

INDEX

ARTICLES

G. BEITZKE, Recognition and enforcement of foreign judgments in West Germany (in French)	241
S. M. CARBONE, Suppression of 'air piracy' in international relations	534
G. FRANCHI, A comparative analysis of adoption and conflicts of laws problems	513
A. GIARDINA, The application in Italy of the New York Convention on Arbitration	268
D. KOKKINI-IATRIDOU, Two new statutory provisions for establishing jurisdiction in divorce matters (in French)	5
R. LUZZATTO, International agreements and domestic law in arbitration questions: the Geneva Convention of 21st April 1961	47
F. POCAR, The Italian Law on divorce and Private International Law	733
T. TREVES, The monetary clauses in Eurobond issues (in French)	775

REVIEWS

B. DUTOIT, P. MERCIER, The first Swiss decisions applying the new Italian Law on divorce (in French)	826
G. MONTELLA, Jurisdiction over foreign States in cases in Italian Courts (1946-1970)	301

SHORTER ARTICLES, NOTES AND COMMENTS

G. BISCOTTINI, Immunity from proceedings by accredited diplomatic agents at the F.A.O.	331
R. BRUNETTI, On the guardianship of a French minor resident in Italy	849
A. DANI, On the scope of the Brussels Convention of 10th April 1926 on liens and mortgages	568
S. FABRO, On the enforceability in Italy of an order as to costs of the Court of Justice of the European Communities	855
F. GINATTA, On the immunity of foreign consuls from proceedings in Italian Courts	341
M. GIULIANO, Further reflections on the extinction of liens over foreign ships transferred into Italian nationality	846
F. MOSCONI, Procedural problems in establishing the guardianship of a foreign minor	83

A. F. PANZERA, On the law to be applied in matters of "affiliazione"	105
V. STARACE, On marriage by proxy contracted by Italians abroad	564
G. L. TOSATO, Questions arising from the reference to national rules on jurisdiction in the draft E.E.C. Convention on Bankruptcy	91
W. ZANNINI, Questions on uniform interpretation of uniform law (in French)	336
The Senate debate on the Brussels Convention on jurisdiction and the enforcement of judgments	577

IN MEMORIAM

D. RICCOMAGNO, Luigi Ammatuna (1904-1971)	862
-----------------------------------------------------	-----

CASES IN ITALIAN COURTS

<i>Characterization</i> - Concepts embodied in rules of international civil procedural law - Art. 4, Code of Civil Procedure - Interpretation in accordance with Italian Law regardless of the law applicable to the substantive issue: <i>Milan Tribunal</i> , 11th June 1970	638
<i>Characterization</i> - Art. 25, Preliminary Dispositions of the Civil Code - Place where a contract was made - To be determined on the basis of Italian law: <i>Genoa Court of Appeal</i> , 24th October 1970	182
<i>Citizenship</i> - Infant son of an Italian who acquired foreign nationality by naturalization - His foreign naturalization by his father's request - No such request by the son - Art. 8, No. 2, Italian Law on Citizenship - Applicability thereof and consequent need for a renunciation of Italian citizenship: <i>Rome Criminal Court</i> , 25th January 1969	372
<i>Citizenship</i> - Infant residing with his father who loses Italian citizenship - Acquisition of foreign citizenship under Art. 12, Italian Law on Citizenship - Art. 8, No. 2, said Law - Inapplicability thereof: <i>Court of Cassation (penal session)</i> , 21st May 1969	372
<i>Citizenship</i> - Italian having acquired a foreign nationality - Irrelevance thereof as a connecting factor if Italian nationality has also been retained: <i>Court of Cassation</i> , 3rd April 1970, No. 894	617
<i>Civil Procedure</i> - Summons to a person neither present, resident or domiciled in Italy - No formal declaration of transfer of residence abroad - Notice sent to previous residence - Failure to satisfy the formalities prescribed in Art. 142, Code of Civil Procedure - Validity of the summons: <i>Court of Cassation</i> , 30th October 1969, No. 3619	429
<i>Civil Procedure</i> - Preliminary ruling on jurisdiction - Inapplicability thereto of the prohibition on depositing new documents in Cassation proceedings: <i>Court of Cassation</i> (plenary session), 24th April 1970, No. 1179	159
<i>Contract</i> - Agency contract - Proper law - Art. 25, para. 1, Preliminary Dispositions of the Civil Code - To be the common national law of the parties to the contract: <i>Bari Court of Appeal</i> , 23rd January 1970	602

