFTSRECHT*. Tübingen: J.C.B. Mohr, 1972. Pp. x1, 1092. German.

Leading treatise on Community law.

Reviewed by Stein in 22 AM. J. COMP. L. 156 (1974).

19. Kapteyn, P.J.G. & Verloren van Themaat, P. *INTRODUCTION TO THE LAW OF THE EUROPEAN COMMUNITIES AFTER THE ACCESSION OF NEW MEMBER STATES*. London: Sweet & Maxwell Ltd., 1973. Pp. xx, 433.

As the title indicates, this work is predominantly concerned with the adjustment of the Common Market to the entry of three new Member States. It has, however, several chapters about administration of justice within the Community and application of Community law. Unfortunately, the arrangement of the work is rather confusing and the prose is rugged, possibly because the book was originally written in Dutch and then hurriedly translated into English when the likelihood of British entry into the Common Market became a reality.

Original Dutch title: *INLEIDING TOT HET RECHT VAN DE EUROPESE GEMEENSCHAPPEN: HANDBOEK VOOR DE EUROPESE GEMEENSCHAPPEN*. Deventer: Kluwer, 1970.

Reviewed very critically in 6 LAW AND POLICY IN INTERNATIONAL BUSINESS 975-81 (1974).

Reviewed by F. Herbert in 135 ZEITSCHRIFT FÜR DAS GESAMTE HANDELSRECHT UND WIRTSCHAFTSRECHT 280 (1971).



20. Lasok, D. & Bridge, J.W. AN INTRODUCTION TO THE LAW AND INSTITUTIONS OF THE EUROPEAN COMMUNITIES. London: Butterworth & Co. Ltd., 1973. Pp. xxi, 314.

This general introduction to the system of Community law includes an excellent discussion of the Court, its powers, jurisdictional scope, remedies, limitations, and problems. A very good introductory work about the Court.

21. Lauwaars, R.H. LAWFULNESS AND LEGAL FORCE OF COMMUNITY DECISIONS. (European Aspects. A Collection of Studies Relating To European Integration. Series E: Law, No. 11). Leiden: A.W. Sijthoff, 1973. Pp. xvii, 555.

This book deals with broad principles of the administrative and constitutional law of the Communities. It explains the effect of Community administrative decisions, and the competence of the Court to annul them. It is excellently organized and documented. The bibliography is especially helpful.

22. Lecourt, Robert. LE JUGE DEVANT LE MARCHÉ COMMUN. (Études et Travaux de l'Institut Universitaire de Hautes Études Internationales, No. 10). Geneva, 1970. Pp. 69. French.

Pamphlet by a former President of the Court giving a general outline of the legal character of the Communities with an analysis of the sources of their laws, etc.

23. Lipstein, Kurt. THE LAW OF THE EUROPEAN ECONOMIC COMMUNITY. London: Butterworth & Co. Ltd., 1974. Pp. xlii, 368.

A good introductory work into the mysteries of Community law. It explains in a simple and attractive manner the structure of the Community organization, the role of the Court within it, and the respective functions and powers of Community institutions. Ample references are made to the relevant treaty provisions, regulations, and cases.

24. Louis, Jean-Victor. LES RÈGLEMENTS DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE. Brussels: Presses Universitaires de Bruxelles, 1969. Pp. 477. French.

25. Mann, Clarence J. THE FUNCTION OF JUDICIAL DECISION IN EUROPEAN ECONOMIC INTEGRATION. The Hague: Martinus Nijhoff, 1972. Pp. xiv, 567.

Analysis of the Court up to mid-1970. The author sees the Court as playing a major role in the process of legal integration as it seeks,

through its interpretation of Community treaties, to develop a common legal basis for the Common Market. The book includes a thorough analysis of problems encountered by the Court in the course of exercising its jurisdiction and provides excellent basic coverage of the subject, as well as an innovative insight into the problems of the Court with an excellent general bibliography and index of Court decisions.

26. Mathijssen, P.S.R. *A GUIDE TO EUROPEAN COMMUNITY LAW*. London: Sweet & Maxwell Ltd.; New York: Matthew Bender, 1972. Pp. 204.

A good general survey of Community law, including a general description of the Court's structure, jurisdiction, and procedure. Though short, this work is useful as an introductory tool. Unfortunately, it was published prior to the British entry into the Common Market, and omits discussion of legal problems created by an enlarged Community membership.

27. Parry, Anthony & Hardy, Stephen. *EEC LAW*. London: Sweet & Maxwell Ltd.; New York: Matthew Bender, 1973. Pp. xlvii, 511.

A concise introduction to the law and organization of the European Communities which, nevertheless, manages to be detailed and almost encyclopedic in its coverage. This book is highly recommended. It contains a full bibliography.

Reviewed by F.G. Jacobs in 89 *LAW QUARTERLY REVIEW* 586 (1973).

28. Pasetti, G. *et al.* *CODE DES COMMUNAUTÉS EUROPÉENNES*. Milan: Dott. A. Giuffrè Editore, 1967. 2 Volumes. French.

29. Pescatore, Pierre. *LE DROIT DE L'INTÉGRATION*. (Collection de Droit International I). Leiden: A.W. Sijthoff; Geneva: Institut Universitaire de Hautes Études Internationales, 1972. Pp. 100. French.

Although this volume deals more generally with Community law, it contains a section on the Court in particular as an instrument of the development of a European judicial order.

30. Rideau, Joel. *JURIDICTIONS INTERNATIONALES ET CONTRÔLE DU RESPECT DES TRAITÉS CONSTITUTIFS DES ORGANISATIONS INTERNATIONALES*. Paris: Librairie Générale de Droit de Jurisprudence, 1969. Pp. xvi 382. French.

A perceptive and provocative study of the development of such international tribunals as the Court of Justice of the European Communities and the International Court of Justice. A substantial part of the work is devoted to an analysis of the Court of Justice of the European Communities and its jurisdiction. In comparing the two

supranational tribunals, the author concludes that the European Community Court of Justice is less audacious in exercising its jurisdictional powers than the International Court of Justice.

In addition to the general text, the book includes a detailed table of cases brought before the Court each year, divided according to categories of plaintiffs and defendants. It establishes that a substantial number of the litigants are private persons or commercial enterprises. The book contains also a detailed table of cases and an excellent bibliography.

31. Scheingold, Stuart. *THE LAW IN POLITICAL INTEGRATION. THE EVOLUTION AND INTEGRATIVE IMPLICATIONS OF REGIONAL LEGAL PROCESSES IN THE EUROPEAN COMMUNITY*. Cambridge: Harvard University, Center for International Affairs, 1971. Pp. 63.

This monograph on the law of the European Community includes new data on the role of Community legal processes in European political integration. The author, a non-lawyer, sees the Court's role in the federalizing process as marginal, being mainly a validator of executive Community decisions. The analysis is excellent.

32. Scheingold, Stuart A. *THE RULE OF LAW IN EUROPEAN INTEGRATION: THE PATH OF THE SCHUMAN PLAN*. New Haven, Conn.: Yale University Press, 1965. Pp. xii, 331.

Study of the Court as a judicial arm of ECSC. The author, a non-lawyer, examines the rule of law in European integration based on case law of the Court, and looks at cases from a new point of view. He believes that the Court has played an important integrative role by the enforcement of Treaty rules. However, the Court has been limited by political considerations of member governments and by mechanical difficulties inherent in regional integration.

33. Tizzano, Antonio. *LA CORTE DI GIUSTIZIA DELLE COMUNITA EUROPEE*. Volume I. (Pubblicazioni della Facolta Giuridica dell'Universita de Napoli, LXXVIII). Naples: Casa Editrice Dott. Eugenio Jovene, 1967. Pp. xxiii, 480. Italian.

A treatise about the Court of Justice. A second volume was supposed to be published but could not be located in available bibliographies.

Reviewed by F. Matscher in 24 *ÖSTERREICHISCHE ZEITSCHRIFT FÜR ÖFFENTLICHES RECHT* 215 (1973).

34. Valenti, Angelo. *I PRINCIPI DI STRUTTURA DELLE COMUNITA EUROPEE NELLA GIURISPRUDENZA DELLA CORTE COMUNITARIA*. (Pubblicazioni dell'Istituto di Studi Giuridici della Facolta di Scienze Politiche dell'Universita di Roma, Serie, No. 8). Milan: Dott. A. Giuffre Editore, 1969. Pp. xii, 201. Italian.

A definitive study of the Court's contribution to the continuity of the Common Market. In the author's opinion, the Court emerges as the strongest integrative institution of the European Community.

Reviewed by G. Panico, 9 RIVISTA DI DIRITTO EUROPEO 151 (1969).

35. Valentine, D.G. *THE COURT OF JUSTICE OF THE EUROPEAN COAL AND STEEL COMMUNITY*. The Hague: Martinus Nijhoff, 1955. Pp. xi, 273.

This extensive treatise about the Court in the early years of its existence describes the formation, structure, jurisdiction, and procedure of the Court. This work, largely based on the Treaty of Paris establishing the European Coal and Steel Community, is an excellent reference work with emphasis on documents and other primary sources.

36. Valentine, D.G. *THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES*. London: Stevens & Sons Ltd.; South Hackensack, N.J.: Fred B. Rothman & Co., 1965. Two volumes. Pp. 671 and 872.

This work is a revised and expanded edition of *The Court of Justice of the European Coal and Steel Community* (preceding entry). It contains a thorough and detailed analysis of the Court's organization, jurisdiction, and procedure, and it is perhaps the best book on the subject in English. Includes extensive discussion of Court decisions as well as cases on Community matters decided by the courts of Member States. Full English texts of the Statutes and Rules of the Court and Instructions to the Registrar, as well as excerpted English texts of many judgments, are also included. This is an excellent book for attorneys intending to practice before the Court.

Reviewed:

H. Smit, 5 COLUM. J. TRANSNAT'L L. 324 (1966);

M. Akehurst, 82 LAW QUARTERLY REVIEW 135 (1966);

W. Feld, 65 MICH. L. REV. 819 (1967);

J. Mashaw, 40 TULANE L. REV. 467 (1966).

37. Verpraet, Georges & Lacerf, Jean. *L'EUROPE JUDICIAIRE; LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES AU SERVICE DE 185 MILLIONS D'EUROPÉENS*. Brussels: Édition Presse et Information, Communautés Européennes, 1970. Pp. 95. French.

This brief official introduction to the Court and its functions for the general public covers a variety of general topics pertaining to the Court: its origin, organization, procedure, languages, procedure in preliminary rulings, its role in the economic and social development of the European Communities, and the development of Community law and its predominance over the national laws of member states.

It provides an excellent overview, but does not include recent changes in the structure of the Common Market caused by the entry of Denmark, Ireland, and the United Kingdom.

38. von Caemmerer, Ernst, ed. *PROBLEME DES EUROPÄISCHEN RECHTES. FESTSCHRIFT FÜR WALTER HALLSTEIN*. Frankfurt am Main: Vittorio Klostermann, 1966. Pp. xi, 580. German.

Contains several essays on the Court of Justice and legal problems facing the Community.

39. Wagner, Heinz. *GRUNDBEGRIFFE DES BESCHLUSSRECHTS DER EUROPÄISCHEN GEMEINSCHAFTEN*. (Kölner Schriften zum Europarecht, Band 5). Cologne: Carl Heymanns Verlag KG, 1965. Pp. 370. German.

40. Wall, Edward H. *THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES*. London: Butterworth & Co. Ltd., 1966. Pp. xxxl, 321.

An annotated analysis of the treaty provisions establishing the Court of Justice with ample references to its decisions, including short translated excerpts from judgments defining the Court's jurisdiction and powers. The work includes also annotated Statutes of the Court, its Rules of Procedure, and Instructions to the Registrar. Organization, jurisdiction, and procedure of the Court are briefly described in an introductory chapter.

41. Wiebringhaus, Hans. *GERICHTSHOF FÜR EUROPA?* Leiden: A.W. Sijthoff, 1967. 2d rev. ed. Pp. 128. German.

42. *ZEHN JAHRE RECHTSPRECHUNG DES GERICHTSHOFS DER EUROPÄISCHEN GEMEINSCHAFTEN—DIX ANS DE JURISPRUDENCE DE LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES*. (Kölner Schriften zum Europarecht, Volume 1). Cologne: Carl Heymanns Verlag KG, 1965. Pp. xvi, 687. Predominantly French and German.

Proceedings of a Congress held in 1963 in honor of the tenth anniversary of the Court of Justice. Numerous contributions on a variety of topics relating to the function and jurisdiction of the Court present a comprehensive review of its procedural and substantive achievements.

It includes papers by Louis Cartou, Pierre Mathijsen, Alessandro Migliazza, Jacques Rueff, Italo Telchini, Konrad Zweigert, and others.

## 2. *Articles.*

1. Adler, Gerald M. *The EEC Court of Justice*, 7 *CANADIAN BAR JOURNAL* 102-27 (1964).

This brief description of the Court and its jurisdiction, followed by an evaluation of its potential influence in European affairs is aimed at the Canadian lawyer.

2. Bebr, Gerhard. *The European Coal and Steel Community: A Political and Legal Innovation*, 63 YALE LAW JOURNAL 1-43 (1953).

Although this article deals in general with the whole body of the ECSC, it does contain some very good discussion of the jurisdiction and powers of the Court.

3. Bebr, Gerhard. RULE OF LAW WITHIN THE EUROPEAN COMMUNITIES. (Lectures Delivered on February 24, 25 and 26, 1965, at the Institut d'Études Européennes de l'Université Libre de Bruxelles.) Brussels: Institut d'Études Européennes. Université Libre de Bruxelles. Pp. 33 (Enseignement Complémentaire, 11). French.

4. Breitner, Franz. *Europäische Gerichtsbarkeit*, in DAS JUSTIZRECHT DER SUPRANATIONALEN EUROPÄISCHEN GEMEINSCHAFTEN 1-47. (Dokumente Heft XI) Frankfurt am Main: Alfred Metzner Verlag, 1954. German.

5. Brinkhurst, L.J. *De Rol van het Hof van Justitie in het Recht der Europese Gemeenschappen*, 17 BESTUURSWETENSCHAPPEN 199-220 (1963). Dutch.

6. Buelow, Erich. *Das Gemeinschaftsrecht in der Rechtsprechung des Europäischen Gerichtshofes*, in EINFÜHRUNG IN DIE RECHTSFRAGEN DER EUROPÄISCHEN INTEGRATION 75-81. Cologne: Europa Union Verlag, 1969. German.

7. Casanova Demarchi, Manuel. LA FUNCION JURISDICCIONAL EN LAS CONIDADES ECONOMICAS EUROPEAS Y EL PROCESO DE INTEGRACION LATINOAMERICANO. Santiago di Chile: Editorial Juridican de Chile, 1969. Pp. 149. Spanish.

A general analysis of the Court by a Latin American lawyer.

8. Daig, H.W. *Die Gerichtsbarkeit in der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft*, 83 ARCHIV DES ÖFFENTLICHEN RECHTS 132-208 (1958). German.

An excellent overview of the legal system of the Communities, dealing with structure, personnel, and procedure; the legal foundations of the Court's power, and particular capacities of the Court

which include actions involving other institutions of the Communities, Member States and private parties.

9. Donner, A.M. *The Court of Justice of the European Communities*, 17 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 232-43 (1962).

An interesting but brief and non-detailed examination of the Court by its then President with special emphasis on the Court's procedure and powers. A substantially identical article appears in 59 THE LAW SOCIETY'S GAZETTE 444 (1962) and in 10 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY, Supplementary Publication No. 1, 66-75 (1961). Similar Dutch text: *De Rol van het Hof van Justitie in de Uitbouw van het Europees Recht*, JURIDISCHE ASPECTEN VAN DE EUROPESE INTEGRATIE 247-58. Similar French text: LE RÔLE DE LA COUR DE JUSTICE DANS L'ÉLABORATION DU DROIT EUROPÉEN. Heule, Belgium: Éditions UGA, 1964. Pp. 16.

10. Feld, Werner. *The Significance of the Court of Justice of the European Communities*, 39 NORTH DAKOTA LAW REVIEW 35-49 (1963).

A broad overview of the Court—its structure, jurisdiction, and procedure.

11. Gaudet, Michel. *The Court of Justice of the European Communities*, in WORLD PEACE THROUGH LAW; THE ATHENS WORLD CONFERENCE (C. Rhyne ed.) 203-17. St. Paul, Minn.: West Publishing Co., 1964. Pp. 874.

A very general survey of the organization, functions, and role of the Court in relation to the structure and objectives of the European Communities.

12. Gremontieri, V. & Golden, C.J., Jr. *The United Kingdom and the European Court of Justice: An Encounter Between Common and Civil Law Traditions*, 21 AMERICAN JOURNAL OF COMPARATIVE LAW 664-90 (1973).

A discussion of the Court of Justice aimed at a British and American audience emphasizing areas that differ from English procedure.

13. Hammes, Charles-Leon. *Les Caractères Essentiels de la Nature de la Cour de Justice des Communautés Européennes*, 3 BULLETIN DU CERCLE FRANÇOIS LAURENT 3-14 (1966). French.

14. Hay, Peter. *Federal Jurisdiction of the Common Market Court*, 12 AMERICAN JOURNAL OF COMPARATIVE LAW 21-40 (1963).

Discussion of the extent to which the Court as one of the principal institutions of the Common Market, reflects true federal characteristics as opposed to those of more traditional international institutions.

15. Jeantet, Fernand Charles & Loesch, Jacques. *La Cour de Justice de la C.E.C.A. Les Juridictions Internationales*, in UNION INTERNATIONALE DES AVOCATS, 114-239. Paris: Dalloz et Sirey, 1958. French.

16. Lagrange, Maurice. *The Court of Justice as a Factor in European Integration*, 15 AMERICAN JOURNAL OF COMPARATIVE LAW 709-25 (1967).

A definitive article about the Court's function within the structure of the European Community by a leading specialist on Community law and a former Advocate General of the Court.

Other contributions of Maurice Lagrange on the same subject matter are:

*La Cour de Justice de la Communauté Européenne du Charbon et de l'Acier*, 70 REVUE DU DROIT PUBLIC ET DE LA SCIENCE POLITIQUE EN FRANCE ET À L'ÉTRANGER 417-37 (1954);

*L'Ordre Juridique de la C.E.C.A. va à travers la Jurisprudence de sa Cour de Justice*, 74 REVUE DU DROIT PUBLIC ET DE LA SCIENCE POLITIQUE EN FRANCE ET À L'ÉTRANGER 841-65 (1958);

*Le Rôle de la Cour de Justice des Communautés Européennes*, in LES PROBLÈMES JURIDIQUES ET ÉCONOMIQUES DU MARCHÉ COMMUN, 41-53. Lille: Colloque des Facultés de Droit, 1959;

*Le Rôle de la Cour de Justice des Communautés Européennes tel qu'il se Dégage de sa Jurisprudence*, 24 DROIT SOCIAL 1-11 (1961);

*The Role of the Court of Justice of the European Communities as Seen Through its Case Law*, 26 LAW AND CONTEMPORARY PROBLEMS 400-17 (1961);

*L'Organisation, le Fonctionnement et le Rôle de la Cour de Justice des Communautés Européennes*, 1963 BULLETIN DE L'ASSOCIATION DES JURISTES EUROPÉENS 5-30;

*La Cour de Justice des Communautés Européennes*, 1964 ÉTUDES ET DOCUMENTS DU CONSEIL D'ÉTAT, 55-79.

17. Lloyd, Dennis. *The Court of Justice of the European Economic Community*, 16 CURRENT LEGAL PROBLEMS 34-53 (1963).

A brief examination of the organization, procedure, and jurisdiction of the Court of Justice.

18. Lloyd, Dennis. *The Court of Justice of the European Economic Community*, Lectures at the Law Faculty of the University



of London, 1962-63, in *ENGLISH LAW AND THE COMMON MARKET*, (Keeton, George W. & Schwarzenberger, Georg, eds.). London: Stevens & Sons Ltd., 1963.

A general survey of the Court of Justice in comparison with the English judicial system.

19. Lorenz, W. *General Principles of Law: Their Elaboration in the Court of Justice of the European Communities*, 13 *AMERICAN JOURNAL OF COMPARATIVE LAW* 1-29 (1964).

A review of pertinent cases to examine the extent to which the Court has been guided by general principles of law common to all Member States.

20. McMahon, J.F. *The Court of the European Communities*, 1 *JOURNAL OF COMMON MARKET STUDIES* 1-21 (1962).

A clear and concise commentary on the Court's competence and procedure, as well as the Court's uses of Community law and municipal law.

21. Minattur, Joseph. *THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES*. Malaysia: University of Singapore, 1965. Texte Polycopie. Pp. 24.

A general description of the Court.

22. *MISCELLANEA W.J. GANSHOF VAN DER MEERSCH*. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. 3 volumes.

Volume II contains several exceptionally interesting and valuable contributions about the Court of Justice of the European Communities. Some of these items are indexed separately in this bibliography.

23. Monaco, Riccardo. *La Struttura Giuridica della Comunità Europea del Carbone e dell'Acciaia*, 1950 *ANNALI DI DIRITTO INTERNAZIONALE* 45-66. Italian.

24. Monaco, Riccardo. *Notes sur l'Intégration Juridique dans les Communautés Européennes*, in *MISCELLANEA W.J. GANSHOF VAN DER MEERSCH*, Vol. II, 309-323. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. French.

The structure of the Common Market organization and the prospects of the judicial integration of Europe are examined by one of the judges of the Court.

25. Nicholaysen, Gert. *Der Gerichtshof: Funktion und Bewahrung der Judikatur*, 7 *EUROPARECHT* 375-90 (1972). German.

This commentary on the role of the Court as an integrative arm of the Communities includes brief discussion and comparison of other commentators on the role of the Court and future prospects for its development.

26. Palk, W.L. *European Court and the Common Market*, 10 *CANADIAN BAR JOURNAL* 290-309 (1967).

A general description of the Court.

27. Pescatore, P. *Aspects of the Court of Justice of the European Communities of Interest From the Point of View of International Law*, 32 *ZEITSCHRIFT FÜR AUSLÄNDISCHES ÖFFENTLICHES RECHT UND VÖLKERRECHT* 239-52 (1972).

An interesting discussion of the Court's supranational and international functions.

28. Pinay, Pierre. *La Cour de Justice des Communautés Européennes*, 1959 *REVUE DU MARCHÉ COMMUN* 138-48. French.

A general description of the Court's jurisdiction.

29. Reuter, Paul. *La Cour de Justice des Communautés Européennes et le Droit International*, in *RECUEIL D'ÉTUDES DE DROIT INTERNATIONAL EN HOMMAGE, À PAUL GUGGENHEIM* 165. Geneva: Faculté de Droit de l'Université de Genève and Institut Universitaire de Hautes Études Internationales, 1968. French.

Although many commentaries stress the federal aspect of the Community and its Court, the author here comments on their international character. Since the Communities are based on treaties, it is the function of the Court to interpret those treaties, and in this it is most often guided by international legal solutions.

30. Scheingold, Stuart A. *The Court of Justice of the European Communities and the Development of International Law*, in 59 *PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW*, APRIL 22-24, 1965, 190-95. Washington: American Society of International Law, 1965.

