

brief chapter is, moreover, devoted to a comparative legal study of the control of mergers and monopolistic practices. Finally, the third section, entitled 'Legal Techniques of International Trade', which alone takes up about half of the book, analyses in detail contracts of international sale, the control of international transport, the role of insurance, guarantees for the execution of contracts and the settlement of international trade disputes.

Highly structured, the text goes straight to the heart of the issues considered, but without falling into the trap of over-simplification or departing from its scientific rigour. The concepts used are carefully defined, compared and put in proper perspective. Thus, the authors' analysis of the founding texts of relevant international organizations is peppered with case studies, which will enable readers to sharpen their critical faculties. In these case studies, the authors underline some of the commonly criticized gaps and other weaknesses affecting political stability and commercial relations between industrialized and developing countries.

In this revised edition, the authors have retained their notable argument in favour of the principles derived from the *lex mercatoria*, which they describe as an essential source of law for controlling international trade. Following the case of *Pabalk Ticaret v. Norsolor* (25 ILM [1985] 360), it has been established that French law, both judicial and arbitral, is in fact particularly favourable to such a process. Gourion and Peyrard support this, dedicating a substantial part of their work to analysing the use of mercantile law, praising its qualities of adaptability to the exigencies of modern economic reality. At the end of their study, the authors provide a very complete analysis of INCOTERMS and the diverse techniques of documentary credit, which practitioners will find useful.

It is regrettable that the section relating to the settlement of international conflicts in general, and in particular arbitration, has been awarded such a small share of the book. Judicial and arbitral case law occupies an important place at the core of international trade law. Undoubtedly, the enormity of the

matter led the authors to refer the reader to specialist works.

The book discussed here can without hesitation be recommended to students, but also to those working with this area of law, be they lawyers or businessmen. Everyone concerned will find in this book a condensed and critical study of the principal legal concepts of international trade law.

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Bourgeois, Jacques H. J., Jean-Louis Dewost and Marie-Ange GaiFFE (eds). *La Communauté européenne et les accords mixtes: Quelles perspectives?* Brussels: Presses Interuniversitaires européennes, 1997. Pp. 114.

In this small 'bilingual' paperback the future of the phenomenon of mixed agreements, i.e., agreements with third countries or international organizations to which Member States are parties alongside one or more of the European Communities, is discussed. The booklet, based on a conference held by the College of Europe in Bruges, does not attempt to deal with all the problems arising from mixed agreements. As the title indicates, the text concentrates on broad aspects relating to the future of this phenomenon.

The centrepieces of the book are without doubt the contribution by Ramon Torrent on a subject he refers to as '*le quatrième pilier de l'Union Européenne*' and the chapter by Jacques Bourgeois on 'Mixed Agreements: A New Approach'. Worthy of note among the other contributions, which are however all of good quality, is the chapter by Christian Tomuschat, in which he raises the important question of 'How to Handle Parallel Treaty-Making Powers of the Member States and their Territorial Subdivisions'.

It is likely that the high quality and innovative ideas contained in the contributions by Torrent and Bourgeois will result in their becoming 'classics' in the evolving debate and in the literature on the topic. While Bourgeois vehemently argues for the elimination of mixed agreements, Torrent maintains that

they can be used, as part of what is in effect a fourth pillar of the European Union, as an element of strength. Arguably, the inclusion of these powerful chapters alone warrants the publication of this booklet and its purchase by any respectable academic library holding a collection on the law and politics of the European Union. Even if the discussion comes too late for the IGC, the question of the desirability of mixity is still important when considering the question of straddling competences on a case-by-case basis.

The shortcomings of the book relate to its length. The editors could have included additional chapters, for instance, on treaty-making procedures, on the effects of Community treaties as opposed to mixed agreements and on the perspectives of the different institutions and levels of government. In addition, views from third countries and international organizations could have been included. Whilst, as noted, the booklet comes too late to influence the revision of the Treaty on European Union, it does not contain a discussion of the relevant provisions of the Treaty of Amsterdam either, leaving undiscussed, notably, Article 133 (ex Article 113) and the provisions on the Treaty-making power of the Union. The amendments to the TEU proposed at Amsterdam are not of a nature, however, to affect the underlying discussion, nor do they diminish the quality of the contributions.

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Ortiz Blanco, Luis and Ben Van Houtte.
EC Competition Law in the Transport Sector. Oxford: Clarendon Press, 1996.
Pp. 288.

This book by Luis Ortiz Blanco and Ben Van Houtte offers an extremely useful guide to the law of the European Union in the transport sector for scholars and, above all, practitioners of EC competition law in this sector.

The book offers a rigorous, clear and thorough description of the main developments

which have taken place in this sector almost from the time of the creation of the European Communities. The authors, staff members of the European Commission (Transport Division of DG IV — Competition Policy) demonstrate a sound command of the legal material, the cases before the Court of Justice, and legal doctrine, as well as an in-depth knowledge of the inside story on the policy outcomes they describe.

The work is divided into seven chapters, each of which gives a detailed account of the particular competition law developments that have arisen in the Community's various transport sector areas (inland, air, maritime transport) in terms of their competition rules. However, the first, second, and final chapters are more general in character. Moreover, one senses the lack of a brief introductory chapter, in which the authors might have expounded the objective of their work. This criticism aside, each chapter is systematically structured. Overall, therefore, the reader gains a good general picture of the law as it stands in this sector of Community competence.

Despite its significant virtues, the book deserves more cautious assessment from a methodological perspective. With the exception of perhaps the first and last chapters, the remainder of the book is but a summary of legislation, cases and legal doctrine. The authors give no clues to assist readers' understanding of the complex dynamics present in the Community transport sector, which would then provide a point of reference against which legal developments could more precisely be evaluated. At best, when the authors finally criticize a particular issue, it is done simply in terms of legal coherence and practicality (e.g., at 53). The book also gives the impression that the history of EC competition policy in the transport sector is very much one of a 'good guys, bad guys' classical dichotomy; as a result, the book reaches some hasty and bold conclusions at many points. For instance, it states that the failure to establish less cumbersome procedural rules for the implementation of the EC competition laws in the transport sector is due to 'the Member States' opposition to accepting the complete