- Contract* - Validity and form of a contract for the sale of a ship - Proper law - Art. 6, Code of Navigation - National Law of the ship applicable: *Lecce Court of Appeal*, 26th September 1969 390
- Contract* - Maintenance obligations - Proper law - Art. 25, Preliminary Dispositions of the Civil Code - Law applied to be that of the country where the act giving rise to the maintenance obligations took place: *Court of Cassation*, 6th March 1970, No. 557 155
- Contract* - Agreement for arbitration abroad - Document with contractual characteristics - Art. 26, Preliminary Dispositions of the Civil Code - Applicability thereof: *Venice Court of Appeal*, 13th July 1970 406
- Contract* - International sale of goods - Proper Law - Art. 25, Preliminary Dispositions of the Civil Code - Acceptance of the offer communicated in Italy to the Italian purchaser - Italian law to be applied: *Genoa Court of Appeal*, 24th October 1970 182
- Duties and Taxes* - Import into Italy of a foreign armed ship - So-called "General Turnover Tax (I.G.E.) on Imports" - Art. 17, Law of 19th June 1940, No. 762 - Inapplicability thereof: *Court of Cassation*, 27th February 1970, No. 482 430
- European Communities* - Formalities laid down in the treaties establishing E.E.C. for enforcing decisions which impose pecuniary liabilities - Law of 2nd December 1960, No. 1824 - Scope of Art. 1 thereof: *Turin Court Appeal*, 25th November 1969 865
- European Economic Community* - Community drawing rights in agricultural matters - Features distinct from customs duties - Art. 8, Customs Law of 25th September 1940, No. 1424 - Inapplicability thereof - Consequences on the rate at which agricultural drawings are to be recovered: *Milan Tribunal*, 9th April 1970 627
- European Economic Community* - Competence of the Court of Justice of the European Communities under Art. 177, E.E.C. Treaty - Community directives - Irrelevance within a domestic system of their breach by a member State - Consequent validity of the tax "on administrative services" relating to imports: *Milan Tribunal*, 21st January 1971 660
- Extradition* - Principle of speciality - Also embraces active extradition - Incidence thereof on criminal jurisdiction in cases under Arts. 9 and 10, Penal Code: *Criminal Court of Cassation*, 28th January 1970 870
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - San Marino judgment on the right to a name - Conditions stipulated in the Accord of 28th January 1946 between Italy and San Marino, amending Arts. 5 and 6 of the 1939 Convention of Friendship and Good Neighbourliness between the two States - Enforceability of said judgments: *Cagliari Court of Appeal*, President's Order, 31st October 1968 863
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Turkish decree annulling a marriage - Said decree not contrary to Italian public policy: *Rome Court of Appeal*, 14th February 1969 420
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Order by a Danish administrative body, imposing maintenance

- obligations - Defendant not represented in said Danish proceedings - Art. 2, No. 2, Hague Convention of 15th April 1958 - Unenforceability of Danish Order in Italy: *Rome Court of Appeal*, 14th March 1969 121
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Swiss Court's annulment of a civil marriage contracted in Italy by Italian citizens - Conditions prescribed by Art. 797, Code of Civil Procedure - Existence thereof - Decree not contrary to Italian public policy: *Trieste Court of Appeal*, 12th July 1969 421
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Decision of San Marino Court on the right to a name - Jurisdiction of said court - Limits to be observed by such court in taking evidence: *Milan Court of Appeal*, 23rd September 1969 135
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - German paternity decree imposing maintenance payments - Hague Convention of 15th April 1958 - Enforceability in Italy of the maintenance provisions - Review of the merits of said judgment - Inadmissibility thereof: *Rome Court of Appeal*, 27th September 1969 418
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - German dissolution of a marriage celebrated in the Vatican City - Italo-German Convention of 9th March 1936 - Applicability thereof: *Rome Court of Appeal*, 30th September 1969 422
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Swiss annulment of a Roman Catholic marriage celebrated in England: *Rome Court of Appeal*, 10th December 1969, No. 2718 423
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Swiss annulment of a marriage: *Rome Court of Appeal*, 10th December 1969, No. 2719 424
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Hungarian dissolution of a marriage between foreigners: *Rome Court of Appeal*, 10th December 1969, No. 2724 425
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Ethiopian judgment involving monetary obligations: *Rome Court of Appeal*, 21st January 1970 426
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - French divorce decree: *Genoa Court of Appeal*, 11th February 1970 673
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Jurisdiction of foreign court - Art. 2, No. 2, Swiss-Italian Convention of 3rd January 1933 - Special nature thereof in relation to the principle laid down for general purposes by Art. 2, Code of Civil Procedure - Pre-requisites for a valid agreement to derogate from jurisdiction under the terms of the said Convention: *Court of Cassation* (plenary session), 25th February 1970, No. 439 148
- Foreign Judgments and Administrative Acts* - Recognition and enforcement in Italy - Swedish court's decision ordering an Italian citizen to make maintenance payments to a minor - Hague Conventions of 24th October 1956 and 15th April 1958 - Possibility of giving effect only to the

