INDEX

ARTICLES

A. Bonifazi, Problems of interstate conflicts relating to chattel mortgage, conditional sale and bailment lease in U.S. Law .................. 16
G. Cansacchi, Jurisdiction of Courts within the E.E.C. .................. 5
A. Migliazza, Nature and enforcement of international arbitration .......... 733
P. Pisa, Expulsion and similar expedients as an alternative to extradition ........ 552

REVIEWS

B. Nascimbene, Foreign divorce decrees and the Italian Law on Divorce: first trends of cases in Italian Courts ....................... 337
G. Sadar, Evolution of the process of codification of Yugoslav Private International Family Law ...... 758

SHORTER ARTICLES, NOTES AND COMMENTS

A. Cerrai, Business arrangements and non-E.E.C. companies ................ 842
G. Conetti, On the recognition and enforcement of foreign judgments relative to natural children's right of maintenance .................. 95
A. Giardina, The European Court and relationship between Community Law and International Law .................. 582
E. Jayme, On the jurisdiction of German courts to dissolve a marriage between Italian citizens .................. 88
R. Lanzillo, On the recognition in Italy or foreign divorce decrees where no application has been made for their recognition, in order to determine the single status of a foreign citizen .................. 396
N. Palaià, Regions, programming and the European Communities ..... 619
A. F. Panzera, Recognition of foreign divorce decrees affecting Italian citizens and grounds for the dissolution of marriage .................................................. 405

G. Tesauro, Sequestration in anticipation of legal proceedings and the jurisdiction of Italian courts ................................................................. 91

G. M. Ubertazzi, Limits to the execution in Italy of foreign provisions concerning the acquisition of evidence .................................................. 374

U. Villani, On the recognition of foreign judgments dealing with disputes already submitted to the Italian Courts ..................................... 415

E. Vitta, Substantive private international law in Italian Law (in French) ................................................................. 830

G. Ziccardi Capaldo, Gifts ‘propter nuptias’ and their regulation in Italian Private International Law .................................................. 601

IN MEMORIAM

H. U. Jessurun D'Oliveira, Louis I. De Winter (1911-1972) ................................................................. 103

CASES IN ITALIAN COURTS

Citizenship - Reacquisition of Italian citizenship - Art. 9 of Law of 13th June 1912, No. 555 - Relevance of the wishes of the person concerned relative to said reacquisition: Court of Cassation, 17th January 1972, No. 126 ................................................................. 448


Citizenship - Acquisition through marriage of a foreign nationality by an Italian woman - Need for said marriage to be valid by that foreign legal system: Naples Tribunal, 7th June 1972 ................................................................. 144

Civil Procedure - Attorney ad litem appointed abroad and confirmed by defendant's signature - Validity thereof: Court of Cassation, 16th September 1972, No. 2605 ................................................................. 164

Civil Procedure - Attorney ad litem appointed abroad - Requirements for validity thereof: Court of Cassation, 5th November 1971, No. 3123 ................................................................. 164

Civil Procedure - Recognition of a foreign judgment by Italian Court - Recognition of defendant therein - Elements therein not subject to scrutiny - Limits thereof: Court of Cassation, 7th February 1972, No. 283 ................................................................. 113

Civil Procedure - Proof of international conventions not represented by Regulations promulgated within Italy - Burden of proving same upon the party invoking them: Court of Cassation, 10th February 1972, No. 370 ................................................................. 160

Civil Procedure - Summons served upon a person resident abroad - Language problems relative thereto: Velletri Tribunal, 21st March 1972 ................................................................. 165

Civil Procedure - Jurisdiction - Powers of the Court of Cassation: Court of Cassation (plenary session), 27th March 1972, No. 955 ................................................................. 428
Civil Procedure - Foreign judgment not legalized in Italy - Same devoid of all effects in the Italian legal system: Milan Tribunal, 27th March 1972.

Civil Procedure - Preliminary determination of jurisdiction - Presumptions - Arts. 37 and 42, Code of Civil Procedure - Need for the foreign defendant to have protested the court's lack of jurisdiction: Court of Cassation (plenary session), 9th June 1972, No. 1790.


Civil Procedure - Actionable interest - Petition by an Italian woman for the recognition of a divorce obtained by her husband abroad in respect of a civil marriage not registered in Italy - Actionable interest confirmed - Competence to note the foreign divorce in the Italian Civil Register: Bari Tribunal, 16th February 1973.


Contract - Contract of employment made in London between an Italian citizen and a British company - Same to be governed by English Law - No regulations in said Law for the system of the thirteenth month's pay and compensation for termination of contract - Said English Law not thereby contrary to international public policy: Milan Tribunal, 29th May 1972.


Criminal Procedure - Declaration of wilful default to appear against an accused under detention abroad - Criminal proof adopted abroad: Court of Criminal Cassation, 18th January 1971.


Divorce - Marriage celebrated in Italy under the Rites prescribed by the Concordat - Italian law on divorce - Husband and wife both foreign - Inapplicability of said law: Milan Tribunal, 27th July 1972.

