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BOOK REVIEWS

Basil Markesinis (Ed.), *The Gradual Convergence – Foreign Ideas, Foreign Influences, and English Law on the eve of the 21st Century*. Oxford: Clarendon Press, 1994. 261 pages. ISBN 0-19-825828-3. GBP 35.

The present review volume is the fruit of a series of seminars held in Autumn 1991 to examine, as Professor Markesinis explains in his introductory chapter, the "mentality gap" between English (though not Scottish) lawyers and their counterparts across the Channel. The seminars sought to highlight similarities and explore common solutions to common problems, and to show "that attitudes and phobias still constitute the greatest factor that separates this country from the continent of Europe". The bulk of the book is divided into five chapters, covering, respectively, French and English criminal procedure, contracts and third-party rights in German and English law, international conventions and domestic law, the effect on national law of European Community law and the European Convention on Human Rights, and developments in environmental law. Each chapter is further subdivided into two or three sections, of which the last is a summing-up of the topic, in place of reporting the discussions; in four cases these are, appropriately enough, provided by a senior English judge, while the fifth was contributed by a leading practitioner. These chapters are sandwiched between an editorial prologue on "Learning from Europe and Learning in Europe", and a Scottish reaction, by way of an epilogue, from Judge Edward of the European Court of Justice.

In the editor's view (which he admits may not be shared by all the contributors to or readers of the present volume), the papers and discussions "demonstrated a remarkable move towards the Europeanization of [English] law", and revealed that European lawyers were in turn learning from English law. From his own reading of the material presented, he concludes that this "should leave the reader in no doubt that convergence is taking place ... There is a convergence of solutions in the area of private law ... there is a convergence in the sources of our law since nowadays case law *de facto* if not *de jure* forms a major source of law in both civil and common law countries; there is a slow convergence in procedural matters as the oral and written types of trials borrow from each other and are slowly moving to occupy a middle posi-

tion; there may be a greater convergence in drafting techniques than has commonly been appreciated ... [and] a growing *rapprochement* in judicial views".

These are bold conclusions indeed for such a slim volume. There is, it has to be said, a distinct lack of convergence in the treatment of the topics covered. It is not so much the variety of areas of legal science which are touched upon, as witness the chapter headings noted above, which undermines the degree of coherence one might have expected; it is more the difference in approach. Some of the chapters, such as those on the *juge d'instruction* and on "the impact of international conventions on municipal law", deal with their topic exclusively, or almost exclusively, from a straight national perspective; others provide a sweeping comparative overview of national and international approaches to a particular area of material law (environmental protection) or to a specific legal problem (compensation for pollution damage); others again deal with aspects of law developed under international conventions (European Convention on Human Rights, the Brussels and Rome conventions).

To say that different authors have differing approaches is not, of course, any criticism of these contributions read as discrete essays on their chosen topic; *au contraire*, a variety of views is generally valuable, even desirable, in any extensive treatment of a particular legal subject. As a collection of essays, the present volume has something to recommend it for readers from a wide spectrum of legal backgrounds and fields of study; the overall quality of the contributions is such as to render invidious the selection of one or two for special mention, which would also too much betray the personal tastes of the reviewer. The substantive chapters do not, however, other than exceptionally, either set out to examine, or demonstrate, the reality of convergence, nor add more than minimum support for the rather unconditional assertions of the editor cited above. This is equally true of the summations at the end of each section, which are overwhelmingly non-committal in tone. After briefly fulminating against the "scope for 'defense by ambush' masquerading as the exercise of the 'right to silence'", Mr Justice Auld, for example, leaves any consideration of the desirability of convergence to the Royal Commission on criminal procedure. Similarly, Lord Goff of Chieveley recounts how a solution to the problem of *Drittschadensliquidation* he had adopted in the Divisional Court, and corresponding coincidentally to that obtaining in German law, was subsequently overturned by the House of Lords; he too remits the issue of convergence, this time to the Law Commission. Mr Tromans bluntly notes that neither of the other contributors on environmental law "have attempted to be specific about the ways in which the UK may learn from Europe, or vice versa: not will I". True, the comparative reflections of Lord Browne-Wilkinson do illustrate how European Community law and the European Convention on

Human Rights can influence English law in certain areas; while persuasive as far as they go, these brief observations provide too narrow a basis for any more general conclusion.