- patrimonial elements in the said decision: *Court of Cassation*, 6th March 1970, No. 557 155
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Foreign adjudication in bankruptcy - Recognition in a pending proceedings - Inadmissibility thereof - Italo-Swiss Convention of 3rd January 1933 - Inapplicability thereof to bankruptcy matters: *Milan Court of Appeal*, 6th March 1970 395
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - German dissolution of a marriage celebrated under the rites prescribed in the Concordat between an Italian woman and a foreigner - No jurisdiction by the German Court - Exclusive jurisdiction of the canon court - German decree contrary to Italian public policy: *Court of Cassation* (plenary session), 12th March 1970, No. 635 427
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Austrian nullity decree - Conditions needed so as to establish jurisdiction and so as not to be contrary to Italian public policy: *Trieste Court of Appeal*, 15th June 1970 666
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Yugoslav adoption contract - Characterization of the foreign legal provision applied - Must be made according to Italian Law - Procedure for recognition and enforcement of foreign decree - Art. 796, Code of Civil Procedure - Applicability thereof: *Trieste Court of Appeal*, 11th July 1970 647
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Yugoslav nullity decree - Conditions needed so as to establish jurisdiction and so as not to be contrary to Italian public policy: *Trieste Court of Appeal*, 13th July 1970 665
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Decision of the Arbitral Tribunal of the Vienna Bourse - New York Convention of 10th June 1958 - Applicability thereof: *Venice Court of Appeal*, 13th July 1970 406
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Yugoslav divorce decree - Jurisdiction of foreign court - Said decree not contrary to Italian public policy: *Trieste Court of Appeal*, 30th July 1970 667
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - British dissolution of a marriage between foreigners: *Genoa Court of Appeal*, 11th August 1970 425
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - English divorce decree: *Trieste Court of Appeal*, 18th September 1970 671
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Belgian grant of custody of a child in a separation decree replaced by a final judgment - Impossibility of enforcing same in Italy - Impossibility of enforcing in its place the final judgment cited in the proceedings relative to the Belgian grant: *Genoa Court of Appeal*, 22nd September 1970 653

- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Evidential validity of a foreign judgment - Prerequisite of adducement of the relative public document: *Milan Tribunal*, 28th September 1970 409
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Criteria for determining the court competent for the recognition and enforcement of a foreign judgment - To be the place where the petitioner wishes the said judgment to be carried out: *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Powers of the Court of Cassation in verifying the competence of a foreign court: *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Art. 797, No. 7, Code of Civil Procedure, and the 1933 Italo-Swiss Convention on the recognition and enforcement of judgments - Application by the foreign court of a law different from that indicated by Italian Private International Law - Same not necessarily contrary to Italian public policy: *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872
- Foreign Judgments and Administrative Acts* - Competence to pronounce on a petition for the enforcement of a foreign judgment with a review of the merits of the judgment: *Milan Court of Appeal*, 19th January 1971 659
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - English dissolution of a marriage celebrated between foreigners by the rites of the Concordat: *Trieste Court of Appeal*, 20th January 1971 668
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Art. 797, Code of Civil Procedure - Regularity of summons to the foreign court - Hague Convention of 1st March 1954 on civil procedure - Form of summons prescribed therein - Proof of service thereof: *Court of Cassation*, 10th February 1971, No. 347 878
- Foreign Judgments and Administratives Acts* - Recognition and enforcement in Italy - Scottish divorce decree - Question of the Constitutional validity of the fourth, fifth and sixth paras. of Art. 34 of the Concordat and of Art. 17, Law of 27th May 1929, No. 847 - Subsequent enactment of the Law of 1st December 1970, No. 898, on the grounds supporting divorce - Possible review of said constitutional question: *Constitutional Court*, Order of 1st March 1971, No. 34 371
- Foreign Law* - Foreign law not cited to the Court - Consequent applicability of Italian law to the dispute: *Bari Court of Appeal*, 23rd January 1970 602
- Foreign Law* - Burden upon the party asking for a foreign law to be applied, to prove the connection of the issue with the foreign law, and to demonstrate that its provision differ from those in Italian law - Power/duty of the court to employ all suitable means even beyond those furnished by the collaboration of the parties - Capacity of the court to resort at its discretion to any source of reference: *Court of Cassation*, 3rd April 1970 617