Divorce - Proper Law - Marriage celebrated by the Concordat rites between a French man and an Italian woman who had acquired French nationality 'jure coniugii' - French Law to be applied: Milan Tribunal, 25th January 1973.

Divorce - Proper Law - Art. 18, Preliminary Dispositions of the Civil Code - Foreign Law thereunder which admits grounds for divorce not recognized in Italian Law - Same not contrary to Italian public policy: Rome Tribunal, 3rd April 1973.
Divorce - Art. 3, para. 2 (e), of the Law on Divorce - Irrelevance of the grounds for a divorce obtained abroad:  *Milan Court of Appeal*, 20th April 1973, No. 945 .

Duties and Taxes - Corporation Tax - Applicability thereof to foreign companies with branches in Italy:  *Court of Cassation*, 19th November 1971, No. 3319 .

Duties and Taxes - Damages due to United Nations personnel under Art. 78, No. 4, of the Peace Treaty between Italy and the Allied Powers - Tax Exemption thereof continuing also in favour of heir of original beneficiary:  *Court of Cassation*, 20th January 1972, No. 147 .

Duties and Taxes - Customs duties on imports - Foodstuffs consigned to Italians residing close to the Yugoslav border - Art. 14, Presidential Decree of 26th June 1965, No. 723 - Relationship to international agreements:  *Court of Cassation*, 18th February 1972, No. 433 .

Duties and Taxes - Community levies - Prevision by a normative act issued by organs and in forms as provided by Art. 70 et seq of the Constitution - Question of Constitutional validity thereof not manifestly unfounded:  *Turin Tribunal*, Order of 21st April 1972 .


European Economic Community - Community levies - Their character as taxation - Prevision with a normative act not given by the organs and in the forms as provided in Art. 70 et seq of the Constitution - Question as to their constitutional validity not manifestly unfounded:  *Turin Tribunal*, Order of 21st April 1972 .


Extradition - Principle of speciality - Applicability also to active extradition - Possibility of criminal proceedings also for acts different from those the subject of the extradition, but not of utilizing for these the physical availability of the accused or convicted person:  *Venice Tribunal*, 26th January 1972 .

Foreign Judgments and Administrative Acts - Recognition and enforcement in Italy - Mexican divorce not the subject of an application for recognition - No effect thereof on the continued right to use the husband's surname in Italy:  *Court of Cassation*, 11th November 1970, No. 2356 .

Foreign Judgments and Administrative Acts - Recognition and enforcement in Italy - Swiss adoption contract approved by the Swiss Authorities -

Foreign Judgments and Administrative Acts - Recognition and enforcement in Italy - Decree of nullity by a Swiss Court relative to a marriage between Italians - Said grounds for nullity not recognized in the Italian legal system - Same contrary to Italian public policy - Express (albeit erroneous) application by foreign court of Italian Law - Irrelevance thereof: Lecce Court of Appeal, 15th February 1972.

Foreign Judgments and Administrative Acts - Recognition and enforcement in Italy - French Court's decision - Re-examination of the merits thereof - Issue of the writ in Italian - Italo-French Convention of 3rd June 1930 - Reasonableness of the period granted within which to appear - Assessment by the Court requested to enforce said foreign judgment: Bari Court of Appeal, 5th May 1972.

Foreign Judgments and Administrative Acts - Recognition and enforcement in Italy - English Court's decision relative to the payment of professional fees: Genoa Court of Appeal, 21st July 1972.

Foreign Judgments and Administrative Acts - Foreign dissolution of a marriage between Italian citizens - Ground for divorce not recognized, though similar to one recognized, by Italian Law - Irrelevance thereof - Effective moment for establishing the requirements laid down in Art. 797, Nos. 1 and 7, Code of Civil Procedure - Confirmed as the moment that the foreign judgment becomes effective: Milan Court of Appeal, 10th October 1972.


Foreign Law - Difference between a foreign and Italian norm - Burden of proof: Court of Cassation (plenary session), 20th July 1977, No. 2363.

Foreign Law - Burden of proof upon party requesting application of foreign law - Verification thereof - Powers of the Court: Court of Cassation, 19th June 1972, No. 1942.

Foreign Law - Nature thereof as a question of fact - Possibility of proving same by means of "affidavit": Milan Tribunal, 17th July 1972.

Jurisdiction - Art. 4, para. 1, of the Law on divorce - Same a Rule governing international jurisdiction as well as one of domestic competence: Milan Tribunal, 20th December 1971.


Jurisdiction - Acts undertaken by a consul within the scope of his duties - Immunity from judicial process in relation thereto: Court of Criminal Cassation, 28th February 1972.

Jurisdiction - Sequestration in anticipation of legal proceedings in relation to a foreign citizen - Art. 4, No. 3, Code of Civil Procedure - Subject to Italian jurisdiction of said precautionary steps - Confirmation of Italian Court’s right to authorize the sequestration: Naples Tribunal, 8th March 1972.


Jurisdiction - Art. 4, No. 2, Code of Civil Procedure - Place for the execution of contractual obligations - Same actually executed in a place different from the one contractually agreed - Irrelevance thereof in any case: Court of Cassation (plenary session), 27th March 1972, No. 955.