Convergence theory is not without its detractors; a recent essay in another legal periodical proclaims in its title, with a boldness to match that of Professor Markesinis, that "European legal systems are not converging". Apart from the article's opening salvo, which asserts that the European Community was generated by "the quest for a supra-national legal order", the author makes a plausible case that the similarities of the kind adumbrated above are not sufficient in themselves to demonstrate that convergence is at work: "the deeper, underlying level of values is overlooked ... the exclusive focus on rules, concepts and categories will produce a persistent miscognition of the experiences of [the?] legal order under scrutiny". Whether or not it is true, as the author concludes, that "European Community has dramatised the[ ] cognitive disconnections" between the civil law and common law worlds and "made possible a new awareness of difference (or 'otherness')", the Community legal order and that of the European Convention on Human Rights have already had to face, and presumably will continue to do so, the problem of differing values across the states of Europe (see, for example, *SPUC* v. *Grogan* and *Open Door Counselling Ltd*).

A degree of mutual influence between legal orders of the kind claimed by Professor Markesinis, whether dubbed convergence or not, nonetheless appears to be inevitable, at least as a result of the burgeoning number of international conventions on all manner of subjects, and, more particularly, under the aegis of the European Community. A telling example of the latter is the growing tendency of Member States voluntarily to apply substantive Community law to legal situations which fall outside its agreed scope, as illustrated by preliminary references such as *Dzodzi* and (from the United Kingdom) *Kleinwort Benson.* On the wider claim defended by Professor Markesinis, that short of a breakdown in the rule of law "harmonization made in Europe ... [is] unstoppable", it would be difficult to return any verdict other than that made famous by the Scottish criminal justice system, "not proven".

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Paul Craig and Gráinne de Búrca, *EC Law: Text, Cases and Materials*. Oxford: Clarendon Press, 1995. cxxvi + 1160 pages. GBP 55 (GBP 25 p/b).

There is a famous passage in Goethe's Faust, where Mephistopheles – disguised as Dr. Faust – gives advice to a student who is in search of a subject for his studies. Talking about the knowledge to be acquired in universities, Mephistopheles remarks sarcastically: "Was man schwarz auf weiss besitzt, kann man getrost nach Hause tragen." It is hard to translate into English, but essentially it refers to the "printed knowledge" to be found in books. From today's point of view, it may be interpreted as referring to the textbooks which students carry home gladly, in the hopeful belief that the very possession of the book might make studying itself unnecessary, at least partly. Considering the volume of the new textbook on EC law by Craig and De Búrca, it may be easy to see why the passage quoted above came to my mind. The book is large and heavy: 1160 pages of "text, cases and materials". It is study material in the anglo-saxon/anglo-american tradition, providing not only a text written by the authors, but also quotes from relevant provisions of EC legislation, numerous excerpts of case law and literature, including sometimes very detailed discussions on case law and specific legal problems. The advantages for the student are obvious, consisting in the fact that this is "knowledge" which can be carried home conveniently in one single book. The danger is that the students might be tempted to work with this book alone and not bother ever to lay their hands on the original texts of legislation, case law, and literature. But such a danger is, of course, avoidable and certainly does not speak against the book.

Craig and De Búrca's book is easy and agreeable to read, especially when – as it does at times – it adopts an almost colloquial tone ("... the Parliament does have standing to defend its own prerogatives. The saga may be briefly described as follows..." (p. 452); or "There are two keys to preserving sanity when seeking to understand the Community's legislative procedures..." (p. 120)). The book goes far beyond providing the basics on EC law. Very often it engages in interesting discussions on specific issues, indicating various points of view. It makes intellectually stimulating reading, helping the students to realize the complexity of the issues they are studying.

However, as always, nothing is perfect. The most obvious shortcoming of the book is its self-set limitation with regard to the topics that are discussed. The authors explain in their preface that the book aims to cover "most institutional, constitutional and administrative law of the Community as well as a selected range of important areas of substantive law, with an introduction to the institutional structure of the Union". Now, it is a sad fact that virtually no general textbook in English which goes beyond a mere introduction to EC law (and for that we have the excellent and comprehensive short book by Edward

and Lane, *European Community Law. An Introduction*, 2nd ed., Edingburgh: Butterworth/Law Society of Scotland 1995), seems to cover agriculture. Given this fact, one would have wished that Craig and De Búrca would fill the gap. However, in all their 1160 pages of text they do not cover agriculture either, nor other eminently important areas such as transport policy, environmental policy, external relations or even the freedom of movement of capital. In this reviewer's opinion, freedom of movement of capital and the European Monetary Union are subjects which simply must not be left out of any textbook on EC law. As for the special policy areas, at least an introduction would be highly desirable. (An example of such an approach is the Dutch textbook on EC law by Kapteyn and VerLoren van Themaat, *Inleiding tot het recht van de Europese Gemeenschappen. Na Maastricht*, Deventer: Kluwer, 1995).

