

IZ STRANIH ČASOPISA

Common Market Law Review

Issue: 38, 1

Editors and Publishers

Editorial Comments: The EU Charter of Fundamental Rights still under discussion

1 6

Articles

Private applicants and the action for annulment since Codorniu

7 52

Arnull, Anthony

European private international law, the European Community and its

53 86

emerging area of freedom, security and justice

Remien, Oliver

Common features of Community law regulation in the network-bound sectors

87 129

Skudder, Andrew and Slot, Piet Jan

The scope of collective dominance under Articles 82 EC

131 157

Monti, Giorgio

The integration of environmental protection as a general rule for interpreting Community law

159 177

Wasmeier, Martin

Case Law

| | | |
|--|--------------|------------|
| A. Court of Justice | 179 | 194 |
| Case C-349/99 P, Commission v. ADT Projekt Gesellschaft der Arbeitsgemeinschaft Deutscher Tierzüchter mbH, Order of ECJ of 4 October 1999, <i>nyr</i> ; | | |
| Joined cases C-174/98 P and C-189/98 P, Kingdom of the Netherlands and Gerard van der Wal v. Commission, Judgment of ECJ of 11 January 2000, <i>nyr</i> ; | | |
| Case T-309/97, The Bavarian Lager Company Ltd v. Commission, Judgment of 14 October 1999, <i>nyr</i> ; | | |
| Case T-92/98, Interporc Imund Export GmbH v. Commission, with annotation by S. Kadelbach | | |
| Joined Cases C-147/97 and C-148/97, Deutsche Post AG v. Gesellschaft für Zahlungssysteme mbH (GZS) and Citicorp Kartenservice GmbH CKG, with annotation by A. Bartosch | | |
| Case C-388/95, Belgium v. Spain, with annotation by E. Spaventa | | |
| Book Reviews | | |
| | 221 | 241 |
| Survey of literature | | |
| | 243 | 254 |
| Publications received | | |
| | 255 | 261 |
| Europarecht | | |
| Issue: | 36, 1 | |
| <u>http://www.nomos.de/nomos/zeitschr/zeitschr.htm</u> | | |
| Aufsätze | | |
| Regulierung und Marktfreiheit im Europäischen Umweltrecht | 1 | 26 |
| <i>Scheuing, Dieter H.</i> | | |
| Aufsätze | | |
| Europäisierung des öffentlichen Dienstrechts | 27 | 48 |
| <i>Kämmerer, Jörn Axel</i> | | |
| Aufsätze | | |
| Zur Inkorporation der Europäischen Menschenrechtskonvention in | 49 | 61 |

**den nationalen Rechtsordnungen der Mitgliedstaaten
*Chryssogonos, Kostas***

***Rechtsprechung - Gerichtshof der Europäischen Gemeinschaften -
Gericht erster Instanz***

| | | |
|--|-----|-----|
| Kompetenz der Gemeinschaft zum Erlass einer Richtlinie zur Angleichung der nationalen Vorschriften über Tabakwerbung, Urteil des Gerichtshofes vom 5.10.2000 (Nichtigkeitsklage), Deutschland/Parlament und Rat, Rs. C-376/98 | 62 | 77 |
| Irreführende Verwendung sog. „einfacher“ geographischer Herkunftsangaben Urteil des Gerichtshofes vom 7.11.2000 (Vorabentscheidungsersuchen des Bundesgerichtshofes), Schutzverband gegen Unwesen in der Wirtschaft/Wartsteiner Brauerei Haus Cramer GmbH & Co. KG, Rs. C-312/98 | 78 | 84 |
| Verfahren zur Vergabe öffentlicher Aufträge - Diskriminierung aus Gründen der Staatsangehörigkeit, Urteil des Gerichtshofes vom 7.12.2000 (Vorabentscheidungsersuchen des österreichischen Bundesvergabeamts), ARGE Gewässerschutz/Bundesministerium für Land- und Forstwirtschaft, Rs. C-94/99. | 85 | 89 |
| Schadensersatzklage gegen Kommission wegen Verletzung des Grundsatzes der ordnungsgemäßen Verwaltung, Urteil des Gerichts erster Instanz vom 9.7.1999 (Schadensersatzklage), New Europe Consulting Ltd/Kommission, Rs. T-231/97 | 90 | 100 |
| Die verfahrens- und haftungsrechtliche Bedeutung der Sorgfaltspflicht der Verwaltung - Anmerkung zum Urteil des EuG vom 9.7.1999, New Europe Consulting Ltd/Kommission, Rs. T-231/97, von Hanns Peter, Nehl, D.E.A., LL.M., Brüssel, und Wolfgang Wurmnest, Hamburg | 101 | 111 |

