

THE COURT OF THE EUROPEAN COMMUNITIES. By Werner Feld. [The Hague: Martinus Nijhoff. 1964. viii + 127 pp. Dfl. 13.50].

One of the criticisms that has been made of the international judicial function since 1945 has been that it is more noticeable by its absence than its presence, and too often the annual record of the World Court has tended to support this harsh comment. In a narrower field, however, and as if to prove that common values and interests are more significant than so-called universal concepts, the work of an international tribunal has been outstanding. In the first ten years of its life, the European Court — the organ of the European Community — has rendered some 100 or so awards and opinions. What is more, unlike its big brother at The Hague, the findings of this tribunal are internally valid and will be enforced by municipal processes.

Dr. Feld has placed all lawyers, not only those interested in international law, but also those who practice in the international economic field or act as advisers to firms which trade with Europe, in his debt by providing an assessment of the *Court*

*of the European Communities* in its institutional setting, and from the standpoint of its organization, its jurisdiction, the sources of its law — the constituent instruments merely state that it 'shall ensure observance of law and justice in the interpretation and application of this Treaty', and its procedure.

The importance of this Court is that it shows the bridging of the gap between municipal and international ideas, and is the forerunner of what may well be the first exercise in judicial supra-national law, while it is the first regional tribunal which may be regarded as having succeeded — which is more than can really be said of the Central American Court of Justice. What is more, it shows, whereas the European Court of Human Rights cannot, that if the parties are willing there is no reason why individuals should not enjoy access to an international judicial body, even when the defendant is a State and not an organ of the Community. From a practical point of view it cannot be denied that the Court has contributed to the gradual growth of a European *ordre public* as well as affecting and co-ordinating public policy issues within each of the countries concerned. The more successful the Court, the more likely will be European political integration, but the Court must not be regarded as the matrix for European federation. Rather, 'the future of the Court itself is closely tied to the progress of economic and political integration in the Member States.'

Those seeking a simple, but nevertheless adequate, account of the Court and its importance will do well to read Dr. Feld's monograph.