- Industrial Property - Patents - Patnt claims: Milan Court of Appeal, 26th February 1971* 674
- International Judicial Assistance - Rogatory to a foreign authority for taking evidence in a penal question - Irrelevant whether or not the Italian judge is present when such evidence is taken: Rome Court of Appeal, 24th May 1969* 123
- International Judicial Assistance - Service of notices on people abroad - Form thereof as laid down in the Hague Convention of 1st March 1954 on Civil Procedure: Court of Cassation, 10th February 1971, No. 347* . . . 878
- Jurisdiction - Criminal jurisdiction - No immunity in favour of an infant son of the representative of a member State at the F.A.O.: Rome Criminal Court, 25th January 1969* 372
- Jurisdiction - Criminal jurisdiction - Exercise thereof outside of Italy - Inadmissibility thereof - Evidence taken abroad by the Italian judge -Ineffectiveness thereof: Rome Court of Appeal, 24th May 1969* 123
- Jurisdiction - Criminal Jurisdiction - Immunity of an infant son of the representative of a member State at the F.A.O. - Confirmation thereof: Court of Cassation (penal session), 21st May 1969* 372
- Jurisdiction - Diplomatic immunity of the F.A.O. - Agreement between the F.A.O. and Italy - Art. VIII thereof - Said Art. limits such immunity to public acts - Relations between the F.A.O. and its agents - Public nature thereof - Consequent immunity from proceedings in Italian court: Rome Pretore, 25th June 1969* 130
- Jurisdiction - Art. 4, No. 1, Code of Civil Procedure - Agent per litem - Art. 5, Code of Civil Procedure - Principle of "perpetuatio jurisdictionis": Bari Court of Appeal, 23rd January 1970* 602
- Jurisdiction - Foreign plaintiff - Art. 16, Preliminary Dispositions of the Civil Code - Parity of treatment granted by the foreign State to Italian citizens - Capacity of the foreigner to take action in an Italian Court: Bari Court of Appeal, 23rd January 1970* 602
- Jurisdiction - Criminal jurisdiction - Crime committed abroad by an Italian citizen - Condition that the accused be in Italy under Art. 9, Penal Code - Extradition of the accused from abroad - Incidence of the principle of speciality on the question of jurisdiction: Criminal Court of Cassation, 28th January 1970* 870
- Jurisdiction - Contractual duties arising or to be carried out in Italy - Art. 4, No. 2, Code of Civil Procedure - Jurisdiction of Italian court over a foreign defendant - Contractual duties to be carried out in Italy different from those cited in the proceedings - Confirmation of Italian Court's jurisdiction: Court of Cassation (plenary session), 24th April 1970, No. 1179* 159
- Jurisdiction - Action by an Italian company against a Dutch company, which in turn cites a Swiss company - Art. 4, No. 3, Code of Civil Procedure - Italian court's lack of jurisdiction over the Swiss company when the causes of action are unconnected: Mantua Tribunal, 9th May 1970* . . . 166

- Jurisdiction* - Art. 4, No. 2, Code of Civil Procedure - Contract made in Italy - Applicability of Art. 1326, Civil Code - Performance to be rendered in Italy - Place where the subject matter is transferred to the carrier or forwarding agent under Arts. 1570 and 1510, Civil Code: *Milan Tribunal*, 11th June 1970 638
- Jurisdiction* - Agent in Italy of foreign defendant - Existence of jurisdiction under Arts. 4, No. 1, and 77, Code of Civil Procedure - Effective moment in which jurisdiction established - To be the moment of the petition under Art. 5, Code of Civil Procedure: *Genoa Court of Appeal*, 29th July 1970 649
- Jurisdiction* - Art. 21, Preliminary Dispositions of the Civil Code - Guardianship of a foreign minor resident in Italy - National law of the minor conferring guardianship powers on an organ fundamentally different from the Italian tutelary court - Consequent inability of the Italian tutelary court to establish guardianship for said minor: *Court of Cassation* (plenary session), 18th September 1970, No. 1555 175
- Jurisdiction* - Jurisdiction of canon courts in matrimonial questions - Art. 34 of the Concordat with the Vatican - Art. 102 of the Italian Constitution - Constitutional validity of the Law implementing the Concordat in relation to the said Arts.: *Constitutional Court*, 1st March 1971, No. 30 356
- Jurisdiction* - Submission to Italian jurisdiction - Art. 4, No. 1, Code of Civil Procedure - Defence made out by the defendant - Confirmation of said submission: *Mantua Tribunal*, 17th April 1971 663
- Jurisdiction* - Dispute involving questions of *status* between Italian citizens - Confirmation of jurisdiction - Impossibility of attributing jurisdiction to a specific Italian judge - Simultaneous jurisdiction of all Italian courts: *Milan Tribunal*, 31st May 1971 882
- Marriage* - Marriage proxy issued abroad - Formal requirements - Art. 111, Civil Code - Place where the marriage may be celebrated as a result of the proxy issued abroad: *Milan Tribunal*, 18th June 1970 642
- Marriage* - Difference in regulation of civil marriage and marriage under the rites prescribed in the Concordat - Question of the Constitutional validity of Art. 7, last para., Law of 27th May 1929, No. 847, in relation to Art. 3 of the Constitution - Said objection unfounded: *Constitutional Court*, 1st March 1971, No. 31 359
- Marriage* - Formal requirements for the election between civil marriage and marriage under the rites prescribed by the Concordat - Law applicable thereto - Art. 17, Preliminary Dispositions of the Civil Code - National Law of the marriage parties - Art. 16, Law of 27th May 1929, No. 847 - Partial Constitutional invalidity thereof: *Constitutional Court*, 1st March 1971, No. 32 362
- Marriage* - Dissolution of marriage for error and for non-consummation - Art. 149, Civil Code - Contrast thereof with Art. 3 of the Constitution - Subsequent enactment of the Law of 1st December 1970, No. 898, on grounds supporting divorce - Possible review of the Constitutional implications thereof: *Constitutional Court*, Order of 1st March 1971, No. 33 370