Kleinere Beiträge, Berichte und Dokumente

| | | |
|---|-----|-----|
| Zur Europarechtskonformität der Deutschen-Grundrechte - Europarechtskonforme Auslegung oder Rechtsfortbildung der Grundrechte?, von Prof. Dr. Jörg Lücke, Mainz | 112 | 118 |
|---|-----|-----|

| | |
|---|----------------|
| Steuerwettbewerb in Europa, von Prof. Dr. Joachim Wieland, Bielefeld | 119 129 |
|---|----------------|

Rezensionen

| | |
|--|---------|
| Jans, Jan H., European Environmental Law (Dr. Bernhard Wegener, Bielefeld) | 129 130 |
|--|---------|

| | |
|---|---------|
| Hinweis auf „Klimaschutz durch Emissionshandel“ - Achte Osabrücker Gespräche zum deutschen und europäischen Umweltrecht | 130 131 |
|---|---------|

Bibliographie

| | |
|--------------------------|---------|
| Bücher und Zeitschriften | 132 141 |
|--------------------------|---------|

European Competition Law Review

Issue: 22, 1

<http://www.smlawpub.co.uk/>

Editorial

| | |
|--|-----|
| Commission Launches Review of Merger Regulation and Simplifies Procedure for Unproblematic Mergers | 1 2 |
|--|-----|

The background to the Commission's current review of the Merger Regulation which is likely to lead to a recommendation that the thresholds for a Community Dimension Merger be further reduced and a commentary on the new Commission Notice implementing the simplified procedure for concentrations whose impact on competition is likely to be minimal.

Maitland-Walker, J.H.

Articles

| | |
|---|-----|
| The Legal Framework for Motor Vehicle Distribution - A New Model? | 3 8 |
|---|-----|

Block Exemption Regulation 1475/95, which applies to the motor vehicle industry, expires on September 30, 2002. Pressure to remove the block exemption has been growing and it is unlikely to be renewed; what replaces it, if anything, is a key issue for the European car industry. This article considers whether a new regulatory

framework based on the new BER2790/99 might be a more suitable model of distribution, given recent developments in car retailing.

Middleton, Kristy

The Regulatory Hurdles Ahead in B2B

9 12

Business-to-business (B2B) marketplaces are causing headaches for business and competition authorities alike. The question now is whether early cases, such as myaircraft.com and ec4ec, have implications for whether and how future B2B marketplaces will avoid regulatory problems. This article discusses the main competition issues, future developments and identifies practical steps being taken to ensure regulatory clearance.

Lancefield, David

Balancing Database Sui Generis Right Protection with European Monopoly Control under Article 82 E.C.

13 24

This article examines the interface between European monopoly control under Article 82 E.C. following the EVJ judgment in the Magill case with respect to sui generis right database protection as provided for by the European Database Directive. It focuses on the extent to which Magill will enable the European Court of Justice to prevent information monopolies after the Database Directive has given an exclusive right in information as parts of a database requiring substantial investment.

Westkamp, Guido

Encouraging Competition and Innovation in the Local Loop: The Issues of Cross-Ownership and Line-of-Business Restrictions

25 30

This article recognises that the cross-ownership phenomenon undermines the incentive of cable networks to invest and compete in the telecoms market. It comments on the effectiveness of the requirement for legal separation of telephone and cable interests and examines the Commission's policy in relation to those measures which introduce line-of-business restrictions.

