## **CONTENTS**

International Private and Procedural Law

	Prof. Dr. Ansgar Staudinger, Rome II and traffic accidents	61
	Felix Blobel, LL.M., Lack of International Jurisdiction for contractual claims in the forum delicti – Comment on the BGH (DE) decision of 7 December 2004	67
	ECJ 28 April 2005 – <i>St. Paul Dairy Industries</i> – Brussels Convention Article 27 – Provisional, including protective, measures – Hearing of witnesses	71
	ECJ 1 March 2005 – <i>Owusu</i> – Brussels Convention Article 2 – <i>Forum non conveniens</i> – Incompatibility with the Brussels Convention	72
	BGH (DE) 25 January 2005 –EGBGB Articles 27, 29, 31 – Convention on the law applicable to contractual obligations Articles 3, 5, 8 – Mandatory legal rules	76
	BGH (DE) 24 February 2005 – Article 13(1) and 14(1) Brussels Convention, German Code of Civil Procedure (ZPO) Para. 1031(5) – Form of an arbitration agreement involving a consumer	77
	BGH (DE) 20 January 2005 – Article 34(2), 27(2) Brussels Convention – Recognition	
	of a judgment – Improper service of the document instituting the proceedings BGH (DE) 22 December 2004 – Directive 99/44 Article 1(2)(a), German Civil Code (BGB) Paras 13, 474 <i>et seqq</i> – Consumer	78 78
	BGH (DE) 21 October 2004 – Article 47(1), 50 Brussels Convention – Application for enforcement – Proof of service of judgment – Service of a judgment – Enforceable documents	78
	BGH (DE) 23 November 2004 – Article 13(1)(3)(a) Brussels Convention – Agreement conferring jurisdiction for the benefit of a bank – Conclusion of contract by a consumer	78
	OLG Hamburg (DE) 23 June 2004 – Article 13(1), 14 Lugano Convention – Consumer – Intention to realise profits – Concept of "Advertising" – Random advertising	78
	OGH (AT) 14 December 2004 – Article 5(1)(b) Brussels I Regulation – Place of performance of sales contract – Autonomous interpretation – Clause contained in invoice	81
	OGH (AT) 22 December 2004 – Article 17, Article 5(1) Lugano Convention – Inclusion of agreement conferring jurisdiction – Clause, which determines the place of delivery	82
	OGH (AT) 1 December 2004 – Article 23(1) Brussels I Regulation – Jurisdiction clause – Determinability of the court according to objective criteria – Principle of legal certainty	82
Law of the European Organisations		
	ECJ 3 May 2005 – <i>Berlusconi and Others</i> – Article 10 EC and Article 44(2)(g) EC – Requirement that penalties for breaches of Community law be appropriate	83
	ECJ 21 April 2005 – Commission v Greece – Articles 43 and 48 EC – Establishment and operation of opticians' shops – Restrictions – Justification – Principle of proportionality	88
	ECJ 10 March 2005 – <i>QDQ Media</i> – Directive 2000/35 – Definition of recovery costs – Impossibility to rely on the directive against an individual	89
	ECJ 14 October 2004 – Commission v Netherlands – Articles 43 and 48 EC – National measures requiring Community or EEA nationality as a condition for being able to register a ship (Luca Cerioni, LL.M., Ph.D.)	90
	High Court (Patents Court) (UK) 17 February 2005 – Directive 98/71 Articles 11.8 and 19 – Expiration of deadline for transposition of Directive into national law	96
International and European Business and Competition Law		
	ECJ 14 April 2005 – AEM – Article 87 EC – State aid	100
	ECJ 10 March 2005 – <i>Laboratoires Fournier</i> – Article 49 EC – Restrictions on the freedom to provide services – Tax legislation	102
European Intellectual Property Law		
European Consumer Protection Law	ECJ 17 March 2005 – <i>The Gillette Company</i> – Directive 89/104 Article 6(1)(c) – Trade marks – Limitations on the protection	104
	ECJ 1 March 2005 – <i>easyCar</i> – Directive 97/7 Article 3(2) – Protection of consumers	
International and European	in respect of distance contracts – Contracts for car hire	108
Labour and Social Security Law	ECI 12 A '1200F W II D. 1.' N. 1400/71 A .' 1 2 122	
	ECJ 12 April 2005 – <i>Keller</i> – Regulation No 1408/71 Articles 3 and 22 – Regulation No 574/72 Article 22 – Social security	109
The European Legal Profession	ECJ 15 March 2005 – <i>Bidar</i> – Articles 12 EC and 18 EC – Citizenship of the Union	111
	ECJ 17 March 2005 – <i>Kranemann</i> – Article 39 EC – Freedom of movement for workers	115
International and European Criminal Law		
	ECJ 10 March 2005 – <i>Miraglia</i> – CISA Article 54 – Principle <i>ne bis in idem</i> – Scope – Decision of a Member State's judicial authorities to discontinue prosecution	117
Information on Current Issues	,	
	Advocate General's Opinion in Marks & Spencer on 7 April 2005	117
New Publications Table of Abbreviations Conference Calendar Masthead		119 II III IV