

CONTENTS

Law of the European Organisations

Walter Obwexer, The Recognition of Diplomas within the Internal Market 377

International and European Commercial and Company Law

Alessio Zaccaria, (EC) Directive 2000/35 on Combating Late Payments in Commercial Transactions 386

Christian Roth, Company Law Development: Is the European Public Limited-Liability Company announcing the European Private Company? 396

International and European Business and Competition Law

ECJ 10 May 2001 – C-223/99 and C-260/99 – *Agorà s.r.l. v Ente Autonomo Fiera Internazionale di Milano* – Council Directive 92/50/EEC Art. 1, lit. b – Public service contracts – Definition of contracting authorities – Body governed by public law 403

ECJ 1 February 2001 – C-237/99 – *Commission v France* – Council Directive 93/37/EEC Article 11(2) – Failure by a Member State to fulfil obligations – Public works contracts – Concept of “contracting authority” 406

ECJ 3 May 2001 – C-28/99 – *Jean Verdonck v Ronald Everaert and Edith de Baedts* – Council Directive 89/592/EEC Art. 6 – National rules on insider dealing – Power of Member States to adopt more stringent provisions – Definition of national provisions applied generally 410

ECJ 14 June 2001 – C-191/99 – *Kvaerner plc v Staatssecretaris van Financiën* – Council Directive 88/357/EEC Articles 2, lit. c and d, final indent, and 3 – Non-life insurance – Definition of establishment and the State where the risk is situated 413

BGH (D) 28 March 2001 – VIII ZR 72/00 – EC Treaty Article 85(1), Regulation (EEC) No. 1983/83 of 22 June 1983 – Exclusive distribution agreement – Post-contractual ban on competition – Inadmissibility 418

European Intellectual Property Law

Simona Augi, Copyright Law: An Emergent Community Law Subject 420

Private International Law and European Harmonisation of Private Law

ECJ 15 March 2001 – C-85/99 – *Vincent and Esther Offermanns* – Council Regulation (EEC) 1408/71 Articles 3 and 4(1), lit. h, Articles 12 and 43 EC – Definition of “family benefits” – National legislation providing for payment of advances on maintenance payments due by a worker to his minor child – Condition concerning the child’s nationality (*Eva Maria Hohnerlein*) 422

International and European Procedural Law

BGH (D) 22 February 2001 – IX ZR 19/00 – Brussels/Lugano Conventions Article 17(1), sentence 2, lit. a – Form requirements for conclusion of legally valid forum agreement 429

OGH Vienna (A) 14 March 2001 – 7 Ob 38/01s – Brussels Convention Article 17(1), lit. b – Implicitly concluded agreement on venue of jurisdiction – Prerequisites 431

OGH Vienna (A) 29 March 2001 – 2 Ob 71/01g – Brussels Convention Articles 8(1), No. 2, 10(2) – Insurance cases – Proper forum is where the policyholder is domiciled – Does not extend to liability proceedings 433

OGH Vienna (A) 25 April 2001 – 3 Ob 84/01a – New York Convention Article V(2) – Public policy clause – Barring of setoff – Not contrary to public policy clause 434

Book Reviews / New Publications 435

Table of Abbreviations II

Conference Calendar III

Editorial IV