Nikolinakos, Nikos Th.

Analysis Section

Merger control in "new markets"

31 33

Bishop, Bill Caffarra, Cristina

European Law Review

Issue: 26, 2

<http://www.smlawpub.co.uk>

Editorial

| | | |
|------------------------------|----|-----|
| Free movement of footballers | 99 | 100 |
|------------------------------|----|-----|

Articles

| | | |
|--|-----|-----|
| Up in smoke? Community (anti)-tobacco law and policy <i>Hervey, Tamara K.</i> | 101 | 125 |
|--|-----|-----|

| | | |
|--|-----|-----|
| The drafting of the European Union Charter of fundamental rights <i>de Burca, Grainne</i> | 126 | 138 |
|--|-----|-----|

| | | |
|---|-----|-----|
| The allocation of responsibility in State liability actions for breach of Community law: a modern gordian knot? <i>Anagnostaras, Georgios</i> | 139 | 158 |
|---|-----|-----|

| | | |
|--|-----|-----|
| Europe and the regions: sub-national entity representation at Community level <i>Kottmann, Jan</i> | 159 | 176 |
|--|-----|-----|

Notes and Shorter Articles

| | | |
|---|-----|-----|
| Breach of directives and breach of contract <i>Weatherill, Stephen</i> | 177 | 186 |
|---|-----|-----|

| | | |
|--|-----|-----|
| Moribund on the fourth of July: the Court of Justice on prior agreements of Member States <i>Klabbers, Jan</i> | 187 | 197 |
|--|-----|-----|

| | | |
|---|-----|-----|
| Horizontal direct effect v. duty of construction in the EEA? The Norwegian view <i>Dyrberg, Peter</i> | 198 | 206 |
|---|-----|-----|

| | | | |
|-----------------------------|--|-----|------|
| Book Reviews | | | |
| | | 207 | 210 |
| Books Received | | | |
| | | 211 | 211 |
| Table of Cases | | | I XI |
| Table of Legislation | | | |
| Index | | XIX | XXII |

European Review of Private Law

Issue: 9, 1

<http://www.wkap.nl/jrnltoc.htm/0928-9801>

Articles/Articles/Aufsätze

| | | |
|--|----|----|
| European Private Law after the Treaty of Amsterdam <i>Hondius, Ewoud; Betlem, Gerrit</i> | 3 | 20 |
| The principles of European Contract Law and the concept of the "Creeping Codification" of <i>Berger, Klaus Peter</i> | 21 | 34 |
| Codification of Private Law in the European Union: the making of a hybrid <i>Basedow, Jürgen</i> | 35 | 49 |
| Environmental risk: a comparative law and economics approach to liability and insurance <i>Monti, Alberto</i> | 51 | 79 |
| Swiss Bundesgericht, 26 September 1997, a strong incentive to the litigants to act promptly <i>Wautelet, Patrick</i> | 81 | 92 |

| | |
|--|------------|
| Österreichische Oberster Gerichtshof, Urteil vom 2.7.1998 – Zur Haftung für die Beschädigung eines "gefälligkeitshalber" gelenkten fremden PKWs. <i>Theodorou, Heleni; Fötschl, Andreas</i> | 93 114 |
| High Court 28.11.1990, Immunity for suit? – Mareva Injunctions, Constructive Trusts and the salutary tale of Mizrahi Bank. <i>Breen, Oonagh</i> | 115 131 |
| BGH, Urteil vom 7. Juli 1998 – Zu den rechtlichen Auswirkungen eines Kalkulationsirrtums. <i>Theodorou, Heleni; Dotevall, Rolf; Mota Pinto, Paulo; Kerschner, Ferdinand</i> | 133 148 |
| Dictionary/Dictionnaire/Wörterbuch clause pénale/penalty clause/Vertagsstrafe <i>Pinto Montiero, António</i> | 149 153 |
| Contributors | 155 156 |