A short but incisive discussion of two main questions concerning the relationship of the Court to international law: (1) Is the work of the Court relevant to international law? and (2) If so, is its impact positive or negative? Progressive or regressive?

31. Schlochauer, Hans-Jürgen. *Der Gerichtshof der Europäischen Gemeinschaften als Integrationsfaktor*, in PROBLEME DES EUROPÄISCHEN RECHTS: FESTSCHRIFT FÜR WALTER HALLSTEIN 431-52. Frankfurt am Main: Vittorio Klostermann, 1966. German.

An investigation of the extent to which the jurisprudence of the Court clarifies or interprets Community law and thus promotes integration of the Community. This work is excellently organized and presented, and well documented.

32. Schlochauer, Hans-Jürgen. *Die Gerichtsbarkeit der Europäischen Gemeinschaft für Kohle und Stahl*, 3 ARCHIV DES VÖLKERRECHTS 385-414 (1951-52). German.

Good early overview of the Court of the European Coal and Steel Community. Part I of the article deals with the essence and task of the Court. Part II sketches the organization and procedure of the Court. Part III discusses the competence of the Court and its decision-making methodology.

33. Schlochauer, Hans-Jürgen. *Die Zuständigkeiten des Gerichtshofes der Europäischen Gemeinschaften*, in ZUR INTEGRATION EUROPAS: FESTSCHRIFT FÜR CARL FRIEDRICH OPHULS 167-91 (W. Hallstein & H.J. Schlochauer eds.). Karlsruhe: Verlag C.F. Muller, 1965. German.

A well documented discussion of the Court's jurisdiction in the Communities, and its role as an international, constitutional, administrative, and civil court.

34. Schwarzenberger, Georg. *The Contribution of the Court of Justice of The European Communities to European Integration*, in LAW, STATE, AND INTERNATIONAL LEGAL ORDER—ESSAYS IN HONOR OF HANS KELSEN 285-95. Knoxville, Tenn.: University of Tennessee Press, 1964.

35. Stewart, Stephen. *The Court of the Coal and Steel Community*, 1 BRITISH JOURNAL OF ADMINISTRATIVE LAW 123-28 (1954-55).

A brief survey of the structure, jurisdiction, procedure, and powers of the Court of the ECSC.

36. van Bogaert, E. *Le Caractère Juridique de la Cour de Justice des Communautés Européennes*, in MÉLANGES OFFERTS À HENRI ROLIN—PROBLÈMES DE DROIT DES GENS 449-61. Paris: Éditions A. Pedone, 1964. French.

The author stresses the supranational character of the Court as a distinguishing factor from other international jurisdictions.

37. van Heemstra, Frans & Suermondt, Guy. *Court of Justice of the European Communities*, 13 CLEVELAND-MARSHALL LAW REVIEW 187-95 (1964).

This brief description of the powers and remedies of the Court of Justice is useful as an introduction to the judicial provisions of the treaties establishing the Communities.

38. van Houtte, Alber. *La Cour de Justice de la Communauté Européenne du Charbon et de l'Acier*, II ANNUAIRE EUROPÉEN/EUROPEAN YEARBOOK 183-222 (1955). French. English summary.

An excellent general discussion of the Court of the European Coal and Steel Community, its sources of law, jurisdiction, functions, forms of appeals, personnel, and rules of procedure with a good bibliography and annotations of cases decided in 1955.

39. van Kleffens, A. *De Werking van het Hof van Justitie der Europese Gemeenschap voor Kolen en Staal in de Praktijk*, 13 BESTUURSWETENSCHAPEN 429-38 (1959). Dutch.

40. Vezzoso, Giovanni. *Rassegna di Giurisprudenza della Corte di Giustizia della C.E.C.A.*, IV RIVISTA DELLA SOCIETA 814-34 (1959). Italian.

41. White, Gillian. *The Court of Justice of the European Communities*, in AN INTRODUCTION TO THE LAW OF THE EUROPEAN ECONOMIC COMMUNITY 51-67. (B.A. Wortley ed.). Manchester: Manchester University Press; Dobbs Ferry, N.Y.: Oceana Publications, 1972.

This overview of the Court's origin, structure, role, jurisdiction, and interaction with national courts includes a brief discussion of potential problems that may arise in the application of Community law by British courts.

#### B. *The Relationship of the Court to Other Community Institutions and Member States*

1. Basse, Hermann. DAS VERHÄLTNIS ZWISCHEN DER GERICHTSBARKEIT DES GERICHTSHOFES DER EUROPÄISCHEN GEMEINSCHAFTEN UND DER DEUTSCHEN ZIVILGERICHTSBARKEIT. (Schriften zum Prozessrecht, Vol. 10). Berlin: Duncker & Humblot, 1967. Pp. 464. German.

Examination of the relation between the jurisdiction of the Court and that of the civil courts of Germany.

2. Constandinides-Megret. *LE DROIT DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE ET L'ORDRE JURIDIQUE DES ÉTATS MEMBRES*. (Bibliothèque de Droit International, t. 41). Paris: Librairie Générale de Droit et de Jurisprudence, 1967. Pp. 224. French.

3. Degan, V.-D. *Procédés d'Interprétation Tirés de la Jurisprudence de la Cour de Justice des Communautés Européennes — Exposé Comparatif avec la Jurisprudence de la Cour Internationale de Justice*, 2 *REVUE TRIMESTRIELLE DE DROIT EUROPÉEN* 189-227 (1966). French.

The author compares not only the nature of the law, but also the fundamental purposes of the Court of Justice in Luxembourg and the International Court of Justice at the Hague.

4. Dehousse, Jean-Maurice. *Du Caractère Essentiel de l'Organe Juridictionnel à Pouvoir Constitutionnel Dans Toute Structure Fédérale et Application du Principe à la Communauté Économique Européenne*, 1965 *ANNALES DE LA FACULTÉ DE DROIT DE LIÈGE* 305-34. French.

5. Feld, Werner. *The European Community Court: Its Role in the Federalizing Process*, 50 *MINNESOTA LAW REVIEW* 423-42 (1966).

This examination of the relevant functions and powers of the Court as specified by the three establishing treaties and survey of pertinent case law includes discussion of controversies between the Communities and Member States, and between Member States. Also discussed are the uniform interpretation of Community law and the Court's advisory opinions in issues of a constitutional nature.

6. Fromont, Michel. *RECHTSSCHUTZ GEGENÜBER DER VERWALTUNG IN DEUTSCHLAND, FRANKREICH, UND DEN EUROPÄISCHEN GEMEINSCHAFTEN*. (Annals Universitatis Saraviensis). (Rechts- und Wirtschaftswissenschaftliche Abteilung, Heft 26). Cologne, Berlin, Bonn, Munich: Carl Heymanns Verlag KG, 1967. Pp. 278. German.

Four articles on comparative administrative law, within Germany, France, and the European Communities. The author concludes that although the jurisprudence of the early Court was heavily guided by principles of French administrative law, its development has been equally influenced by German administrative law.

7. Kahn, Freund, Otto. *European Community Law and the British Legal System*, 4 UNIVERSITY OF TASMANIA LAW REVIEW 1-16 (1971-72).

Primarily aimed at helping the Australian lawyer understand the impact of the British entry into the European Community, this article presents a rather unusually conservative view of the probable development of Community law. The author de-emphasizes the federal and supranational aspects and envisions a growing body of uniform national laws rather than a Community law. The role of the Court is viewed through a discussion of several cases, primarily *Costa* and *van Gend en Loos* from which the author gleans a very restricted interpretation of article 177 of the European Economic Community Treaty.

8. Kropholler, Jan. *Die Europäischen Gemeinschaften und der Grundrechtsschutz*, 4 EUROPARECHT 128-46 (1969). German.

The author surveys the area of potential conflict between the Community treaties and national constitutions of Member States.

9. Lang, John Temple. *THE COMMON MARKET AND COMMON LAW*. Chicago, London: University of Chicago Press, 1966. Pp. 573.

A study of how entry into the European Economic Communities will effect Ireland, and vice-versa, emphasizing legal problems of direct investment. The article treats the Court cursorily, but includes some interesting observations on problems of adjusting Irish and Community Court jurisdictions.

10. Lauwaars, R.H. *De Bevoegdheden van het Hof van Justitie Krachtens een Toekomstig Verdrag tot Oprichting van een Europese Gemeenschap*, 16 SOCIAAL-ECONOMISCHE WETGEVING 350-406 (1968). Dutch.

Report for the annual meeting of the Dutch Association for European Law, October 5, 1968, concerning the competence of the Court under the Merger Treaty.

11. Lenhoff, Arthur. *Jurisdictional Relationship Between the Court of the European Communities and the Courts of the Member States*, 12 BUFFALO LAW REVIEW 296-326 (1963).

Comparison of jurisdictional competence of the Court under the EEC and ECSC Treaties in matters not based on Community law. The scope of the Court's exclusive powers concerning Community law issues and the problem of uniform interpretation of the treaties in proceedings before national courts are discussed.

12. Lever, Jeremy. *International Legal Aspects of the European Coal and Steel Community (Address to Grotius Society, 3rd June, 1959)*, 44 THE GROTIUS SOCIETY TRANSACTIONS 205-20 (1958-59).

One of the earlier works discussing, in the context of conflict of laws, the recognition of Community law in British courts. This work may be of practical interest to American lawyers.

13. Migliazza, Alessandro. LA CORTE DI GIUSTIZIA DELLE COMUNITA EUROPEE. (Estratto da Studi Urbinati, Anno 1958-59, Nuova Serie A, No. 11) Milan: Dott. A. Giuffrè Editore, 1961. Pp. 459. Italian.

This comparison of the Court with other international courts and the French Conseil d'Etat includes a discussion of the scope of the Court's jurisdiction with respect to national courts.

14. Ophuls, D.F. *Die Geltungsnormen des Europäischen Gemeinschaftsrechts*, in FESTSCHRIFT FÜR OTTO RIESE 1-26. Karlsruhe: Verlag C.F. Müller, 1964. German.

One of four articles presented in honor of Otto Riese, former judge of the Court. The article presents a strong statement of the extension of the Court's responsibility for European integration, examines the relationship between Community and national laws, and summarizes the legal procedures used to control the legality of Community acts and institutions.

15. Oppermann, Thomas. *Deutsche und Europäische Verfassungsrechtsprechung; Vergleichende Gedanken zur Judikatur des Bundesverfassungsgerichts und des Gerichtshofes der Europäischen Gemeinschaften*, 1967 DER STAAT 445-66. German.

Comparison of the jurisprudence of the Federal Constitutional Court of Germany and that of the Community Court. The author compares the structure and jurisdiction of the two courts.

16. Petersen, Erik. *L'Influence Possible du Droit Anglais sur le Recours en Annulation Auprès de la Cour de Justice des Communautés Européennes*, 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 256-66 (1966). French.

A brief examination of the differences and similarities of English and Community law relating to the appeals process.

17. Rideau, Joel. *Aspects Juridiques de l'Intégration Économique en Europe: les Communautés Européennes*, in LEGAL ASPECTS OF ECONOMIC INTEGRATION 187-279. (Joel Rideau ed.). (Académie de Droit International de la Haye, Colloque 1971). Leiden: A.W. Sijthoff, 1972, French.

A wide range of legal problems and the Community institutions created to handle them are examined.

18. Waelbroeck, Michel. *The Application of EEC Law by National Courts*, 19 STANFORD LAW REVIEW 1248-76 (1967).

Although this article deals primarily with the application of Community law by national courts, it includes a good discussion of the Community Court's role in establishing the supremacy of Community law. Case by case analysis of the development of the Court's position regarding the notion of 'direct applicability', the supremacy of Community law in internal litigation, and the flexibility of procedure under article 177 of the European Economic Community Treaty are discussed.

## VI. ORGANIZATION AND PROCEDURE

A single Court of Justice for all three European Communities was established by article 3 of the Convention on Certain Institutions Common to the European Communities of March 25, 1957. The organization and membership of the Court is defined in the three principal Community treaties:

The Court of Justice shall consist of eleven Judges.

The Court shall sit in plenary session. It may, however, form chambers, each consisting of three or five Judges, either to undertake certain preparatory inquiries or to adjudicate on particular categories of cases in accordance with rules laid down for these purposes

. . . .

(European Coal and Steel Community Treaty, article 32; and European Atomic Energy Community Treaty, article 137 as amended by the Treaty of Accession, article 17.)

The Court of Justice shall be assisted by three Advocates-General

. . . .

(European Coal and Steel Community Treaty, article 32(a); European Atomic Energy Community Treaty, article 166; and European Atomic Energy Community Treaty, article 138 as amended by the Treaty of Accession, article 18.)

The Court shall appoint its Registrar and lay down the rules governing his service.

(European Coal and Steel Treaty, article 32(c); European Economic Community Treaty, article 168; and European Atomic Energy Community Treaty, article 140.)



The Court shall ensure that in the interpretation and application of this Treaty . . . the law is observed.

(European Coal and Steel Community Treaty, article 31; European Economic Community Treaty, article 164; and European Atomic Energy Community Treaty, article 136.)

The procedure of the Court is established by a Statute of the Court of Justice promulgated by a protocol under each principal Community treaty: European Coal and Steel Community Treaty, article 45; European Economic Community Treaty, article 188; and European Atomic Energy Community Treaty, article 160.

For all practical purposes the statutes under all the treaties are identical. In brief, they deal with the tenure, privileges, and remuneration of judges, the organization of the Court, and procedure before the Court. The Court is also authorized to adopt its rules of procedure which require the unanimous approval of the Council. The Court has availed itself of this power, and its Rules of Procedure as well as Instructions to the Registrar are in effect.

#### A. Organization

1. Antoine, Anik. *La Cour de Justice de la C.E.C.A. et la Cour Internationale de Justice* (Étude Critique de la Cour de Justice de la C.E.C.A.), 57 *REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC* 210-61 (1953). French.

A study of the organization, competence, and procedure of the Court. The author views the Court as unique especially in regard to its administrative control over other Community organs.

2. Bachle, Hans-Ulrich. *DIE RECHTSSTELLUNG DER RICHTER AM GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN*. (Schriften zum Öffentliches Recht, vol. 6). Berlin: Duncker & Humblot, 1961. Pp. 149. German.

The author examines the legal status of the judges of the Court under the establishing treaties and related conventions. Their status is very similar to that of the judges of the International Court of Justice, but because of the federal aspect of the Communities, several modifications are necessary. The author discusses these in context of the Court's role. He sees the Court as the most important guarantee for control of the European executive until there is a popularly elected parliament to take over that control function.

3. Condorelli Braun, Nicole. *COMMISSAIRES ET JUGES DANS LES COMMUNAUTÉS EUROPÉENNES*. Paris: Librairie Générale de Droit et de Jurisprudence, 1972. Pp. 232. French.

This work deals with the powers of commissioners and judges of the Community, the relationship between these two respective branches of the Community, and the influence of nationality and other personal factors on the work of the two institutions. It includes analyses of the recruitment and careers of the judges and commissioners. This important book is favorably reviewed in 10 CAHIERS DE DROIT EUROPÉEN 487 (1974).

4. Feld, Werner. *The Judges of the Court of Justice of the European Communities*, 9 VILLANOVA LAW REVIEW 37-58 (1963).

A straightforward discussion of how judges are appointed, conditions for their removal, their judicial independence, and the background of judges.

5. Grementieri, Valerio. *L'Indipendenza dei Giurici della Corte di Giustizia delle Comunità Europee*, 22 RIVISTA DI DIRITTO PROCESSUALE 643-60 (1967). Italian.

6. Grementieri, Valerio. *Le Statut des Juges de la Cour de Justice des Communautés Européennes*, 3 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 817-30 (1967). French.

Commentary on the independence of the judges of the Court. The author finds them clearly independent, in comparison with other organs of the Community and Member States. Furthermore, the author sees the judges as relatively immune from threat of removal. The work includes some discussion of the values and disadvantages of dissenting opinions in relation to the independence of judges.

7. Hammes, Charles Leon. *Gedanken zu Funktion und Verfahren des Gerichtshofs der Europäischen Gemeinschaften*, 3 EURO-PARECHT 1-9 (1968). German.

A brief discussion of three issues affecting the Court. The author, a former President of the Court, comments on the tension between Community and national allegiance faced by the judges, the political side of Court decisions, and the feasibility of declaratory judgments by the Court. The article is incisive and illuminating.

8. Lowenfeld, Andreas F. *How the European Economic Community is Organized*, 19 THE BUSINESS LAWYER 126-34 (1963).

This symposium presented by the Section of Corporation, Banking and Business Law and Section of International and Comparative Law of the American Bar Association reviews Community institutions with emphasis on the Court and its jurisdictions.

9. Mathijsen, Pierre. *LE DROIT DE LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L'ACIER; UNE ÉTUDE DES SOURCES*. The Hague: Martinus Nijhoff, 1958. Pp. 208. French. English summary.

This analytical collection of source materials about the Court of Justice of the European Coal and Steel Community contains a detailed bibliography (pp. 194-99), which is somewhat dated.

10. Migliazza, Alessandro. *Su Alcuni Caratteri della Corte di Giustizia delle Comunità Europee*, 43 *RIVISTA DI DIRITTO INTERNAZIONALE* 220-56 (1960). Italian.

Observations on various characteristics of the Court.

11. O'Donovan, Vincent. *Changes in the Enlarged European Court*, 117 *SOLICITORS' JOURNAL* 477-79 (1973).

A convenient summary of the changes in the Court's structure since the accession of new members.

12. Sizaret, Louis. *La Cour de Justice des Communautés Européennes*, XI *ANNUAIRE EUROPÉEN/EUROPEAN YEARBOOK* 88-104 (1963). French. English Summary.

This summary of the Court's organization, structure, and jurisdiction is positive and optimistic in its approach.

### B. Procedure

1. Andre, Achim. *BEWEISFÜHRUNG UND BEWEISLAST IM VERFAHREN VOR DEM GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN*. (Kölner Schriften zum Europarecht. Vol. 6). Cologne: Carl Heymanns Verlag KG, 1966. Pp. xi, 252. German.

The first monograph dedicated completely to various aspects of evidence in the European Communities. It deals with admissible evidence and the extent of the Court's initiative in eliminating uncertainties, and who bears the procedural risk in cases of uncertainty.

Reviewed by Schumann, 4 *CAHIERS DE DROIT EUROPÉEN* 489 (1968).

Reviewed by M. Magdalena Schoch, 62 *AM. J. INT'L L.* 526-37 (1968).

2. Andre, Achim. *Evidence Before the European Court of Justice, with Special Reference to the Grundig/Consten Decision*, 5 *COMMON MARKET LAW REVIEW* 35-49 (1967).

This discussion of the adequacy of the Court's procedure relating to the procurement of evidence emphasizes the procedure laid down by the Court in the *Grundig/Consten* decision, which the author wel-

comes as providing a more reliable basis for gathering evidence without imposing too much burden on judges.

3. Berri, Mario. *The Special Procedures Before the Court of Justice of the European Communities*, 8 COMMON MARKET LAW REVIEW 5-28 (1971).

A good review of special forms of procedure of the Court as set out in the Rules of Procedure, with special emphasis on preliminary and interlocutory rulings.

4. Boneschi, Mario. *L'Esperienza Processuale della Corte di Giustizia delle Comunità Europee*, XVIII RIVISTA DI DIRITTO PROCESSUALE 140-62 (1963). Italian.

5. Bricmont, Georges. *Resumé des Règles de Compétence et de Procédure de la Cour de Justice des Communautés Européennes*, 74 JOURNAL DES TRIBUNAUX 329-32 (1959). French.

This clear, concise, and practical summary of the Court's procedure is unfortunately somewhat dated.

6. Cambier, Cyr. *Le Droit de Procédure: Principe et Elément Regulateur de l'Autorité du Juge dans les Communautés Européennes*, in DE INDIVIDUELE RECHTSBESCHERMING IN DE EUROPESE GEMEENSCHAPPEN 117-46. Antwerp, Leuven: Standaard Witgeverij, 1967. French.

7. Cohn, E.J. *Aspects of the Procedure Before the Court of Justice of the European Communities*, 1 THE SOLICITORS QUARTERLY 309-19 (1962).

An examination of the basic principles of procedure before the Court compared and contrasted to English procedure.

8. Degenhardt, Franz Josef. DIE AUSLEGUNG UND BERICHTIGUNG VON URTEILEN DES GERICHTSHOFS DER EUROPÄISCHEN GEMEINSCHAFTEN. (Schriftenreihe des Institutes für Europäisches Recht der Universität des Saarlandes. Serie A, Monographien, Band 8). Stuttgart: W. Kohlhammer, 1969. Pp. 126. German.

A discussion of decisions of the Court dealing with the interpretation of articles 40, 41, and 37 of the Protocol on the Statute of the Court of Justice. The work is clearly written and a major contribution to the literature on the legal procedure of the European Communities.

9. Dorsch, Hans J. & Legros, Henri. *LES FAITS ET LES DÉCISIONS DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE 1958-1964*. Brussels: Éditions de l'Université de Bruxelles, 1969. Pp. 543. French, German.

An annotated collection of the decisions of the Court of Justice of the European Communities and the national tribunals of Member States. Reviewed in 19 AM. J. COMP. L. 164 (1971).

10. Ehle, Dietrich. *KLAG- UND PROZESSRECHT DES EWG-VERTRAGES MIT ENTSCHIEDUNGSSAMMLUNG*. Berlin: Verlag Neue Wirtschaftsbrieft, 1966- . Looseleaf. German.

A collection of selected decisions of the Court of Justice of the European Communities and of the national tribunals of Member States with extensive commentaries and annotations. Contains texts of relevant treaty provisions.

11. Gerbrandy, S. *De Regeling van de Procedure bij het Hof van Justitie van de Europese Gemeenschappen, 2 SOCIAAL-ECONOMISCHE WETGEVING 87-105* (1960). Dutch.

12. Gori, Paolo. *Aspetti del Sistema Processuale Davanti alla Corte di Giustizia delle Comunità Europee, IV CORSO DI DIRITTO E DI ECONOMIA DELLE COMUNITA EUROPEE 163-93* (1966). Italian.

13. Grementieri, V. *Profili Procedurali dell'Adesione della Gran Bretagna alla CEE, 22 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 135-52* (1968). Italian.

An examination of the possible influence of English procedure on the organization and activity of the Court.

14. Guenther, Werner. *DIE PREKLUSION NEUER ANGRIFFS-VERTEIDIGUNGS- UND BEWEISMITTEL IM VERFAHREN VOR DEM GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN*. (Kölner Schriften zum Europarecht, no. 12). Cologne: Carl Heymanns Verlag KG, 1970. Pp. xxi, 149. German.

The admissibility of fresh evidence and new arguments in Court proceedings is carefully examined by the author of this short work.

15. Herzog, Peter. *The Procedure Before the Court of Justice of the European Communities, 41 WASHINGTON LAW REVIEW 438-88* (1966).

This thorough and detailed discussion of various aspects of procedure presents an excellent basic description and is well documented.

16. Knaub, Gilbert. *La Procédure Devant la Cour de Justice des Communautés Européennes*, 3 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 269-318 (1967). French.

The author views the Court as becoming increasingly the instrument of a federal organization. He examines both ordinary and extraordinary procedures of the Court. This clearly organized work includes analytical tables.

