

## CONTENTS

### Law of the European Organisations

<i>Franz Leidenmühler</i> , The incorporation of the Schengen <i>acquis</i> into the framework of the EU by example of the “ne bis in idem” principle	253
<i>Vincent Kronenberger and Paulina Dejmek</i> , <i>Locus standi</i> of individuals before Community courts under Article 230(4)EC: Illusions and disillusion after the <i>Jégo-Quéré</i> (T-177/01) and <i>Unión de Pequeños Agricultores</i> (C-50/00 P) judgments	257
ECJ 25 July 2002 – <i>Unión de Pequeños Agricultores</i> – Regulation (EC) No 1638/98 – Action for annulment – Person individually concerned – Judicial protection – Admissibility	264
CFI 3 May 2002 – <i>Jégo-Quéré et Cie SA v Commission</i> – Fisheries Regulation (EC) No 1162/2001 – Articles 3(d) and 5 – Fishing – Action for annulment – Admissibility	269

### International and European Commercial and Company Law

<i>Franco Ferrari</i> , Relevant trade usage and practices under UN sales law	273
<i>Kurt Weil / Ekkard Lustig</i> , Case law of the European Court of Justice on “golden shares” of Member States in privatised companies: Comment on the ECJ decisions of 4 June 2002	278
ECJ 4 June 2002 – <i>Commission v France</i> – Articles 52 of the EC Treaty (Article 43 EC) and 73b of the EC Treaty (Article 56 EC) – Rights attaching to the ‘golden share’ held by the French Republic in <i>Société Nationale Elf-Aquitaine</i>	281
ECJ 4 June 2002 – <i>Commission v Portugal</i> – Articles 52 of the EC Treaty (now, after amendment, Article 43 EC) and 73b of the EC Treaty (now Article 56 EC) – System of administrative authorisation relating to privatised undertakings	285
ECJ 4 June 2002 – <i>Commission v Belgium</i> – Articles 52 of the EC Treaty (Article 43 EC) and 73b of the EC Treaty (Article 56 EC) – Rights attaching to the ‘golden shares’ held by the Kingdom of Belgium in <i>Société nationale de transport par canalisations SA</i> and in <i>Société de distribution du gaz SA</i>	288

### European Intellectual Property Law

<i>Simon Chapman</i> , Trade marks for functional shapes: Comment on <i>Philips v Remington</i> (C-299/99)	291
ECJ 18 June 2002 – <i>Koninklijke Philips Electronics NV v Remington Consumer Products Ltd</i> – Directive 89/104/EEC – Articles 3(1) and (3), 5(1) and 6(1)(b) – Signs capable of being trade marks – Signs consisting exclusively of the shape of the product	294
ECJ 19 September 2002 – <i>Aventis Pharma Deutschland GmbH v Kohlpharma GmbH and MTK Pharma Vertriebs-GmbH</i> – Council Regulation (EEC) No. 2309/93 – Trade mark rights – Medicinal products – Central marketing authorisation – Repackaging	300

### International and European Procedural Law

ECJ 1 October 2002 – <i>Verein für Konsumenteninformation v Karl Heinz Henkel</i> – Brussels Convention – Article 5(3) – Jurisdiction in matters relating to tort, delict or quasi-delict – Preventive action by associations	302
ECJ 17 September 2002 – <i>Fonderie Officine Meccaniche Tacconi SpA v Heinrich Wagner Sinto Maschinenfabrik GmbH (HWS)</i> – Brussels Convention Article 5(1) and (3) – Pre-contractual liability ( <i>culpa in contrahendo</i> )	305
ECJ 11 July 2002 – <i>Rudolf Gabriel</i> – Brussels Convention Articles 5(1) and (3) and 13, first paragraph, point 3 – Right of a consumer to whom misleading advertising has been sent to seek payment, in judicial proceedings, of the prize which he has apparently won	307

### Book Reviews / New Publications

Table of Abbreviations	II
Conference Calendar	III
Editorial	IV