Even within the areas covered by the book, at times one might have some doubts about the usefulness of the chosen approach. For instance, standing under Article 173 is treated in a lengthy, academic manner, but neither the court to be addressed nor the grounds for annulment are mentioned and hardly anything is said about the effects of the plea if it is successful. This may be an indication that the authors wished the book to be on the market in time for the academic year 1995/1996, and therefore had to do their work under severe time constraints. That might also be the explanation for the deplorable state of the indexes. First the numerous spelling mistakes (especially of non-English words) and incorrect or altogether missing page references in the table of cases are very irritating. Further, there are references missing in the tables, though a given case has been mentioned in the text. The keyword-index cannot be described other than as largely useless, due to its extremely limited extent (just 10 pages out of a total of 1160 pages). Important keywords such as "EFTA", "Monnet", or "customs union" are missing, though they are mentioned in the text. I also could not find "acquis communautaire". It is to be hoped that a second edition of the book – which I certainly do hope will come – will improve on these points.

What all of this means is very simply that in the case of this specific book, students have to be more aware than is sometimes the case that what they are carrying home "black on white" should be read with a critical mind and an awareness of the fact that no textbook is perfect, or will ever substitute own first-hand studying of the relevant material. Nevertheless, what is in the book is certainly worth reading and will be helpful to both students and practioners.

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T.G. Portwood, *Mergers under EEC Competition Law*. European Community Law Series (Series Editor: D. Lasok). London: The Athlone Press Ltd., 1994. xiv + 210 pages. ISBN 0 485 70009 3.

Council Regulation 4064/89 on the control of concentrations between undertakings was adopted on 21 December 1989. Even before its adoption a steady flow of legal writings began to appear. *Mergers under EEC Competition Law* is one more book on the subject intended to provide an authoritative and up-to-date account of the Merger Regulation to legal practitioners, in-house counsels, academics and students.

The structure of the book is straightforward. First, in chapter one the economics of merger control are dealt with. The next two chapters primarily deal with the important jurisdictional problems under the Regulation. Chapter four is an account of how the Regulation works when a concentration has been found to come within its scope. The two following chapters concern the enforcement bodies and the enforcement procedures respectively. Chapter seven explains the issues concerning remedies and review. The final chapter bears the title "Some Unresolved Issues" and deals with public bid acquisitions and with the Commission's first prohibition of a concentration.

In a work aiming at legal practitioners and in-house counsels, as well as at academics and students, some compromises must inevitably be struck. An introductory chapter primarily dealing with the more general economic and political reasons for introducing a merger control regime at the European level is one such compromise having a primarily academic flavour.

In this introductory chapter, Portwood provides some interesting views on the economics of competition. Thus, for example at page 10 he writes: "Monopoly profits are not in themselves a bad thing. Buyers hate paying them as much as the shareholders of the monopolist enjoy receiving them. And where the shareholders are the beneficiaries of pension trusts run by institutional investors, who is to say that there is in fact a net loss to society?" Nevertheless, as far as I know it is commonly believed that there might indeed be such loss to society: A monopoly charging monopoly prices is likely to create a so-called deadweight loss, an economics term which may be translated into plain English as "a net loss to society". (See e.g. Hardwick, Khan and Langmead, *An introduction to modern economics*, 3rd ed., London: Longman, 1990 at pp. 158 et seq., particularly p. 161).

One facet of Portwood's work which very quickly becomes apparent is his lively language. Being accustomed to the low-key style of most lawyers, this reviewer found Portwood a real joy to read. Unfortunately, Portwood often does not seem to substantiate his vivid views with solid arguments, and personally I felt that his lively language made the attacks on the Commission

too harsh, not least because I tend to believe that Portwood should range his guns more often on the drafters of the Regulation than on the Commission.