17. Plouvier, Liliane. *Le Recours en révision devant la Cour de Justice des Communautés Européennes*, 7 CAHIERS DE DROIT EUROPÉEN 428-44 (1971). French.

A commentary on the definition, availability, procedure, and effect of actions for reconsideration before the Court.

18. Renato, Giuseppe. *Notiziario della Corte di Giustizia delle Comunità Europee*, IX IL DIRITTO DELL'ECONOMIA 564-84 (1963). Italian.

A survey of the Court's jurisdiction and procedure.

19. Slusny, M. *Mesures provisoires dans la jurisprudence de la Cour de Justice des Communautés européennes*, 3 REVUE BELGE DE DROIT INTERNATIONAL 127-53 (1967). French.

A study of interim and suspensory procedures of the Court under articles 185 and 186 of the European Economic Community Treaty. With considerable care the author examines the prerequisites and other requirements for these procedures, the competence of the Court to grant them, their consequences, and other related issues.

20. van den Heuvel, H. *De Omvang van het kort geding voor het hof van Justitie van de Europese Gemeenschappen*, 18 SOCIAAL-ECONOMISCHE WETGEVING 131 (1970). Dutch.

A survey of recent case law on suspension of enforcement and other interim measures of summary procedure in cases of urgency. The author recommends that more provisional relief measures of this nature be made available to the Court.

21. van Reepinghen, C. & Orienne, P. *La Procédure devant la Cour de Justice des Communautés Européennes*, 76 JOURNAL DES TRIBUNAUX 89-96, 111-16, 125-34 (1961). French.

A study of the procedure of the Court with comparisons of Belgian and French rules of civil procedure. The authors defend vigorously the concept of an autonomous Community legal order. The article is

excellent for practitioners. The official text of the European Economic Community Treaty is annexed to the article.

C. *Methods of Interpretation and Language of the Court*

1. Chevallier, R. *Methods and Reasoning of the European Court in its Interpretation of Community Law*, 2 COMMON MARKET LAW REVIEW 21-35 (1964).

A description of the Court's methods of interpretation of the Community law texts. The author views these techniques as tending to create a resemblance to national courts.

2. Cintura, P. *L'Objectivisme Juridique et la Cour de Luxembourg*, 6 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 272-95 (1970). French.

The author studies the Community's need for a system of law and order and the Court's predominant role in the achievement of these objectives. Factors considered are the competence of the Court, its methods of treaty interpretation, and the Community's inherent structural problems, which impair the Court's ability to establish effective sanctions. Case law is examined to determine whether the Community's legal order is composed of both pragmatically objective law and positive law.

3. Dickschat, S.A. *Problèmes d'interprétation des traités européens résultant de leur plurilinguisme*, 3 REVUE BELGE DE DROIT INTERNATIONAL 40-60 (1968). French.

A review of the problems of interpretation caused by the plurilingual nature of the Communities and the solutions developed by the Court to alleviate them. The author deals first with the European Coal and Steel Community Treaty, which requires the official use of French only, and then the Rome Treaties, which introduce Dutch, German, and Italian as the other three official languages of the Community. He urges a uniform exegesis for all three treaties and an adherence not merely to their words, but also to their underlying concept of plurilingual integration.

4. Hay, Peter. *European Economic Community—Res Judicata and Precedent in the Court of Justice of the Common Market*, 12 AMERICAN JOURNAL OF COMPARATIVE LAW 404-08 (1963).

A case note by an eminent American specialist on Community law about the use of its own decisions as precedents by the European Community Court of Justice. In a line of cases following *van Gend en Loos v. Nederlandse Tariefcommissie*, the Court declined to treat its prior decisions as *res judicata* in subsequent cases, but accepted

the notion of their use as precedents. This is an interesting discussion of a group of important decisions.

5. Hellner, Juergen. *Die Auslegung von Entscheidungen des Gerichtshofs für die Europäische Gemeinschaften*, 29 MONATSSCHRIFT FÜR DEUTSCHES RECHT 807-09 (1966). German.

A brief analysis of the provision for interpretation of judgments by the Court. The article deals mainly with conditions of admissibility and the object of such interpretation.

6. Hoffman-Becking, Gerhard. NORMAUFBAU UND METHODE; EINE UNTERSUCHUNG ZUR RECHTSPRECHUNG DES GERICHTSHOFS DER EUROPÄISCHEN GEMEINSCHAFTEN. (Juristische Studien, Vol. 52). Tübingen: J.C.B. Mohr, 1973. Pp. 480. German.

A survey of the interpretative methods developed by the Court in application of Community treaty provisions.

7. *The Law Reports of the Common Market*, 1963 NEW ZEALAND LAW JOURNAL 66-72.

This brief discussion of the form of the law reports plus an explanation of some procedures before the Court with references to pertinent cases includes a short section on Community and national law with case references.

8. Lecheler, Helmut. DER EUROPÄISCHE GERICHTSHOF UND DIE ALLGEMEINEN RECHTSGRUNDSATZE. (Schriften zum öffentlichen Recht, Vol. 177). Berlin: Duncker & Humblot, 1971. Pp. 215. German.

A discussion of general principles found in the jurisprudence of the Court, especially as they pertain to the role of the Court in the process of the interpretation of such principles.

9. Lorenz, Werner. *Rechtsvergleichung am Gerichtshof der Europäischen Gemeinschaften*, in II FESTSCHRIFT FÜR HANS CARL NIPPERDEY ZUM 70 GEBURTSTAG (Rolf Dietz & Heinz Jubner eds.) 797-814. Munich, Berlin: E.H. Beck, 1965. German.

10. McMahon, J.F. *The Court of the European Communities: Judicial Interpretation and International Organization*, 37 THE BRITISH YEARBOOK OF INTERNATIONAL LAW 320-50 (1961).

An examination of principles used by the Court to interpret the constitutive instrument of each Community, emphasizing the European Coal and Steel Community. As an early article, this deals with the Court in its very formative stage and urges that the Court move toward a wider range of effectiveness within the scope of the treaties.



11. Migliazza, Alessandro. *La Jurisprudence de la Cour de Justice des Communautés européennes et le problème des sources du droit*, 31 ANNUAIRE DE L'ASSOCIATION DES AUDITEURS ET ANCIENS AUDITEURS DE L'ACADÉMIE DE DROIT INTERNATIONAL DE LA HAYE 96-108 (1961). Also in 1962 OESTERREICHISCHE ZEITUNG FÜR ÖFFENTLICHES RECHT 332-44. French.

The author presents the view that the Court is very liberal in its interpretation of the treaties which are the main source of Community law. The Court, according to Migliazza, has adopted the most effective and practical interpretation possible.

12. Migliazza, Alessandro. *L'Attività Interpretativa Della Corte di Giustizia Delle Comunità Supranazionali Europee*, X COMUNICAZIONI E STUDI 351-91 (1958-59). Italian.

13. Monaco, Riccardo. *Principes d'interprétation suivis par la Cour de Justice des Communautés européennes*, in MÉLANGES OFFERTS À HENRI ROLIN: PROBLÈMES DE DROIT DES GENS 217-27. Paris: Éditions A. Pedone, 1964. French.

Methods of interpretation used in the application of Community law are discussed by one of the judges of the Court.

14. Nobili, Raffaele & Rossi, Guido. *Il Trattato della C.E.C.A. Nell'Interpretazione della Corte di Giustizia*, 111 ECONOMIA INTERNAZIONALE DELLE FONTI DI ENERGIA 723-37 (1959). Italian.

15. Pescatore, Pierre. *Les Objectifs de la Communauté européenne comme principes d'interprétation dans la jurisprudence de la Cour de Justice*, in II MISCELLANEA W.J. GANSHOF VAN DER MEERSCH 325-63. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. French.

A review of four major themes of the Communities as reflected in the jurisprudence of the Court: liberty, solidarity, equality or non-discrimination, and unity. This thought provoking article by a leading Common Market specialist includes good documentation of the Court's decisions.

16. Questiaux, Nicole. *Interpretation of Community Law*, in LEGAL PROBLEMS OF AN ENLARGED EUROPEAN COMMUNITY (M.E. Bathurst ed.) 47-57. (British Institute Studies in International and Comparative Law, No. 6). London: Stevens & Sons Ltd., 1972.

A discussion of the role of the Court in developing a uniform Community law. The author defines four objectives, which she believes have guided the Court in this regard: (1) coordinating its decisions

under general jurisdictional powers with its advisory decisions under article 177 of the European Economic Community Treaty; (2) working out rules of procedure to allow easy and independent dialogue between the Court and the courts of Member States; (3) agreeing on a line of demarcation between interpretation and application; and (4) using uniform methods of interpretations to build a new set of Community principles.

17. Reuter, Paul. *Recours de la Cour de Justice des Communautés européennes à des principes généraux de droit*, in MÉLANGES OFFERTS À HENRI ROLIN: PROBLÈMES DE DROIT DES GENS 263-84. Paris: Éditions A. Pedone, 1964. French.

A study of the use of general legal principles by the Court. The Court is seen as a progressive force in the development of an independent body of Community legal thought. The author distinguishes between principles based upon the texts of the treaties (both explicitly and implicitly) and those derived from sources independent from the treaties, mainly principles common to the Member States and those of classical public international law.

18. Riese, Otto. *Das Sprachenproblem in der Praxis des Gerichtshofs der Europäischen Gemeinschaften*, in VOM DEUTSCHEN ZUM EUROPÄISCHEN RECHT 507-24. (Ernst von Caemmerer and others, eds.) (Festschrift für Hans Dölle, Vol. II). Tübingen: J.C.B. Mohr (Paul Siebeck), 1963. German.

The problems of conducting multilingual proceedings in the Court are discussed. The author concludes that although these are real problems, they have not presented a serious drawback to the development of the Court's jurisprudence. The second part of the article deals with the problems of treaty interpretation caused by the multilingual structure of the Communities.

19. Sinclair, I.M. *The Principles of Treaty Interpretation and Their Application by the English Courts*, 12 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 508-55 (1963).

A detailed discussion of the various methods and principles applied by the Court in interpretation of the Community treaties. The author also discusses the international effect of the Court's decisions, as well as their application in Great Britain in the event of its entry into the Common Market. This is a thorough analysis with comparative examinations of interpretative methods developed by English courts and international tribunals.

20. Stevens, Lisbeth. *The Principle of Linguistic Equality in Judicial Proceedings and in the Interpretation of Plurilingual*

*Legal Instruments: The Regime Linguistique in the Court of Justice of the European Communities*, 62 NORTHWESTERN UNIVERSITY LAW REVIEW 701-34 (1967).

A review of the role of language in international organizations and investigation of the principle of linguistic equality with special reference to the problems of the choice of language and linguistic difficulties in plurilingual legal instruments.

21. Telchini, Italo. *Il Regime Linguistico nella Procedura Giudiziaria delle Comunita Europee e le Sue Implicazioni Rispetto Oglì Stati Membri*, 1967-68 ANNUARIO DI DIRITTO INTERNAZIONALE 101-07. Italian.

A brief discussion of the language problem in the European Communities.

22. Valentine, D.G. *The First Judgments of the Court of Justice of the European Coal and Steel Community*, 20 MODERN LAW REVIEW 596-619 (1957).

A brief survey of the structure of the Court followed by consideration of the interpretation of legal principles given by the Court in its early decisions. It also includes a survey of eight important decisions rendered by the Court during its first four years of operation.

23. Vigni, Maria Cristina. *IL DIRITTO DELLE COMUNITA EUROPEE, QUALE RILEVATO DELLA CORTE DI GIUSTIZIA*. Texte Polycopie, 1962-63. Pp. 195. Italian.

24. Zannini, Walter. *Dell'Uniformita nell'Interpretazione dei Sistemi di Diritto delle Comunita Europee*, XV DIRITTO INTERNAZIONALE 26-43. Italian.

## VII. JURISDICTION AND POWERS

The following provisions of the three principal treaties define the jurisdiction of the Court:

European Coal and Steel Community Treaty, articles 33-44;

European Economic Community Treaty, articles 169-87;

European Atomic Energy Community Treaty, articles 141-59.

A. *General Jurisdiction, Including the Relationship of Community Law to the Laws of Member States*

1. Alder, Claudius. *KOORDINATION UND INTEGRATION ALS RECHTSPRINZIPIEN. EIN BEITRAG ZUM PROBLEM DER DEROGATORISCHEN*

KRAFT DES EUROPÄISCHEN GEMEINSCHAFTSRECHTS GEGENÜBER EINZELSTAATLICHEN RECHT. (Cahiers de Bruges, n.s., Vol. 23). Bruges: De Tempel, 1969. Pp. xxxiii, 344. German.

In analyzing the effect of Community law on the national laws of Member States, the author discusses one of the most sensitive issues of the Common Market which directly implicates the Court. The work is carefully researched and lucidly written.

2. Andre, Achim. *Zur Rechtskraft und Gestaltungswirkung der Urteile des Europäischen Gerichtshofs im Anfechtungsprozess*, 2 EUROPARECHT 97-115 (1967). German.

The author discusses the important and controversial subject of the effect and authority of the Court's decisions in proceedings brought before the national tribunals of Member States.

3. Bebr, Gehard. *The Development of a Community Law by the Court of the European Coal and Steel Community*, 42 MINNESOTA LAW REVIEW 845-78 (1958).

A brief exposition of the Court's unique nature and jurisdiction; an examination of the Court's technique in applying the sources of law upon which the treaty rests; and the Court's method of interpreting the treaty and various municipal laws. Emphasis is placed on the Court's creative role in developing European integration.

4. Bebr, Gerhard. *The Relation of the European Coal and Steel Community Law to the Law of the Member States: A Peculiar Legal Symbiosis*, 58 COLUMBIA LAW REVIEW 767-97 (1958).

The author discusses the Court's jurisdiction in relation to municipal jurisdictions and the power of the Court over other Community organs.

5. Berri, Luigi Vittorio. *Le Imprese della C.E.C.A. e della C.E.E. davanti alla Corte di Giustizia*, IX DIRITTO DELL'ECONOMIA 910-30 (1963). Italian.

6. Berri, Mario. L'INTERVENTO NEL PROCESSO DAVANTI ALLA CORTE DI GIUSTIZIA DELLE COMUNITA EUROPEE, in STUDI IN ONORE DI ANTONIO SEGNI 123-47. Milan: Dott. A. Giuffrè Editore, 1967. Same title in 18 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 682-703 (1964). Italian.

A description of the Court's jurisdiction.

7. Blase, A. *Sull'Efficiacia Interna delle Sentenze Emanate nei Confronti Degli Stati Membri dalla Corte di Giustizia delle Comu-*

nita *Europee*, 1973 RIVISTA DI DIRITTO INTERNAZIONALE 486-98. Italian.

8. Cahier, Philippe. *Le Recours en constatation de manquements des états membres devant la Cour des Communautés européennes*, 2 CAHIERS DE DROIT EUROPÉEN 123-62 (1967). French.

9. Calliano, Oreste. L'ESECUZIONE FORZATA DELLA SENTENZA DELLA CORTE DI GIUSTIZIA DELLE COMUNITA EUROPEE. Torino: Tesi di Laurea, 1967-68. Pp. 212. Italian.

This work deals with the execution of the Court's decisions.

10. *The Court of Justice of the European Community: An Institutional Analysis*, 51 IOWA LAW REVIEW 129-50 (1965).

This review note investigates pertinent treaty provisions relating to the Court's powers. It includes also a number of important cases as well as analysis of the provisions by recognized Community law authorities.

11. Daubler, Wolfgang. *Die Klage der EWG-Kommission Gegen Einen Mitgliedstaat*, 21 NEUE JURISTISCHE WOCHENSCHRIFT 325-31 (1968). German.

This short article deals with the very specialized subject of the Court's power to supervise the decisions and regulations of the Commission by means of judicial proceedings under articles 173, 175, 177, and 184 of the European Economic Community Treaty.

12. de Laubadere, Andre. *Traits Généraux du Contentieux Administratif des Communautés Européennes*, 111 RECUEIL DES COURS 527-601 (1964). (Académie de Droit International). Leiden: A.W. Sijthoff. French.

This publication of a course given at the Hague Academy of International Law by a member of the Faculte de Droit de Paris is well documented and well written.

13. Donner, Andre M. *Les Rapports Entre la Compétence de la Cour de Justice des Communautés Européennes et les Tribunaux Internes*, 115 (II) RECUEIL DES COURS (Académie de Droit International) 1-61 (1965). French.

Publication of a course given at the Hague Academy of International Law by the President of the Court. It consists of five chapters: Chapter I deals with the position of the Court in the context of the Communities; Chapter II discusses the position of the Court and of

the law developed by it within the respective jurisdictions of the Member States; Chapter III analyzes the Court's use of article 177 of the European Economic Community Treaty; Chapter IV discusses the attitude of the national courts of Member States towards article 177; Chapter V compares the judicial order of the Community structure as a whole and those of Member States. The author attempts to demonstrate in every chapter that the Court is seeking to gain recognition and respect through cooperation rather than a position of dominance. The work is well written and includes a good bibliography.

14. Droz, G.A.L. *COMPÉTENCE JUDICIAIRE ET EFFETS DES JUGEMENTS DANS LE MARCHÉ COMMUN*. (Bibliothèque de Droit International Privé, Vol. 13). Paris: Dalloz, 1972. Pp. 577. French.

15. Eynard, S.F. *L'Article 169 du Traité de Rome; 12 ans d'Application de la Procédure d'Infraction a l'Égard des États Membres de la CEE*, 10 RIVISTA DI DIRITTO EUROPEO 99-126 (1970). French.

A discussion of the procedure developed under article 169 of the European Economic Treaty, including statistics of the proceedings and questions arising under this provision.

16. Ferriere, Georges. *Le Contrôle de la Legalité des Actes Étatiques par la Cour de Justice des Communautés Européennes*, 71 REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC 879-1008 (1967). French.

Actions of Member States contravening Community treaties and laws have always constituted a complex and politically sensitive problem. The author of this article examines this question in the context of several relevant decisions of the Court of Justice of the European Communities. He highlights the deficiencies of the cumbersome procedure prescribed in these types of actions by the respective treaty provisions and points out the inherent non-judicial limitations the Court is expected to face when confronted by sovereign acts of Member States. He concludes that the Court must act in such cases in a strictly judicial manner. The article is very detailed and well documented. Both direct and indirect Community controls of state actions are discussed fully with continuous comparisons between the Paris and Rome treaties. This is definitely an important work, which ought to be translated into English.

17. Fikentscher, Wolfgang & Hoffman-Becking, Gerhard. *Einfluss der Form eines Rechtsaktes der Europäischen Gemeinschaftsorgane auf den Rechtsschutz vor dem Gerichtshof der Eu-*

*ropäischen Gemeinschaften*, 12 SOCIAAL-ECONOMISCHE WETGEVING 289-307 (1964). German.

This article discusses the effect of administrative procedural rules of the Community on the jurisdiction of the Court of Justice.

18. Fois, Paolo. *La Problematica degli accordi degli Stati Membri nella Sentenza della Corte di Giustizia delle Comunità Europee del 31 marzo 1971*, 8 RIVISTA DI DIRITTO INTERNAZIONALE E PROCESSUALE 432-49 (1972). Italian.

A review of the Court's decisions dealing with the external affairs power of the Community.

19. Glaesner, Hans. *Der Gemeinschaftsrechtsschutz vor dem Europäischen Gerichtshof*, in EINFÜHRUNG IN DIE RECHTSFRAGEN DER EUROPÄISCHEN INTEGRATION 60-66 (Arnulf Clauder ed.). Cologne: Europa Union Verlag, 1969. German.

A general discussion of the Court's jurisdiction in the enforcement of Community laws on Member States.

20. Gori, Paolo. *La Progressiva Affermazione Giudiziarica del Diritto Europeo*, XV RIVISTA DI DIRITTO CIVILE 198-213 (1969). Italian.

21. Gormley, W. Paul. *The Significant Role of French Administrative Jurisprudence as Presently Applied by the Court of the European Communities, with Emphasis on the Administrative Law Remedies Available to Private Litigants*, 8 SOUTH DAKOTA LAW REVIEW 32-77 (1963).

The author hypothesizes that the Conseil d'État has had considerable influence on the Court of Justice despite the fact that the Court exercises other judicial functions in addition to its administrative function. To develop this hypothesis, Gormley examines the administrative law functions of the Court to determine the extent of this influence.

22. Grabitz, Eberhard. *Entscheidungen und Richtlinien als unmittelbar wirksames Gemeinschaftsrecht*, 6 EUROPARECHT 1-22 (1971). German.

A detailed and rather complex discussion of the concept of direct applicability of Community decisions and directives in the Member States and the policy of the Court on this matter.

23. Gutsche, Martin. DIE BINDUNGSWIRKUNG DER URTEILE DES EUROPÄISCHEN GERICHTSHOFES. (Studien zum Internationalen Wirt-

schaftsrecht und Atomenergierecht, vol. 31). Göttingen: Institut für Völkerrecht der Universität Göttingen, 1967. Pp. 232. German.

This is the first monograph dedicated to the study of the obligatory force of judgments of the Court. It covers a wide range of types of decision.

24. Holton, Thomas. *The Judgment as an Instrument of State Deterrence in the European Communities*, 18 SYRACUSE LAW REVIEW 548-58 (1967).

A discussion of Community actions and the potential power of judicial decisions as deterrents to undesirable state conduct.

25. Ioannou, Krateros. *States as International Judgment Debtors Within the European Communities*, 22 REVUE HELLENIQUE DE DROIT INTERNATIONAL 17-44 (1969).

An analysis of cases in which the Court's judgment can be enforced against a Member State despite the relatively weak enforcement procedures laid down in the treaties. The author urges the establishment of more adequate enforcement mechanisms, especially in cases of monetary obligation. This could be done by amending article 92 of the ECSC Treaty and article 192 of the EEC Treaty to explicitly include Member States in the orbit of those roles.

26. Louis, Jean-Victor. *Ordre Public Communautaire et Interêts des États dans la Procédure en Constatation de Manquements*, in II MISCELLANEA W.J. GANSHOF VAN DER MEERSCH 225-39. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. French.

A discussion of the procedure necessary to establish the failure of a Member State to fulfill its obligations under article 169 of the European Economic Community Treaty.

27. Mashaw, Jerry L. *Federal Issues in and about the Jurisdiction of the Court of Justice of the European Communities*, 40 TULANE LAW REVIEW 21-57 (1965-66).

A study of the Court's jurisdiction in the framework of two federal issues: (1) the Court's jurisdiction to define Community-municipal spheres of competence, and (2) its jurisdiction to insure the effectiveness of Community ("Federal") law. It includes an extensive analysis of issues.

28. Matthies, Heinrich. *Die Bindungswirkung von Urteilen des Gerichtshofes der Europäischen Gemeinschaften*, in PROBLEME DES



EUROPÄISCHEN RECHTS: FESTSCHRIFT FÜR WALTER HALLSTEIN 304-21. Frankfurt am Main: Vittorio Klostermann, 1966. German.

A well documented discussion of the binding effect of the Court's decisions.

