Sybe A. de Vries, Tensions within the Internal Market – The Functioning of the Internal Market and the Development of Horizontal and Flanking Policies, Europa Law Publishing (2006). Hardback; 463 pp (ISBN 90 76871 53 I).

Since the establishment of the internal market is one of the overarching goals of European integration and EU law, specific elements of the internal market, like free movement and promotion of free and fair competition are not infrequently colliding with other non-economic objectives of the Union and the Member States, such as protection of the environment, protection of the cultural property and cultural diversity, protection of public health, and protection of consumers. As a consequence, these objectives are subject to horizontal and flanking policies and have generated a great number of decisions of the European Court of Justice and other efforts of the Community institutions towards the harmonization of Member State law in the Union.

In her PhD thesis Sybe de Vries explores the difficulties in resolving these obvious tensions in the internal market. In two introductory chapters the author describes and examines in some depth the application of the free movement rules and the application of the competition rules. The systematic analysis includes a representative list of decisions of the ECJ. Each horizontal and flanking policy causing limitations of the freedoms and the system of competition is assessed separately with specific attention to the proportionality test and its results.

The conflict between the internal market goals and the goals pursued by horizontal and flanking policies can also be addressed via harmonization measures in areas otherwise regulated by the Member States. Harmonization may be a good tool to eliminate trade barriers resulting from different national laws for protection of public values and interests. However, in three types of scenarios, there is no "real" harmonization of national legislation: first, when harmonization measures are excluded by the Treaty provisions; second, when the Treaty provisions allow harmonization, but there is no or there is only partial Community legislation in this respect; third, when harmonization, although possible, is not used, but the Community legislature has adopted other measures for achieving this goal, such as the principle of mutual recognition and home country control.

De Vries describes the different forms and levels of harmonization (total harmonization, minimum harmonization and the "new approach" by competent "standardization bodies"). Furthermore, she explores the specific Treaty provisions for harmonization in the horizontal and flanking policy areas and compares them with the current state of already achieved harmonization in each of those fields.

The conclusion drawn from the synthesis of the case law of the ECJ on free movement, the decision practice of the European Commission in competition policy, and secondary legislation is one of "messiness" in the law regulating the conflict between the internal market and the horizontal and flanking policies.

The last chapter of the book attempts to address some possible solutions for this problem from the perspective of the different players in the legislature process on the national and the Community level.

The Member States have to find a better balance between the proportionality principle and the principle of Community loyalty in drafting and applying their legislation. Besides the inevitable proportionality principle, the Community institutions have to better take into account the integration principle, which requires that horizontal and flanking policies be integrated into internal market policy.

Several recommendations for specific changes of Treaty provisions are discussed to alleviate the tensions identified in the study. For example, the author proposes an amendment of Article 81(3) ECT, to include the "promotion and protection of imperative requirements of public interest, such as, inter alia the protection of the environment, public health or culture" next to the two positive conditions of improving the production or distribution of goods or promoting technical or economic progress.

The conclusion of the book is that amending the Treaty can remove the "messiness" in the current approach of the law to the conflict between the internal market and the horizontal and flanking policies. While the author admits that there is no "unequivocal" solution to the problem, he believes that this does not mean that the tensions cannot be overcome.

As a whole, the book is a very profound and exhaustive analysis of the problem arising out of the development of the internal market and the necessity of horizontal and flanking policies. By discussing these tensions, the book also contributes to a better understanding of the function and the objectives of the four freedoms and the promotion of competition rules, and their relation to the goal of further harmonization. Therefore, it can be recommended not only to policy makers and professionals in the field, but also to advanced students in European Union law.

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Guido Alpa, The Age of Rebuilding: Sketches of the New Italian Private Law, The British Institute of International and Comparative Law (2007). 457pp (ISBN: 978-1-905221-10-3).

The Age of Rebuilding comes out of the involvement of Guido Alpa at the University of Oxford's Institute of European and Comparative Law.

The book consists of five parts, with the first one supposedly encompassing areas of private (civil) law as diverse as personal injury law, strict liability, and contract law. Unfortunately, the 31 page introduction does not directly set the scene for the five essays in Part I. Instead, the reader quickly discovers that this is a