

## BOOK REVIEW

THE LAW OF THE EUROPEAN ECONOMIC COMMUNITY—A COMMENTARY ON THE EEC TREATY. Hans Smit & Peter Herzog. New York: Matthew Bender & Co., 1976. 5 Vols., pp. cxcviii, 2,983, \$350.00.

It is appropriate that, upon the twentieth anniversary of the creation of the European Economic Community, there is at last a definitive work in English which treats in painstaking detail all 248 Articles of the Treaty of Rome.

This five volume set, which took nearly a decade to complete, constituted the major undertaking of the Project on European Legal Institutions of the Columbia University School of Law. This lengthy endeavor has resulted in what certainly will be recognized in the years to come as the best major treatise—or as the authors prefer, “A Commentary”—on the subject of European Economic Community Law. It would be impossible to treat each volume in a brief book review. One point, however, is established the moment the first pages of the first volume are read: here the reader has before him a work of clarity, utility, and notable quality. One is unable to find adequate adjectives to describe this worthy newcomer to the literature of the EEC.

Within each volume, each Article is initially set forth verbatim, followed by a bibliography of all works relevant to that particular Article. The bibliography, in turn, precedes a section entitled Implementing Measures and Court Decisions. This reviewer found that this particular section is extremely useful in that it pinpoints judicial treatment of that Article as well as as all relevant Community regulations which have been promulgated. Additionally, whenever possible the authors (no doubt aware of the scarcity of available materials in many practitioners' and scholars' libraries) have thoughtfully included citations to the *Common Market Reporter*, which, though perhaps not common on the library shelves of all lawyers, is certainly available to those whose practice involves dealing with legal problems of the EEC. Through this device one is able easily to obtain the pertinent law.

The format remains unchanged from volume to volume. After Implementing Measures, the authors present the General Background of the Article and, where appropriate, a section on Definitions. It is, however, after these introductory sections that the real merit of the work becomes most apparent. In the detailed analysis of the individual Articles, Professors Smit and Herzog have succinctly stated the significance of each Article in relation to the overall framework of the Treaty and in its practical application to the workaday problems of the Community.

The European Community Information Service in the Recent Books column of the July-August 1977 edition of *European Community*, described this work as:

[a] study of the legal aspects of the Community with each article of the Treaty of Rome reprinted in its entirety and followed by analysis of meaning, legal effect, interpretation, and implementation. Topics include customs tariffs, foreign trade policy, agriculture, free movement of workers and business enterprises, economic and monetary policy, and relations with the United States.

This hardly does proper service to what all readers will agree is the labor of love of dedicated authors. Their knowledge and intimate acquaintance with the internal operation of the Community are apparent throughout the five volumes. This reviewer doubts that this work would have been possible had it not been for the deep personal involvement with the Community which both Professors Herzog and Smit have had since its inception. Previous attempts to present a readable treatment of EEC law have been flawed by prolixity, brought about, no doubt, by a sincere desire for thoroughness. The result has all too often been of limited value to one who requires a clear and unencumbered statement. To their good fortune, all who avail themselves of this work will rapidly discover that here that syndrome is absent.

As the number of Member States of the EEC is increasingly enlarged and trade with the United States continues to grow, there will be more need for both the lawyer and the academic concerned with Community law to have access to a definitive treatise. It is no longer necessary to wait; that treatise is now available as *The Law of the European Economic Community—A Commentary*. Readers who have been disappointed with the confusion and general unwieldiness of such treatments will find this work refreshing for its tight organization, readable format, and sparkling clarity. Those dealing in one aspect or other of the EEC at last have readily usable and easy-to-handle materials on this subject.

Although it is possible to praise further this useful treatise, it should suffice to state that here is a work of enduring quality, showing the skilled hand of the legal artisan and scholar. In time, this work will take its rightful place among the great legal treatises. Herzog and Smit have done for the EEC what Scott has done for trusts, Corbin for contracts, Wigmore for evidence, and Prosser for torts.

JAMES K. WEEKS\*

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\* Professor of Law, Syracuse University College of Law; Member of the Bar of the State of New York.