29. Matthies, Heinrich. *Zur Nachprüfungsbefugnis des Gerichtshofs der Montanunion*, 16 ZEITSCHRIFT FÜR AUSLÄNDISCHES ÖFFENTLICHES RECHT UND VÖLKERRECHT 427-50 (1955-56). German.

A discussion of the extent of the Court's power to review the decisions and acts of the High Authority of the ECSC according to article 33 of the European Coal and Steel Community Treaty.

30. Mertens de Wilmars, J. *Het Onderscheid Tussen Beschikking en Verordening in Het Legaliteitscontentieux van de EEG*, 25 TIJDSCHRIFT VOOR BESTUURSWETENSCHAPPEN EN PUBLIEKRECHT 440-49 (1970). Dutch.

31. Mertens de Wilmars, J. & Verougstraete, I.M. *Proceeding Against Member States for Failure to Fulfill Their Obligations*, 7 COMMON MARKET LAW REVIEW 385-406 (1970).

A long and definitive survey of the Court's power to review the legality of Community acts either directly pursuant to article 169 of the European Economic Community Treaty or by means of a referral from a national court of a Member State for a preliminary ruling. The article contains an abundance of references to case law and legal literature pertaining to these subjects.

32. Migliazza, Alessandro. *Il Procedimento Innanzi alla Corte di Giustizia della Comunita Europea*, 15 RIVISTA DI DIRITTO PROCESSUALE 233-66 (1960). Italian.

33. Migliazza, Alessandro. *Il Ricorso Perinazione nel Trattato della C.E.C.A.*, XIII COMUNICAZIONI E STUDI 37-74 (1969). Italian.

34. Migliazza, Alessandro. *La Corte di Giustizia delle Comunita europee e Il Suo Ambito di Giurisdizione*, 14 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 495-560 (1960). Italian.

A discussion of the scope of the Court's jurisdiction.

35. Migliazza, Alessandro. *Problemi Generali Relativi al Processo Dinanzi alla Corte di Giustizia della Comunita Sopranazionali Europee*, 26 STUDI URBINATI 181-235 (1957-58). Italian.

36. Monaco, Riccardo. *Osservazioni sulla Giurisdizione della Corte di Giustizia delle Comunità Europee*, 13 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 1413-35 (1959). Italian.

A comparison of the jurisdiction granted to the Court by the Treaty of Paris with that granted by the Treaty of Rome.

Published in French as OBSERVATIONS SUR LA JURIDICTIONS DE LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES. Paris: Centre Française de Droit Comparé, 1962. Pp. 19.

37. Neri, Sergio. LA PROTECTION JURIDICTIONNELLE DES PARTICULIERS DANS LES COMMUNAUTÉS EUROPÉENNES. (Centre International d'Études et de Recherches Européennes Cours). Heule, Belgium: Editions UGA, 1965. Pp. 88. French.

38. Pellicer Valero, J. & Agustin, Jesus. *La Naturaleza Jurisdiccional del Tribunal de Justicia de las Comunidades Europeas*, 1964 TEMIS 41-65. Spanish.

39. Rasquin, Gerard & Chevallier, Roger-Michel. *L'Article 173 Alinéa 2 du Traité C.E.E.*, 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 31-46 (1966). French.

A discussion of the Court's jurisdiction under article 173(2) of the European Economic Community Treaty. The authors see the revision of this paragraph as inevitable and desirable.

40. Reuter, Emile. *Le Recours en Carence de l'Article 175 du Traité de la CEE dans la Jurisprudence de la Cour de Justice des Communautés Européennes*, 8 CAHIERS DE DROIT EUROPÉEN 158-74 (1972). French.

A review of the Court's jurisprudence concerning suits for inaction against the Council or Commission pursuant to article 175 of the European Economic Community Treaty. The author attempts to look at the pertinent cases to define more clearly the meaning of article 175, especially as it concerns the admissibility of such proceedings.

41. Rigaux, Francois. *Le Pouvoir d'Appreciation de la Cour de Justice des Communautés Européennes a l'Égard des Faits*, in II MISCELLANEA W. J. GANSHOF VAN DER MEERSCH 365-81. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. French.

A study of the Court's case law dealing with its power to decide upon the legality of Community acts.

42. Rivero, Jean. *LE CONTENTIEUX DE LA LEGALITÉ DANS LES ÉTATS MEMBRES DE LA COMMUNAUTÉ CHARBON-ACIER*. Paris: Les Cours de Droit, 1958. Pp. 163. French.

43. Rivero, Jean *Le Problème de l'Influence des Droits Internes sur la Cour de Justice de la C.E.C.A.*, IV ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL 295-308 (1958). French.

The author examines the problem of integrating the various legal traditions of the six original members of the ECSC into a single judicial prescription of the treaty. He examines the mode of the Court's reasoning, the form of the decisions, and the methods of written and oral presentations by both parties.

44. Roucounas, Emmanuel. *Observations sur la Compétence de la Cour de Justice des Communautés Européennes*, 1960 JOURNAL DE JURISPRUDENCE HELLENIQUE ET ÉTRANGÈRE 1-23. French.

45. Schroeder, Meinhard. *DIE 'WOHLERWORBENEN RECHTE' DER RECHTSPRECHUNG DES GERICHTSHOFES DER EUROPÄISCHEN GEMEINSCHAFTEN*. Bonn-Bad Godesberg: Godesberger Taschenbuch Verlag GmbH, 1969. Pp. 120. German.

A discussion of the Court's approach to cases involving the legal position of Community officials who, feeling their position undermined by legislative or administrative actions on the part of the Community, seek relief from the Court.

46. Seche, Jean-Claude. *La Notion d'Interêt à Agir dans le Droit de la Communauté Européenne du Charbon et de l'Acier*, 66 REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC 299-356 (1962). French.

A discussion of the capacity required to bring an action before the Court of the European Coal and Steel Community. Distinctions are made between (1) a party bringing an action, and (2) types of actions.

47. Soldatos, Panayotis. *L'Introuvable Recours en Carence Devant la Cour de Justice des Communautés Européennes*, 5 CAHIERS DE DROIT EUROPÉEN 313-34 (1969). French.

This comparison of the treatment of actions against inactivity by the Rome Treaty with that of the Paris Treaty contains discussions of article 35 of the European Coal and Steel Community Treaty, article 175 of the European Economic Community Treaty, and article 148 of the EURATOM Treaty.

48. Tizzano, Antonio. *Recenti Tendenze in Tema di Competenze a Stipulare delle C.E.E.*, XCVIII FORO ITALIANO 1-26. Italian.

49. Valentine, D.G. *The Competence of the Court of Justice of the European Coal and Steel Community*, in SYMBOLÆ VERZIJL 387-440. The Hague: Martinus Nijhoff, 1958.

Consideration of article 33 of the European Coal and Steel Community Treaty, which grants the Court administrative control. The author examines primarily how the Court has interpreted this provision in its first years of activity.

50. van der Esch, B. *Discretionary Powers of the European Executive and Judicial Control*, 6 COMMON MARKET LAW REVIEW 209-16 (1968).

A short article based on the author's book by the same title in French: POUVOIRS DE L'EXECUTIF EUROPÉEN ET CONTRÔLE JURIDICTIONNEL. Deventer: Kluwer, 1968. Pp. 80.

51. Vermeulen, W.J. ARTIKEL 169 VAN HET EEG-VERDRAG EN DE ZONDAAR DIE TE LAAT BEROUW GETOOND HEEFT, 18 SOCIAAL-ECONOMISCHE WETGEVING 679-85 (1970). Dutch.

Discussion of article 169 of the European Economic Community Treaty, which deals with the power of the Commission to appeal to the Court for non-compliance with its decisions.

52. Waelbroeck, Michel. *La Notion d'Acte Susceptible de Recours dans la Jurisprudence de la Cour de Justice des Communautés Européennes*, 1965 CAHIERS DE DROIT EUROPÉEN 225-36. French.

A general examination of the scope of control exercisable by the Court under its jurisdictional powers over the acts of other Community institutions.

53. Wolf, Karl. *Le Recours en Carence dans le Droit des Communautés Européennes*, 1966 REVUE DU MARCHÉ COMMUN, 111-24. French.

This short article describes judicial control of administrative acts in the European Communities and compares them in regard to their effectiveness with similar controls within the judicial systems of Member States.

54. Zuleeg, Manfred. DAS RECHT DER EUROPÄISCHEN GEMEINSCHAFTEN IM INNERSTAATLICHEN BEREICH. (Kölner Schriften zum Europarecht, Vol. 9). Cologne: Carl Heymanns Verlag KG, 1969. Pp. 448. German.

Community and national laws, the application of Community rules, and the competence of national courts as regards Community issues. Excellent definitive work.

### B. *Access of Private Parties*

1. Angulo, Manuel R. & Dawson, Frank G. *Access by Natural and Legal Persons to the Court of Justice of the European Communities*, 36 UNIVERSITY OF CINCINNATI LAW REVIEW 583-649 (1967).

A review of the case law developing the Court's interpretation of articles 173 and 177 of the European Economic Community Treaty including a summary of historical antecedents of the Community, analysis of the types of jurisdiction held by the Court, and discussion of the types of acts of the Community. The author sees the Court as more innovative and expansive in its interpretation of article 177 cases than of article 173 cases, in which the author feels that the Court has been more cautious.

2. Bandilla, Rudiger. *DAS KLAGERECHT DER MITGLIEDSTAATEN DER EUROPÄISCHEN GEMEINSCHAFTEN GEGEN DURCHGRIFFSAKTE. WESEN UND BEDEUTUNG FÜR DEN RECHTSSCHUTZ DES EINZELNEN.* (Schriftenreihe zur Europäischen Integration, Vol. 2). Hamburg: Verlag Christen, 1965. Pp. 139. German.

Commentary on the limited nature of the right of appeal granted to private persons as opposed to Member States by the European Economic Community Treaty. The author discusses this discrepant treatment.

3. Bebr, Gerhard. *Judicial Remedy of Private Parties Against Normative Acts of the European Communities: The Role of the Exemption of Illegality*, in *DE INDIVIDUELE RECHTSBESCHERMING IN DE EUROPESE GEMEENSCHAPPEN*, 68-96. Antwerp/Leuven: Standaard Uitgeverij, 1967.

4. Buergenthal, Thomas. *The Private Appeal Against Illegal State Activities in the European Coal and Steel Community*, 11 AMERICAN JOURNAL OF COMPARATIVE LAW 325-47 (1962).

An analysis of the indirect method by which a private enterprise may obtain a ruling from the Community Court on the question of whether an act or omission of a Member State is compatible with the obligations assumed by that State under the European Coal and Steel Community Treaty.

5. Catalano, Nicola. *La Protection Juridictionnelle Indirecte dans le Système des Traités de Rome*, 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 372-82 (1966). French.

A critical note on the *Lutticke* case concerning the scope of judicial protection available against Member States under article 175 of the European Economic Community Treaty.

6. Catalano, Nicola. *Les Voies de Recours Ouvertes aux Personnes Physiques ou Morales Contre les Actes non Règlementaires de la Commission C.E.E.*, 13 SOCIAAL-ECONOMISCHE WETGEVING 526-66 (1965). French. [Also published in 39 ANNUARIO DI DIRITTO COMPARATO E DI STUDI LEGISLATIVI 106-49 (1965).]

7. Daig, Hans-Wolfram. *Zum Klagerecht von Privatpersonen Nach Art. 173 abs. 2 EWG, 146 abs. 2 EAG-Vertrag*, in FESTSCHRIFT FÜR OTTO RIESE, (B. Aubin ed.) 187-210. Karlsruhe: Verlag C.F. Muller, 1964. German.

A well organized and well documented discussion of the individual's right of appeal to the Court, especially as concerns the prerequisites for the admissibility of such appeals.

8. Donner, Andreas M. INDIVIDUELE RECHTSBESCHERMING IN DE EUROPESE GEMEENSCHAPPEN. (Europese Monografieën, No. 1). Deventer: Kluwer, 1964. Pp. 170. Dutch.

A collection of essays about the Court of Justice. The editor is a member of the Court and its former Chief Justice.

9. Freedman, Allen R. *The Right of Private Persons to Appeal "Acts" of the European Economic Community*, 4 VIRGINIA JOURNAL OF INTERNATIONAL LAW 199-214 (1964).

A case analysis of pre-1964 Court interpretations of article 173 of the European Economic Community Treaty to establish circumstances under which suits for annulment of Community acts brought by natural or legal persons will lie. Who is a natural person under article 173? This is an excellent early discussion of a controversial jurisdictional point.

10. Fromont, Michel. *L'Influence du Droit Français et du Droit Allemand sur les Conditions de Recevabilité du Recours en Annulation Devant la Cour de Justice des Communautés Européennes*, 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 47-65 (1966). French.

The author looks at the German and French influence on the Community Court's competence to hear appeals for annulment from pri-

vate persons and concludes that the treaty authors chose one or the other law according to what they imagined to be the needs of the Court.

11. Gormley, W. Paul. *Individual Petition to the Commission of the European Economic Community*, 1 VALPARAISO UNIVERSITY LAW REVIEW 255-83 (1967).

A discussion of the probability of an individual bringing his case before the Court by means of petitioning the Commission or Council to take the case before the Court if a Member State has violated a treaty obligation. The basis for such a petition is article 175 of the European Economic Community Treaty. This article includes a discussion of articles 173 and 177.

12. Gormley, W. Paul. *The Procedural Status of the Individual Before Supranational Judicial Tribunals*, 41 UNIVERSITY OF DETROIT LAW JOURNAL 282-340, 405-46 (1964).

A thorough study of recent developments concerning the status of the individual before various European tribunals, including the Court of Justice. Part II deals primarily with the Court, discussing direct and indirect rights of appeal under articles 173 and 177 of the Rome Treaty, the role of the Court in the expanding legal systems, and the advisory jurisdiction of the Court.

13. Kovar, Robert. *Le Droit Des Personnes Privées à Obtenir Devant la Cour des Communautés le Respect Du Droit Communautaire par les États Membres*, 12 ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL 509-43 (1966). French.

An examination of direct and indirect methods by which private persons can reach the Court.

14. LeCourt, Robert. *La Protection Juridictionnelle des Personnes en Droit Communautaire*, XIII RECUEIL DALLOZ SIREY 51-56 (1967). French.

An examination of the harmonization of the different forms and bases for the judicial protection of private persons in the internal legal systems of Member States with that of the Community. The main division is between legislative control and judicial control, and the author discusses the advantages and disadvantages of each approach.

15. Neri, Sergio. *Il Ricorso dei Privati Davanti alla Corte di Giustizia della CECA*, XXIII RIVISTA DI STUDI POLITICI INTERNAZIONALE 362-98 (1956). Italian.

16. Neri, Sergio. *Il Ricorso di "Legittimità: del Privato Nei Trattati C.E.C.A. e C.E.E., XXV RIVISTA DI STUDI POLITICI INTERNAZIONALE 229-72 (1958). Italian.*

17. Pellicer Valero, J. & Agustin, Jesus. *Las Empresas y las Asociaciones de Empresas ante el Tribunal de Justicia de las Comunidades Europeas*, in 1963 CUADERNOS DEL CENTRO DE ESTUDIOS JUDICIALES 231-61. Spanish.

18. Riese, Otto. *Über den Rechtsschutz von Privatpersonen und Unternehmen in der Europäischen Wirtschaftsgemeinschaft*, in PROBLEME DES EUROPÄISCHEN RECHTS: FESTSCHRIFT FÜR WALTER HALLSTEIN 414-50. Frankfurt am Main: Vittorio Klostermann, 1966. German.

A discussion of the extent to which the European Economic Community Treaty provides legal protection before the Court to private persons and enterprises.

19. Selvaggi, Carlo. *Il Ricorsi dei Privati Contro Gli Atti Della Commissione della C.E.E.*, 6 RIVISTA DI DIRITTO EUROPEO 185-97 (1966). Italian.

A discussion of the scope of a private party's right of appeal based on articles 173 and 175 of the European Economic Community Treaty.

20. Stein, Eric & Hay, Peter. *Legal Remedies of Enterprises in the European Economic Community*, 9 AMERICAN JOURNAL OF COMPARATIVE LAW 375-424 (1960).

An outline of judicial remedies available to enterprises against the acts of the Community institutions. The article includes brief reference to judicial remedies in suits based on contracts to which the Community is a party and in suits based on tortious acts imputed to the Community. Also discussed are the procedure of the Court and sources of Community law.

21. Torelli, Maurice. *L'INDIVIDU ET LE DROIT DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE*. Montreal: Les Presses de l'Université de Montreal, 1970. Pp. xii, 398. French.

22. Ule, Carl Hermann. *Der Gerichtliche Rechtsschutz des Einzelnen Gegenüber der Vollziehenden Gewalt in den Europäischen Gemeinschaften*, in 2 GERICHTSSCHUTZ GEGEN DIE EXEKUTIVE, 1179-216. (Max Planck Institut für Ausländisches Öffentliches Recht und Völkerrecht). Cologne, Berlin, Bonn, Munich: Carl Heymanns



Verlag KG; Dobbs Ferry, N.Y.: Oceana Publications, 1970. German.

This concise, well organized overview of the protection available to persons before the Court against the executive power of the Communities covers all of the available procedural remedies and contains good case law documentation and treaty analysis.

23. Valenti, Angelo. *Aspetti della Tutela degli Interessi dei Privati nel Diritto Comunitario*. VII RIVISTA DI DIRITTO EUROPEO 117-40 (1967). Italian.

24. Waelbroeck, Michel. *Examen de Jurisprudence: Communautés Européennes (1955-1971)*, 25 REVUE CRITIQUE DE JURISPRUDENCE BELGE 409-48, 513-81 (1971) and 26 REVUE CRITIQUE DE JURISPRUDENCE BELGE 81-140 (1972). French.

An excellent summary of the Court's case law from 1955 through 1971.

25. Zaphiriou, G.A. *EUROPEAN BUSINESS LAW*. London: Sweet & Maxwell Ltd., 1970. Pp. 234.

This book includes an excellent chapter on "Access of Enterprises to the European Court of Justice," which discusses the right of private individuals and business organizations to invoke the jurisdiction of the Court.

### C. *Supremacy of the Court's Decisions*

1. Bebr, Gerhard. *Directly Applicable Provisions of Community Law: The Development of a Community Concept*, 19 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 257-98 (1970).

A study of the supremacy of Community law over national law viewed from the question of direct applicability of the former in the legal order of the latter. The author sees direct applicability as the crucial factor in determining supremacy and compares the traditional notion of self executing treaty provisions with a court developed interpretation. Excellent case analysis and commentary.

French text: *Les Dispositions de Droit Communautaire Directement Applicables*, 1970 CAHIERS DE DROIT EUROPÉEN 3-49.

2. Bergsten, Eric E. *COMMUNITY LAW IN THE FRENCH COURTS: THE LAW OF TREATIES IN MODERN ATTIRE*. The Hague: Martinus Nijhoff, 1973 Pp. 141.

A short book, well organized and lucidly written, about the effect

of Community law (which includes judgments of the Court) on one of the more uncompromising Member States.

3. Constantinesco, Leontin-Jean. *DIE UNMITTELBARE ANWENDBARKEIT VON GEMEINSCHAFTSNORMEN UND DER RECHTSSCHUTZ VON EINZELPERSONEN IM RECHT DER EWG*. Baden-Baden: Nomos-Verlagsgesellschaft, 1970. Pp. 145. German.

French title: *L'Applicabilité Directe dans le Droit de la C.E.E.* Paris: Librairie Générale de Droit et de Jurisprudence, 1970.

The author sees the development of the principle of directly applicable provisions of the Community treaties as the most important contribution of the Court in the achievement of a judicial order for the Communities. By interpreting the provisions of article 177 of the European Economic Community Treaty to include citizens of Member States in the fashion of federal law, the Court has taken a long step toward true integration, as opposed to mere cooperation.

4. Delvolve, Jean-Louis. *JURIDICTIONS NATIONALES ET JURIDICTIONS COMMUNAUTAIRES*. Paris: Association Nationale des Avocats, 1966. French.

5. Delvolve, Jean-Louis. *Le Pouvoir Judiciaire et le Traité de Rome ou la Diplomatie des Juges*, 1968 *JURIS-CLASSEUR PERIODIQUE* 2184. French.

The author discussed the attitudes and powers of the Court in relation to the effect of their decisions within the Community.

6. Donner, Andre M. *National Law and the Case Law of the Court of Justice of the European Communities*, 1 *COMMON MARKET LAW REVIEW* 8-16 (1963).

A lucid but brief survey of some problems encountered by the Court in its endeavor to balance Community law with municipal law. Emphasis is placed on the Court's effort to ensure uniform observance and application of its interpretation of the Community treaties.

7. Dumon, Frederic. *La Cour de Justice des Communautés Européennes et les Juridictions des États Membres*, 14 *REVUE INTERNATIONALE DE DROIT COMPARÉ* 369-98 (1962). French.

A discussion of the work of the Commission of International Law of the International Union of Magistrates held in Rome, February 16 and 17, 1961, and in Brussels, March 2 and 3, 1962, concerning problems resulting from the conflicts of jurisdiction between the Community Court and those of the Member States.

8. Dumon, Frederic. *La Notion de "Disposition Applicable" en Droit Européen*, 1968 CAHIERS DE DROIT EUROPÉEN 369-94. French.

Report of the President of the Commission about the direct application of Community acts in Member States.

9. Ebb, Lawrence F. *The Grundig-Consten Case Revisited: Judicial Harmonization of National Law and Treaty Law in the Common Market*, 115 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 855-89 (1967).

10. Ferrari-Bravo, Luigi. *Droit Communautaire et Droit National*, 5 CAHIERS DE DROIT EUROPÉEN 338-42 (1969). French.

11. Frowein, Jochen. *Zum Verhältnis zwischen dem EWG-Recht und Nationalem Recht aus der Sicht des Gerichtshofes der Europäischen Gemeinschaften*, 1964 AUSSENWIRTSCHAFTSDIENST DES BETRIEBS-BERATERS 233-38. German.

Discusses position of the Court of Justice with regard to the relationship between Community and national law.

12. Garron, Robert. *Reflexions sur la Primauté du Droit Communautaire*, 5 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 28-48 (1969). French.

A critical look at the theory behind the idea of the supremacy of Community law and the reality of the Common Market. The author contends that the role of Court is a limited one because the problems behind the conflict of legal systems are more political than judicial.

13. Gutsche, Martin, *Die Bindungswirkung der Urteile des Europäischen Gerichtshofes* (Schriften zum internationalen Wirtschaftsrecht und Atomenergierecht, Bd. 31). Göttingen: Institut für Völkerrecht an der Universität, 1967. Pp. xivi, 232. German.

14. Knopp, Werner, *Über die Aufgabenteilung zwischen dem Europäischen Gerichtshof und den Nationalen Gerichten bei der Auslegung des Gemeinschaftsrechts*, in FESTSCHRIFT FÜR PHILLIPP MEHRING 449-31. Munich, Berlin: C.M. Beck'sche Verlagsbuchhandlung, 1965. German.

15. Kozyris, P. John. *National and Supranational Law in the EEC on the Eve of British Entry*, 37 LAW AND CONTEMPORARY PROBLEMS 286-305 (1972).

This discussion of the interface between national and community laws and the potential legal problems arising from British membership includes an examination of several cases defining the Court's jurisdiction.