Jurisdiction - Art. 4, Para 1, of the Law on divorce - Same a Rule of international jurisdiction as well as of domestic competence: Milan Tribunal, 27th March 1972.

Jurisdiction - Employment Contract of an administrative nature between an Italian woman and the Association of Italian Knights of S.M.O.M. - Confirmation of Italian Court’s jurisdiction: Salerno Tribunal, 16th May 1972.

Jurisdiction - Employment contract between an Italian and a British company - Duties thereunder to be partially carried out in Italy - Art. 4, No. 2, Code of Civil Procedure - Confirmation of Italian court’s jurisdiction: Milan Tribunal, 29th May 1972.


Jurisdiction - Submission to Italian Court’s jurisdiction - Sequestration of foreign ship in Italian territorial waters - Art. 4, No. 3, Code of Civil Procedure: Genoa Court of Appeal, 18th July 1972.

Jurisdiction - Italian plaintiff and defendant - Jurisdiction of Italian Court - Parties neither domiciled nor resident in Italy - Jurisdiction of any Italian Court: Milan Tribunal, 12th October 1972.


Treaties and General International Rules - Association of the Italian Knights of S.M.O.M. - Immunity from civil process of contracts of employment with its employees - Same restricted to employment relative to the public functions of the Order: Salerno Tribunal, 16th May 1972.


CASES IN THE COURT OF THE EUROPEAN COMMUNITIES

I. Telchini, Cases in the Court of Justice in the European Communities (January-June 1972). 465

I. Telchini, Cases in the Court of Justice in the European Communities (July-December 1972). 678

I. Telchini, Cases in the Court of Justice in the European Communities (January-June 1973). 895
Divorce - Divorce between an Italian and an Italian-German woman already divorced in Germany - Art. 3, para. 2 (e), of the Italian Law on Divorce - Inapplicability thereof when the German judgment may be recognized in Switzerland: Swiss Federal Tribunal (Ventura v. Ventura), 15th February 1973.

Jurisdiction - Divorce between Italian citizens - German Court's jurisdiction - Common domicil of the spouses - Arts 3 and 13 (para. 3) of the Italo-German Convention of 1936 on the execution of judgments: Landgericht Frankfurt, 12th July 1972.

Jurisdiction - Divorce between Italian citizens - German Court's jurisdiction - Common domicil of the spouses - Art. 4 of the Italian Law on Divorce - Same does not relate to questions of jurisdiction: Landgericht Tübingen, 15th August 1972.

Money - Brussel Convention 20th October 1957 and art. 740 of Dutch Commercial Code - Shipowner's Liability expressed in gold francs - Reference to the actual value of gold and not to the value of gold on the free market: Supreme Court of the Netherlands (Hornlinie v. Société Nationale des Pétroles d'Aquitaine), 14th April 1972.

DOCUMENTS


Draft Convention on the Proper Law to be applied to contractual and non-contractual obligations between E.E.C. Member States.

Report on the draft Convention on the proper law to be applied to contractual and non-contractual obligations (in French).

Spanish Law authorizing the Government to proceed to the amendment of the Preliminary Dispositions of the Spanish Civil Code (in Spanish).


Resolution of the Institut de Droit International on the effects of adoption.

CURRENT EVENTS AND RECENT DEVELOPMENTS

Two judgments of the International Court of Justice in Fishery disputes - Resolutions of the Twenty-Seventh session of the General Assembly of the United Nations Organization - New Agreements on road traffic and transport now open for signature - International Conventions on "containers" ................................................................. 497


- The 1964 Conventions on Sale before the German Parliament - Austrian Bill on jurisdiction in matrimonial affairs - International obligations and legislative confusion - Failure of the I.C.A.O. Meeting at Rome on air hijacking - French signing of Protocols 3, 4 and 5 under the European Convention on Human Rights ................................................................................................................................. 949


- On the re-acquisition of Italian citizenship - The Italian system and the regulations of I.C.A.O. - Customary appropriations ................................................................................................................................. 951

Notices. The new composition of the Community Court - Round Table on the enlargement of the E.E.C. - Round Table at Bari on the groupings of firms in the E.E.C. - Election of five judges to the International Court of Justice - The Geneva Colloquium on Private International Law relative to Groups of Companies - The Fourth International Congress on Arbitration 274

- The 1973 courses at the Hague Academy - The new President of the International Court of Justice - The Congress in memory of E. Minoli - The XXV International Congress of the A.A.A. (Hague Academy Association) 501

- The centenary of the International Law Association - A Convention at Naples on marital equality ................................................................................................................................. 725

- Convention at Pavia on multinational enterprises - The 1973 Courses of the International Centre for European Studies and Research, Luxembourg - The "Tagung für Rechtsvergleichung, 1973" - The "Revue de droit uniforme" - Round Table at Pisa on institutional problems of the E.E.C. - Conferences at Salonika on air hijacking ................................................................................................................................. 954

BOOK REVIEWS
(See Italian Index)