Page 12 provides a good example of a viewpoint which would benefit from being substantiated. At this place Portwood complains that "[i]n terms of market share anything above 25 per cent is considered potentially harmful and requires further investigation." This complaint is based on recital 15 of the Regulation's preamble which provides the following: "Whereas concentrations which, by reason of the limited market share of the undertakings concerned, are not liable to impede effective competition may be presumed to be compatible with the common market; whereas, without prejudice to Articles 85 and 86 of the Treaty, an indication to this effect exists, in particular, where the market share of the undertakings concerned does not exceed 25% either in the common market or in a substantial part of it." There seems to be a certain distance between, on the one hand, Portwood's construction and, on the other hand, the actual wording of the Regulation on this point.

Chapters 2 and 3 deal with the scope of the Regulation. The author draws parallels with both public international law and other areas of Community law. Viewed from an academic angle this approach is very stimulating, though the legal practitioner might not find it optimal. Unfortunately these two chapters are not without flaws. Thus, for instance, at page 22 Portwood writes that a change from holding a decisive influence over a company into a full merger does not qualify for investigation under the Regulation. However, if two or more undertakings have a joint venture in which each parent has decisive influence, and this joint venture is later merged with one of the parents, i.e. a change from joint decisive influence to sole decisive influence, this will constitute a concentration under the Merger Regulation. Indeed, at pages 24–25 the author himself explains that "[c]hanges of joint control to single amount to concentrations".

In chapter 4 the author provides brief, but well-written and thought-provoking, examinations of the substantive issues of the Regulation. Again, I have some doubts as to whether the practitioner with no prior knowledge will find the chapter really helpful, as the author has not allowed himself enough space to provide a thorough presentation of the issues. However, for readers with such knowledge, Portwood's views make interesting reading. Chapters 5 and 6 concerning procedural issues are written in a more gentle tone than the earlier chapters, and also in these chapters Portwood raises a number of noteworthy points. Moreover, the views set forth in these chapters are much better substantiated: in particular, his comments on the Commission's imposition of conditions when clearing a concentration are challenging (pp. 137–140).

Chapter 7 examines the Commission's remedial powers. Even though this chapter is only approximately 20 pages long, it is still more than half the

length of the chapter on substantive issues. In my view, a different weighting in favour of the substantive issues may be worth considering in a future edition. At page 152, Portwood appears to encourage the use of behavioural remedies: in this reviewer's opinion, the Commission's, admittedly rare, use of behavioural remedies under the Regulation is questionable. Chapter 8, "Some Unresolved Issues", deals first with public bid acquisitions, and second with the Commission's first prohibition decision in the *De Haviland* case. The part concerning public bid acquisitions refers to the UK City Code for Takeovers, making it mainly interesting to British readers. The examination of the *De Haviland* case is very brief and does not provide much which is new, so perhaps the pages in this chapter could have been better used on expanding a little more elsewhere, for instance on substantive issues.

Unfortunately, Portwood's book suffers from one rather obvious general weakness, as it does not contain a real examination of the distinction between concentrative and co-operative joint ventures. The reason for this is made clear to the reader right from the beginning: the author will produce a separate volume in the same series which deals exclusively with joint ventures in EC law. Even though joint ventures are an enormous subject, easily filling a whole book, it is still unsatisfactory that this distinction, of particular importance to practitioners, has been left out of the book which is aimed primarily at practitioners. Another, though less important, weakness is the pronounced lack of relevant references.

All in all, I enjoyed reading this work on the Merger Regulation. The almost provocative comments, the substantial criticism, the odd angles and the spirited language all make the book a thrill to read and offset many of the flaws. For those practitioners and academics already well-acquainted with the Merger Regulation, this book is absorbing reading.

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P. Buigues, A. Jacquemin and A. Sapir (Eds.) ,*European Policies on Competition, Trade and Industry – Conflict and Complementarities.* Aldershot UK and Brookfield US: Edward Elgar, 1995. xxii + 376 pages. ISBN 1 85898 315 0. GBP 49.95 (H/b).