16. La China, Sergio. *Rapporti fra Corte di Giustizia delle Comunità Europee e Giudice Italiano*, 17 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 1508-68 (1963). Italian.

A discussion of several issues regarding the Court's powers and its relation to Italian law.

17. La Valle, Francesco. *L'Illegittimità delle Leggi Italiane Incompatibili con Norme Comunitarie*, X GIURISPRUDENZA COSTITUZIONALE 1612-34 (1965). Italian.

18. Pescatore, Pierre. *L'Application Directe des Traités Européens par les Juridictions Nationales: la Jurisprudence Nationale*, 5 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 697-723 (1969). French.

19. Rasquin, Gerard. LES MANQUEMENTS DES ÉTATS MEMBRES DES COMMUNAUTÉS EUROPÉENNES DEVANT LA COUR DE JUSTICE. Heule, Belgium: Éditions UGA, 1964. Pp. 39.

A critical look at the willingness of Member States to fulfill their agreements under the Rome and Paris treaties, and comparison of the governing treaty articles.

20. Sasse, Christoph. *The Common Market: Between International and Municipal Law*, 75 YALE LAW JOURNAL 695-753 (1966).

A discussion of *Costa v. ENEL* with emphasis on the impact of *Costa* on the question of whether Community law or municipal is pre-eminent.

21. Ule, Carl Hermann. *Der Europäische Gerichtshof und die Deutsche Verwaltungsgerichtsbarkeit*, 82 DEUTSCHES VERWALTUNGSBLATT 1 (1967). German.

A general treatment of the relation between the Court of Justice and national administrative tribunals, and that between Community and national law.

#### D. Abuse of Power ("Détournement de Pouvoir")

1. Clever, Friedrich. ERMESSENSMISSBRAUCH UND DÉTOURNEMENT DE POUVOIR NACH DEM RECHT DER EUROPÄISCHEN GEMEINSCHAFTEN IM LICHT DER RECHTSPRECHUNG IHRES GERICHTSHOFES. (Vol. 4 of

Schriften zum Völkerrecht). Berlin: Duncker & Humblot, 1967. Pp. 185. German.

A study of the theoretical and practical importance of the notion of abuse of power as a ground for appeal before the Court as provided in article 173 of the European Economic Community Treaty. There is a discrepancy between the German and French understanding of this concept.

2. de Laubadere, Andre. *Contribution à l'Étude de l'Accès des Personnes Privées aux Juridictions Internationales: le Recours des Entreprises Pour Détournement de Pouvoir Contre les Mesures Générales Edictées par la Haute Autorité de la C.E.C.A.*, in HOMMAGE D'UNE GÉNÉRATION DE JURISTES AU PRESIDENT BASDEVANT 328-45. Paris: Éditions A. Pedone, 1960. French.

3. Gasparri, P. 'LE DÉTOURNEMENT DE POUVOIR' DANS LE DROIT DE LA CECA. (Congrès International d'Études sur la CECA). Milan: Dott. A. Giuffrè Editore, 1957. Pp. 24. French.

4. Laun, Rudolf. *Bemerkungen zum Freien Ermessen und zum "Détournement de Pouvoir" im Staatlichen und im Völkerrecht*, in MENSCH UND STAAT IN RECHT UND GESCHICHTE 128-55. Kitzingen: Holzner Verlag, 1954. German.

5. Meister, Burkhardt. *ERMESSENSMISSBRAUCH ODER DÉTOURNEMENT DE POUVOIR ALS FEHLERTATBESTAND DER NICHTIGKEITSKLAGE DES MONTANVERTRAGES*. (Schriften zum Deutschen und Europäischen Zivil-, Handels-, und Prozessrecht, Vol. 62). Bielefeld: Ernst und Werner Gieseking, 1971. Pp. 200. German.

Originally presented as the author's thesis (Würzburg, 1969).

6. van der Esch, Bastiaan. *POUVOIRS DISCRETIONNAIRES DE L'EXECUTIF EUROPÉEN ET CONTRÔLE JURIDICTIONNEL*. Paris: Dalloz et Sirey; Deventer: Kluwer, 1968. Pp. 81. French. English summary.

7. Weber, Yves. *La Preuve du Détournement de Pouvoir Devant la Cour de Justice des Communautés Européennes*, 3 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 507-51 (1967). French.

A very thorough discussion of how the Court has adopted the French concept of *détournement de pouvoir*. The author focuses on the proof required in proceedings of this nature: what must be proved, who must prove it, and what procedure must be used.

E. *Annulment Proceedings*

1. Baade, Hans W. *Constitution-Making Treaties and International Courts: Judicial Review Within the European Communities*, in DE LEGE PACTORUM, ESSAYS IN HONOR OF ROBERT RENBERT WILSON 19-39. Durham, N.C.: Duke University Press, 1970.

An analysis of the law of the European Communities relating to the specific procedures for the control of the validity of Community acts, in an effort to ascertain the extent to which the Member States have waived the right to contest the validity of Community acts. This excellent discussion of the Court's jurisdiction concerning nullity and annulment, inexistence and revocation is very well annotated.

2. Bebr, Gerhard. *Protection of Private Interests Under the European Coal and Steel Community*, 42 VIRGINIA LAW REVIEW 879-925 (1956).

A thorough discussion of the protection of private interests against illegal acts of the High Authority. The article has an excellent commentary of the appeal for review and annulment, including the criteria for standing, admissibility, grounds of illegality, types of acts whose validity may be challenged, and the effects of the appeal and the annulment with thorough documentation.

3. Breitner, F. DER GERICHTSHOF DER MONTANGEMEINSCHAFT UND SEINE ANRUFUNG BEI FEHLERHAFTEN ORGANAKTEN. 2d ed. Hamburg: Forschungsstelle für Völkerrecht und Ausländisches Öffentliches Recht der Universität Hamburg, 1952. Pp. 95. German.

4. Buergenthal, Thomas. *Appeals for Annulment by Enterprises in the European Coal and Steel Community*, 10 AMERICAN JOURNAL OF COMPARATIVE LAW 227-52 (1961).

An examination of the jurisprudence of the Court with an analysis of the appeal for annulment as a legal remedy open to enterprises under the European Coal and Steel Community Treaty.

5. Carbone, S.M. *Sogetti Privati e Limiti del Contollo Giurisdizionale sulla Legittimità degli Atti Comunitari*, 95 FORO ITALIANO (Parte Quinta) 66-90 (1962). Italian.

The author discusses the scope of judicial authority in the European Communities and the power of the Court to annul acts of other Community organs in detail.

6. Mathijsen, Pierre. *Nullité et Annulabilité des Actes des Institutions européennes*, in 2 MISCELLANEA W. J. GANSHOF VAN DER

MEERSCH 271-83. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. French.

The annulment of Community acts is discussed by the Director of the Commission of the European Communities.

7. Mertens de Wilmars, J. & Verougstraete, I.M. *Procedure Against Member States for Failure to Fulfill Their Obligations*, 7 COMMON MARKET LAW REVIEW 385-406 (1970).

This examination of the process utilized to contest the failure of a Member State to fulfill its treaty obligations discusses the definition of "failure," and the applicable procedures under the treaties.

8. Migliazza, Alessandro. *Axioni e Provvedimenti di Annulmento nel Sistema della Corte di Giustizia delle Comunita Europee*, 14 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 1482-522 (1960). Italian.

A discussion of the action for annulment process before the Court.

9. Neri, Sergio. *Le Recours en Annulation dans les Communautés Europeennes: Role et Limites*, 11 REVUE DU MARCHE COMMUNAUTES 452-65 (1967). French.

10. Rupprecht, Wilfried. DIE NACHPRÜFUNGSBEFUGNIS DES EUROPÄISCHEN GERICHTSHOFES GEGENÜBER ERMESSENSHANDLUNGEN DER EXEKUTIVE IN DER MONTANUNION UND DER EUROPÄISCHEN WIRTSCHAFTSGEMEINSCHAFT. Wilhelmshaven: Paul Hug & Co., 1963. Pp. 167. German.

11. Steindorff, Ernst. DIE NICHTIGKEITSKLAGE IM RECHT DER EUROPÄISCHEN GEMEINSCHAFT FÜR KOHLE UND STAHL. Frankfurt am Main: Vittorio Klostermann, 1952. Pp. 173. German.

An examination of the appeal for annulment under article 33 of the European Coal and Steel Community Treaty. The writer discusses the requirements that must be satisfied to invoke this procedure, the evidence that must be produced, and the remedies available to the complaining parties. He examines also the potential effectiveness of annulment proceedings as the means to control the legislative and administrative activities of Community institutions.

In spite of its date of publication, this is an important work which is still useful in any study of the annulment concept as it is applied by the Court.

12. Valentine, D.G. *The Jurisdiction of the Court of Justice of the European Communities to Annul Executive Action*, 36 BRITISH YEARBOOK OF INTERNATIONAL LAW 174-222 (1960).

A survey of the Court's administrative jurisdiction between 1954-60 with an excellent and thorough case analysis.

13. Wiesner, Wolfgang. *DIE WIDERRUF INDIVIDUELLER ENTSCHEIDUNGEN DER HÖHEN BEHÖRDE DER EGKS*. (Veröffentlichungen des Instituts für Internationales Recht an der Universität Kiel). Hamburg: Hansischer Gildenverlag Heitmann, 1968. Pp. 127. German.

### VIII. SPECIAL JURISDICTIONAL AREAS OF THE COURT OF JUSTICE

#### A. *Preliminary Rulings and the "Acte Claire"*

According to article 41 of the European Coal and Steel Community Treaty, "the Court shall have the sole jurisdiction to give preliminary rulings on the validity of acts of the High Authority and of the Council where such validity is in issue in proceedings brought before a national court or tribunal." Similar provisions, somewhat broader in scope, appear in article 177 of the European Economic Community Treaty, and article 150 of the European Atomic Energy Community Treaty. These provisions have had perhaps the strongest unifying effect in the continuity of the European Communities and the development of Community law. Not surprisingly, they have also become a source of controversy among scholars as well as practitioners of Community law. As a result of this controversy, they have generated an immense amount of literature.

1. Alexander, Willy. *QUESTIONS ET RÉPONSES PRÉJUDICIELLES DANS LA PROCÉDURE DE LA COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES*. (Publications de l'Institut d'Études Européennes, No. 8). Brussels: Institut d'Études Européennes, 1964. Pp. 56. French.

A resume of proceedings of a conference at the Institute, held on October 29, 1964. The author analyses the problems obstructing cooperation between the Community and national courts in relation to interlocutory questions.

2. Alexander, Willy. *Questions Préjudicielles: l'Application Récente de l'Article 177 CEE par la Cour de Justice et par les Juridictions Nationales*, 1 *CAHIERS DE DROIT EUROPÉEN* 47-58 (1965). French.

Discussion of three cases referred to the Court under article 177 of the European Economic Community Treaty and five cases in which national courts refused to refer preliminary questions to the Court.



3. Arendt, Ernest. *La Procédure Selon l'Article 177 du Traité Instituant la Communauté Économique Européenne*, 13 *SOCIAAL-ECONOMISCHE WETGEVING* 385-420 (1965). (General Report of the XXI Congress of the International Union of Advocates in Arnheim, September 1965). French.

4. Astolfi, A. *La Procédure Suivant l'Article 177 C.E.E.*, 13 *SOCIAAL-ECONOMISCHE WETGEVING* 449-70 (1965). (Rapport Italien XXI Congrès de l'Union Internationale des Avocats, Arnheim September 13-17, 1965). French.

5. Astolfi, A. *La Procedura Secondo l'Article 177 del Trattato Istitutivo della Comunita Economica Europea*, 1965 *DIRITTO NEGLI SCAMBI INTERNAZIONALI* 153-77. Italian.

6. Axline, W. Andrew. *Legal Integration Through Judicial Fiat*, 2 *JOURNAL OF COMMON MARKET STUDIES* 217-42 (1968).

An excellent discussion of article 177 of the European Economic Community Treaty, especially as interpreted in the *Van Gend en Loos* and *Costa* cases. The author sees article 177 as an effective means to assure the unity of scope and significance of European Community law, as well as the development of an effective, fully autonomous Community legal system.

7. Batailler, Francine. *Le Juge Interne et le Droit Communautaire*, 9 *ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL* 735-78 (1963). French.

Although the emphasis of this article is primarily on the judicial competence of national judges in application and interpretation of Community law, it contains also important and interesting observations about the Court of Justice of the European Communities and its role as a unifying factor in the Community system. The author, in dealing with the possible Community powers of national judges, examines the existence and extent of any supervisory power of the Court of Justice over them. She discusses also the obligation of national judges to refer questions concerning Community law to the Court of Justice.

8. Bebr, Gerhard. *Judicial Remedy of Private Parties Against Normative Acts of the European Communities: The Role of Exception of Illegality*, 4 *COMMON MARKET LAW REVIEW* 7-31 (1966).

In reviewing the relative scope of governmental and private parties' rights of appeal, Bebr argues against an extension of the latter. He advocates limiting article 177 of the European Economic Community

Treaty procedure and argues against its assimilation into an exception of illegality whereby private parties would be able to invoke this procedure.

9. Berri Mario. *Efficacia delle Sentenze della Corte di Giustizia delle Comunità Europee nei Procedimenti de Pronunzia a Titolo Pregiudiziale*, 4 GIUSTIZIA CIVILE 253-63 (1970). Italian.

A review of the most important problems dealing with the application of article 177 of the European Economic Community Treaty. The author examines the relation between Community law and national law.

10. Berri, Mario. *Il Giudizio Incidentale nel Procedimento Davanti al Giudice Ordinario*, 6 RIVISTA DI DIRITTO EUROPEO 173-84 (1966). Italian.

An investigation of the possible means open to an Italian judge according to the Italian code of civil procedure to suspend process while seeking an interlocutory opinion from the Community Court.

11. Buxbaum, Richard M. *Article 177 of Rome Treaty as a Federalizing Device*, 21 STANFORD LAW REVIEW 1041-57 (1969).

A "status report" on the application of article 177 of the European Economic Community Treaty by the national courts of Member States.

12. Buxbaum, Richard M. *Incomplete Federalism: Jurisdiction Over Antitrust Matters in the European Economic Community*, 52 CALIFORNIA LAW REVIEW 56-94 (1964).

Although this article deals primarily with the Commission and national courts, it does include some interesting criticism of article 177 of the European Economic Community Treaty and the Court's limited power under that provision. It raises a number of potential problems stemming mainly from the ambiguous nature of article 177. The author looks at these problems from both national viewpoints and that of the Commission.

13. Cemolino, Gian Paolo. *Corte Costituzionale e Competenza Pregiudiziale Interpretati va della Courte di Giustizia delle Comunità Europee*, 23 DIRITTO INTERNAZIONALE 70-103 (1969). Italian.

14. Connif, Martin F. *The French Conseil d'État and Article 177 of the Treaty of Rome: A Case Analysis*, 12 VIRGINIA JOURNAL OF INTERNATIONAL LAW 377-89 (1972).

A short analysis of the treatment accorded to Community matters in the context of article 177 of the European Economic Community Treaty by the French Conseil d'Etat which, as one of the principal national courts within the Community, exercises a considerable degree of influence in recognizing the supremacy of the Court of Justice of the European Communities in situations involving the application of Community law.

15. Daig, H.W. *Aktuelle Fragen der Vorabentscheidungen nach Art. 177 EWG-Vertrag unter Besonderer Berücksichtigung von Rechtsprechung und Praxis des Gerichtshofes der Europäischen Gemeinschaften*, 3 EUROPARECHT 259-95, 371-89 (1968). German.

An analysis of the Court's case law related to article 177 of the European Economic Community Treaty and the principles of preliminary procedure.

16. Donner, Andre M. *Uitlegging en Toepassing*, in 2 MISCELLANEA W. J. GANSHOF VAN DER MEERSCH 103-26. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. Dutch.

Interpretation and application of article 177 of the European Economic Community Treaty by the Court, as seen by one of its judges.

17. Ehle, Dietrich. *The Legal Protection of Enterprises of the Common Market Within the Jurisdiction of the European Court of Justice and of National Courts*, 6 COMMON MARKET LAW REVIEW 193-204 (1968-69).

A discussion of article 177 of the European Economic Community Treaty and legal protection afforded to the individual.

18. Ehle, Dietrich. *Vorlage an dem Europäischen Gerichtshof gemäss Art. 177—EWG-Vertrag*, 1963 NEUE JURISTISCHE WOCHENSCHRIFT 933-37. German.

Ways in which national courts may refer questions to the Court, significance of discretionary decisions, submission procedure, and the binding effect of decisions are discussed.

19. Falconetti, Helene. *Questions Préjudicielles et Applications de l'Article 177 en Droit Interne*, 1966 LA GAZETTE DU PALAIS 70-75. French.

20. Ferrari-Bravo, Luigi. *Problemi Interpretativi dell'Articolo 177 del Trattato CEE*, 12 COMUNICAZIONI E STUDI ISTITUTO DI

DIRITTO INTERNAZIONALE E STRANIERO DELLA UNIVERSITA, DI MILANO 415-74 (1966). Italian.

This analysis of the Court's decisions concerning article 177 of the European Economic Community Treaty contains a discussion of the competence of the Court and a study of the difference between interpretation and application of Community law, the position of a national judge in relation to the referral of a question to the Court, and the effects of the decisions rendered by the Court.

21. Funke, A.P. *De l'Histoire de l'Article 177 du Traité Instituant la Communauté Économique Européenne et des Exposés des Motifs Gouvernementaux à son Sujet*, 13 SOCIAAL-ECONOMISCHE WETGEVING 516-23 (1965). French.

22. Gaudet, Michel. *La Cooperation Judiciaire, Instrument d'Edification de l'Ordre Juridique Communautaire*, in FEST-SCHRIFT FÜR WALTER HALLSTEIN 202-05. Frankfurt am Main: Vittorio Klostermann, 1966. French.

A study of the declaratory procedure under article 177 of the European Economic Community Treaty.

23. Gormley, W. *The Future Role of Arbitration within the EEC: The Right of an Arbitrator to Request a Preliminary Ruling Pursuant to Article 177*, 12 ST. LOUIS UNIVERSITY LAW JOURNAL 550-63 (1968).

This interpretation of the *Vaassen-Goebbels* case describes necessary characteristics of an arbitration panel in order to refer questions to the Court. The author interprets the decision as an indication that the Court will in the future allow private arbitration panels access through article 177.

24. Haug. *Die Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften zu Art. 177 des EWG-Vertrages*, 14 DIE SOZIALGERICHTSBARKEIT 2-56 (1967). German.

25. Hay, Peter. *Supremacy of Community Law in National Courts: A Progress Report on Referrals Under the EEC Treaty*, 16 AMERICAN JOURNAL OF COMPARATIVE LAW 524-51 (1968).

This analysis of case law developments concerning the right of referral by parties of the Court urges an expansion of that right to assure uniform and authoritative resolution of questions of Community law.

26. Hay, Peter. *Une Approche Politique de l'Application de*

*l'Article 177 du Traité CEE par les Juridictions Nationales*, 7 *CAHIERS DE DROIT EUROPÉEN* 503-21 (1971). French.

A discussion of several problems—politics, policy, and implementation—concerning the disposition of preliminary questions under article 177 of the European Economic Community Treaty.

27. Holloway, John. *Are you satisfied with Article 177?*, in *SYMPOSIUM EUROPA 1950-1970*, 229-48. Bruges: College of Europe, 1971.

28. Irelan, William T. *The European Court of Justice and the Struggle for Integration*, 6 *VIRGINIA JOURNAL OF INTERNATIONAL LAW* 114-27 (1965).

Through case analysis, especially of the *Bosch* case, the author discusses the Court's manipulation of article 177 of the European Economic Community Treaty and concludes that although the Court has inherent weaknesses as regards referrals, it has chosen to develop a more extensive jurisdiction than originally agreed upon at the signing of the Treaty of Rome.

29. Jeantet, Fernand-Charles. *Originalité de la Procédure d'Interprétation du Traité de Rome*, 40 *JURIS-CLASSEUR PÉRIODIQUE—LA SEMAINE JURIDIQUE* 1987 (1966). French.

A concise discussion of the application of article 177 of the European Economic Community Treaty by French courts: how is a referral made, how does the Court respond to questions, and what are the consequences of its response.

30. Juillard, Patrick. *Procédure des Questions Préjudicielles et Renforcement du Lien Communautaire*, 4 *REVUE TRIMESTRIELLE DE DROIT EUROPÉEN* 293-331 (1968). French.

The author studies the role of the Court in the advancement of European federalism. He emphasizes the scope of preliminary questions, and urges that the Court should give absolute binding authority to its preliminary rulings to preserve uniformity in the interpretation of the Community treaties.

31. Lagrange, Maurice. *The European Court of Justice and National Courts. The Theory of the "Acte Clair": A Bone of Contention or a Source of Unity?*, 8 *COMMON MARKET LAW REVIEW* 313-24 (1971).

Also published as:

*Cour de Justice Européenne et Tribunaux Nationaux. La Théorie de "l'Acte Clair": Pomme de Discorde ou Traité d'Union?*, 91 *GAZETTE DU PALAIS* no. 76-78, at 1-3 (1971). French;

*La Interpretacion Unitaria del Derecho de las Comunidades Europeas. Aspecto de la Accion Prejudicial*, 1968 DERECHO DE LA INTEGRACION 59-80. Italian.

An effort by a judge of the Court, who happens to be a Frenchman, to reconcile the application of article 177 of the European Economic Community Treaty with the sovereign standing of national courts, which finds its strongest expression in France. Lagrange presents an interesting, conciliatory approach.

32. Martinez, Ruben A. Berrios. *The Nature and Functioning of Article 177 of the Rome Treaty*, 6 JOURNAL OF COMMON MARKET STUDIES 113-40 (1966).

An analysis of what the Court does when given a referred question under article 177 of the European Economic Community Treaty and the manner in which a referral comes up for decision from the national court. Two types of jurisdiction are distinguished: that of interpretation and that of validity. The author sees the use of article 177 as a reflection of federalist and nationalistic tendencies of the Court and of national courts at any given time. The article is clearly written and well organized.

33. Mashaw, J.L. *Ensuring the Observance of Law in the Interpretation and Application of the EEC Treaty: The Role and Functioning of the Renvoi D'Interpretation Under Article 177*, 7 COMMON MARKET LAW REVIEW 258-85, 425-53 (1970).

This discussion of the possibility of developing a system of concurrent jurisdictions of the Court and national courts based on a shared jurisdiction already built into Community law presents an interesting concept suggesting a viable compromise between two conflicting viewpoints.

34. Mazard, J. *Du Recours Préjudiciel en Interprétation Prévüe par l'Article 177 du Traité de Rome en Rapport sur Cour de Cassation*, 22 RECUEIL DALLOZ-SIREY 595-98 (1966) and 21 RECUEIL DALLOZ-SIREY 465-67 (1967). French.

A brief discussion of article 177 of the European Economic Community Treaty from the viewpoint of a court in France.

35. Merchiers, Laurent. *Rapport Fait au Nom de la Commission Juridique du Parlement Européen sur les Problèmes Posés par l'Application de l'Article 177 du Traite C.E.E.*, [1969-70] Parlement Européen, Doc. No. 94. Pp. 26. French.