Journal of Common Market Studies

Issue: 39, 1

<http://www.blackwellpublishers.co.uk/asp/journal.asp?ref=0021-9886>

| | |
|---|----------|
| The JCMS Lecture | |
| The Euro after Two Years | 1 14 |
| <i>Trichet, Jean-Claude</i> | |
| National and Partisan Contexts of Europeanization | 15 36 |
| <i>Cole, Alistair</i> | |
| Social Citizenship in the European Union | 37 58 |
| <i>Faist, Thomas</i> | |

European Agenda

| | |
|---|------------|
| Strategic Technological Partnering by EU Firms | 147 158 |
| <i>Ramsay, Harvie; Hennart, Jean-François; Kay, Neil M.</i> | |

| | | |
|---|-----|-----|
| European Norms, Domestic Politics and Sanctions Against Austria <i>Merlingen, Michael; Mudde, Cas; Sedelmeier, Ulrich</i> | 59 | 78 |
| The Legalization of EU Foreign Policy <i>Smith, Michael E.</i> | 79 | 104 |
| Explaining Declining Polish Support for EU Membership <i>Szczekalla, Peter</i> | 105 | 122 |
| Living in EMU <i>Tamborini, Roberto</i> | 123 | 146 |
| Strategic Partnering by EU Firms: A Rejoinder <i>Narula, Rajneesh</i> | 159 | 164 |
| Pan-European Energy Co-operation <i>Sodupe, Kepa; Benito, Eduardo</i> | 165 | 178 |
| Book Reviews | | |
| The Mark of the Bundesbank: Germany's Role in European Monetary Cooperation, by D. Heisenberg <i>Flockton, C.H.</i> | 179 | 180 |
| The Foreign and Security Policy of the European Union, by F. Cameron, Contemporary European Studies 7 <i>Whitman, Richard G.</i> | 180 | 181 |
| The Political Economy of Monetary Union, by M. Levitt and C. Lord <i>Jones, Erik</i> | 181 | 182 |
| Federalism and European Union: A Political Economy Perspective, by D. McKay <i>Howarth, David</i> | 182 | 183 |
| Book Reviews | | |
| The Return to Europe: The Reintegration of Eastern Europe into the European Economy, by A. Smith <i>Blazyca, George</i> | 183 | 184 |
| Competition Law: Alignment and Reform, by I. Maher <i>Doherty, Barry</i> | 184 | 185 |
| Book Reviews | | |
| Antitrust Between EC Law And National Law/Antitrust Fra Diritto Nazionale e Diritto Comunitario, edited by E.A. Raffaelli <i>Buttigieg, Eugene</i> | 185 | 186 |
| Governing in Europe: Effective and Democratic?, by F. Scharpf | 186 | 187 |

| | | |
|--|-----|-----|
| Roder, Knut | | |
| EU Committees: Social Regulation, Law and Politics, edited by C. Joerges and E. Vos | 187 | 187 |
| Barling, David | | |
| Building Europe: The Cultural Politics of European Integration, by C. Shore | 188 | 188 |
| Benning, Ute | | |
| At the Heart of the Union: Studies of the European Commission, edited by N. Nugent | 188 | 189 |
| Christiansen, Thomas | | |
| The European Union as a Global Actor, by C. Bretherton and J. Vogler | 189 | 190 |
| Whitman, Richard G. | | |
| Delegation and Accountability in European Integration: The Nordic | 190 | 191 |
| Parliamentary Democracies and the European Union, edited by T. Bergman and E. Damgaard | | |
| Wivel, Anders | | |
| Democracy Beyond The State?: The European Dilemma and the Emerging Global Order, edited by M. Th. Greven and L.W. Pauly | 191 | 192 |
| Walzenbach, G.P.E. | | |
| Gendered Policies in Europe: Reconciling Employment and Family Life, edited by L. Hantrais | 192 | 193 |
| Hogarth, Terence | | |
| Europa von A bis Z: Taschenbuch der europäischen Integration, edited by W. Weidenfeld and W. Wessels | 193 | 193 |
| Dawe, Hazel | | |
| The European Parliament, by R. Corbett, F. Jacobs and M. Shackleton | 194 | 194 |
| Newman, Michael | | |
| Britain and European Unity 1945-1999, by J.W. Young | 194 | 194 |
| Wilkes, George R. | | |
| A Legal and Political Interpretation of Article 215(2) Šnew Article 288(2)Ć of the Treaty of Rome: The Individual Strikes Back, by C. Stefanou and H. Xanthaki | 194 | 194 |
| Tsagourias, Nicholas | | |

