

While discourse in natural sciences has largely shifted to English, the national languages are more than just a means of communication in law. Consequently, the solution cannot be a replacement of the national languages with a new *lingua franca*. Rather, the solution must be a complementary second language. This second language should be English and it should be promoted beyond the level of high school small talk that is commonly found in Germany, France, Italy and other Member States. Law schools should follow the models found in Sweden or the Netherlands and introduce mandatory courses taught in English in subjects such as comparative law, public international law, or European Union law. But the onus is not only on the educational institutions. In order to have an impact abroad, to be noted and considered, the decisions of the highest courts of each Member State could be systematically translated and published in English as well. Finally, equally important is that those national laws that are adopted in order to transpose European law should be published both in the national language and in English.

Möllers has written a short book that reads well and quickly. It contains many proposals and ideas that deserve broader attention and discussion. Anyone who can read it in the original should do so. For all other readers, Möllers has written a somewhat more comprehensive article "The Role of Law in European Integration" in *AJCL* Vol. XLVIII (fall 2000), No. 4, pp. 679–712; the three-page English language summary at the end of the book can only serve as an *amuse bouche*.

Frank Emmert

Helen Staples, *The Legal Status of Third Country Nationals Resident in the European Union*, The Hague et al.: Kluwer Law International (1999), pp. 1–418 and i–xviii

This book was written as the author's doctoral dissertation at the University of Utrecht. It discusses the lack of a common immigration policy in the EU with respect to third-country nationals. While there is Community law on the immigration of nationals of other Member States, the current immigration law for third-country nationals is still largely contained in the national law of individual Member States, with a patchwork of provisions in association agreements to which the EC is also a signatory. The European Court of Justice has recognised the direct applicability of provisions of the association agreements under certain conditions and these provisions may prevail over conflicting national law. However, many issues remain unresolved, even for those groups of persons covered by an association agreement. Aside from nationals of another Member State, nationals of a state with whom there is an association agreement that includes provisions for the free movement of persons, and nationals of states that do not have any such benefits under EC law, there is a fourth group of persons, namely family members of a Member State national who is employed in another Member State. The latter group enjoys a range

of 'derived rights' and are rather well protected under EC law, regardless of their nationality. The book concentrates on the legal status of third-country nationals who are already lawfully residing in a Member State. This is compared to the status of nationals of a Member State residing in another Member State.

In part I, Staples explains the importance of migration as part of the objective of the EC to establish a free internal market. However, the free movement of persons was initially reserved for the nationals of Member States only and the extension to family members with third-country nationalities in the form of 'derived rights' was not originally intended. The European Court developed these rights on the basis of basic principles, in particular non-discrimination of migrant workers with respect to all kinds of 'social advantages' (see Article 7 of Regulation 1612/68) and essential considerations of human rights and protection of the family.

Staples points out how a number of Member States has persistently resisted attempts by the EC to adopt comprehensive rules for the immigration of third-country nationals. Only after the entry into force of the Maastricht Treaty was some progress possible and it was not until the Treaty of Amsterdam that the EC properly acquired the necessary competencies. Finally, in 1999, those parts of the former third pillar of the EU that related to immigration, visas, asylum, and other elements of the free movement of persons, have been integrated, together with the Schengen acquis, into the first pillar and have become subject to the supranational procedures applicable in EC law.

In the second part of her work, Staples focuses on the right to free movement of nationals of the Member States to pursue economic activities in other Member States. With respect to third-country nationals, the author discusses their 'derived rights', as well as the provisions under the association agreements, and the common visa policies. Finally, there is a discussion of the institutional and decision-making procedures in the EC in the area of immigration policy. The final direction of this policy is still unclear, as the Council has five years from the entry into force of the Treaty of Amsterdam to adopt the necessary implementing legislation.

With respect to 'derived rights', the author points out how the Court justified its expansive practice by arguing that Member State nationals would not make use of their free movement rights if their family members were discriminated on the basis of their third-country nationality and that this would jeopardise the purpose and objective of the common market.

Another system that provides ancillary benefits for third-country nationals who are lawfully residing or travelling in a Member State is the Schengen agreement which has as its goal dismantling border controls between the participating Member States. While this has made it easier to travel within the EU, not all rules and restrictions for third-country nationals have been removed. Thus, it is now mandatory throughout the Schengen area to have adequate health insurance and – where requested – third-country nationals may have to present proof of sufficient funds for their stay in the EU.

In the third part, Staples discusses the non-discrimination rules applicable to nationals of the Member States, as well as the rules contained in the various association agreements and those created under intergovernmental co-operation. This also extends

to the limitations on the principle of free movement that can be imposed by the Member States on grounds of public policy, public security, and public health. In addition, there is a discussion of the elements of European citizenship, such as political participation rights, and the extension of diplomatic protection. A short section deals with the problems related to the mutual recognition of diplomas, one of the stumbling blocks in the effective exercise of the free movement rights.

The provisions in the association agreements with Turkey, the candidate countries in Central and Eastern Europe (Europe Agreements), and the Maghreb countries are analysed in some detail. Subsequently, the various conventions adopted in the context of the Schengen co-operation are examined. Finally, there is an equally worthwhile section on relevant provisions in the European Convention on Human Rights, such as the right to family life, protection of privacy, data protection, and non-discrimination in the scope of application of other rights, all of which should be guaranteed to nationals of third countries when residing or travelling in the EU.

The fourth part provides a projection for the future. The author argues that the integration of the Schengen acquis and the decision-making procedures on immigration, asylum and visa policies into the first pillar cannot solve the more fundamental problems related to the lack of a common immigration policy in the EU. For example, there should be common rules on the acquisition of citizenship of the Member States.

Overall, the book is largely descriptive. The thesis statement, the purpose of the dissertation as such, and the innovative contribution to science are not evident. Even if there are interesting ideas, in particular in the final part describing the future of immigration policy, the book loses value to academic readers. Furthermore, while the book addresses all relevant topics related to the legal status of third country nationals in the EU, the organisation of the chapters and the structure of the book are not very clear. In a way, the author discusses the same issues throughout the book, that is, the discussion is repetitious. This, of course, reduces the value of the book to practitioners who are looking for a quick reference guide or a handbook on the practical problems in this important area of law. This begs the question, therefore, from the perspective of the publisher: what is the target group, who should buy and read this book? The answer is not very clear.

Dita Sole

Sylvester C. W. Eijffinger and Jakob de Haan, *European Monetary and Fiscal Policy*, Oxford et al.: Oxford University Press (2000), pp. 1-199 and i-xiv

This book concentrates on European economic integration. The work of more than forty years is finally coming to an end – the European Union has got its own single currency – the Euro. However, the fear is that the Monetary Union will bring not just benefits but also new conflicts.