An official report of the Juridical Commission of the European Parliament concerning problems arising from the application of article 177 of the European Economic Community Treaty.

36. Mok, M.R. *Should the 'First Paragraph' of Article 177 of the E.E.C. Treaty be Read as a Separate Clause?*, 5 COMMON MARKET LAW REVIEW 458-64 (1968).

A discussion of whether arbitrators should be allowed to refer preliminary questions to the Court when confronted with issues of Community law.

37. Neri, Sergio. *Brevi Cenni Sull'Articolo 177(b) dell Trattato Istitutivo delle Comunita Economia Europea*, 6 RIVISTA DI DIRITTO EUROPEO 3-20 (1966). Italian.

A discussion of article 177 of the European Economic Community Treaty.

38. Odent, Raymond. *L'Article 177 du Traité de Rome et la Jurisprudence du Conseil d'État*, 1965 BULLETIN DE L'ASSOCIATION DES JURISTES EUROPÉENS 5-20. French.

An examination of article 177 of the European Economic Community Treaty in the context of decisions rendered on this matter by the French Conseil d'Etat.

39. Opsahl, Torkel. *National Courts and the Community Court under Article 177 of the EEC Treaty*, in LEGAL ESSAYS, A TRIBUTE TO FREDE CASTBERG 280-305. Copenhagen: Universitetsforlaget, 1963.

A rather critical essay on article 177 of the European Economic Community Treaty raising problems of procedure, jurisdictional coordination, and the more general difficulties of judicial process. The author emphasizes the possible effect of this provision on Norway, should she join the Community.

40. Pepy, Andre. *Les Questions Préjudicielles dans les Traités de Paris et de Rome et la Jurisprudence de la Cour de Justice des Communautés Européennes*, 1 CAHIERS DE DROIT EUROPÉEN 194-214 (1965). French.

The first of three articles on the case law of the Court concerning preliminary questions as outlined by the Community treaties.

41. Pepy, Andre. *Le Rôle de la Cour de Justice des Communautés Européennes dans l'Application de l'Article 177 du Traité de Rome*, 5 CAHIERS DE DROIT EUROPÉEN 459-91 (1969). French.

The last of three articles concerning the problems posed by article 177 of the European Economic Community Treaty. The author discusses the role of the Court in the application of article 177, looks at

the procedure by which preliminary questions are referred to the Court, and comments on the Court's decisions on these questions.

42. Pepy, Andre. *Le Rôle des Juridictions Nationales dans l'Application de l'Article 177 et la Jurisprudence de la Cour de Justice*, 1 CAHIERS DE DROIT EUROPÉEN 21-39 (1969). French.

The second of three articles. The author investigates the extent of the obligation of national courts to refer questions to the Court under article 177 of the European Economic Community Treaty. By means of a thorough case analysis he attempts to find a Community definition of 'jurisdiction' in the sense of article 177, and to ascertain whether the provision for referral is an obligation or a right.

43. Persico, Luigi. *Sulla Natura dell'Interpretazione a Titolo Pre-giudiziale delle Norme Comunitaire*, 19 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 1226-53 (1965). Italian.

44. Pescatore, Pierre. *Ansprache bei Gelegenheit des Besuches beim Bundesverwaltungsgericht in Berlin am 26.9.1970 zum Vorlageverfahren nach Artikel 177 E.W.G.-Vertrag*, 86 DEUTSCHES VERWALTUNGSBLATT 351-53 (1971). German.

A brief discussion of the cooperation between national tribunals of Member States and the Court of Justice of the European Communities in the application of article 177 of the European Economic Community Treaty.

45. Pescatore, Pierre. *Droit Communautaire et Droit National Selon la Jurisprudence de la Cour de Justice des Communautés Européennes*, 23 RECUEIL DALLOZ-SIREY 179-84 (1969). French.

A discussion of the evolution of the Court's case law with respect to the relationship between the legal concepts of the Community and national law. Article 177 of the European Economic Community Treaty is emphasized in relation to four main problems: autonomy of the Community, legal order, the direct effect of Community law, and the supremacy of Community law over national law. A good case analysis is included.

46. Pescatore, Pierre. *Interpretation of Community Law and the Doctrine of 'Acte Clair'*, in LEGAL PROBLEMS OF AN ENLARGED EUROPEAN COMMUNITY 27-46 (M.E. Bathurst and other eds.). London: Stevens & Sons Ltd., 1972.

In the course of several decisions the Court delegated to the national courts of Member States the task of implementing many rules of Community law. The resulting decentralized system creates a



problem of assuring uniformity. The author studies this problem in part by looking at the means available to the Court to guide national courts towards uniform decision-making. Thus, he includes a sympathetic analysis of article 177 of the European Economic Community Treaty in its applicability to a wide range of issues. He is highly critical of the doctrine of "sens clair" (the author views this as a more accurate term than "acte clair"). The work includes a postscript discussing the authority of the Court's decisions. This is a leading work on the subject of preliminary rights.

47. Pescatore, Pierre. *L'Attitude des Juridictions Nationales à l'Égard du Problème des Effets Directs du Droit Communautaire*, 6 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 296-302 (1970). French.

The author disapproves of the use of 'acte clair' as a means for the national courts of Member States to circumvent obligations to refer questions involving interpretation of Community treaties to the Court. He argues that such circumvention leads to diversity of solutions, which is detrimental to the unity of Community law.

48. Rodiere, R. *L'ARTICLE 177 DU TRAITÉ DE ROME INSTITUANT LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉEN ET L'INTERPRÉTATION DU TRAITÉ*. Rome: Societa Editrice del'Foro Italiano, 1964. Pp. 18. French.

49. Ryziger, P.F. *Les Problèmes Posés aux Juridictions Françaises par l'Article 177 du Traité de Rome*, 14 SOCIAAL-ECONOMISCHE WETGEVING 123-38, 173-201 (1966). French.

50. Schoenbaum, Thomas J. *The Growth of Judicial Power in the European Economic Community*, 48 NORTH CAROLINA LAW REVIEW 32-55 (1969).

This well documented discussion of the development of the Court's powers with interesting analogies to the American system deals with the concept of federalism, the supremacy of Community law, and judicial review. Emphasis is placed on article 177 of the European Economic Community Treaty and its shortcomings.

51. Socini, Roberto. *LA COMPETENZA PREGIUDIZIALE DELLA CORTE DE GUSTIZIA DELLE COMUNITA EUROPEE*. (Pubblicazioni della Facolta di Giurizprudenza dell'Universita de Cagliari, Serie L. Vol. 5). Milan: Dott. A. Giuffre Editore, 1967. Pp. ix, 234. Italian.

A general study of the Court's jurisdiction with emphasis on procedure in preliminary rulings under article 177 of the European Economic Community Treaty. The work is interesting in that it discusses the role of preliminary rulings in Community law, as well as their

effect, function, and authority within the jurisdictional systems of the Member States. This is an interesting and indispensable work on article 177.

52. Tomuschat, C. *DIE GERICHTLICHE VORABENTSCHEIDUNG NACH DEN VERTRÄGEN ÜBER DIE EUROPÄISCHEN GEMEINSCHAFTEN*. (Max-Planck-Institut für Ausländisches Öffentliches Recht und Völkerrecht. Beiträge zum Ausländisches Öffentliches Recht und Völkerrecht). Cologne: Carl Heymanns Verlag KG, 1964. Pp. xii, 226. German.

The first German language monograph on preliminary decisions in the European Communities. Part I deals with the procedure. Part II deals with the regulations concerning preliminary questions.

Review: 79 *ZEITSCHRIFT FÜR ZIVILPROZESS* 157 (1966).

53. Woodworth, Ramsey L. *The Court of Justice of the European Communities: The Request for a Preliminary Ruling and the Protection of Individual Rights Under Article 177 of the Treaty of Rome*, 18 *SYRACUSE LAW REVIEW* 602-18 (1967).

A case analysis of the Court's interpretation of its powers under article 177. The author suggests the possibility of a revision of that article to give individual litigants greater capacity to request a preliminary ruling directly from the Court, somewhat along the lines of the common law writ of certiorari. Appendix: Domestic Courts that have requested preliminary rulings from the Court of Justice of the European Communities.

#### B. *The Community Rules of Competition*

The three principal Community treaties implicitly encourage competition within the Common Market by empowering Community institutions to take the necessary actions for its preservation. [European Coal and Steel Community Treaty, article 67; European Economic Community Treaty, articles 85-94; and European Atomic Energy Community Treaty, articles 52 and 67-68.]

1. Borner, Bodo. *Die Rechtsprechung des Gerichtshofs der Gemeinschaften zur Bedeutung der Allgemeinen Ziele der Europäischen Verträge für Wettbewerb*, in II *MISCELLANEA W. J. GANSHOF VAN DER MEERSCH* 29-69. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972. German.

This interpretation of the antitrust provisions of Community treat-

ies by the Court includes a careful and detailed analysis with good documentation.

2. Catalano, Nicola. *La Jurisprudence de la Cour de Justice à l'Égard des Contrats Dits "d'Exclusivité"*, 3 CAHIERS DE DROIT EUROPÉEN 20-48 (1967). French.

This commentary on the jurisprudence of the Court concerning article 85 of the European Economic Community Treaty includes a comparison of Community and national rulings concerning competition.

3. Cohen, David M. *The Application of Article 85 of the Treaty Establishing the European Economic Community to Exclusive Dealing Agreements*, 18 WESTERN RESERVE LAW REVIEW 826-61 (1967).

An analysis of article 85 of the European Economic Community Treaty in the light of decisions of the Court of Justice.

4. Daig, Hans-Wolfram. *Zur Anwendung der Nichtigkeitsklausel des EWG-Kartellrechts durch den Innerstaatlichen Zivilrichter*, 35 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 1-51 (1971). German. English summary.

A discussion of nullity proceedings under European Economic Community antitrust law in the courts of Member States and analysis of Court of Justice case law.

5. Deringer, Arved. *Alleinvertriebsverträge im Wettbewerbsrecht des Gemeinsamen Marktes*, 19 NEUE JURISTISCHE WOCHENSCHRIFT 1585-91 (1966). [English text: 4 COMMON MARKET LAW REVIEW 220-32 (1966).]

Discussion of three major cases dealing with the problem of the Common Market restrictive practices law.

6. Dumon, F. *Les Contrats de Concession Exclusive et le Droit Européen tel Qu'il Résulte des Décisions Administratives et Juridictionnelles Européennes Récentes*, 1967 REVUE INTERNATIONALE DE LA CONCURRENCE 31-59. French.

7. Ehle, Dietrich. *Die Einstweilige Anordnung nach dem EWG Vertrag*, 10 AUSSENWIRTSCHAFTSDIENST DES BETRIEBS-BERATERS 39-43 (1964). German.

A discussion of legal protection given competition by the Court's use of interim measures as provided in articles 185 and 186 of the Rome Treaty. The relationship between the two articles is examined,

and such prerequisites to a favorable Court decision as admissibility of evidence, substantiation of the claim, and merits of the case are considered.

8. Europe Institute of the University of Leiden. *EUROPEAN COMPETITIVE POLICY: ESSAYS OF THE LEIDEN WORKING GROUP OF CARTEL PROBLEMS*. Leiden: A. W. Sijthoff, 1973. Pp. 265.

This collection of essays on particular problems of European competition policy also includes a list of judgments of the Court concerning the rules of competition under the European Economic Community Treaty and a selective bibliography concerning competition law.

9. Feffer, Gerald A. *Emergence of Group Exemptions Within the EEC Policy on Competition*, 6 *VIRGINIA JOURNAL OF INTERNATIONAL LAW* 128-43 (1965).

Discussion of the *Grundig* decision.

10. Fine, Richard J. *Procedure Under Articles 85 and 86 of the E.E.C. Treaty as Interpreted by the Commission, the European Court of Justice and the Courts of the Member States*, 1966 *DIRITTO NEGLI SCAMBI INTERNAZIONALI* 1-22.

11. Franceschelli, Remo. *Sistema delle Impugnative nel Diritto Comunitario della Concorrenza*, 21 *RIVISTA DI DIRITTO INTERNAZIONALE* 3-39 (1967). Italian.

An analysis of the jurisdiction of the Court over actions of Community institutions concerning competition.

12. Frignani, Aldo. *Diritto Comunitario e Diritto Nazionale in Tema di Concorrenza: Esclusione Reciproca o Concorso?*, 1970 *NOTIZIARIO GIURIDICO* 156-71. Italian.

13. Guyenot, Jean. *LE RÉGIME JURIDIQUE DES ENTENTES ÉCONOMIQUES ET DES CONCENTRATIONS D'ENTREPRISES DANS LE MARCHÉ COMMUN. (Entites Juridiques Nouvelles du Droit des Affaires et de l'Économie)*. Paris: Librairie Générale de Droit et de Jurisprudence, 1971. Pp. 462. French.

14. Immenga, Ulrich. *Die Extraterritoriale Anwendung des EWG-Kartellrechts nach dem Farbstoff-Urteil des Europäischen Gerichtshofs*, 91 *ZEITSCHRIFT FÜR SCHWEIZERISCHES RECHT* 417-32 (1972). German.

15. Joliet, Rene. *Der Begriff der Missbrauchlichen Ausnützung in Artikel 86 EWG-Vertrag*, 8 EUROPARECHT 97-123 (1973). German.

A thorough discussion by a leading European antitrust expert of the Court's approach to restrictive trade practices under article 86 of the European Economic Community Treaty.

16. Kirschstein, Friedrich. *Beurteilung von Alleinvertriebsverträgen nach EWG-Kartellrecht*, 10 WIRTSCHAFT UND WETTBEWERB 777-91 (1966). German.

The legality of exclusive trade agreements within the Community competition rules is discussed.

17. Kirschstein, Friedrich. *Entscheidungen der Kommission Europäischen Gemeinschaften zum EWG-Kartellrecht im Jahre 1968*, 15 WETTBEWERB IN RECHT UND PRAXIS 185-89, 223-26 (1969). German.

Decisions of the Commission concerning competition in 1968 are examined.

18. Lagrange, Maurice. *Contrôle Judiciaire des Décisions Prises par les Autorités Compétentes en Matière de Cartels*, in 2 KARTELLE UND MONOPOLE IM MODERNEN RECHT 889-926. Frankfurt am Main: Institut für Ausländisches und Internationales Wirtschaftsrecht, 1961. French, English, German.

Judicial control of monopolies in the Common Market is discussed.

19. Le Tallec, George. *Les Règles de Concurrence Précisées par la Cour de Justice—Les Conséquences Pour les Contrats d'Exclusivité*, 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 611-22 (1966). French.

A short case analysis of several decisions concerning competition as a general concept and as it is defined in article 85 of the European Economic Community Treaty.

20. Longo, Mario & Biraschi, Anna Luisa. *DECISIONI DELLA CORTE DI GIUSTIZIA DELLE COMUNITA EUROPEE SULLE INTESI LIMITATRICI DELLA CONCORRENZA*. Milan: Dott. A. Giuffrè Editore, 1967. (Università degli Studi di Camerino, Testi per Esercitazioni, Sezione VII, No. 5). Pp. 70. Italian.

21. Mailaender, K. Peter. *ZUSTÄNDIGKEIT UND ENTSCHEIDUNGSFREIHEIT NATIONALER GERICHTE IM EWG-KARTELLRECHT*. (Schriftenreihe zum Handbuch für Europäische Wirtschaft, Vol.

32). Baden-Baden: Nomos Verlagsgesellschaft, 1965. Pp. 99. German.

Jurisdiction of national courts in cases involving Community competition rules.

22. Morera, Renzo. *Riflessioni in Ofdine all'Art. 85, par. 3, del Trattato CEE Suggestite della IX Relazione Generale della Commissione Sull'Attivita Della CEE*, 15 RIVISTA DI DIRITTO INDUSTRIALE 393-420 (1966). Italian.

23. Nass, Klaus Otto. *Probleme des Europäischen Kartellverfahrens*, 5 EUROPARECHT 100-32 (1970). German.

A discussion of cartel problems, based on European Economic Community Treaty provisions and Court of Justice case law.

24. Neri, Sergio. *Sul Divieto dei Cartelli e Sulla Disciplina delle Posizioni Dominanti nel Mercato Comuni*, 7 RIVISTA DI DIRITTO EUROPEO 3-46 (1967). Italian.

25. Reati, Angelo. *Le Prime Realizzazioni della Politica Antimonopolistica nella C.E.E.*, 73 RIVISTA INTERNAZIONALE DI SCIENZE SOCIALI 343-66 (1965). Italian.

26. Reimer, Dietrich. *Der Erschöpfungsgrundsatz im Urheberrecht und Gewerblichen Rechtsschutz unter Berücksichtigung der Rechtsprechung des Europäischen Gerichtshofs*, 1972 BEWERBLICHER RECHTSSCHUTZ UND URHEBERRECHT 221-34. German.

27. Rosauer, Giulio. *La Giurisprudenza della Corte di Giustizia delle Comunita Europee in Temi di Contratti di Esclusiva*, 15 RIVISTA DI DIRITTO INDUSTRIALE 236-96 (1966). Italian.

28. Schumacher, Hermann. *Die Grundig-Entscheidung und das Territorialitätsprinzip des Warenzeichenrechts im Gemeinsamen Markt*, 17 WIRTSCHAFT UND WETTBEWERB 3-11 (1967). German.

29. Spormann, Kurt. *Die Ausweichung des Kartellverbotes im Europäischen Wettbewerbsrecht*, 20 WIRTSCHAFT UND WETTBEWERB 459-70 (1970). German.

30. Steindorff, Ernst. *Il Diritto di Domanda in Materia di Cartelli nel Trattato della CEE e la Sua Attuazione Processuale*, 14 RIVISTA DI DIRITTO INDUSTRIALE 95-119 (1965). Italian.

31. Steindorff, Ernst. RECHTSSCHUTZ UND VERFAHREN IM RECHT

DER EUROPÄISCHEN GEMEINSCHAFTEN, Baden-Baden: Nomos Verlagsgesellschaft, 1964. Pp. 132. German.

A discussion of the enforcement of both article 85 of the Rome Treaty and Regulation 17. Thereunder, the key question is the relationship between Community and Member State law.

32. Stolfi, Mario. *Le Norme di Concorrenza nella Giurisprudenza della Corte di Giustizia*, 68 RIVISTA DEL DIRITTO COMMERCIALE 81-94 (1970). Italian.

33. van den Heuvel, H. *Drie Kartelvelissingen van het Hof van Justitie van de Europese Gemeenschappen*, 1966 NEDERLANDS JURISTENBLAD 993-1003. Dutch.

A discussion of three Court decisions dealing with the Community rules of competition.

34. van der Wielen, J.G. *Validity and Nullity of Restrictive Business Agreements*, in EUROPEAN COMPETITION POLICY 140-60. (Europa Institute of the University of Leiden). Leiden: A.W. Sijthoff, 1973.

Discussion of the Court's recent change in attitude concerning the status at civil law of restrictive business agreements. The commentary is based on several cases.

35. Vandewalle, G. *Exclusiviteitsrechten en Verticale Prijsbinding in de Gemeenschappelijke Markt*, 10 TIJDSCHRIFT VOOR SOCIALE WETENSCHAPPEN 277-308 (1965). Dutch.

36. Vanni, Gianfranco. *IL RICORSO DELLE IMPRESE NEL SISTEMA DELLE CECA*. Milan: Dott. A. Giuffrè Editore, 1964. Pp. 118. Italian.

37. van Notten, M.M. *Honderd Rechterlijke Velissingen Betreffende het EEG-Kartelrecht*, 15 SOCIAAL-ECONOMISCHE WETGEVING 314-44 (1967). Dutch.

38. von Arnim, Christof. *Die Vertragsschliessungskompetenz der Europäischen Wirtschaftsgemeinschaft in der Rechtsprechung des Europäischen Gerichtshofs*, 18 AUSSENWIRTSCHAFTSDIENST DES BETRIEBS-BERATERS 215-21 (1972). German.

39. Waelbroeck, Michel. *Compétences Respectives des Juridictions Nationales et des Institutions Communautaires Pour l'Application de l'Article 85 du Traité Instituant la C.E.E.*, 22 REVUE CRITIQUE DE JURISPRUDENCE BELGE 15-33 (1968). French.

40. Weidinger, Wilhelm. *Der Rechtsschutz getroffener Dritter im Kartellverwaltungsrecht der Europäischen Wirtschaftsgemeinschaft*. (Münchener Universitätschriften: Abhandlungen des Instituts für Europäisches und Internationales Wirtschaftsrecht, Vol. 2). Stuttgart: F. Enke Verlag, 1966. Pp. 136. German.

The protection of third parties in the Court's application of Community competition law is discussed.

41. Wertheimer, H.W. *National Trademark Law and the Common Market. Rules of Competition; A Case Study of the Trademark Implications in the Consten-Grundig Case*, 4 COMMON MARKET LAW REVIEW 308-25, 399-418 (1966).

42. Wolf, Ernest. *The Role of the Court of the European Communities in the Antitrust Structure of the Common Market*, 31 FORDHAM LAW REVIEW 621-38 (1963).

A summary of the functions entrusted to the Court by articles 173, 175, and 177 of the European Economic Community Treaty in an antitrust framework.

C. *Miscellaneous: Labor, Social Security, Tariffs, Rights of Third Parties, etc.*

1. Bartlett, Robert W. & Cox, William D. *Common Market Cases and Rulings—Movement of Labor; Competition*, 5 VIRGINIA JOURNAL OF INTERNATIONAL LAW 229-42 (1964).

A review of Court cases and Commission decisions concerning articles 48-51, 85, and 86 of the European Economic Community Treaty.

2. Becker, R.C. *DIE DRITTWIDERSPRUCHSKLAGE IM VERFAHREN VOR DEM GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFT*. Saarbrücken, 1970. Pp. 214. German.

3. Boisson, Antoine. *Jurisprudence de la Cour de Justice des Communautés Européennes en Matière de Fonctionnaires et Agents*, 12 ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL 183-210 (1966). French.

A commentary of the jurisprudence of the Court regarding article 179 of the European Economic Community Treaty, which gives the Court jurisdiction to adjudicate disputes between the Community and its subordinates.

4. Boneschi, Mario. *Principi di Diritto Economico Secondo la Giurisprudenza della Corte di Giustizia delle Comunità Europee*, 1961 RIVISTA DI DIRITTO INDUSTRIALE 232-74. Italian.



This article discusses the development of an economic law within the European Communities and the role of the Court in shaping this body of law.

5. Borner, Bodo. *Die Produktionskosten in der Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften*, 120 ZEITSCHRIFT FÜR DIE GESAMTE STAATSWISSENSCHAFT 643-65 (1964). German.

An analysis of production costs as a factor in the decision-making process of the Court.

6. Carnell, George H. *Jurisdiction—The EEC Convention on Jurisdiction of Courts and Enforcement of Judgments—Effects on British Common Law Principles*, 6 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 633-41 (1973).

An excellently executed and documented student note discussing the effect of the Convention of September 27, 1968, on Jurisdictions and the Enforcement of Civil and Commercial Judgments between the Member States of the Common Market. This convention does not, of course, affect directly the decisions of the Community Court, but it is possible that it may eventually require the Court's interpretation.