The interaction of the various EC policies has recently been the subject of several studies. One way of examining the interaction of EC policies is to concentrate on the description and analysis of one particular EC policy and subsequently identify the impact of other EC policies. This approach has been used by, *inter alia*, Rosita B. Bouterse who prepared a doctorate, enti-

tled "*Competition and Integration – What Goals Count?* (Kluwer European Monographs No 8, 1994), on EC competition law and goals of industrial, monetary and cultural policy. Bouterse set out to examine whether, and to what extent, the Commission in its exemption policy under Article 85(3) EC may or must take account of factors which do not belong to competition policy proper, such as industrial policy (reviewed in 32 CML Rev., at 873). Another possible way of examining the interaction of EC policies is to put the emphasis first and foremost on the framework in which these policies operate before actually describing and analyzing both the theoretical and practical interaction of the policies concerned. The book under review more or less follows this approach. The book documents the proceedings of the conference on "EC Policies on Competition, Industry and Trade: Complementarities and Conflicts" held in October 1994 in the Leuven. According to the editors, "[t]his book is the first one that seeks to investigate systematically the relationships between the microeconomic policies of competition, trade and industry at the EC level" (p. xi).

After a short preface and a more elaborate introduction by the editors, the book is subdivided into Part I, which deals with the economic and legal analysis of (the working of) the three EC policies at hand (entitled "A Law and Economics Overview"), and Part II setting out "Case Studies". The fact that the book results from a conference is reflected in its structure, as each contribution is followed by a commentary entitled "Discussion".

Part I starts with a contribution by Gual who elaborates on "The three common policies: an economic analysis". Fortunately, the economic analysis is not too technical and can therefore be read by those readers who do not have a solid economics background. The comments by Laussel and Montet, however, are of a more technical nature. Subsequently, Bourgeois and Demaret give an interesting *tour d'horizon* of the working of the EC policies on competition, industry and trade from a legal point of view (which is commented on by Mavroidis). The authors start with an examination of the legal framework in which the three policies have to operate, after which selected cases are presented illustrating the interaction or lack of interaction between the three policies concerned. At the end of their contribution, the authors formulate some recommendations of a procedural nature, to improve the working of the three policies at Community level. One of these focuses on transparency: "Justice must not only be done. It must also be seen to be done"! (p. 113)

Bourgeois and Demaret abstain from putting forward recommendations on the policy mix the EC institutions should strive for when taking the three policy areas into consideration. First, the authors consider that the policy choices which these decisions involve "are too dependent on the facts of each case and the economic and policy assessment thereof to be capable of being

regulated by substantive norms that would be precise enough to be operational and at the same time offer legal certainty, while being sufficiently durable to be predictable" (p. 110). Secondly, the authors emphasize that lawyers assist policy-makers in their decision-making process in a legal perspective, while the choices to be made are essentially policy choices (p. 110). The authors thereby pay their respects to an important theoretical distinction between, on the one hand, the *legal* aspects of the interaction between the three policies concerned and, on the other, the *policy* aspects thereof.

However, the fact that policy aspects cannot always be distinguished from legal aspects and *vice versa* is clearly illustrated in the seven case studies which make up Part II of the book: automobile industry (Holmes and Smith, comments by Messerlin), chemical fibres industry (de Ghellinck and Huveneers, comments by Purvis), steel industry (Glais, comments by Braun), telecommunication services (Foray, Rutsaert and Soete, comments by Deacon) and pharmaceuticals (Klepper, comments by Waelbroeck-Rocha).

While reading the book, the reader will have to keep in mind that, due to the lapse of time between the conference (1994), the publication of the book (1995) and the mailing of the book for review purposes (April 1996), some of the information given in the book is (already) outdated. For instance, the block exemption for the distribution and servicing of motor vehicles has not been extended for another ten-year term, but for seven years instead (p. xix), and the Code on aid to the synthetic fibres industry has been replaced as from 1 April 1996 (see 96/C94/07, O.J. 1996, C 94/11) (p. 192, footnote 31).

It should be emphasized that the book under review provides the reader with an overview of many aspects of the complicated relationship between the EC policies on competition, trade and industrial policy. Whereas Part I of the book could in particular be helpful to students as it provides for an introduction to the economic and legal background of (the interaction of) the three policies concerned, Part II will probably be of interest to those with a particular interest in the sectors concerned. The book can indeed be considered an interesting contribution to the "further discussion and study" (p. viii) on the topic at hand, which was encouraged by Van Miert in his Opening Address at the conference in Leuven.

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W. Devroe and J. Wouters, *De Europese Unie: Het verdrag van Maastricht en zijn uitvoering: Analyse en perspectieven.* Leuven: Peeters, 1996. 978 pages. BEF 2400.