- Marriage* - Art. 2, Law of 1st December 1970, No. 898 on divorce - Question of constitutional validity thereof - Said question without foundation: *Constitutional Court*, 8th July 1971, No. 169 597
- Personal Capacity and Status* - Establishment of guardianship for a foreign minor resident in Italy - Art. 27, Preliminary Dispositions of the Civil Code - Confirmation of Italian tutelary court's jurisdiction: *Bologna Court of Appeal*, 6th February 1970 141
- Personal Capacity and Status* - Judicial declaration of the maternity of a son of French nationality born adulterously - Art. 17, Preliminary Dispositions of the Civil Code - Applicability of French law - Prohibition under said law of enquiry into the paternity or maternity of children born adulterously: *Bologna Court of Appeal*, 6th February 1970 141
- Personal Capacity and Status* - Establishment of guardianship for a foreign minor resident in Italy - Art 21, Preliminary Dispositions of the Civil Code - National law of the minor conferring guardianship on an organ fundamentally different from the Italian tutelary court - Consequent inability of the Italian tutelary court to establish guardianship for said minor: *Court of Cassation* (plenary session), 18th September 1970, No. 1555 . . . 175
- Private International Law* - Rules of Private International Law contained in a foreign legal system - Relevance thereof under Art. 30, Preliminary Dispositions of the Civil Code: *Court of Cassation*, 13th April 1970, No. 894 617
- Public Policy* - Public policy for domestic and for international purposes - Distinction between the two: *Court of Cassation*, 19th February 1970, No. 389 147
- Public Policy* - Succession - Swiss rule permitting a son not mentioned in the will to participate in the inheritance - Same not contrary to Italian public policy (under Art. 31, Preliminary Dispositions of the Civil Code): *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872
- Securities* - Maritime liens - Proper law - Art. 6, Code of Navigation - Change of ship's nationality after the lien arose - Law governing the enforcement of the lien - To be the law of the ship's nationality at the time the lien became effective - Limitation period under Art. 559 *b* said Code - Expiration thereof between the foreign registration of the deed of transfer and the actual transfer: *Venice Court of Appeal*, 20th July 1971 883
- Succession* - Proper law - Art. 23, Preliminary Dispositions of the Civil Code - Petition against deceased's beneficiaries of United States nationality - Necessary citation of executor as co-defendant: *Chiavari Tribunal*, 3rd June 1968 118
- Succession* - Proper law - Art. 23, Preliminary Dispositions of the Civil Code - To be the national law of the deceased at the time of his death: *Court of Cassation*, 3rd April 1970, No. 894 617
- Succession* - Art. 23, Preliminary Dispositions of the Civil Code - Nature thereof as a rule of Private International Law and not of International Law of Civil Procedure: *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872

- Treaties and General International Rules* - Accord of 28th January 1946 between Italy and San Marino amending Arts. 5 and 6 of the 1939 Convention of Friendship and Good Neighbourliness between the two States - San Marino judgment on the right to a name - Enforceability of said Accord thereto: *Cagliari Court of Appeal*, President's Order, 31st October 1968 863
- Treaties and General International Rules* - Immunity of representatives of member States at the F.A.O. - Washington Convention of 31st October 1950 between the F.A.O. and Italy - Reference to International Law - Vienna Convention of 18th April 1961 on diplomatic relations. - No immunity for members of the family of a diplomatic agent - *Rome Criminal Court*, 25th January 1969 372
- Treaties and General International Rules* - Italo-Turkish Convention of 10th August 1926, on the execution of judgments - Art. 19, No. 6, thereof - Application thereof to matrimonial questions: *Rome Court of Appeal*, 14th February 1969 420
- Treaties and General International Rules* - Hague Convention of 15th April 1958 on Maintenance obligations - Art. 2, No. 2, said Convention - Order by a Danish administrative body, imposing maintenance obligations - Unenforceability thereof in Italy due to lack of representation of the defendant in said proceedings: *Rome Court of Appeal*, 14th March 1969 121
- Treaties and General International Rules* - Italo-French Convention of 14th March 1953 on the Mont Blanc Tunnel and the Supplementary Agreement of 25th March 1965 - Bearing thereof upon a revision of the Articles of Association of the Company formed for the Mont Blanc Tunnel Project: *Court of Cassation*, 3rd May 1969, No. 1464 431
- Treaties and General International Rules* - Immunity of representatives of Member States at F.A.O. - Washington Convention of 31st October 1950 between the F.A.O. and Italy - Prevalence of the limitations contained therein over those contained in Public International Law: *Court of Cassation (penal session)*, 21st May 1969 372
- Treaties and General International Rules* - Agreement between the F.A.O. and Italy - Art. VIII thereof - Confers diplomatic immunity only for public acts: *Rome Pretore*, 25th June 1969 130
- Treaties and General International Rules* - Italo-Swiss Convention of 3rd January 1933 on the execution of judgments - Swiss dissolution of a civil marriage contracted in Switzerland by Italian citizens - Applicability of said Convention thereto: *Trieste Court of Appeal*, 12th July 1969 421
- Treaties and General International Rules* - Agreement between Italy and San Marino amending Arts. 5 and 6 Treaty of Friendship and Neighbourliness between the two States of 28th January 1946 - Decision of San Marino court on the right to a name - Jurisdiction of said court: *Milan Court of Appeal*, 23rd September 1969 135
- Treaties and General International Rules* - Hague Convention of 13th April 1958 on the recognition of judgments imposing maintenance obligations in favour of minors - Recognition of the maintenance provisions therein - Review of the merits of the judgment inadmissible: *Rome Court of Appeal*, 27th September 1969 418