7. Dubois, Louis. *Fonctionnaires des Communautés Européennes: Commentaire de la Jurisprudence de la Cour de Justice des Communautés Européennes*, 3 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 648-64 (1967) and 6 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 120-44 (1970). French.

This article discusses the rights and duties of Community executives, as they appear in the decisions of the Court.

8. Dumon, Fredericq. *De Rechterlijke Uitlegging van de EEG-Verdragen Betreffende de Onderlinge Erkenning van Vennootschappen en Rechtspersonen en Betreffende de Rechterlijke Bevoegdheid en de Tenuitvoerlegging van Beslissingen*, 20 SOCIAAL-ECONOMISCHE WETGEVING 203-40 (1972). Dutch.

A comparison of protocols to two conventions concerning (1) the mutual recognition of companies and legal persons, and (2) jurisdiction of courts and enforcement of judgments, with emphasis on the need for uniformity of interpretation.

9. Fiorenza, Antonio. *I Diritti Previdenziali dei Lavoratori Migranti della Giurisprudenza della Corte di Giustizia delle Comunità Europee*, 5 RIVISTA DI STUDI EUROPEI 60-87 (1970). Italian.

Social security of migrant workers in Community law is discussed.

10. Gaudenzi, Sandro. *Tariff Quotas Under Article 25 EEC and the Court of Justice*, 1 COMMON MARKET LAW REVIEW 406-27 (1964).

A discussion of four judgments of the Court, rendered in 1963, on the controversial subject of annulment of Commission decisions on tariffs and other protective trade measures.

11. Goffin, Leon. *Powers of the Court of Justice in the Draft Regulation of the European Company (S.E.)*, in 2 MISCELLANEA W. J. GANSHOF VAN DER MEERSCH 127-49. Brussels: Établissements Emile Bruylant; Paris: Librairie Générale de Droit et de Jurisprudence, 1972.

An interesting discussion of the Court's competence to assume jurisdiction over the proposed "European corporations."

12. Horion, P. *La Stabilité de l'Emploi et la Jurisprudence de la Cour de Justice des Communautés Européennes*, in 1 LIBER AMICORUM BARON LOUIS FREDERICQ 595-608. Ghent: Wetenschappelijke Utig. E. Story-Scientia, 1966. French.

13. Hostert, J.M. *The Court of Justice of the European Communities and the Interpretation of the Fiscal Provisions of the Rome Treaty*, 43 BRITISH YEARBOOK OF INTERNATIONAL LAW 147-76 (1968-69).

A case law analysis of the Court's treatment of Community tax barrier problems up to January 1969, and a discussion of the Court's interpretation of pertinent treaty provisions in dealing with this problem.

14. Kheitmi, Rachid. *La Fonction Consultative de la Cour de Justice des Communautés Européennes*, 3 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 553-94, 759-98 (1967). French.

An extensive commentary about the function of advisory opinions in the work of the Court. The author suggests that although this type of opinion is infrequently used, it is used well, and that the pliancy of advisory opinions could be used more extensively to facilitate cooperation among Community Member States.

15. Lyon-Caen, Gerard. *La Jurisprudence Sociale de La Cour de Justice: Variations sur un Thème Ancien et Recherches de Sonorités Nouvelles*, 4 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 148-56 (1968). French.

A survey of Court decisions concerning regulation of the social security of migrant workers.

16. Mertens de Wilmars, J. *De Economische Opvattingen in de Rechtspraak van het Hof van Justitie van de Europese Gemeenschappen*, in 2 MISCELLANEA W. J. GANSHOF VAN DER MEERSCH 285-308. Brussels: Établissements Emile Bruylant; Paris; Librairie Générale de Droit et de Jurisprudence, 1973. Dutch.

The development of European economic law is examined by a judge of the Court.

17. Mok, M.R. *The Interpretation by the European Court of Justice of Special Conventions Concluded Between the Member States*, 8 COMMON MARKET LAW REVIEW 485-94 (1971).

Discussion of two protocols signed by the Council of the European Communities on June 3, 1971, concerning (1) the interpretation of the Court of a convention of February 29, 1968 on mutual recognition of companies and legal persons and (2) the interpretation of the convention of September 27, 1968 on jurisdiction and the enforcement of civil and commercial judgments. These protocols give the Court jurisdiction to interpret the respective conventions.

18. Mylord, Hans-Adolf. *Zur Frage des Rechtsschutzes "Dritter" im Rechtssystem der Europäischen Gemeinschaft für Kohle and Stahl*, 7 WIRTSCHAFT UND WETTBEWERB 483-504 (1957). German.

An examination of protection afforded to third parties under the legal system of the European Coal and Steel Community.

19. Norton, Joseph Jude. *The Treaty-Making Power of the European Economic Community—A Constitutional Crisis Facing the EEC*, 7 INTERNATIONAL LAWYER 589-611 (1973).

A general discussion of the treaty-making competence of the European Communities. The author discusses also the position taken by the Court that the Communities are competent in external affairs to the same extent as they are empowered to act in internal affairs. Discussion of the key external affairs case, *Commission v. Council*, May 1970, occupies a substantial part of the article and provides the theme for its general description.

20. Pellicer Valero, J. *Interpretacion Jurisprudencial del articulo 12 del Tratado de la C.E.E.*, 1965 REVISTA DE DERECHO MERCANTIL 271-335. Spanish.

21. Schrans, Guy. *De Motiveringsplicht in Het Recht Van de Europese Gemeenschappen*, 30 RECHTSKUNDIG WEEKBLAD 281 (1966). Dutch.

An analysis of the Court's interpretation of article 190 of the European Economic Community Treaty requiring the Council and the Commission to give full reasons for their decisions.

22. Schule, Adolf. *Grenzen der Klagebefugnis vor dem Gerichtshof der Montanunion*, 16 ZEITSCHRIFT FÜR AUSLÄNDISCHES ÖFFENTLICHES RECHT UND VÖLKERRECHT 227-55 (1955-56). German.

A well documented discussion of the appeal for annulment—who may bring the appeal, third party rights, and procedures involved.

23. Seche, Jean-Claude. *Belan de la Jurisprudence de la Cour de Justice des Communautés Européennes Relative aux Règlements Nos. 3 et 4 Concernant la Sécurité Sociale des Travailleurs Migrants*, 4 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 475-512 (1968). French.

A detailed study of Court decisions dealing with social security rights of migrant workers. The author notes the Court's difficult position as a coordinator of relevant national and Community law and regulations.

24. Seche, Jean-Claude. *The Revision of Regulations Nos. 3 and 4 (Social Security of Migrant Workers) in the Light of Their Interpretation by the Court of Justice*, 6 COMMON MARKET LAW REVIEW 170-92 (1969).

A discussion of the Court's interpretive role in the revision of Regulations 3 and 4.

25. Simon, Denys. *Les Relations Extérieures de la Communauté Economique Européenne à la Lumière de l'Arrêt de la Cour de Justice des Communautés "Commission Contre Conseil"*, in LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE. DANS LES RELATIONS INTERNATIONALES, 3-131. Nancy: Centre Européen Universitaire, 1972. French.

A discussion of the Court's interpretation of the external and international affairs powers of the Council and the Commission of the European Communities.

26. Strauss, Walter. *Zölle und Mengenmäßige Beschränkungen in der Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften zum Recht der Europäischen Wirtschafts-*

*gemeinschaft*, in PROBLEME DES EUROPÄISCHEN RECHTS; FESTSCHRIFT FÜR WALTER HALLSTEIN 515-40. Frankfurt am Main: Vittorio Klostermann, 1966. German.

A discussion of the problems of customs tariffs and quantitative restrictions in the interpretative work of the Court of Justice.

27. Tizzano, Antonio. *La Controversia tra Consiglio e Commissione in Materia de Competenza a Stipulare della C.E.E.*, 94 FORO ITALIANO, Parte Quarta, 339-62 (1971). Italian.

This article about conflicting exercises of powers by such Community organs as the Council and the Commission discusses, *inter alia*, the jurisdictional means of the Court to resolve such disputes. This is an important topic of Community law.

28. van der Burg, L.J. *De Niet-Contractuele Aansprakelijkheid der Europese Gemeenschappen en de Jurisprudentie van het Hof van Justitie*, 17 SOCIAAL-ECONOMISCHE WETGEVING 198-237 (1969). Dutch.

A discussion of the jurisdiction of the Court in cases involving non-contractual liability.

29. Vandersanden, G. *Le Recours En Tierce Opposition, Devant la Cour de Justice des Communautés Européennes*, 5 CAHIERS DE DROIT EUROPÉEN 666-82 (1969). French.

This commentary on the exceptional form of appeal by third parties for retrial of cases in which their rights have been prejudiced but in which they have not been heard (article 39 of the Statute of the Court) emphasizes questions of admissibility.

30. Virole, Jean. *Questions Posées par l'Interprétation du Traité du 25 mars 1957 Instituant la Communauté Économique Européenne à Propos de la Nationalisation de l'Electricité en Italie*, 1 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 369-98 (1965). French.

A discussion of interpretation of Community treaties by the Court and the relevance of such interpretation to the proposed nationalization of electric production by Italy.

31. Voirin, Michel. *La Sécurité Sociale des Migrants et les Droit de l'Homme*, 4 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 720-45 (1968). French.

This discussion of the conflict between Community and national law concerning the social security of migrant workers evaluates the

limits of Community authority and of the Court's role in determining those limits.

32. Vollmer, Ernst. *DIE WIRTSCHAFTLICHE DEUTUNG DER RECHTS-SPRECHUNG ZUM MONTANVERTRAG*. Berlin: Duncker & Humblot, 1967. Pp. 223. German.

The economic effect of Court decisions on the European Coal and Steel Community Treaty.

33. Waegenbaur, Rolf, *Das Verbot Steuerlicher Diskriminierung nach dem EWG-Vertrag im Lichte der Rechtsprechung des Gerichtshofs*, 4 *EUROPARECHT* 20-36 (1969). German.

This article discusses the Court's attitude towards tax discrimination, prohibited by the Communities treaties.

#### IX. SELECTED CASE NOTES, COMMENTS, AND SURVEYS IN SPECIAL SUBJECT AREAS

1. Andre, Achim. *Konkurrierende Ersatzansprüche vor Deutschen Gerichten und dem Europäischen Gerichtshof*, 1968 *NEUE JURISTISCHE WOCHENSCHRIFT* 331-36. German.

A critical commentary on the wisdom of the Court's decision in the *Kampffmeyer* case to limit its own jurisdiction to hear cases brought by private parties concerning 'faute de service' until the plaintiff has exhausted all available national remedies.

2. Biraschi, Anna Luisa. *Giurisprudenza della Corte di Giustizia delle Comunità Economiche Europee in Materia di Intese (Rassegna di Giurisprudenza Sino al 1966)*, 13 *DIRITTO DELL' ECONOMIA* 101-18 (1967). Italian.

3. Brandel, O.E. *Die Rechtsprechung des Gerichtshofes der Gemeinschaft zur Europäischen Agrar-Ordnung*, 1972 *AUSSENWIRTSCHAFTSDIENST DES BETRIEBS-BERATERS* 545-53. German.

An analysis of cases dealing with the agricultural laws of the Communities.

4. Breban, Jean (ed.). *Revue de Jurisprudence de la Cour de Justice des Communautés Européennes*, 1962 *REVUE DU DROIT PUBLIC ET DE LA SCIENCE POLITIQUE EN FRANCE ET À L'ÉTRANGER* 873-930. French.

This article contains two parts. Part I deals with the case law of the Court. Part II deals with the relationship between Community

and municipal law, methods of interpretation, and responsibility of the Community for torts.

5. Buergenthal, Thomas. *Decisions of the Court of Justice of the European Communities*, 57 AMERICAN JOURNAL OF INTERNATIONAL LAW 129-38, 431-35, 934-36 (1963).

Commentary on the *Bosch* case.

6. Cox, W.D. & Bartlett, R.W. *Common Market Cases and Rulings—Movement of Labor; Competition*, 5 VIRGINIA JOURNAL OF INTERNATIONAL LAW 229-42 (1965).

7. Daig, Hans-Wolfram. *Die Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften zur Unmittelbaren Wirkung von EWG-Bestimmungen auf die Rechtsbeziehungen zwischen Mitgliedstaaten und Gemeinschaftsbürgern*, 5 EUROPARECHT 1-31 (1970). German.

A well documented case study of Community regulations directly applicable to Member States in the context of the relationship between Community and national law.

8. Daig, Hans-Wolfram. *Die Vier Ersten Urteile des Gerichtshofes der Europäischen Gemeinschaft für Kohle und Stahl*, 10 JURISTENZEITUNG 361-71 (1955). German.

An examination of the first four cases of the Court of the European Coal and Steel Community.

9. de Gryse, Ludovic. *Europees Recht: Rechtbescherming Overzicht van Rechtspraak (1964-1967)*, 5 TIJDSCHRIFT VOOR PRIVAATRECHT 105-48 (1968). Dutch.

This overview of the Court's case law relative to articles 164-188 of the European Economic Community Treaty is very well documented and organized.

10. Durante, Francesco. *Giudizio Pregiudiziale, Rapporti tra Ordinamenti e Principio di Effettività nella Recente Giurisprudenza della Corte di Giustizia delle Comunità Europee*, 46 RIVISTA DI DIRITTO INTERNAZIONALE 415-521 (1963). Italian.

11. Feld, Werner. *The Court of Justice of the European Communities: Emerging Political Power?*, 38 TULANE LAW REVIEW 53-80 (1963).

An examination of the Court's 1961-62 term.

12. Ganshof van der Meersch, W.J. *Les Relations Extérieures de la C.E.E. dans le Domaine des Politiques Communes et l'Arrêt de la Cour de Justice du 31 Mars 1971*, 8 CAHIERS DE DROIT EUROPÉEN 127-58 (1972). French.

Case analysis.

13. Gleiss, Alfred. *Zwei Bedeutsame Urteile des Europäischen Gerichtshofes*, 13 WETTBEWERB IN RECHT UND PRAXIS 166-76 (1967). German.

Analysis of two Court decisions on Community competition policy.

14. Goffin, Leon. *De Rechtsbescherming in de Europese Gemeenschappen*, 1964 JURISDISCHE ASPECTEN VAN DE EUROPESE INTEGRATIE 113-46. Dutch.

15. Goffin, Leon & Mahieu, Michel. *L'arrêt Lutticke du 28 Avril 1971 et les Développements Récents de la Jurisprudence sur la Responsabilité Extra-Contractuelle des Communautés Européennes*, 8 CAHIERS DE DROIT EUROPÉEN 61-92 (1972). French.

A detailed comment about the *Lutticke* case and discussion of the noncontractual liability of the Communities under articles 178 and 215 of the European Economic Community Treaty. This is an exceptionally valuable work on a subject that is not discussed in great detail in many of the English writings on Community law.

16. Gori, Paolo. *Rassegna di Giurisprudenza della Corte di Giustizia delle Donita Europee*, 1962 RIVISTA DELLE SOCIETA 105-27 and 1963 RIVISTA DELLE SOCIETA 389-97. Italian.

17. Langavant, Emmanuel. *Le Fonctionnaire de la CECA Devant la Cour de Justice de Luxembourg. L'Arrêt Kergall*, 1956 JOURNAL DU DROIT INTERNATIONAL 650-73. English, French.

This review of the Court's first decision concerning an official of the European Coal and Steel Community gives the facts of the case, arguments of both parties in summary, discussion of the Court's decision, and some commentary.

18. *Les Recours en Annulation et en cas de Carence dans le Droit de la C.E.C.A. à la Lumière de la Jurisprudence de la Cour de Justice des Communautés*, 13 CHRONIQUE DE POLITIQUE ÉTRANGÈRE 291-402. (1960). French.



A synthesis of the Court's jurisprudence dealing with appeals for annulment and against inactivity.

19. Lyon-Caen, Gerard. *La Jurisprudence Sociale de la Cour de Justice des Communautés en 1964*, 1 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 84-93, 425-31 (1965). French.

A brief study of the Court's first four decisions dealing with the social security and status of migrant workers. Discusses the conflict between the Community's laws and regulations and those of its Member States.

For other comments by the same writer concerning decisions of the Court on social security see: 2 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 321-27 (1966), and 4 REVUE TRIMESTRIELLE DE DROIT EUROPÉEN 148 (1968).

20. Mailaender, K. Peter. *Restrictive Patterns by Multiple Agreements; the Brasserie de Haecht Case*, 6 COMMON MARKET LAW REVIEW 353-67 (1969).

21. Morera, Renzo. *Brevi Considerazioni in Ordine Alla Decisione Della Commissione Della CEE Sul Caso "Grundig-Consten"*, 8 RIVISTA DI DIRITTO INDUSTRIALE 285-315 (1964). Italian.

22. Ostroff, Nathan. *International Law—European Economic Community—Treaty of Rome Establishes a New Supranational Legal Order Which is Superior to the Municipal Laws of the Individual Member States*, 1 JOURNAL OF THE UNIVERSITY OF TEXAS INTERNATIONAL LAW SOCIETY 121-45 (1965).

A note on the implications of the *Costa* case.

23. Raux, J. *La Cour de Justice des Communautés et les Relations Extérieures de la C.E.E.*, 76 REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC 36-68 (1972). French.

Discussion of the *Commission v. Council* decision (March 31, 1971) in which article 173 of the European Economic Community Treaty was interpreted as giving the Court competence over acts of other European Economic Community institutions. Constitutional aspects of the Court are underlined.

24. Riesenfeld, Stefan A. *The Decisions of the Court of Justice of the European Communities*, 56 AMERICAN JOURNAL OF INTERNATIONAL LAW 724-28 (1962) and 59 AMERICAN JOURNAL OF INTERNATIONAL LAW 325-35 (1965).

This review of Court decisions from 1954 through 1963 by a recog-

nized American authority on Community law is an excellent capsule summary of the Court's performance during the first decade of its existence.

25. Riesenfeld, Stefan & Buxbaum, Richard. *N.V. Algemene Transport—en Expeditie Onderneming van Gend en Loos c. Administration Fiscale Neerlandaise: A Pioneering Decision of the Court of Justice of the European Communities*, 58 AMERICAN JOURNAL OF INTERNATIONAL LAW 152-59 (1964).

A well documented case discussion interpreting the Court's decision in *van Gend en Loos* as proof of the Court's intention to develop a truly supranational Community law.

26. Riphagen, W. *The Case Law of the European Coal and Steel Community Court of Justice*, 2 NEDERLANDS TIJDSCHRIFT VOOR INTERNATIONAAL RECHT 384-440 (1955).

An annotated survey of the Court's first six judgments with respect to the validity of the High Authority's decisions.

27. Snijders, W.L. & Brinkhorst, L.J. *De Drie Arresten Van Het Hof Van Justitie Inzake Alleenverkoopovereenkomste*, 15 SOCIAAL-ECONOMISCHE WETGEVING 162-93 (1967). Dutch.

An examination of three Court decisions with respect to the competence of the Court under the European Economic Community Treaty articles 177 and 184. The authors also consider the influence of these decisions on the nature and extent of judicial control by the Court over the Commission.

28. Stein, Eric. *The Court of Justice of the European Coal and Steel Community: 1954-1957*, 51 AMERICAN JOURNAL OF INTERNATIONAL LAW 821-29 (1957).

A brief but insightful review of the Court's early decisions delineating the power of the High Authority.

29. Stein, Eric. *The European Coal and Steel Community: The Beginning of its Judicial Process*, 55 COLUMBIA LAW REVIEW 985-99 (1955).

A discussion of the first two judgments of the Court in terms of their effect on establishing the scope of judicial review to be exercised by the Court over the High Authority.

30. Stein, Eric. *Toward Supremacy of Treaty—Constitution by Judicial Fiat: On the Margin of the Costa Case*, 63 MICHIGAN LAW REVIEW 491-518 (1965).

A discussion of the *Costa* case, its background, the conflicting opinions of the Community and Italian courts, and the implications of the decision.

31. Steindorff, Ernst. *Die Europäischen Gemeinschaften in der Rechtsprechung*, 8 ARCHIV DES VÖLKERRECHTS 50-70, 426-440 (1959-60). German.

A two part commentary on the Court's decisions.

32. Thompson, Dennis. *The Bosch Case*, 11 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 721-41 (1962).

A very thorough discussion of the *Bosch* case including the arguments before the Court and the Court's opinion.

33. Ullrich, Hans. *The Impact of the "Sirena" Decision on National Trademark Rights*, 3 IIC: INTERNATIONAL REVIEW OF INDUSTRIAL PROPERTY AND COPYRIGHT LAW 193-225 (1972).

A well documented discussion of the Court's decision and its general attitude towards the national trademark laws of the Member States.

34. Valentine, D.G. *The First Judgments of the Court of Justice of the European Coal and Steel Community*, 20 MODERN LAW REVIEW 596-619 (1957).

A general review of the Court's jurisdiction under the European Coal and Steel Community Treaty in the context of its first decisions. This interesting and useful analysis is now somewhat dated.

35. van der Esch, B. *Rechtsbescherming door het Hof van Justitie van de Europese Gemeenschappen*, 1964 RECHTSBESCHERMING TEGEN DE OVERHEID 33-54. Dutch.

36. Verhoeven, Joe. *La Cour de Justice des Communautés Européennes. Jurisprudence 1965-66*, 27 ANNALES DE DROIT 335-74 (1967). French.

37. Verhoeven, Joe. *Droit Communautaire et Droit National*, 5 CAHIERS DE DROIT EUROPÉEN 683-719 (1969). French.

An analysis of case law.

38. Voirin, Michel. *Commentaire des Arrêts de la Cour de Justice des Communautés Européennes (Goldiz, Ciechelski et De Moor)*, 1968 DROIT SOCIAL 329-46. French.

A case comment.

## X. INDEX OF AUTHORS

## A

ADLER, G. V(A)(2):1.  
 AGUSTIN, J. VII(A):38; VII(B):17.  
 ALDER, C. VII(A):1.  
 ALEXANDER, W. VIII(A):1,2.  
 ANDRE, A. VI(B):1,2; VII(A):2; IX:1.  
 ANGULO, M. VII(B):1.  
 ANTOINE, A. VI(A):1.  
 ARENDT, E. VIII(A):3.  
 ASTOLFI, A. VIII(A):4,5.  
 AXLINE, W. V(A)(1):1; VIII(A):6.

## B

BAADE, H. VII(E):1.  
 BÄCHLE, H.-U. VI(A):2.  
 BANDILLA, R. VII(B):2.  
 BARTLETT, R. VIII(C):1; IX:6.  
 BASSE, H. V(B):1.  
 BATAILLER, F. VIII(A):7.  
 BEBR, G. V(A)(1):2; V(A)(2):2,3; VII(A):3,4; VII(B):3; VII(C):1; VII(E):2; VIII(A):8.  
 BECKER, R. VIII(C):2.  
 BERGSTEN, E. VII(C):2.  
 BERRI, L. VII(A):5.  
 BERRI, M. VI(B):3; VII(A):6; VIII(A):9,10.  
 BIRASCHI, A. VIII(B):20; IX:2.  
 BLASE, A. VII(A):7.  
 BOISSON, A. VIII(C):3.  
 BONESCHI, M. VI(B):4; VIII(C):4.  
 BORNER, B. VIII(B):1; VIII(C):5.  
 BRANDEL, O. IX:3.  
 BREBAN, J. IX:4.  
 BREITNER, F. V(A)(2):4; VII(E):3.  
 BRICMONT, G. VI(B):5.  
 BRIDGE, J. V(A)(1):20.  
 BRINKHORST, L. II(B):1, II(E)(2):1,2; V(A)(1):3,4; V(A)(2):5; IX:27.  
 BUELOW, E. V(A)(2):6.  
 BUERGENTHAL, T. VII(B):4; VII(E):4; IX:5.  
 BUXBAUM, R. VIII(A):11,12; IX:25.

