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Book Review: Introduction to the Law and Institutions of the European Communities, Second Edition, by D. Lasok and J. W. Bridge; Encyclopedia of European Community Law, Vols A, B, C, edited by, K. R. Simmonds

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Introduction to the Law and Institutions of the European Communities. Second Edition. By D. LASOK and J. W. BRIDGE. London: Butterworths. 1976. Pp. xxv, 370. (£8.50)

Encyclopedia of European Community Law. Vols A, B and C. Edited by K.R. SIMMONDS. London: Sweet and Maxwell and W. Green and Son. 1973. Pp. loose leaf. (\$399.75)

The genesis of the idea of a European Community was primarily due to economic and political necessity. It had as its basis a factual solidarity which sought to reconstruct the battered economy and political structure of post war Europe by means of international economic co-operation. The realization was that interdependence and not independence among the states of Europe was needed.¹ The goal sought was a situation where the states concerned could be integrated in such a way that group interests would prevail over individual state interests. Historically, the establishment of the International Monetary Fund and the World Bank, GATT, the OEEC and the Marshall Plan, were the steps which led towards this end as they constituted a movement of solidarity in international affairs. The setting up of the Council of Europe and NATO, and lastly the Benelux experiment which began as an idea of union after the end of the second world war posed the question whether such experiments could be repeated on a larger scale in the economic field.

The aim of European Community law, in the present day context, is to substitute a common and uniform law for the many different national laws of the member states. In this way the laws of the states, at least in some fields, would be integrated into one and conflicts minimized.

The most obvious value of the book by Dr. Dominik Lasok and Dr. John Bridge, entitled *Introduction to the Law and Institutions of the European Communities*, is that it presents, as the title suggests, a comprehensive introduction to the European Community. The authors state that “the object of [their] book is to define and analyse a nascent body of law which can be described as the law of the European Community”.² The uninitiated might well believe such a law to be a type of international law. However, the

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¹ P. 4.

² P. vii.

authors at once put the reader straight on this point: "It is neither a national nor an international system of law in the accepted sense of these terms but a *sui generis* system."³

This is an important point to note, as solidarity and integration brought about the creation within the European Community of the institutional structures. In strict legal terms, the European Community comprises three communities: the European Coal and Steel Community (E.C.S.C.), the European Atomic Energy Community (Euratom) and the European Economic Community (E.E.C.). It is the institutional structure that individualizes the Community and makes it profoundly different from any other supranational organization. Firstly, there are the independent bodies such as the Parliament and the Commission which act in the common interest. Secondly, there is the Council of Ministers which is made up of ministerial representatives of the member states. The Council as a result of this tends to have still a national rather than the ideal "supranational" flavour. Thirdly, there is the Court of Justice which acts as the watchdog of the Community "to ensure that in the interpretation and implementation of [the] Treaty the law is observed".⁴ In this way the member states have elevated their common aims above the level of inter-governmental co-operation.

The nine states that are members of the Community, by endeavouring to use supranational organs for more effective decision making, have tried to set aside individual goals for so-called "transpersonal" ends. Thus, there must be agreement on common values in order to determine the means for achieving those goals.

The authors who teach European Community Law in the Centre of European Legal Studies at the University of Exeter, England, markedly stress the institutional aspects of the Community to the detriment of its economic law.⁵ However, this is not a discredit to them. Rather it means that twelve out of the fourteen chapters are devoted to the nature of the Communities and the law therein,⁶ the law of the institutions⁷, and the relationship between the Community law and the municipal law of the member states.⁸

The second edition is largely the same as the first edition. The additions that are most striking are the material on the dynamic nature of the Community legal system and the impact of three years of British membership on the law of the United Kingdom.⁹

³ *Ibid.*

⁴ Art. 164 of the Treaty establishing the European Economic Community (1958), 298 U.N.T.S. 14.

⁵ P. viii. ⁶ Chs 1, 2, 3, 4.

⁷ Chs 5, 6, 7, 8, 9. ⁸ Chs 10, 11, 12. ⁹ P. v.

One of the themes complementary to all suggestions and hope for solidarity and for the broadening of common perspectives is the emphasis that has been placed on the fundamental importance of direct elections to the European Parliament. At present, the Parliament consists of 198 members nominated by their respective national parliaments. In the case of the United Kingdom for example, there are currently twenty-six representatives from the House of Commons and ten from the House of Lords.¹⁰ The national parliamentary delegations are selected in proportion to the strength of the political parties in the appropriate house or chamber. However, the members do not sit in national delegations but are organized in multi-national political groups. These groups are Socialists, Christian Democrats, Liberals, European Conservatives, European Progressive Democrats, Communists and Independents.

Article 138(2) of the Treaty of Rome envisaged that the European Parliament would eventually be elected by universal suffrage in accordance with a uniform procedure in all the member states. Thus, direct elections are planned to take place in May or June 1978. These elections are considered a first priority to enable individual citizens to have a direct democratic link with the Community administration. In this way Community policy and law will not seem an abstract force but a matter of direct concern to the people of the member states.

The European Community is far from a perfect being. However, it constitutes a strong attempt to put to rest notions of national grandeur in favour of community ideals. It is in fact a bold step in the right direction, a beginning and not an end in itself.

Both authors should be congratulated for their book. It is certainly a fine and inexpensive text for those inquiring into the novel and complex system of the law and institutions of the European Community.

In the same vein of inquiry, exploration into new fields, as well as pure research material, the *Encyclopedia of European Community Law*, is invaluable. The student, teacher and practitioner can have the law of the European Community at their finger tips, and be kept up-to-date by adding the supplements to the loose leaf black binders which make up the collection.

Like any encyclopedia, the material considered is dealt with systematically. Volume A in one binder concentrates on the United Kingdom sources. It covers the European Communities Act 1972¹¹ and contains other legislation and annotations relating to England and Wales, Scotland and Northern Ireland which are essential for a

¹⁰ P. 134.

¹¹ C. 68.

clear understanding of the changes made by British entrance into the Community. For example it deals with the Referendum Act 1975¹² and the Employment Protection Act 1975.¹³ All Statutory Instruments made under the European Communities Act and a record of miscellaneous documents such as, for example, parliamentary reports, are included.

Volume B, which is contained so far in three binders, covers the official English texts, in up-to-date and amended form, of all the basic Community treaties, the amending treaties, and other treaties, protocols and agreements concluded between the member states of the Community and non-member states.

Volume C, is by far the largest in size being made up of five binders. It completes a really unrivalled set of reference books. It presents annotated texts of Community secondary legislation—the instruments made under the treaties of the three Communities comprising the regulations, directives, decisions, recommendations, opinions and notices made by the Council of Ministers, the Commission and the Committee of Permanent Representatives. These instruments provide for the practical and detailed application of Community law. They are most relevant and without them a knowledge of Community law would be incomplete.

The material in this volume is arranged by subject matter under sixteen general subject headings which run in alphabetical order. A check list has been added showing various sub-divisions of the material which enables the reader to find more easily the information on a certain matter. A detailed index of all of volume C is included in binder CV in order to facilitate research. The texts set out here are the official English language texts drawn from the *Official Journal of the European Communities*.

The greatest advantage of this encyclopedia is that it is a consolidated text of an up-to-date collection of the legislation of the three communities in a well-organized, annotated and accessible form. It enables businessmen, and any persons interested in Community law, to find in an uncomplicated manner the documents they require without having to search through the numerous issues of the *Official Journal*. Although the whole encyclopedia is expensive, the volumes may be purchased individually or as a complete set. Together with the loose leaf service they are well worth the price.

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¹² C. 33.

¹³ C. 71.

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