- Treaties and General International Rules* - Italo-German Convention of 9th March 1936 on the execution of judgments - German dissolution of a marriage celebrated between Germans in the Vatican City - Applicability of said Convention thereto: *Rome Court of Appeal*, 30th September 1969 422
- Treaties and General International Rules* - Warsaw Convention of 12th October 1929 - Limitation of air carrier's liability for items lost in transit - Quantification of damages - Art. 22 - Declaration of value simply for customs purposes - Inapplicability of Convention thereto: *Milan Court of Appeal*, 11th November 1969 417
- Treaties and General International Rules* - Pella-Dunn Agreement of 14th January 1949 - Judicial action founded thereon - No Italian Law incorporating provisions thereof into Italian Law - Supplementary payments to ex-prisoners of war - Inapplicability of said Agreement thereto: *Court of Cassation* (plenary session), 7th February 1970, No. 284 432
- Treaties and General International Rules* - General Agreement on Tariffs and Trade (G.A.T.T.) - Taxation of national products - Extension to similar products of other G.A.T.T. member States - Exceptions thereto - Part II of G.A.T.T. - Applicability thereof: *Milan Court of Appeal*, 10th February 1970 608
- Treaties and General International Rules* - Hague Convention of 12th June 1902 - French divorce decree - Applicability thereto - Same not contrary to Italian public policy: *Genoa Court of Appeal*, 11th February 1970 673
- Treaties and General International Rules* - Brussels Convention of 25th August 1924 on bills of lading - Term laid down in Art. 3, No. 6, para. 4, said Convention: *Milan Court of Appeal*, 13th February 1970 675
- Treaties and General International Rules* - Swiss-Italian Convention of 3rd January 1933 on the execution of judgments - Art. 2, No. 2, said Convention - Pre-requisites for valid agreement to derogate from jurisdiction under the terms of said Convention: *Court of Cassation* (plenary session), 25th February 1970, No. 439 148
- Treaties and General International Rules* - Hague Conventions of 24th October 1956 and 15th April 1958 on Maintenance matters - Swedish court's decision ordering an Italian citizen to make maintenance payments to a minor - Possibility of giving effect only to the patrimonial elements in the said decision: *Court of Cassation*, 6th March 1970, No. 557 155
- Treaties and General International Rules* - Italo-Swiss Convention of 3rd January 1933 on the execution of judgments - Inapplicability thereof to bankruptcy questions: *Milan Court of Appeal*, 6th March 1970 395
- Treaties and General International Rules* - Italo-German Convention of 9th March 1936 on the execution of judgments - Its exclusive application to dissolution of civil marriages contracted between German citizens - German dissolution of a marriage celebrated under the rites prescribed in the Concordat by an Italian woman and a German - Inapplicability of said Convention thereto: *Court of Cassation* (plenary session), 12th March 1970, No. 635 427

- Treaties and General International Rules* - Italo-French Convention of 3rd June 1930 - Relates only to jurisdiction for the purpose of recognizing and enforcing in one country the decisions of the courts of the other, but does not prescribe direct rules for determining jurisdiction: *Court of Cassation* (plenary session), 24th April 1970, No. 1179 159
- Treaties and General International Rules* - Prerogative of States in bestowing their citizenship - Dual nationality - Impossibility of preferring one over the other on the basis of current International Law: *Genoa Tribunal*, 6th May 1970 397
- Treaties and General International Rules* - Immunity of consuls - Immunity provided by Art. 43, para. 1, of the Vienna Convention of 24th April 1963 - Existence of said immunity even prior to said Convention in accordance with Public International Law: *Genoa Tribunal*, 6th May 1970 397
- Treaties and General International Rules* - Swiss-Italian Convention of 3rd January 1933 - Relates only to jurisdiction for the purpose of recognizing and enforcing in one country the decisions of the courts of the other, but does not prescribe direct rules for determining jurisdiction: *Mantua Tribunal*, 9th May 1970 166
- Treaties and General International Rules* - Warsaw Convention of 12th October 1929 on air transport - Concept of international transport: *Genoa Court of Appeal*, 27th June 1970 676
- Treaties and General International Rules* - New York Convention of 10th June 1958 on the recognition and enforcement of foreign arbitral awards - Art. 1, No. 2, - Awards of permanent Arbitral Bodies - Enforceability thereof: *Venice Court of Appeal*, 13th July 1970 406
- Treaties and General International Rules* - Exchange of Notes 24th July-18 August 1964 between Italy and U.S.A. on 'nihil obstat' in relation to marriages - Inapplicability thereof to consular declarations prior thereto: *Milan Tribunal*, 28th September 1970 409
- Treaties and General International Rules* - Italo-Swiss Convention of 3rd January 1933 - Applicability thereof to an Italian Court's recognition and enforcement of a Swiss judgment in a succession case: *Court of Cassation* (plenary session), 12th October 1970, No. 1941 872
- Treaties and General International Rules* - Adjustment of domestic law to international rules - No subjective rights of individuals in relation thereto: *Milan Tribunal*, 21st January 1971 660

