

PREFACE

The present book is a translation of the thesis I wrote for my doctor's degree, which I took at Leyden in May, 1970. Its theme was suggested by the reports prepared by Professor W. Fikentscher, jointly with G. Hoffman, and Professor H. H. Maas, for the 1964 Annual Meeting of the *Nederlandse Vereniging voor Europees Recht* (Dutch Association for European Law). I began my researches under the mentorship of Dr I. Samkalden, at that time Director of the *Europa Instituut* of the University of Leyden. It is with deep appreciation that I here record my indebtedness to him for his guidance. The study was completed under the direction of Professor Maas, who also acted as my *promotor*. I am greatly indebted to him for undertaking this office, and for his readiness to give me the free benefit of his profound knowledge of the law and practice of the European Communities. To Professor L. J. Brinkhorst I owe a debt of gratitude for the manner in which he—without being directly involved in the project—by his support and sympathy, did much to further the completion of the thesis.

The 1st of October, 1969 being the closing date for the original thesis, I have updated the manuscript to include the latest developments in the jurisprudence, the literature and, particularly, the practice of the Communities. I decided against inclusion of the accession documents, however. My reasons for this were twofold: first, there is the matter of principle that, at the moment which I had chosen as the closing date for the (expanded) manuscript, the accession was not yet a fact, nor was it a foregone conclusion that all candidate States would join; secondly, there was the practical consideration that incorporation of the highly complex accession material and of the comparative law surveys that would have been needed in addition, would have considerably delayed the completion of the final manuscript. It has always been my intention, however, that the book should appear about the 1st of January, 1973. The developments bound up with the accession, in so far as they are germane to the subject-matter of this book, may perhaps be discussed at some later time.

The translation of the manuscript was produced, under the auspices of Babylon Translation Service Ltd. at London, by Mr Eric G. Howes,

F.B.S., F.I.L. Throughout the final editing I was assisted by Mr R. S. Eisenga, translator at Arnhem, and Mr H. G. Lyklema, lecturer at the *Vrije Universiteit* of Amsterdam. Most of the manuscript was typed by Mrs G. Peters-Biehler. It behoves me to express my heartfelt thanks to them all for their conscientious work and for the care they bestowed upon the book.

I also have to thank Professor J. D. B. Mitchell for writing a foreword.

Lastly, I am under a great debt of gratitude to my wife who stood by me through all the years I spent on this study and who, by her devotion and care, made possible its completion. As a token of my appreciation for the sacrifices she made, the book is dedicated to her.

Wolfheze, August 1972

R. H. Lauwaars