

**CONTENTS****International and European  
Commercial and Company Law**

*Dr. André Janssen*, The Final seller's right of redress under the Consumer Sales Directive and its complex relationship with the CISG 181

*Dr. Franz Leidenmühler*, Member State liability for omissions infringing on basic rights under the EC Treaty - Comment on the ECJ decision of 12 June 2003 in *Schmidberger v Austria* 185

ECJ 12 June 2003 - *Eugen Schmidberger, Internationale Transporte und Planzüge* – Articles 28 EC and 29 EC – Free movement of goods - Restriction resulting from actions of individuals – Obligations of the Member States 187

ECJ 17 June 2003 – *De Danske Bilimportører v Skatteministeriet* - Articles 28 EC and 30 EC - Free movement of goods – Charge on the registration of new motor vehicles – Measure having an equivalent effect to a quantitative restriction 193

ECJ 26 June 2003 – *Försäkringsaktiebolaget Skandia (publ), & Ramstedt v Riksskatteverket* – Article 49 EC – Occupational endowment pension insurance – Policy taken out with a company in another Member State – Difference in tax treatment 196

**European Intellectual Property Law**

*Dr Eva Inés Oberfell*. No need for harmonising film copyright in Europe? – Comment on the Commission report concerning authorship of cinematographic works in the Community 199

**International Private Law and European  
Harmonisation of Private Law**

*Hannes Rösler*, Eliminating borders of national private law – potentials analysis of EU private law, the CISG and the Principles 205

**International and European  
Procedural Law**

Corte di Cassazione (I) (plenum) 29 January 2002, No. 1150 – Brussels Convention Article 17 - Requirement of a writing – Insertion of clause in the general terms and conditions of one of the contracting parties – Usages in International trade – Legal jurisdiction (*Anna Maria Fiasconaro*) 211

**International and European Labour  
and Social Security Law**

ECJ 9 September 2003 – *Landeshauptstadt Kiel v Norbert Jaeger*, - Directive 93/104/EC - Social Policy – Protection of the safety and health of workers – Concepts of working time and rest period – On-call service provided by doctors in hospitals 214

ECJ 9 September 2003 – *Isabel Burbaud v Ministère de l'Emploi et de la Solidarité* – Directive 89/48/EEC – Recognition of diplomas – Hospital managers in the public service – Definition of diploma – Entrance examination – Article 39 EC 223

**Information on Current Issues**

Proposed regulation on the law applicable to non-contractual obligations ("Rome II") 231

Proposed directive on unfair commercial practices 235

Commission reviews Germany's compensation plan in the context of new HGV toll for transport 237

**Book Reviews / New Publications** 238

Table of Abbreviations II

Conference Calendar III

Masthead IV