CASES IN THE COURT OF THE EUROPEAN COMMUNITIES

- International Agreements* - Powers of the E.E.C. in relation to agreements with non-member States in transport matters - Arts. 75 and 228, E.E.C. Treaty - Division of jurisdiction between the Commission and the Council: *Decision of 31st March 1971 in Case 22/70* 679
- Acts of Community Institutions* - Provisions subject to appeal under Art. 173, E.E.C. Treaty before the Court of Justice: *Decision of 31st March 1971 in Case 22/70* 679

I. TELCHINI, Cases in the Court of Justice of the European Communities (July-December 1970)	434
I. TELCHINI, Cases in the Court of Justice of the European Communities (January-June 1971)	900

CASES IN FOREIGN COURT

<i>Divorce</i> - Italian couple domiciled in Switzerland - Jurisdiction of Swiss Court - Grounds for divorce recognized both in Italian and Swiss Law: <i>Geneva Tribunal of First Instance</i> , 23rd February 1971	834
<i>Divorce</i> - Italian couple domiciled in Switzerland - Jurisdiction of Swiss Court - Grounds for divorce recognized both in Italian and Swiss Law: <i>Geneva Tribunal of First Instance</i> , 8th April 1971	837
<i>Divorce</i> - Dispute between Italian spouses - Jurisdiction of Swiss Court - Order of Judicial Separation by a Swiss Court - Significance thereof in divorce proceedings in accordance with Italian Law: <i>Civil Tribunal of the District of La Chaux-de-Fonds</i> , 3rd May 1971	842
<i>Divorce</i> - Dispute between Italian spouses of whom only the husband petitioner is domiciled in Switzerland - Jurisdiction of Swiss Court - Incidence of Italo-Swiss Convention of 3rd January 1933: <i>Civil Tribunal of La Gruyère</i> , 18th May 1971	840
<i>Divorce</i> - Dispute between Italian spouses - Jurisdiction of Swiss Court - Order of Judicial Separation by a Swiss Court - Significance thereof in divorce proceedings in accordance with Italian Law: <i>Civil Tribunal of the District of Boudry</i> , 2nd June 1971	844
<i>Divorce</i> - Dispute between Italian husband and Swiss wife - Jurisdiction of Swiss Court - Grounds for divorce not recognized by Italian Law: <i>Civil Tribunal of the District of Lausanne</i> , 30th June 1971	831
<i>European Economic Community</i> - Art. 12, E.E.C. Treaty - Produces immediate effects within the legal systems of Member States and creates subjective rights for individual persons - Conflict of provisions of said Art. with a subsequent domestic rule - To be resolved in favour of the former: <i>Brussels Court of Appeal</i> (Fromagerie Franco-Suisse "Le Ski", S.A. v. the Belgian State), 4th March 1970	187

DOCUMENTS

Convention for the suppression of unlawful seizure of aircraft (The Hague, 16th December 1970)	197
Italian Law on Divorce	193
Protocol on the interpretation by the European Court of Justice of the Convention of 29th February 1968 on reciprocal recognition of companies and legal persons	710

Protocol on the interpretation by the European Court of Justice of the Convention of 27th September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters	712
Rules on recreational navigation	474
Tax exemption for loans contracted abroad	477
The International Conventions on Air Transport, (State of Signatures, Ratifications and adhesions of the 1929 Warsaw Convention, the 1955 Hague Protocol and the 1961 Guadalajara Convention)	938
Washington Convention on the settlement of investments disputes (with the current state of signatures and ratifications)	689