As the subtitle indicates, this book gives an analysis of the Treaty on the European Union. The first part describes the drafting and entry into force of the Maastricht Treaty. In this part the authors deal with the Treaty negotiations, the ratifications by the Member States, the referenda in Denmark, France and Ireland and the German Constitutional Court decision. Parts 2–5 follow the structure of the European Union Treaty: first the common provisions are discussed, and subsequently the first, second and third pillars. In an epilogue, the authors draw up a provisional balance on the Treaty, and they place it in the context of the intergovernmental conference of 1996. In their conclusion they formulate proposals for a more credible European Union. They suggest *inter alia* an extensive catalogue of human rights, more transparency and a better decision-making process, modification of the second and third pillars and a consolidation, but also simplification of the first pillar.

Annexes I-III give an enumeration per Treaty article of the competences of the institutions. Some entries used are: the powers of the European Parliament, the legal basis of the decisions, the voting system (unanimity or majority rules). Annex IV sums up the different data and deadlines mentioned in the EU Treaty. Annex V contains a list of cross-references to articles of the EC and EU Treaties. For example, art. 36 EC as an entry makes a reference to articles 30 and 34 EC, art. K.4 EU as an entry refers to 100D EC. An exhaustive bibliography (nearly 100 pages) with publications not only in Dutch, but also in English, German, French and Italian, tables of Cases and Treaties and an Index complete this work.

This book gives a lot of information about the different subject matters dealt with in the Treaty on the European Union. For example, if one wants to know who has written about the legal status of the Social Protocol, the authors give the reader in footnotes 2579 to 2601 the relevant information. The implementation of the different new titles (such as industry, Trans-European networks and so on) is described in detail. Schengen, the Grogan protocol, the Gibraltar dispute, WEU, NATO and the second pillar, and Europol are all items the reader will find here.

This publication is a combination of an Introduction to EU law and a Cases and Materials book. The introduction and the materials prevail, because there is not so much case law on the TEU yet. However, the authors do not limit themselves to information and description. At different points, such as the introduction of the EMU (p. 426) or the citizenship of the Union (p. 186) they express their (critical) opinion.

This is a very useful book for Dutch-reading practitioners. Non-Dutch readers can use the bibliography, the tables and the indexes to find a lot of information *entre autres* in their *Muttersprachen.*

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N. de Sadeleer, *Le droit communautaire et les dechets.* Brussels: Bruylant, 1995. 671 pages. FB 2750.

This recently published study is an important one. Waste management is becoming more and more stringently regulated, both at national level and at European level. European legislation therefore plays an increasingly important role. The Member States of the European Union retain only very limited autonomy in choosing what kind of waste management policy they wish to pursue. Their legal systems are obliged to transpose and implement European Community rules.

The book under review gives an overview of the impact of the European rules on the policing powers of the Member States in the field of waste management. Rather than merely giving an inventory of the norms to be transposed or Treaty rules to be respected, the book tries to set out the possibilities as well as the weaknesses of a large part of Community environmental law, from a critical perspective. In order to do this, the author quotes abundantly from the case law of the European Court of Justice, as well as the case law of the different national legal systems, and performs several comparative law exercises whenever this can clarify the European legislation. Each European norm is put into its historical and political context, which makes it possible to demonstrate that the regulations adopted are actually the result of political compromises.

The book is made up of 6 parts. After having defined the institutional setting in which the Community actions regarding waste develop, the author successively analyses the impact of the EC Treaty provisions relating to the economic impact of waste management policies of the different Member States. There is a long commentary on the current state of European waste legislation, where the author distinguishes between, on the one hand, the general rules and on the other the particular regimes. One chapter is devoted to the regulations on packaging and packaging waste with a long description of comparative law, summarizing all the national initiatives which lay at the origin of the recently adopted directive.

The rules for the disposal procedures for waste are also dealt with. These cover such techniques as incineration, landfilling, immersion techniques and

burning at sea. Next, the influence of other regulations is discussed, such as incidence evaluation, eco-labels, and environmental audit of the management of waste. The rules applicable to the transborder movement of waste are also subject to an extensive comment.

The three last sections are devoted successively to the role that principles of environmental law play in the evolution of waste legislation, to the regimes of public responsibility related to waste and finally to the mechanisms that guarantees the effectiveness of Community law with regard to waste.

This work constitutes without doubt a useful reference book in the field of European waste legislation, which will be of service to all lawyers specialized in these matters. It offers an unequalled, panoramic view on the subject.

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