## C

CAHIER, P. VII(A):8.  
 CALLIANO, O. VII(A):9.  
 CAMBIER, C. VI(B):6.  
 CAMPBELL, A. II(A)(3):1.  
 CARBONE, S.M., VII(E):5.  
 CARNELL, G. VIII(C):6.  
 CASANOVA DEMARCHI, M. V(A)(2):7.

CATALANO, N. V(A)(1):5; VII(B):5,6; VIII(B):2.  
 CEMOLINO, G. VIII(A):13.  
 CHEVALLIER, R. VI(C):1; VII(A):39.  
 CINTURA, P. VI(C):2.  
 CLEVER, F. VII(D):1.  
 COCKS, B. IV(A)(1):5.  
 COHEN, D. VII(B):3.  
 COHN, E. VI(B):7.  
 COLIN, J.-P. V(A)(1):6.  
 COLTELLI, R. II(E)(2):9.  
 CONDORELLI BRAUN, N. VI(A):3.  
 CONIFF, M. VIII(A):14.  
 CONSTANDINIDES-MEGRET, C. V(A)(1):7; V(B):2.  
 CONSTANTINESCO, L.-J. VII(C):3.  
 COSGROVE, C. III:7.  
 COX, W. VIII(C):1; IX:6.

## D

DAIG, H.-W. V(A)(2):8; VII(B):7; VIII(A):15, VIII(B):4; IX:7,8.  
 DAUBLER, W. VII(A):11.  
 DAWSON, F. VII(B):1.  
 DEGAN, V.-D. V(B):3.  
 DEGENHARDT, F. VI(B):8.  
 DE GRYSE, L. IX:9.  
 DEHOUSSE, J.-M. V(B):4.  
 DE LAUBADERE, A. VII(A):12; VII(D):2.  
 DELVAUX, L. V(A)(1):8.  
 DELVOLVE, J.-L. VII(C):4,5.  
 DE RICHEMONT, J. II(A)(3):3.  
 DERINGER, A. VIII(B):5.  
 DE SOTO, J. V(A)(1):9,10.  
 DICKSCHAT, S. VI(C):3.  
 DÖLLE, H. II(E)(2):5.  
 DONNER, A. V(A)(1):11; V(A)(2):9; VII(A):13; VII(B):8; VII(C):6; VIII(A):16.  
 DORSCH, H. VI(B):9.  
 DROZ, G. VII(A):14.  
 DUBOIS, L. VIII(C):7.  
 DUMON, F. VII(C):7,8; VIII(B):6; VIII(C):8.  
 DURANTE, F. IX:10.

## E

EBB, L. VII(C):9.  
 EHLE, D. VI(B):10; VIII(A):17,18; VIII(B):7.  
 ELLES, N. (V)(A)(1):12.  
 EVERLING, U. II(A)(3):14.  
 EVERSEN, H. II(E)(20):7,8.  
 EYNARD, S. VII(A):15.

## F

FALCONETTI, H. VIII(A):19.  
 FEFFER, G. VIII(B):9.  
 FELD, W. V(A)(1):13; V(A)(2):10; V(B):  
 5; VI(A):4; IX:11.  
 FERRARI-BRAVO, L. VII(C):10; VIII(A):20.  
 FERRIERE, G. VII(A):16.  
 FIKENTSCHER, W. VII(A):17.  
 FINE, R. VIII(B):10.  
 FIORENZA, A. VIII(C):9.  
 FOIS, P. VII(A):18.  
 FRANCESCHELLI, R. VIII(B):11.  
 FREEDMAN, A. VII(B):9.  
 FRIGNANI, A. VIII(B):12.  
 FROMONT, M. V(B):6; VII(B):10.  
 FROWEIN, J. VII(C):11.  
 FUNKE, A. VIII(A):21.

## G

GANSHOF VAN DER MEERSCH, W. V(A)(1):  
 14; IX:12.  
 GARRON, R. VII(C):12.  
 GASPARRI, P. VII(D):3.  
 GAUDENZI, S. VIII(C):10.  
 GAUDET, M. V(A)(2):11; VIII(A):22.  
 GERBRANDY, S. VI(B):11.  
 GLAESNER, H.-J. II(A)(3):14, VII(A):19.  
 GLEISS, A. IX:13.  
 GOFFIN, L. VIII(C):11; IX:14,15.  
 GOLDEN, C. V(A)(2):12.  
 GORI, P. VI(B):12; VII(A):20; IX:16.  
 GORMLEY, W. VII(A):21; VII(B):11,12;  
 VIII(A):23.  
 GRABITZ, E. VII(A):22.  
 GREEN, A. III:9; V(A)(1):15.  
 GREMENTIERI, V. V(A)(1):16, V(A)(2):12;  
 VI(A):5,6; VI(B):13.  
 GRISOLI, A. V(A)(1):17.  
 GUENTHER, W. VI(B):14.  
 GUTSCHE, M. VII(A):23; VII(C):13.  
 GUYENOT, J. VIII(B):13.

## H

HAMMES, C. V(A)(2):13; VI(A):7.  
 HARDY, S. V(A)(1):27.  
 HAUG, VIII(A):24.  
 HAY, P. V(A)(2):14; VI(C):4; VII(B):20;  
 VIII(A):25,26.  
 HELLNER, J. VI(C):5.  
 HERZOG, P. VI(B):15.  
 HOFFMAN-BECKING, G. VI(C):6; VII(A):17.  
 HOLLOWAY, J. VIII(A):27.  
 HOLTON, T. VII(A):24.  
 HORION, P. VIII(C):12.

HOSTERT, J. VIII(C):13.  
 HUNSCHA, A. III:10.

## I

IBARRA-ESCAMILLA, J.-L. V(A)(1):18.  
 IMMENGA, U. VIII(B):14.  
 IOANNOU, K. VII(A):25.  
 IPSEN, H.P. V(A)(1) 18.1.  
 IRELAN, W. VIII(A):28.

## J

JEANTET, F.-C. V(A)(2):15; VIII(A):29.  
 JOLIET, R. VIII(B):15.  
 JUILLARD, P. VIII(A):30.

## K

KAHN, F.O. V(B):7.  
 KAPTEYN, P. V(A)(1):19.  
 KHEITMI, R. VIII(C):14.  
 KIRSCHSTEIN, F. VIII(B):16,17.  
 KNAUB, G. VI(B):16.  
 KNOPP, W. VII(C):14.  
 KOENIGS, F. III:10.  
 KOVAR, R. VII(B):13.  
 KOZYRIS, P. VII(C):15.  
 KROPHOLLER, J. V(B):8.

## L

LACERF, J. V(A)(1):37.  
 LA CHINA, S. VII(C):16.  
 LAGRANGE, M. V(A)(2):16; VIII(A):31;  
 VIII(B):18.  
 LANG, J. V(B):9.  
 LANGAVANT, E. IX:17.  
 LASOK, D. V(A)(1):20.  
 LAUN, R. VII(D):4.  
 LA VALLE, F. VII(c):17.  
 LAUWAARS, R. V(A)(1):21, V(B):10.  
 LECHELER, H. VI(C):8.  
 LECOURT, R. V(A)(1):22, VII(B):14.  
 LEGROS, H. VI(B):9.  
 LENHOFF, A. V(B):11.  
 LE TALLEC, G. VIII(B):19.  
 LEVER, J. V(B):12.  
 LIPSTEIN, K. V(A)(1):23.  
 LLOYD, D. V(A)(2):17,18.  
 LOESCH, J. V(A)(2):15.  
 LONGO, M. VIII(B):20.  
 LORENZ, W. V(A)(2):19, VI(C):9.  
 LOUIS, J.V. II(A)(3):6; V(A)(1):24;  
 VII(A):26.  
 LOWENFELD, A. VI(A):8.  
 LUTYENS, C. III:11.  
 LYON-CAEN, G. VIII(C):15; IX:19.

## M

- MAHIEU, M. IX:15.  
 MAILLAENDER, K. VIII(B):21; IX:20.  
 MANN, C. V(A)(1):25.  
 MARTINEZ, R. VIII(A):32.  
 MASHAW, J. VII (A):27; VIII(A):33.  
 MATHIJSEN, P. V(A)(1):26; VI(A):9;  
 VII(E):6.  
 MATTHIES, H. VII(A):28,29.  
 MAZARD, J. VIII(A):34.  
 McMAHON, J. V(A)(2):20, VI(C):10.  
 MEGRET, J. II(A)(3):6.  
 MEISTER, B. VII(D):5.  
 MERCHIERS, L. VIII(A):35.  
 MERTENS DE WILMARS, J. VII(A):30,31;  
 VII(E):7; VIII(C):16.  
 MIGLIAZZA, A. V(B):13, VI(A):10; VI(C):  
 11,12; VII(A):32,33,34,35; VII(E):8.  
 MINATTUR, J. V(A)(2):21.  
 MINOT, P. II(A)(3):7.  
 MOK, M. VIII(A):36, VIII(C):17.  
 MONACO, R. II(A)(3):10; V(A)(2):23,24;  
 VI(C):13; VII(A):36.  
 MORERA, R. VIII(B):22; IX:21.  
 MYLORD, H.-A. VIII(C):18.

## N

- NASS, K. VIII(A):23.  
 NERI, S. VII(A):37; VII(B):15,16; VII(E):  
 9; VIII(A):37; VIII(B):24.  
 NICOLAYSEN, G. V(A)(2):25.  
 NOBILI, R. VI(C):14.  
 NORTON, J. VIII(C):19.

## O

- ODENT, R. VIII(A):38.  
 O'DONOVAN, V. VI(A):11.  
 OPHULS, D. V(B):14.  
 OPPERMANN, T. V(B):15.  
 OPSAHL, T. VIII(A):39.  
 ORIANNE, P. VI(B):21.  
 OSTROFF, N. IX:22.

## P

- PAKLONS, N. IX:22.  
 PALK, W. V(A)(2):26.  
 PAONE, P. II(E)(2):9.  
 PARRY, A. V(A)(1):27.  
 PASSETTI, G. II(A)(3):8, V(A)(1):28.  
 PEASLEE, A. II(A)(3):9.  
 PEHRSSON, H. III:13.  
 PELLICER VALERO, J. VII(A):38; VII(B):17;  
 VIII(C):20.  
 PEPY, A. VIII(A):40,41,42.

- PERSICO, L. VIII(A):43.  
 PESCATORE, P. V(A)(1):29; V(A)(2):27;  
 VI(C):15; VII(C):18; VIII(A):44,45,46,  
 47.  
 PETERSEN, E. V(B):16.  
 PINAY, P. V(A)(2):28.  
 PLOUVIER, L. VI(B):17.

## Q

- QUADIN, R. II(A)(3):10.  
 QUESTIAUX, N. VI(C):16.

## R

- RASQUIN, G. VII(A):39; VII(C):19.  
 RAUX, J. IX:23.  
 REATI, A. VIII(B):25.  
 REIMER, D. VIII(B):26.  
 RENATO, G. VI(B):18.  
 REUTER, E. VII(A):40.  
 REUTER, P. V(A)(2):29; VI(C):17.  
 RIDEAU, J. V(A)(1):30; V(B):17.  
 RIESE, O. VI(C):18; VII(B):18.  
 RIESENFELD, S. IX:24,25.  
 RIGAUX, F. VII(A):41.  
 RIPHAGEN, W. IX:26.  
 RIVERO, J. VII(A):42,43.  
 RODIERE, R. VIII(A):48.  
 ROSAUER, G. VIII(B):27.  
 ROSSI, G. VI(C):14.  
 ROUCOUNAS, E. VII(A):44.  
 RUPPRECHT, W. VII(E):10.  
 RYZIGER, P. VIII(A):49.

## S

- SASSE, C. VII(C):20.  
 SCHEINGOLD, S. V(A)(1):31,32; V(A)(2):30.  
 SCHERMERS, H. II(E)(2):1; V(A)(1):3.  
 SCHLOCHAUER, H.-J. V(A)(2):31,32,33.  
 SCHOENBAUM, T. VIII(A):50.  
 SCHRANS, G. VIII(C):21.  
 SCHROEDER, M. VII(A):45.  
 SCHULE, A. VIII(C):22.  
 SCHUMACHER, H. VIII(B):28.  
 SCHWARZENBERGER, G. V(A)(2):34.  
 SECHE, J.-C. VII(A):46; VIII(C):23,24.  
 SELVAGGI, C. VII(B):19.  
 SIMON, D. VIII(C):25.  
 SINCLAIR, I. VI(C):19.  
 SIZARET, L. VI(A):12.  
 SLUSNY, M. VI(B):19.  
 SNIJDERS, W. IX:27.  
 SOCINI, R. VIII(A):51.  
 SOLDATOS, P. VII(A):47.  
 SPERL, H. II(E)(2):7,8.

SPORMANN, K. VIII(B):29.  
 SPRUNG, R. II(A)(3):14.  
 STEIN, E. VII(B):20; IX:28,29,30.  
 STEINDORFF, E. VII(E):11; VIII(B):30,31;  
 IX:31.  
 STEVENS, L. VI(C):20.  
 STEWART, S. V(A)(2):35.  
 STOLFI, M. VIII(B):32.  
 STRAUSS, W. VIII(C):26.  
 SUERMONDT, G. V(A)(2):37.

## T

TELCHINI, I. VI(C):21.  
 THIESING, J. II(A)(3):13.  
 THOMPSON, D. IX:32.  
 TIZZANO, A. V(A)(1):33, VII(A):48;  
 VIII(C):27.  
 TOMUSCHAT, C. VIII(A):52.  
 TORELLI, M. VII(B):21.  
 TRABUCCI, A. II(A)(2):10; II(A)(3):8.

## U

ULE, C. VII(B):22; VII(C):21.  
 ULLRICH, H. IX:33.

## V

VALENTI, A. V(A)(1):34; VII(B):23.  
 VALENTINE, D. II(B):2; II(E)(2):11;  
 V(A)(1):35,36; VI(C):22; VII(A):49;  
 VII(E):12; IX:34.  
 VALLATT, J. V(A)(1):12.  
 VAN BOGAERT, E. V(A)(2):36.  
 VAN DEN HEUVEL, H. VI(B):20; VIII(B):  
 33.  
 VAN DER BURG, L. VIII(C):28.  
 VAN DER ESCH, B. VII(A):50; VII(D):6;  
 IX:35.  
 VANDERSANDEN, G. VIII(C):29.  
 VAN DER WIELEN, J. VIII(B):34.  
 VANDEWALLE, G. VIII(B):35.  
 VAN HEEMSTRA, F. V(A)(2):37.  
 VAN HOUTTE, A. V(A)(2):38.  
 VAN KLEFFENS, A. V(A)(2):39.  
 VANNI, G. VIII(B):36.

VAN NOTTEN, M. VIII(B):37.  
 VAN REEPINGHEN, C. VI(B):21.  
 VERHOEVEN, J. IX:36,37.  
 VERLOREN VAN THEMAAT, P. V(A)(1):19.  
 VERMAES, S. II(E)(2):2; V(A)(1):4.  
 VERMEULEN, W. VII(A):51.  
 VEROUGSTRAETE, I. VII(A):31; VII (E):7.  
 VERPRAET, G. V(A)(1):37.  
 VEZZOSO, G. V(A)(2):40.  
 VIGNES, D. II(A)(3):6.  
 VIGNI, M. VI(C):23.  
 VIROLE, J. VIII(C):30.  
 VOIRIN, M. VIII(C):31; IX:38.  
 VOLLMER, E. VIII(C):32.  
 VON ARNIM, C. VIII(B):38.  
 VON BOECKH, H. II(A)(3):13.  
 VON CAEMMERER, E. V(A)(1):38.  
 VON DER GROEBEN, H. II(A)(3):13.

## W

WAEGENBAUR, R. II(A)(3):6; VIII(C):33.  
 WAELEBROECK, M. II(A)(3):6; V(B):18;  
 VII(A); 52; VII(B):24; VIII(B):39.  
 WAGNER, H. V(A)(1):39.  
 WALL, E. II(B):3; V(A)(1):40.  
 WEBER, Y. VII(D):7.  
 WEIDINGER, W. VIII(B):40.  
 WERTHEIMER, H. VIII(B):41.  
 WHITE, G. V(A)(2):41.  
 WIEBRINGHAUS, H. V(A)(1):41.  
 WIESNER, W. VII(E):13.  
 WILD, J. III:20.  
 WOLF, E. VIII(B):42.  
 WOLF, K. VII(A):53.  
 WOHLFARTH, E. II(A)(3):14.  
 WOODWORTH, R. VIII(A):53.  
 WULF, H. III:13.

## Z

ZANNINI, W. VI(C):24.  
 ZAPHIRIOU, G. VII(B):25.  
 ZULEEG, M. VII(A):54.  
 ZWEIGERT, K. II(E)(2):5.

XI. APPENDIX

In view of the relative inaccessibility of the annual *General Reports on the Activities of the European Communities* in the United States, the following tables are reprinted for the convenience of readers from the *Seventh General Report (1973)*.

Table A  
Cases analysed by subject matter  
Situation at 31 December 1973

Type of case	ECSC				EEC								Eur-atom	Privileges and immunities	Proceedings by officials of staff institutions	Total
	Scrap Compensation	Transport	Competition	Other <sup>1</sup>	Free movement of goods and customs union	Right of establishment, freedom to supply services	Tax cases	Competition	Social security and free movement of workers	Agricultural policy	Transport	Other <sup>2</sup>				
New cases	169	36	59 (4)	19	67 (11)	1	27	71 (26)	60 (12)	171 (35)	3 (1)	4 (2)	3	6	331 (160)	1 057 (192)
Cases not resulting in a judgment	22	6	15	9	10 (1)	1	5	3	2	7 (2)	—	—	1	—	70 (3)	151 (6)
Cases decided	147	30	40	10	54 (8)	—	22 (1)	46 (8)	52 (10)	159 (39)	3 (1)	3 (3)	2	6	221 (18)	775 (83)
Cases pending	—	—	4	—	3	—	—	22	6	21	—	1	—	—	100	165

<sup>1</sup> Levies, investment declarations, tax charges, miners' bonuses.  
<sup>2</sup> Contentious proceedings, staff regulations, Community terminology.  
 The figures in parentheses represent the cases dealt with by the Court in 1973

Table B  
Cases analysed by type (EEC Treaty)<sup>1</sup>  
Situation at 31 December 1973

Type of case	Proceedings brought under Articles											Grand total <sup>2</sup>	
	160 and 93	170	173				175	177			184		215
			By the Governments	By individuals	By the Institutions	Total		Validity	Interpretation	Total			
New cases	35	—	17	74	2	9	9	30	229	242	3	33	407
Cases not resulting in a judgment	7	—	4	5	—	9	—	—	12	12	—	—	28
Cases decided	24	—	11	51	2	14	8	27	197	209	3	22	322
In favour of plaintiff <sup>3</sup>	20	—	2	8	1	11	—	—	—	—	—	—	31
Dismissed on the merits <sup>4</sup>	4	—	8	22	1	31	—	—	—	—	—	22	53
Rejected as inadmissible	—	—	1	21	—	22	7	—	—	—	3	—	32
Cases pending	4	—	2	18	—	20	1	3	20	21	—	11	57

<sup>1</sup> Excluding proceedings by staff and cases concerning the interpretation of the Protocol on Privileges and Immunities.  
<sup>2</sup> The number of judgments may be smaller than the number under the various headings because some cases are based on several Treaty Articles.  
<sup>3</sup> In respect of at least one of the plaintiff's main claims.  
<sup>4</sup> This also covers proceedings rejected partly as inadmissible and partly on the merits.



Table C  
Cases analyzed by type (ECSC and Euratom Treaties)<sup>1</sup>  
Situation at 31 December 1973

Type of case	Number of proceedings instituted						Total	
	By the Governments		By the Institutions		By individuals (undertakings)		ECSC	Euratom
	ECSC	Euratom	ECSC	Euratom	ECSC	Euratom		
New cases	22	—	1	2	261	1	284	3
Cases not resulting in a judgment	9	—	—	1	43	—	52	1
Cases decided	13	—	1	1	214	1 <sup>2</sup>	228	2
In favour of plaintiff	5	—	—	1	49	1 <sup>2</sup>	53	2
Dismissed on the merits <sup>3</sup>	7	—	—	—	117	—	124	—
Rejected as inadmissible <sup>4</sup>	1	—	1	—	40	—	51	—
Cases pending	—	—	—	—	4	—	4	—

<sup>1</sup> Excluding proceedings by staff and cases concerning the interpretation of the Protocol on Privileges and Immunities.

<sup>2</sup> In respect of at least one of the plaintiff's main claims.

<sup>3</sup> This also covers proceedings rejected partly as inadmissible and partly on the merits.

<sup>4</sup> Terminated by order of the Court.

Table D  
Decisions by national courts concerning Community law<sup>1</sup>

Country	EEC Treaty												Infringement <sup>5</sup>	Total	
	Free movement of goods			Agriculture	Free movement persons and right of establishment	Social security law <sup>2</sup>									
	Customs duties	Quota restrictive restrictions	Monopolies				Transport	Restrictive agreements	Dumping	Aids	Tax provisions	Other <sup>3</sup>			
Belgium	1			1	1	11		41					4	2	61
Germany (FR)	23	2	4	78	13	2	1	47	2	1	35	19	4	234	
France	5	3	1	5	3	19	1	19	1	1		3	2	63	
Italy			1	6	1	3		1		2	3	2	14	33	
Luxembourg								1						1	
Netherlands	4		1	2	1	8		34				6		56	
Total	33	5	7	92	19	43	2	143	3	4	38	34	22	448	
Previous totals	33	4	6	71	18	33	2	139	3	3	35	27	22	401	
New judgments	3	1	1	21	1	5	0	4	0	1	3	7	0	47	

<sup>1</sup> Figures are for decisions published up to 1 October 1973, excluding cases which gave rise to a reference to the Court of Justice for a preliminary ruling.

<sup>2</sup> The breakdown of subject matter is according to the main aspect of the judgment. Thus, cases referring to tax questions in agriculture are classified under 'tax provisions'.

<sup>3</sup> Cases concerning social security and Article 119.

<sup>4</sup> Cases concerning Article 7, Article 163 (effect of a judgment of the Court of Justice), Article 177 (costs, examination by a national court of its obligation to put a request for interpretation to the Court of Justice), commercial policy, Articles 215, 220, 227, Protocol 1, 7, and association agreements with Turkey and the AAMS, relationship between Community law and national law.

<sup>5</sup> Cases: financing, social security, competition, transport, obligation to pay, and forced execution.