CURRENTS EVENTS AND RECENT DEVELOPMENTS

<i>The Compass Rose</i> - The Constitution and the Lateran Pacts (m.g.)	202
— <i>Legislative, Judicial and International Practice</i> - The arithmetic of the coming into force the European Convention on Commercial Arbitration - <i>Knecht v. The United Kingdom</i> before the European Commission of Human Rights - Refusal to hear the case of <i>Bernadette Devlin v. The United Kingdom</i> - The European Commission of Human Rights and the situation in Northern Ireland - The Continental Shelf and E.E.C. Law - Malta's Association with the E.E.C. - Opinion on the judicial consequences of a possible suspension of the Agreement of Association between Greece and the E.E.C. - Documents on the relations between the E.E.C. and U.S.A. - World Conference on Patents - On controlling the application of the European Social Charter - U.S.S.R. becomes a member of the I.C.A.O. - Limitation in relation to breaches of E.E.C. Law - On the nationality of Dutch employees of the E.E.C.	203
— The Rissmann case: interpretation of international rules on consular immunity and the principle of the division of the powers of the State - On the export of E.E.C. products to the Vatican City - On reconciling reduced price petrol for tourists in Italy with the E.E.C. Treaty - Guatemalan Protocol revising the Warsaw Convention on Carriage by Air - Coming into force of the Treaty on the E.E.C. budget - On the development of Conventions on human rights at Geneva - The signing of a world 'arrangement' on the classification of patents - A controversy on the liability of the foreign holder of all the shares in a bankrupt Italian company - The formulation of a European Social Security Convention - "International" arbitration between Onassis and Greece	478
— New Italian provisions on the legalization of documentary formalities executed abroad or intended to be effective abroad - French proposal to UNCITRAL for the creation of a union for a <i>jus commune</i> - Deposit of the Instrument of Ratification of 11 Conventions of the I.L.O. - Decision of the European Commission of Human Rights on an application by the Swedish Pilots Association	716
— Jurists' opinions on the 'Heleanna' incident - Coming into force of the Hague Convention for the suppression of air piracy - Adoption in	

- Montreal of a new Convention on security in civil aviation - The Council of Europe and United Nations pacts on human rights - Coming into force of the Papal *motu proprio* on matrimonial causes before the Sacred Rota - Colloquium on the co-ordination of research into the laws of Eastern countries - An international dispute on the Young loan and the revaluation of the Deutsche Mark - The implementing provisions of the Brussels Conventions on the execution of foreign judgments and the recognition of companies - The efforts of 'UNIDROIT' for an 'international will' - No prospects for Greece in the E.E.C. - On Community projects for migrant workers - On the draft Rules of the European Parliament - A dispute on the scope of Art. 16 of the E.E.C. Treaty 949
- Parliamentary Debates* - On the European Convention for a Uniform Law on Arbitration - On the European Convention for the Establishment of Companies - On the ratification of the Agreement for the application of the European Convention on International Commercial Arbitration - On the European Agreement for the employment of "au pairs" - On the permission granted to Italian businessmen to visit Chinese Fairs and Exhibitions - On the realization of Italian property in Rumania - On the validity in Italy of educational qualifications granted in France - On the treatment of the Italian community in Switzerland - On the restriction of Italian manual labour in Switzerland - On welfare services for frontier workers employed in Switzerland 210
- On the ratification of uniform law conventions on the sale of goods concluded at the Hague on 1st July 1964 - On the ratification of the Italo-Rumanian Consular Convention - Further debate on the confiscation of Italian property in Lybia - On the admission of sons of Italian workers to the European School in Luxemburg - Residence abroad and pension for widows of State employees - On the treatment of the personnel of cultural institutions established abroad - On Italo-Yugoslav relations in citizenship options - On the closure of the Italian consulate in Salisbury - On the professions of engineer and architect in the E.E.C. - On the treatment for pension purposes of Italian citizens repatriated from Brazil 490
- On superannuation provisions for Italians abroad 722
- The Brussels Convention on the recognition of companies, before the Italian Senate - The debate on the Italo-Tunisian Convention on judicial assistance - On the pollution of ocean waters - On the abolition of the tax on the export of objects of historical and artistic interest in the E.E.C. - Request by Switzerland for Association with the E.E.C. - Pollution of Lake Ceresio - On Italian public and private investment in Africa - On recent provisions governing the export of currency - On the right of workers and businessmen in the E.E.C. to participate in decisions affecting them 956
- Notices* - The 1971 Courses at the Hague Academy - Towards a European policy on the cultivation of the sea-bed - Publication of a volume on the Conventions of the Council of Europe - The Fourth Round Table of the Catholic University on Community problems - One-day Conference on European Companies - A Conference on African Private International Law - European Conference of Law Faculties - The application of the European Convention on Human Rights - An International Conference on the Law of Human Rights - The "Bruges Week" 1971 210

- The 1971 Courses of the International Centre of European Studies and Research, Luxemburg - Conference at Dijon on the legal aspect of Euro-bond issues - The Third National Conference on Economic Law at Camerino - Changes in the European Court of Human Rights - The 24th Congress of the Union Internationale des Avocats - Seminar on Community Agricultural policy - Evaluation of the results of the European Convention on Human Rights 502
- The "Tagung für Rechtsvergleichung 1971" - The "Journées" of the Association Henri Capitant 723
- Publication of the Yearbook of UNCITRAL - The IXth Conference of Students of Civil Procedure - A Conference on the problems of Italian workers in Germany - The fourth international congress on arbitration 965

BOOK REVIEWS

(See Italian Index)

Registrazione presso il Tribunale di Milano al n. 6418 in data 26-11-1963

Direttore responsabile: prof. avv. MARIO GIULIANO

Stampato dalla Linotipia Veronese Fiorini - Verona