BOOK REVIEWS


Jean-Marie R.A. Henckaerts*

The year 1992 seems to have become a myth. It is "recognized worldwide as the symbol of the most ambitious, complex, and fascinating legislative project in the history of international law." The Member States of the European Economic Community (EEC or EC) plan to establish an internal market by the end of 1992. This market "shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of [the Treaty of Rome]."

According to the Treaty of Rome, the creation of a common market is the primary means by which to attain the ultimate goals of the EEC. These goals are "to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States." Moreover, the EEC Treaty contains a set of provisions that form the very foundation of the common market. These provisions make

* Foreign Intern, Troutman, Sanders, Lockerman & Ashmore, Atlanta, Georgia. University of Brussels, LL.B. 1989; University of Georgia School of Law, LL.M. 1990.


4 EEC Treaty, supra note 3, Article 8a para. 2.

5 The popular term "common market" is synonymous to the term "internal market."

6 EEC Treaty, supra note 3, Article 2.

7 Id.

8 These are Articles 9-37 on the free movement of goods (including the provisions that establish a common customs tariff), Articles 48-58 on the free movement of persons, Articles 59-66 on the free movement of services, and Articles 67-73 on the free movement of capital. EEC Treaty, supra note 3.
it clear that the concept of a single integrated market was present at the start of the EEC in more than an embryonic way; its most essential building-blocks were embodied in the EEC's founding Treaty.

Consequently, it is not surprising either that the EEC has self-imposed December 31, 1992, as the deadline for establishing a common market towards which it has been working for more than thirty years. It may have been more surprising that just twelve years after Europe was torn apart by a world war, six sovereign countries agreed to the far-reaching EEC Treaty. At that time, only six countries accepted this unique seizure of sovereignty. By 1986 their number had doubled, with possibilities for further growth yet unrevealed.

Although the concept of the internal market was embodied in the Treaty of Rome, a truly integrated market was far from being established more than thirty years later. In the mid-1980's, however, the EEC experienced a second birth. The 1992 program was announced and all the publicity surrounding it created a euphoric atmosphere among Europeans. This enthusiasm led to break-throughs in areas where deadlocks had been encountered for years. The program gave the Member States a new and strong impulse to finalize the common market.

This "renewed sense of purpose and dynamism" primarily resulted from the publication in 1985 of the Commission's White Paper on Completing the Internal Market and from the signature in 1986 of the Single European Act (SEA). The White Paper describes the

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9 The six original Member States were: Belgium, France, Germany, Italy, Luxembourg, and The Netherlands.
10 The six countries that later joined the EEC are: Denmark, Greece, Ireland, Portugal, Spain, and The United Kingdom of Great Britain and Northern Ireland.
remaining barriers to the completion of the internal market and the strategy for their removal. After the publication of the White Paper, "it became evident that the Commission's ambitious work program could only be carried out effectively if institutional changes were made to improve the Community's decision-making process." These institutional changes are set forth in the SEA.

The clearly structured introduction to the 1992 Handbook explains briefly the Treaty of Rome (p. vii), the White Paper (p. ix) and the SEA (p. xi). In addition, the introduction succinctly describes the functions and effects of the Community, its institutions, and its legislation (p. vii-xxx). This concise introduction, therefore, contains the essential information to access the remainder of the Handbook.

The substantial body of the 1992 Handbook (pp. 1-249) sheds a demystifying light on the 1992 phenomenon. It shows what the 1992 program is all about: a package of approximately 300 indispensable measures to complete the desired integrated market. These measures are mostly embodied in directives and regulations proposed by the EC Commission and approved by the EC Council of Ministers. The whole package of proposed measures must be adopted and implemented by the end of 1992 in order to establish the internal market, because the 1992 program is not directly applicable as such. However, the Commission has already expressed concern that the internal market might not be completed by the 1992 deadline.

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16 The annex to the White Paper enumerates some 300 measures and contains a detailed timetable for their adoption by the 1992 deadline.


19 Directives shall bind any Member State to which they are addressed, as to the result to be achieved, while leaving to domestic agencies a competence as to form and means. EEC Treaty, supra note 3, Article 189.

20 Regulations shall have a general application. They shall be binding in every respect and directly applicable to each Member State. Id.


Brealey and Quigley’s handbook discusses the 1992 measures in three parts according to the type of barrier to be removed: physical, technical, or fiscal. In this way, the book follows exactly the order of the program set out in the White Paper.23

A detailed analysis of each measure is given and where appropriate, previous legislation is explained to place the whole matter in the proper context. Much of the legislation, however, is very technical. The nature of the Handbook is such that it can only summarize the major features of this kind of measure. (p. xxix).

The Member States confront an unimaginable variety of problems when removing the barriers that obstruct the proper functioning of the internal market. These problems range from harmonizing rules with regard to veterinary controls of African swine fever (p. 11), safety of toys (p. 53), mutual recognition of diplomas (p. 105), fares for scheduled air services (p. 160) and the legal protection of topographies of semiconductor products (p. 218), to harmonizing rules for excise duties on cigarettes (p. 244). Indeed, a common market is a very earthly thing; no mythology is involved.

The Handbook will be updated annually. This is necessary because proposals are frequently adopted or amended.24 Therefore, the annex to the Handbook (p. 251-273), containing a useful list of all of the published adopted and proposed measures contained in the 1992 program, may become outdated on some points during the year. For quarterly updates, readers can consult the six volume loose-leaf encyclopedia: Completing the Internal Market of the European Community: 1992 Legislation, edited and compiled by the same authors. These volumes contain the full text of 1992 legislation. For the latest updates, information can be obtained from the Single Internal Market Information Service in Washington, D.C.25

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23 See supra notes 14 and 16 and accompanying text.
The strength of this Handbook, as a handy companion guide to the six volume encyclopedia, lies in the basic overview it provides for each topic in combination with easy access to important practical information. These features set this book apart from most other books on this subject. Those seeking completeness can turn to Brealey and Quigley's comprehensive encyclopedia. The Handbook contains the essential information on the implementation of the 1992 program and, therefore, is a valuable tool for everyone who wants a quick update on the 1992 program.