| | | |
|--|-----|-----|
| Regulating Pollution, by C. Hilson <i>Cormack, Paul</i> | 195 | 195 |
| Integration and the Regions of Europe: How the Right Policies Can Prevent Polarization, by P. Braunerhjelm et al. <i>Kennard, Ann</i> | 195 | 195 |

Revue du Marché Commun et de L'Union Européenne

Issue: 445

<http://www.editecom.com/revuemarche-commun.htm>

Problèmes du jour

| | | |
|---|----|----|
| Nice: une vue apaisée - Réponse à deux questions, par Daniel Vignes, rédacteur en chef de la Revue <i>Vignes, Daniel</i> | 81 | 84 |
|---|----|----|

Quelques Résultats de Décembre 2000

| | | |
|---|----|----|
| Le statut de la «Société européenne»: un nouvel instrument juridique au service des entreprises, par Christophe Fouassier, docteur en droit, adjoint au chef du secteur Marché intérieur - Concurrence - Aides d'Etat du SGCI <i>Fouassier, Christophe</i> | 85 | 89 |
|---|----|----|

| | | |
|---|----|----|
| La déclaration de Nice sur les services d'intérêt économique général, par Florence Chaltiel, maître de conférence de droit public à l'Institut d'Etudes Politiques de Grenoble <i>Chaltiel, Florence</i> | 89 | 92 |
|---|----|----|

Relations Extérieures, Sécurité et Armement

| | | |
|---|----|----|
| Un défi considérable: la dimension sécurité du partenariat Euro-Méditerranéen, par Sven Biscop, aspirant du Fonds de la Recherche Scientifique - Flandres, International & European Research Unit, Université de Gand (Belgique) <i>Biscop, Sven</i> | 93 | 95 |
|---|----|----|

| | | |
|--|----|-----|
| Vers une normalisation de l'application de l'article 296 du TCE dans le secteur des industries d'armement - Les interprétations de | 96 | 101 |
|--|----|-----|

la Commission européenne et de la Cour de justice, par Dominique Vincentelli-Meria, docteur en droit

Vincentelli-Meria, Dominique

Circulation des Professionnels et Échanges de Services

La liberté de circulation des sportifs professionnels en Europe, par

Michel Pautot, docteur en droit - Avocat au Barreau de Marseille - Rédacteur en Chef de Legisport

Pautot, Michel

L'Europe des professions d'avocat après la directive 98/5 sur

l'exercice permanent dans un autre État membre, par Jacques Pertek, professeur agrégé de droit public, président de la Fondation pour les Études européennes

Pertek, Jacques

Problèmes Juridiques et Institutionnels

Le développement de la coopération judiciaire européenne, par

Jean-Baptiste AVEL, magistrat - Service des Affaires européennes et internationales du Ministère de la Justice

Avel, Jean-Baptiste

Le droit du travail et le droit de séjour des travailleurs turcs dans

l'Union européenne à lumière des arrêts récents de la Cour de justice des Communautés européennes, par Ercüment Tezcan, docteur en droit - Université Galatasaray (Istanbul/Turquie)

Tezcan, Ercüment

Les pétitions au Parlement européen et le médiateur européen

par Saverio Baviera, Chef de division au Parlement européen

Baviera, Saverio

Actualités et Documents

Union européenne

Note de lecture, par Pierre Drouin: «Après l'État-nation» de Jürgen Habermas, **Drouin, Pierre**